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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, FIRST SESSION.

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CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, FIRST SESSION.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 3, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that down deep in the hearts of men is an earnest, insistent desire for all that is best physically, intellectually, morally, spiritually; that the trend of humanity is upward, not downward; forward, not backward; toward the ideals of life; that faith is stronger than doubt, hope than despair, peace than war, love than hate, justice than injustice, mercy than revenge; which promises victory to every man under the divine leadership of the Son of God, the captain of our salvation. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by former Senator Chauncey M. Depew, of New York.

The SPEAKER. The gentleman has that right already.

Mr. MANN. This is a little different proposition, Mr. Speaker.

The SPEAKER. What is it? The Chair supposed it was an ordinary extension of a tariff speech.

Mr. POWERS. I want to extend my remarks in the RECORD by printing a speech by ex-Senator Depew at a dinner given in New York and recently published.

The SPEAKER. Is there objection?

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] objects.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

Mr. PAYNE. Mr. Chairman, I understand that the first paragraph of the wool schedule was read last night. I will say to the gentleman from Alabama [Mr. UNDERWOOD] that I want to offer as a substitute a complete wool schedule. I would like to move to strike out the paragraphs in relation to wool in the old schedule and leave this as a substitute, as it will appear more logical, although not strictly in accordance with the rules in that way. Otherwise I shall move to strike out this paragraph and submit a substitute for it.

Mr. UNDERWOOD. When the time comes there will be no objection to the gentleman from New York making his proposition. I have no desire not to allow the gentleman to present his amendment in the way he desires.

Mr. PAYNE. And it will not make any difference in the result, I may say. [Laughter.]

Mr. UNDERWOOD. No.

Mr. MANN. Let us see if we can arrange an understanding about the amendment and the debate. The gentleman from New York [Mr. PAYNE] will offer an amendment covering the entire wool schedule, an amendment which is the same as the bill introduced in the last Congress on this side, and substantially the same which was offered in the motion to recommit, I believe, when the last wool bill passed Congress. Whether any other gentleman desires to offer any other amendment I do not know, but perhaps we can ascertain now.

Mr. UNDERWOOD. I will be glad if the gentleman can ascertain.

Mr. MURDOCK. I know of none.

Mr. SINNOTT. I desire to offer an amendment.

Mr. MANN. To what paragraph?

Mr. SINNOTT. To paragraph 300.

Mr. MOORE. Mr. Chairman, I do not think it wise to offer any amendments, but I would like to have some time.

Mr. MANN. We will try to arrange that.

Mr. UNDERWOOD. Then, I undersand that one gentleman on that side desires to offer a separate amendment to paragraph 300, and outside of that the only amendment your side desires to offer is Mr. PAYNE's substitute.

Mr. MANN. If we can get an agreement as to time.

Mr. UNDERWOOD. If we can get an agreement as to time I would suggest, as part of that agreement, that we read the bill through now, in order that the committee may perfect the schedule with one or two technical amendments that the gentleman from New York [Mr. HARRISON] wants to suggest at the end of that time.

Mr. MARTIN of South Dakota. Mr. Chairman, I would like to offer an amendment to a paragraph.

Mr. UNDERWOOD. What is it about?

Mr. MARTIN of South Dakota. It is on the subject of the duty on raw wool.

Mr. UNDERWOOD. That makes two amendments.

I suggest that after the bill is read through we go back and allow the two gentlemen who desire to offer individual amendments to dispose of them with 10 minutes' debate on each amendment, and then if we can reach an agreement about time at the close of general debate we will have a vote on the pending amendment.

Mr. MANN. I think that is satisfactory, but I think we want two hours on this side for general debate.

Mr. UNDERWOOD. I hope the gentleman will not insist on that.

Mr. MANN. That is cutting it to the quick.

Mr. UNDERWOOD. If the gentleman will take an hour and a half, I will limit this side to one hour.

Mr. MANN. Can not the gentleman give us two hours? This is our live subject, and we will not take up so much time in that way as we would to read the schedule through in the ordinary way.

Mr. UNDERWOOD. I will agree to this if for the balance of the day we can cut out political debate. I know the gentleman can not control Members on his side and I can not on this, but if for the balance of the day we can cut out political speeches and discuss the schedule I will agree to two hours if the gentleman will aid me in endeavoring to keep his side from indulging in purely political debate. We have reached the point in the bill where we have discussed the whole political aspect of it.

Mr. MADDEN. Who is going to decide whether the debate is political or not?

Mr. UNDERWOOD. This House can always be depended upon, if it makes an agreement, to live up to the spirit of it. A man who does not live up to the spirit of an agreement is condemned by his fellow Members.

Mr. MURDOCK. If this agreement carries, I suppose the gentleman from Illinois will see that I have some time.

Mr. MANN. Certainly.

Mr. UNDERWOOD. If the gentleman wants two hours, I will ask for an hour and a half on this side. Mr. Chairman, I ask unanimous consent that the schedule may be read through by paragraphs immediately without debate; that when the two paragraphs are reached where gentlemen desire to offer amendments they may offer the amendments and that debate on the amendments be limited to 10 minutes, 5 on that side and 5 on this. At the conclusion of the reading of the schedule the gentleman from New York shall offer his substitute for the entire schedule, and on that there shall be three hours and a half general debate, two hours to be controlled by the gentleman from Illinois and an hour and a half by myself. At the conclusion of the general debate, whenever it may occur, because I may not use the entire hour and a half, there shall be a vote on the substitute offered by the gentleman from New York.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that Schedule K be now read through entirely without debate, except that when Paragraph 295 is read and Paragraph 300 the gentleman from South Dakota shall have opportunity to offer an amendment to Paragraph 295, and the gentleman from Oregon [Mr. SINNOTT] shall have an opportunity to offer an amendment to Paragraph 300; that there shall be 10 minutes' debate on each paragraph and amendments thereto, to be divided equally between the two sides of the House; that at the end of the reading of the schedule the gentleman from New York [Mr. PAYNE] shall be permitted to offer a substitute for the entire schedule; that debate upon that shall continue for three and a half hours, two hours to be controlled by the gentleman from Illinois [Mr. MANN] and an hour and a half by the gentleman from Alabama [Mr. UNDERWOOD], and at the end of that debate a vote shall be taken on the substitute and the schedule concluded. Is there objection?

Mr. MOORE. Mr. Chairman, reserving the right to object, the arrangement as proposed is extremely fair from my point

of view, but it leaves the disposition of the time on this side of the House in the hands of those who are entirely in favor of the substitute. As one of the representatives of a city in which woolen manufacture is the most important industry, I would like to understand if I shall have some time in general debate?

Mr. FORDNEY. I think the gentleman need not worry about that.

Mr. MANN. I think, Mr. Chairman, that I shall be as fair as I was when I nominated the gentleman from Pennsylvania to go on the Ways and Means Committee.

Mr. MOORE. I should like to have at least 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. Paragraph 295 has already been read, and the Clerk will read.

Mr. MARTIN of South Dakota. During the reading of the bill at some time I shall offer as a separate paragraph an amendment placing a duty upon raw wool; but I will do so during the reading.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

296. Yarns made wholly or in chief value of wool, 20 per cent ad valorem.

297. Cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in chief value of wool, not specially provided for in this section, 35 per cent ad valorem.

298. Blankets and flannels, composed wholly or in chief value of wool, 25 per cent ad valorem; flannels composed wholly or in chief value of wool, valued at above 50 cents per pound, 35 per cent ad valorem.

299. Women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in chief value of wool, and not specially provided for in this section, 35 per cent ad valorem.

300. Clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, and not specially provided for in this section, composed wholly or in chief value of wool, 35 per cent ad valorem.

301. Webbings, suspenders, braces, bandings, belting, bindings, cords, cords and tassels, and ribbons; any of the foregoing made of wool or of which wool or wool and india rubber are the component materials of chief value, 35 per cent ad valorem.

302. Aubusson, Axminister, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, 35 per cent ad valorem.

303. Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, 30 per cent ad valorem.

304. Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, 25 per cent ad valorem.

305. Velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, 30 per cent ad valorem.

306. Tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, 20 per cent ad valorem.

307. Treble ingrain, 3-ply, and all-chain Venetian carpets, 20 per cent ad valorem.

308. Wool Dutch and 2-ply ingrain carpets, 20 per cent ad valorem.

309. Carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, 50 per cent ad valorem.

310. Druggets and bockings, printed, colored, or otherwise, 20 per cent ad valorem.

311. Carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this section, and on mats, matting, and rugs of cotton, 20 per cent ad valorem.

312. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting, made wholly or in part of wool, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

313. Whenever in this section the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

314. Hair of the Angora goat, alpaca, and other like animals, and all hair on the skin of such animals, 20 per cent ad valorem.

315. Tops made from the hair of the Angora goat, alpaca, and other like animals, 25 per cent ad valorem.

316. Yarns made of the hair of the Angora goat, alpaca, and other like animals, 30 per cent ad valorem.

317. Cloth and all manufactures of every description made of the hair of the Angora goat, alpaca, and other like animals, not specially provided for in this section, 40 per cent ad valorem.

318. Plushes, velvets, and all other pile fabrics, cut or uncut, woven or knit, whether or not the pile covers the entire surface, made wholly or partly of the hair of the Angora goat, alpaca, and other like animals, and articles made wholly or in chief value of such plushes or velvets, 50 per cent ad valorem.

Mr. PAYNE. I suppose the other amendments come in first, but I am not particular. I suppose the original text should be perfected first, but I will offer my amendment and have it pending.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] has advised the Chair that he does not care to offer the amendment that he indicated he would offer, and the gentleman from South Dakota [Mr. MARTIN] is recognized to offer his amendment if he desires.

Mr. MARTIN of South Dakota. I ask unanimous consent to be permitted to offer it and have it pending a little later. This proceeding was arranged so speedily that I have not had quite time to finish the preparation of it.

Mr. PAYNE. I have no objection to offering mine and having it pending.

Mr. UNDERWOOD. If it does not delay the procedure.

Mr. MARTIN of South Dakota. It will not delay the procedure at all.

The CHAIRMAN. If there be no objection the gentleman from South Dakota will be permitted to offer his amendment later. The gentleman from New York [Mr. PAYNE] offers an amendment by way of a substitute for the schedule which the Clerk will read.

The Clerk read as follows:

Striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and also paragraphs 653 and 654 on page 129, and inserting in place thereof the following:

"1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

"2. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class two, and also the hair of the camel, Angora goat, alpaca, and other like animals.

"3. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"4. The standard samples of all wools, which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

"5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

"7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe. The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

"8. The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid, there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

"9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound than is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

"10. Top waste and slubbing waste, 18 cents per pound.

"11. Roving waste and ring waste, 14 cents per pound.

"12. Noils, carbonized, 14 cents per pound.

"13. Noils, not carbonized, 11 cents per pound.

"14. Garnetted waste, 11 cents per pound.

"15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

"16. Shoddy, mungo, and wool extract, 8 cents per pound.

"17. Woolen rags and flocks, 2 cents per pound.

"18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

"Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"Valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"Valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"Valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"*Provided*, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

"23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

"If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"If valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"If valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"If valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

"24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"25. On handmade Aubusson, Axminster, oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

"26. Whenever, in any schedule of this act, the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by the woolen, worsted, felt, or any other process."

Mr. MANN. Mr. Chairman, under the agreement there would be the privilege of offering two amendments from this side. I ask unanimous consent to modify the agreement so that the only amendment to be offered shall be the one offered by the gentleman from New York [Mr. PAYNE] as a substitute, and that the 10 minutes that were allowed be added to my time.

Mr. UNDERWOOD. And the same on this side.

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the agreement heretofore made be so modified that there shall be but one amendment, that offered by the gentleman from New York [Mr. PAYNE] as a substitute for the schedule, and that 10 minutes additional time be granted either side.

Mr. MANN. With no time on amendments.

The CHAIRMAN. With no time on amendments. Is there objection?

There was no objection.

Mr. MANN. I yield 20 minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, this amendment ought to receive, without any very great wrenching of conscience, the vote of every gentleman in this Chamber who was a Member of the last Congress, on that side of the House. You have a record of voting first for a 20 per cent duty on wool. You carried that bill in this House and sent it to the Senate. It came back here, I believe, by the nearly unanimous vote of the Senate with a duty of 35 per cent ad valorem, which is just about the equivalent of the duties in my amendment.

That amendment was rejected in the House, went to a committee of conference, and the bill came back here by an agreement of the majority conferees carrying a duty of 29 per cent upon all wools. That conference report was agreed to by the affirmative vote, I think, of every gentleman on that side of the Chamber—substantially all of them. So that, unless your principles are changed overnight on this question, there should not be any serious objection on your side of the Chamber to adopting a rational duty on wool at about the figure that you voted only a year ago. The history of this amendment is, briefly, this: When we were considering the tariff question on wool four years ago it occurred to me that the sensible solution of the question was the pound duty on the actual wool content, whether it was wool in the grease, scoured wool, or wool in the cloth, and I took means to ascertain and get the evidence that this could be determined in whatever form the wool appeared by an analysis, and that it could be ascertained within 1 per cent, which, of course, would make no material difference. When the Tariff Board went to work upon this question I addressed them an open letter, calling attention to this suggestion of mine before the committee, and asked them to make an examination of that subject and report upon it. They did make the examination and they did report upon it, and the report showed a method of ascertaining exactly, as near as mathematics and science can ascertain anything, the quantity of wool not only in the grease but in scoured wool, and the amount of wool it took—clean content—to produce the scoured wool—that is, a pound of it—something of waste being lost in the operation, and so on to yarn and cloths and tops and manufactured articles of clothing, making a careful investigation and study and showing clearly in their report the facts on which these could be determined. Of course, in making tops there is a slight waste, and we took into consideration the amount of the waste and the value of the waste in comparison with a pound of wool, and so on all through the operation. In making clothing the waste of the manufactured cloth and the value of that waste, when resolved again into wool as it could be done, was considered. So there was the basis for a mathematical demonstration of the duty compensatory, after you had fixed the basic duty on the wool content in the grease—the duty compensatory rendered necessary because of the duty on the wool.

The great criticism made of Schedule K is that because in the arbitrary rates of compensatory duties that have been introduced into the tariff from time to time the duty on the wool in the cloth is much higher than it ought to be in order to compensate for the duty on the wool in the grease. These are not equally distributed, and so the schedule is inequitable, and there has grown up to be what has been called a concealed rate for the manufacturer, a concealed additional protection to the manufacturer when you come to put two, three, three and a half, and four times the rate for wool in the grease on the weight of the manufactured article, getting up to clothing as the final analysis. Mr. Chairman, this amendment does away with all these inequalities and puts a pound rate upon the wool in any form in which it appears. Then the question came as to what should be the rate on the wool, and, by the way, when we were making the McKinley bill we introduced the skirting clause, because it appeared before that committee that there was in various countries a custom of cutting off the tag, so to speak, and the wool on the leg and on the neck and on the head—trimming the fleece, skirting it, as it was called. In doing so they saved the freight rate on a great deal of dirt. These trimmings were afterwards scoured and brought into Great Britain in that shape. They saved money.

The skirting clause had the result of reducing the rate of duties on some wools and keeping it up on others, and so this inequality and this complaint arose about the skirting clause. Of course, the importers improved on the skirting business. Hence it came to pass that there was a lower protective duty on wool in the grease than the 11 cents a pound on first-class wools. This schedule will remove that difficulty and open up the wool markets of the world to the importers of wool in the United States and at the same time afford an equitable protective tariff, an equitable competitive rate, on the wools introduced into the United States. The board having reported this, in collaboration with my friend, Mr. Hill, of Connecticut, I went to work with the Tariff Board and had some sessions with them in order to determine several questions, some of which were questions of

difference between the gentleman and myself. The gentleman from Connecticut, as is very well known, has been in favor of an ad valorem rate on wool, if there was any. I was in favor of a protective duty. I was as much opposed to an ad valorem rate on wool, which could be determined accurately by the pound in specific duty, as I was to all ad valorem rates wherever a specific duty was practicable, and we had to fight that out. The gentleman from Connecticut thought that 15 cents a pound would be a sufficient protective duty on wool content all through the schedule, making proper allowances for the wool wasted in manufacture.

After a careful study of the Tariff Board report I came to the conclusion that 18 cents a pound on the wool schedule would be not only a fair measure of protection, but would be just the measure of protection, as near as we could calculate it, necessary on the wool content in order to make up the difference in the cost of production here and in the countries abroad. I am not saying that made up the exact difference in every case, no; but made up the difference in the very great proportion of the wool imported into the United States, and was a fair and equitable adjustment of the rate. Well, in the forming of the bill I got my way on this proposition both as to the duty on the wool content specific at 18 cents a pound instead of 15 cents a pound. The matter of figuring out the difference in the pound rate on wool, tops, wool in the cloth, and wool in the garment was a matter of figuring from the facts found in the Tariff Board's report. Those figures we asked the Tariff Board experts to sit down with their calculating machines and figure out, and after that had been done, even while it was being done, the gentleman from Connecticut, who works more hours in a day than I do—I need six or seven hours a day sleep every day, not like the President, who says he needs nine—I can get along very well with six or seven, and sometimes I thought the gentleman from Connecticut never slept; if he did, he must have slept with the experts of the Tariff Board—and he figured on all these propositions with them. We went over the figures very carefully after they were made, and I think that the figures in this proposed amendment are as nearly accurate on all of these different forms in which wool appears as they can be made. Now, in putting the duty on wool content there is one thing that stood out prominently in the present tariff on wool. The present tariff makes no difference whether the garment is made with 25 per cent of wool and 75 per cent of cotton or whether it is all wool and a yard wide. The rate of duty per pound of cloth is the same, and that is carried up into the garment and that creates a great inequality and a greater rate of protection on this class of goods, and that fact is responsible for the enormous equivalent ad valorem rate that we find in the Government report that you have been so free in exploiting to the people about the poor man's garment or the poor woman's garment. This proposed schedule strikes out all that protection on cotton found in the garment and leaves only the protection on the clean wool that is found in the manufactured article. I found it was a very easy process to burn out by acids any vegetable fiber that appeared, carbonizing the vegetable content and easily getting at the amount of clean wool content and the weight of it. That was easily found. When I found the proper weight for the proper duty per pound on the 18-cent basis, why, the problem was solved, and so easily—not easily, there was a good deal of work—we arranged the rate according to the Tariff Board's report, and we found ample warrant in the report of the Tariff Board to make up this schedule of duty on wool content in everything that should be covered by the protection of a tariff duty on the articles in Schedule K.

Having done that the question then was, What duty was necessary to make up the difference in the cost of conversion of wool into the manufactured article all along the line? There was no more question then of an inequitable rate on wool; it was a question of what duty was necessary on the manufacturing of wool to make up the difference in the cost here and abroad, and that was most carefully figured on the statements found in the report of the Tariff Board, and they are represented here in this amendment. Now, I want to say—because some of you gentlemen may not discover it—that in the original schedule as introduced two years ago the duty on tops was 20 cents a pound for the wool used in making tops, as there was a waste of 10 per cent that was to be accounted for. Twenty cents a pound on tops and 5 per cent for the conversion cost. I thought that was sufficient at that time. I have changed my mind 5 per cent from an examination of the subject. I find that the 5 per cent would be sufficient for tops at 70 cents per pound. I find it would not be sufficient for tops at 40 cents a pound.

The differential of 5 per cent was not enough. It does not make up the difference in the cost of the conversion on the lower price of tops, and so it is changed in this bill, and instead of 5 per cent it is 10 per cent, which does make up the difference in the cost of conversion. The gentleman from Alabama [Mr. UNDERWOOD] put a higher duty on tops, and, of course, making wool free, there is no necessity of any compensatory duty and that is left out. But the duty on conversion of wool into tops he fixed at 15 per cent instead of 10, 50 per cent higher than in this amendment offered by me. I believe, and I have studied the subject of tops a good deal since my attention was called to it, that the 10 per cent duty is a fair, equitable provision for making up the difference in the cost of making tops.

The next change, and the only other change made in the bill since it was presented two years or a year ago, is that in paragraph 19, as it is numbered in the amendment—of course, we will change these numbers when you put this schedule into the bill—is that the duty on yarn of that class is 8 per cent. We raised it to 10 per cent to make it correspond to the duty on wool tops, or combed wool. Otherwise the amendment is exactly as it was when I offered it in the House before. Now, if you go through these various items in this bill you will find that the duties for the conversion of articles vary from the Underwood bill. On yarns made wholly or in part of wool, valued at not more than 30 cents per pound, the duty is 21½ cents per pound, the exact duty on the contents required in making the pound of yarn compensatory, and then 10 per cent——

The CHAIRMAN (Mr. JOHNSON of Kentucky). The time of the gentleman from New York has expired.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. PAYNE. I can not unless I can be allowed more time.

Mr. UNDERWOOD. I would like the gentleman to state what tax he has put on washed wool? I do not find any tax in his bill.

The CHAIRMAN. The time of the gentleman from New York [Mr. PAYNE] has expired.

Mr. MANN. Mr. Chairman, I yield the gentleman from New York five minutes more.

Mr. PAYNE. Class 2, in washed wool——

Mr. UNDERWOOD. The same pound tax is on wool in the grease. I do not find it in the bill.

Mr. PAYNE. All wool, until you get up to scoured wool, is wool in the grease, and bears 18 cents per pound.

Mr. UNDERWOOD. The bill does not read that way.

Mr. PAYNE. The gentleman is mistaken. I can not devote my five minutes to something that the gentleman will find when he reads the bill.

Mr. UNDERWOOD. I will tell you about it when I come to that.

Mr. PAYNE. Of course you will make mistakes in regard to it and repeat some that you have been making.

In this amendment the conversion duty on yarn in the lower numbers is 10 per cent on those not over 30 cents a pound against his 20 per cent; is 15 per cent on those between 30 and 50 cents in value against his 20; 20 per cent on those from 50 to 80, the same as in the Underwood bill; and there is an increase in my amendment from 20 to 25 per cent on higher-priced yarns. And all along through this schedule you will find we have taken care of the poor people's yarn, the poor people's clothing, by reducing the duties. We need not have done it. We might have gone through with a small basket duty on the whole business, as did the chairman, but we were trying to separate and deal carefully with the cheaper goods, whether they were bought by poor or rich anywhere in the United States. But when they go up in the higher-priced cloths or higher-priced clothing, our duty on the cost of conversion was greater than offered in the bill of the gentleman from Alabama [Mr. UNDERWOOD]. And so it runs all the way through.

Why, we make as fine cloths in this country as they do anywhere in the world, and we make as fine clothing in this country as they do anywhere in the world. Whatever condemnation may have been meted out to Schedule K in its present form, and I have indulged in my share of it, this can be said of it, that under it the wool industry, notwithstanding the conditions have changed so much, has been keeping on a footing in this country, and the woolen manufacturing industry has gone forward with rapid strides, until we are making as good goods as they do anywhere in the civilized world. Clothing we make a little better.

Now, I have not the time to go into these details, which other gentlemen, perhaps, want to state. My simple object was to explain the bill. But there is another item to which I must refer. There has been a duty on wool that is made into carpets. We prescribe a duty of 7 cents a pound, which was the old rate. It was put there because some of these carpet wools were combed. Some of them were used in making the coarser grades,

and they had, to put on a duty so as to preserve the duty on other forms and classes of wool.

We have relieved that situation, and provided that whenever any manufacturer of carpets has proven to the Treasury Department that he has used the third class of wool he has imported in the manufacture of carpets he can get a rebate of 99 per cent of the duty he has paid. In other words, under this substitute schedule carpet wools are free of duty to the carpet manufacturers of the United States.

I have not the time to go into it fully in the limited allotment given to me, but if you will take time, gentlemen, to compare the difference in rates in the manufacture of carpets all through this substitute bill, you will find that the rates in this bill are only equal to the Underwood rates on the very highest grades of carpets, while on the other grades they are as low as those of the Underwood bill or many of them lower.

Mr. HARRISON of New York. Mr. Chairman, will my colleague yield to me for a question?

Mr. PAYNE. For a question.

The CHAIRMAN (Mr. JOHNSON of Kentucky). The time of the gentleman has expired.

Mr. HARRISON of New York. Will the gentleman from Alabama [Mr. UNDERWOOD] yield to me time for a question?

Mr. UNDERWOOD. Yes.

Mr. HARRISON of New York. Will the gentleman from New York [Mr. PAYNE] state whether this substitute of his for Schedule K has been prepared in conformity with the Tariff Board's report?

Mr. PAYNE. Absolutely, as near as human brains can do it, under the condition that the brains belong to the gentleman from Connecticut and myself; absolutely, as near as we could get it. If I had more time I could go into that more fully.

Mr. MANN. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The time of the gentleman from New York [Mr. PAYNE] is extended three minutes.

Mr. PAYNE. Now, Mr. Chairman, the ad valorems on carpets, on the cheaper grades, run in this substitute from 15 to 20 per cent. In the Underwood bill they are 30 per cent. On the cheaper grades of blankets our duty is 20 per cent as against his 25 per cent. On the less expensive garments we propose a duty of 25 per cent instead of a duty of 30 per cent.

Now, I want to say, in conclusion, that in my judgment the principles of this substitute bill will yet be written into a tariff law. [Applause on the Republican side.] A sensible, reasonable duty on wool, on the wool content, will be a feature of the next protective bill that is made up and put on the statute books. It is so reasonable and so sensible that if you gentlemen on that side ever again revise the tariff and come to the rescue of the sheep as well as the goats of the country [laughter], you will put it there. You will, instead of giving 20 per cent on goat hair—which is wool—give a duty of 18 cents a pound upon goat hair, as is provided for in this substitute.

Why, gentlemen, extend your horizon so that it will take in something besides 3,000,000 goats, so that it will include 50,000,000 sheep in this country, and then, instead of a duty of 20 per cent, put a duty of 18 cents a pound on it, and when you go to bed and sleep over it you will pat yourselves on the back because of the fact that, notwithstanding the idea originated on this side of the House, you have solved the question of a wool tariff in this country and have got the proper basis, which, carried out, gives no more duty on wool content per pound in the wool in the manufactured article than it does on wool in the grease.

Confident that this will go into a tariff bill in the near future, I am reconciled to whatever you do in the Underwood bill on any subject. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. GARNER].

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] is recognized for 10 minutes.

[Mr. GARNER addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Mr. Chairman, it was my purpose to have offered an amendment directed to the question of raw wool, providing for a duty upon wool in conformity with the provisions of that item in the new Payne wool bill which is to be offered as a substitute for Schedule K in the Underwood bill. I desired to do that to bring into sharp issue the proposition that direct protection should be given to the producer in the field and on the farm as well as to all other producers of the country. I am, however, more than satisfied to bring that question in issue in connection with the support of Schedule K as now prepared and introduced by the gentleman from New York [Mr. PAYNE], with which I am in full accord. That represents the first concrete example of a revision of the tariff upon scientific principles based upon an impartial gathering of the facts involved in the schedule.

The gentleman from New York [Mr. PAYNE] has uttered in what to me is prophetic vision the statement that the future tariffs of this country will be made in accordance with the adoption of that principle. Indeed, so firmly do I believe in that statement that I would be willing to suggest to the gentleman from Alabama [Mr. UNDERWOOD] that if he will change this bill upon the sugar schedule so as to provide that the free provision shall not take effect until four years from the adoption of the measure instead of three I am willing to stake my political future upon the assertion that sugar would not be put upon the free list.

There are certain conditions in our industrial situation which all thoughtful and patriotic citizens regret. We have an era of very great and universal prosperity, high prices, and good times, but the real difficulty is in an inequitable division of the profits of industry, whether it be the industry of the farm or of the factory, whether it be the industry that brings forth the product of the brain or of labor. What this country most needs, in my humble judgment, is a revision of the middleman downward. There are too many hangers-on, too many leeches upon industry, too great overhead charges, too much watered stock, purely fictitious capitalization, upon which dividends are exacted.

The actual producer is not receiving too much for his products. This schedule that we are now considering affords one of the very best possible illustrations of this great truth. It is complained that prices are high upon food products. Prices are high upon the other necessaries of life. What proportion of what the consumer pays for food products ever filters through to the original producer of those products? Not over 50 per cent of every dollar that is paid for the products of the farm by the consumer ever reaches to the original producer, the farmer.

And not to exceed 20 per cent of the 50 per cent, or 10 per cent of the whole, is profit to the farmer. Our Democratic friends would cure the high cost of the farmers' products to the consumer by taking off this 10 per cent that the industrious farmer now gets as profit. Take this wool schedule, K. How much that a man pays for an average suit of clothes goes to the producer of those clothes? Among the other valuable facts which our Tariff Board collected they cited the average or representative suit of clothes to be retailed at $23. How much profit is there in that production, and where did it go? The cost to grow the wool was shown to be $1.55. The farmer was paid therefor $2.23, or a profit to the farmer of 68 cents. The profit to the man who made the cloth, without going into the items entering into it, is 23 cents. The profit to the manufacturer of the garments is $1.07. Or, in other words, the total profit that goes to the men who really produce the wool and the cloth and the garment is $1.98, less than $2. You follow it along, and the wholesaler gets $1.11 and the retailer $6.50, making up the $23 in connection with the items of labor entering into the various stages of production. We should all concede, if we study this question, that the producer, whether he be the farmer who grows the wool and makes the profit of 68 cents, or whether it be the man who makes the cloth, who has a profit of 23 cents, or the man who manufactures the cloth, with a profit of $1.07, is not unreasonably paid for his important services. The middleman comes in between and absorbs all the rest of the profit.

Now, the remedy of our Democratic brethren for the unequal distribution of the profits of industry is to cut down prices. That is the whole argument; that is the whole basis for this revision—cut down prices. What are prices? Why, prices are synonymous with profits, or they go parallel with profits. You can not cut down the prices a man receives for his labor or for his article of production without cutting down his profit. The Democratic proposition is to cut down the profit, while the Republican proposition is to maintain the profit and undertake in a statesmanlike way the solution of the great problems of how to enforce an equitable division of profits, how to do away with the overhead charges, which are unreasonable; how to prevent watered stocks and paying dividends upon them. In this era of marvelous prosperity—and it is the greatest we have ever had, and I do not speak in purely political language—we produced last year upon the farms and in the factories the greatest production ever in the history of the country. We exported our

greatest export trade in 1912. We had a liberal exchange with other countries, and imported the largest imports ever in the history of the country. But the balance of our foreign trade was upon the right side—$551,000,000 to our advantage—and being in our favor, we have been able to maintain our gold balances in our business relations with other nations. As a result we have reached a high-water mark of gold accumulations in the Treasury. The gold deposits in the United States Treasury at the present moment—I inquired a few days ago—is $1,255,000,000; and the balance of this trade with foreign countries in our favor is one element which makes certain we can maintain this large gold reserve in our favor.

For a condition of unfair division of the profits of industry, there being trouble over a proper division of the golden eggs, the Democratic remedy is to kill the goose that lays the golden eggs. If there are no profits to divide, we will have no dispute over the division of profits.

I concede that it is a difficult task to apportion tariff duties even when you are guided by sound principles. Protective duties are designed primarily for infant industries, but as industries become strong the avarice and selfishness of men constrain them to contend for higher, if not for prohibitive, rates. They invent ingenious distinctions as a basis for favoring their particular industry at the expense of others. The manufacturer's stock argument is that he must have his raw material free. This argument is raw enough to entitle it to go on the free list. The truth is that raw material is purely a relative term. There is no such thing in the abstract as raw material, except material in its natural form, untouched by the hand of man. The moment you apply to it American labor, that moment it enters into some form of industry, and under our protective system is entitled to consideration in connection with a protective-tariff measure. That which is the finished product of one producer becomes the raw material of the next. Hay, corn, the steer, meat, the hide, leather, shoes, saddles, and harness each in turn is the raw material and the finished product of the farmer, the packer, the tanner, and the manufacturer of leather goods. No one is more entitled to direct protective consideration than the other.

The New England manufacturer has worked this artificial distinction between finished products and raw materials into an exact science. Apparently, raw material is whatever New England has to buy and finished product whatever New England has to sell. When the raw-material argument is not persuasive it is suggested that the desired materials are by-products, and for that reason should have no share of protection. When the Payne Act was being framed it was claimed by boot and shoe manufacturers that hides were a by-product of steers and for that reason should go on the free list. It costs American labor and capital to produce the hide as well as the meat of a steer. It does not appear why one should be favored and the other disfavored. The tariff hog has developed as a by-product of the protective system. He has done more harm to the cause of rational protection than all its enemies.

Under a scientific revision of the tariff American products should be protected to the extent of the difference in cost of production here and in foreign countries, and this measure of protection must be apportioned to all American industries with an absolutely even hand. The Payne Act, with the exception of two or three schedules, was a substantial downward revision of rates and is a much better tariff act than the majority of the people have yet discovered.

Now, in conclusion, I want again to say that, in my humble judgment, the people of this country—and it is a protective country, and always will be—will not be satisfied with this present crazy-quilt revision, made upon no principle, perfectly blind as to the cost of production at home or abroad, or any difference between them, measuring a little sop to an industry here and to another there, shutting off the farmer on his product of wool but placing a protection upon the farmer who produces Angora goats. Why, this sort of a revision is a farce, and all with the avowed purpose of cutting down profits upon industry. Low prices have always been synonymous with hard times; high prices have always been associated with good times. You can not cut down prices and profits without destroying the very basis of our industries.

And so we are quite content in this schedule to put forth in concrete form our belief as to what is the proper way to revise the tariff, with a proper regard for the difference in the cost of production here and elsewhere, and measuring out to every industry, whether it is on the farm or whether it is in the factory, a direct protection against the cheap labor and cheaper producing conditions in other countries, maintaining a higher market for Americans, maintaining a profit for all men who labor with their hands and brain to produce greater wealth for the entire country. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, whatever reported differences there may be between the gentleman from New York [Mr. PAYNE] and myself with regard to the amendment that he has offered were fully discussed in the Republican conference, and, like my distinguished friend, the political soldier from Texas [Mr. GARNER], I will be as good a man in the ranks as he is and not discuss the matter here for the benefit of our Democratic friends.

I am pleased that the gentleman from South Dakota [Mr. MARTIN] has opened up the question of the difference in cost between the producer and the consumer. He has also told us something about the middleman. That gives me an opportunity to say one thing that is very seldom said in this debate, and is never understood apparently, on the other side in the discusion of the tariff question. It relates to the price of clothing. Some time ago I secured the raw material for a suit of clothes, the cost of which in cloth was $7.87½. The cloth was made in the United States in a woolen mill in Rhode Island. All the tariff for which the Payne bill was responsible was in that $7.87½. The woolgrower had received the benefit of 33 cents per pound on the scoured wool, and the sorter of the wool had been protected by a compensatory rate against the cheaper sorter wages in foreign countries. The man who scoured the wool had been protected against the cheap scouring wages abroad, and the man who carded the wool, and who combed the wool, and who changed the wool into yarn, and who dyed it and wove the cloth, and every one of the particular stages in the process of turning the wool into cloth, had been protected under the Payne bill by what are here denounced as compensatory duties. That is to say, in each stage of the development of the raw wool up to the cloth stage the separate occupations had been provided for, and there had been a measure of protection afforded to the workmen in the United States, or even to the manufacturers, if you please, against the cheaper foreign competition. Now, all that under the Payne bill had been provided for, covered, and put behind in the cost of the cloth, which was $7.87½.

I took that cloth to a merchant tailor, who told me it was too good to have been made in the United States, and who insisted that it must have been an imported article. I disabused his mind of that and told him to make that piece of cloth into a suit and send me the bill. His bill for making up that $7.87½ worth of cloth was $30, and when I asked him to analyze the bill he gave me these details: The wages paid to pieceworkers on coat, vest, and trousers was $12.50. This first labor cost therefore was more than the original cost of the cloth, which covered every one of the "iniquitous features" of the Payne tariff law. The wages paid to weekly and yearly workers was $6.50—all beyond the duties of the Payne tariff law. Paid for material, trimmings, and so forth, $4.50. There may have been some little duty upon those trimmings, which, of course, were separate from the 3½ yards of cloth. The gross profit to the merchant tailor was $6.50—a total of $30 for making up $7.87½ worth of cloth. All "the crime" of the Payne bill was in the $7.87½ and the middlemen, from the woolgrower, who is covered in the $7.87½, to Mr. Moore, who bought that suit of clothes and paid for it, was absorbed by the labor cost employed in the making of that suit—seamstresses and cutters and others—and the profit to the merchant tailor was $6.50, and I assume that a large proportion of the $6.50 of profit had gone into rent of store, had gone into advertising in the newspapers, had gone into delivery service, and light, and furnishings, and the other incidentals of conducting a merchant-tailoring establishment. I have described the processes not understood or considered by those who tirade against the so-called compensatory duties, and I have chided my distinguished friend from Texas for protecting "the special interests" in his State, the Angora goat, because whether he now speaks in the interests of the great public or whether he still speaks in behalf of "the special interests," it does appear in the Underwood bill that these "offensive" Payne methods, from production to consumption, have been followed literally and absolutely by him.

"Hair of the Angora goat," and so forth, is made dutiable at 20 per cent ad valorem. First, let us consider the hair of the Angora goat in the raw, as it comes from the farm. The first step is to protect the raisers of the Angora goat to the extent of 20 per cent ad valorem.

The second step in this compensatory process in the Underwood tariff bill is 25 per cent ad valorem on "tops made from the hair of the Angora goat." Put 20 per cent ad valorem with 25 per cent ad valorem, and you have got 45 per cent ad valorem up to the stage of the tops that come from the hair of the Angora goat.

"Yarns made of the hair of the Angora goat," 30 per cent ad valorem. That is the third stage. Add that to the 45 per cent ad valorem, and you have got 75 per cent ad valorem as you proceed in your stages of production and manufacture.

"Cloth and all manufactures of every description made of the hair of the Angora goat," fourth stage. Take your 40 per cent protection compensatory on "Cloth and all manufactures of every description made of the hair of the Angora goat," and add that to the 75 per cent ad valorem, and you have got 115 per cent protection thus far to the Angora goat.

And, lastly, on "Plushes, velvets, and all other pile fabrics * * * made wholly or partly of the hair of the Angora goat," 50 per cent ad valorem is the duty imposed by the Underwood bill. Add that to the 115 per cent already indicated, and you have got 165 per cent protection in all to the Angora goat of Texas, while you take off all protection from the wool of sheep and other products of the great industries of the North. [Applause on the Republican side.]

Mr. Chairman, no schedule in this bill has been so unjustly and so cruelly and so brutally treated as this Schedule K. No schedule has been so misrepresented or used as a vehicle of abuse and opposition as has this schedule. I do not care whether we may differ slightly on this side among ourselves—whether we conform literally to the Tariff Board or not—I still believe that we have a right to insist that we have full information as to what we are doing before we plunge one billion and a half of capital into a condition of chaos, before we turn out of employment half a million operatives engaged in the woolen mills of this country.

President Taft himself, who made a speech at Winona, Minn.—and that was a sweet morsel in the mouths of third-party Representatives and Democratic Representatives alike—was led to say, in the veto message sending back the Underwood-La Follette bill, that it was too dangerous a proposition to overthhrow the vast industries and unsettle conditions, as it would.

I realize how futile it would be to undertake to amend the schedule as brought in by the Committee on Ways and Means. I have been in consultation with some of the practical men in the business, who know something about the business. I have asked them whether it would be wise to undertake to amend this bill. I have spoken with some of them who are in consultation with their colleagues, who are greatly concerned throughout this whole country over the question, and their answer has been, "No; it would be useless to attempt to amend that bill. To amend a single paragraph would be ineffectual."

"No single amendment to the wool schedule would avert disaster and conserve the industry," says one of the best informed men on this question, one of the men who knows best what he is talking about. And the only suggestion he and his friends make is that it would help the industry, with the stock it now has on hand, if the fatal day for the passage of the bill, or at least the making of it effective, would be postponed until December 1.

Gentlemen think sometimes it is a horribly unfair proposition for one to stand on this floor representing the man who has the industry and the courage to start great enterprises. When he does that he becomes the spokesman of the "special interests." I have in my hand now a letter which comes from my city——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for five minutes more.

Mr. MOORE. I have in my hand a letter from a gentleman of my city who came up from Virginia not long ago, ambitious to start in an enterprise. He did start a woolen mill, which is now fairly under way. He writes:

SHEPPERD MANUFACTURING CO.,
Philadelphia, Pa., April 30, 1913.

Hon. J. HAMPTON MOORE, *Washington, D. C.*

MY DEAR SIR: I should be most pleased if you would send us a copy of section "K" of the pending tariff bill. My understanding of the matter is that this tariff bill will take effect from its passage. The bill in itself is bad enough, but to have the bill take effect immediately will put the American manufacturers in a most awkward position.

We have bought raw material at the existing prices, and, as you are aware, the demands for labor have increased 10 to 15 per cent in the last six months. We are forced to sell our goods on the basis of present prices, and when the tariff bill takes effect, reducing the prices of merchandise, we will be forced to sacrifice the merchandise, as the tariff bill will not give us an opportunity to dispose of the merchandise on hand. If the date for this bill to become effective should be postponed until such time as would enable the American manufacturer to dispose of the merchandise he has on hand, he could at least make an effort to adjust matters to meet the future conditions. To show you the ill effect of the bill now pending, we are in receipt of a letter from a large customer, to whom we sold 3,000 yards of dress goods, in which he demands that unless we will guarantee to protect him against any reduction in the cost of merchandise by reason of the passage of the tariff bill that we could cancel his order. These goods are all made and are in the stockroom ready to be shipped June 15. The cancellation of a large number of orders on hand will put the American manufacturers in a very bad position financially.

The small manufacturer, like ourselves, having a total output of only one-half a million yards a year, will find himself up against a desperate proposition. I am sorry to add to your already heavy burden by writing you as above.

With sincere thanks for your efforts in behalf of the American manufacturer, and with very best wishes, I am,

Very truly, yours,

SHEPPERD MANUFACTURING CO.,
GWYNN T. SHEPPERD, *President.*

I have a letter here from an importer. Ordinarily I look upon letters from importers with a slight degree of suspicion. They may be regarded as the middle men, concerning whom complaint is made. But here is one who tells me that this morning he received a telegram from one of his Turkish correspondents in which he quotes a standard grade of wool for 27 cents. This is 3¾ cents per pound advance, or more than one-half of the duty. I read:

PHILADELPHIA, *April 25, 1913.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

SIR: It may interest you to know how free wool is being received by the foreigner.

This morning we received a cablegram from one of our Turkish correspondents in which he quotes for a certain standard grade of wool 27 cents. The price we paid him last year at this time was 23¼ cents. This is 3¾ cents per pound advance, or more than one-half of the duty.

Yesterday we received advices from another correspondent, and the minimum price he named for the new season's wool is 15 per cent higher than last year, or 4 cents per pound advance.

You will see already who is going to get the benefit of the abolition of the duty. These are only two instances; there are many others that could be given.

Recently Mr. Wilson is reported to have said that the prices of American wools and foreign wools were already on a level. Of course they are. The foreigner is going to grab at least one-half, if not two-thirds, of the duty, and the American woolgrower is going to lose the rest, if not more. But we do not see how this tends to diminish the cost of living.

Yours, faithfully,

TATTERSFIELD CO.,
B. TATTERSFIELD, *President.*

This importer sees where the duty will go. It will go to the foreign raiser of wool, and the American raiser of wool will be the loser.

Last night my friend, the gentleman from Pennsylvania [Mr. PALMER], in answer to my question, would not declare that there was a trust in the cotton trade. When I asked him about the wool trade he said he had not made the declaration that there was a trust in the wool trade, but he had heard of a wool trust. I am no spokesman for any wool trust nor for any special interest in the woolen industry, but I have in my hand a statement which illustrates just how far our friends on the other side are accurate as to their information. It is said there is a woolen trust; that it is known as the American Woolen Co. The total number of woolen and worsted mills in the United States, by the census of 1909, is 913. Of these only 36 are controlled by the American Woolen Co.

The total capitalization employed in the industry is $415,465,000, while the capitalization of the American Woolen Co. is $60,000,000. The annual value of the products of the mills of the United States is $419,826,000, and the total annual value of the products of the American Woolen Co. is $51,000,000. This incubus, this octopus, this American Woolen Co., therefore controls only one-eighth part of the wool industry of the United States. The gentleman from Pennsylvania [Mr. PALMER] could not answer last night except affirmatively that there is such competition in the wool trade in the United States, and there is such competition in the cotton trade, that the prices are kept down, and that they are to-day as low to the consumer as they will ever be.

Mr. Chairman, just one word about this report. Schedule K is perhaps the greatest piece of guesswork in the Underwood bill. It is patchwork from beginning to end, unscientific, unpatriotic, calculated to destroy a great industry.

As to raw wool, I have some statistics here which I think are of great value in the consideration of this question. Raw wool is the farmers' proposition. It is not the manufacturers' proposition. I assume it would not hurt the manufacturer if raw wool were made free; but I have been consistent for a duty

on raw wool, because I want a duty on finished articles, and I want to provide true protection all along the line, and have voted so to do, even to the extent that I did not vote for the reciprocity bill, and thus differed from the gentleman from Texas [Mr. GARNER], in that I differed with my President. Take the record as it is set forth in the schedules and as it appears in the Democratic tariff handbook. Do they propose to raise revenue by reducing duties? Let us see. Let us understand their process of reasoning.

Under the Payne bill the imports of raw wool in 1910 were $47,687,293; in 1911, $29,572,259, a fluctuation of nearly one-half. Yet we are changing from specific to ad valorem duties and still expect to raise a specific amount of income. In 1912 the importations of raw wool were $33,141,408, a vast difference from 1910, showing the difficulty of estimating revenue on the ad valorem basis. But under ad valorem rates we are going to get what we are going to get. Now, how does the committee adjust this in its report?

The CHAIRMAN (Mr. JOHNSON of Kentucky). The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman two minutes more.

Mr. MOORE. The original Underwood bill had a duty of 20 per cent ad valorem on raw wool. It estimated imports of the value of $66,991,000 upon which to collect the duty. The bill that was vetoed by the President—the so-called Underwood-La Follette bill—increased the duty to 29 per cent ad valorem; but still the committee expected to bring in $60,000,000 worth of goods. In your original committee bill—the one that was rejected by President Wilson—the committee proposed, as a sop to the farmers, to give them 15 per cent, a vast reduction from the two former bills, but it was still estimated that imports would amount to $60,000,000. A variety of duties but no change in imports. And when the committee came to give to the common people the "great boon" of free wool, regardless of the rights, interest, and welfare of the farmer and of the producers of the country, when they brought in the last bill—the one we are now discussing—then, with free wool, by some process of scientific or mental reasoning which I can not comprehend, with this great inducement to the foreigners to bring in their wool free of duty, they reduced the value of expected imports from $66,000,000, which they estimated under the 20 per cent ad valorem basis, to $33,000,000 free. How they are going to accomplish this the Lord only knows. I leave it to some of their statisticians to divine. [Applause on the Republican side.]

I append these interesting facts in tabular form so that those who wish to solve the riddle may do so:

Raw wool imports and effect of the various Democratic rates on imported raw wool.

Raw wool.	Rate of duty.	Value of imports.
Actual imports, years ending June 30:	*Per ct.*	
1910		$47,687,293
1911		29,572,259
1912		33,141,408
Democratic rates and estimates for a 12-months period:		
House bill (62d Congress)	20	66,991,000
Vetoed bill (62d Congress)	29	60,000,000
Committee bill (63d Congress)	15	60,000,000
Reported bill (63d Congress)	Free.	33,309,000

NOTE.—The above estimates are obtained from the Democratic reports and Tariff Handbook of the Ways and Means Committee.

Mr. HARRISON of New York. Mr. Chairman, I will ask to be notified when I have consumed 15 minutes. Mr. Chairman and gentleman of the committee, Schedule K has been the storm center of tariff revision. The people of our country are aware to-day that the schedule of wool and woolens contains the most extraordinary multiplication of duties of any one of the schedules of the existing law. They are aware that Schedule K imposes a greater hardship upon the consuming public of our country than any one of the 14 schedules of the tariff. Schedule K has been the Jonah of the Republican Party. If they had been able to cast it overboard four years ago it is just possible that their ship of state might be still afloat riding right side up, but they failed to revise Schedule K and that duty was immediately intrusted by the people of the United States to the Democratic Party.

Now, our bill has taken all duty off raw wool and has reduced the duty on woolen goods from an average ad valorem of 94 per cent which, in effect, really was often from 150 to 200 per cent, down to a reasonable basis of 35 per cent ad valorem.

The gentleman from New York [Mr. PAYNE], the distinguished former chairman of the committee, has twitted us with the fact that in the last Congress our revision of Schedule K carried a 20 per cent duty upon raw wool, and that our bill to-day places raw wool on the free list. But I maintain that there is no inconsistency in this, and that the record of the Democratic Party upon the subject of a tax upon raw wool is absolutely consistent and clear for decades in the past. For example, the Mills bill of 1888 placed raw wool on the free list. The Springer bill of 1892 did likewise. The Wilson law of 1894 placed raw wool on the free list, and when we came to the Underwood bill in the last Congress we were confronted by a totally different situation. Then we were proceeding to revise the tariff schedule by schedule, and our friends over on the other side of the aisle here were just waiting for us to bring in a schedule showing a grave loss of revenue in order to charge us with incapacity to manage the affairs of the Government. So when we reported our bill in the last Congress to the caucus, carrying 20 per cent on raw wool, that bill was adopted by the caucus after an ardent debate, but concurrently with the adoption of the bill came the adoption of a resolution by the caucus stating that Republican extravagance in the management of the Government required us to raise revenue even on the necessaries of life like raw wool, and so our 20 per cent rate on that commodity at that time was no abandonment of Democratic principles. [Applause on the Democrtaic side.]

So my friends will see that our record is absolutely straight and consistent from beginning to end in relation to raw wool.

Now, I consider that the placing of raw wool on the free list as the greatest achievement of this Democratic revision of the tariff. I do so for two reasons—one economic, and the other political.

As to the economic necessity for free raw wool, every other civilized country of the world, except Russia and our own, admits wool free of duty. To anybody who has studied the intricacies of the wool and woolen duties in the Payne law it will at once become clear that a tax laid on the raw material at 45 per cent ad valorem, as it is in the present law, may be twice the original amount of 45 per cent ad valorem when that tax reaches back to the consumer. That is so because in the processes of manufacture of raw wool into tops and tops into yarn and yarn into cloth and cloth into woolen clothing, each successive manufacturer makes an addition to the amount originally paid in duties on the raw wool to represent his profit and his rate of interest upon his increased capital. So that when the tax falls upon the back of the unhappy consumer it is out of all proportion greater than the tax which was originally laid on the raw wool itself.

As to the sheep-raising industry, of course I come from a city district and my opponents may maintain that I am not qualified to speak about the farmer's end of this argument. But I have given several years' study to the question of wool duties and their supposed effect on the sheep-raising industry, and I have come to the conclusion that no amount of tariff protection is ever going to save sheep farming for wool as an industry in the United States.

A century ago the green hills of Massachusetts were covered with sheep, and the pleasant valleys in my own State of New York had great flocks of sheep; but little by little sheep raising has been crowded away from the more thickly settled States until it has mostly taken refuge in the semiarid lands of the Rocky Mountains. Higher forms of agriculture are everywhere making the land more valuable and making it impossible to raise sheep at a profit. The consequence is that this frontier industry, in order to maintain its existence in our country during any considerable period of time, will have to erect around the grazing lands where the sheep are fed, a wall to keep out all settlers and all improvements and all advances in agriculture.

It so happens to-day as a matter of practical interest, when the farmers are complaining that we are going to hurt them by reducing the duties upon the wool, that there is a great shortage in wool all over the European countries, and there has been such a competition in the purchase of wool in those countries that wool is selling for as high a price abroad as it is in the United States at the present moment. A curious result of that is that within the last few weeks we have actually exported some 150 bales of Ohio wool to Bradford, England, to be used in the woolen mills there. Of course, supposed protection to wool has created a demand for that protection among

the farmers, and if gentlemen upon this floor who represent States in which wool is produced desire to go back and scare the farmers in those States by inducing them to believe that sheep raising will be unprofitable when wool goes on the free list, it may create some temporary depression of the wool market. In that way they may succeed in frightening some unthinking farmers; but the farmers—wool producers—who have studied the question to-day realize what I think all of us in this Chamber must realize, that the sheep raising of the future in our country is going to be and is to-day increasingly profitable for the mutton end of the business, and that woolgrowing is to become increasingly profitable only as a by-product of sheep raising in the United States. [Applause on the Democratic side.]

Just a few words, Mr. Chairman, about the political aspects of this matter. I regard the doctrine of free wool as the trumpet call in the battle against protection. Those who have ever studied our tariff history are aware that the greatest force for keeping a protective tariff on the statute books has been the alliance between the woolgrowers and the woolen manufacturers. This alliance, established 40 years ago, has, with one brief interval, to this very day kept upon our statute books rates of duty running up to 150 and even 200 per cent upon woolen clothing. The way they were able to do that was because the woolen manufacturing States of the East by allying themselves in Congress with the woolgrowing States of the West were able to secure from the gentlemen representing the sheep-growing districts votes enough to establish and maintain upon our statute books the sky-high rates upon woolens. That is the alliance with which we have been doing battle. That is the alliance which, according to the statement of the last President of the United States, was too strong for the Republican Party. President Taft himself was in favor of revising downward Schedule K, and I have no doubt that my esteemed and distinguished colleague, the former chairman of this committee [Mr. PAYNE] was also in favor of a downward revision of Schedule K, just as I believe a number of gentlemen on that side of the House were. But it was of no avail. The President in his Winona speech admitted the iniquities of Schedule K, and solemnly said that this historical alliance between the woolgrowers and the woolen makers was too strong for the Republican Party and was able to prevent them from revising downward Schedule K. This alliance exists to-day. It is not powerful in Democratic councils, because our bill shows what we think of it. They have sent their lobbyists down here to Congress week in and week out, and they have gone home convinced at last that the representatives of the people, instead of the representatives of the interests were now writing a tariff bill. [Applause on the Democratic side.] The woolen manufacturers, who would unquestionably be benefited by free wool, have not asked us to give them free wool. There is not a single one of them in the record of the hearings before the committee who came and asked us for that which no doubt they most ardently desired. The reason why they did not was because this alliance still exists to-day, and it is the duty of the Democratic Party to break that alliance, and to do that we must put wool on the free list.

Mr. Chairman, just a few words, in conclusion, about the benefit of free wool to the consumer. Our friends on the other side like to make fun of the amount of duties upon wool that is transmuted into cloth. I have already endeavored to show them that the amount which the man who buys the cloth has to pay by reason of the wool duties is far in excess of the nominal amount of those duties. Of course with free wool a man who buys a custom-made suit of clothes for $45 or $50 is not going to get his clothes appreciably cheaper, because tailoring is one of the chief expenses in that style of garment. He may get better clothes, he may get Scotch or Saxony cloths, which are now sometimes beyond his reach; but the man who buys the cheap suit of clothes, where the amount paid for the raw wool is proportionately more important, is going to get his suit under our 35 per cent duty appreciably cheaper. He not only is going to get his suit of clothes cheaper, but he is going to get a suit made out of real wool instead of a suit made out of shoddy or cotton substitute. He is going to feel the difference by the beneficial effect of placing raw wool upon the free list.

Mr. MONDELL. Will the gentleman yield?

Mr. HARRISON of New York. I beg the gentleman's pardon, I can not. After this when a man buys an $8 or a $10 suit of clothes in our country he will be sure that that suit has real wool in it and that the first time he goes out in the rain the suit will not wilt and later stiffen up like a piece of old stovepipe. The people of our country have been absolutely excluded from the use of cheap real woolen clothes, from the use of cheap real woolen blankets, from the use of good cheap woolen fabrics and cheap women's dress goods by the law that is now on the statute books, and absolute relief from that situation is what the placing upon the free list of raw wool means to the consuming public of the United States. [Loud applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman and gentlemen, I have listened with considerable interest to what the gentleman from New York [Mr. HARRISON] has said about wool. In reply to him as to the rate of duty being excessive and the consumer paying that excessive duty in this country, and so on—that is the substance of his argument—I want to refer to the Tariff Board report. I rely upon that as being correct, or practically so. The Tariff Board, after an exhaustive report upon the cost of the production of wool in this country and abroad, says that in South America the cost of the production of wool is from 4 to 5 cents per pound, after crediting up to the flock all the moneys received from the sale of lambs, for mutton, and otherwise, so that when South American wool comes on the market of the United States it comes here at a cost to the South American woolgrower of from 4 to 5 cents per pound for production.

Adding to that the freight, the cost of freight is about a cent a pound from South America to the New England States. That report shows when going to Australia, where an exhaustive report was made, that the average wool coming from Australia, the wool coming from the most favorably situated ranches in Australia, after crediting up to the flock moneys received from the sale of sheep and lambs, there is no cost against the wool at all, except from some of the most remote ranches in Australia there is a cost against the wool, but after an exhaustive investigation in the United States, where the experts called upon 12,000 farmers situated in 173 counties in 19 States of the Union, they show there is a cost levied against wool of the first class of 12 cents a pound after crediting up to the flock the moneys received from the sale of sheep and lambs for mutton; and on all wool from the whole United States, wools of the first class and of the second class and third class, 9½ cents per pound and as high as 19 cents a pound for Ohio wool. Now, by placing wool upon the free list when the western farmer from the mountain States comes on the market to the woolen mills of this country (the only market he has in the world for his wool), he goes there with a charge of 12 cents a pound, against no cost at all from the Australian wool, where the heft of our importations of wool to this country come from. The Tariff Board report has pointed out the fact that the freight on wool from the mountain States is 1½ to 2 cents a pound to the woolen mills of this country.

So that when the Australian and the western farmer go with their wool to the markets of the United States, the farmer of the United States goes there with the charge of 14 cents, including freight, with only 2 cents against Australian wool. The duty on that class of wool to-day is 11 cents per pound. Explain to me, then, how you are not going to injure a legitimate industry, if the growing of wool in this country is a legitimate industry, by removing all their protection, this 11 cents per pound.

Let me refer to the clothing report for a minute. The Tariff Board purchased in England 16 samples of cloth, the duty on which was $76 and some cents; they paid $41 and some cents for those 16 samples in England, so that when those goods were brought to this country, duty paid, they cost $118 and some cents. They looked around to find whether or not those goods were being made in this country. That rate of duty, $76 on the $41 of foreign value, is 183 per cent ad valorem, so the board reports. But what is the consumer paying in this country, they ask? Because of that excessively high rate of duty on those grades of goods, that industry has been stimulated in the United States, and we are not only producing all that class of goods here, but we are making some for export to nonmanufacturing countries.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I would ask the gentleman to give me a few minutes more.

And the board shows also the report that the conversion cost abroad is not more than one-half of what the conversion cost is in this country. In other words, it costs us 100 to 150 per cent more to produce those goods in this country than abroad. What is the consumer paying for the goods of which they brought here samples of? Instead of $118, they say $69.75, not the difference between the foreign cost and 100 per cent in cost of conversion, but much less. And the ad valorem is the

difference between the foreign cost and the price that the consumers pay in this country, which is 74 per cent and not 183 per cent. I wish I only had the time to go all along down the line. But here is another most interesting industry, and that is mohair.

There is a firm located over here at Greystone, R. I.—Joseph Benn & Sons Co. (Inc.)—and a member of that firm, I believe, is in the city of Washington right now, and perhaps in the gallery, Mr. Harrison Benn. That firm has a factory in Bradford, England, and this is what Mr. Benn tells me with his own mouth. They have from one to two million dollars invested in their plant at Greystone, R. I., but because of the duty maintained on raw mohair, which is an article they consume, and the low rates of duty on the finished product, they are obliged to close their factory in the United States and go back to Bradford, England, and supply the United States market from there. I got those words from the lips of the gentleman this morning. Here is the difference in wages paid in his factory in Bradford, England, and his factory in Greystone: With 10 per cent of his employees, in wool sorting the wages in Bradford, England, are $5.40 a week, at Greystone, R. I., $11.63 a week; for drawing-room employees, $3.31 in Bradford, $7.83 in Greystone; spinning, $2.74 a week in Bradford, England, $6.94 at Greystone, R. I.; for pickers, 73 cents a day at Bradford, an average of $2.25 at Greystone. And on the larger portion of that class—28 per cent of his employees—the wages are 98 cents a day in England, $3.01 at Greystone, R. I.—an average per week of $6.12 as against $13.77. And the total average of all the employees in the factory, as I have figured it up here, is in Bradford, England, $4.39 a week as against $10.73 a week at Greystone, R. I.

You, in your great desire to protect the Angora goat, from which the finished product of this firm is made, have made it impossible, so this gentleman says, to continue his industry in Greystone, R. I. Is that a thing that you want? Do you want to transfer the industry to Bradford, England, now by keeping a duty on the raw material and fixing the duty on the finished product so low that American labor can not compete with English labor?

Mr. AUSTIN. Let me ask the gentleman a question.

Mr. FORDNEY. If you will be brief.

Mr. AUSTIN. I will. If they close that mill, will it not help the business of the importers of New York City?

Mr. FORDNEY. Why, the importers of New York City came before the committee in great numbers appealing for lower rates of duty, or free trade, and no other soul on God's green earth did come asking for free trade.

Mr. AUSTIN. Have you heard of an importer that complains of this bill?

Mr. FORDNEY. No; but I have heard a great many favorable comments from them.

Let me say, gentlemen, there is no other market in the world for the wool of all grades grown in this country but the woolen mills of the United States. Away back in 1894 or 1895 there was a gentleman whose name is Osborne, who was a candidate for the office of governor of Wyoming; a great Democrat, and in favor of free wool. He told in a joking way afterwards, "I came within 3 cents a pound of getting it—free wool," because that was all he could get for his wool. [Laughter.] He was a very extensive woolgrower in Wyoming, and just at that time there appeared a higher price abroad for wool than was paid in the United States. He accordingly shipped his wool to London, England, and before his wool had arrived there the price went down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Just one minute more, if the Chair please. He kept his wool in a warehouse over there and paid the rent and storage upon it in England until the Republican Party once more got back into power and put wool on the protected list, and then he brought that wool back to the United States and sold it here.

That is what the Democrats helped you to do at that time. That is what a Democrat will get this time, gentlemen. I saw sheep sold in the State in which I live, in my home town, dressed carcasses, brought into town in the winter of 1895 and 1896 in sleighloads and hayracks, with signs on them offering to sell them throughout the town, "Your choice for 75 cents a carcass." I saw 100 lambs 8 months old sold in October last year in a little town near my home; they brought the farmer $5.86 a head. A gentleman stepped up and said, "My friend Matthews, I brought year-old wethers to this town in 1895, 21 in number, and took home to my father's house for them $21."

Gentlemen, that is the difference between free trade in wool and protection to the wool industry. [Applause on the Republican side.]

I append the following as a part of my remarks:

Comparative list of wages paid by us in Bradford, England, and United States of America on March 1, 1913.

We are combers, spinners, and manufacturers of mohair and alpaca, and make identically the same classes of goods on the same classes of machinery, running at the same speed in both countries. The hours of labor in England are 55½ and in the United States of America 56 per week. We have taken one-half penny to equal 1 cent:

	Bradford wages.	Greystone wages.	Approximate percentage of persons employed in each department.
			Per cent.
Wool-sorting room: Sorters	$2.40	$4.37	3½
Combing room:			
Combers and carders—			
Males	4.68	8.60	
Females	3.36	7.50	10
Fixers	8.16	18.25–19.35	
Drawing room:			
Drawers, females	3.00	7.50	
Twisters, females	2.92	7.50	7½
Warpers, females	3.48	8.60	
Spinning room:			
Spinners—			
Short spools, 160 spindles	2.28	5.35	
Long spools, 160 spindles	2.40	6.45	
Short spools, 240 spindles	2.76	6.45	
Long spools, 240 spindles	2.88	7.50	25½
Short spools, 320 spindles	3.24	7.50	
Long spools, 320 spindles	3.36	8.60	
Doffers	2.28	5.35	
Weaving room:			
50 picks per inch in cloth	.48	1.49	
60 picks per inch in cloth	.58	1.81	
70 picks per inch in cloth	.68	2.11	
80 picks per inch in cloth	.78	2.41	28
90 picks per inch in cloth	.88	2.71	
100 picks per inch in cloth	.98	3.01	
Loom fixers	8.64	17.20	
Perchers	6.24	13.00	5
Menders	3.84	10.75–11.30	
Power plant:			
Firemen	6.00	12.50	
Watchmen	6.00	15.00	
Engine tenders	6.72	13.50–15.60	
Greasers	5.04	12.50	
Elevator attendants	3.84–4.32	9.65	7½
Mechanics	7.92–8.40	16.10–17.20	
Blacksmith	7.92	17.20	
Carpenters	6.72–8.16	16.10–17.20	
Yarn scouring, beaming, etc	4.56	10.00	5½
Apprentices:			
First year	1.92	6.50	.....
Second year	2.40	7.50	.....
Third year	2.88	9.00	.....
Fourth year	3.36	10.50	.....

GREYSTONE, R. I., *April 23, 1913.*

Comparative costs of mohair and alpaca cloths manufactured in United States and in England.

	Qualities.					
	1	3	31	33	84	93
Cost per yard of cloth made in United States under the new Underwood bill of 20 per cent ad valorem duty on raw mohair and alpaca.....cents..	28.0	32.5	36.5	42.7	69.2	46.9
Cost of imported cloths under the new Underwood bill paying a duty of 40 per cent ad valorem.....cents..	24.5	28.3	32.3	37.4	59.9	41.1
Advantage to importer over United States manufacturer.....per cent..	12.5	12.9	11.5	12.4	13.4	12.2
Cost of cloths made in United States under free raw mohair and alpaca.....cents..	27.0	31.1	35.5	41.0	65.9	45.5
Cost of imported cloths paying 35 per cent duty ad valorem, as per new Underwood bill.....cents..	23.7	27.3	31.2	36.1	57.8	39.7
Advantage to importer over United States manufacturer.....per cent..	12.2	12.2	12.1	12.0	12.3	12.7
Cost of imported cloths paying 50 per cent duty ad valorem.....cents..	26.2	30.2	34.6	40.0	64.1	44.0
Cost of imported cloths paying 55 per cent duty ad valorem.....cents..	27.0	31.2	35.7	41.3	66.2	45.4
Cost of imported cloths paying 60 per cent duty ad valorem.....cents..	27.9	32.2	36.8	42.6	68.3	46.9
Percentage of duties paid on imported cloths under the Payne-Aldrich bill.....per cent..	99.0	87.3	83.3	79.6	86.5	103.0

Comparative costs of mohair and alpaca cloths manufactured in United States and in England—Continued.

	Qualities.						
	97	386	488	545	549	879	880
Cost per yard of cloth made in United States under the new Underwood bill of 20 per cent ad valorem duty on raw mohair and alpaca....cents..	78.2	37.0	33.7	39.0	45.0	31.2	39.7
Cost of imported cloths under the new Underwood bill paying a duty of 40 per cent ad valorem.....cents..	69.0	31.6	29.4	34.1	40.2	27.3	35.5
Advantage to importer over United States manufacturer.....per cent..	11.8	14.6	12.8	12.6	10.7	12.5	10.6
Cost of cloths made in United States under free raw mohair and alpaca, cents.....	74.8	35.3	31.6	37.5	42.8	30.0	37.1
Cost of imported cloths paying 35 per cent duty ad valorem as per new Underwood bill.....cents..	66.6	30.5	28.4	33.0	38.8	26.4	34.3
Advantage to importer over United States manufacturer.....per cent..	11.0	13.6	10.1	12.0	9.3	12.0	7.5
Cost of imported cloths paying 50 per cent duty ad valorem.....cents..	73.9	33.9	31.4	36.5	43.0	29.2	38.0
Cost of imported cloths paying 55 per cent duty ad valorem.....cents..	76.3	34.9	32.5	37.7	44.4	30.1	39.2
Cost of imported cloths paying 60 per cent duty ad valorem.....cents..	78.7	36.0	33.4	38.9	45.8	31.0	40.5
Percentage of duties paid on imported cloths under the Payne-Aldrich bill, per cent.....	83.2	83.8	91.1	93.1	77.8	88.8	80.0

GREYSTONE, R. I., *April 23, 1913.*

JOSEPH BENN & SONS (INC.),
By HARRISON BENN.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. J. I. NOLAN.]

The CHAIRMAN. The gentleman from California [Mr. J. I. NOLAN] is recognized for two minutes.

Mr. J. I. NOLAN. Mr. Chairman, the night before last I submitted to the House a petition, containing 409 letters from citizens of California, protesting against the reduction of the rate on sugar. It was not my intention to have those letters printed in the RECORD. Through a mistake the petition was handed to the RECORD clerk instead of being dropped into the petition basket.

Previously I had filed a similar petition containing 1,941 names, and they covered only 10 lines in the RECORD. I have a facsimile of the petition that I filed with these 409 letters. I intended to take up in the RECORD only the same number of lines and not to have printed the 409 letters in full.

I want to say, Mr. Chairman, that I do not want to burden the RECORD of this House with letters that are not necessary to facilitate the business pending before the House. I do not want to prove burdensome, and I do not want to prove expensive. And when the time comes I want to ask permission of the House to have the mistake corrected and all these letters stricken out of the permanent RECORD of the House.

Mr. UNDERWOOD. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. BROCKSON.]

The CHAIRMAN. The gentleman from Delaware [Mr. BROCKSON] is recognized for five minutes.

Mr. BROCKSON. Mr. Chairman, the woolen industry, now under consideration, has forcefully demonstrated the insufficiency and injustice of a protective tariff. The manufactured woolen goods are now protected by a high tariff, averaging about 90 per cent ad valorem. The prices of woolen goods are high, yet the employees of the woolen manufacturers are among the lowest paid workmen in all the industries in this country.

The Tariff Board of 1911 investigated the wages of 30,454 workmen, other than weavers, in woolen mills in the United States and reported that of these wage earners 3,482, or 11.4 per cent of the total number, were paid less than 10 cents an hour; 6,153, or 20.2 per cent, were paid from 10 to 11.99 cents an hour; and 6,007, or 19.7 per cent, were paid from 12 to 13 cents an hour, showing that more than one-half of that total number of workmen were paid not more than 13 cents an hour, while many of them received less than 10 cents an hour. The board also reported that in the investigation of the wages of 3,182 weavers weaving woolen and worsted goods in the United States it was found that these weavers were paid from 10 to 35 cents an hour. Of that total number of weavers only 42 were paid more than 30 cents an hour, and more than one-half of them were paid from 10 to 20 cents an hour. The same board's report as to the country of birth of the employees working in woolen and worsted mills in this country states that—

In the establishments investigated, 12,799, or 36.5 per cent of the total number of persons employed, were born in the United States and 22,230, or 63.5 per cent, were foreign born. Of the 22,230 foreign born, 12,297 persons, or 35.1 per cent of all of the employees in the mills, were natives of Italy and the countries of eastern and southeastern Europe.

The testimony given before the committee of the House of Representatives in March, 1912, at the investigation of the strike at the mills of the American Woolen Co., at Lawrence, Mass., disclosed a shocking condition of the laborers in that highly protected industry. It was shown that that company paid $6 to $10 a week to its weavers; paid on an average only about $6 a week to more than 20,000 laborers; and paid as low as $3 to $4 a week to children employees 15 and 16 years of age and charged them for the water which they drank at the mills.

Miss Margaret Sanger, a trained nurse, testified before the committee that during the strike in February, 1912, she took some of the children of the families of the strikers to New York to be cared for there, 119 one day and 92 a week later. She said:

The condition of those children was the most horrible that I have ever seen.

Out of the 119 children 4 of them had underwear on, and it was the most bitter weather; we had to run all the way from the hall to the station in order to keep warm—and only 4 had underwear.

Mr. Foster asked her—

How about the outer clothing?

Miss Sanger replied:

It was about in rags; their coats were eaten off as though they were simply worn to shreds.

She also said:

They were very much emaciated; every child there showed the effects of malnutrition.

The report of the investigating committee that shows this pauperized condition of the wage earners of the American Woolen Co. also shows that that company made a profit of 12 per cent on a capital of $1,744,169,234 in 1905.

Certainly no man will contend that these employees of the American Woolen Co. received a share of the protection which was given that company on the goods manufactured by it. No one can gainsay that that company has kept down wages by employing foreign-born laborers. It appears that 65 per cent of all its employees were foreign born.

Much has been said in the debates here during the last few days about protection for the benefit of the laborers of this country. Some gentlemen on the other side of this House still seem to contend that protective-tariff laws insure prosperity to our wage earners. The investigations which I have mentioned, as well as other investigations, have fully shown the fallacy of such argument.

A protective tariff protects the favored manufacturer, but does not protect the laborer who toils in the factory. [Applause on the Democratic side.] The laborer is left to sell his labor in the open market and meet the competition of the laborers of the world. [Applause on the Democratic side.] By a protective-tariff law the Government empowers and permits the manufacturers to collect large sums of money from the consumers to augment the private fortunes of such manufacturers and trusts them to be generous and just to the laborers they employ. Under such laws the manufacturers obtain for themselves all they can get and pay to their laborers as little as conditions will permit. [Applause on the Democratic side.]

When these beneficiaries are asking for a continuation of a high protective tariff upon their product they display great concern about maintaining a high standard of wages for American wage earners, but when they employ their workmen they almost invariably employ them at the lowest wages for which they can get them regardless of whether they be Americans or foreigners.

I speak of foreigners not disparagingly, but to show that the manufacturers employ them because they can get them more cheaply than American laborers. And why? The foreigners come here often with but little money, and they must take the first employment that they can get.

Further, I do not want to be understood as being opposed to the foreigners. To a foreigner who is an agreeable person I say, welcome to our shores; but I do object to the manufacturers of this country obtaining protection for the benefit of labor and then not giving the full benefit or share to the laborers of this country, but encourage foreigners to come here to work at a low rate of wages. [Applause on the Democratic side.]

The employees of the cotton mills of this country also receive very low wages. The census of manufactures for 1905 shows that 310,458 cotton-mill operatives earned $94,377,696, an average of $304 a year, or less than $6 a week for each person.

The wage earners in these and other highly protected industries receive lower wages than are paid to the wage earners in the unprotected industries of this country.

The Senate committee on wages and prices gives the wages per hour paid in 1910 in building trades in the principal cities of the United States and in other unprotected industries, as follows:

	Highest.	Lowest.
	Cents.	*Cents.*
Bricklayers	87½	60
Stonemasons	87½	45
Structural-iron setters	65	35
Ornamental-iron setters	62½	40
Plasterers	87½	50
Tile setters	69	50
Plumbers	81¼	43¾
Steam fitters	81¼	37½
Carpenters	62½	42½
Painters	60	37½
Sheet-metal workers	68¾	37½
Electricians	68¾	37½

The Department of Commerce and Labor gives the following wages per hour in the United States, in 1907, for males:

PRINTING NEWSPAPERS.	
Compositors	$0.5206
Linotype operators	.5791
Pressmen	.4558
Stereotypers	.4905
SHIPBUILDING.	
Blacksmiths	.3063
Boiler makers	.2956
Calkers, wood	.3656
Fitters	.2814
Riggers	.2458
Riveters	.3072

The labor organizations have done more to maintain and increase the wages of the American workingmen and to improve their conditions than have the protective-tariff laws.

Mr. Taft, when he was a candidate for President in 1908, in a speech at East Liverpool, Ohio, said:

I sympathize with the men that by manual labor are building up this country, and to say that I am opposed to their organizations and trades-unions is to say what is utterly false, for I have studied the question. I have had to study it as a judge. I have had to study it as an executive officer discharging duties affecting labor and labor organizations, and I am strongly in favor of them. I believe they have done a great service to labor in elevating its wages, in enabling them to meet capital on a level and secure justice for them, in enabling them to apply to Congress and State legislatures and secure legislation in their behalf, and I think it would be a sorry day for this country if labor organizations were not encouraged.

The protective-tariff laws not only fail to insure good wages for the wage earners, but impose unjust burdens upon the consuming masses. Such laws are unjust because they discriminate between different classes of citizens. Many are required to pay a tariff tax without receiving any benefits whatever under the tariff laws.

Under the laws now in force the farmers of my State are required to pay a tariff tax on nearly everything they purchase and sell their produce at prices fixed in the open markets of the world, without receiving any benefit from the tariff. These farmers must pay a tariff tax on their clothing, their household goods, the lumber for their houses, the wire for their fences, their carriages, wagons, and all their farming implements. When they market their crops of wheat and corn they must sell them for prices fixed in the open market, because millions of bushels of wheat and corn are exported yearly from this country.

The bill now pending before the House, if enacted, will reduce the tariff taxes to a just revenue basis, and relieve the farmers and other consumers of the tax burden which has been placed upon them by the existing laws.

This bill places on the free list agricultural implements—plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines, wagons, and carts, and all other agricultural implements, and raw wool; and reduces yarn, from 79.44 per cent to 20 per cent; blankets, from 72.69 per cent to 25 per cent; flannels, from 93.29 per cent to 25 and 35 per cent, according to value; dress goods, from 99.70 per cent to 35 per cent; clothing, from 79.56 per cent to 35 per cent; webbings, and so forth, from 82.07 per cent to 35 per cent; and carpets from rates ranging from 50 per cent to 88 per cent to rates ranging from 20 per cent to 50 per cent, and makes material reductions on other necessaries of life.

I fully approve the principle of the Democratic Party that the Government has no right to impose or collect tariff duties except for the purposes of revenue to pay the necessary expenses of the Government. I agree that much of the revenue needed by the Government should be collected by tariff duties upon imports.

It is surprising to hear gentlemen on the other side of this House speak of the pending bill as a free-trade measure, when the bill provides for an average duty of 29 per cent ad valorem. The Democratic Party does not favor free trade, but stands for a low tariff, properly adjusted upon a revenue basis. This country prospered under low-tariff laws before the Civil War. The duties were raised and lowered at different times, but at no time did the Democratic Party or any other party attempt to put the country on a free-trade basis.

The Walker tariff of 1846, with an average duty of about 24½ per cent ad valorem, continued in force to the satisfaction of the people for a period of 11 years, a longer period than any other tariff law has remained in force without agitation for a change.

Hon. James G. Blaine, in his book Twenty Years of Congress, said:

The principles embodied in the tariff of 1846 seemed for the time to be so entirely vindicated and approved that resistance to it ceased, not only among the people but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence that in 1856 a protective tariff was not suggested or even hinted by any one of the three parties which presented presidential candidates.

The needs for revenue during the Civil War caused the duties on imports to be raised. Since then various changes have been made in our tariff laws, but the duties have been kept high. For several years the people have been demanding a reduction in the tariff. The Republicans failed to comply with that demand. Last fall the people elected the Democrats to reduce the tariff and make other reforms. By the enactment of the pending bill the tariff will be properly reduced, the consuming masses will be relieved of the unjust tax burden now imposed upon them, and business will be placed upon a natural and permanent basis. [Applause on the Democratic side.]

Mr. UNDERWOOD. I yield five minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Chairman, it is a most important and significant fact that in the course of this long debate no man has appeared here to represent the interests of the wool manufacturer or the great American Woolen Co. They say they oppose tariff reduction because it will injure the laboring man. The plea of defending others is a subterfuge as old as history, used to divert attention from that which can not be openly defended. Every man who has enslaved another man has enslaved him under the claim that it was for the benefit of the enslaved. Every nation that has conquered and subjugated a defenseless people has conquered them under the claim that it was to better the condition of the subjugated. Every burden that has been heaped upon the masses of the people for the benefit of the few has been heaped upon them under the claim that it was for the benefit of the many. This plea of defending labor is only a repetition in history—the defense of monopoly, extortion, and the invasion of human rights.

Mr. Chairman, there is and can be no justification for the policy of high protection, especially so far as the same affects the vital necessaries of life. There is and can be no justification for increasing the cost of necessaries, and rendering them more difficult for the people to obtain, for private benefit. There is and can be no justification for taxing the necessaries of life consumed by one man for the special benefit of another man. There is and can be no justification for taxing the vital necessaries of life to make a so-called reasonable profit, or to make any profit, other than the fair and reasonable cost of their production, because necessaries are a part of the earth which man takes along with the right of habitation, and you have no more right to restrict their use to the people than you have to set a limit upon the right of man to live. [Applause on the Democratic side.]

There was a time when the individual man was more independent for the necessaries of life than he is to-day. There was a time when every man produced with his own hand, or under his own roof, or within his own control a supply of all or the greater part of his needs. But the increasing population of the earth and industrial change have compelled him to specialize, to cease general production for himself, and either to produce along one single line and depend upon others for a part of his necessaries, or to work for wages and depend upon others for all of his necessaries. This absolute dependency of one man upon another man for the vital necessaries of life has brought a new problem before society, and has enjoined a new duty upon government—the duty of protecting necessaries from private monopoly and of holding them free from increasing cost for the use of all the people. The right to live is not more vital than the right to enjoy the necessaries of life. The fruits and products of the earth are as essential to man as the right of existence itself. To suffer the hands of private monopoly upon necessaries, under the shelter of a high protective tariff, to increase their cost and render them more

difficult for the people to obtain is not only a restraint upon human welfare, but it is a restriction upon the very right to live.

The common articles of food, and clothing and fuel, and materials for shelter are among such necessaries. They are the natural inheritance of man, and the people are entitled to enjoy their use and comforts free from the burdens of private monopoly, and at the least cost consistent with production.

I deny the principle of high protection, as the same affects the vital necessaries of life. I deny the right to increase the cost of necessaries and render them more difficult to obtain for private benefit. I deny the right to tax the necessaries consumed by one man for the special benefit of another man. [Applause.] I deny the right to tax the vital necessaries of life to make so-called reasonable profits for the benefit of any individual or any private interest; I deny that governments are instituted among men to extort profits from the necessaries required for human existence. I deny the right to maintain a system of tariff taxation under which the cost of the vital necessaries of life have been raised so high to the laboring man that he can no longer with his own hands and his labor support a family, but must drive his children out of the cradle into the factories and into the sweatshops to earn their own living and burden society with the curse of child labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I yield 10 minutes to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Chairman, I am in the category of some other Democratic Members of this Congress who worked and voted in the Democratic caucus for a tariff on wool. I represent a large woolgrowing State, and I have labored for a tariff on wool for two reasons.

In the first place, the revenue necessary to run this Government, which must be raised by the Democrats now that they are charged with the duty of carrying on the Government, is very large, something like one thousand million dollars a year, and this vast sum will never be less, but will increase year by year, and it must be raised mainly by a tariff on imports, according to the traditional Democratic policy. Wool has always been a large revenue producer and always will be, as it is a world commodity and universally in demand. In the second place, I believe that the tariff for revenue should be equitably adjusted with reference to all revenue-producing commodities, and also with reference to all sections of our country, so that any incidental benefit that may flow from such revenue tariff may be fairly distributed. New Mexico, being a large producer of wool, and many of my constituents fearing that the placing of wool on the free list may injure this industry of our State, I know it is my duty to represent their interests in this matter. But, notwithstanding my belief that in this first reduction of the tariff it would have been better for the industry in my State and more in accordance with the wishes of my constituents to leave a tariff of 20 per cent ad valorem on wool, I am going to vote for this bill, which places wool on the free list. [Applause on the Democratic side.] The reasons which compel me to so vote I shall now briefly state.

The tariff is being revised this year, not as last year by a separate bill for each schedule, but by a single bill, including all schedules or subjects in one bill, and therefore to vote against the bill would be to vote against the cherished political principles of a lifetime. It would be to vote against the graduated income-tax measure in this bill, the fairest and most just tax ever invented, by which the heaviest burden of taxation shall be borne by the greatest beneficiaries of our heretofore partial Government, under which enormous fortunes have been accumulated in private hands, and which great fortunes will be protected by our Government for the future, no matter how unjustly acquired, under the unquestioned constitutional provision that sacredly guards the rights of property as well as of person. Those without wealth have borne the burden of taxation heretofore; hereafter let those who have escaped taxation, who have even got the lion's share of taxes extorted from the poor, ostensibly for revenue purposes, pay the taxes in proportion to the wealth they hold but have not earned. Further, to vote against this tariff bill is to vote to continue in force the infamous Payne-Aldrich tariff, which Democrats and Progressives alike are pledged to wipe off the statute books; for the repeal of which the Democrats and Progressives cast, in round numbers, 7,000,000 out of a total of 10,000,000 votes in the last election.

To vote against this bill is to vote to continue the rule of this country by private monopoly—by those "malefactors of great wealth" who have by the insidious power of wealth, of wealth unpatriotic, insatiable, and cruel, perverted our beneficent system of representative government into a government representative only of their private interests and desires.

To vote against this bill is to vote against the interests of my own State in this: It is to vote to continue undestroyed, even unimpeded in the exercise of its selfish power, the wool monopoly, which has destroyed the effect of the existing tariff of 11 cents per pound on raw wool. This is proven by the undisputed fact that since the tariff of 11 cents per pound on wool was enacted wool has sold at about the same price in the London market, in free-trade England, as in protected United States. This pregnant, most instructive fact can be accounted for in no other way than that the Wool Trust (and remember that there is no other object in forming a trust than to create a monopoly) has the power, since it is the sole purchaser of wool in this country, to beat down the price of its raw material for its own advantage; and since it is the only seller of manufactured woolen goods in this country, protected by a high tariff, it also has the power to demand extortionate prices for its woolen goods. This artificial system has destroyed the effectiveness of the tariff of 11 cents on raw wool, and every woolgrower is interested in destroying the Wool Trust.

I have the hope, almost amounting to absolute belief, that free wool will be better for my State and for woolgrowers everywhere in our country than present conditions under the sway of the private monopoly in wool. Remember the case of hides. The cattle industry was alarmed some years ago when the tariff on hides was removed. But since hides were placed on the free list they have sold at a higher price than when they were "protected." Hides and leather are a world commodity, subject to the world demand, because they are a world-wide necessity. Wool is also a world commodity and a necessity to all of mankind, and in universal and constantly growing demand. It is at least probable that wool, like hides, unshackled from the artificial manipulation of the wool monopoly, itself shielded by an outrageous tariff wall, will sell even higher than it has heretofore sold under artificial restrictions. The conditions can be no worse for the wool-raising industry than they now are under conditions which have caused it to be selling no higher here than in free-trade England. Stripped of extraneous causes, if the theory of protection is sound, wool should now be selling for 11 cents per pound more than in England. Free wool can not be any worse than that, whatever the cause. Furthermore, I am in accord with this bill because all of my life I have been fighting by the side of those Democrats who believe it is wrong to maintain by law special privileges in this free Government. Under the sway of the trusts we have seen such anomalies as this: While Mr. Carnegie was making his $500,000,000 in a short lifetime, we have seen his workingmen almost shot down in strikes in an effort to get a part of the loot of protection. We have seen in a later day the inhumanity that caused the strike at Lawrence. I attended the hearings about that strike. Here in free America, a trust magnate in charge of those mills at Lawrence, reputed, I have heard some say, to be worth $100,000,000—nobody denying that he is worth tens of millions of dollars, the head of the Wool Trust—we have seen little boys and girls working in those mills because the father, with five or six children, gets such meager wages that he is compelled to take his 10 or 12 year old son or daughter out of school and put them to work. They conducted that strike under awful conditions. They said to this magnate that the price of their meat and bread and necessary clothing had doubled under the sway of the special interests. They went humbly and asked for a raise of wages and they were denied, and the strike came.

Mr. CAMPBELL rose.

Mr. FERGUSSON. Mr. Chairman, I decline to yield. I do not want to be discourteous, but I have something to say and only a short time. The whole movement that has united the Democratic Party all over this country, which has split the Republican Party in half—and from my standpoint the best half of it is now disputing with the Democrats for a stand on the platform for the people—compels me to vote for this bill. Not to vote for it I should have to deny all of the teachings of my youth and my whole study of public questions since I became a man and all that I have been trying to do in a humble way since I have been in public life. I shall therefore vote for this bill not, as it is flippantly charged on the other side, because I am gagged by a caucus. I shall not vote for it for that reason. I vote for it as a free man, untrammeled, because I believe it will be no worse under free wool for the growers of wool in my State than it is when the benefit of 11 cents a pound on wool is denied them through the power and domination of a monopoly. I vote for it, also, upon the broad ground that the great movement of the people, the great rebellion in this country, using that term in a political sense, against the cruel domination of special interests is such that I would belie every impulse of my nature if I did not do so. Being in accord with

this new Democratic administration, which represents not only the Democratic Party, but also half of the Republican Party, and, to my mind, the patriotic half of it, I would be recreant to every sense of right if I did not vote for the bill. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman from Illinois that I have agreed to yield five minutes to a gentleman who is not now in the Chamber. If he comes in I will yield to him, but if he does not there will be but one other speech upon this side of the House.

Mr. MANN. I yield six minutes to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I am receiving a great number of protests from manufacturers of my district and State against the passage of this bill. They fear its results, and, in my opinion, there is just cause for this fear. In my home city of Camden, N. J., we have several manufacturers of worsted and woolen yarns, and I am in receipt of a letter from one of the largest of these concerns advising me of the activities of English manufacturers who are watching the progress of this tariff bill, and inclosing a letter which they have received from a firm of brokers in Bradford, England. My correspondent says this letters speaks for itself, and that it is very clear as to the effect the Underwood bill will have upon the sale of merchandise by American manufacturers. I wish to place in the RECORD the contents of this English firm's letter in full:

BRADFORD, *April 22, 1913.*

Messrs. B. F. BOYER & Co., *Camden, N. J.*

GENTLEMEN: In view of impending modifications of the present American tariff for wools, etc., we take the liberty of submitting to you samples of a few of our regular makes of noils, etc., which we recommend to your kind consideration.

Naturally, we are aware that the revised tariff is not yet an accomplished fact, but we wish to be prepared for any eventuality, and in the event of our anticipation being realized we trust to be favored with your esteemed commands.

Meanwhile we should be glad if you would carefully keep our offers before you, as we propose to keep you regularly posted with revised price lists.

Our yarn department would be pleased to attend to any yarn inquiries.

We are, gentlemen,
Yours, very respectfully, JOHNSTON & FARIE.

Accompanying this letter is the following price list:

	Pence per pound.
3752. Brown (code word) botany noils, regular make	17¼
3753. Bean (code word) botany noils, regular make	17½
3754. Bold (code word) botany noils, regular make	17¾
3755. Bowl (code word) botany noils, regular make	18⅛
3756. Bright (code word) botany noils, regular make	19
3757. Build (code word) carbonized burrs, regular make	14½
3758. Brake (code word) camel hair noils, regular make	29½
3759. Britch (code word) camel hair noils, regular make	29½

F. o. b. Liverpool. 1¼ per cent discount 30 days date of bill of lading. In presspacked bales, about 5/600 pounds per bale. Weights as per conditioning-house certificate.

Mr. Chairman, I desire also to call the attention of the House to a statement made to me about one year ago, when the wool schedule was being considered. Mr. Boyer said, "Mr. BROWNING, I wish you people would pass whatever tariff bill is to be passed, so that we may adjust our business thereto;" he added, "and we can adjust our business to any tariff you may make." I asked him how this could be done, and his reply was, "If you reduce the tariff on wool and wool products and we are compelled to compete with the foreign manufacturer, our employees will have to accept the foreign wage or else we shall be compelled to close our mill." He then added, "Why, Mr. BROWNING, do you know that we made more money during the Cleveland hard times than we ever made in our lives?" I was much surprised at this statement, as I knew their mill was closed during that period, and I asked him how he made the money, and he said, "Why, we bought the finished product from abroad and sold it here." He said further, "Our mill was closed and I did not have between four and five hundred working for me, as I have at the present time."

I also hold in my hand a letter from Eavenson & Levering, a firm of wool scourers, carbonizers, and combers, of Camden, N. J., and as this communication is quite lengthy I shall not attempt to publish all of it in the RECORD, but will quote two paragraphs:

We have carefully considered the portion of the bill relating to our industry, and look upon its passage with very great fear.

We carbonize a considerable proportion of all the noils produced in this country, and while we find the Underwood bill recognizes the comber, the spinner, the weaver, and so on, it distinctly discriminates against the carbonizer by placing carbonized wool and noils on the free list. On this basis we are surely in for it.

Mr. Chairman, I think further comments are unnecessary. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, I yield four minutes to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID of Nebraska. Mr. Chairman, I regret that I do not see the gentleman from Texas [Mr. GARNER], my esteemed friend, in the House, for I feel that I would like to shake hands with him cordially upon his proposition that the sheep is as good as the goat—concerning which the provisions of the schedule raise a doubt—and that while a Democratic member of the Ways and Means Committee formulating the bill he was individually consistent in that he favored an equivalent duty on wool to that accorded to goat hair. It was the committee as a whole that so discriminated. But I do contend that the benefits of protection should be equally distributed, equitably divided between our productions. Certainly the sheep should not be displaced by the goat. I favor both. I do not gainsay the consistency or the propriety of the gentleman in standing up for the industries of his own district. If a Member will not look out for the interests of the district which he has the honor to represent who will or should do so?

Mr. Chairman, on the wool schedule, which has been ably discussed, I desire to say I am not an expert. I appreciate it is one of the most intricate of any of the schedules contained in the bill, and I have not risen for the express purpose of expressing myself in regard to the schedule. Speaking generally or broadsides with reference to the whole Underwood revision, I am for what emanates from the side of protection rather than from the Democratic side, because I favor the policy of protection. I believe firmly in its virtues, and that is one reason that I am here to represent my district.

I favor Republican revision, Mr. Chairman, rather than Democratic revision, because Republican revision is intended to conserve the beneficence of the policy of protection. Democratic revision does not pretend to conserve the policy of protection, but it is avowedly against and antagonistic to it. How can you expect the enemies to the policy of protection to conserve the policy? Protectionists seek to regulate rates, adjust rates in accordance with the changes in conditions which are constantly going on, while conserving the policy of protection. Now, I grant that the Democratic Party is perfectly consistent and logical in opposing a tariff board. For what use or utility is a tariff board without tariff? There can be no necessity for a tariff board when free trade is the goal.

Mr. Chairman, I do not contend that this bill as a whole provides for free trade. We all know it is very much of a mixture; but the policy and purpose evinced by its provisions, considered in connection with party declarations, show free trade to be the ultimate.

Mr. Chairman, what of the new proposition of the majority party for competitive tariff? Competition, fair and legitimate, is what protectionists seek, and it is what the policy of protection scientifically regulated secures. It was protection adopted by our young Republic that produced defensive competition in our home markets against monopolistic prices placed on foreign manufactures. With further development it successfully resisted the "dumping policy" of British manufacturers intended to destroy our home industries. With yet further development it has secured domestic competition.

Mr. Chairman, what sort of competition does free trade bring? It strikes me the Democratic Party in its legislative aspirations has become too big for our home country. It would seem that the party has become very altruistic and aspires to extend the benefits of its legislation to foreign countries upon equal or better terms than are to be enjoyed by our home producers in our home market.

Who of its advocates pretends that free trade is for the benefit of the home producer? Not one will so contend. On the contrary, it is avowedly against the prices of home products, claimed to be too high. The admitted purpose of free trade is to permit unrestricted competition of foreign products in our own markets, to the end that prices to consumers be reduced, to the benefit of foreign production, with a corresponding loss to home producers.

Mr. Chairman, protectionists stand for the home producer as well as for the consumer; the policy favors the people who do things as well as the consuming public. I am frank to say, however, that I regard a distinct classification of producers and consumers as wholly impracticable. My judgment is that in our industrious country it is only a small percentage of adults that are not producers.

Mr. Chairman, I contend that the competition brought by unrestricted trade of foreigners in our home market is one-sided and illegitimate. It is perfectly clear that to permit the productions of foreign countries to come into free competition in our home market with home productions gives to foreign countries the advantage; it gives the foreign producer the advantage because of the much smaller cost of production in his than in our country. Therefore American producers, with

free trade, are not allowed to participate in their own home markets on equal terms with the foreign producer.

Mr. Chairman, it essentially follows that the Democratic Party regards the difference of the cost in production abroad and at home as an immaterial consideration. Instead of making advantages equal merely, they would make them unequal by abolishing tariff, the equalizer, and thus give the productions of cheap-labor countries the advantage in our home market. Protectionists would by rates of duties imposed make up the difference in the cost of production and thereby secure equal advantage, at least to the home producer, and thus preserve the higher standards of wages and living at home than abroad. Free trade, on the other hand, would reduce our standards of wages and living to the impoverishing low level prevalent with some of our foreign competitors.

Mr. Chairman, I make no apology for advocating, if it may be so called, "artificial" means, by the imposition of duties on foreign products for the preservation of our higher standards of wages and living. I regard this as the province of constructive and patriotic statesmanship. And what is free trade? It is a mere negative. It is not a constructive device. It is against constructiveness. As applied by this bill, its effect, in some instances, must be to wholly destroy domestic competition in the home market with foreign productions, resulting in monopoly for the foreign producer.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KINKAID of Nebraska. Mr. Chairman, it would seem the Democratic Party has forsaken the fireside adage, "Charity should begin at home." I avow my belief in the doctrine of the Scripture that "He who does not provide for his own household is worse than an infidel," and I would have this apply to the Nation the same as to the family. [Applause.]

Mr. MANN. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, the Members on this side are admonished by the gentleman from New York after the passage of this bill not to go back to their home districts and attempt to scare the farmer. I desire to assure him that no one on this side of the House has any such intention, and I am satisfied that if my Democratic colleagues from the wool districts of the State of Ohio should vote for this bill that they will soon afterwards become so scared and afraid that they will not want to go back to Ohio. [Applause on the Republican side.] I did not rise to engage in the discussion of the woolen schedule except as to one feature. The discussion of the gentleman from Pennsylvania during the general debate and his detailed explanation of the working of that protective piece of legislation known as the dumping clause left within me the hope that when I went back home after this bill was passed that the shoe manufacturers of my district would at least have some protection and that the woolgrowers of my district would have some protection. But, subsequently, I have had an interpretation of this dumping clause given from a good Democrat upon the other side, the able gentleman from the State of Georgia, who, in order to avoid the force and the great weight of the argument of the gentleman from Michigan to show that taking the duty off sugar would not make it any cheaper to the consumers, said this day before yesterday. This is from the gentleman from Georgia [Mr. HARDWICK]:

> The antidumping clause will have no effect whatever on the sugar situation, for the simple reason that if the gentleman will read the dumping clause carefully he will find that it applies only to a commodity upon which a duty is established, and it applies to no commodity that is on the free list, and so far as free sugar is concerned it could have no effect.

That is the sticking point, gentlemen. Why have you undertaken to add further protection to these unconstitutional and tax-sustained industries? Many of these industries could not operate except for the tax you have in this bill, and now you propose to aid them further by this additional protection, but the shoe industry in my district, boots and shoes are put on the free list. Where does the woolgrower come in if this is the correct interpretation of the law? When I first looked at the act I did not think it warranted such a construction, but the more I read it the more I am satisfied that the gentleman from Georgia is right. Now, it seems to me that if you want to treat these people right, in all fairness you ought to have prepared another dumping clause which would cover the shoe industry, the woolen industry, the potato industry, and the products of the agriculturists of this country. Wool, potatoes, and shoes are on the free list, and according to the construction placed on the "dumping-clause" section by the gentleman from Georgia, they are not afforded any protection thereunder.

Why, just take it in the case of the woolen industry. You have taken from the woolgrower of my district the protection on his wool, and you have given it to the manufacturer of the East, affording him that additional protection, and now you propose to aid him further with this dumping clause. [Applause on the Republican side.]

You further protect the cotton factories of North Carolina, but you afford no protection to the shoe factory in my district, because shoes are on the free list.

You further protect rice by this "dumping clause," because rice is a tax-sustained industry; but wool, which will be made a legitimate industry by the pending measure, if enacted into law, by being left untaxed, will have no protection.

The "dumping clause" of your act only protects articles on the dutiable list, and, according to Democratic interpretation, it affords no relief to the makers of shoes and growers of wool and many other agricultural products carried on the free list. It matters not to the framers of the pending measure how many million bushels of potatoes may be dumped into the American markets from Nova Scotia or Germany, at a price much lower than that in the market of the country from which they are exported, and in this unfair way rob our potato raisers of their home market.

It matters not to these gentlemen how much wool or how many shoes may be dumped into our country at a price below that prevailing in the country from which they are exported, but when it comes to cotton fabrics and woolen goods and the larger part of the products of the factory, many of which are already protected by the duties carried in the dutiable list, we find them additionally protected by this "dumping clause" which prevents the foreigner unloading large quantities of these articles onto us at a price lower than the prevailing price in the country from which they come. I do not believe this is fair to our shoe manufacturers, our woolgrowers, and farmers, and at the proper time I will offer an amendment providing a "dumping clause" for the protection of their industries.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Oregon [Mr. SINNOTT] five minutes.

Mr. SINNOTT. Mr. Chairman, in the amendment which I had prepared I inserted a clause requiring all woolen manufactures to be put on the free list. My object in doing that was to accentuate the comparative favoritism shown to the woolen manufacturers in the Underwood bill; not that I am willing to strike down in retaliation the woolen manufacturer because the wool raiser is put upon the free list, but in order to focus the attention of the Nation and the people of my district upon the fact that the woolen manufacturer in the Underwood bill is favored to the disadvantage of the wool raiser.

Mr. Chairman, representatives of the woolen manufacturers appeared before the Committee on Ways and Means urging free wool. On the other hand, they claim that they will be satisfied with the 50 per cent ad valorem duty upon the manufactured article. You have given them by this bill within 15 per cent of what they demanded. Yet you have absolutely rejected the claims of wool raisers for protection. You have inferentially said that the woolen manufacturer is only 15 per cent illegitimate and the wool raiser is 100 per cent illegitimate.

Mr. Chairman, the State which I represent, the State of Oregon, has been generous with the Democratic Party under the Oregon system. I would like to have time to say something about that system and the fidelity of the Republicans in my State to their pledges on statement No. 1—that they would vote for the popular choice for United States Senator. Because these Republicans kept their pledges you now have two Democrats in the United States Senate from the State of Oregon, an overwhelming Republican State. [Applause.]

These two gentlemen, Mr. Chairman, in the last campaign canvassed the great sheep-raising districts of eastern Oregon. They placated and allayed the fears and the apprehensions of the wool raiser with iteration and reiteration of that plank in your platform that no legitimate industry would be injured. Oh, what a sweet-sounding phrase that then was on the great sheep ranges of eastern Oregon! And now what has it become? It was then plain and unambiguous, but now it is so abstruse, so recondite, a veritable Delphic oracle of double meaning when interpreted and expounded in the light of the Punic faith of the philologists of the Ways and Means Committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. May I have just another minute?

Mr. MANN. I yield one more minute.

Mr. SINNOTT. If you gentlemen desire to return these gentlemen from Oregon to the other side of the Capitol, do not send them back to Oregon with that subterfuge, that excuse, "that the great sheep industry of the State of Oregon is not a legitimate industry." Do not force them to tell the people of Oregon that the caucus has compelled you to strike down the sheep industry. Mr. Chairman, a dispensation coming from the

casuists of the caucus will absolve no one from breaking party pledges under the Oregon system. [Applause on the Republican side.]

We hear something about the soldiers in this caucus, about what a gallant, heroic fight those gentlemen put up for their interests. Their story reminds me of old Jack Falstaff telling the story of the battle at Gads Hill. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, not only in the State of the gentleman who has spoken but throughout the country our Democratic friends in the last campaign held out hope to the people that legitimate industries need not fear any result of the election of a Democratic Congress and a Democratic President.

The signing of a note carries with it the implication that some time the note must be paid. The making of an obligation by an individual or by a party carries with it a suggestion that some time the party must be called upon to say whether or not it will meet the obligation in the terms in which it was made. You are now confronted with meeting the obligation that you assumed only a few months ago, when you urged upon the people of this country that no legitimate industry need fear the result of your action upon the tariff question.

Already, to-day, some of our Democratic friends are apologizing for the action which they know they must take, under the mandate of the Democratic caucus, within a few days. Others, with more candor and with more frankness, appear to admit that the wool industry—and I take it that that includes all the industries that are correlated with it—is an industry that is not legitimate, and therefore ought to suffer at the hands of the party that is now in control.

You have already heard presented to you this afternoon some comparisons touching the cost of labor in the manufacturing industries in this country and abroad, as they will be affected by the wool schedule. I want very briefly to call attention to some of the comparisons that may be made on the part of those who are engaged in the growing of wool in this country as contrasted with those who grow wool in foreign countries.

Take my own State as an illustration—a State that ranks third in the production of wool in the United States. There the wages paid by the growers of wool are something like from $35 to $5 and more per month to the individual sheep herders. Not only that, but an expense for maintenance of something like $12.50 to $16 per month must be added. Compare that, if you please, with the wages paid for similar lines of work in other countries.

In Great Britain, near to the great mills there, the wages that are received by those who care for the sheep are something like from $5.25 to $5.50 per week, and they are required to "keep" themselves.

In Australia the wages that are paid to the tenders or drivers, as they are called in Australia, instead of being from $35 to $50 per month, as in my State, range from something like $5 per week to $7.50 and $10 for the more experienced, or not much more than 50 per cent of the wages paid in the State of Idaho.

In South America the difference is even worse than in Australia. The wages paid in South America represent something like one-third of the wages paid for the same service in the United States.

Go, then, if you please, to continental Europe. Go to that section of Europe which is to-day in the throes of war, where the people are trying to throw off a bondage that is worse than slavery, and you will find people, competing with the American woolgrower, receiving from 25 cents to 50 cents per week in addition to their keep, who, upon the passage of this bill, will be put into competition with the laborers working for the American producer of wool.

Now, that is not all. The conditions which our people have to meet in the West are different from the conditions in foreign countries in other respects. The gentleman from New York [Mr. HARRISON] seemed to eliminate from consideration the production of wool by the farmers of Ohio and the other Eastern States, taking it for granted in his remarks that the sections of country that have the wide expanse of desert lands will be the only sections within the United States that can or ought to produce wool. Therefore, if the conditions are hard and will be intolerable in those States, how much more intolerable, according to his own argument, must they be in sections of the country where sheep are produced upon lands that are incapable of intensive cultivation.

But I do not intend to dwell upon comparison in cost of production within the various States within our own country.

If the producer of the West has some advangtage over the producers of States like Michigan and Ohio from the standpoint of range, the producer of these older States has an advantage possible from the quality of the wool that he may be able to sell. These advantages or disadvantages must necessarily be taken care of by the ordinary laws of competition in the markets of our country.

I said, however, that there were disadvantages with which the producer in our own country is compelled to contend that are not met with by the producers of wool in some of the chief competing foreign countries.

Take, for instance, the number of sheep that may be handled by a sheep herder within our own country and compare the conditions with the conditions surrounding those who care for the sheep in South America or in Australia.

In our western country a band of sheep is made up of less than 2,000 head, or something like 1,700 sheep. In Australia a rider, as the tender is called in that country, will take charge, not of 1,700 or 2,000 head of sheep, but of several thousand head, and, as I said a little while ago, he receives something like one-half the compensation that he receives for doing a similar kind of work within the United States.

Much of the lands of the West that are now available as pasture lands are included within vast reservations belonging to the Government and are leased to the growers of sheep at from 7 cents to 9 cents per acre, which by comparison is about 400 per cent as much as is charged in Australia for the leasing of land by the Government for grazing of sheep.

We should also consider the question of freight rate. It costs, of course, something to the man who has wool to sell in Australia or South America to get his wool clip from the place of production to the port from which it may be shipped to the markets of the world.

It also costs something to the woolgrower of the West to haul his wool clip to the station from which shipment may be made to our eastern markets. In all probability this comparison would be in favor of the American producer, but compare with that the cost of shipping the wool either from Australia or South America to Boston with the cost of shipping wool from the stations in Idaho to such wool markets as Philadelphia, New York, or Boston.

It costs the woolgrower of Australia something like from 1¼ to 1½ cents per pound to ship his wool by steamer from Sydney to Boston, and if he were willing to take a little longer time and use a sailing vessel instead, he may ship it for something like one-eighth of a cent per pound cheaper still.

On the other hand, it costs the woolgrower of Idaho from 1¾ to 2½ cents per pound to ship his wool to the same markets.

The comparison made with respect to the cost of shipping wool from Australia is no more unfavorable than when compared with the cost of shipping wool from South America to the wool centers and the cost of shipping wool from our own sections of production to these same centers.

Hence I say here is a practical illustration of the necessity of this Government maintaining a duty to protect the producers of our own land from the competition of lands where wool can be produced at so much cheaper a price than it can be produced at home.

The woolgrower is not the only one benefited by the maintenance of the industry. There are something like three-quarters of a million producers throughout the United States engaged in the production of wool. This does not represent, however, the vast body of people who are dependent almost directly upon the wool industry.

In Australia and South America the seasons are so open that little feeding is needed during the winter months. In many of our States that produce wool it is necessary to buy forage for the use of the flocks during the winter season, and this entails not only a cost upon the sheep raiser but also constitutes an industry in which thousands of people engage who do not own sheep themselves.

We are at this time engaged in reclaiming large areas of hitherto desert land in our great West. It takes years of time to bring land of this character into a productive state if orcharding alone is depended upon. Distance from markets renders the land less valuable for the production of still other crops.

The maintenance of the sheep business in or near the regions that are reclaimed furnishes a market at once for one of the easiest crops that can be produced after lands have been reclaimed from their desert condition. We raise thousands of tons of alfalfa upon these desert lands, and this constitutes a commodity that in the nature of things should find a ready mar-

ket at home, for it has such bulk that it can not be shipped any considerable distance else the freight charges will consume the profit.

To strike down the wool industry, to strike down the sheep business, means as well to strike a blow at this industry, which has been one of the most productive of ready money to the thousands of people throughout the West engaged in the development of our arid lands.

Finally, then, this whole question again emphasizes the importance of tariff modification upon the basis of an intelligent report of a tariff commission. The Tariff Board reported upon the woolen schedule about one year ago. We have facts touching production in foreign countries and at home that are practically up to date.

The wise thing, the patriotic thing for us to do at this time is to accept an amendment similar to that which has been proposed by the gentleman from New York, which constitutes a schedule based upon the reports of the Tariff Commission, a schedule that would do equity and justice at once to the producer upon the one hand and to the masses of consumers upon the other.

Mr. MANN. Mr. Chairman, I yield four minutes to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized for four minutes.

Mr. KAHN. Mr. Chairman, every given commodity that is offered for sale is worth just what it will fetch, no more and no less. In making the price the cost of the labor that is involved in making the commodity is all important.

It has been stated during this debate that it will take between 9 and 10 pounds of wool to make a suit of clothes; that the cost of the wool in the raw is anywhere from $2 to $2.50; and yet a fine worsted suit of clothes will cost anywhere from $30 to $60.

Now, that is due almost entirely to the cost of the labor that has gone into that suit of clothes. The great wool-manufacturing section of England, which country would increase, in my judgment, its export of woolen goods to the United States enormously if the Underwood bill goes through, is Yorkshire.

I have in my hand a copy of the Yorkshire Observer of Monday, December 30, 1912, which contains a résumé of the activities in the industries of that county for the preceding 12 months. In an article headed "Wool and Wool Textiles in America," the writer says:

> The weakness of the American Woolen Co., broadly speaking, lies in its manufacture of the finer woolen fabrics where, with the high labor cost, protection is badly needed. The tariff question ultimately comes down to this labor-cost item, for as this wage cost percentage rises, so does the need of protection and the danger from crude reductions through unscientific tariff legislation.

That states the case in a nutshell. What is the difference in the labor cost in the production of manufactured woolen cloths in Yorkshire as compared to the cost in this country? The Providence Journal, which is one of the leading free-trade newspapers in this country, on April 18, 1913, published an interview with Mr. Harrison Benn, a leading wool manufacturer of the State of Rhode Island, whose company also owns a mill in Bradford, Yorkshire. In that interview the gentleman states clearly what he has to pay in his mill in the United States and in the mill which he also owns in Bradford, England. He says:

> In the Bradford plant we pay a weaver 48 cents for weaving a cut of cloth, and for the same thing here we pay $1.49; for goods that cost us 78 cents there we pay $2.41 here; and for goods that cost 98 cents there we pay $3.01 here. In the spinning room the prices range from $2.23 to $2.88 per week there, and here for the same kind of work on the same machines we pay from $5.35 to $7.50 per week. Another difference is in the pay which we have to give our apprentices. They are obliged to serve four years, and in the Bradford plant they receive for those four years $1.92, $2.40 $2.88, and $3.36 per week. In the Graystone plant they receive for the four years $6.50, $7.50, $9, and $10.50.

[Applause on the Republican side.]

Small wonder, therefore, that the Yorkshire Observer, in its article on the "Huddersfield fine worsted trade," makes this comment:

> The United States trade, although still comparatively small, has improved during the year, and the proposed revision of the tariff, which is looked forward to with some confidence, is expected to result in a considerable accession of business.

Of course the English manufacturers of fine worsteds look forward to a large increase of business when the Wilson-Underwood bill is enacted into law. They have learned by past experience that so soon as our own factories close down, by reason of their inability to compete with the cheaper labor of England, the business of the English manufacturer increases considerably. But you on that side of the aisle are properly designated Bourbons. You learn nothing from past experiences. It is almost idle to discuss the provisions of this bill with you. You are deaf to all arguments.

You have the votes to put your bill through without any amendments whatever so long as you have control of Congress. I am glad that you have majorities in the Senate and the House that will enable you to assume full responsibility for this measure. You will not be able to charge any of its shortcomings to the Republican Party, and you will have to take all the consequences of the injuries you will have inflicted on legitimate business in this country as a result of this legislation. I feel confident that the near future will once again demonstrate your inability to frame constructive legislation.

In conclusion, Mr. Chairman, I desire to call attention to this article from the New York Sun of May 2, 1913, which clearly explains the attitude of the American manufacturer in his opposition to this bill:

OUR MANUFACTURED EXPORTS—SECRETARY REDFIELD'S FIGURES UPSET BY HIS OWN DEPARTMENT'S STATISTICS.

To the EDITOR OF THE SUN.

SIR: On April 21 you published an interview with Secretary of Commerce Redfield under the head "Redfield sees big boom ahead." I, in common with all other good citizens, would like to believe the Secretary is correct in his prophecy.

His statements, however, regarding the tariff and business seem to be based upon hope rather than facts. At the outset, he is quoted as saying: "American manufactured goods are going abroad all over the world, and in many different lines of production, to the annual extent of something like $1,500,000,000, or, say, at the rate of $5,000,000 a day for the ordinary working year." This sounds good, but it isn't the fact. The only authority upon the subject of exports is the Department of Commerce, over which Mr. Redfield presides. In the Annual Review of the Foreign Commerce of the United States for the year ended June 30, 1912, in Table VI, pages 66 and 67, it is stated that in the fiscal year 1912 we exported of "manufactures for further use in manufacturing" $348,149,524 and of "manufactures ready for consumption" $672,268,163, or a total of all kinds of partly and completely manufactured articles of $1,020,417,687. This total is nearly $500,000,000 less than the Secretary stated it to be, and to get even this total we must include all partly manufactured articles. If Secretary Redfield makes such a startling error in his figures, it is apparent at once that he has not investigated the matter very carefully, and yet he is said to be "the acknowledged tariff expert in the Cabinet."

Secretary Redfield says the manufacturers must develop greater efficiency. We are all striving for that. In all the industries the competition among the domestic manufacturers has been so severe that each manufacturer has been compelled to maintain his plant at the highest efficiency. This has led to a marvelous development in machine tools and special machinery of high speed. Our factories are now the best equipped in the world, and it is simply ridiculous for anyone to say that we are behind in efficiency. It can not be proved. No one even attempts to prove it. Such a statement is mere words. As rapidly as we develop efficiency our methods are copied in European factories.

The real difficulty our domestic manufacturers have in meeting foreign competition is in the great difference in labor cost. Here we pay our skilled mechanics an average of 37 cents an hour, against the average in Europe for the same class of labor of 17 cents an hour. This is the handicap of our manufacturers, who do not need a tariff to protect their profits, but do need a sufficient rate of duty to cover this wide difference in wages. This is not an academic statement. It is a question of pay rolls which must be met each week. The first move our manufacturers must make to meet the foreign competition is to reduce the rate of wages paid. This will be very difficult and the country does not desire it. But desire alone can not prevent the inevitable.

Here is the whole problem in a nutshell: A and B have similar factories manufacturing the same machine, the factory cost of which is one-half labor and one-half material. The material costs the same to both A and B, but A pays twice the wages that B pays. Who will get the business? Of course B will get it unless A can reduce his wage rate to meet B's.

The sure result of the proposed tariff bill will be to reduce the wages of the American mechanic to the level of his European brothers, and a plain statement of facts is:

Our shops are modern in every particular; so are those of Europe.

Our men can not produce more work than can the European workmen.

Our wages run from 25 cents to 55 cents an hour for skilled mechanics; their wages run from 10 cents to 17 cents an hour for the same class of labor on the same work.

Our costs can not be reduced unless we can reduce wages, and knowing our condition here as to unions you are aware that this can not be done without a great industrial war.

Secretary Redfield and his followers are determined to give their theories a test even at the expense of the whole manufacturing interests of this country, but inasmuch as the figures which they quote are so far from correct, I am led to believe that their theories will prove equally wrong and misleading.

J. E. B.

NEW YORK, *May 1.*

Mr. MANN. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, there are approximately 57,000,000 sheep in the United States, and these beautiful spring days, when this Democratic House is coolly proposing to sacrifice them on the altar of the cruel god of free trade, they, returning good for evil, are enlivening the ranges and the pastures of all the Nation with the cheerful bleating of millions of newborn lambs. [Applause on the Republican side.] These spring days they are yielding their golden fleeces by the million for the comfort of the Nation and the profit of our people. They are enriching the pastures, adding to the contentment and contributing largely to the incomes of over a million American farms and ranches. They are consuming herbage which otherwise largely would go to waste, adding but slightly to the farm labors, and on the western ranges providing an industry the

place of which none other can fully occupy. They afford us on the hillsides, in the meadows, and by the still waters the most perfect of all pictures of peace and plenty. They furnish us with the juiciest, the sweetest, and the cheapest of all meats, and their golden fleeces assure us in peace, comfort; in war, an element of defense as essential to the maintenance of the national honor as steel-belted fortresses afloat or shotted guns ashore. [Applause on the Republican side.]

I have read and studied this Democratic tariff bill carefully and prayerfully, because my people own four and a half or five million sheep; and I have attentively listened to this debate, thinking that at some time I might hear or discover some logical reason from any viewpoint for the placing of wool on the free list. I have waited and read in vain. You can find no such reason in your party history, for the financial disaster that followed the placing of wool on the free list in the Wilson bill brought you a political disaster that kept you wandering in the wilderness, unfed of manna, unguided by pillar of cloud by day or fire by night, for 16 long and weary years. [Applause on the Republican side.]

You can not justify free wool from the standpoint of free trade. You separate the sheep from the goats, and reversing the scriptural parable you say to the goats, "Come, ye blessed, to the green pastures of protection established since the foundation of the Government," and to the sheep, "Depart from me, ye cursed, into the everlasting fires of Democratic free trade prepared for those industries we doom to destruction." [Applause on the Republican side.] While you deprive the flockmaster and the farmer of the benefits of protection, you do protect the great Woolen Trust, a creature of your discovery, and in this bill the beneficiary of your abundant favor. You can not defend what you have done from the standpoint of a revenue tariff, for wool has been one of our greatest revenue producers, yielding from $15,000,000 to $20,000,000 of revenue annually. You can not claim that you have applied the principles of the Underwood copyrighted competitive tariff to wool, for there has been vast import and intense competition.

You will not be allowed to plead as offset to the losses free wool will bring a claim of benefits conferred, for from the oil and lampblack which marks the newborn lamb to the shears that clip the fleece, the string that ties, and the sack which receives it, all that contributes to the industry is taxed under this bill.

You surely can not exclude this ancient and honorable industry from the category of legitimate enterprise solemnly guaranteed from harm by presidential promise. You can not excuse this shameless abandonment on plea of recent pledge or promise, for less than a year ago you voted for a tariff rate of 29 per cent on wool.

You can not plead ignorance of the fact that free trade in wool will bring depression to all the industry and destruction to the most valuable part of it, for history will not excuse you; the uncontroverted facts developed through exhaustive investigation by the Tariff Board are before you, and your own admissions convict you of knowledge of the destructive character of this legislation.

You can not fool the people by giving as an excuse for your action the plea in confession and avoidance that you have sacrificed this great industry for the general good, for the people are intelligent enough to know that under no possible circumstances or conditions can the general good be served by the sacrifice of a nation-wide industry whose destruction or serious injury will leave us poorer in food and clothing in peace, and in war naked in the face of our enemies.

In the light of all this evidence, direct and circumstantial, can anyone escape the conclusion or avoid the conviction that the placing of wool on the free list is an act of cool calculating sacrifice of a great industry, essential to the very existence of the Nation, on the altar of political expediency?

The old condemned Democratic craft pumped out, patched up, painted over, setting out on the high seas of political responsibility, without propeller of principle or rudder of reliability, is found so overburdened with conflicting promises impossible of fulfillment, so hampered with rotten tackle of ancient error, so bulging with internal discord that in despair of ever reaching harbor thus laden her captains have deliberately agreed to throw overboard so much of the cargo she bears as they think can be jettisoned without danger of political bankruptcy. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MANN. I yield to the gentleman two minutes more.

Mr. MONDELL. Wool has walked the plank and sugar follows, together with a vast and varied assortment and variety of the people's industries, the extent and character of which only the labors of the wrecking crew will disclose. [Laughter and applause on the Republican side.]

Well, the captains are in control, the once turbulent crew is in the irons of discipline and being forcibly fed on the unpalatable pap of patronage promises. Under such conditions any act of piracy on your part is possible. But I warn you of the day when the American people, owners of the precious cargo of their industries and opportunities temporarily in your keeping, shall call you to an accounting for your stewardship. Beware of that day. It will come soon. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I now yield to the gentleman from Massachusetts [Mr. THACHER].

Mr. THACHER. Mr. Chairman, I have listened with much interest to this discussion. It is hard for me to keep out of this fight, for I thoroughly believe in free wool. I was for 25 years engaged in the wool business. I shall talk to you upon the question of free wool, not as an orator but as a business man who knows whereof he speaks. I shall not, therefore, dwell upon "the golden fleece of the American people" and the "babbling brooks," which the gentleman from Wyoming [Mr. MONDELL] has just described. I shall try and give some concrete facts rather than flowery figures of speech.

Now, what are the facts regarding the tariff on wool found in the first part of Schedule K, the very schedule of the Payne-Aldrich bill which President Taft, in his famous speech at Winona, pronounced indefensible? For half a century, with the exception of a brief interval, we have maintained this extreme duty. During all this time the advocates of this duty have claimed as they do now that to put wool on the free list would utterly annihilate the American sheep, and we should have to go out of business and import all our mutton from England and elsewhere, and our wool from the Argentine and Australia. Let us examine the facts.

I well remember that some 20 years ago two prominent advocates of a high duty upon wool, Judge Lawrence and Columbus Delano, both from the State of Ohio, were the leaders in this fight. These men, honest no doubt in their belief, were skillful politicians, and they used to head meetings and conventions of "woolgrowers," invariably asking the tariff legislators at Washington to maintain increased duties on wool, but they never asked the same legislators to "temper the wind to the shorn lamb," the consumer.

If I am not mistaken, one of those gentlemen took part in the famous conference at Syracuse between the manufacturers and woolgrowers just before the wool tariff of 1867 was enacted. This class of advocates of a high duty on wool claimed that if Congress would only maintain a duty on wool sufficiently high we might raise all the clothing wool consumed in this country. Furthermore, it was even predicted, if my memory is correct, that with a proper duty on carpet wool we might in time produce the bulk of the carpet wool used here.

In an article in the American Wool and Cotton Reporter of October 29, 1896, entitled: "An appeal to the woolgrowers," by Hon. William Lawrence, A. M., LL. D., president of the National Wool Growers' Association, Judge Lawrence states:

> At a meeting of the National Association of Manufacturers held at Chicago, January 21–23, 1896, Thomas Dolan, an eminent wool manufacturer, president of the association, said: "We are certain of our ability to feed ourselves and to procure at home all the primary substances from which fabrics are made."

Judge Lawrence, referring as to "What the full development of sheep husbandry would do for this country," stated:

> Ample protection for our wool industry would soon increase our flocks from less than 40,000,000 to 110,000,000.

Mark these words. At that time the Wilson bill with free wool was in force. Judge Lawrence predicted that "ample protection for our wool industry would soon increase our flocks from less than 40,000,000 to 110,000,000." Within nine months the Dingley bill, containing one of the highest wool tariffs which our country has ever seen, substantially the tariff in force today, was enacted. Did the prediction which Judge Lawrence made so confidently, that our sheep would increase 70,000,000 in numbers come true? Let us see. If we turn to the Statistical Abstract of the United States, we find that the highest number of sheep reported in this country in any one year since 1896 was in the year 1903, viz, 63,964,876; but on the other hand the number of sheep in this country in the year 1912 was only 52,362,000, showing a loss of over 11,000,000 sheep, and nearly 60,000,000 less in number than Judge Lawrence predicted, in spite of this high protection maintained ever since 1897.

It is somewhat remarkable that in the three States of California, Texas, and Ohio, which formerly produced wool in large quantities, that the census report shows a marked decrease in the number of sheep in the past 30 years. I quote figures from

page 4130 of the tariff hearings before the Ways and Means Committee, 1913.

Number of sheep of shearable age.

	1880	1910
California	5,727,000	1,456,000
Texas	3,652,000	1,440,000
Ohio	4,903,000	2,898,000

California had in 1910 but one-fourth of the sheep contained there in 1880; Texas, about 40 per cent, and Ohio a little over one-half. The reason for this decrease is because the land has become too valuable. The farmers find that they can make more money producing other crops, and our merino wool is now produced mainly in the Rocky Mountain section of our country.

Now, what is the case of carpet wool? This, as we all know, is the coarsest wool grown anywhere, and we have not raised a pound of carpet wool in this country since 25 or 30 years ago, when we used to get a little Navaho wool from Arizona and New Mexico. The fact is, we consume in this country between 500,000,000 and 550,000,000 pounds of wool per annum, of which something over 300,000,000 pounds is domestic wool, while the remainder is imported, of which something over 100,000,000 pounds is carpet wool coming from countries like Mongolia, East Indies, Turkey, Persia, and the steppes of Russia and other countries where the sheep have not been improved. The rest is clothing wool. Our own land is too valuable to raise carpet wool when we can raise other things to better advantage. In short, not only do we raise no carpet wool, but in spite of this high protection on wool the American sheep have not increased but diminished, and we are obliged to import about 45 per cent of our annual consumption.

Furthermore, it might appear to a man who had never studied this question, from the clamor which one hears about the wool clip and the protests against putting wool on the free list, that this is one of our principal agricultural products. Let us see how it compares with some other farm products. In 1909 the total value of the wool clip of the United States amounted to $65,472,328; the potato crop was worth $166,423,910; the egg product $306,688,960, the hay crop $824,004,077, and the corn crop $1,438,553,919, so that the wool clip is of small proportions compared with other farm products.

Mr. Chairman, there are many objections to a duty on wool. I will mention a few. My experience in business and study have taught me that—

(1) Under high protection our sheep have not increased, but have decreased in recent years.

(2) The tax is a hardship to the consumer.

(3) The manufacturer is handicapped by being unable to have free access to wool of all grades in the markets of the world. The present wool schedule has discriminated in favor of certain industries, prticularly the worsted mills. Many mills have gone out of business.

(4) Our sheep growers have given more attention to the raising of merino sheep than to mutton sheep.

(5) Both the methods used by our manufacturers and our wool growers, taken as a whole, have not been as modern and businesslike in all respects as those employed by their rivals abroad.

Before I take up these points specifically, I would say that the objections to a duty on wool have been well expressed in Taussig's Tariff History of the United States. Here the writer distinctly shows that the statement so often repeated that the number of pounds of wool required to make a suit of clothes is so small that the consumer pays very little increased cost on account of this tax on wool is entirely incorrect. The following statement is found on page 240 in the publication above referred to:

> Little can be said in favor of the duty on wool, and even on strictly protectionist grounds much can be said against it. Notwithstanding the cumbrous machinery of compensating duties, it undoubtedly has a hampering influence on the wool manufacture, and has been one factor, though perhaps not the most important, in confining this industry to the limited range that is so often complained of. As a tax on raw materials, it tends to bear with heavier weight than would be the case with the same duty on a finished product, since it is advanced again and again by the wool dealer, the manufacturer, the cloth dealer, the tailor, each of whom must have a greater profit in proportion to the greater amount of capital which the wool duty and the higher price of wool make it necessary for him to employ. So strong and so clear are the objections to duties of this kind that hardly another civilized country, whatever its general policy, attempts to protect wool.

Let us now consider the objections which I have named:

(1) I have already shown that under a high duty on wool, our domestic clip has failed to furnish us the supply needed.

(2) That the tax on wool is a burden upon the ultimate consumer has been shown in the article just quoted.

(3) While the average rate of duty paid on our importations in recent years is about 45 per cent, yet to get at the real extent of the present duty on wool one must consider the wools which are excluded by reason of the specific tax of 11 cents per pound upon wool in the grease, which shuts out all heavy shrinking wool of all kinds. The amount of Australian wool available for an American to buy under the present tariff is extremely limited. I am told by buyers of Australian wool that only about 10 per cent of the Australian clip is available, and that on the remainder the American buyer has his hands tied. On many wools the duty will run up to 200 per cent or even 300 per cent ad valorem. The duty to-day on Bagdad wool previously used here largely up to the Dingley tariff of 1897, which practically prohibited its entry, is 200 per cent to 300 per cent. I know this from experience. A buyer from America at the auctions in London, Antwerp, or Melbourne has only a limited selection on which he can bid. These wools, therefore, by reason of this competition, realize high prices, while the other grades are bought by German and English competitors at less prices, who thus have a great advantage over the American manufacturer.

The woolen manufacturers abroad are not handicapped like the American manufacturers. They can buy free of duty wools from any part of the world, to be made into goods sold in competition with the American manufacturers. They have free access to every wool market in the world, and pay no duty on their raw material. With the exception of Russia, no country in Europe levies a duty on wool. Raw wool, like raw cotton, is free of duty.

Taussig in his Tariff History of the United States, page 329, referring to the handicapped condition of the American manufacturers as compared with their foreign competitors, cites this testimony:

> Never until he had experience under free wool did the manufacturer realize the full extent of the disadvantages he suffers by reason of the wool duty, and the impossibility, by any compensating duty, of fully offsetting these disadvantages.

So much was said in a statement made before the Ways and Means Committee by the secretary of the Wool Manufacturers' Association. Bulletin of the Wool Manufacturers, March, 1897, page 84.

On the other hand, our mills, restricted by the tariff, have not in all cases been up to date in their methods. Furthermore, by the classification in the wool schedule in force since 1867, washed combing wools, used by the worsted mills, have paid but a single rate of duty—12 cents per pound—while there has been a double rate of duty—of 22 cents per pound—upon washed clothing wools used by the woolen mills.

This classification has worked in favor of the worsted mills and against the woolen mills. Moreover, when the fashion has changed from worsted to coarse woolen goods, such as cheviots, tweeds, and friezes, these same woolen mills have been prevented by a prohibitory tariff from importing cheviot and similar wool, used on account of their superior qualities by the manufacturers of Great Britain to make these same goods. For these and many other reasons the small woolen mills have, in my opinion, been very much handicapped.

We may hear before the date of the passage of this bill of certain manufacturers who say they are going to close down their mills or move their machinery abroad on account of the proposed tariff. I would like to ask how many woolen mills have gone out of business throughout this country from California to Maine and from Texas to New York since the famous Syracuse convention and the tariff of 1867? How many mills has this tariff literally put out of business? You will not find these figures in any speech made by the gentlemen on the other side of the aisle.

If we turn to page 741 of the Statistical Abstract of the United States, you will find that in the year 1870 there were 3,208 establishments engaged in the manufacture of wool in the United States; in 1880 there were 2,330; while in the year 1910 there were 1,124, a decrease of about 2,000 in 40 years. Of course it would not be fair to claim that the production of wool manufactures has not increased in the last 40 years, for it has more than doubled in value. What I do claim is that the present tariff on raw wool has been a handicap to the mills, particularly to the small woolen mills, and has worked in favor of the large worsted mills. While it is true that many of the woolen manufacturers have not asked for free wool recently, for many reasons, which I will not go into now, yet this has not always been the case. In 1889 there was presented to a Republican Congress a petition signed by over 500 woolen manufacturers and a long list of other persons in favor of free wool.

These signers represented every section of this country, and it is worthy of special attention at this time that many of these manufacturers represented the class of woolen mills of which I have spoken. Among the signers was the Nye & Wait Carpet Co., of Auburn, N. Y., a well-known concern located in the same town which the distinguished gentleman from New York [Mr. PAYNE] represents. I am proud to say that the wool firm of which I was a member at that time, H. C. Thacher & Co., was represented by my father's signature. I take this petition, to be found in the appendix of this article, from pages 4241–4244 of the published hearings before the Ways and Means Committee, which petition was contained in a very interesting brief by Mr. Frank P. Bennett, editor of the American Wool and Cotton Reporter, who appeared before this committee last January and advocated free wool.

(4) We now come to the consideration of the effect of the tariff upon the breed of sheep raised in this country. There is no doubt in my mind that the growers have given their main attention to the breeding of merino sheep, which produces fine wool but inferior mutton, and have neglected the growth of the crossbred sheep, which gives superior mutton but somewhat coarse wool. Now, you can not get choice mutton and choice wool from the same sheep. It is a law of nature that a merino sheep produces a large fleece of fine wool of heavy shrinkage, but yields an inferior quality of mutton. The crossbred sheep, such as the Southdown, Lincoln, and Shropshire, produce splendid mutton but a fleece of medium wool light in weight. England, for example, which produces the best mutton in the world, has no merino sheep whatever. One reason why the sheep growers have clung to merino sheep is because this sheep is the only breed which will herd closely together and can be grown in large numbers. The mutton sheep thrives best in small flocks. These crossbred sheep can be raised with profit, for choice mutton always commands good prices, and especially is this so with lambs. Mutton sheep can be grown with profit on high-priced land where merino sheep can not be grown advantageously. If we take England for example, we find that in the year 1910 Great Britain, with a total area less than New Mexico, considerably less than California, and less than one-half of the area of Texas, had 27,102,945 sheep, which yielded 141,940,000 pounds of wool. In other words, Great Britain contained in the year 1910 nearly 20 times as many sheep as either California or Texas. In spite of the fact that land in England is more valuable than in this country, the mutton-growing industry is very profitable, and English mutton is equal to any in the world. Free wool has not killed the sheep industry in England.

Mr. Thomas W. Page, a former member of the Tariff Board appointed by President Taft, has contributed a very interesting article on "Our Wool Duties" in the North American Review for April, 1913, from which I quote:

> Of all animals useful to man the merino sheep is best adapted to the waste places of the Temperate Zones. But except under unusual circumstances it is only to the waste places that it is adapted. For on land fertile enough to produce an average agricultural crop and situated so that the crop can be marketed to advantage, tillage is more profitable than pasturing merinos. The mutton from this variety of sheep is small in quantity and so inferior in quality, when uncrossed with other breeds or otherwise improved, as to make it a poor contributor to the meat supply. Except, therefore, where they are maintained for breeding purposes, the principal product sought from merions is their fleece. They yield a wool that for fineness of fiber and other qualities surpasses that of all other breeds. There is, however, a limited demand for such fabrics as require this particular wool, and this fact, of course, limits the price that can be got from it. For this reason sheep husbandry, to be profitable on land of much value, must yield mutton as well as wool.

I agree heartily with Mr. Page, and I believe that free wool, instead of destroying all the American sheep, would focus the attention of many of our farmers and woolgrowers on the growth of mutton sheep. It has only been in recent years that some of these men, finding that it was not profitable to raise wool on high-priced lands, have begun to turn their attention to mutton sheep. There are splendid opportunities in our country, not only to increase the supply of mutton where it is now grown, but also to raise mutton in other sections. Take the South for example. I believe that some day (when the question of the dogs, an enemy of the sheep, has been solved) that mutton sheep will be raised on the great range of mountains which extends from Pennsylvania to Georgia. The climate is comparatively mild, and the great markets are close at hand. Let us increase our supply of mutton in the United States. Good mutton from the right sheep is one of the best of all meats, and if we increase our supply of mutton, as I believe we can under free wool, we will thus help to reduce the high cost of living.

(5) We have now come to the consideration of the methods used by the growers in shipping their wool. It may be a surprise to you for me to say that I believe that the methods employed in the packing and shipment of our wools are, for the most part, behind those of other countries. We Americans are apt to pride ourselves on being up to date in our business methods, but our woolgrowers have certainly lagged behind in some respects as compared with their foreign competitors. For example, wools grown in Australia—which produces about 800,000,000 pounds per annum—in South America, in Africa, and even in such far-away countries as China, East India, and Persia, are, almost without exception, graded carefully and then shipped in compressed bales. In this way the wools can be readily shown when sold at auction or at private sale and can be shipped direct to the mills in compressed bales; and furthermore, the freight is much less than when shipped in loose and bulky bags not compressed, as in the case of domestic wool.

In this country the only two States, if I am not mistaken, which ship wools graded and packed in compressed bales are California and Oregon. The domestic fleece goes to the market for the most part ungraded and packed in bags, on which the freight is much heavier than if packed in compressed bales. What would be said of our cotton growers of the South should they persist in shipping all their cotton, not only to the northern mills, but also to Europe, in bags of the same kind as are used to ship wool in this country, while their competitors, the cotton growers of Egypt, were shipping their product in compressed bales, as at present? Yet this is just what our woolgrowers are doing.

When I was in the wool business with my father—and we began to do business with Texas in wool along with our business in raw cotton some 30 years ago—he at once discarded these old-fashioned methods, and all our wool which came from Texas was graded in Texas and then shipped in compressed bales to Boston. I believe that these modern methods which are employed in California and Oregon can be copied elsewhere in this country.

Mr. Chairman, in conclusion I would say that I began my remarks advocating free wool, and I shall keep to my text. I favor free wool because I believe it will help the American people. Free wool will benefit the manufacturer, the consumer, and will not destroy the sheep industry.

The Chatham Manufacturing Co., of Winston-Salem, N. C., filed a brief with the Ways and Means Committee, which may be found on page 4428 of the tariff hearings, in which the president, in a letter dated January 31, 1913, states:

> The present duty on wool and on blankets is entirely too high from my viewpoint as a Democrat standing on the platform and also as an American citizen. I think the country could stand free wool.

He further says:

> If nolls were made free, we could give the American people wool blankets at a price they are now paying for the best grades of cotton blankets. As I understand it, there are practically none imported now.

This manufacturer is right. Free wool means that the consumer will get better goods at a lower cost. He will buy for his wife and children better blankets and flannels, and clothing as well, which will contain more wool than those goods have to-day. There will not be so much cotton used in making clothing as at the present time. The consumer can secure for his wife and children warmer wool clothing than before, better adapted to withstand the cold winter weather. Thus clad the family will be, I believe, both healthier and happier.

Mr. Chairman, the Democrats have tried to keep faith with the people by reducing the duty upon some of the necessaries of life. They have reduced the ad valorem rate from 99.70 per cent upon women's and children's dress goods to 35 per cent; from 79.56 per cent upon ready-made woolen clothing and wearing apparel to 35 per cent; from 93.29 per cent upon flannels for underwear to 25 and 35 per cent; from 72.69 per cent upon wool blankets to 25 per cent, and so on all down the line.

In making these reductions the Democrats have kept their pledges. They have written this schedule with the purpose of removing some of the burdens from the shoulders of those who have not the money to clothe their families in linen and fine raiment, but who, out of their limited means, wish to buy good woolen fabrics at the lowest possible cost. These reductions and the other reductions made in the duties upon the necessaries of life to be found all through the bill will help to lighten the load resting on the shoulders of the consumer. Mr. Chairman, I give my most hearty support for free wool because it will benefit the great masses of the American people.

APPENDIX.

This petition, made to Congress in 1889, asking for free wool appears on pages 4241–4244 of the published hearings before the Ways and Means Committee held in January, 1913:

[Copied from the American Wool Reporter, p. 1161, issue of Dec. 19, 1889.]

To the honorable Senate and House of Representatives in Congress assembled:

The undersigned, being each and all of us engaged in growing, manufacturing, or dealing in wool, respectfully petition that the duties

on raw wool may now be removed or greatly reduced for the benefit of our domestic woolgrowers and woolen manufacturers alike. At a recent meeting of woolen manufacturers in Boston it was correctly stated "that the wholesale introduction into the United States of foreign wools in the form of finished fabrics, thereby displacing American wool, which would otherwise be consumed in American mills, is due to the unjust and illogical arrangement of the tariff. While the imports of clothing and combing wools have not materially increased, and the American production is materially decreasing of late years, notwithstanding the rapid growth in our population and the increasing per capita consumption of wool by this increasing population, the quantity of foreign wool introduced into this country in the shape of goods and yarns has increased to the enormous total of 141,474,144 pounds in 1888, equaling 44 per cent of our total home production of wools of all descriptions. The wholesale market value of our annual importations of manufactured wool exceeds by nearly 50 per cent the value of our annual wool clip."

As the only civilized country in the world, so far as we are informed, which levies a duty on raw wool, we ask that American industry may be relieved of this unnatural burden, and that our domestic wool interests may now be put upon the same wholesome basis as the cotton manufacturing industry, with free raw material.

Jesse Metcalf, agent Wanskuck Co.; Geo. B. Nichols, of Nichols, Dupee & Co.; Wm. J. Follett, of George Follett & Co.; M. T. Stevens, of M. T. Stevens & Sons; Robert Bleakie, of Robert Bleakie & Co.; Henry C. Weston, of Weston, Whitman & Co.; Eben Sutton, of Sutton's N. A. Mills; B. W. Evans, treasurer Blackstone Woolen Co.; Evans, Seagrave & Co.; Rowland Hazard, treasurer Peacedale Manufacturing Co.; Walter Stanton, of Converse, Stanton & Cullen; Henry Martin, of Martin, Lawrie & Co.; G. Z. Silsbee, treasurer Middlesex Co.; Noah Sagendorph, East Brookfield, Mass.; Arthur T. Lyman; Edw. W. Hooker, assistant treasurer and secretary Broad Brook Co.; T. B. Beach, secretary Beacon Falls Mill & Power Co.; John W. Croft, of Howland Croft, Sons & Co., Camden; A. Priestly & Co., Priestly Worsted Mills, Camden; Wm. M. Ayres, of Wm. Ayres & Sons, Philadelphia; Geo. W. Patton & Co., 38 North Front Street, Philadelphia; John Elliott, 1158 South Broad Street, Philadelphia; James Kitchenman, Huntingdon and Jasper Streets; S. Wood & Ward, Howard and Lehigh Avenues; Geo. W. Emlen, Third and Cumberland Streets; Z. Talbot, treasurer Holliston Mills; J. B. Little, treasurer Bay State Felt Boot & Shoe Co.; C. J. Amidon & Sons, Hinsdale, N. H.; Thos. Radcliffe, Radcliffe Bros., Birmingham, Conn.; Joseph Dews, treasurer Phoenix Woolen Co., East Greenwich; Chas. Dawson, Dawson Manufacturing Co., Holden, Mass.; Walter Aiken, Franklin, N. H.; Frank H. Colony Bros., Wilton, N. H.; Edwin Farrell, Woonsocket Worsted Mills; Geo. W. Olney, Cherry Valley, Mass.; E. D. Thayer, Worcester, Mass.; O. H. Perry, agent Middlesex Co., Lowell, Mass.; Connor Bros., Holyoke, Mass.; Ralph H. Damon, president Damon Manufacturing Co.; Salem C. Moses, treasurer Worumbo Manufacturing Co., Bath, Me.; S. E. Lee, agent Vassalboro Woolen Mills; H. Strusberg, jr., agent Germania Mills; C. Fox & Co., Stafford Springs, Conn.; Geo. H. Nye, Nye & Wait Carpet Co., Auburn, N. Y.; Wm. F. Wait, Auburn, N. Y.; D. M. Read, treasurer Read Carpet Co.; Owen Bros., agents Atlantic Mills, Providence, R. I.; Saxony Woolen Mills, Newburgh, N. Y.; Michael Collins, Collinsville, Mass.; C. L. Blanding Manufacturing Co., Providence, R. I.; Hudson River Woolen Mills, Newburgh, N. Y.; Lawrence, Webster & Co., Malone, N. Y.; F. A. Howarth, Oxford, Mass.; Chas. M. Beach, treasurer Broad Brook Co., Broad Brook, Conn.; W. E. Delabarre & Co., Conway, Mass.; Ellison Tinkham, president Carolina Mills Co., Carolina, R. I.; P. S. Peckham, jr., of P. S. Peckham & Co., Washington, R. I.; Benjamin Lucas, of B. Lucas & Co., Poquetannock, Conn.; Geo. Mabbett, agent Central Falls (R. I.) Woolen Mills; Frank E. Seagrave, treasurer Central Falls (R. I.) Woolen Mills; J. F. Phetteplace, president Central Falls (R. I.) Woolen Mills; Stephen O. Metcalf, treasurer Steere Worsted Mills; Berwick Woolen Mills, West Fitchburg, Mass.; James McTaggart, West Fitchburg, Mass.; Perseverence Worsted Co., Woonsocket, R. I.; Horace A. Kimball, Manton, R. I.; Richard Howard & Son, Apponaug, R. I.; Horatio Colony, Keene, N. H.; Weybosset Mills, Taft Weeden & Co., agents, Providence, R. I.; O. H. Hayes & Co., New York; Francis & Muller, New York; Bills & Davenport, New York; Schoff, Fairchild & Co., New York; Geneva Worsted Mills, by M. S. Ulman, treasurer, Providence; Rockfellow & Shepard, New York; John Lunn, Philadelphia; Esterheld & Co., Pekin Mills, Manayunk, Pa.; James Legg & Co., Mapleville, R. I.; W. R. Lawfer & Co., Allentown, Pa.; W. S. Woodman, Allentown, Pa.; Refnal Mills, Allentown, Pa.; J. H. Lawfer, Allentown, Pa.; H. C. Thacher, of H. C. Thacher & Co.; Franz & Pope Knitting Machine Co., Wm. Pope, president, Bucyrus, Ohio; John J. Currier, treasurer and director Bailey Hat Co., Newburyport, Mass.

And 131 others on the first list of signatures as printed in our issue of November 28. Since that time the following additional signatures have been obtained:

Swenarton & Keiser, New York; Mills & Co., New York; J. M. Valentine & Co., New York; T. B. Snow, New York; Rochester Knitting Works, Max Lowenthal, proprietor, Rochester, N. Y.; Alfred Bayliss, of Bayliss & Crandall, Utica, N. Y.; C. P. Crandall, of Bayliss & Crandall, Utica, N. Y.; Empire Scotch Cap Factory, Utica, N. Y.; S. Bradley & Sons, Allegheny City, Pa.; William Barker, jr., of S. Bradley & Sons, Allegheny City, Pa.; James A. Bradley, of S. Bradley & Sons, Allegheny City, Pa.; William H. Bradley, of S. Bradley & Sons, Allegheny City, Pa.; E. B. Smith, of Smith & Penfield, Delhi (N. Y.) woolen mills; L. J. Rossman, of Rossman Knitting Co.; B. F. Haigh, of Rossman Knitting Co.; William Oliver, secretary, treasurer, and general manager, Mississippi Mills, Weeson, Miss.; W. P. Sharp, of Home Knitting Works; C. E. Sharp, of Home Knitting Works; S. A. Sharp, of Home Knitting Works; Jefferson Woolen Mills, by Frank Stoppenbach, manager, Jefferson, Wis.; Robert A. Allison, secretary Jackson (Tenn.) Woolen Manufacturing Co.; W. T. Earnshaw, superintendent Jackson (Tenn.) Woolen Manufacturing Co.; P. J. Murray, manager oil mills, Jackson, Tenn.; N. S. White, banker, Jackson, Tenn.; John Y. Keith, wool raiser, Jackson, Tenn.; W. S. Small, farmer and sheep raiser, Jackson, Tenn.; W. P. Robertson, merchant and planter, Jackson, Tenn.; M. V. B. Exum, farmer and woolgrower, Jackson, Tenn.; John W. Theuz, banker and farmer, Jackson, Tenn.; Ashley Stonfield, sheep raiser, Jackson, Tenn.; Miles Standish, farmer, Jackson, Tenn.; Bruce Douglas, farmer, Jackson, Tenn.; Manley Armfield, planter, Jackson, Tenn.; J. C. Gooch, Jackson, Tenn.; A. C. Treadwell, Jackson, Tenn.; John Goodrich and 100 others, Jackson, Tenn.; D. Crowther & Son, Germantown, Pa.; Thomas P. Cope, jr., of Cope & Co., Philadelphia, Pa.; Alfred Cope, of Cope & Co., Philadelphia, Pa.; F. Hazen Cope, of Cope & Co., Philadelphia, Pa.; Howland Croft, of Howland Croft Sons & Co.; Smith Lightbottom; George Bustle, jr.; Michael Collins, Collinsville, Mass.; Christian Hess; Isaac Reldon; John Hammond; Joseph B. Underwood; A. Helliwell; Benjamin Lobley; Joseph Lobley; L. D. Rodibaugh, New Paris, Ind.; Claud Neilson, New Paris, Ind.; W. H. Reinoehl, of W. H. Reinoehl & Co., Reading, Pa.; O. B. Wetherhold, of W. H. Reinoehl & Co., Reading, Pa.; O. R. Delsart, of W. H. Reinoehl & Co., Reading, Pa.; Montgomery Merritt, of Henderson (Ky.) Woolen Mills; James S. Alves, woolgrower; W. S. Johnson, of Henderson (Ky.) Woolen Mills; Paul J. Marrs, of Henderson (Ky.) Woolen Mills; James R. Barich, of Henderson (Ky.) Woolen Mills; Dr. B. Alors, secretary of Henderson (Ky.) Woolen Mills; James Morning, superintendent of Henderson (Ky.) Woolen Mills; D. W. Boone, subsuperintendent of Henderson (Ky.) Woolen Mills; A. N. Taylor, carder boss, Henderson (Ky.) Woolen Mills; John Gust, spinner boss, Henderson (Ky.) Woolen Mills; B. T. Linton, loom boss, Henderson (Ky.) Woolen Mills; Philetus Beal, finisher, Henderson (Ky.) Woolen Mills; Edward Oberodorfer, wool dealer, Henderson (Ky.) Woolen Mills; George Metz, wool dealer, Henderson (Ky.) Woolen Mills; Morris Metz, wool dealer, Henderson (Ky.) Woolen Mills; Mann Bros.; Morris Baldauf, merchant; Edward Starr, clothier, Henderson, Ky.; Berry & Co., dry-goods merchants, Henderson, Ky.; Schlesinger & Geibel, dry-goods merchants, Henderson, Ky.; Thomas Soaper, Henderson, Ky.; I. W. Levan, Reading, Pa.; I. W. Levan & Son, Reading, Pa.; A. Erskine, manufacturer of blankets, shawls, etc., Third and Cumberland Streets, Philadelphia, Pa.; Thomas Duston, North Salem, N. H.; W. P. Hewitt & Co., Menasha (Wis.) Woolen Mills; Shuttleworth Bros., Amsterdam, N. Y.; O. H. Nordstraw, South Side, Punxsutawney, Pa.; D. W. McAllister, overseer, Punxsutawney, Pa.; F. W. Cheney, agent Athens (Ga.) Manufacturing Co.; Kanawha Woolen Mills, Frank Woodman, proprietor, Charleston, W. Va.; A. J. Cameron & Co., of New York and Philadelphia; C. B. Robinson, for Beargrass Woolen Mills, Louisville, Ky.; Lippit Woolen Co., by C. H. Merriman, treasurer, Providence, R. I.; Reedsburg Woolen Mill Co., W. H. Frence, manager, Reedsburg, Wis.; J. Turner & Sons Manufacturing Co., Cleveland, Ohio; Joshua Turner, Cleveland, Ohio; John G. Turner, Cleveland, Ohio; A. K. Wein, Cleveland, Ohio; N. H. Turner, Cleveland, Ohio; C. F. Keatley, manager of the Keatley Hosiery Manufacturing Co., Galena, Ill.; Stewart Bro. & Co., 1219 Temple Street, Philadelphia, Pa.; James S. Cochran, Tenth Street and Columbia Avenue, Philadelphia, Pa.; Rice, Bean & Co., Manayunk, Pa.; Fitzpatrick & Holt, Manayunk, Pa.; D. Levis Moore, Moore Alpaca Co., Philadelphia, Pa.; Thomas A. Pearce, Pennsylvania Hosiery Mills; D. Edwards & Sons, Ithaca, N. Y.; R. O. Edwards, Ithaca, N. Y.; D. D. Edwards, Ithaca, N. Y.; David Ellwood's Sons, Ithaca, N. Y.; C. H. Sanford, Glover, Sanford & Sons, Bridgeport, Conn.; H. B. Sanford, Glover, Sanford & Sons, Bridgeport, Conn.; E. G. Sanford, Glover, Sanford & Sons, Bridgeport, Conn.; Charles G. Sanford, Glover, Sanford & Sons, Bridgeport, Conn.; T. H. Sanford, Glover, Sanford & Sons, Bridgeport, Conn.; Glover E. Sanford, Glover, Sanford & Sons, Bridgeport, Conn.; Halfpenny, Campbell & Co. (Ltd.), Antes Fort, Pa.; H. T. Doebing, manager Davenport Woolen Mills, Davenport, Iowa; S. A. Jennings, president Davenport Woolen Mills Co.; J. M. Eldridge, stockholder in Davenport Woolen Mills; W. C. Wadsworth & Co., wholesale dry goods, Davenport, Iowa; Robert Krause, jobber of woolens, Davenport, Iowa; N. Moritz & Bro., jobber of woolens, Davenport, Iowa; M. Neidemann, jobber of woolens, Davenport, Iowa; A. B. Haipke, manufacturer of knit goods, Davenport, Iowa; August Steffin, jobber of dry goods, Davenport, Iowa; J. H. C. Petersen's Sons, dry goods, Davenport, Iowa; W. D. Petersen, Davenport, Iowa; H. F. Petersen, Davenport, Iowa; Joseph Froehlich, dealer in woolens, Davenport, Iowa; Isaac Rothchild, dealer in woolens, Davenport, Iowa; W. S. Ritcher, director Davenport (Iowa) Woolen Mills Co.; I. H. Sears, Davenport (Iowa) Woolen Mills Co.; L. M. Ficher, sheep raiser; A. Stratliek, dealer in dry goods, Davenport, Iowa; J. H. Hiner, dealer in dry goods, Davenport, Iowa; John Dutton, overseer in woolen mill, Davenport, Iowa; James W. Robertson, general manager Porter Manufacturing Co., Clarksville, Ga.; James Williamson & Co., Germantown, Pa.; William Jameson, Germantown, Pa.; C. A. Reynolds, King Philip Mills, Davisville, R. I.; William F. Perry, president Forest Mills Co., Bridgeton, Me.; J. F. Brailler, superintendent Forest Mills Co., Bridgeton, Me.; Louis Kraemer & Co., Stony Creek Mills, Reading, Pa.; W. Ward, superintendent Riverside and Oswego Mills, Providence, R. I.;

Seth Humphrey, Lower Merion, Montgomery County, Pa., owner; Charles Ohara, superintendent Mills & Co., New York; Swenarton & Kiser, New York; J. W. Dodge, president Dodge-Davis Manufacturing Co., New York; C. H. Proctor, overseer, Dodge-Davis Manufacturing Co., New York; H. C. Whipple, treasurer Dodge-Davis Manufacturing Co., New York; H. Beckman, North Ohio Blanket Mills, Cleveland, Ohio; Samuel Lea & Son, 1148 St. John Street, Philadelphia, Pa.; M. H. Heynemann, of Heynemann & Co., San Francisco, Cal.; Sig. Greenebaum, of Greenebaum & Co., San Francisco, Cal.; J. R. Manury & Co., Philadelphia, Pa.; J. R. Sullivan, dry goods, Oswego Falls, N. Y.; Connell & Patterson, dry goods, Oswego Falls, N. Y.; Bennett & Stewart, dry goods, Oswego Falls, N. Y.; Farrell & Son, merchant tailors, Oswego Falls, N. Y.; H. Amdursky, clothing, Oswego Falls, N. Y.; J. C. O'Brien, dry goods, Oswego Falls, N. Y.; A. R. Nery, dry goods, Oswego Falls, N. Y.; H. Rosenbloom, dry goods and clothing, Oswego Falls, N. Y.; H. J. Peoples, clothing, Oswego Falls, N. Y.; J. H. Lee, department overseer, Riverside and Oswego Mills; W. R. Hamilton, department overseer, Riverside and Oswego Mills; J. B. Phillips, department overseer, Riverside and Oswego Mills; J. H. Wilson, department overseer, Riverside and Oswego Mills; R. Harrison, department overseer, Riverside and Oswego Mills; Charles B. Sheard, overseer, Riverside and Oswego Mills; A. F. Williams, overseer, Riverside and Oswego Mills; Henry Pollard, section overseer, Riverside and Oswego Mills; Wright Motham, section overseer, Riverside and Oswego Mills; Thomas G. Gill, section overseer, Riverside and Oswego Mills; Crossley Holmes, section overseer, Riverside and Oswego Mills; William Bower, section overseer, Riverside and Oswego Mills; Joseph Bower, section overseer, Riverside and Oswego Mills; John Burns, section overseer, Riverside and Oswego Mills; C. A. Van Leuvan, section overseer, Riverside and Oswego Mills; C. H. McCaffray, section overseer, Riverside and Oswego Mills; David Hartigan, section overseer, Riverside and Oswego Mills; James Winters, section overseer, Riverside and Oswego Mills; J. H. Fairguere, section overseer, Riverside and Oswego Mills; William F. Read, Victoria Mill, Philadelphia, Pa.; George Grayson & Co., Philadelphia, Pa.; J. A. Buguey, superintendent Waumbeck Co., Milton Mills, N. H.; Carl Freschel, of Kalamazoo Knitting Co., Milwaukee; L. L. Tabor, of Kalamazoo Knitting Co., Milwaukee; Louis H. Elbromer, of Kalamazoo Knitting Co., Milwaukee; George G. Granger, 22 Broad Street, Boston, Mass.; E. C. Caswell, of E. C. Caswell & Co., Bloomsburg, Pa.; J. M. Staver, of E. C. Caswell & Co., Bloomsburg, Pa.; John F. Hayle, carder for E. C. Caswell & Co., Bloomsburg, Pa.; C. W. McCaslin, spinner for E. C. Caswell & Co., Bloomsburg, Pa.; E. L. Caswell, boss weaver for E. C. Caswell & Co., Bloomsburg, Pa.; George W. Yost, engineer for E. C. Caswell & Co., Bloomsburg, Pa.; Miles M. Bet, finisher for E. C. Caswell & Co., Bloomsburg, Pa.; Elias E. Shaeffer, weaver for E. C. Caswell & Co., Bloomsburg, Pa.; Joseph Ruckle, dresser for E. C. Caswell & Co., Bloomsburg, Pa.; John Custred, weaver for E. C. Caswell & Co., Bloomsburg, Pa.; Daniel L. Jones & Co., Philadelphia, Pa.; Concord Woolen Mills, Nicojack, Ga.; Porter Manufacturing Co., Clarksville, Ga.; Sulloway Mills, A. W. Sulloway, treasurer, Franklin, N. H.; John S. Collins, Gilsum, N. H.; L. Farr & Son, of Ogden Woolen Mills, Ogden City, Utah; Newton Farr, Ogden City, Utah; and Ezra Farr, Ogden City, Utah.

Mr. UNDERWOOD. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, I was somewhat amused at the speech of the gentleman from Wyoming [Mr. MONDELL], the gentleman whose State has, I believe, 4,000,000 or 5,000,000 sheep; and, if I remember correctly, evidence has been submitted which shows that it cost 12 cents a pound to produce wool in Wyoming, while it cost less than one-twentieth of a cent per pound to produce it in the State of Washington. Does the gentleman believe that the American people ought to be taxed to continue the wool industry in Wyoming, when wool can be produced for one-twentieth of a cent a pound in Washington? What is done for the lawyer if he fails in the practice of law? He quits the practice; he goes to selling goods, teaches school, or he farms. What becomes of the blacksmith if he fails at the forge? He goes into some other business. What becomes of the banker if he fails? He must do something else. But what shall we say of the woolgrower in Wyoming, where it is said it costs 12 cents a pound to produce wool? Shall the American people be taxed, and heavily taxed, in order that the sheep may continue to graze along the babbling brooks of Wyoming? [Laughter and applause on the Democratic side.] Is that the doctrine of the Republican Party? It is, and has been all these years.

Mr. STEPHENS of Texas rose.

Mr. HEFLIN. Mr. Chairman, I have not the time to yield now, although I would be delighted to yield to my friend. The gentleman speaks of 57,000,000 sheep in the United States, and suggests that great injustice is about to be done these sheep.

I want to remind the gentleman that in this Republic of ours there are nearly 57,000,000 of human beings who do not own their homes. On which side are you; for your sheep that graze by the babbling brooks of Wyoming, or are you on the side of these homeless human beings that God has with His image blessed? [Applause on the Democratic side.] You stand here clamoring for protection for sheep and protection for various other things. It is dimes and dollars, dollars and dimes——

Mr. MONDELL. Will the gentleman yield?

Mr. HEFLIN. No; I am sorry, but I can not yield. This side of the House pleads for human welfare; this side of the House pleads for the rights of the plain people; this side of the House has determined to cut the profits of your trust magnates and your tariff barons and to give the under man a chance in this country. [Applause on the Democratic side.] While you are begging for protection for your sheep we ask for protection to the American boy. We pit the American boy against your Wyoming sheep, and the Democratic Party is on the side of the boy. You may stand by your sheep. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, we are told that the sheep business is dwindling and we can not afford to profitably raise them; that the business has gone out of existence because the farms can more profitably raise other products than sheep. I would like to have the gentleman who thus speaks go into the State of Ohio that produced in 1910 almost 4,000,000 of sheep upon acres of ground that are certainly worth as much in the market as the acres upon the farms of the State in which the gentleman lives. I would like to have him go through the county in which I live, that has a premium for live-stock raising that was won at St. Louis, and yet going through these counties you will see sheep upon the various farms; instead of sheep being in opposition to modern methods of farming——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. FESS. I only have five minutes.

Mr. BUCHANAN of Illinois. Ohio produces a large amount of Democrats, too.

Mr. FESS (continuing). Instead of the sheep industry being in opposition to the fertility of the soil, I assert that the sheep industry helps to fertilize the soil. If that is not true, then how does it come that in Great Britain, with a soil but 4 inches deep, you have a more fertile soil in many respects than we do in our own country, stated to be due to the sheep business there in Great Britain? The Member from New York [Mr. HARRISON] said we should not continue the sheep-raising business in this country because we can buy the sheep from Australia and from South Africa and from South America. He stated in the same breath that the demand for sheep was so great in Europe that the price of sheep in Europe was almost equal to what it is here. Let me ask him this question: If the price of sheep in the foreign markets is equal to what it is here under a protective duty, then, in the name of God, what will it be when the American sheep-growing industry is destroyed and our country subject to the monopoly of a foreign market? That is the only thing that prevents the continued rise of the price of wool. [Applause on the Republican side.]

Here is a proposition, presumably in the interest of the consumer, that proposes to displace the American woolgrower for the sake of the woolgrowers of Australia, South Africa, South America, Europe, and Asia.

The pitiable 11 cents duty for the protection of this great American industry must be removed. This woolgrower must compete with the foreign woolgrower, whose labor cost is small in comparison. The woolgrower of Australia can market his wool as entire profit from his sheep, the actual cost being met from other sources, as meat, and so forth. From his wool he realizes $1.31 per head, while the American grower has a charge of from 11 to 19 cents per pound for his wool. If woolgrowing is not a legitimate industry because, as you say, we can not compete with the foreign grower, and ought therefore to cease raising wool and employ our farms in other products, then you can not deny that the purpose of this bill is to displace woolgrowing for some other product of the farm. That means the 300,000,000 pounds annual production of the United States, the 50,000,000 pounds from the 4,000,000 sheep of Ohio—the farmers' Shropshire, known the world over not only for its fleeces but for its meats—must be lost to the American grower in order that you may satisfy an un-American theory, namely, go to other lands for your wool, and this at a time when the prices of meat are still increasing to the consumer. It goes without saying, if you make woolgrowing unprofitable by a law in favor of the foreign grower, you will not only lose the home-grown wool but the meat on which the wool grows. You, in the interest of the consumer of meat, are here proposing to decrease the meat production.

This new theory, this Democratic theory, that estimates the wealth of our country by what we are compelled to buy rather than by what we produce—in other words, the theory that

measures your wealth by what you do not have rather than by what you do have—proposes to lower the cost of living by reducing the production of the things upon which we live. And all this in the hope that free wool will mean free clothes and free sheep will mean free meat.

The small amount of wool in the make-up of any suit will make a very slight difference in the cost by virtue of the 11 cents duty. Who will get this reduction? Do you suppose for a moment the consumer will get it? You know that a suit that costs $25 now will not sell for $24.10 by virtue of 90 cents saved by the reduction of 11 cents duty on wool. In order to save the 90 cents to the consumer you are proposing to destroy this great industry.

But we are told it will not destroy it. My answer to all such statements is a simple reference to the free-wool provision of the Wilson tariff, when the price of sheep would not pay for the transportation rates from the city of Xenia to Buffalo. The woolgrowing industry has never yet recovered from the effects of that law.

Reports declare that the acreage for woolgrowing in foreign countries is not increasing, which, if true, means you will not by this measure cheapen the price of foreign wool, but, on the other hand, this bill will increase the price at the expense of the consumer. It would be wisdom for this Government to stand by the policy of encouraging sheep growing in this country, not only to clothe our people but to feed them as well. I know that an argument designed to encourage American enterprise has no place in this House in these days. This majority has in a hundred instances, both by speech and vote, declared that an appeal on behalf of the American producer for the sake of continuing the existence of the American consumer, the great laboring class of our population, is out of place here. Here in the National House of Representatives we are faced with this un-American policy that looks to the cash balances of the importer rather than to the condition of our producers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, hitherto I have succeeded in not yielding to the temptation to talk to this committee, but through all of these ramifications of talk I had hoped that there might come a lucid interval to the membership of this House on the left-hand side of this aisle in this discussion, and I want, if I can, to draw a parallel on this paragraph to a condition that has prevailed for a number of years in the State from which I come. Kentucky is the great producer, as you know, of tobacco. For over 25 years the tariff rates on imported tobacco that are carried in this bill have been in the bills that have been upon our statute books. The price in former years that the growers of tobacco were enabled to realize ranged from 3 to 6 and 7 cents a pound for their tobacco. The tariff tax on tobacco ranged from $2.45 a pound down to 25 cents a pound, and that tax rate in the law has been in the statute for 25 years, and during that time the price of tobacco has been as low as 3 cents. It now ranges as high as 15 cents a pound. If this 11-cents-a-pound tariff on wool helps the farmer one cent, answer me, some man on that side of the aisle, why it is that the farmers raising tobacco in Kentucky, with this tariff customs tax ranging from 25 cents a pound to $2.45 per pound, were only able to realize 3 cents a pound for their tobacco? Why did they not realize a price commensurate with the protective tariff rate on tobacco?

If your argument is a sound argument and an unanswerable one, that this 11 cents a pound finds it way into the pockets of the farmer, why was it that the farmers who raise tobacco could not realize some of the alleged benefits from the protective duty on tobacco? He does not and he did not do it. The tobacco raiser in Kentucky went down into the very shadow of the Valley of Death, because there was but one buyer—the Tobacco Trust. The Kentuckians went into that fight and won, as they usually do. They fought the trust, and to-day the price of that product, as I have said, ranges from 10 to 20 cents a pound. Your tariff tax on tobacco has been the same during the entire period—a fixed quantity. Through all that time not a cent of it found its way to the pockets of the tobacco raiser. Just so not a cent of the 11 cents finds its way into the pockets of the woolgrower. Why? Because of your Woolen Trust. We raise in my district the same type of wool that is raised in Ohio, and it commands the highest price, ranging from 15 to 32 cents in the last decade, more often under 20 cents than above it. But where is our enemy? Where is the enemy of the woolgrower? It is the Woolen Trust. Put this tax as high as the dome of this Capitol, if you please, and the farmer will never realize anything more for his wool than the trust is compelled to pay. He will simply pay the price at which it can be exported at a profit. The Woolen Trust gives the farmer the same kind of a deal on his wool that the Tobacco Trust gives the tobacco grower for his tobacco.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HELM] has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, the difference between the theorists upon that side is illustrated by the remarks of the gentleman who has just spoken. I understood my friend from Kentucky to say that the farmer realizes nothing at all as the result of the tariff on wool, and I understood my friend from New York to say, openly and frankly, that if this bill went into effect he contemplated that the present woolgrowing and sheep-raising industry of the State of Ohio would practically be wiped out of existence. The best test, Mr. Chairman, of mere vapid theories is the statement of the facts. It has been said in this debate there was not any difference between the price of wool here and the price abroad. Let us see what the facts are. The actual facts are shown in the following table, setting forth the differences in prices between the London and Boston markets. The comparison is made on the basis of the price of wool in the grease and for the period from September, 1912, to February, 1913. Probably the difference would not be so great to-day, for the price of the farmers' wool has fallen very rapidly of late under the impending threat of free trade as exemplified by this bill. The table is as follows:

Grade.	Shrinkage.	London.	Boston.
	Pr. ct.	*Cents.*	*Cents.*
Fine staple	67	15¾	21½=5¾
Fine clothing	67	15¾	20 =4¼
One-half blood	60	18	22 =4
Three-eighths blood	58	16¾	23¾=7
One-fourth blood	52	16½	23½=7
Braid	47	17	25 =8

The facts are that in last February a fleece of Idaho wool, a fine staple wool, sold on the London market at grease prices, at 15¾ cents a pound, and that the same fleece sold in Boston at 20½ cents a pound, a difference of 5¾ cents per pound. And yet it is said that the tariff makes no difference in the price that the farmer gets. Half-blood wool sold on the London market at 18 cents a pound; it sold on the Boston market at 22 cents a pound, a difference of 4 cents. Three-eighths blood wool sold on the London market at 16¾ cents; on the Boston market at 23¾ cents a pound, a difference of 7 cents a pound. And so on with the different grades, making an average of between 6 and 7 cents a pound.

The same thing is shown by the following table explaining the difference in prices between London and Boston markets on the basis of the grease pound. A fleece of Ohio wool was cut in two, one half being sent to the London market, the other half to the Boston market. The same thing was done with fleeces of Oregon and Wyoming wool, respectively.

The results obtained are shown in the table.

	London price.	Boston price.	Difference.
	Cents.	*Cents.*	*Cents.*
Ohio	19½	26¾	7
Oregon	14½	20	5½
Wyoming	15¾	21	5¼

There is not any question about it, Mr. Chairman, and when gentlemen are frank they admit it.

I compliment our friends on the other side of the aisle for having been frank at least occasionally. They said in their report, when the wool bill was up before, that it was estimated that eventually wool would be put on the free list. In their report on the wool bill of 1911 the Democratic members of the Ways and Means Committee said, page 26:

> It is maintained by a very large number of our best economists and statesmen that the economic situation involved in our rapid progress as a Nation requires that our ports should be thrown open to the importation of wool free of duty; and this view, based on the most profound consideration of the public welfare, has found expression in Democratic legislation. It is the constant intent of the Democratic Party to make the burden of tariff taxes as light as possible for the people, and to levy tariff taxes on a revenue basis as promptly as possible, for the party recognizes no justification whatever for tariff taxes except the necessity of revenue.

In some remarks that I made then I prophesied if the Democrats had control of the Government wool would be placed on the free list. On that occasion I said:

> In other words, it is perfectly clear that there is no intention to maintain any protective duty whatever on wool. I think I am perfectly fair

in making that statement and am not misrepresenting anybody. So the woolgrowers of the country ought to understand that they are face to face with the proposition of free wool. We have torn the mask aside, and we know where our good friends, the enemy, are located on this proposition.

Various able, eloquent gentlemen on the Democratic side said: "No; that is not a doctrine of our party." Even so late as last October, the President of the United States said at Pittsburgh:

The Democratic Party does not propose free trade or anything approaching free trade.

And even when the Ways and Means Committee went into the discussion of this subject, as we learned this morning from the able and eloquent gentleman from Texas [Mr. GARNER], the alert protector of the goat industry, the committee itself decided that there ought to be a duty on wool of 15 per cent ad valorem. Yet, though that was the judgment of the committee, when certain conferences were held, and when the pie counter was in sight with the viands distributed upon it in plain view of the hungry and assembled host, and when the brethren were given to understand that access thereto would not be easy to them and their friends unless there would be a change in this rate, these gentlemen said: "Our opinion amounts to nothing." They said: "We will abandon all we have recommended and put wool on the free list, but goat hair must still be protected 20 per cent ad valorem." The able gentleman from Alabama, who spoke a few moments ago, worries a good deal about the farmer's boy. Ah, Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN] is not talking in favor of the farmer's boy. I am here to speak in favor of the farmer's boy of Ohio, and the gentleman from Alabama is talking in favor of the half-naked sheep herders of South Africa working for $2 per month, with whom he wants to bring our boys into competition. [Applause on the Republican side.]

I am speaking in favor of the small farmers of Ohio. Mr. Chairman, I had not intended to say anything more upon this bill. I had already expressed at some length my views concerning it. But I did not feel that I could fulfill my duty to the people who sent me here if I should sit here silent in the face of the avowed proposition that a great industry of Ohio is to be stricken down, that the market which the American farmer has had for his product is to be taken from him, and sheep raising and woolgrowing are to be driven from the land, without any benefit to consumers or anyone else. This bill takes all the tariff off the farmers' wool, but the product of the Woolen Trust is protected. If we are to have free wool, why not free clothes? I did not feel that I could fulfill my duties if I said nothing at all, and so, Mr. Chairman, in the name of the small farmers, in the name of the farmers' boys of Ohio, in the name of American labor, in the name of 600,000 woolgrowers in the United States, I protest against the passage of this infamous, ill-considered, illogical, unfair free-trade bill. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 16 minutes.

Mr. MANN. May I ask the gentleman from Alabama [Mr. UNDERWOOD] if he intends to have any more speeches on that side?

Mr. UNDERWOOD. There will be only one more speech on this side.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 10 minutes.

Mr. LENROOT. Mr. Chairman, during the course of this debate we have heard a great deal from the Democratic side as to their keeping the pledges that they had made to the American people. Whenever some item has been discussed where they have admitted that their rates are an injustice to the producer, they have said that it was necessary because they had promised in their platform to reduce the cost of living to the American people.

And now I want to direct the attention of that side of the aisle for a moment to a consideration of this schedule and to ask whether they have kept the promises they made to the American people in the framing of it. I read from the Democratic platform of 1912:

Articles entering into competition with trust-controlled products and articles of American manufacture which are sold abroad more cheaply than at home should be put upon the free list.

You promised that articles entering into competition with trust-controlled products would be put upon the free list the first time you had an opportunity to write a tariff law.

Now, Mr. Chairman, is there a Woolen Trust in this country? I do not know whether there is or not; but if there is, you promised to put their products upon the free list. I would not vote to do so if I believed there was a trust, because I would not be willing to destroy the industry for the purpose of destroying the monopoly. You said you would. Is there a Woolen Trust?

Mr. Chairman, upon that question I want to call a most convincing witness to the Democratic side, a man whose word is absolute law to them, and it is the gentleman from Alabama [Mr. UNDERWOOD]. On the 7th day of June, 1911, Mr. UNDERWOOD used this language:

There is nobody in this country who does not know that the American Woolen Co. to-day fixes the price of woolen goods; that is a monopoly; that is a trust.

Now, have you kept your promise? Or have you repudiated the gentleman from Alabama? If you have repudiated him, it is the first time that you have done so. His word has been absolute law unto you, and the gentleman from Alabama may well say, paraphrasing the epigram credited to Louis XIV, "The Democratic majority—I am the Democratic majority."

And, Mr. Chairman, I want to direct an inquiry to the Members of the Progressive Party in the House. There have not been many of them present during the debates upon this schedule—and I am not surprised at that, because two years ago their leader, the gentleman from Kansas [Mr. MURDOCK], when we were considering this very schedule, used this language:

Believing as I do that the duty carried on worsted for men's and women's wear in this bill is indefensible, that it is an outrage upon the entire population, I am firmly convinced that if the Members of this House should come to understand the facts in the case a majority of the Members could no more be induced to put a duty on worsteds than they could be to put it on coal oil.

A little later he said:

I can not see for the life of me how anyone in the American Congress can aid the Worsted Trust by putting a tariff on worsteds, either as a frankly avowed measure of protection or under the pretense of a tariff for revenue only.

The gentleman from Kansas [Mr. MURDOCK] in this debate so far has been as silent as the grave. Neither has he offered the amendment that he offered two years ago to put tops and worsted goods upon the free list. I wonder why? Have the Progressives repudiated their leader upon this proposition, or as a condition of admission to the new party was he compelled to recant this heresy upon his part? [Applause on the Republican side.] I hope, Mr. Chairman, that the latter was the case.

I want to congratulate the Democratic side upon the fact that they have broken this promise that they made to the American people, even though there be a Woolen Trust, for I do not want to see the woolen industry destroyed. Destroy the monopoly, but save the industry.

Now, Mr. Chairman, just a moment with reference to these two bills. The substitute bill offered by the gentleman from New York [Mr. PAYNE] is a protective measure and at the same time reduces every rate in the present Schedule K. It is consistent, and in accord with the report of the Tariff Board.

How is it with your bill? Like your cotton bill it is not consistent at any point in it. You put wool upon the free list, but so far as protection to the woolen manufacturer is concerned you have given him upon the coarse and cheap woolen cloths a greater amount of protection than this Republican bill gives to them. But how many times in the past have you upon the other side, in your well-deserved denunciation of Schedule K, said, "If you put us in the majority we will reduce the rates; we will cut the rates to the very bone upon these woolen cloths that the poorest people in the United States must buy and use." And yet in this very bill your rates upon the cheapest woolen cloths are 5 per cent higher than are the protection rates in the Republican bill.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] is a high protectionist. He is honest; but I am glad that the gentleman from Pennsylvania [Mr. MOORE] made the speech that he did, so long as he holds the views that he does with reference to Schedule K, in his defense of the present schedule. I have thought sometimes during this debate, from his much speaking and his high protective tariff views, that the country might be led to believe that a considerable number upon this side of the aisle were in accord with him. But honest as he is and industrious as he is, there are not a handful upon this side of the aisle who hold the views that he does, and in voting upon this woolen schedule we will have an opportunity of demonstrating to the country that the Republican Party is sincere in its advocacy of honest protection based upon the report of a tariff commission. [Applause on the Republican side.]

Now, Mr. Chairman, we have heard upon that side of the aisle a great many times the cry that their purpose in all tariff legislation is to give equal rights to all and special privileges to

none. And yet this very bill, and your method of framing tariff bills, is more open to favoritism and discrimination and special privilege than the Republican protective position can possibly be. You put wool on the free list, but a 20 per cent duty upon the hair of the Angora goat. You put flour upon the free list, but you keep a high duty upon rice. And so I could go on picking out items of necessity to the American people where you have arbitrarily said, "Free trade upon this article, but a high tariff on another article." Can there be any worse kind of favoritism than that? The Republican position of protection, equaling the difference in cost of production at home and abroad, if it be a special privilege at all, applies to all alike, protecting them only from unfair competition from abroad, and I say there can not be such a thing as special privilege when the vast majority of the people of the country have equal benefits from the privilege, whatever it may be. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, the Republicans made an appropriation under which President Taft appointed a Tariff Board, consisting of three Republicans and two Democrats, who brought in a unanimous report as to the facts involved in the production of wool and woolen goods, both in this and other countries.

We on this side of the House stand by our guns, stand by the report of the Tariff Board, and we present a woolen schedule, based upon the information ascertained by this Tariff Board. [Applause on the Republican side.]

For years the woolen schedule has been a point of controversy in the country, and for probably the first time in the history of tariff making in this country we now propose a scientific adjustment of Schedule K, and we will confidently appeal to the country in favor of tariffs based upon information rather than tariffs based upon guesswork. All through industrial life to-day people are learning the necessity of scientific information and scientific processes. Even in this legislative body we are learning it, although the learning so far has only permeated this side of the House, and has not penetrated to the Democratic majority. [Applause on the Republican side.]

I believe we will present a solid front, and I hope on this proposition we may have the support of those Republicans temporarily estranged from our party, soon to return, who now call themselves Progressives, as we call ourselves Republicans, because in the end Republicanism means progression. [Applause on the Republican side.]

Mr. Chairman, a few moments ago the distinguished gentleman from New York [Mr. HARRISON], always candid and always a free trader, logically in the process of his reasoning, said that free wool meant the death knell of woolgrowing in the United States, which he declared ought to be because it was logical.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HARRISON of New York. I am sure that my good friend does not wish to misrepresent——

Mr. MANN. Well, cut that part of it out; I never misrepresented anybody.

Mr. HARRISON of New York. I said no such thing, but I tried to show just the contrary—that the tariff on wool does not now protect the woolgrowers.

Mr. MANN. The gentleman from New York declared—and I know he will not change his remarks—that free wool meant the death knell of the woolgrowing industry in the United States for the purpose of growing wool. Only a few days ago the gentleman from Georgia [Mr. HARDWICK] the former chairman of the special committee on sugar, declared that this bill meant the death knell of sugar growing in Louisiana and Texas. One by one they admit that they propose to kill the industries of the country. One kills the sugar industry to-day, another kills the woolgrowing industry to-morrow, another kills the wool manufacturing the next day. Do they think that as they kill these off one by one they are not killing them off altogether? The injury comes to the country all at once. We might do it if it was only wool; we might do it if it was only the cotton manufacture, or if it was only the woolen manufacture, or one kind of any other kind of manufacture; but when we propose at one time to do injury to the great mass of industries throughout the country, you and I will learn that that can not be done and retain the prosperity in the land, for God knows I hope prosperity will remain in spite of your legislation; and I know that in the long run the American people, with their common sense, will return to such economic policies as will make sure of the prosperity which God and nature entitle us to have. [Loud applause on the Republican side.]

Mr. UNDERWOOD. [Applause on the Democratic side.] Mr. Chairman, the distinguished leader of the Republican Party congratulates himself and his party on the fact that they are learning something. We are glad to join with them in these congratulations, but I would like to inquire which part of the Republican Party is learning something in view of the substitute you offer?

It is a well-known fact, and neither the gentleman from Illinois nor the proponent of the measure, the gentleman from New York, will deny the fact that the members of the Ways and Means Committee representing your side of the House are not united on this substitute. Why, the gentleman from Pennsylvania [Mr. MOORE] this morning repudiated your bill, and there are other Republican members of the Ways and Means Committee besides the gentleman from Pennsylvania sitting before me now that you know repudiate your bill and spurn it as not Republican and not scientific.

I would like to know which of your representatives on the committee and on the floor are learning something, since they occupy two different positions in reference to the substitute the gentleman proposes. [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANN. We are all learning on this side of the House [applause on the Democratic side], which can seldom be said of the other side of the House. [Applause on the Republican side.] There is much greater unanimity among the minority members of the Ways and Means Committee on the Payne substitute than there was among the majority members on the wool proposition when it was in committee. [Applause on the Republican side.]

Mr. UNDERWOOD. That is where the gentleman is mistaken. The Democratic Party never has levied a duty upon raw wool for protection. In 1911 and 1912 it brought a bill before this House taxing raw wool, and then I stated to the gentleman from Illinois in answer to his question that that tax was levied for revenue. When you levy a revenue tax it is within our principles that it should be levied at a revenue rate. It is not a matter of principle as to the article on which that revenue rate shall fall, it is a matter of economy and a matter of selection.

I will say to the gentleman that when this bill was reported to this House it left the Ways and Means Committee with a unanimous vote of the majority members of the committee. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. UNDERWOOD. Just a question.

Mr. MANN. Is it not, or is it, a fact, as current rumor reports, that a majority of the present Ways and Means Committee, including the gentleman from Alabama, were in favor of a tariff on raw wool, and only changed their minds at the request of the President of the United States?

Mr. UNDERWOOD. Mr. Chairman, the gentleman knows that we were in favor of a tax on raw wool at one time, because we reported two bills to the last Congress containing a tax on raw wool.

Mr. MANN. My question related to this Ways and Means Committee at this session of Congress.

Mr. UNDERWOOD. Mr. Chairman, I will state to the gentleman candidly——

Mr. MANN. Oh, I have no desire to embarrass the gentleman and am willing to relieve him from responsibility.

Mr. UNDERWOOD. It is no secret. I will state it candidly. Yes; the bill when originally written had a tax of 15 per cent on raw wool. The difference between the gentleman's party and our party is that we can get together and you can not. [Applause on the Democratic side.] We got together for the benefit of the American people. The gentleman from Illinois says that that side is learning. Yes; it is learning something. It is learning that the sentiment of the American people is behind the principles of the Democratic Party, and it is learning to follow Democracy and is following it in this schedule. It was only four years ago when you reported a bill to this House and refused to revise or cut down the iniquitous tax that you had maintained on the clothes of the American people for 50 years, and it was not until we had been given control of this House that we taught you a lesson and taught you the way to go. [Applause on the Democratic side.]

Now, you contend that you have written this substitute bill in conformity with the report of the Tariff Board. Mark you, these rates, when raw wool is eliminated from the equation, are substantially the same as those in our first bill, introduced before the Tariff Board made a report. Eliminating raw wool from the equation, they are on an equal basis. What do you do? You no longer maintain the prohibitive rates on tops and yarns and cloths and woolen goods. Of course, I recognize the

fact that you were ashamed to copy exactly our rates, but you tried to do it, and approached it in an indirect way. We levy a tax of 15 per cent on tops from which the yarn is spun. You levy a rate of 18 cents a pound on scoured wool, and you carry into the top paragraph 20 cents a pound on the wool contents and 10 per cent ad valorem. In other words, on the tops you add 2 cents per pound more than you say is the rate that should be charged on scoured wool. I recognize the fact that the Tariff Board estimated that this was the necessary compensatory duty. Instead of putting this at an ad valorem rate in your 10 per cent, you carry it in your specific rate. Do you mean to say, as the gentleman from New York said, that on tops there is a difference between the substitute and our bill of 10 and 15 per cent? When you increase the charge on scoured wool, that goes into the 2 cents per pound?

Mr. PAYNE. Mr. Chairman, I do not like to interrupt the gentleman, but I desire to correct him. The duty on scoured wool is 19 cents a pound.

Mr. UNDERWOOD. And on grease wool you have 18 cents and on scoured 19.

Mr. PAYNE. Oh, no.

Mr. UNDERWOOD. Nineteen cents. Of course, you can allow for the 1 cent per pound if you want to in a specific rate or in the ad valorem rate. We would allow for the compensatory duty in the ad valorem rate, while you allow for it in the specific rate, where you put it in as an equivalent for the duty on raw wool. That raise of 1 cent per pound on scoured wool approximates 2 per cent ad valorem.

And what is the result? In a comparison of the two bills on a free-wool basis the real result is that the duty amounts to about 12 per cent against our 15 per cent. Now, I say you were ashamed to come right up and accept our figures. Now, when you come down to yarns, instead of carrying 19 cents per pound on scoured wool in the yarn you increase this specific duty on yarns to 21½ cents per pound and then add an ad valorem rate varying from 10 to 25 per cent, according to value, increasing the duty for raw wool from 19 to 21½ cents per pound and again raising the ad valorem equivalent in the same way, following the old process that has marked the iniquities of the woolen schedule in the last 40 years. On cloth they do the same thing, except raising it higher and higher. They put on cloth valued at more than 40 cents and not more than 60 cents a pound 26 cents a pound on the wool content therein, although they say 19 cents is a fair tax on scoured wool, and then add 35 per cent. On cloth valued at more than 60 cents and not more than 80 cents they place 26 cents per pound and 40 per cent ad valorem, and on those above 80 cents and not more than $1, 26 cents per pound and 45 per cent, and so on, raising the schedule as they go; and yet the gentleman from Wisconsin [Mr. LENROOT], knowing that, actually stated to the House that our bill was higher than the rates in the present law. But, of course, I know what he meant.

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. The gentleman means this substitute.

Mr. LENROOT. Does not the gentleman know that that merely takes care of the loss in the wool?

Mr. UNDERWOOD. Of course I do. If the gentleman had been listening for the last 15 minutes he would have heard me say that it takes care of the loss of wool, and that the Tariff Board estimated it——

Mr. LENROOT. But with free wool you do not have to do that and you would not if you had free wool——

Mr. UNDERWOOD. I did not yield to the gentleman to make a speech. Of course, when you are comparing it on a free-wool basis, free wool loses as much in the manufacture as taxed wool. Does the gentleman think because wool comes in free at the customhouse that there is not as much waste as when it comes in taxed? Of course not. I can not yield to the gentleman to make a speech. There is no difference, except that you are trying to hide some protection in this bill that you do not want the American people to find. That is it. [Applause on the Democratic side.] Now, you say that you have written this tax in conformity with the report of the Tariff Board. I admit that when you cut out your tax on raw wool that on tops and yarns there is very little difference in the bill. On the lower grade articles—woolen goods—you are about the same as we are, but when you go to the higher grade articles you go very much higher than we do, but you are approximating the basis that we made. You follow the way we showed you to go. But the real question involved is whether or not you should levy this tax on raw wool in conformity with the Tariff Board's report. Now, there is not a man on the floor of this House who ever read that Tariff Board report who does not know that the Tariff Board reached a Scotch verdict on raw wool. You know it and I know it. There is not one line in that report that says you should tax raw wool, or you should not, and it is an open secret that the board divided on that question as to whether or not raw wool should be taxed. Now, which side of this Tariff Board are you following? That is the question. You are writing this tariff bill, you say, in conformity with the report of the Tariff Board, a scientific Tariff Board report, but you can not say which side of it you are following.

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. Not right now. I want to give you some information. [Applause on the Democratic side.]

Mr. MONDELL. I shall enjoy it.

Mr. UNDERWOOD. Mr. Thomas Walker Page, a distinguished member of that board, recently wrote an article in the North American Review, giving his position in reference to the question as to whether or not raw wool should be taxed. He was a member of the board, and he wrote this article as a review of his work. I will ask the Clerk to read the portion of this memorandum that I have marked.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In the North American Review for April, 1913, Mr. Page says:

"To the average American sheep raiser the wool duties are only an incidental aid; to the genuine woolgrower they are of real assistance, but they are inadequate to prevent the gradual merging of this industry in that of the mutton producer. To neither, therefore, do they bring a benefit that economically justifies their retention. From the standpoint of the manufacturer these duties are undeniably an evil. They raise the price of his raw material, increase the amount of capital necessary in his business, enhance his costs of production, and make it impossible for him to compete for trade in neutral markets. More than this, they completely bar him from the use of important varieties of wool that are available abroad. South Africa, for example, exports about 125,000,000 pounds of wool as fine and, for many purposes, as useful as any that is grown, but the amount we take of it is negligible. The explanation of this is found in the fact that the duties are specific payments on a pound of wool 'in the grease'—that is, in its natural condition as it leaves the sheep's back. But in each class of grease wool there are many varieties which differ not only in length, strength, luster, and fineness, but also in the quantity of oil and other impurities they contain, so that some varieties when scoured yield much less clean fiber than do others. These variations appear not only in sheep of different breeds or from different regions, they are also found in different parts of the same fleece. Thus wool from the neck, breech, or belly shows a different shrinkage in scouring from that of wool on the rest of the body. Naturally the American buyer abroad can now take only wool of a good yield. The heavy shrinking wool is often excellent for his purposes, but when the duty is estimated on its clean content he finds that he can not afford to import it." Prof. Page charges that the reason why the duties on woolen cloth have continued so high has been the disposition of American manufacturers to profit by compensatory duties imposed for the purpose of offsetting the tariff on raw wool, but fixed at so high a point as to be much more than compensatory. Furthermore says he, "It is well known that the greater part of the woolen fabrics that enter commerce are not all wool." In summing up he uses the following strong language: "It must be admitted that there is good reason why this particular raw material should not be taxed. In all other countries with any industrial development except Russia the importation of wool is free. Our tax on it, therefore, puts our manufacturers at an insuperable disadvantage in neutral markets, and it would have the same effect in the domestic market but for the compensatory duties. The importance of properly adjusting these duties becomes evident when it is remembered that while the annual output of our wool crop is less than $60,000,000, the annual output of our wool-using industries is more than $700,000,000. As they now stand our compensatory duties are a glaring abuse in our tariff system, and are responsible for much of the popular outcry against it. It seems, however, to be impossible to adjust them fairly, and to repeal them involves the total repeal of the duties on wool. It follows from what has been said that whether they are studied with regard to their effect on the production or the manufacture of wool the wool duties are without economic justification."

Even with reference to the business side of the sheep-raising industry Mr. Page says:

"The industry as a whole would not materially suffer; it would even make a substantial gain in being freed from the necessity of playing politics and relieved of the uncertainty and anxiety that will hamper it as long as the duties are there to be defended. There would be a temporary setback owing to panic, but forces that are already at work would soon build up the industry along new lines and on a more stable foundation."

[Applause on the Democratic side.]

Mr. UNDERWOOD. They say that the tax on raw wool is written in conformity with the Tariff Board's report in this bill. There is a witness which I present to you, a distinguished member of the Tariff Board, who says that the duties on raw wool are without justification. And, more than that, it is a well-known fact that the chairman of the Tariff Board did not believe in levying duties on raw wool.

And yet you come before this Congress, not asking to legislate on your judgment, on your own ability, but you come here to-day and tell us that you have been taught a lesson and you want to write that lesson on the statute books, and when we call your teacher to testify he refuses to stand for a statement that you have made to the House. [Applause on the Democratic side.]

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. I will not yield.

Mr. PAYNE. Of course he will not. He does not dare to yield.

Mr. UNDERWOOD. I can not have the gentleman taking my time. It is too valuable right now.

Mr. MONDELL. It would be embarrassing.

Mr. UNDERWOOD. I have a very great admiration for the distinguished gentleman from New York [Mr. PAYNE], a man of the highest character and fearless honesty when it comes to anything else but the tariff; but he has been so badly trained as to the way in which he should go on the tariff that he could not write a wool schedule, even if he tried, without putting jokers in it. [Laughter.]

Now, he has told the people of the United States that although he taxed the wool from which clothes were made he is going to give them free wool carpets. He will tax the material that keeps them warm from the winter's snow, but he will give them untaxed carpets to walk upon. He did not do it; he just told them he was going to do it. He has two classifications in this bill, first and second class wool. On second-class wool he puts the rate of 7 cents per pound, and then follows it with a proviso and says that it shall come in free if it is used for making carpets. But he also says in this bill:

Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

And that means they have to pay 19 cents per pound on scoured wool. But he goes on further and says:

If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1.

Now, I am informed by men who buy wool, who import wool, that it is almost impossible to-day to find wool that is all class 2, without some of the finer grades of wool being mixed with it. Why? Because everyone is trying to improve his sheep. Everyone is mixing the high-bred sheep with the low-bred sheep.

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I will answer it for you.

Mr. PAYNE. The gentleman is not talking to the Democratic caucus; he is talking to the House of Representatives.

Mr. UNDERWOOD. I will tell it.

Mr. PAYNE. You do not tell it to anybody.

Mr. UNDERWOOD. I got this information only a day or two ago, although I knew it to be a fact before, from a manufacturer of carpets in your own State.

He told me that he hoped that this distinction that you were trying to draw would not be maintained, because it was only a fraud. [Applause on the Democratic side.] He said it was only a fraud; that it was almost impossible to find a bale of second-class wool, and that carpet wool, or a large proportion of it, under this bill would be classed as wool of class 1.

Mr. PAYNE. Is that the situation in the present law?

Mr. UNDERWOOD. I am not through with the gentleman yet.

Mr. PAYNE. You are not proving anything.

Mr. UNDERWOOD. Now, here is the bill that I hold in my hand, the bill that the gentleman from New York [Mr. PAYNE] offers as a substitute, and he says that it was prepared by the Tariff Board. My friends, I am sure that the gentleman from New York should not charge this to the Tariff Board. The Tariff Board already has enough sins to bear. You should not send it down into history, or try to do so, bearing the errors and iniquities of this substitute that you have offered to-day. [Applause on the Democratic side.]

Listen to this. Here is the way they class wools, or try to class them:

The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound.

Now, mark: Imported in their natural condition, the duty shall be 7 cents a pound, and if scoured, 19 cents a pound. It will be noted that there is no provision for washed wool of class 2. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired.

Mr. PAYNE. I ask unanimous consent that the gentleman from Alabama may have half an hour and that I may have five minutes afterwards.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] submits a request for unanimous consent that the gentleman from Alabama [Mr. UNDERWOOD] may have half an hour and that he may have five minutes. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman very much for his courtesy, but inasmuch as the country expects us to do business I must decline to accept it and must insist on our going on.

The CHAIRMAN. Objection is made.

Mr. PAYNE. The gentleman does not dare to do it.

Mr. UNDERWOOD. Mr. Chairman, I will insert as a part of my remarks, under the leave already given, a comparison of the rates in the Payne law with the proposed bill.

Following is the comparison referred to:

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910.

7. CLASS I,[1] WOOL ON THE SKIN, UNWASHED.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)	700,192	[2] 1,000,000	
Value	$124,642.00	$170,000.00	
Average unit	$0.178	$0.17	
Duties	$70,019.00	$72,000.00	
Rate	10c. per lb.	16c. per lb. on wool content.	Free.
Equivalent ad valorem (per cent)	56.18	42.35	

[1] Classification of 1909. [2] Shrinkage 55 per cent, p. 383, Tariff Board report.

7. WOOL, NOT ON THE SKIN, UNWASHED.

Imports:			
Quantity (pounds)	68,645,199.00	100,000,000	
Value	$15,185,794.00	$20,000,000.00	
Average unit	$0.221	$0.20	
Duties	$7,550,972.00	$8,100,000.00	
Rate	11c. per lb.	18c. per lb. (wool content).	Free.
Equivalent ad valorem (per cent)	49.72	40.50	

7. WOOL, ON THE SKIN, WASHED.

Imports:			
Quantity (pounds)	280	1,000	
Value	$51.00	$190.00	
Average unit	$0.182	$0.19	
Duties	$59.00	$144	
Rate	21c. per lb.	16c. per lb. (wool content).	Free.
Equivalent ad valorem (per cent)	115.29	75.77	

7. WOOL, NOT ON THE SKIN, WASHED.

Imports:			
Quantity (pounds)	88	[1] 25,000	
Value	$27.00	$5,500.00	
Average unit	$0.307	$0.22	
Duties	$19.00	$4,050.00	
Rate	22c. per lb.	18c. per lb. (wool content).	Free.
Equivalent ad valorem (per cent)	71.70	73.63	

[1] Shrinkage of 45 per cent.

7. WOOL, SCOURED.

Imports:			
Quantity (pounds)	126	15,000	
Value	$42.00	$4,800.00	
Average unit	$0.329	$0.32	
Duties	$42.00	$2,850.00	
Rate	33c. per lb.	19c. per lb.	Free.
Equivalent ad valorem (per cent)	100.19	59.37	

7. CLASS II,[1] WOOL ON THE SKIN, WASHED AND UNWASHED.

Imports:			
Quantity (pounds)	70,812	70,000	
Value	$16,717.00	$16,800.00	
Average unit	$0.236	$0.24	
Duties	$7,789.00	$8,400.00	
Rate	11c. per lb.	16c. per lb. (wool content).	Free.
Equivalent ad valorem (per cent)	46.60	50.00	

[1] Classification of 1909.

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910—Continued.

7. WOOL, NOT ON THE SKIN, WASHED OR UNWASHED.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)	8,787,594	[1] 9,000,000	
Value	$2,314,039.00	$2,340,000.00	
Average unit	$0.263	$0.26	
Duties	$1,054,511.00	$1,215,000.00	
Rate	12c. per lb.	18c. per lb. (wool content).	Free.
Equivalent ad valorem (per cent)	45.57	51.92	

[1] Shrinkage 25 per cent, Tariff Board report, pp. 399, 400.

7. WOOL, SCOURED.

Imports:			
Quantity (pounds)	40	1,000	
Value	$12.00	$320.00	
Average unit	$0.30	$0.32	
Duties	$14.00	$190.00	
Rate	36c. per lb.	19c. per lb.	Free.
Equivalent ad valorem (per cent)	120.00	59.38	

7. CAMEL'S HAIR, WASHED OR UNWASHED.

Imports:			
Quantity (pounds)	55,911	[1] 60,000	
Value	$14,391.00	$15,000.00	
Average unit	$0.257	$0.25	
Duties	$6,709.00	$6,480.00	
Rate	12c. per lb.	18c. per lb. (wool content).	Free.
Equivalent ad valorem (per cent)	46.62	43.20	

[1] Shrinkage estimated at 40 per cent.

7. HAIR OF THE ANGORA GOAT, ETC., WASHED OR UNWASHED.

Imports:			
Quantity (pounds)	[1] 2,029,925	1,800,000	
Value	$632,330.00	$576,000.00	
Average unit	$0.312	$0.32	
Duties	$243,591.00	$279,000.00	
Rate	12c. per lb.	18c. per lb. (wool content).	20.00
Equivalent ad valorem (per cent)	38.52	48.43	

[1] Shrinkage, 14 per cent; see p. 612, Tariff Board report.

8. CLASS III,[1] WOOL ON THE SKIN, WASHED OR UNWASHED, VALUED AT 12 CENTS OR LESS PER POUND.

Imports:			
Quantity (pounds)	3,206,003	[2] 5,000,000	
Value	$333,847.00	$550,000.00	
Average unit	$0.104	$0.11	
Duties	$96,180.00	$2,500.00	
Rate	3c. per lb.	[3] 0.05c. per lb.	Free.
Equivalent ad valorem (per cent)	28.81	0.46	

[1] 1909 classification.
[2] Shrinkage 45 per cent, p. 413, Tariff Board report.
[3] When imported and manufactured into carpets.

8. WOOL NOT ON THE SKIN, VALUED AT 12 CENTS OR LESS PER POUND, WASHED OR UNWASHED.

Imports:			
Quantity (pounds)	76,353,267	[1] 90,000,000	
Value	$8,401,691.00	$9,900,000.00	
Average unit	$0.11	$0.11	
Duties	$3,054,131.00	$63,000.00	
Rate	4c. per lb.	0.07c. per lb.	Free.
Equivalent ad valorem (per cent)	36.35	0.35	

[1] When imported and made into carpets, etc.

8. CAMEL'S HAIR, RUSSIAN, WASHED OR UNWASHED.

Imports:			
Quantity (pounds)	143,085	100,000	
Value	$15,519.00	$11,000.00	
Average unit	$0.108	$0.11	
Duties	$5,723.00	$70.00	
Rate	4c. per pound.	.07c. per lb.	Free.
Equivalent ad valorem (per cent)	36.88	.64	

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910—Continued.

8. CAMEL'S HAIR, WASHED OR UNWASHED, NOT ON THE SKIN, VALUE EXCEEDING 12 CENTS PER POUND.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)	30,084,658	45,000,000	
Value	$5,508,034.00	$8,100,000.00	
Average unit	$0.183	$0.18	
Duties	$2,105,926.00	$31,500.00	
Rate	7c. per pound.	.07c. per lb.	Free.
Equivalent ad valorem (per cent)	38.23	.39	

8. CAMEL'S HAIR, RUSSIAN, WASHED OR UNWASHED, VALUE EXCEEDING 12 CENTS PER POUND.

Imports:			
Quantity (pounds)	[1] 3,693,542	4,000,000	
Value	$594,273.00	$600,000.00	
Average unit	$0.161	$0.15	
Duties	$258,548.00	$280,000.00	
Rate	7c. per pound.	7c. per pound.	Free.
Equivalent ad valorem (per cent)	43.51	46.67	

[1] See hearings, p. 4311—used for press cloth.

10, 11, 14, AND 15, TOP, SLUBBING, ROVING, RING, GARNETTED, THREAD, YARN, AND ALL OTHER WOOL WASTES, N. S. P. F.

Imports:			
Quantity (pounds)	44,310	100,000	
Value	$17,184.00	$40,000.00	
Average unit	$0.388	$0.40	
Duties	$8,862.00	$14,000.00	
Rate	20c. per lb.	8c., 9½c., 11c., 14c. or 18c. a lb.	Free.
Equivalent ad valorem (per cent)	51.57	35.00	

12 AND 13, NOILS, CARBONIZED AND NOT CARBONIZED.

Imports:			
Quantity (pounds)	[1] 232,054	300,000	
Value	$124,520.00	$165,000.00	
Average unit	$0.537	$0.55	
Duties	$46,413.00	$36,000.00	
Rate	20c. per lb.	11c. or 14c. per lb.	Free.
Equivalent ad valorem (per cent)	37.27	21.88	

[1] Includes wool extract.

16. SHODDY AND MUNGO.

Imports:			
Quantity (pounds)	No imports.	1,000	
Value	No imports.	$70.00	
Average unit	No imports.	$0.07	
Duties	No imports.	$80.00	
Rate	25c. on shoddy per lb. 10c. on mungo per lb.	8c. per lb.	Free.
Equivalent ad valorem (per ent)		114.28	

17. WOOLEN RAGS AND FLOCKS.

Imports:			
Quantity (pounds)	85,933	500,000	
Value	$26,303.00	$130,000.00	
Average unit	$0.306	$0.26	
Duties	$8,593.00	$10,000.00	
Rate	10c. per lb.	2c. per lb.	Free.
Equivalent ad valorem (per cent)	32.67	7.69	

18. COMBED WOOL OR TOPS.

Imports:			
Quantity (pounds)	283	2,000	
Value	$176.00	$1,000.00	
Average unit	$0.622	$0.50	
Duties	$157.00	$500.00	
Rate	36¾c. per lb. and 30 per cent.	20c. per lb. and 10 per cent.	15.00
Equivalent ad valorem (per cent)	88.95	50.00	

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910—Continued.

19. WOOL AND HAIR, ADVANCED.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)	594	3,000	
Value	$536.00	$3,750.00	
Average unit	$0.902	$1.25	
Duties	$498.00	$975.00	
Rate	33c. per lb. and 50 per cent or 44c. per lb. and 55 per cent.	20c. per lb. and 10 per cent.	15.00
Equivalent ad valorem (per cent)	92.91	26.00	

20. YARNS, VALUED NOT ABOVE 30 CENTS PER POUND.

Imports:			
Quantity (pounds)	324	500	
Value	$84.00	$125.00	
Average unit	$0.259	$0.25	
Duties	$118.00	$66.00	
Rate	27½c. per lb. and 35 per cent.	21½c. per lb. and 10 per cent (wool content).	
Equivalent ad valorem (per cent)	141.07	52.80	20.00

20. YARNS, VALUED OVER 30 CENTS PER POUND.

Imports:			
Quantity (pounds)	60,706	200,000	
Value	$59,386.00	$184,000.00	
Average unit	$0.978	$0.92	
Duties	$47,127.00	$89,000.00	
Rate	38½c. per lb. and 40 per cent.	21½c. per lb. and 25 per cent (wool content).	
Equivalent ad valorem (per cent)	79.36	48.37	20.00

21. CLOTHS, VALUED NOT OVER 40 CENTS PER POUND.

Imports:			
Quantity (pounds)	10,123	15,000	
Value	$3,524.00	$5,100.00	
Average unit	$0.348	$0.34	
Duties	$5,103.00	$3,280.00	
Rate	33c. per lb. and 50 per cent.	25c. per lb. and 30 per cent (wool content).	
Equivalent ad valorem (per cent)	144.79	64.31	35.00

21. CLOTHS, VALUED OVER 40 CENTS, NOT MORE THAN 70 CENTS PER POUND.

Imports:			
Quantity (pounds)	282,240	300,000	
Value	$166,659.00	$180,000.00	
Average unit	$0.59	$0.60	
Duties	$207,515.00	$115,000.00	
Rate	44c. per lb. and 50 per cent (wool content).	26c. per lb. and 35 per cent (wool content).	
Equivalent ad valorem (per cent)	124.51	63.89	35.00

21. CLOTHS, VALUED ABOVE 70 CENTS PER POUND.

Imports:			
Quantity (pounds)	3,921,318	4,000,000	
Value	$4,513,584.00	$4,800,000.00	
Average unit	$1.15	$1.20	
Duties	$4,207,851.00	$3,440,000.00	
Rate	44c. per lb. and 55 per cent.	26c. per lb. and 50 per cent (wool content).	
Equivalent ad valorem (per cent)	93.23	71.67	35.00

21. KNIT FABRICS, VALUED NOT ABOVE 40 CENTS PER POUND.

Imports:			
Quantity (pounds)	12	1,000	
Value	$4.00	$350.00	
Average unit	$0.348	$0.35	
Duties	$6.00	$230.00	
Rate	33c. per lb. and 50 per cent.	25c. per lb. and 30 per cent (wool content).	
Equivalent ad valorem (per cent)	144.75	65.71	35.00

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910—Continued.

21. KNIT FABRICS, VALUED ABOVE 40 CENTS AND NOT ABOVE 70 CENTS PER POUND.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)	1,007	2,500	
Value	$658.00	$1,600.00	
Average unit	$0.652	$0.64	
Duties	$772.00	$1,000.00	
Rate	44c. per lb. and 50 per cent.	26c. per lb. and 40 per cent (wool content).	
Equivalent ad valorem (per cent)	117.44	64.37	35.00

21. KNIT FABRICS, VALUED ABOVE 70 CENTS PER POUND.

Imports:			
Quantity (pounds)	7,780	40,000	
Value	$8,423.00	$44,000.00	
Average unit	$1.08	$1.10	
Duties	$8,059.00	$32,400.00	
Rate	44c. per lb. and 55 per cent.	26c. per lb. and 50 per cent (wool content).	
Equivalent ad valorem (per cent)	95.62	73.64	35.00

21. PLUSHES AND OTHER PILE FABRICS.

Imports:			
Quantity (pounds)	7,480	20,000	
Value	$8,990.00	$19,000.00	
Average unit	$1.20	$0.95	
Duties	$8,236.00	$13,750.00	
Rate	44c. per lb. and 55 per cent.	26c. per lb. and 45 per cent (wool content).	
Equivalent ad valorem (per cent)	91.61	72.37	35.00

21. WOMEN'S AND CHILDREN'S DRESS GOODS, ETC., VALUE NOT OVER 40 CENTS PER POUND.

Imports:			
Quantity (pounds)	275	3,000	
Value	$89.00	$990.00	
Average unit	$0.324	$0.33	
Duties	$135.00	$672.00	
Rate	33c. per lb. and 50 per cent.	25c. per lb. and 30 per cent (wool content).	
Equivalent ad valorem (per cent)	151.97	67.87	35.00

21. WOMEN'S AND CHILDREN'S DRESS GOODS, ETC., VALUED ABOVE 40 CENTS AND NOT ABOVE 70 CENTS.

Imports:			
Quantity (pounds)		2,000,000	
Value	$537,949.00	$1,160,000.00	
Average unit		$0.58	
Duties	$560,736.00	$796,000.00	
Rate		26c. per lb. and 35 per cent (wool content).	
Equivalent ad valorem (per cent)	104.22	68.62	35.00

21. WOMEN'S AND CHILDREN'S DRESS GOODS, ETC., VALUED ABOVE 70 CENTS PER POUND.

Imports:			
Quantity (pounds)		7,000,000	
Value	$2,828,917.00	$6,860,000.00	
Average unit		$0.98	
Duties	$2,796,011.00	$4,907,000.00	
Rate		26c. per lb. and 45 per cent (wool content).	
Equivalent ad valorem (per cent)	98.83	71.53	35.00

21. FELTS, NOT WOVEN.

Imports:			
Quantity (pounds)	90,680	100,000	
Value	$115,482.00	$125,000.00	
Average unit	$1.27	$1.25	
Duties	$109,188.00	$88,500.00	
Rate	44c. per lb. and 60 per cent.	26c. per lb. and 50 per cent.	
Equivalent ad valorem (per cent)	84.55	70.80	35.00

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910—Continued.

22. BLANKETS, VALUED NOT MORE THAN 40 CENTS PER POUND.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)	1,821	2,000	
Value	$604.00	$680.00	
Average unit	$0.332	$0.34	
Duties	$582.00	$371.00	
Rate	22c. per lb. and 30 per cent.	23½c. per lb. and 20 per cent (wool content).	
Equivalent ad valorem (per cent)	96.34	54.66	25.00

22. BLANKETS, VALUED OVER 40 CENTS, BUT NOT ABOVE 50 CENTS PER POUND.

Imports:			
Quantity (pounds)	1,132	2,000	
Value	$539.00	$940.00	
Average unit	$0.476	$0.47	
Duties	$562.00	$588.00	
Rate	33c. per lb. and 35 per cent.	23½c. per lb. and 25 per cent (wool contents).	
Equivalent ad valorem (per cent)	104.28	62.45	25.00

22. BLANKETS, VALUED OVER 50 CENTS PER POUND.

Imports:			
Quantity (pounds)	39,421	50,000	
Value	$45,678.00	$55,000.00	
Average unit	$1.16	$1.10	
Duties	$31,280.00	$28,250.00	
Rate	33c. per lb. and 40 per cent.	23½c. per lb. and 30 per cent (wool content).	
Equivalent ad valorem (per cent)	68.48	51.36	25.00

22. BLANKETS, OVER 3 YARDS LONG.

Imports:			
Quantity (pounds)	6,013	20,000	
Value	$5,153.00	$20,000.00	
Average unit	$0.857	$1.00	
Duties	$5,377.00	$14,200.00	
Rate		26c. per lb. and 45 per cent (wool content).	
Equivalent ad valorem (per cent)	104.35	71.00	25.00

22. FLANNELS FOR UNDERWEAR, VALUED NOT ABOVE 40 CENTS PER POUND.

Imports:			
Quantity (pounds)	10		
Value	$4.00		
Average unit	$0.39		
Duties	$3.00		
Rate	22c. per lb. and 30 per cent.	23½c. per lb. and 20 per cent.	
Equivalent ad valorem (per cent)	86.41		25.00

22. FLANNELS FOR UNDERWEAR, VALUED ABOVE 40 CENTS AND NOT ABOVE 70 CENTS.

Imports:			
Quantity (pounds)	709	4,000	
Value	$437.00	$2,440.00	
Average unit	$0.616	$0.61	
Duties	$471.00	$1,202.00	
Rate	33c. per lb. and 35 per cent; 44c. per lb. and 50 per cent.	23½c. per lb. and 30 per cent (wool content).	
Equivalent ad valorem (per cent)	107.78	49.26	35.00

22. FLANNELS FOR UNDERWEAR, VALUED ABOVE 70 CENTS PER POUND.

Imports:			
Quantity		150,000	
Value	$128,433.00	$150,000.00	
Average unit		$1.00	
Duties	$119,749.00	$80,250.00	
Rate	11c. per sq. yd. and 55 per cent or 44c. per lb. and 55 per cent.	23½c. per lb. and 30 per cent (wool content).	
Equivalent ad valorem (per cent)	93.26	53.50	35.00

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910—Continued.

23. READY-MADE CLOTHING AND ARTICLES OF WEARING APPAREL, N. S. P. F. HATS OF WOOL.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)	87,676	90,000	
Value	$171,924.00	$175,500.00	
Average unit	$1.96	$1.95	
Duties	$141,732.00	$128,700.00	
Rate	44c. per lb. and 60 per cent.	26c. per lb. and 60 per cent (wool content).	
Equivalent ad valorem (per cent)	82.44	73.33	25.00

23. KNITTED ARTICLES.

Imports:			
Quantity (pounds)	293,478	350,000	
Value	$391,923.00	$455,000.00	
Average unit	$1.34	$1.30	
Duties	$364,285.00	$302,250.00	
Rate	44c. per lb. and 60 per cent.	26c. per lb. and 55 per cent (wool content).	
Equivalent ad valorem (per cent)	92.95	66.43	35.00

23. SHAWLS, KNITTED OR WOVEN.

Imports:			
Quantity (pounds)	16,939	35,000	
Value	$18,035.00	$42,000.00	
Average unit	$1.06	$1.20	
Duties	$18,274.00	$32,200.00	
Rate	44c. per lb. and 60 per cent.	26c. per lb. and 55 per cent (wool content).	
Equivalent ad valorem (per cent)	101.33	76.67	35.00

23. ALL OTHERS.

Imports:			
Quantity (pounds)	576,040	650,000	
Value	$1,608,156.00	$1,787,500.00	
Average unit	$2.79	$2.75	
Duties	$1,218,351.00	$1,202,500.00	
Rate	44c. per lb. and 60 per cent.	25c. per lb. and 60 per cent (wool content).	
Equivalent ad valorem (per cent)	75.76	67.27	35.00

24. MANUFACTURES OF WOOL, N. S. P. F., WEBBINGS, GORINGS, BANDINGS, BINDINGS, ETC.

Imports:			
Quantity (pounds)	31,969	50,000	
Value	$72,439.00	$100,000.00	
Average unit	$2.27	$2.00	
Duties	$59,448.00	$57,800.00	
Rate	50c. per lb. and 60 per cent.	26c. per lb. and 50 per cent (wool content).	
Equivalent ad valorem (per cent)	82.07	57.80	35.00

24. ALL OTHERS.

Imports:			
Quantity (pounds)	259,043	360,000	
Value	$328,599.00	$468,000.00	
Average unit	$1.37	$1.30	
Duties	$291,972.00	$280,800.00	
Rate		26c. per lb. and 50 per cent (wool content).	
Equivalent ad valorem (per cent)	88.74	59.83	35.00

25. CARPETS, HANDMADE, AUBUSSON, AXMINSTER, ORIENTAL, ETC.

Imports:			
Quantity (pounds)			
Value	[1] $2,564,600.00	$2,700,000.00	
Average unit			
Duties	$1,492,800.00	$1,350,000.00	
Rate			
Equivalent ad valorem (per cent)	58.19	50.00	35.00 and 50.00

Comparison of the imports for the fiscal year ending June 30, 1912, with the estimates for a 12-month period under H. R. 3910—Continued.

25. CARPETS AND CARPETRY, N. S. P. F., WHOLLY OR IN PART OF WOOL.

	Payne tariff, 1912.	Estimate for a 12-month period under H. R. 3910.	Rate under Underwood bill.
Imports:			
Quantity (pounds)			
Value	[1] $1,433,391.00	$1,600,000.00	
Average unit			
Duties	$838,935.00	$480,000.00	
Equivalent ad valorem (per cent)	58.53	30.00	20.00 to 30.00

[1] Estimated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PAYNE] as a substitute for the wool schedule.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 75, noes 188.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. UNDERWOOD and Mr. MANN.

The committee again divided; and the tellers reported—ayes 74, noes 193.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCHEDULE L—SILKS AND SILK GOODS.

319. Silk partially manufactured from cocoons or from waste silk and not further advanced or manufactured than carded or combed silk, and silk noils exceeding 2 inches in length, 15 per cent ad valorem.

Mr. ELDER Mr. Chairman, being a new Member, I have not bothered the committee any heretofore. But there is one doctrine that our Republican friends have persistently and continuously argued which seems to me an apparent fallacy, and yet it has been the backbone of the Republican vote for many years—that is, that protection is a help to the workingman.

On the one hand, we admit that it has largely increased his cost of living. But, my friends, I believe that a large reason for the high wages in America is this, that we have had great undeveloped resources in this country, and that immutable law—the law of supply and demand—has forced up the rates of wages.

You can go into Canada, into Australia, or into any other new country where they have these great undeveloped resources and you will find high wages in analogous cases.

But in order to see that protection is not a benefit, go into the old countries of England and France and Germany, and what do you find? In the protected countries, such as Germany, you find lower wages than you do in free-trade England. You can come into this country and under the schedules where they have the highest protection you find they are paying the lowest rate of wages.

Take the woolen schedule that we have just passed, as an example. In the New England States, in their sweatshops, you will find perhaps the lowest rate of wages that is paid in America.

Being from Louisiana, my friends, perhaps it is not amiss for me to say that I did not agree with several of the items in this bill.

I do not believe any man could draw a bill on a competitive basis that necessarily contains discrimination for and against that would satisfy me, and I do not believe that I could draw a bill that would satisfy any man on the floor of this House.

I do not think it would be wise for this country to go immediately into free trade, because our economic system is so finely balanced that it would perhaps cause a panic to change our system, but I hope to see the day come in the course of the next 20 or 30 years when we will raise our entire revenues on noncompetitive articles, on an income tax, an inheritance tax, and the excise tax, when this system of robbery and of burdens upon the sweating masses of the American people will come to an end. [Applause on the Democratic side.]

I have no cause of quarrel with those other colleagues—or a portion of them from my State—who will not heed this appeal. They are honest and sincere gentlemen, perhaps sent here to defend the large industries in their districts, but I believe that as sure as fate within the next 15 or 20 years no tariff wall could preserve and protect the Louisiana cane grower, but that the beet industry of this country would remove him. And, my friends, perhaps it is better to let it come now, and let our people end the protection theory and the idea that they can obtain their living from the sweat of some other poor man's brow. We have a great State, rich in resources. Our soil is most fertile; and though you have struck down a great industry of our State, you have not ruined our people, because they are brave and courageous, and they will turn these fertile lands and these large plantations into smaller farms. Instead of being in the future a State of sugar barons, I hope we will be a State of small farmers; and we will be as we ought to be, one of the brightest stars in the galaxy of the States. [Applause.]

Mr. PAYNE. I move to strike out the last word. We seem to have gotten back to a political debate, and I want to say a word or two in answer to some of the remarkable statements—the marvelous statements—made by the chairman of the Ways and Means Committee [Mr. UNDERWOOD]. I can not understand how the gentleman could make such statements as that and be so ignorant about them. I say that because I have always regarded him as honest. He says I have removed the favor of free wool from the manufacturers of carpets—if it may be regarded as a favor to them—by another provision in this schedule, and that some carpet manufacturer told him so. Well, if somebody did tell him so the gentleman ought to have known better. That same provision has been in the law heretofore. There has been a different duty on carpet wools and wools of the first class all this time, and yet no carpet manufacturer in the United States has failed to get his wool at the carpet wool rate of duty. The gentleman might have explained that to the House, but he thought he was talking to a Democratic caucus and that there was nobody here to pick him up on the proposition. It is a good deal like his talking to that man in Connecticut on the Wilson and Dingley schedules on metals and telling him that there was not anything in the Dingley schedule that was not as high in the Wilson schedule, and then handing him a copy of the comparison of the two. I have in my hand the comparison. It is a book issued by the Senate 8 years ago or 12 years ago, I do not know when. It is absolutely the worst document that was ever issued by any body of men. I am ashamed to say that it was a Republican Senate that issued that book. There are three volumes, and if you take the first volume by itself you can not get any more information out of it on the subject of the tariff than you could out of some of the gentleman's speeches on some other questions.

He says Mr. PAGE is for free wool. Well, I knew that. So is Mr. Emery for free wool. I have never said they were not, but the facts they reported showed what the duty should be if it was to be a protective duty, and those gentlemen approved of those duties if they were to be protective. And they did approve of them. Even Mr. PAGE thought if we were going to put a protective duty on wool they had not got it quite high enough at 18 cents a pound, that it ought to be 21 cents; and after he had studied the subject some more he approved these duties. So it goes all along the line. But what is the use, gentlemen? The gentleman from Alabama takes the last two minutes in debate. He will not allow any interruptions; he will not allow a word to be said; he will not allow his statements to be punctured at the time they are made. He seems to be intent on nothing except to win the applause of gentlemen who do not know but what he is telling the exact truth about the matter and is not misrepresenting anything or drawing on his fancy. [Laughter on the Republican side.] If it pleases him and amuses you, I suppose the whole thing is accomplished. And yet I wonder that the gentleman from Alabama does not raise his debate on this great subject, on this great bill, to a higher plane and not let it result in what appears to me—I say it with all politeness to the gentleman—to be the purest demagogy that I ever heard him utter. [Applause on the Republican side.]

The CHAIRMAN. If there be no objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

324. Ribbons, bandings, including hatbands, beltings, bindings, all of the foregoing not exceeding 12 inches in width and if with fast edges, bone casings, braces, cords, cords and tassels, garters, suspenders, tubings, and webs and webbing; all the foregoing made of silk or of which silk or silk and india rubber are the component materials of chief value, if not embroidered in any manner, 40 per cent ad valorem.

Mr. PAYNE. Mr. Chairman, I want to say a word about this silk schedule. The schedule in the present law is new and different in principle from any one ever made before. Up to 1909 the silk schedule had been on an ad valorem basis. The question of putting it on a specific basis was taken up by the committee. Several experts went over the schedule; the importers were represented among the experts, and the manufacturers of the silks were represented. They brought in a schedule which they said did not increase the rate of duty. After studying it for a while I told them that I thought it did increase the duty and I would not stand for any such rates. They brought in another one modifying it and the House committee refused to take it up. After the bill went to the Senate, I was in touch with the same gentlemen, and they finally got up a schedule which I

believed would not advance the rates, and I preferred a specific duty if we could get equitable rates. The silk schedule is as purely a luxury as anything in the clothing line in the bill. Finally they got a schedule and presented it to the Senate and the Senate agreed to it, and afterwards I went over it with some of the gentlemen, cut down the rates in some instances, and got a rate that I thought would not be larger than the ad valorem rate in the old law, and it was finally put in the bill. It turned out that it was substantially on the same level as the rates of the former law. I am sorry that these gentlemen have changed it. If they wanted to favor the wholesale purchaser and had lowered the duty below 50 per cent, which is the ad valorem equivalent; if they had taken the rates of 1909 and cut them 5, 10, or 15 per cent to bring them into conformity with their ideas and leave them as specific rates, it would have been better. I think it would have been a great improvement in the bill. I would not offer an amendment, for I might as well throw it to the east winds. There is no use in trying to amend the bill. You have heard a one-sided statement in your caucus, with no one to dispute it or to give you information on a great many items. Your minds are made up and the President has approved the bill, and so on to the end of the chapter.

I simply wanted to call the attention to the schedule which these gentlemen so ruthlessly break up and destroy, representing a great deal of labor, probably ten times that which was put upon it in their committee. Mr. Chairman, I withdraw the pro forma amendment.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words. I want to say a word as to my vote against the substitute of the gentleman from New York [Mr. PAYNE] on the woolen or Schedule K. I believe I was the only Republican to stand up and pass between the tellers and vote against the proposition. I have no apologies to make for it. I am a Republican and I believe in a protective system, and I will not stultify myself by voting for an amendment offered from this side of the House which will increase foreign importations of woolen goods from what it is now—$15,000,000—to over $9,000,000 per annum, or a total of $24,000,000.

Then, I do not believe in a policy of voting on this or any other schedule until the manufacturers and their employees have been given a full, fair, and impartial hearing. We have arraigned and condemned Mr. UNDERWOOD and his committee for failing and refusing to give hearings, and that is what Mr. PAYNE has neglected to do with his substitute. I am opposed to both the Payne and the Underwood Schedules K as a substitute for existing law.

In the course of this discussion on the tariff I have from the very start criticized the so-called Underwood bill because it proposed to increase the importations of foreign-made goods at the expense of the American manufacturer and the American wage earner. I must be consistent. I can not stand here day in and day out and take that stand and then turn around and vote for a proposition to increase foreign importations more than $9,000,000 under one schedule of this bill.

On yesterday I inveighed against the action of the Democratic Party on Schedule I, which proposes to increase foreign importations of cotton goods $12,000,000, and having condemned the majority for doing that, I could not be consistent, fair, and just to myself to-day to do practically the same thing on Schedule K by indorsing and approving such an un-American and anti-Republican policy. A man that has not the courage of his convictions does not deserve a position on the floor of this House. [Applause.] I must retain my self-respect; I must be consistent in all these matters far above party friends or party conferences.

I notified Mr. GREENE of Massachusetts, chairman of the Republican caucus or conference, that I would not support the Payne substitute, in view of the discovery that if adopted it would transfer $9,000,000 of our business to our foreign competitors, injure our woolen mills, and turn many of their men out of employment.

I believe in the principle that we should retain the American market for the American mills and the American wage earners, and by my vote and voice I shall stand here as long as I am in Congress and oppose any bill, amendment, or proposition which will take away from the woolen or cotton manufacturers and wage earners of this country their business and employment and transfer it to foreign shores.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield for a question?

Mr. AUSTIN. Yes.

Mr. GREEN of Iowa. I honor the gentleman for his convictions, but in order that some of the rest of us may be put in a proper light I wish to inquire of my colleague where he got the information with reference to the amount of importations?

Mr. AUSTIN. I take pleasure in giving my colleague from Iowa that information. When we had the Republican conference, which was open and aboveboard, I asked the gentleman from New York [Mr. PAYNE] if he could tell us what the increased importations under that proposed schedule of his would amount to, and he said he could not give me the information.

Mr. PAYNE. Why, the gentleman asked me in regard to the Underwood schedule, not in regard to this.

Mr. AUSTIN. I asked the gentleman about his own proposed substitute.

Mr. PAYNE. Oh, no.

Mr. AUSTIN. I did; and I can prove it by our colleagues Messrs. FORDNEY, MOORE, GREENE of Massachusetts, and others who were present. The gentleman may not have understood it, because he is a little hard of hearing, but that was my question.

Mr. PAYNE. I answered in regard to the Underwood schedule.

Mr. AUSTIN. Then the gentleman misunderstood me. Then, on the following day, not having received that information from Mr. PAYNE, I requested the gentleman from Michigan [Mr. FORDNEY] to send a copy of the Payne substitute to the Treasury experts in order to secure a report, and Mr. FORDNEY in a few days showed me the report, and he again showed it to me on the floor of the House to-day, in which it was stated that the increased importations under that proposed Payne schedule would amount to $9,000,000 over and above the present importations of $15,000,000.

Mr. GREEN of Iowa. Right there I want to say that I question the accuracy of that statement, and I am inclined to think that it is the same expert that reported—and they have it in the Democratic handbook here—that under the Underwood bill, with free wool, there will be practically no more importations of wool than there were before.

Mr. AUSTIN. The same expert——

Mr. GREEN of Iowa. Yes; the same expert that makes those figures.

Mr. AUSTIN. We need not guess about this matter. It is the same Republican official or expert in the Treasury Department who made the estimates on the original Payne bill and on other tariff bills.

Mr. PAYNE. He never made any estimate for me. He may have made it for the committee.

Mr. AUSTIN. I would like to have the gentleman tell me how much the importations would be under this proposed substitute.

Mr. PAYNE. I could not tell the exact amount.

Mr. AUSTIN. The gentleman can give it to us as best he can.

Mr. PAYNE. No man living can tell. It will be guesswork; but I say that this proposed substitute would furnish ample protection for the American manufacturer.

Mr. BRYAN. Mr. Chairman, I make the point of order that the wool schedule has been passed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

325. Chiffons, clothing, ready-made, and articles of wearing apparel of every description, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all the foregoing composed of silk or of which silk or silk and india rubber are the component materials of chief value, not specially provided for in this section, 50 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 78, line 23, strike out the word "chiffons."

Mr. PALMER. I would like to put in a word of explanation in regard to that. Paragraph 325 is the wearing apparel paragraph, while paragraph 326 is the woven fabric paragraph. While it is a little difficult for us men to settle the question, I understand that the expert testimony is that chiffons are woven fabrics rather than wearing apparel, and they are changed to that paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

326. Woven fabrics, in the piece or otherwise, of which silk is the component material of chief value, and all manufactures of silk, or of which silk or silk and india rubber are the component materials of chief value, not specially provided for in this section, 45 per cent ad valorem.

Mr. MOORE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 79, line 9, after the word "section," strike out "45" and insert "35."

Mr. MOORE. Mr. Chairman, I call the attention of the gentleman from Alabama to the fact that a reduction is proposed by this amendment. I proposed to reduce the ad valorem rate from 45 per cent to 35 per cent on woven fabrics. I do not do that because I want to deprive the silk industry of any protection it may have, but in order to assist the committee to be consistent in its arrangement of the duties. The peculiar situation that confronts us here is this: That silk used in the manufacture of umbrellas is rated at 45 per cent ad valorem, while umbrellas are dutiable under this bill at 35 per cent ad valorem. The foreign umbrella may therefore be brought into the United States for 10 per cent less than the raw material from which it is made. It is manifestly impossible for any man to manufacture umbrellas in this country if these rates as written in the bill prevail. One of the largest manufacturers of umbrellas and parasols, who does not live in my district, writes:

We are the largest manufacturers of umbrellas and parasols in the country, but did not think it necessary to ask for a hearing or file a brief while the bill was being considered because never heretofore has the duty on parasols and umbrellas been less than the duty on the component parts, and we did not for an instant imagine that in the new bill there would be a departure from this practice. We believe that there was no desire upon the part of the framers of the tariff act to ruin any legitimate industry, and that it is only necessary to call your attention to this matter to have your committee see the mistake and correct same.

There is absolutely free and keen competition in the umbrella and parasol industry, and while it can doubtless meet foreign competitors if the duty on the finished product is no more than that of the parts, yet we can not survive with a duty of 35 per cent on ribs, rods, and other metal parts, a duty of 45 per cent on silk cloth, and only 30 per cent on the finished product.

It seems to me that the committee in all fairness, if it does not mean to destroy this industry, as it will by this enactment, ought to accept this amendment for a lower rate, especially as it comes from one who believes in protection.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

327. Yarns, threads, filaments of artificial or imitation silk, or of artificial or imitation horsehair, by whatever name known, and by whatever process made, 35 per cent ad valorem; beltings, cords, tassels, ribbons, or other articles or fabrics composed wholly or in chief value of yarns, threads, filaments, or fibers of artificial or imitation silk or of artificial or imitation horsehair, by whatever name known, and by whatever process made, 60 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 79, line 16, after the word "horsehair," insert the words "or of yarns, threads, filaments, or fibers of artificial or imitation silk, or of artificial or imitation horsehair and india rubber."

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, unfortunately we have not any scientific information from a tariff board or any other source as to the difference in the cost of production at home and abroad of the articles covered by this paragraph. My information is that if we had such a report it would show that this paragraph, so far as many articles are concerned, is highly protective. I was very much surprised some moments ago by some statements made by the genial and generally fair gentleman from Alabama [Mr. UNDERWOOD], touching a tariff board report. If I understood the gentleman correctly, he said that some one on this side had said that our wool schedule was prepared by the Tariff Board. If anyone said anything of that sort I have not heard it. There is no one on this side who ever expected a tariff board to fix rates, nor do we ever expect to ask the opinion of a tariff board or commission as to what the rates should be, based on the facts they find.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. I can not.

Mr. BRYAN. Do not speak for everybody on this side, then.

Mr. MONDELL. Well, I am speaking of Republicans.

Mr. BRYAN. I am sitting right in front of you.

Mr. MONDELL. I am speaking of protectionists, at least I am speaking for those who believe in the principle of protection, protection to the labor and industry of every man under the flag whether he lives on the Pacific coast or on the rock-bound coast of Maine, by the waters of the Gulf, or up yonder on the border of Canada. The gentleman said that we claimed that our woolen schedule was approved by the Tariff Board, and then proceeded to attempt to prove that—that the members of the Tariff Board or some member of it was opposed to a duty on raw wool.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. MONDELL. The gentleman would not yield to me.

Mr. UNDERWOOD. The gentleman from New York stated—I merely quoted from the gentleman from New York——

Mr. MONDELL. The gentleman will find nothing in any statement made by any gentleman on this side that we have asked the Tariff Board to make rates for us.

Mr. UNDERWOOD. I asked him.

Mr. MONDELL. Neither to-day nor any other time has the Republican Party or any member of it expected a tariff board to fix rates or frame schedules.

Mr. UNDERWOOD. That is not what I said.

Mr. MONDELL. So far as I am personally concerned, I should be perfectly content to have my friend from Alabama a member of a tariff board or commission. He would endeavor honestly to ascertain the facts; it would be a matter of absolute indifference to me what his view was as to what rate should be fixed on the facts thus ascertained.

This has been so often stated on this side and made so plain that I am surprised that my friend from Alabama [Mr. UNDERWOOD] does not understand it. I think he must understand it. The duty of a tariff board is to ascertain the facts, and if the men on a tariff board or commission are honest men, it matters little what their political views or opinions may be as to the policy to be followed in fixing tariff rates. If they will honestly present to us the facts, we on this side will endeavor to fix rates based on those facts in accordance with our understanding of them, measuring the difference in the cost of production at home and abroad.

Mr. KITCHIN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from North Carolina [Mr. KITCHIN]?

Mr. MONDELL. In a moment.

It proves nothing to say that some member of the Tariff Board, or all the members of the Tariff Board, may have held to the opinion that wool should or should not have been made dutiable.

Mr. KITCHIN. Did not the members of the Tariff Board and the Tariff Board experts help to write and to fix the rates in the cotton bill which you voted for last session and in this wool bill?

Mr. MONDELL. I do not understand that any expert of any tariff board has ever been called upon; neither will they ever be called upon by a Republican believing in protection to do anything but give information relative to the facts their investigations develop, and on the facts thus developed they may be of assistance in figuring what rate will cover the difference in cost at home and abroad. As to their opinions as to what the rate should be, whether protective or otherwise, it matters not to us.

It is the function of a tariff board or commission to ascertain the facts. As to whether the rate should cover the difference in cost thus ascertained is a matter of opinion depending on whether one believes in the principle of protection or not. I and my friend from Alabama could agree on facts; we could not agree as to the rate those facts warrant.

Mr. KITCHIN. Mr. Chairman, I would like two minutes.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] is recognized.

Mr. KITCHIN. The gentleman from Wyoming [Mr. MONDELL] and, I believe, the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. PAYNE] disavowed that the Tariff Board or the Tariff Board experts helped to write the Hill cotton bill, for which the Republicans voted last Congress, or helped to write this wool substitute bill, which the distinguished gentleman from New York introduced and for which Republicans voted this afternoon. I want to say to the gentleman from Wyoming [Mr. MONDELL] that the gentleman from Alabama was nearer right than he thought—and he did not have to take the word of the gentleman from New York [Mr. PAYNE]—that the Tariff Board, or the members of the Tariff Board, and their experts assisted in preparing this substitute and fixing these rates. The Republican campaign textbook last campaign expressly declared that this wool substitute bill and the Hill cotton bill, for which you voted last session, were prepared by the Republicans in conjunction with the members of the Tariff Board and the Tariff Board experts, and those rates were fixed by them. So the gentleman from Alabama [Mr. UNDERWOOD] is entirely right.

Mr. MONDELL. The statement made, if that was the statement made in the campaign textbook or elsewhere, is absolutely correct. The rates were fixed by the Republican members of the committee, assisted in the matter of ascertaining facts by the experts of the Tariff Board.

Mr. KITCHIN. No; that these substitute bills were written by the House Republicans and the Tariff Board members; and it is a fact that on the cotton bill the gentleman from Connecticut [Mr. Hill] was working in its preparation for six weeks in conjunction with Mr. Page and the experts who aided the

Tariff Board in preparing their report on the cotton schedule. And you gentlemen ought to know that. You gentlemen know that there is not a Republican committee or a Republican Congress that has written a Republican tariff bill since the Civil War. The manufacturers and tariff beneficiaries have written the bills for you. [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. LENROOT. Does the gentleman know of any manufacturers that were in favor of either the Hill cotton bill or the woolen bill? He says they have written all the bills.

Mr. KITCHIN. I say this, I never heard of a manufacturer opposing this wool bill that you voted on here to-day. And I want to tell my friend from Tennessee [Mr. AUSTIN], if I have the time, that in the debate on this wool bill last year—and you all remember it—Mr. Hill, in answer to a question from me, admitted that the wool bill for which you voted then, and for which you voted this afternoon, would not admit a penny's worth more of importations into this country and would not reduce the price of woolen goods one penny to the consumer. It was not written for that purpose.

I then replied to him that the Republican bill was a sham revision, a bill to fool the people and at the same time to satisfy the woolen manufacturers in this country. [Applause on the Democratic side.] And I do say it does satisfy the woolen manufacturers of this country, and there is not a woolen manufacturer in the United States who opposes the bill for which you voted this afternoon. Not a dollar more of importations will be admitted under the Payne bill of this afternoon than under the present Payne Act, and if I had the time I think I could show it.

Mr. LENROOT. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman yield?

Mr. KITCHIN. I do.

Mr. LENROOT. The gentleman from North Carolina is a member of the Ways and Means Committee, and he knows that no woolen manufacturers appeared before his committee and indorsed either of these bills. They say it is too low.

Mr. KITCHIN. I never heard of one saying it was too low and not satisfactory to him last Congress. On the contrary, the members of the American Woolen Manufacturers' Association indorsed the bill then. Their representatives, as well as representatives of other manufacturers, had examined carefully into the report made by the Tariff Board, and while the board was preparing its report wrote a letter commending the work of the board. They indorsed it, and Mr. Taft, your President, sent a communication to Congress, including this very letter in which they indorsed the work of the Tariff Board and its work upon the woolen schedule. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I desire to ask unanimous consent that all debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FORDNEY rose.

The CHAIRMAN. The gentleman from Michigan.

Mr. UNDERWOOD. The gentleman from Iowa [Mr. GREEN] can take time on the next paragraph.

Mr. FORDNEY. I will yield to the gentleman from Iowa [Mr. GREEN] if he desires.

Mr. GREEN of Iowa. Never mind. I will take the opportunity to speak on the next paragraph.

Mr. FORDNEY. Mr. Chairman, I did not believe that the gentleman from North Carolina [Mr. KITCHIN] would attempt to do any man an injustice. In fact, I do not believe that any Member of this House will misrepresent another man on the floor of this House. Gentlemen may sometimes, for the purpose of gaining political advantage in argument, make a wild-eyed, fire-eating statement [laughter], such as that which the gentleman from North Carolina has just made, thoughtlessly. He states that the Republican Party never wrote a tariff bill. He says the manufacturers of this country have always written Republican tariff bills.

Mr. Chairman, I have had the honor to take part in the writing of a tariff bill, and I want to say to the gentleman from North Carolina [Mr. KITCHIN], who never made a more untruthful statement in his life, that he is entirely mistaken when he states that the manufacturers, or any other interest in this country, great or small, wrote the tariff rates in the Payne tariff law. The Republican members of the Ways and Means Committee heard everybody that came; heard what they had to say, for and against a revision of the tariff, upward or downward, at that time, and from the information presented them, in their best judgment, they fixed the rates as best they could agree among themselves, as you gentlemen have fixed the rates as best you could agree among yourselves.

I venture to say that there was not a man on the Democratic side of the Ways and Means Committee in writing this bill who voted for every rate that is in your bill. No one man on that committee is satisfied with everything written in this bill. You have agreed upon a compromise. You have gotten the best rates you could get among yourselves. You went into caucus and you agreed to stand by the will of the majority. There is no other way to pass your bill. There is no other way for the Republicans to pass a bill. There is no way for any party but to stand by its majority and vote for whatever that majority of the party believe to be the best thing to be done.

I admonish the gentleman from North Carolina [Mr. KITCHIN] you should withdraw your remarks from the RECORD; and no other Member of this House of Representatives should cast such insinuations and aspersions upon other men as to say that they are so dishonest as to write a tariff law solely in the interest of the manufacturers.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from North Carolina?

Mr. FORDNEY. Yes; I shall be glad to yield if I can get time to answer the gentleman.

Mr. KITCHIN. I believe the gentleman will admit that the most important schedule is Schedule K. Did not the gentleman hear Mr. Wood, president of the American Manufacturers' Association, admit that the woolen manufacturers and the woolgrowers wrote Schedule K?

Mr. FORDNEY. No; and neither did you hear him admit that.

Mr. KITCHIN. He did admit it.

Mr. FORDNEY. He did not; and neither has any other man admitted that any special interest in this country wrote Schedule K in the Payne tariff law; and when any man makes a statement to that effect he is sadly mistaken—purposely or otherwise.

Mr. BUTLER. Mr. Wood is my constituent and my personal friend, and he protested to me against that schedule. He never helped to write it.

Mr. KITCHIN. The fact that he is the gentleman's constituent does not make him any more truthful or any more competent to write a tariff law.

Mr. BUTLER. I know the gentleman and I know he is capable of telling the truth, and that he does tell the truth.

Mr. KITCHIN. I think I am capable of telling the truth, too.

The CHAIRMAN. The committee will be in order and gentleman will observe the rule.

Mr. FORDNEY. I hope this colloquy will not be taken out of my time.

Mr. GARDNER. Did not the chairman of the Ways and Means Committee, the gentleman from Alabama [Mr. UNDERWOOD], on the opening day of this debate, say that Schedule K was not changed in the Payne law from what it was in 1897, in the Dingley law?

Mr. FORDNEY. I think he did, but the gentleman was mistaken when he made that statement. I will say that in Schedule K there were, as I now remember it, three slight changes, slight reductions, but no increases at all in Schedule K.

Mr. PALMER. Will the gentleman yield?

Mr. FORDNEY. Yes; I will be glad to.

Mr. PALMER. Does the gentleman remember that before the Committee on Ways and Means, in January last, Mr. Chaney, the witness who appeared on behalf of the silk manufacturers, declared that the former president of the Silk Manufacturers' Association wrote the silk schedule for the same committee?

Mr. FORDNEY. I know that the gentleman made a statement that he was asked by the members of the Ways and Means Committee or somebody to prepare rates and present them to the committee, but it has not been shown——

Mr. PALMER. That is what the gentleman from North Carolina [Mr. KITCHIN] said.

Mr. FORDNEY. Oh, no; be fair with me.

Mr. KITCHIN. I have several others here.

Mr. FORDNEY. It was not shown that the rates suggested by that gentleman were written into the law. You members of the Ways and Means Committee last January asked gentlemen to prepare schedules to present to you, and, among others, you asked Mr. Parker, of South Carolina, to present to you rates on the cotton schedule. Mr. Parker presented rates for you to consider. I would not misrepresent you by saying that you accepted just what Mr. Parker prepared, and you have no right so to misrepresent me, to say that I would accept anybody's opinion unless, in my judgment, it was for the best.

I thank you, gentlemen, for your attention. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SCHEDULE M—PAPERS AND BOOKS.

328. Sheathing paper and roofing felt, 5 per cent ad valorem.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

I do not believe that the gentleman from North Carolina [Mr. KITCHIN] intended to misstate any facts with reference to the Tariff Board, but in some respects he has altogether misrepresented their action. The Tariff Board never had any manufacturers appear before them. The Tariff Board never had any hearings where any manufacturers or other parties could appear before them. They sent out their experts to examine their books and factories and took their word for nothing. I think the gentleman is aware of that, but in the heat of debate he said something he did not mean.

Mr. KITCHIN. I did not say they had any manufacturers before them at the hearing, but I said that a group of manufacturers, including the Woolen Association, appointed a committee of manufacturers to go down and see how they were progressing with their work and the method of their work on Schedule K, and that those manufacturers did report—and Mr. Taft sent it to Congress—that they were just doing it all O. K., to the queen's taste of the manufacturers.

Mr. GREEN of Iowa. I am glad the gentleman has relieved himself of those facetious expressions, which he knows does not express any fact. The real fact about it is that what the Tariff Board did down there at the Treasury Department was open to anybody and aboveboard, and anyone could go there and examine it and see just exactly what they were doing.

Mr. HARDWICK. That statement is not correct. I know I wished very much to find out some things they were doing, and although I had a very good personal friend down there, it was not considered that it was proper to let me know about it, and I thought that was proper.

Mr. MANN. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. MANN. Does the gentleman from Georgia mean to say that the Tariff Board did not openly show the methods they were pursuing?

Mr. HARDWICK. Oh, yes; after they were through.

Mr. MANN. While they were at work.

Mr. HARDWICK. I will tell the gentleman what happened. I made some effort to find out what they were doing or intending to do on the sugar question and the method that they were adopting and the conclusions they arrived at, and officials of the board did not think it was proper, as they understood the situation, to give me such information, and I did not, of course, question the propriety of that course.

Mr. GREEN of Iowa. The information on both the wool and the cotton schedule was open to the public.

Mr. HARDWICK. Yes; so far as a schedule of questions they were sending out, as I understand it.

Mr. MANN. They did not give secret information that they had obtained from certain manufactories, and never have.

Mr. HARDWICK. I understood the gentleman from Iowa to say that any Member of Congress could go there and find out what they were doing, and I think the gentleman was clearly in error.

Mr. MANN. The gentleman was not in error.

Mr. HARDWICK. They would not tell you how far along they had got with the investigation, nor to what extent they had arrived at conclusions.

Mr. GREEN of Iowa. Very true. I am talking about facts.

Mr. GARDNER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GARDNER. I would ask the gentleman from Georgia if he would consider it proper for an individual member of that board, even if a Member of Congress of the gentleman's party came to him, to give to him information without consulting the board?

Mr. HARDWICK. Certainly not; but the gentleman from Iowa said that any Member of Congress could go there and get just such information from the board, as I understood him.

Mr. GREEN of Iowa. I say that any Member of this House could have gone to the office of the Tariff Board and found out what they were doing there as far as the facts were concerned. If they did not apply for facts but conclusions, they would not give them out until they were completed and ready to be given to the President. Of course, if they wanted to find out where the reports came from, they could not get that.

Now, Mr. Chairman, as to the Payne schedule being satisfactory to the manufacturers of wool, I know that there are manufacturers engaged in the business that have objected to it. I know as a member of the Ways and Means Committee in the examination of that schedule that these manufacturers had nothing whatever at any time to do with reference to the preparation of the schedule. It is true that it was prepared before I was a member of that committee, but I knew that it was being prepared at the time, and I know that the manufacturers had nothing to do with it. I can not understand why the gentleman from North Carolina should make the statement he did.

Mr. GARDNER. If the gentleman will permit me, I want to call attention to the fact that I had a strong protest from Mr. Frank P. Hobbs, treasurer of the Arlington Mills. I think he is at the head of some woolen manufacturers' association, and he is a son-in-law of Mr. Whitman.

Mr. GREEN of Iowa. Yes; and there were protests from others engaged in this business, partly because they did not understand the schedule and partly because they were in the habit of protesting against everything.

Mr. HARDWICK. Mr. Chairman, I do not think that some of the statements made by the gentleman from Iowa ought to go unchallenged. I know some members and high officers of the Tariff Board thought, and I believe they were right about it, that acting under the law which made them appointees of the President of the United States that they could not allow Members of Congress to know anything about what they were doing or what the reports were until they were reported to the President of the United States. In this I thoroughly agreed, and I am sure that as to some of the members of the board, if not all, the rule was uniform.

Mr. GREEN of Iowa. That is what I stated—until after the reports were completed.

Mr. HARDWICK. Then they were published to all the world.

Mr. KITCHIN. Mr. Chairman, I think I can make this thing plain. On January 10, 1912, while we were working on the tariff bill, Schedule K, Mr. UNDERWOOD, chairman of the Ways and Means Committee, addressed a letter to Mr. Emery, chairman of the Tariff Board, in which he asked him for certain information the board had concerning the wool and woolen schedule. The board refused to give Mr. UNDERWOOD and the committee the information desired.

I will put into the RECORD the correspondence between Mr. UNDERWOOD and Mr. Emery relative to this matter:

WASHINGTON, D. C., *January 10, 1912.*

Hon. HENRY C. EMERY,
Chairman Tariff Board, Washington, D. C.

SIR: In the course of my examination of your report on wool and manufactures of wool, I require further information for a complete understanding of it. It may be that this information is contained in portions of the report which have escaped my attention, but I have been unable to find it. If the data desired are contained in the report, I shall be under obligations to you to point it out to me, and in the event that they are not given, I would thank you to kindly supply me with the same. I do not, of course, desire to request any data that may be considered as confidential in the way of making public names or addresses of persons who have supplied you with details. If any of the material sought by me comes within this scope, I take it that it will be possible for you to designate by numbers such returns, retaining your own memoranda which show the names of the concerns to which given numbers refer. I desire the detailed data sought only for the purpose of informing myself and this committee with regard to the general meaning of certain features of the report and not for the purpose of examining the sources which you have used.

The points which I have in mind and about which I would thank you to furnish me additional information are:

Raw wool—

(1) Will you kindly loan this committee the original tables or working sheets showing the full and detailed returns from the reports of field agents with regard to raw wool, you reserving, if desired, names and addresses of the persons whose returns to you are involved?

(2) If no such sheets were compiled for the investigation in Australia, New Zealand, and South America, please inform me more fully as to the conditions under which the inquiry was carried on there and the number of growers visited.

(3) Were general tables compiled showing the data obtained from each and every mill with regard to woolen manufactures? If so, have these been printed; and if not, could you lend these to this committee?

(4) Have you a record of the number of concerns from which costs were obtained and each sample of cloth, and can you lend the committee that record?

I would like the record in this connection both for foreign and domestic mills, with an indication in connection with each of the de-

gree of efficiency of the foreign mills furnishing such costs compared with the efficiency of the mills in the United States furnishing similar costs. If possible, I would be pleased to have these same data for each of the groups of samples which are discussed in your report, together with a memorandum of the location of the mills involved.

(5) Can you supply the committee with a tabular view or statement showing how many ready-made cloth concerns were asked to furnish costs on specimen garments of each given kind, thereby creating the basis for the tables in which typical costs are analyzed?

These are some of the points which have occurred to me in the course of my examination of your report, and if you can put me in possession of the data outlined I shall be especially gratified, and thank you in advance for your prompt reply.

Very respectfully,

O. W. UNDERWOOD,
Chairman.

—

THE TARIFF BOARD, TREASURY BUILDING,
Washington, January 18, 1912.

Hon. OSCAR W. UNDERWOOD,
Chairman Ways and Means Committee,
House of Representatives.

DEAR MR. UNDERWOOD: I have the honor to acknowledge your letter of January 10, which reached us on the 13th. The delay since then in replying to it is due to absence from the city.

I regret that it is impossible to meet your five requests fully. You will realize that a very large part of the information we received was given us only on condition that the material should not be made public, except in the form of summaries and conclusions to be printed in our report. It was stipulated that individual figures should not go beyond the possession of the board. We are obliged to respect these pledges of confidence.

Taking up your requests seriatim, I beg to say:

1. The original schedules on raw wool were secured on the understanding that they should be held confidential by us. These could not be submitted in a form which would not make identification possible. The same is true of the working sheets, which are arranged on the basis of counties, giving acreage, size of flock, etc., in a manner which would make it possible to identify the individual sheep owner.

2. As to the investigation in Australia, New Zealand, and South America, this was carried out by wide traveling and consultation with many growers and buyers. You will find on page 519 of Volume II a description of the course pursued by our agent in South America. He visited over 100 leading growers. Similar methods were followed by our agents in Australia and New Zealand.

3. The compilations on wool manufactures were not made by mills, except in the case of those covered by that part of the investigation of which the results are given in Volume IV. The information there is given by establishments.

4. It is not possible for us to give the exact number of mills from which figures were obtained abroad on the different samples, since the results were in some measure summarized by experts employed by us before being submitted. Furthermore, information was secured as to the cost of certain processes from a large number of mills from which complete figures as to total cost were not secured. In the case of American mills the costs given on the 55 samples cover a range of from 3 to 15 mills per sample. In all cases we aimed, both at home and abroad, to take costs on the basis of mills of good efficiency running full time. In the case of the 55 samples of cloth inefficient mills were eliminated. Where, because of unusual success on particular fabrics, one or two mills are able to make a given sample at a distinctly lower cost than other mills of the same general efficiency, that fact is noted in the report. A statement of the locality of such mills would easily identify the particular establishment. However, you will find on page 620, Volume III, a complete list of the 174 mills from which information was received.

5. I think you have misunderstood the table as to costs of "specimen garments." In the case of the ready-made clothing investigation we did not establish a definite number of sample suits, but took costs from a number of manufacturers on actual suits turned out by them. That is, in the table of costs of specimen garments (Tables 14 to 17, in Vol. III, pp. 870 and following) each one represents the cost of an actual suit or garment made by one manufacturer. These are then grouped in various ways to bring out the essential facts as to prices and costs. Altogether they cover 169 suits, 45 overcoats, and 10 pants made in 40 establishments.

I appreciate your statement that you do not wish to examine the sources on which our report is based in such a way as to reveal the identity of establishments who have given us confidential information. However, the original material is of such a nature that if made public such identification would be possible.

As to your expressed desire for information regarding "the general meaning of certain features of the report," we are entirely at your service or at the service of any member of the committee. If the meaning of any part of our report is not clear, we are anxious to make it so and will welcome a call at any time from any member of the committee or of Congress and further explain any question that may arise.

Very respectfully,

HENRY C. EMERY, *Chairman.*

Mr. HARDWICK. Mr. Chairman, I do not care to yield any further at this time. So that the gentleman's statement—if he will not change the record, and I know he will not since the controversy has arisen, and I know that he would not change it, anyway, without consent—was that while this board was doing this work any Member of Congress of any party could go to them and get the information.

Mr. GREEN of Iowa. No, no. You will not find that statement in the record. Any Member of Congress could go down there and find out what they were doing. That is what I said, and the record will show it.

Mr. HARDWICK. The gentleman will find that they could not do it. They said, and they said properly, I think, that under the law they were appointees of the President of the United States, and they reported to him, and until they did report to him they could give no information whatever to anybody else. Yet you say the work was open and above board, and that was one of the vital reasons why the Democratic minority at that time, the great majority of it, rejected the leadership of the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Missouri [Mr. CLARK] on this question and declined to permit a tariff board to be provided for by law, because we knew that that very thing would happen if we got a presidential tariff board that under the law reported only to the President and not to Congress.

Mr. GREEN of Iowa. I do say the work was open and aboveboard so that everybody could go down there and find out what they were doing, and that no manufacturer was appearing before them or having anything to do with their findings.

Mr. HARDWICK. I want to say to the gentleman that I disagree with him. Of course I do not mean that their work was underhanded or unfair, because I had a very dear personal friend who was a member of the board; but we did not have any access to their work. Those gentlemen did not feel they had a right, as I do not think they had, to give individual Members of Congress any information about the workings of that Tariff Board before its reports were made to the President and he had made them public.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LENROOT. Mr. Chairman, if I may have the attention of the gentleman from North Carolina [Mr. KITCHIN] for a moment, he stated a while ago that the woolen manufacturers and the American Association of Woolen Manufacturers indorsed the Hill woolen bill.

Mr. KITCHIN. I did not say anything about the association. I said the woolen manufacturers.

Mr. LENROOT. If the gentleman will consult the record, just as it appears, he will see that he referred to the American Woolen Association.

Mr. KITCHIN. Go ahead.

Mr. LENROOT. I want to call the gentleman's attention to the fact that the American Woolen Association presented a brief to the committee of which the gentleman is a member at the hearings last winter. It is found in the hearings, and I hold a copy of it in my hand. I want to read from it some suggestions the American Woolen Manufacturers' Association made as to what the rates in this woolen bill should be. They say—

Subject to the qualifications, we suggest the following as the minimum rates under which the greater part of each branch of the industry concerned can continue—

And so forth—

Should a duty be imposed upon wool the rates hereafter given must be increased to cover the greater cost of raw material.

And so the figures they now give are upon the basis of free wool, just as your bill is—

Tops, 15 per cent ad valorem.

The Hill bill provided for 10 per cent ad valorem and the bill you have just adopted provides for 15, just as suggested by the American Association of Woolen Manufacturers. [Applause on the Republican side.] Now, who has written the bill, so far as tops are concerned? The woolen manufacturers' rates on tops are in your bill, and I say you have given the Woolen Trust, if there be such, a protection that can not be justified from any standpoint upon tops. "Yarns." Their suggestion upon yarns is "a rate equal to one quarter of a cent per pound plus the duty on the top, the same being approximately equal to 35 per cent ad valorem." In our bill the rate is from 10 per cent ad valorem to 25 per cent ad valorem. Does the gentleman still say that the woolen manufacturers indorse the Hill bill when the rates you have written upon yarn come very much nearer the suggestion of the woolen manufacturers than do the rates in the Hill bill? Upon cloth they suggest a rate of 55 per cent ad valorem, and say:

We make no distinction between cloths, flannels, blankets, and dress goods, because no simple classification exists.

Is that indorsing the rates in this Hill bill, so-called, when the lowest rate on cloth in that bill is 30 per cent, 5 per cent lower than your own bill? Now, if my friend will be fair he will admit that if there has been any influence exercised upon these bills by the American Woolen Manufacturers' Association, the Democrats have been more susceptible to that influence than have the Republicans. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I made the statement that the woolen manufacturers throughout the United States had approved and indorsed the Payne woolen bill in the last Congress, the same that was introduced here and voted on this afternoon by the gentleman from Iowa and other Republicans, and that statement is absolutely true. Not a word the gentleman read here showed anything to the contrary.

Mr. LENROOT. There is not a single rate that is not higher than this bill.

Mr. KITCHIN. Sit down and let us see. Now, here are 40 or 50 Republican gentlemen present. I challenge a single

one of them and the gentleman himself to stand up here and say if you got a single protest or a single line or word of objection from a single woolen manufacturer throughout the United States against the Payne bill introduced at the last Congress as a substitute for the Underwood bill.

Mr. GARDNER. Yes.

Mr. BUTLER. The one filed here to-day?

Mr. KITCHIN. I said the last Congress; certainly you might get them to-day, as they are against any change now.

Mr. BUTLER. I have. I have had protests threatening to read me out of the party if——

Mr. KITCHIN. When did you get them?

Mr. BUTLER. Last year.

Mr. KITCHIN. When did a Republican ever disobey an order from his superior? When did a Republican ever vote against a manufacturer's demand?

Mr. GARDNER. When did the gentleman ever vote against any importer?

Mr. KITCHIN. Well, now, I am going to wind this up——

Mr. BUTLER. The gentleman asked us to stand up.

Mr. HAMILTON of Michigan. And somebody called the gentleman's bluff; that is all.

Mr. KITCHIN. What did the gentleman from Massachusetts say?

Mr. GARDNER. I said when did a Democrat ever vote against an importer or the press?

Mr. KITCHIN. An importer or the press?

Mr. GARDNER. An importer or the press.

Mr. KITCHIN. So the gentleman by asking that question refuses to answer me in asking if a Republican ever voted against a manufacturer.

Mr. GARDNER. My question was in reply to the gentleman's.

Mr. KITCHIN. The Democrats have always supported tariff bills in the interest of all the people and not of the few. [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MANN. I was Republican floor leader in the last Congress at the time that the Payne bill or the Hill bill was voted for on the Republican side of the House. I will say for the gentleman's benefit that as the Republican leader in the House, and because of that fact, I received a good many protests from woolen manufacturers against the Payne bill.

Mr. CLINE. Mr. Chairman——

Mr. KITCHIN. Well, gentlemen, that is the strangest thing in this world that these witnesses never so testified until 12 months after they voted on it. In that connection—some page get me the Republican campaign book—the Republicans in their campaign book last year boasted that it was a bill in the interest of and as protection to American manufacturers, and it declared——

Mr. MANN. And we still will.

Mr. KITCHIN. And it showed that the reduction you did make was the excess of rates that the manufacturers were not utilizing, that they were "useless and ineffective," and that in the Payne substitute bill the rates made would keep out importations to this country and would protect the manufacturers from foreign competition. [Applause on the Democratic side.]

Mr. HARDWICK. Will the gentleman yield for a suggestion?

Mr. CLINE. I want to inquire if the President did not defend the rate of the woolen schedule as placed in the Payne bill on the ground that the manufacturers had so many friends on the Republican side that the rates could not be reduced without endangering the whole bill.

Mr. HARDWICK. He said they were indefensible.

Mr. KITCHIN. The truth is that the substitute then offered and now offered was a sham revision. This is the first time any man on this floor, either Democrat or Republican, declared or intimated that the woolen manufacturers were not content and did not approve of the Payne Act.

Why, that Payne substitute is written, not in the interests of the American public, not in the interests of the men, women, or children who buy woolen clothing, but in the interests of the woolen manufacturers. And every speech that you made in the last Congress and to-day in its behalf is conclusive proof of the charge.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. KITCHIN] has expired.

Mr. GARDNER. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] sought recognition a few moments ago.

Mr. KITCHIN. I can get in on another paragraph and finish what I have to say.

Mr. GARDNER. I ask recognition as a member of the committee, Mr. Chairman.

The CHAIRMAN. The Chair will state the situation. The Chair, of course, has tried to be fair, and thinks everybody will admit that. The gentleman from Wisconsin [Mr. LENROOT] rose a moment ago and desired recognition, as did the gentleman from Georgia [Mr. HARDWICK]. The gentleman from Georgia was recognized. The gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Illinois [Mr. MANN] rose at the same time, and the Chair recognized the gentleman from Wisconsin.

Mr. PALMER. Mr. Chairman, at the request of the gentleman from Alabama [Mr. UNDERWOOD], I desire to ask unanimous consent that debate on the pending paragraph shall close at the end of five minutes.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] desires five minutes and I desire five minutes.

Mr. PALMER. Then we will say 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate on the pending paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Now, Mr. Chairman, the gentleman from North Carolina asks whether there have been any protests received by the Members on the Republican side against the Payne woolen bill for which we voted to-day. I said that I had received such protests. I did not say that I received them last year, because I do not recollect whether I did so or not. I have this year received telegrams and letters from various manufacturers protesting against the Payne woolen bill, sometimes called the Hill woolen bill.

Now, Mr. Chairman, you heard the gentleman from North Carolina [Mr. KITCHIN] read a letter from Mr. UNDERWOOD to Prof. Emery, president of the Tariff Board, and you heard him say that the answer was a prompt denial. Mr. Chairman, the gentleman did not read President Emery's answer. I find that, far from being a prompt denial, it was a partial acceptance. I am going to read some passages from it.

Mr. KITCHIN. Read his refusal, which I read.

The CHAIRMAN. Does the gentleman yield to the gentleman from North Carolina?

Mr. GARDNER. I yield.

Mr. KITCHIN. Suppose you read his refusal there.

Mr. GARDNER. Suppose the gentleman lets me read it in my own way.

Mr. KITCHIN. Read the fact that we got nothing from him.

Mr. GARDNER. He says:

THE TARIFF BOARD, TREASURY BUILDING,
Washington, January 18, 1912.

Hon. OSCAR W. UNDERWOOD,
Chairman Ways and Means Committee,
House of Representatives.

DEAR MR. UNDERWOOD: I have the honor to acknowledge your letter of January 10, which reached us on the 13th. The delay since then in replying to it is due to absence from the city.

I regret that it is impossible to meet your five requests fully. You will realize that a very large part of the information we received was given us only on condition that the material should not be made public except in the form of summaries and conclusions to be printed in our report. It was stipulated that individual figures should not go beyond the possession of the board. We are obliged to respect these pledges of confidence.

Taking up your requests seriatim, I beg leave to say:

1. The original schedules on raw wool were secured on the understanding that they should be held confidential by us. These could not be submitted in a form which would not make identification possible. The same is true of the working sheets, which are arranged on the basis of counties, giving acreage, size of flock, etc., in a manner which would make it possible to identify the individual sheep owner.

And so on through all the five requests. And now come the last two paragraphs, in which the gentleman from North Carolina [Mr. KITCHIN] is especially interested:

I appreciate your statement that you do not wish to examine the sources on which our report is based in such a way as to reveal the identity of establishments who have given us confidential information. However, the original material is of such a nature that, if made public, such identification would be possible.

As to your express desire for information regarding "the general meaning of certain features of the report" we are entirely at your service or at the service of any member of the committee. If the meaning of any part of our report is not clear, we are anxious to make it so, and will welcome a call at any time from any member of the committee or of Congress and further explain any question that may arise.

Very respectfully, HENRY C. EMERY, *Chairman.*

Mr. MANN. Mr. Chairman, while I made the statement that a good many of the woolen manufacturers were not satisfied with the Republican substitute which was offered a year ago, and again offered to-day, I do not make that statement with the idea that the substitute is not a protective measure or does not meet the approval of Republicans generally. The gentleman

from North Carolina [Mr. KITCHIN] has been so in the habit of making stump speeches throughout the country, in which he says that the Republican tariff measures were all written by the manufacturers, that he has really almost come to believe that the Republican side of the House does not act upon its own volition or its own judgment.

There never was a tariff law written that was high enough to suit many of the manufacturers, and there never will be a tariff law written that will be low enough to suit many of the importers. The gentleman from North Carolina [Mr. KITCHIN] is very likely to be influenced by the importers. Possibly I am more likely to be influenced by the manufacturers; I do not know. I believe in giving proper protection, reasonable protection, not unreasonably high protection; and whether the Payne bill satisfies the manufacturers or not is not the question that comes into our minds. The question is, Does the substitute proposed conform with the facts found by an impartial tribunal, the Tariff Board, and do we write the law or the bill based upon the facts so as to provide reasonable protection for American industries? And when we say that we believe we do we support the bill.

It is impossible, possibly, for the gentleman from North Carolina to understand that attitude of mind; and yet when he has written more tariff bills he will come to the conclusion, as I am sure is the fact, that he will endeavor to do what he thinks is right, regardless of what some importer or some manufacturer may think or say.

Mr. Chairman, in reference to the Tariff Board, the Tariff Board acted in the open. It could not have concealed, if it wanted to, the schedules upon which it had obtained its information, because those schedules went into the hands of many people throughout the country. No one expected that they would give out special information, and they did not endeavor to do so.

But gentlemen seek to cast odium upon the Tariff Board and say that the Tariff Board would not furnish information.

Why, Mr. Chairman, I remember, when the chemical schedule bill was before the House a year ago the gentleman from New York [Mr. HARRISON] in charge of the bill, had at his side—not in strict accordance of the rules of the House, but by the common consent of the House—had at his side an expert of the Tariff Board whom he brought on the floor of the House; a gentleman, an expert who had helped to write the chemical schedule, who sat on the floor of the House ready to furnish information which would defend it. Nobody objected to that. That was the purpse of the board—to furnish information if it could.

The only trouble on the other side of the House in reference to the Tariff Board is that, having the information, it refuses to pay any attention to it and prefers to write tariff legislation out of ignorance rather than out of knowledge. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered withdrawn, and the Clerk will read.

The Clerk read as follows:

329. Filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton, or other vegetable fiber, 20 per cent ad valorem.

Mr. KITCHIN. Mr. Chairman, just to get straight this matter of the manufacturers' indorsement of this bill, I want to say that I never heard of any manufacturer in the woolen interest protesting against it, and I have no doubt in the world that typical standpatters like my friend PAYNE and my friend FORDNEY and my friend MOORE would never have voted for it if they had ever had any protest against it from the manufacturers.

Mr. FORDNEY. Mr. Chairman——

Mr. KITCHIN. Wait a minute.

Mr. FORDNEY. No; you wait a minute. [Laughter.]

Mr. KITCHIN. Mr. Chairman, I will yield to the gentleman.

Mr. FORDNEY. I am not asking the gentleman to yield to me.

Mr. KITCHIN. Then if you do not ask me to yield, sit down. [Laughter.]

Mr. FORDNEY. I rise to object, Mr. Chairman, because the gentleman from North Carolina [Mr. KITCHIN] is not addressing himself to the paragraph now pending before the committee. I shall object unless the gentleman allows me to make a statement.

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] can make a point of order.

Mr. FORDNEY. I will make a point of order if the gentleman from North Carolina does not address himself to the pending paragraph.

The CHAIRMAN. The gentleman from North Carolina will proceed.

Mr. KITCHIN. The Woolen Manufacturers' Association indorsed it because it was to the interest of the American woolen manufacturers, and the Republican campaign book indorsed it because it was in the interest of the American woolen manufacturers.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. KITCHIN. Yes.

Mr. MANN. The Republican campaign textbook indorsed it last year, and we indorse it to-day.

Mr. KITCHIN. That is the strongest evidence, to my mind, that the manufacturers indorse it to-day.

Mr. MANN. That only shows the peculiar character of the gentleman's mind.

Mr. KITCHIN. In 1867 the woolen manufacturers—and my friend the gentleman from Michigan [Mr. FORDNEY] will not deny this—the woolen manufacturers and woolgrowers, by agreement, fixed up the rate and a Republican Congress adopted it. Mr. Wood, president of the Woolen Manufacturers' Association, before our committee admitted this.

Mr. FORDNEY. When?

Mr. KITCHIN. In 1867. It went into the next tariff act. I asked Mr. Wood if that was not practically the same rate that had been in existence since then, with no material change, and he said, "Yes." The gentleman from New York [Mr. PAYNE] in his speech last year admitted that Schedule K had not been changed materially in 50 years. We all do know—it is a matter of record and has been proven—that Mr. North, who at the time was secretary of the Woolen Manufacturers' Association, prepared the woolen schedule of the Dingley Act. The testimony before the committee this year shows that the harness and saddlery manufacturers fixed or suggested the rate on saddlery and harness that went into the Payne Act. We do know that the lemon growers of California came down here and fixed or suggested the lemon rate, and they fixed it at 1½ cents, and into the Payne Act it went. We do know that Mr. Littauer, the great glove manufacturer, fixed the glove schedule. We do know the gentleman who appeared before us representing the silk industry told us that he had suggested to the committee the rates, which they changed, in the silk schedule in the Payne law. And we know, too, that many of the reductions were not made until the manufacturers themselves asked them to reduce the rates.

Now, I ask the gentleman from New York [Mr. PAYNE] to name a single rate on any article except lumber that the people use that was reduced except at the request of the manufacturers themselves. Take boots and shoes. Why, the boot and shoe manufacturers themselves came here and said that 25 per cent was too high; that if they were given free hides they would consent to a reduction of 10 and 15 per cent. Some, however, said they could stand free boots and shoes, and in the Payne Act the rate was reduced to 10 and 15 per cent.

In regard to machine tools the manufacturers themselves came down here and went before the committee and said, "While we have 45 per cent on machine tools, that is too high. We do not want that. It is interfering with our foreign trade. If we keep this high rate upon our goods other nations will retaliate and keep us out of their markets," and they asked Mr. PAYNE and his committee to reduce the rate on machine tools down to 30 per cent, and it was reduced down to 30 per cent. They always raise the rates when the manufacturers ask them to do so, and they never reduce rates until the manufacturers ask a reduction. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PALMER. I move that debate on the pending paragraph be now closed.

Mr. FORDNEY. I hope the gentleman will not do that.

Mr. PALMER. Can not the gentleman get in on the next paragraph?

Mr. FORDNEY. I reserved a point of order for the purpose of getting an opportunity of making a reply.

Mr. PALMER. I ask unanimous consent that debate on the pending paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that debate on the pending paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. GARDNER. Will the gentleman allow me one minute to read three telegrams from woolen manufacturers?

Mr. PALMER. Can not the gentleman read them on the next paragraph?

Mr. MANN. Oh, let the gentleman do it now, and make it six minutes.

Mr. PALMER. Then I will make it six minutes.

Mr. MANN. Reserving the right to object, I wish to call attention to the fact, after this is over, that we had an understanding this morning that we would endeavor to proceed as rapidly as we could with the bill, without too much side political debate. I hope both sides of the House will endeavor to observe that understanding as far as practicable.

Mr. PALMER. The gentleman from Illinois should not have insisted on this six minutes' debate, because I suspect that the gentleman from Michigan [Mr. FORDNEY] is going to make a political speech.

Mr. MANN. He is only going to reply to one that was made a moment ago.

Mr. PALMER. That is what I said.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized for one minute.

Mr. GARDNER. I have here a telegram from Mr. Frederic S. Clark, president of the Talbot Mills, which reads as follows:

NORTH BILLERICA, MASS., *April 21, 1913.*

Hon. A. P. GARDNER,
House of Representatives, Washington, D. C.:

Although the Underwood Schedule K would be very objectionable, the Payne-Hill bill would not be a satisfactory substitute. There are many grave objections to it.

FREDERIC S. CLARK,
President Talbot Mills.

Here is one from Edwin Farnham Greene, treasurer of the Pacific Mills:

BOSTON, MASS., *April 21, 1913.*

Hon. AUGUSTUS P. GARDNER,
House of Representatives, Washington, D. C.:

Consider it a very great mistake for Republicans to reintroduce so-called Hill bill on Schedule K as representing their views. The bill is inconsistent and quite inadequate to properly protect the industry.

EDWIN FARNHAM GREENE,
Treasurer Pacific Mills.

Here is one from Franklin W. Hobbs. Mr. Hobbs is the son-in-law of William Whitman; he has recently been elected to succeed him as president of the Arlington Mills. Whitman was formerly president of the National Association of Wool Manufacturers, but it appears that that office is now held by John P. Wood, of Philadelphia:

SOUTH BOSTON, MASS., *April 16, 1913.*

Hon. AUGUSTUS P. GARDNER,
House of Representatives, Washington, D. C.:

Referring to your telegram 15th, my objections to so-called Hill bill are wool duty impracticable, compensatory duties utterly inadequate, protective duties absurdly low. The whole trade believed such a bill disastrous, and was amazed last year that the Republicans introduced it. The party must not repeat the blunder. The new Democratic bill, radical and disastrous as it will be, is more protective to the woolen industry. We would be handicapped in trying to secure improvements in Democratic bill if measure introduced by Republicans was actually worse.

FRANKLIN W. HOBBS,
President Arlington Mills.

Mr. FORDNEY. Mr. Chairman, I am not surprised that the gentleman from North Carolina [Mr. KITCHIN] should make such rash statements as he did in his remarks a few minutes ago about who wrote the rates in the Payne tariff law. He was not a member of the Ways and Means Committee at that time. He says he has read the hearings. He states that Mr. Littauer wrote the glove schedule. He is just as near the mark as the Irishman was that shot at a pigeon with both barrels of his gun. He turned his head in the opposite direction, pulled both triggers, and let go, and when the gun went off the pigeon flew away. Mr. Littauer came before the committee and gave testimony. Mr. Littauer asked for a higher rate of duty on ladies' gloves. He pointed out that in the Dingley law the rate of duty on men's gloves had been increased from $2.50 to $4 a dozen pairs, and that before the adoption of that rate Germany furnished us with 95 per cent of the men's gloves consumed here. But after the rate was advanced to $4 a dozen pairs, the people of the United States are manufacturing 95 per cent of the men's gloves consumed in this country. Mr. Littauer wanted the same rate of duty on ladies' gloves that was written in the Dingley tariff law on men's gloves. He did not get it. I was one of the members of the committee that wanted to give that higher rate, so that ladies' gloves consumed in this country might be made by American labor and American capital.

Now, it is not true that Mr. Littauer wrote the glove schedule. It is not true that any man or set of men wrote the saddlery schedule. It is not true that any man or set of men wrote the wool schedule, except the Republican members of that Ways and Means Committee.

Mr. KITCHIN. Will the gentleman permit an interruption?

Mr. FORDNEY. Yes.

Mr. KITCHIN. How about boots and shoes?

Mr. FORDNEY. It is not true that any man wrote the schedule on boots and shoes. It is true that Mr. Jones, of Massachusetts, came before the committee and stated that if the committee would give them, the shoe manufacturers, free raw hides he would be willing to have boots and shoes put on the free list. I doubted the correctness of his statement and the sincerity of that statement, and so told him then and there. He came back afterwards on his bended knees and begged the pardon of the committee and said that he did not mean just what he had stated. He did not recommend any rate of duty on shoes. The rates all through the bill were fixed by a majority vote of the 12 Republican members preparing the bill.

Mr. KITCHIN. Did not they in their brief suggest that if you would give them free hides that 10 or 15 per cent would be the proper rate and they would stand for that?

Mr. FORDNEY. I did not read their briefs. I listened to the statements of the gentleman himself.

Mr. KITCHIN. I did read the brief, and it shows that.

Mr. FORDNEY. I do not care a ha'penny what they wrote or what the brief states; I listened to the words of the man's own mouth.

Mr. KITCHIN. The gentleman said that the woolgrowers——

Mr. FORDNEY. If the gentleman is going to read from a report I can not yield.

Mr. KITCHIN. I am going to read what they said.

Mr. FORDNEY. Not in my time. I say that I can go through the hearings of January last and find any amount of such reports or testimony before the committee, taken in the hearings that you lent a deaf ear to; and you have no right to say that because such things are in the hearings that any man wrote these schedules. It is true that way back in 1867, when a Republican tariff bill was being prepared on wool, a committee was appointed. It selected a committee of manufacturers to get information; months and months were spent by that committee in furnishing information, as the Tariff Board has recently done, and upon the report of that committee the Ways and Means Committee prepared their report on wool. I have that information at my office, and if the gentleman doubts what I have said on this subject I will at a later time present it to the House, showing exactly what was done by that committee at that time. The country was uninformed as to the cost of production at home and the cost of production abroad right after the Civil War.

They therefore appealed to the men in the business to give them an intelligent estimate of the cost of production of the various kinds of cloth made from wool—made in this country and made abroad. That was the only time in the history of the Republican Party that a committee of manufacturers or any manufacturer has been asked to furnish information except to come before the Committee on Ways and Means and make his statement and furnish his views on the cost of production at home and the estimated cost abroad. You have prepared your bill along those lines. I do not impugn dishonest motives to you, and you should not to me, for doing the same thing your committee have done.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

330. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued above 2½ cents per pound, 12 per cent ad valorem: *Provided, however,* That if any country, dependency, province, or other subdivision of government shall impose any export duty, export license fee, or other charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed upon printing paper, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty equal to the amount of such export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp.

Mr. HAMMOND. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 80, at the end of line 13, insert the words "valued at above 2½ cents per pound."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. HAMMOND. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Page 80, line 19, after the word "paper" insert the words "or upon an amount of."

Mr. MANN. Mr. Chairman, in reference to the amendment which was just agreed to, would not that leave the matter in such shape that if Canada should impose an export duty upon

print paper, valued at less than 2½ cents per pound, we would have no recourse against that? There is nothing in here to prevent that, except where you have the free list. You impose a duty on chemical pulp which we do not import to any extent from Canada.

Mr. HAMMOND. The effect of this amendment is simply to limit the retaliatory duty to paper valued at more than 2½ cents a pound, because in the free list we have paper up to 2½ cents a pound.

Mr. MANN. I understand. This bill carries news print paper, which is the term usually used, at less than 2½ cents per pound on the free list.

Mr. HAMMOND. Yes.

Mr. MANN. But supposing Canada imposes an export duty on that paper.

Mr. HAMMOND. There is no retaliatory duty.

Mr. MANN. Of course not in the free list. There is a retaliatory duty on chemical pulp.

Mr. HAMMOND. But not upon print paper.

Mr. MANN. Is not the gentleman afraid that is rather a dangerous proposition?

Mr. HAMMOND. The purpose of it is to have print paper up to 2½ cents per pound admitted to this country without the imposition of any duty here. Of course if we should impose a retaliatory duty we would make it cost that much more.

Mr. MANN. I think not. If we impose a retaliatory duty there will be no possibility of their imposing in the near future an export duty, because the paper could not stand the export duty and our import duty.

Mr. HAMMOND. That would depend on the size of the export duty.

Mr. MANN. I think it would not depend upon the size of the export duty. On 2½-cent paper you would have to make some duty. Of course, if they put one one-thousandth of 1 per cent, that would not mean anything.

Mr. HAMMOND. If they put it 10 per cent——

Mr. MANN. If they put a 10 per cent export duty on it and we had a retaliatory duty, that would be 10 per cent import duty here. That paper could not stand that, coming from Canada, and hence they would not do it.

Mr. HAMMOND. It is very difficult to determine just what Canada will do or will not do under certain conditions. At one time we contemplated a retaliatory duty in connection with the provision admitting news-print paper under 2½ cents free of duty, but later on it was thought that by so doing we would simply make it more difficult to bring that paper into this country. For that reason the committee decided to strike out the retaliatory provision. Of course, the gentleman understands that the amendment that was just adopted has nothing to do with the question we have been discussing.

Mr. MANN. I do not so understand; quite the contrary.

Mr. HAMMOND. I think it has nothing to do with it for this reason, that we are now engaged in perfecting the paragraph that contains retaliatory duties upon paper valued at more than 2½ cents per pound, and this amendment which was agreed to simply proposes that the retaliatory duty shall be levied on paper valued at above 2½ cents a pound.

Mr. MANN. The dutiable part of this paragraph has not affected paper valued less than 2½ cents a pound.

Mr. HAMMOND. Yes.

Mr. MANN. The proviso is one which I wrote some years ago, I think in practically the same language; perhaps exactly the same.

Mr. HAMMOND. It is very like the language of the Payne bill.

Mr. MANN. That applies to print paper regardless of value.

Mr. HAMMOND. Yes.

Mr. MANN. And the gentleman's amendment is designed not to apply to print paper valued at 2½ cents or less per pound.

Mr. HAMMOND. Yes.

Mr. MANN. That is the danger in the matter. With print paper admitted free of duty from Canada, Canada having a supply of the raw material, the spruce wood, it is almost sure that the development of the industry will be mostly in Canada. When they have acquired the development of the industry and possess the mills, possessing the raw material, the danger is that they will do in some form what Brazil did in regard to coffee. We do not get any benefit from taking the tariff off coffee and if they shall in the end have an incidental development in Canada, then, they having the industry, impose an export on paper, we will be in a worse position so far as paper is concerned than now. I do not think they will do that if we had an import duty based upon the export duty, if they make one, of the same amount.

Mr. HAMMOND. The gentleman states that if they develop the industry there and practically control it then they may put an export duty upon print paper. I fancy that he is not far out of the way in such speculation. If they secure that control of the market and then put an export duty upon paper and we have to have that paper we must pay that export charge, and if there be an additional retaliatory duty here we must pay more for it than if we took it at their export duty.

Mr. MANN. The gentleman understands it would not have any practical effect now either one way or the other. It is a mere declaration of policy written into the law, as far as that is concerned. I think in the interest of the paper manufacturers, and principally the paper consumers of the country, we ought to declare our policy that if Canada at any time proposes to impose an extra duty we will impose an import duty of the same amount, and therefore would prevent an export duty being imposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. HAMMOND. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 80, line 20, after the word "pulp," strike out the period and insert the words "necessary to manufacture such printing paper."

Mr. DONOVAN. Will the gentleman yield for a question for information in regard to this paper? Do I understand paper at the present time up to two and a half cents a pound is admitted free of duty from Canada?

Mr. HAMMOND. At the present time all paper from Canada valued at not more than 4 cents a pound is admitted free of duty, if it is made of wood or wood pulp, subject to no export restrictions. We in this bill have a provision admitting news-print paper, valued at not more than two and a half cents, free of duty, and I suppose the effect of this provision, if it is adopted and enacted into law, will be to repeal or at least render nugatory section 2 of the Canadian reciprocity act.

Mr. DONOVAN. Now, my next question is, At the present time what is the export duty on paper up to two and a half cents a pound from Canada?

Mr. HAMMOND. The export duty on paper going into Canada?

Mr. DONOVAN. No. What duty does Canada impose upon a similar grade of paper, say, of 2½ cents a pound?

Mr. HAMMOND. I am unable to inform the gentleman.

Mr. MANN. Perhaps I can give some information.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. HAMMOND] yield to the gentleman from Illinois [Mr. MANN]?

Mr. HAMMOND. I do.

Mr. MANN. There is no export duty on paper from Canada.

Mr. DONOVAN. No export duty; but what does Canada impose on paper from this country?

Mr. MANN. I do not know; but it is quite a duty.

Mr. DONOVAN. The point I want to make is to show what a foolish transaction it is upon our part to allow print paper into this country practically free, at 2½ cents a pound, and we pay $6 or $7 a ton to ship paper there. In other words, we have performed a fool business act in connection with Canada. [Applause.]

Mr. MANN. The observations of the gentleman from Connecticut [Mr. DONOVAN], of course, not only apply to paper, but a good deal more strongly to other articles in the bill. Print paper coming from Canada now under the Canadian reciprocity laws is admitted free of duty under certain conditions. Those conditions are such that more than half of the news-print paper which is imported from Canada is actually now admitted free. That paper is made from pulp wood cut upon what are known as the private lands, and comes in free because there is no restriction in Canada upon the exportation of the pulp wood. Most of the forests in Canada are owned by the Provinces, and are called "Crown lands." The right of stumpage is leased or sold, and there is a restriction in all the leases or sales providing that the wood shall be manufactured in Canada. That is considered a restriction. Paper made from that pulp wood, or from pulp that is made from that pulp wood, does not come in free. The Treasury Department has ruled where paper is made partly from pulp wood that is cut on Crown lands and partly from pulp wood that is cut on private lands, they will ascertain the proportion of the pulp wood that was had in the manufacture of paper and admit free the proportionate part made from the pulp wood cut on the private lands, and impose a duty on the proportionate part made from pulp wood cut on the Crown lands.

This bill provides for the admission of the news print paper up to 2½ cents a pound free. As I understand, the real purpose of fixing this at 2½ cents a pound—and I originally made

the limit in the law which this follows—was in order to prevent the Canadians taking advantage of the American consumer by charging more than 2½ cents for the ordinary newsprint paper. As long as they keep the price down to 2½ cents, they get it in at a lower rate of duty, or, by this bill, free. The minute that goes up above 2½ cents, there is an import duty on it.

Mr. HARRISON of New York. Mr. Chairman, I should like to make a very brief observation in reply to the remarks of the gentleman from Connecticut [Mr. DONOVAN]. He comes from a section of the United States that has always been famous for its ability to make trades. The Yankees are the best traders probably in the world, and his natural view of tariff making as a good Yankee is that we ought not to give away something to another country without getting something in return from them——

A MEMBER. Even nutmegs.

Mr. HARRISON of New York. Even nutmegs, as some gentleman prompts me to suggest. But his remarks are in line with the message recently sent to the Legislature of the State of Massachusetts by the governor of that State, in which he deprecated the proposed Democratic tariff revision upon the ground that the only proper way to proceed to revise the tariff was to do so by making a reciprocal trade or bargain with some other nation, and that seems to be the opinion also of my good friend, the gentleman from Connecticut [Mr. DONOVAN].

Now, I agree that it would be very desirable, indeed, if we could get other countries to make reciprocal bargains with us, so that in reducing our own tariff duties for the sake of our consumers, we might also get them to reduce their tariff duties so as to give extended markets to our producers.

But the trouble with that arrangement is that if we wait for that time we shall never get any revision of the tariff downward at all. We have just been through a great campaign in which we wrote upon our own statute books a law offering reciprocal bargains to the Dominion of Canada, and instead of accepting them the Canadians rejected their own side of the agreement, so that the proposed reciprocity fell to the ground.

Sent here, as we were, commissioned by the consuming public of the United States to give them relief from tariff burdens, against which they were justly complaining, what assurance have we of giving relief to that situation if we pay no heed to that cry and, instead, offer to them a bargain with some other country? If I were confident that we could get those bargains and write them immediately into law I would desire, for the sake of the manufacturers in the United States, to do so.

But a burned child fears the fire, and we have just been burned in our endeavor to make a trade with the Dominion of Canada, our nearest neighbor, the country most like ourselves in habits, commerce, and business manners; and my conviction as the result of that experience is that unless we ourselves proceed immediately to revise the tariff for the sake of the American consuming public we shall have to wait until the cows come home. [Applause on the Democratic side.]

Mr. HAMMOND. Mr. Chairman, I would like to answer briefly the inquiry of the gentleman from Connecticut [Mr. DONOVAN]. I agree with him in the main, but I think that he does not quite appreciate the situation that exists at the present time. In order to obtain the pulp to make news-print paper there must be a large supply of spruce wood. It so happens that Canada has that large supply. We do not have it in the United States, but we have a great demand for the paper itself, so we are hardly in a position to retaliate against importations, under any terms, of news-print paper from Canada.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. HAMMOND].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

331. Papers commonly known as copying paper, stereotype paper, bibulous paper, tissue paper, pottery paper, letter-copying books, wholly or partly manufactured, crêpe paper and filtering paper, and articles manufactured from any of the foregoing papers or of which such paper is the component material of chief value, 30 per cent ad valorem.

Mr. HAMMOND. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. HAMMOND].

The Clerk read as follows:

Page 80, line 24, after the word "paper," insert the words "weighing not more than 10 pounds per ream of 480 sheets."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. HAMMOND].

Mr. DONOVAN. Mr. Chairman, I wish to be allowed to make an observation.

The CHAIRMAN. The gentleman from Connecticut is recognized.

Mr. DONOVAN. The passage of this bill, if so amended, will result in this: That the Canadians will receive all the benefits of the so-called reciprocity act without giving anything in return. That is true, is it not? [Applause on the Republican side.]

Mr. JOHNSON of Washington. Mr. Chairman, I would like to make an observation, too. I represent in part a State that has the spruce and also has the paper mills for the manufacture of paper. This industry is only one of many which will suffer in the great State of Washington.

While I am on my feet I want to suggest to my good Democratic friend, the gentleman from Connecticut [Mr. DONOVAN], that, following up the discussion that was had on this side this afternoon as to who wrote the items of the wool schedule, we shall be indebted to him if he will disclose to the House who wrote the little item concerning gun wads which will soon be reached. Taxed gun wads under any tariff bill have never produced more than $300 of revenue per year to the United States. While my Democratic friend from Connecticut is bewailing the loss of protection for his paper mills, for his hat makers, and for his makers of notions of a thousand kinds, it must console him to know that the gun wads, made only in his State, are protected, and that protection is certainly not for revenue. [Laughter on the Republican side.]

Mr. HAMMOND. Mr. Chairman, I will answer no; of course Canada does not receive all the benefits of reciprocity. Neither does Canada receive all the benefits under section 2 of the act. Canada, under section 2, might send us paper under 4 cents free of duty. Under this bill all paper valued over 2½ cents a pound is subject to a duty.

Mr. MANN. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HAMMOND. Yes.

Mr. MANN. What is the construction of this committee, if this becomes a law, upon section 2 of the reciprocity act?

Mr. HAMMOND. Well, of course, the Committee on Ways and Means is not a judicial body. I do not know that the committee as a whole has expressed any opinion upon this matter. I stated a moment ago that it was my own opinion that the effect of this legislation would be to render nugatory section 2 of the Canadian reciprocity act, and I assume that if section 2 is rendered nugatory it would be practically impossible for the Canadian reciprocity act to become a law without being reenacted here.

Mr. MANN. Of course, so far as paper under 2½ cents being admitted free is concerned, that would not necessarily conflict with section 2 of the Canadian reciprocity act, because that is giving something more than is given there.

Mr. HAMMOND. Yes.

Mr. MANN. But as to paper between 2½ and 4 cents, where you impose a duty upon it in this bill that would be in direct conflict with the provisions of section 2 of the reciprocity act?

Mr. HAMMOND. Yes; it would.

Mr. MANN. I take it that if that act is a practical repeal of section 2 of the Canadian reciprocity act it acts practically as a repeal of the entire act.

Mr. HAMMOND. That is my opinion.

Mr. MANN. Then why not repeal it, and not leave it as a matter of uncertainty?

Mr. HAMMOND. I shall be very glad to vote to repeal it.

Mr. MANN. I have always voted for the Canadian reciprocity act.

Mr. HAMMOND. I have always voted against it, and I voted to repeal it.

Mr. MANN. I understand. I voted the other way; but if it is to be repealed in this way by implication, it would seem to me that for the purpose of avoiding possible international disputes or questions in court it would be advisable to do directly that which otherwise would be done indirectly. In other words, when you are writing a law it is better to make it clear on those things concerning which you know questions will arise, if you can do so, than to leave it until after the questions have arisen.

Mr. HAMMOND. If the gentleman from Illinois has an opportunity and does move to repeal the Canadian reciprocity act, I will assure him of one vote.

Mr. MANN. As far as I am concerned, I do not intend to move to repeal it.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I do not think myself that this law will repeal the entire Canadian reciprocity treaty. It will have that effect as to section 2 undoubtedly, in my opinion, but I think the balance of the act will stay on the statute books. Of course,

whether Canada will at any time accept the balance of it with that portion out, I do not know.

Mr. MANN. But, if the gentleman will pardon me, it may be that we can change our position with that degree of celerity which would fit the case. We are now claiming that section 2 is a part of the whole Canadian reciprocity act, and hence that where we grant free paper coming from Canada, that does not grant free paper coming from Sweden under the clause that gives Sweden the same rate of import duty that any other country has, on the ground that this is a reciprocity treaty with Canada and is to be treated as a whole. Perhaps we could switch around. I do not know.

Mr. UNDERWOOD. But my friend from Illinois overlooks the fact that Canada has not ratified this reciprocity treaty, and therefore it is not a question of repealing a treaty. Of course, if we should leave the law on the statute books and Canada should then accept the whole of it, it will then become in the nature of a treaty; and being ratified after this law goes into effect, the only effect it would have would be so far as this particular bill changes the terms of that act.

Mr. MANN. I think the gentleman is mistaken in that. We would not ratify it after this bill went into effect. We have passed the law, as far as we are concerned. It is on the statute books. Now, suppose we in effect repeal one section of that law and then Canada passes a law in the same terms as the one which we originally passed, we would not either one of us get together. The minds of the two Governments would not meet. It would not amount to anything. It seems to me it is a practical repeal.

Mr. HARRISON of New York. The gentleman was genuinely in favor of the Canadian reciprocity act, as I was. And having, after a great congressional convulsion, secured the passage of our side of the law, does not the gentleman think that instead of endeavoring to repeal the whole law we might leave it on the statute books, with the hope that, should Canada change her mind about it, this one trifling point might easily be adjusted between the two countries, and we could get all the benefits we hoped for from the whole reciprocity act?

Mr. MANN. I should say it would be desirable either to repeal it, or else put into this law a saving clause that if the Canadian reciprocity act should be accepted by Canada section 2 should remain in force.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota [Mr. HAMMOND].

The amendment was agreed to.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word. With all this talk I have not received a satisfactory answer on the point I wanted to bring out. My claim is that if this Underwood bill reported by the committee goes into effect paper will be allow to be brought into this country free of duty up to 2½ cents. That is, when we take it off it comes in free from the Canadian Province, and paper going out of this country must pay a duty. Now, the gentleman from Washington asked me a question, and I did not answer him, because I did not know. I do not want to appear discourteous to the gentleman. I suppose that the chairman of the committee ought to answer the question. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

332. Papers, including wrapper paper, with coated surface or surfaces, not specially provided for in this section, including wrapping paper with the surface decorated or covered with a design, fancy effect, pattern, or character, whether produced in the pulp or otherwise, but not by lithographic process, whether or not wholly or partly covered with metal or its solutions (except as hereinafter provided) or with gelatin or flock, or embossed or printed, cloth-lined or reenforced paper, parchment papers, and grease-proof and imitation parchment papers which have been supercalendered and rendered transparent, or partially so, by whatever name known; all other grease-proof and imitation parchment papers, not specially provided for in this section, by whatever name known; bags, envelopes, printed matter other than lithographic, and all other articles composed wholly or in chief value of any of the foregoing papers, not specially provided for in this section, and all boxes of paper or wood covered with any of the foregoing paper, 35 per cent ad valorem; albuminized or sensitized paper or paper otherwise surface-coated for photographic purposes, plain basic papers for albuminizing, sensitizing, baryta coating, or for photographic or solar printing processes, 25 per cent ad valorem.

Mr. HAMMOND. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 81, line 3, strike out all after the word "papers" and down to and including the word "printed," in line 10, and insert the words "including wrapping paper, with coated surface or surfaces, or with the surface wholly or partly covered or decorated with a design, fancy effect, pattern, or character, whether produced in the pulp or otherwise; all of the foregoing not specially provided for, whether or not wholly or partly covered with metal or its solution or with gelatin or flock or embossed or printed except by lithographic process."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. HAMMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 81, line 20, amend by inserting after the first word "paper," at the beginning of the line, the words "papier mâché."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 81, line 11, after the word "paper," strike out the words "parchment papers."

Mr. BUTLER. Mr. Chairman, I have a letter addressed to me by the Glen Mills Paper Co. protesting against the reduction of the duty upon what is known as vegetable parchment paper. I move to strike out the two words. If I should be successful, that I may keep the record straight, I would like to give notice that I shall move to substitute for the duty on parchment paper the rates that we find in the present law. Mr. Chairman, in my time, I ask to have this letter read.

The Clerk read the letter, as follows:

PHILADELPHIA, *April 21, 1913.*

Hon. T. S. BUTLER,
House of Representatives, Washington, D. C.

DEAR SIR: We write you in regard to the proposed change of duty on vegetable parchment paper.

The rate in force at the present time is 2 cents per pound and 10 per cent ad valorem. The proposed change (H. R. 10 of Apr. 7, 1913, p. 81, par. 336) by the House committee is 35 per cent ad valorem duty on parchment paper, including it with a number of other papers.

This change would be a most disastrous one, because it would not only reduce the rate to a point which would enable German competition to practically undersell the entire market in this country, but it would further continue this paper in a class with a larger number of other papers, and for this reason and also by making the duty ad valorem, it would render frauds by undervaluation and misdescription as prevalent as they were in prior years, and almost impossible of detection.

Ad valorem duties are generally conceded to be a fruitful source of fraud. Misdescription and undervaluation are almost impossible to follow up, and it would be but a very short time before the American manufacturers of this paper would be driven out by the Germans.

Practically the only foreign country making this paper is Germany, and none of the German paper has been imported since 1909.

Parchment paper of domestic manufacture formerly sold in this country at 12 cents per pound, and its price has continuously declined until it is now 7½ cents per pound, and this has been entirely under stress of domestic competition. In the meantime, the efficiency of labor has declined, and the wages have been increased so that the economies and the better methods of manufacture have been partly offset by the inefficiency and high cost of labor.

We respectfully request you to use all possible means—

(1) To prevent the inclusion of vegetable parchment paper in a class along with other papers.

(2) To prevent any change in the existing specific duty.

(3) In the event of change, to prevent it being placed on an ad valorem basis.

The present duty is 2 cents per pound and 10 per cent ad valorem. We think that if it were necessary to make any reduction that the reduction would be sufficient if the 10 per cent ad valorem were stricken out.

Thanking you very much for your favor, we are,

Truly, yours,

THE GLEN MILLS PAPER CO.,
Per J. M. DOLAN.

Mr. BUTLER. Mr. Chairman, the letter has been read and the views of my constituents will appear in the RECORD. I now await the operation of the committee upon the request of my constituents. I have endeavored to comply with their request. They will not hold me responsible for the failure, but they will charge it properly to the Democratic side of the House.

Mr. HAMMOND. Mr. Chairman, in the letter just read, if I understood correctly, the writer stated that 10 per cent ad valorem might be dropped and the specific rate continued. The present rate upon parchment paper, reduced to an equivalent ad valorem, is 47 per cent. Deducting 10 per cent would leave an equivalent ad valorem of 37 per cent. The rate we have fixed at 35 per cent, so that there is not a great difference between what the gentleman says might be done with safety and what we have done.

Mr. BUTLER. The principal protest is against the ad valorem duty. My constituents want a specific duty. I am not criticizing the gentleman because he does not accept the amendment. The gentleman will recall that while the principal protest is against the specific duty, it is also against the reduction which the gentleman's committee has made.

Mr. HAMMOND. The reduction is only about 2 per cent from what the gentleman would be content with if it was a specific duty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question was taken, and the amendment was rejected.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 81, line 25, after the words "ad valorem," strike out the period and insert a semicolon and the words "parchment paper, 2 cents per pound."

Mr. MOORE. This is merely reenforcing the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER], and slightly reduces the Payne rate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 81, line 11, after the words "reenforced paper," insert the words "parchment and vellum."

Mr. MOORE. Mr. Chairman, this is to encourage Americans to manufacture parchment and vellum. It all comes in from foreign countries now, and it could be made here if there were a duty upon it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 81, line 22, after the word "purposes" insert "30 per cent ad valorem."

Mr. TREADWAY. Mr. Chairman, this amendment is in order to make a compensatory duty between paper to be prepared for photographic process and the actual paper ready for the photographer's use. It seems that there should be a distinction between the two, as testified to by some constituents of mine. The following message I received to-day:

Rate on sensitized or surface-coated photo paper should be higher than on plain. It is a luxury; benefits Eastman only.

We have heard a great deal about hitting at the trust, and at the request of these constituents of mine I beg to solicit the assistance of the Democrats in an endeavor to hit the trust in one particular. This seems to be a very good means of giving the trust just a little bit of a knock, or, rather, letting one of them have a little of the kind of treatment which it has been agreed we ought to give to them.

Further, I would ask the gentleman from Minnesota in charge of this section if there should not be a compensatory duty between these two kinds of paper. I also wish to submit a brief that has been sent to me that was prepared for submission to the House Committee on Ways and Means during their sessions last winter, but which was not submitted, in view of the fact that a general appearance was put in on behalf of the paper manufacturers in my section rather than for this special kind of paper. I would ask the Clerk to read this in my time. May I ask the indulgence of the gentleman from Minnesota, also, that he answer the question which I have asked?

The Clerk read as follows:

Hon. OSCAR W. UNDERWOOD,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.:

The undersigned, B. D. Rising Paper Co., are manufacturers of paper at Housatonic, Berkshire County, Mass. We join with other manufacturers in the request that there be no radical change in the classification of papers as it appears in the tariff act of August 5, 1909. Manufacturers and importers have become familiar with the classification, and so have the inspectors and appraisers. Any change would necessitate much labor and argument and the loss of valuable time in determining the duty on different kinds of paper under a new classification. We are particularly interested in—

"PAR. 411. Plain basic papers for albuminizing, sensitizing, baryta coating, or for photographic or solar printing processes, 3 cents per pound and 10 per cent ad valorem."

Very little of this kind of paper was made in this country previous to the enactment of the tariff of 1897, and even afterwards, as that act imperfectly described the paper; large quantities were brought in as "printing paper." This undervaluation was made impossible by the act of 1909, and under the protection thus afforded a large business has been developed, affording employment to many people.

Any reduction in the duty on this paper will result in the business going entirely to foreign mills, because they are able to produce the goods much cheaper than in this country. The supply of raw material for the manufacture of blue-print and photographic papers in this country is not sufficient, and very large quantities are imported from Europe. American manufacturers must pay more for these materials than the foreign manufacturers or they can not obtain them. When they have done so and have paid freight and other charges to bring the materials to their mills, and added the high labor rates prevailing here, the cost of the finished product must be greater than if manufactured abroad.

That the present duty on these papers is none too high is further shown by the fact that importations are increasing rapidly, as will be seen by the attached statement from the records of the Treasury Department:

	Pounds.
Plain basic photographic paper imported year 1907	2,218,496
Plain basic photographic paper imported year 1911	3,550,510

Note the increase of 60 per cent in four years.

All photographic paper imported year ending June 30, 1907	$593,040.64
All photographic paper imported year ending June 30, 1910	761,940.00
All photographic paper imported year ending June 30, 1911	1,147,039.00

Note the steady increase and that the value of paper imported in the year ending June 30, 1911, is nearly double that for the year ending June 30, 1907.

There is no reason why all this paper should not be made in this country except that the foreign manufacturers have the advantage of lower costs of labor and material.

It should further be noted that photographic paper, either plain or coated, is not one of the necessaries of life, but is sold at an enormous profit by one of the biggest and worst trusts in the country.

Any reduction in duty will benefit nobody but the manufacturers of camera supplies, who send large sums of money out of this country, and cause a loss of employment, which will greatly injure the wage earner.

B. D. RISING PAPER CO.,
CHAS. MCKENNON, *Treasurer.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

Mr. J. M. C. SMITH. Mr. Chairman, when the question was asked by the gentleman from Connecticut a few moments ago, whether or not section 2 of the Canadian reciprocity is repealed by this act, no one seemed to be able to give the information. The reciprocity act that was heretofore passed by this House and enacted into law did not conform with any of the principles that are advocated by the Republican Party, in that it provided for the importation of the products of another country into this country without duty, whereas that country charged us a duty when we shipped our products into that country. That is not a good business policy. I do not think that conforms to the best interests of America, and I think that the people of this country and the manufacturers of paper are entitled to know whether or not, by the enactment of this into law, that particular section will or will not be repealed. It is reported by the Tariff Board that it costs $3.50 a ton more to manufacture paper in this country than it does in Canada. But there is nobody who need say that Canada would put an import duty upon the products that we ship into that country, providing they were not opposed to the import or to our export. According to the information I have, we have 40,000,000,000 feet of fir spruce and other paper timber in this country, sufficient to supply the need for all time, if it is properly conserved, for the manufacture of paper. One of the purposes for the enactment of the Canadian reciprocity treaty and for this particular provision was, according to Democratic principles, that we would get our product cheaper, and I leave it to the House or any Member here to say whether or not that condition has come about, and I stand with the gentleman from Minnesota [Mr. HAMMOND] to repeal that act in toto from top to bottom, and I hope before this Congress adjourns that that will be done. The reciprocity treaty with Canada was rejected by that country, and belittled us in the eyes of the world. The Republican Party heard from the American farmers in the election of 1912 because of having promulgated reciprocity with Canada, and by the passage of this act promulgating free trade and one-sided reciprocity with the world the Democratic Party will hear from the people in 1914.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. J. M. C. SMITH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

333. Pictures, calendars, cards, labels, flaps, cigar bands, placards, and other articles composed wholly or in chief value of paper lithographically printed in whole or in part from stone, metal, or material other than gelatin (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same, not specially provided for in this section) shall pay duty at the following rates: Labels, flaps, and cigar bands, if printed entirely in bronze printing, 15 per cent ad valorem; if printed otherwise than entirely in bronze printing, but not printed in whole or in part in metal leaf, 25 per cent ad valorem; if printed in whole or in part in metal leaf, 30 per cent ad valorem; booklets, books of paper or other material for children's use, not exceeding in weight 24 ounces each, fashion magazines or periodicals, printed in whole or in part by lithographic process, or decorated by hand, booklets, decorated in whole or in part by hand or by spraying, whether or not lithographed, 12 per cent ad valorem; decalcomanias in ceramic colors, whether or not backed with metal leaf, and all other decalcomanias, except toy decalcomanias, 20 per cent ad valorem; pictures, calendars, cards, placards, and all other articles than those hereinbefore specifically provided for in this paragraph, 20 per cent ad valorem.

Mr. HAMMOND. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 82, line 4, strike out the words "other than gelatin," and, after the word "or," insert the word "other."

The question was taken, and the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 82, line 25, after the words "ad valorem," strike out the period and insert in lieu thereof the following:

"*Provided*, That articles composed wholly or in chief value of paper printed by the photogelatin process and not specially provided for in this act shall be dutiable at 3 cents per pound and 15 per cent ad valorem."

Mr. MOORE. Mr. Chairman, this is lower than the Payne rate and is simply intended to protect the American manufacturers against foreign competition.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

334. Writing, letter, note, handmade paper and paper commercially known as handmade paper and machine handmade paper, japan paper and imitation japan paper by whatever name known, and ledger, bond, record, tablet, typewriter, manifold, and onionskin and imitation onionskin papers calendered or uncalendered, whether or not any such paper is ruled, bordered, embossed, printed, lined, or decorated in any manner, 25 per cent ad valorem.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 83, line 8, after the word "manner," strike out "25 per cent" and insert "35 per cent."

Mr. TREADWAY. Mr. Chairman, the paper industry is one of the largest industries in western Massachusetts, and the mills feel that the rates proposed in the Underwood bill are very detrimental to their interests. They consider that the lowest rate in this section should not be under 40 per cent. This rate of 35 per cent which I have proposed is a reduction from the existing rate, as I understand it, and it seems to me that it is not more than a fair return on the industry that it represents. You will note by the brief filed by the Paper Makers' Association that the comparative rate of wages in this country and in Germany is as follows: The skilled labor in Germany receives from 8 to 16 cents per hour and in America from 25 to 50 cents per hour. Unskilled labor in Germany receives from 6 to 11 cents and in America from 13 to 25 cents per hour.

Mr. AUSTIN. What about the length of hours they work?

Mr. TREADWAY. Both the skilled and unskilled laborers work shorter hours in America than they do in Germany. This is very strong proof that labor will obtain a large share of any benefit of a tariff act, and if the tariff is reduced on these papers labor must eventually give up a portion of its gain. We have been over this subject with our friends on the other side so frequently that I do not care at this time to transgress upon the time of the House. We make this appeal in behalf of the men employed in the paper mills of western Massachusetts, not in behalf of the manufacturers.

The competition between the paper mills there is such that the profits have been extremely low, and I could furnish, if you desired it, statistics corroborating these statements. It seems to me that we ought to consider the welfare of the employees in these great mills and not compel them to accept a lower scale of wages in competition with foreign labor.

Mr. NORTON. Will the gentleman yield?

Mr. TREADWAY. I have but a moment. I do not intend to go into any lengthy discussion, as I realize it is useless, the Democratic caucus having settled in advance and without consideration of the merits of the case what action is to be taken upon every amendment offered in behalf of the great industries of my State.

The gentleman from Tennessee [Mr. AUSTIN], I think, started to interrupt.

Mr. AUSTIN. I was simply going to ask the gentleman not to be discouraged. This side has succeeded in getting so many amendments on the bill that if you talk a little longer you may get another.

Mr. TREADWAY. I will appreciate your cooperation in behalf of the men I am speaking for.

Mr. AUSTIN. You will get it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

335. Paper envelopes not specially provided for in this section, folded or flat, bordered, embossed, printed, tinted, decorated, or lined, 15 per cent ad valorem.

Mr. HAMMOND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. HAMMOND] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 83, lines 9 and 10, strike out the words "not specially provided for in this section."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. HAMMOND].

Mr. MANN. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. HAMMOND. Yes.

Mr. MANN. I notice that this makes a very severe reduction in fancy envelopes. I am not very well informed in reference to the business. Embossed, printed, tinted, decorated, or lined envelopes are reduced from 25 to 15 per cent, the same as plain envelopes.

Mr. HAMMOND. The average rate upon envelopes, I think, is 27 per cent ad valorem.

Mr. MANN. Plain envelopes now come in, I think, at 20 per cent, and fancy envelopes at——

Mr. HAMMOND. Thirty, is it not?

Mr. MANN. Thirty-five per cent. Of course, whatever the average is does not make any difference as to my inquiry of whether there ought to be little higher rate, either as a protective or a revenue measure, on fancy envelopes.

Mr. HAMMOND. I will say to the gentleman that he has undoubtedly noticed an apparent inconsistency in the rate upon writing paper and the rate upon envelopes. That was suggested to the committee, and it was proposed at one time to increase the rate upon envelopes. We have not done so, however. The difference in rates has been carried for a number of years, and is in the present law. Believing the ad valorem would take care of the different values of the envelopes, we did not feel like going over 15 per cent. We desire to make a reduction, and if we did not go below 20 per cent, there would be no reduction on plain envelopes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. HAMMOND].

The question was taken, and the amendment was agreed to.

Mr. HAMMOND. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Minnesota offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 83, line 10, after the word "flat," insert the word "plain."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 83, line 9, strike out paragraph 335 and insert in lieu thereof the following:

"335. Paper envelopes not specially provided for in this section, folded or flat, if plain, 20 per cent ad valorem; if bordered, embossed, printed, tinted, decorated, or lined, 35 per cent ad valorem."

Mr. MOORE. This restores the Payne rate, and the reason for it is this, that the duty fixed upon envelopes is here fixed at 15 per cent while the duty on the paper from which the envelopes are made is fixed at 25 per cent. These figures would make it almost impossible for the manufacturer of envelopes to successfully compete with the foreign manufacturer.

Mr. PAYNE. I am afraid the gentleman does not understand the theory. They put them all at the low rate of duty in order that it may benefit the impecunious consumer of the United States. The gentleman does not understand the theory.

Mr. MOORE. Evidently I do not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

337. Books of all kinds, bound or unbound, including blank books, slate books and pamphlets, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter, all the foregoing and not specially provided for in this section, 15 per cent ad valorem. Views of any landscape, scene, building, place, or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of 1 inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying 35 square inches or less of surface per view, bound or unbound, or in any other form, 45 per cent ad valorem; thinner than eight one-thousandths of 1 inch, $2 per thousand.

Mr. MOORE. Mr. Chairman, I offer this amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 83, line 22, after the word "section," strike out "15 per cent ad valorem" and insert in lieu thereof "25 per cent ad valorem."

Mr. MOORE. Mr. Chairman, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] if this paragraph, re-

ferring to "books of all kinds," will also include Bibles, which have been transferred to the free list?

Mr. UNDERWOOD. It would if they were not on the free list.

Mr. MOORE. Then Bibles are to be distinguished from "books of all kinds" as referred to in this paragraph?

Mr. UNDERWOOD. Yes. The committee is of the opinion that there is one Book in all the world that ought not to be taxed. [Applause on the Democratic side.]

Mr. MOORE. I am glad the committee is of that mind, for this is the first time they have displayed any religious feeling since this discussion began. [Laughter on the Republican side.]

But, Mr. Chairman, not desiring to delay the committee further, I wish to say that the printers' and pressmen's and binders' unions, and union men generally, are opposed to this transfer of books to the free list. They are also opposed to the reduction of duty from 25 per cent to 15 per cent. I shall extend in the RECORD some things they have to say on that subject. I think this paragraph is decidedly against the interests of union labor, of which we have so many champions on the other side of the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. DONOVAN. Mr. Chairman, will the gentleman from Pennsylvania allow me a question right there?

Mr. MOORE. Yes.

Mr. DONOVAN. Did I understand the gentleman to say that he objected to the passage of this schedule?

Mr. MOORE. I object to the passage of the schedule; yes. I object also to the passage of the bill.

Mr. DONOVAN. Is it because the gentleman thinks that the work on the books—the work of the printers and all—will be done on the other side, and that that work will be given to labor of that class on the other side?

Mr. MOORE. I say that if we had the printing done on the other side, and employed the pressmen on the other side, and employed the bookbinders on the other side, and all the other labor of diversified character entering into the making of books of all kinds, whether Bibles or not, included in this paragraph, it would transfer the industry to the other side of the water, and we would have to buy what they send to us. I think it would be far better to have this work done in the United States, rather than have it sent over to Canada or Europe or Germany or England and have their people make them. I think it would be better, if we had money to spend, to spend among our own people, in our own country, and I think that it would be better, even in the case of Bibles, for which there is a demand, and in which, for the first time, there seems to be an interest on the Democratic side. I think it would be a splendid thing for our people to buy them from American publishers. The truth is that Bibles are being distributed all over the world, and they are being printed in the United States, and the printing and circulation of the Bible gives our people employment and helps to civilize the nations of the world, and that civilization brings money to the United States. [Applause on the Republican side.]

Mr. AUSTIN. Mr. Chairman, allow me to say to the gentleman from Pennsylvania that we are going to have so much money in the near future under the operation of this bill that we shall not be able to spend it all at home, and here is a provision under which we may be able to spend some of it abroad. [Laughter on the Republican side.]

Mr. MOORE. I know my friend from Tennessee [Mr. AUSTIN] is speaking satirically in this instance, although he is right in his opposition to the bill.

Mr. MANN. If the gentleman will permit, I would like to ask if he knows why they propose to place Bibles on the free list in this bill?

Mr. MOORE. No.

Mr. MANN. It is probably because they know the people throughout the country will have so much spare time on their hands, not having anything else to do, that they will have ample leisure in which to read the Bible, and they think they ought to be furnished with it cheaply. [Laughter on the Republican side.]

Mr. FOSTER. On the contrary, I think the people have been enduring so much suffering on account of the operations of the Payne law in the last four years that they should be permitted to get comfort from reading the Bible, and to that end they should be permitted to buy it cheaply. [Laughter on the Democratic side.]

Mr. PAYNE. They will have to do something more than merely read the Bible if they want to make a living.

Mr. MOORE. The communications I referred to were as follows:

ALLIED PRINTING TRADES COUNCIL, PHILADELPHIA, PA.

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR:

Whereas it has been brought to the attention of the Allied Printing Trades Council of Philadelphia that the Presbyterian Publication Committee is advocating the removal of the present duty on Bibles of foreign manufacture and the placing of religious publications of all kinds on the free list; and

Whereas the universally accepted theory of tariff protection comprehends the equalizing of opportunities for American and foreign labor; and

Whereas there has been placed before committees of the Congress indisputable evidence that the printing industry of the United States stands in great need of additional protective legislation in order to successfully compete with foreign markets: Therefore be it

Resolved, That the Allied Printing Trades Council of Philadelphia, in regular meeting assembled on Friday evening, February 21, 1913, does hereby earnestly protest against any reduction of the present import duties on printed matter; and be it further

Resolved, That Members of the Congress be fervently petitioned to promote legislation designed to levy such additional duties on imports of printed matter as they, from their investigations, shall find to be just and proper.

ROBERT L. BARNES, *Secretary.*

ALLIED PRINTING AND BOOKBINDING TRADES ASSOCIATION OF AMERICA,
New York.

The following was adopted at a meeting of the representatives of the Allied Printing and Bookbinding Trades Association of America at the National Hotel, Washington, D. C., April 20, 1913:

"*Resolved*, That we earnestly petition the United States Senate to grant public hearing to American citizens on the revised and amended tariff bill.

"As members of trades who are threatened with loss of employment by reduction of Schedule M, we ask that the United States Senate grant to us the opportunity of proving that our industry is in great danger if the revised bill should become a law.

"We ask this privilege as American citizens to lay before your body evidence which will disclose and prove to you the dangers of this legislation to the American workman."

PHILADELPHIA PRINTED BOOK BINDERS' UNION,
Philadelphia, February 17, 1913.

Hon. J. HAMPTON MOORE, M. C.,
Washington, D. C.

MY DEAR CONGRESSMAN: Find inclosed copy of a resolution adopted by our organization, which is self-explanatory. We are seeking your aid in this matter, which means so much to our craft, not only in Philadelphia but throughout the country.

Our committee will be pleased to call upon you while in Philadelphia to explain any feature that you should want explained.

Thanking you for any aid that you may extend to us in this matter, I am,

Yours, sincerely, J. HOWARD BERRY, Sr.

P. S.—Find inclosed copy of our agreement and scale of wages that we have with our employers, showing our reliability.

B.

Whereas it has been brought to our attention that the Presbyterian Publication Committee appeared before your honorable body, requesting that all religious publications be placed upon the free list, also asking that the 25 per cent duty on Bibles be taken off; and

Whereas we, members of Local No. 2, International Brotherhood of Bookbinders, which have a membership of over 15,000 mechanics, both male and female, throughout the United States who are employed in making these Bibles and religious books, and who are a part of this great constituency, endeavoring to build up our industries by having uniform laws maintained, where the journeymen and apprentices can earn living wages and support their families properly; and

Whereas at the present time here in Philadelphia the largest Bible publication house in America, employing hundreds of skilled mechanics, and having done abroad thousands of dollars' worth of Bibles and religious publications each year under our existing tariff laws, by having Bibles and all religious publications upon the free list, as advocated by the Presbyterian committee, would mean throwing out of work thousands of employees throughout the United States and closing down our workshops, for if American mechanics can not compete with the foreign labor under our present tariff laws it would mean the elimination, so far as the American workmen are concerned, of our present book industry if all books were placed upon the free list; and

Whereas at the present time figures taken from statistics showing the difference between the American and foreign paid labor and hours' work per day, with almost the elimination of child labor, in America, but not in force in some of those foreign competitive countries which American labor must compete against, also in foreign countries operating our American-manufactured labor-saving machines, same as are operated in our country:

Countries.	Hours per day.	Maximum wages per week.
Germany (work home at nights)	9	$6.00
France (work home at nights)	9	7.00
England (child labor)	9	12.00
Belgium (sweatshop system)	[1]10	6.00
Russia (sweatshop system)	[1]10	5.00
Austria (sweatshop system)	[1]10	5.00
Italy (sweatshop system)	[1]10	4.50
Spain (sweatshop system)	[1]10	4.50

[1] Or more.

Also in some of these countries the mechanics' families are working on book covers during the day while the fathers and brothers are in the binderies. In Belgium, Russia, Austria, Italy, and Spain children are employed in these workshops 10 and 12 years old, while in the United States our child-labor laws in most States prohibit girls and boys from working in factories under certain ages, which, at an average, is four to six years above those in foreign countries. These are the conditions confronting the American mechanics and workmen, who receive most universally the eight-hour day and wages ranging, in the book industry, from $18 to $22 per week, along with our great cost of living here in America: And be it

Resolved, That Local No. 2, International Brotherhood of Bookbinders, do hereby unanimously protest against any such reduction, knowing the deplorable calamity it would cause, not only to the bookbinding industry but throughout the printing trades; and be it further

Resolved, That Local No. 2, International Brotherhood of Bookbinders, recommend an increase on the present tariff on Bibles and religious books, also all books bound in foreign countries, printed sheets flat or folded, books partly bound, covers for books, either leather or cloth covers for books, with or without any labor upon the same, pieces of leather or any other materials, stamped or printed, for books or bookcases, should have sufficient duties added to equalize the difference between American and foreign-paid labor; and be it further

Resolved, That Local No. 2, International Brotherhood of Bookbinders, wish to present the deplorable conditions of their industry caused by the unjust discrimination of our import laws, not only upon Bibles and religious books, but our fine bindings that have left our shores to be done in foreign binderies, which it has forced in America the closing of our fine binderies and forcing our mechanics into other fields, after spending their lives in becoming masters of their respective trades; and be it further

Resolved, That we ask for no advantage over our foreign competitor, but place the tariff high enough that it will equalize the difference between paid labor in European countries and the United States, and if the foreign countries can produce a superior and cheaper book after all conditions are equal, then they should have the trade on supremacy.

[SEAL.] A. NORMAN HANNINGS, *President*.
WILLIAM J. LEWIS, *Secretary*.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. PAYNE. The gentleman from Pennsylvania [Mr. MOORE] is exercised over the rest of this paragraph. I remember four years ago there were brought before us barrels of post-card pictures of scenery in this country "made in Germany." It seemed to be one of the chief occupations of people in Germany, and it was impossible to find any such views of American scenery made in the United States. I recall that a contract was made in my own town for the production of such pictures in Germany. We put the duty up so there was a 75 per cent rate on those things, and thereby we stopped that German business. As a result the retailers and the public here are now getting them for about the same price as they formerly paid for the foreign-made pictures of our home scenery, and our people do the work.

Pictures of that character are used on various other things besides post cards. They are used in many instances on the calendars which newspapers sell to the newsboys once a year, on New Year's Day, when the boys come around and tax us a quarter or half a dollar apiece for calendars. There is no excuse for allowing the newspapers to procure these calendars more cheaply. Of course there is no connection between the newspapers getting these a little cheaper under this change in the tariff and a desire on the part of Democracy to "snuggle up" closer to the press. Perish any thought of that kind! And still it is difficult to see what other motive there was on the part of the committee in making such a severe cut, unless they prefer to see the legend on American landscapes, "Printed in Germany." That may be a dear thought to them, although it causes the cheek of our worthy President to blush with shame every time he sees it. Perhaps they want to shame him. I do not know but they want to get even with him for changing the bill from what it was when the Ways and Means Committee had it. [Laughter on the Republican side.] Possibly it may be chagrin because the pie counter has been kept from so many and they want something to bring him to a realizing sense of their gnawing hunger. But, Mr. Chairman, I will not interfere with the harmony of the bill by even offering an amendment.

The Clerk read as follows:

339. All boxes made wholly or in chief value of paper or papier-mâché, if covered with surface-coated paper, 35 per cent ad valorem.

Mr. HAMMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 84, strike out paragraph 339.

The amendment was agreed to.

The Clerk read as follows:

340. Playing cards, 60 per cent ad valorem.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 84, line 14, after the word "cards," strike out "60" and insert in lieu thereof "50."

Mr. MOORE. Mr. Chairman, it seems to me that the committee has treated playing cards as a luxury. They have put the rate so high that it is impossible for the poor man to obtain a pack of cards to while away a winter evening. Having information that cards are used by the other side who are largely in the majority, and that there will be ample time after the bill goes into effect for them to spend their time as pleasantly as possible, I have moved to reduce the rate.

Mr. MANN. Does the gentleman use playing cards himself?

Mr. MOORE. Not at all.

Mr. MANN. If he did he would know that the cost of cards does not cut much ice—at the end of the game. [Laughter.]

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. MOORE. Yes.

Mr. HARRISON of New York. I suppose the gentleman will follow up this amendment when we come to the paragraph relating to poker chips, making the blue chips a luxury and the white ones a necessity. [Laughter.]

Mr. MANN. He would if he knew the difference. [Laughter.]

Mr. MOORE. I knew some gentlemen on the other side would give me some expert information. [Laughter.] If anybody knows anything about cards, the gentlemen on the other side of the House do. Now, in the interest of the "downtrodden and the poor" I have offered this amendment, and I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Schedule N—Sundries.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3321—the tariff bill—and had come to no resolution thereon.

RECESS.

The SPEAKER. The gentleman from Alabama moves that the House take a recess until 8 o'clock.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p. m.), the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

343. Braids, featherstitched braids, fringes, gimps, gorings, all the foregoing of whatever material composed, and articles made wholly or in chief value of any of the foregoing not specially provided for in this section, 50 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 85, line 1, strike out the letters "ed" in "featherstitched," so that it will read "featherstitch."

The amendment was agreed to.

The Clerk read as follows:

344. Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, ramie, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, 15 per cent ad valorem; if bleached, dyed, colored, or stained, 20 per cent ad valorem; hats, bonnets, and hoods composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, cuba bark, ramie, or manila hemp, whether wholly or partly manufactured, but not blocked or trimmed, 25 per cent ad valorem; if blocked or trimmed, 40 per cent ad valorem. But the

terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 85, line 16, at the end of the line insert the words "and in chief value of such materials."

The amendment was agreed to.

The Clerk read as follows:

345. Brooms, 15 per cent ad valorem; brushes and feather dusters of all kinds, and hair pencils in quills or otherwise, 35 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph and insert the following in lieu thereof:
"345. Brooms, made of broom corn, straw, wooden fibers, or twigs, 15 per cent ad valorem; brushes and feather dusters of all kinds, and hair pencils in quills or otherwise, 35 per cent ad valorem."

The amendment was agreed to.

The Clerk read as follows:

348. Buttons or parts of buttons and button molds or blanks, finished or unfinished, not specially provided for in this section, and all collar or cuff buttons and studs composed wholly of bone, mother-of-pearl, or ivory, 40 per cent at valorem.

Mr. AVIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Insert as a new paragraph:
"348½. Bituminous coal and shale, 40 cents per ton of 28 bushels, 80 pounds to the bushel; coal slack or culm, such as will pass through a half-inch screen, 15 cents per ton of 28 bushels, 80 pounds to the bushel: *Provided*, That the rate of 15 cents per ton herein designated for 'coal slack or culm' shall be held to apply to importations of coal slack or culm produced and screened in the ordinary way, as such, and so shipped from the mine; coke, 20 per cent ad valorem; compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquettes or other form, 20 per cent ad valorem: *Provided further*, That on all coal imported into the United States, which is afterwards used for fuel on board vessels propelled by steam and engaged in trade with foreign countries, or in trade between the Atlantic and Pacific ports of the United States, and which are registered under the laws of the United States, a drawback shall be allowed equal to the duty imposed by law upon such coal, and shall be paid under such regulations as the Secretary of the Treasury shall prescribe."

Mr. AVIS. Mr. Chairman, I desire to call the attention of Members of the House, and particularly of Democratic Members, to the fact that at no time in the history of this Government, except during the anthracite strike of 1903, when all coal was admitted to this country by law free of duty for one year, which was a measure of emergency and expediency, has bituminous coal ever been placed upon the free list.

Recognizing that there is a popular demand for revising the tariff downward, it will be noted that I have fixed the duty on bituminous coal at 40 cents per ton, on coal slack or culm at 15 cents per ton, and on coke at 20 per cent ad valorem. The duties provided in the present law are 45 cents per ton on bituminous coal, 15 cents per ton on coal slack or culm, and 20 per cent ad valorem on coke. I do not know whether it will have any weight or influence with the distinguished gentlemen on the other side of the aisle or not, but permit me to inform you that the amount of duty on bituminous coal named in the proposed amendment is the same as that provided in the Wilson-Gorman law. While I think the present duties on bituminous coal, coal slack, culm, and coke are none too high to adequately protect our great and growing bituminous-coal and coking industries and the many thousands of hard-working miners and their families, who are dependent upon these industries for their livelihood and daily bread, yet I have proposed to lower the duties provided by existing law to the figures named in the amendment which I have offered.

The great bituminous-coal and lignite producing States of this Union are Pennsylvania, West Virginia, Illinois, Ohio, Indiana, Kentucky, Alabama, Virginia, Colorado, Wyoming, Washington, and Montana.

The Nation's annual production of bituminous coal and lignite is about 406,000,000 tons, the value of which, in round numbers, is $450,000,000, and in which production 555,000 men are engaged. A higher wage scale and a higher production cost prevail in this country than in any other country in the world. In British Columbia and Vancouver wages are from 30 to 50 per cent lower than in this country; in Nova Scotia wages are from 20 to 25 per cent lower than here; and the average wages paid to coal miners in this country are more than double those paid in England, while the hours of labor are much shorter.

I for one am unwilling to and will never vote to reduce the wages, to lower the standard of living, or increase the hours of labor of our American miners to those or that, as the case may be, of foreign countries. While the wages of coal miners in this country and in the State of West Virginia, which I have the honor to humbly represent, exceed those of any other section of the universe, I earnestly desire our bituminous coal and coking industries to be made and kept so prosperous that coal miners will be, as they should be, the best paid laborers for the least number of hours work of any of our industries. And why not? The coal miner is certainly a laborer worthy of his hire. No employment is more hazardous or fraught with more danger, no work more exacting and uncomfortable, and no occupation more conducive to physical infirmity and loss of health and limb than his. Yet our Democratic friends would place bituminous coal and coke on the free list and place in jeopardy the industries in which he is engaged.

Since I have been here I have heard it asserted that with coal on the free list there would be no danger to our bituminous coal and coking industries from abroad; that with the exception of Canadian coals, no other coals can be brought into competition with our coals. Let me remind you in this connection that during the great anthracite strike when all coals were placed upon the free list, coal was imported from England as well as from Canada, and that the prices of coal in this country fell to such an extent that the bottom virtually dropped out of the domestic market. While this country exports very little bituminous coal other than to Canada, the importation of coal from Canada is increasing, particularly from Nova Scotia, British Columbia, and Alberta. Canada imposes a duty of 45 cents per ton on all bituminous coal and lignite imported from this country, yet the gentlemen on the other side would open, without any reciprocal arrangement, our markets free of duty to Canadian coals. The coals of British Columbia and Alberta directly compete with the coals and lignite of Montana, Washington, and Wyoming, and indirectly compete with those of Utah, Alaska, and North Dakota, while Nova Scotia coals compete with the coals of our eastern coal-producing States, and particularly with the coals of West Virginia.

A reciprocal arrangement with Canada might be of benefit to the coal operators of western Pennsylvania, eastern Ohio, and perhaps northern West Virginia, because a considerable quantity of coal is shipped from the United States into Ontario and that section of Canada between Montreal and Winnipeg.

Canada has no coal tributary to that area and is largely dependent upon coals produced in the United States for the adequate supply of that area. The distance to said section is too great and the cost of transportation too high for successful competition by the coals of Nova Scotia. An investigation will disclose, however, that no coals produced in this country can pay the Canadian duty and successfully compete with the coals of Nova Scotia in the St. Lawrence market.

While my remarks so far have more particularly related to the country at large, I desire to say a few words, before the expiration of my limited time, as to the probable effect of free bituminous coal on the southern part of West Virginia and the district I represent.

The gentlemen on the Democratic side seem to have some unsatisfying grudge against the great State of West Virginia, as would appear from the duties that they have agreed upon in the Underwood bill. To the New England manufacturers they have said: "We have partly compensated you for excessively lowering the duties on your manufactured products in this bill by giving you free raw wool, free coal, free lumber, cheap raw cotton," and so forth, but no compensation do they offer or give to the State of West Virginia and her people. I want to call the attention of the gentlemen on the other side to the fact that nearly everything West Virginia produces has either been placed on the free list or the duties thereon lowered to such a great extent that her industries will be either completely destroyed or seriously crippled. In my humble opinion West Virginia will be more severly hit and injured by the provisions of this bill than any other State in the Union. They propose to put coal, wool, and lumber on the free list and to reduce far below the protective principle duties on iron, steel and tin plate, glass and pottery, cattle, sheep, wheat and other farm products, besides other things which West Virginia and her people largely produce and are vitally interested in.

West Virginia has 826 coal mines and 36 coking plants, employing over 73,000 people, with an annual production value of about $60,000,000, upon which nearly one-third of the people of West Virginia are dependent and directly sustained; she has 62 glass and pottery plants, employing over 11,000 people, with

an annual production value of $11,000,000; she has 104 lumber plants, employing 7,700 people, with an annual production value of exceeding $18,000,000; she has 600,000 cattle and 900,000 sheep, and the value of her stock and farm products exceeds $71,000,000. The Democratic Members of Congress now propose to take away from her, by admitting bituminous coal free of duty, her New England coal market and to give the same unconditionally to Nova Scotia.

While the States of Ohio and Pennsylvania are very rich in bituminous coal, yet West Virginia contains more than both of them, with that of Virginia thrown in for good measure. In southern West Virginia there are three great bituminous coal fields, namely, the New River, the Kanawha, and the Pocahontas fields, producing the highest grade of bituminous and semibituminous coals produced in the United States. West Virginia ranks second in the bituminous coal producing States, and her annual production is about one-sixth of that of the entire Union. The maintenance of West Virginia's coal production is largely dependent upon her retention of the New England market, in which market over one-third of the entire coal production of the Pocahontas and New River fields is consumed. Nova Scotia is now contending vigorously for that market. Her mines are in their youthful period, and although her coals are not as excellent as West Virginia coals, the latter's coals can not successfully compete in New England against Nova Scotian and other foreign coals coming into this country free of duty. In addition to the water haul on her coals to New England markets, West Virginia has to pay an overland haul of about one-third of 1 cent per ton per mile, while Nova Scotia has very little overland haul to pay on her coals.

From the best figures obtainable it costs Nova Scotia only about 55 cents per ton to transport her coals to Boston, while it costs West Virginia about $2.10 per ton to transport her coals to the same market. While in heating units the New River and Pocahontas coals of West Virginia have an advantage of about 17 per cent over the coals of Nova Scotia, yet this advantage will be quickly overcome by Nova Scotian coals in lower selling prices if Nova Scotia is not required to pay any import duty thereon. Canada evidently does not think that there is any great disparity in the value of the coals of West Virginia and Nova Scotia, because she burns the coals of Nova Scotia in preference when she can get them as cheaply as she can the coals of West Virginia.

I would like to see West Virginia lessen the hours and increase the wages of her miners. If West Virginia is to be deprived of the New England market for her coals, I am very much afraid that such deprivation will result in a reduction in wages of the miners of West Virginia, as well as in the number of days work.

When all of the foregoing matters are taken into consideration it seems to me, although I can not hope for or expect it from the gentlemen on the other side, that this amendment should receive serious consideration and should be adopted. I again remind Members of the House that the duty on bituminous coal provided in this amendment is less than the duty imposed upon bituminous coal by Canada, and that to put bituminous coal, coal slack or culm and the products thereof, and coke on the free list means the annual loss of hundreds of thousands of dollars in revenue, besides leaving the great bituminous coal and lignite industries, and the many thousands engaged therein, without any protection whatever.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. AVIS. Yes.

Mr. GREEN of Iowa. How does the duty in the proposed amendment compare with the present rate?

Mr. AVIS. It is 5 cents a ton less.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, so far as 99 per cent of the people of the United States are concerned, so far as nearly that much of our territory is concerned, it makes little difference whatever whether bituminous coal has a duty upon it or is free, for there are but very few regions in our country to which bituminous coal can under present conditions be profitably shipped from abroad. By placing coal on the free list we lose near half a million of revenue and we do not make coal cheaper for any man under the flag. Our good friend from Alabama [Mr. UNDERWOOD] suggested the other day that it was a self-denial upon his part, coming from a great coal region, to stand for free coal. He knows, of course, as we all know, that it does not make a particle of difference so far as Alabama is concerned whether coal is on the free list or carries a duty. No foreign bituminous coal can reach Alabama or her markets. Of our total importations of bituminous coal last year—1,761,000 tons—724,000 tons, or nearly half, came into Montana, Idaho, and Washington. It so happens that the State of Wyoming ships nearly a third of its coal production northward, and nearly that amount of the coal output of our State will be lost to American miners and mine owners by the placing of coal on the free list, and not a single, solitary small American consumer will, in my opinion, receive coal a particle cheaper after we have lost the revenue and our miners have lost their employment and our mines their markets. We had an illustration of that one year when we provided for a rebate of the duty.

At that time there was one mine in our State that had a contract of 750 tons per day with a great smelter. Immediately after that contract expired the Canadian coal mines secured that contract by reducing the price, not 65 cents, the tariff rate, but 10 cents a ton. The Canadian gains our market not by reducing his price the amount of the duty, but by a few cents a ton. So far as the ordinary consumer was concerned in that territory, he did not get coal any cheaper.

I realize that the gentlemen on the other side of the aisle will on the stump make much of the fact that they placed coal on the free list. They have given the poor man free coal, they will claim, and yet there is not a man over there who knows anything about it—and I see my good friend from Pennsylvania [Mr. PALMER] smiles—who does not know that there will not be a citizen under the flag, unless it be some great mining or manufacturing corporation, that will get a pound of coal a penny cheaper by placing coal on the free list. But you will close the mines or change the direction of at least a third of the tonnage of my State, you will crowd that coal southward in competition with coals mined elsewhere. We are entitled to this market, and we are certainly entitled to it when that coal is sold under the active conditions of competition that now exists; our miners are entitled to the employment; our mines greatly need that market.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MADDEN. Mr. Chairman, everybody who knows anything about the matter knows that the miner of bituminous coal who makes 5 cents a ton makes a lot of money, and most of the miners of bituminous coal make nothing whatever on the coal they mine. To put coal on the free list and destroy this enterprise in the State of West Virginia adds but one more to the difficulties under which the American people will be obliged to labor when this bill becomes a law. If the bill does become a law, it will add four or five hundred million to the imports of this country, to come into competition with the labor of the factories of America. If we add anything like this amount to what is already imported from European nations, where the labor cost is anywhere from 25 to 50 per cent of what it is here, we are bound to displace that much American labor——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. MADDEN. I will not yield.

Mr. BUCHANAN of Illinois. I would like to ask the gentleman something about the condition in West Virginia, where they have set aside the civil law there——

Mr. MADDEN. I wish to say to the gentleman, my colleague, I know that there is no labor in America that is not protected which is as well paid as the labor employed in the construction of buildings throughout the United States——

Mr. BUCHANAN of Illinois. Mr. Chairman——

Mr. MADDEN (continuing). And if we place the factories and the great industries of the United States——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. MADDEN (continuing). At the mercy of the European nations, where the people are upon a starvation basis, in competition with the labor of this country we are bound to destroy the opportunity which otherwise would be afforded in this country for them to live as human beings should live.

Mr. BUCHANAN of Illinois. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MADDEN. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. PAYNE. I made the point of order that the gentleman from Illinois is out of order and has been continuously for 10 minutes.

Mr. MADDEN. I see no reason why the people who are employed in this country should be embarrassed by having dumped on the American market the products of European labor. Everyone who gives any consideration to this question must agree that when you bring a dollar's worth of finished products from abroad and place it in competition with the finished products of American labor you are going to reduce the opportunity of the labor of this country by that amount. If 1,000 men could make all the shoes used by American people,

and the factory in which those men are engaged was transferred to England or Germany or France, why, as a matter of course, the factory in the United States would have to be closed, and thereby the opportunity for employment of American citizens to make goods for American consumption would be destroyed; and I can not undertsand why the Democrats insist upon placing the people of this country in competition with the people abroad. I have always been educated to believe that the first consideration with American legislators was for the good of the people of the country for whom they were legislating.

Mr. AVIS. Will the gentleman yield for a question?

Mr. MADDEN. With pleasure.

Mr. AVIS. I want to ask the gentleman if he was aware of the fact that the present strike in West Virginia was not on the ground of wages; that West Virginia pays the highest wages of any State in the Union and pays 25 per cent increase in wages over that of Nova Scotia, and that on an 8-hour day whereas in Nova Scotia they have a 10-hour day. [Applause on the Republican side.]

Mr. BUCHANAN of Illinois. Then what do they strike for?

Mr. MADDEN. When they have a strike under Republican rule they go on strike because they want more wages, and they want more wages because there is more opportunity for employment; but when they go on strike under Democratic rule they go on strike for a job, and they do not care anything about wages. [Applause on the Republican side.] And I, for one, wish to protest against the passage of this bill. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from West Virginia [Mr. AVIS].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

349. Cork bark, cut into squares, cubes, or quarters, 4 cents per pound; manufactured cork stoppers, over three-fourths of an inch in diameter, measured at the larger end, and manufactured cork disks, wafers, or washers, over three-sixteenths of an inch in thickness, 12 cents per pound; manufactured cork stoppers, three-fourths of an inch or less in diameter, measured at the larger end, and manufactured cork disks, wafers, or washers, three-sixteenths of an inch or less in thickness, 15 cents per pound; cork, artificial, or cork substitutes manufactured from cork waste, or granulated corks, and not otherwise provided for in this section, 3 cents per pound; cork insulation, wholly or in chief value of granulated cork, in slabs, boards, planks, or molded forms, ½ cent per pound; cork paper, 35 per cent ad valorem; manufactures wholly or in chief value of cork or of cork bark, or of artificial cork or bark substitutes, granulated or ground cork, not specially provided for in this section, 30 per cent ad valorem.

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last word. I will say, Mr. Chairman, when my colleague and good friend from Chicago gets himself exercised over giving protection to the coal operatives in the State of West Virginia, where, due to the unfairness to the employees there exists a condition which should bring the blush of shame to the face of people of public spirit, that it does seem to me indeed that he needs to be educated.

Mr. AVIS. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from West Virginia?

Mr. BUCHANAN of Illinois. I have not the time just now.

The gentleman from West Virginia [Mr. AVIS] says they pay the coal miners there better than anywhere else in the country, but I deny that. I know something about what coal miners receive for mining coal, and I know they do not only refuse to pay them as other miners are paid in other parts of the country, but they have a condition now, as I am informed, that is a condition of peonage, and probably it will be investigated in the near future and the facts brought out in regard to it.

It is quite a spectacle, indeed, to see our friends on that side of the House getting up for the purpose of protecting corporations that are trying to take the legal, constitutional, and natural rights from their employees and then rob them by selling them their supplies at an abnormally high price. The coal miners of West Virginia are a good deal like the negro's coon trap: It catches them both ways—in the first place, by giving them low wages, and, in the second, making them buy everything they need from them, thereby taking away all the little pittance they do get.

Now, the argument that is given on that side in regard to the protection on coal is that it does not affect the price; it does not make any difference to the consumers of this country, because the tariff does not keep up the price. At the same time, if you take the tariff off the low-priced Canadian coal and that of other places, it is going to put the American coal operators out of the business. That is about as consistent as any argument that is given for a protective traiff. This is, indeed, as I said before, a spectacle showing how much those who are defending the protective-tariff system care for the American workingman. All they care for him is to get out of him what they can for the least possible amount in return for his work. This has been true everywhere. The people that are clamoring the loudest for this high-protective tariff are the ones who are using their influence everywhere and all the time to keep down the price of labor. [Applause on the Democratic side.]

Mr. AVIS. Mr. Chairman——

Mr. UNDERWOOD. Will the gentleman allow me a moment? I ask unanimous consent that general debate on this paragraph and all amendments thereto be closed in 5 minutes.

Mr. MONDELL. Will not the gentleman make it 10 minutes?

Mr. UNDERWOOD. If the gentleman desires to speak; yes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that general debate on this paragraph and all amendments thereto be closed in 10 minutes. Is there objection?

There was no objection.

Mr. AVIS. Mr. Chairman, if the gentleman from Illinois [Mr. BUCHANAN] does not know anything more about the provisions of this tariff bill than he does of the wages and strike conditions in West Virginia, he is not competent to vote on the bill. [Applause on the Republican side.] I want to call his attention to the fact, when he speaks of the gentlemen on this side of the House, if he will go back into the history of legislation on this subject, that he will find that ex-Senator Henry G. Davis, who was at one time the vice-presidential nominee of his party, appeared before the Ways and Means Committee when the Wilson-Gorman bill was under consideration and stated that the placing of bituminous coal on the free list would ruin the coal-mining industry in the State of West Virginia.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. AVIS. I will not yield now, sir. You would not show me that courtesy, and I can not show it to you. [Applause on the Republican side.]

He, the gentleman from Illinois, speaks of the coal operators. I am not here at this time to discuss strikes between coal operators and miners. I am here to discuss a business proposition, and, in stating that business proposition and in discussing it, I want to emphasize the fact that nearly every miner in the State of West Virginia, or, at least, in my section of the State of West Virginia—and I live in the strike zone—whether he be a Democrat, Socialist, or Republican, favors a protective duty on bituminous coal. [Applause on the Republican side.]

Why, the members of his own party in the mining sections of West Virginia would hardly listen to him if he argued for free bituminous coal. Not only that, I want to emphasize a statement enunciated a moment ago that this strike trouble in West Virginia was not solely over wages. It was largely over two questions. It is true that among the miners doing work other than digging coal there was a strike over the hours of labor. They wanted the reduction of an hour, but the main trouble in that strike was for recognition of the union and for what was known as a check weighman. All the other elements that entered into the strike were practically agreed upon, and it would have been settled a year ago but for the two principal questions. But, I say, with that I have no concern at this time. I think that some mistakes were made on both sides. But I do want to say to you that the people who live in the Pocahontas field and the people who live in the New River field want a protective duty on coal.

Mr. RUCKER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Virginia yield to the gentleman from Missouri [Mr. RUCKER]?

Mr. AVIS. Wait until I finish my sentence, and I will be very glad to answer. I started to say that the operators of the Pocahontas and New River fields ship a large percentage of our coal production—at least 12,000,000 tons each year—into New England.

I understand and am informed that the nearest thing to a coal trust in this Union is the Boston Gas Co., which, I understand, controls the output of the Nova Scotia mines, and by placing coal on the free list you are legislating in favor of 10 hours' labor and lower wages, and in favor of the only coal trust in the United States, if there be one. [Applause on the Republican side.]

Now I yield to the gentleman for a question.

Mr. RUCKER. A few moments ago the gentleman was speaking of a strike in West Virginia.

Mr. AVIS. Yes, sir.

Mr. RUCKER. I understood the gentleman to say that the cause of the strike was the failure of the operators to recognize the union.

Mr. AVIS. Yes; that was one cause, but that was not the only cause. Another cause was the question of having a check weighman.

Mr. RUCKER. Was not the other cause the fact that the company refused to pay the men oftener than once in 30 days, and the men demanded that they should be paid every 15 days?

Mr. AVIS. I said that.

Mr. RUCKER. And another cause was that the corporation required the men to spend their money at the company's store, and on their side they asked the right to buy wherever they pleased.

Mr. AVIS. No. I am informed that they already had the right to buy where they pleased.

Mr. RUCKER. Is not that one of the things that the Republican governor exacted of the operators in the settlement of the controversy?

Mr. AVIS. The Republican governor of West Virginia suggested that they already had that right in the State of West Virginia.

Mr. RUCKER. I understood further that some distinguished Democrat appeared before the Committee on Ways and Means and said that the cost of labor in the West Virginia coal fields was about 80 per cent of the cost of mining coal?

Mr. AVIS. Yes, sir. Senator Davis said it was 95 per cent.

Mr. RUCKER. What is the rate that the miner gets in the New River country, on the Norfolk & Western and on the Chesapeake & Ohio road?

Mr. AVIS. The report for this year is not in yet, but it is shown that the average wages paid to the coal miners in West Virginia is about 44¼ cents per ton and about $575 per annum.

Mr. RUCKER. It is about 75 or 80 cents a ton, is it not?

Mr. AVIS. Total labor cost exceeds that.

Mr. RUCKER. Do they not sell it for $1.50?

Mr. AVIS. No, sir. In the last few years it has sold below $1 per ton, and the average last year was 98 cents per gross ton of run-of-mine coal.

Mr. LANGLEY. The labor cost is 95 per cent, according to the statement of ex-Senator Davis.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois [Mr. BUCHANAN] appears again in the rôle of the professional friend of labor. I want him to hear me.

Mr. BUCHANAN of Illinois. I hear you.

Mr. LANGLEY. Come a little closer. [Laughter.]

Mr. MONDELL. But the unfortunate thing for American labor is that the gentleman from Illinois [Mr. BUCHANAN] appears in this case as the friend of Canadian labor and not of American labor. [Applause on the Republican side.]

I believe the gentleman is a labor-union man. The mines in my State which will suffer from free coal are unionized; and, without desiring to contradict my good friend from West Virginia [Mr. AVIS], the wages of miners in Wyoming are considerably higher, if I am correctly informed, than anywhere in the eastern fields, and higher, I believe, than wages paid to coal miners anywhere except, perhaps, in our neighboring State of Montana. [Applause on the Republican side.]

We have miners—scores of them; and I have the good fortune of a personal acquaintance with many of the miners of my State—who never go into a mine without making from $3.50 to $5 a day before they leave the mine, and ordinarily they work no more than seven hours. And these are the miners whose opportunity for work is to be reduced by the placing of coal on the free list.

The gentleman from Illinois [Mr. BUCHANAN] has given so little attention to this question that he does not understand that when a mine operator in Canada has an opportunity, without loss, to make a reduction of the entire amount of a 45-cent duty, he need not cut his price 45 cents—it is not necessary for him to cut it more than 10 or 12 cents a ton in order to drive the American out of the market—and when he has reduced his price by that amount and driven our mines from the market, he can raise his price again to the old figure, and our people can not get in, because there is the potentiality of the opportunity to control and still have a profit.

When we reduced the duty on coal from 65 cents to 45 cents under the Payne bill, the Canadians drove us back just about 100 miles. We lost all of our markets along the line of the Great Northern Railway. That great railway has been getting cheaper coal, perhaps, transported over its own railroads, but if there is anyone else on earth except this great railway in that northwestern country who will be benefited by reducing the rate on coal, I do not know who it can possibly be.

Free coal means that one-third of the product of our State will lose its market, and one-third of the miners—union miners, working reasonable hours, content with their employment, who have had no recent serious disagreement with the operators—must either lose their employment or wages be threatened.

We have troubles enough in our country through this bill without losing our coal markets; wool on the free list; sugar going to the free list; and now a third of the market for our coal mines taken from us by this Democratic Congress. Yet, the gentleman from Illinois [Mr. BUCHANAN], who calls himself a friend of union labor, is going to vote for this bill. [Applause on the Republican side.]

As matters now stand the competition among our northern mines is so intense, the summer trade so small that even though our miners receive good wages while working, the working days are often so few, the idle days so frequent, that their yearly income is much too small to comfortably support a family. We need more rather than fewer markets, for it is of the utmost importance that our miners have steadier employment as a good or fair wage per ton or day helps little if work is slack. I call on my friend from Illinois, who, I think, is a friend of labor, to help preserve the American market for coal mined by union American labor.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

350. Dice, dominoes, draughts, chessmen, chess balls, and billiard, pool, bagatelle balls, and poker chips, of ivory, bone, or other materials, 50 per cent ad valorem.

Mr. MANN. Where is the gentleman from Pennsylvania? [Laughter.]

Mr. MOORE. Mr. Chairman——

Mr. CROSSER. Mr. Chairman, I move to strike out the last word.

During political campaigns we are not greatly surprised to hear much political buncombe which the speaker himself does not expect the audience to accept very seriously; but when I came to the Congress of the United States, the place where we are supposed to find the greatest debaters, the most earnest men, I expected to find something a little different. But lo, and behold, we find here raised to the *n*th power all of the political balderdash that we hear from one end of the country to the other every two years. We hear the self-appointed agents and guardians of the downtrodden, as they would have us believe, pleading piteously for the American workingman. Who gave them their commission? I would like to see the captions of those letters to which they so continually refer. I know that those which I have received—not very many—are not from those labor organizations to which they have been so fond of alluding.

Let us consider briefly the fundamentals of the minority's tariff position. It is and always has been simply a proposition to levy a tax on the American people, the whole people; a scheme to require them to pay bounties to a few people for their enrichment and then to insist that it is for the benefit of all. They tell us it is for the benefit of the American workingman. How solicitous indeed our Republican friends have become about the American workingman since they have gone out of office. [Applause on the Democratic side]. Just think how ridiculous is the proposition that because there are poured into the hands of a few men, into the hands of a privileged class, great fortunes which are wrung from all of the people by means of a taxation which they euphoniously call protection; that by virtue of the fact that you have put these benefits into their hands they suddenly become philanthropic, and are going to hand over the money so acquired to their workmen. [Laughter on the Democratic side.] My friends, labor will receive, as wages, just so much as its employer is compelled to pay in order to procure that labor and no more, whether or not the tariff be high or low. That is only human nature.

Mr. ANDERSON. Will the gentleman yield?

Mr. CROSSER. No; I do not care to yield. I have not taken any of the time of the committee up to this moment.

Why, gentlemen, I claim that instead of the tariff being an advantage to the American workingman it is a positive disadvantage even as to his wages. [Applause on the Democratic side.] Because it does nothing more nor less than give to the tariff beneficiaries of the United States an opportunity to combine among themselves, and then say: "We have it all to ourselves anyhow. We will therefore demand just such a price as we see fit for our products and we will pay just as much as we see fit to the men whom we employ." Is not that the common sense of the proposition? Would you or I or anyone else pay more than we were compelled to pay for labor? Not very likely. Oh, the high priest of protection from Michigan informed us yesterday, by having the Clerk read the clever little

letter from his farmer friend, how this friend of his is getting $1 apiece for his chickens, 50 cents a dozen for his eggs, 50 cents a pound for butter, and all that sort of thing. But has the gentleman stopped to think about the man who is buying these things? There are two sides to his proposition——

Mr. FORDNEY. He told you in the letter what the men were getting.

Mr. CROSSER. I can not yield to the gentleman, for I have but little time.

Mr. FORDNEY. I did not ask the gentleman to yield, and I would not if I was in his place.

Mr. CROSSER. There are but two sides to that proposition—the buyers' and the sellers'. But, Mr. Chairman, while I am bitterly opposed to all kinds of tariff privileges, I do not advocate the immediate removal of all tariff duties any more than I would advocate the immediate taking away of all opium or morphine from the slaves to these drugs. [Laughter on the Democratic side.] We must give industry an opportunity to settle its nerves, which have been shattered by the drug of tariff privilege.

Mr. Chairman, I contend that the tariff question has very little to do at the present with the matter of wages. The gentleman from Michigan himself proved that conclusively the other day. He told us that he had employed labor in the wilds of the State of Washington at $3.50 per day, and that he had employed in Mississippi labor of the same character for $1.75 per day. [Applause on the Democratic side.] And yet, my friends, both of these States are favored with the same beneficent tariff laws.

I have no doubt that the statement of the gentleman is absolutely correct, and it is quite likely that all labor in the newer countries of the West is better paid. Then it is also true that the colored man of the South is not so easily organized. But tell us why the wages in free-trade Britain are almost double the wages paid for the same class of labor in high-tariff Germany. Tell us why it is that the industries which enjoy the highest tariff privilege in the United States pay the lowest wages. The woolen industry, for example, enjoys the benefits of the highest tariff, and yet the employees of the woolen manufacturers at Lynn, Mass., received but a miserable pittance for their long hours of toil. So it is with the employees of the cotton industry and those employed in some of the metal trades. The fact is it is the veriest nonsense to suppose that because we give certain concerns the right to levy a tax upon the whole people for the purpose of increasing their profit these concerns will forthwith transfer this profit to their employees. How many of the gentlemen on the other side of the House would support a proposition to permit the present beneficiaries of the tariff to levy a direct tax upon the people for the purpose of collecting a sum equal to that derived from the present tariff law? Why, not a single man of you would vote for such a bill, although it would be much fairer than permitting these men to mulct the public by means of an indirect tax. Why do men cling so fondly to the plan of granting bounties to the few through this indirect taxation? Simply because, as the old woman said, "It is the best way to get the most feathers with the least squawking." And yet we hear men again and again blandly asserting that the purpose of the tariff is to raise wages, although they make no pretense at showing any casual connection between the tariff and wages. As their authorities to support different tariff rates they read us letters, petitions, and briefs from this interest and that. I am frank to say that I believe capital in the true sense of the word has suffered along with labor. The real dog in the manger that robs both capital and labor is the monopolist of the natural resources. Break the stranglehold of private monopoly of the natural resources and then both labor and capital will thrive and become healthy again; but until we do break the hold of such monopoly, all your high tariff will serve but to increase the tribute it may exact from capital and labor; and if such private monopoly of natural resources is permitted to exist you may establish absolute free trade without improving greatly the condition of our people.

It is undoubtedly true, however, that by reducing the tariff low enough to make competition possible we shall to that extent weaken the hold of monopoly and thus compel it to give up part of its booty. The country therefore has great cause to rejoice over the prospective passage of the pending bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, it is a wise man who knows himself, and it is a very wise man who is able to judge of his own speeches. I congratulate the last speaker that in his opening remarks he so aptly characterized the speech he was about to deliver. [Applause on the Republican side.]

Mr. CROSSER. I thank the gentleman from Illinois. That courtesy is like the one he showed me the other day. [Applause on the Democratic side.]

Mr. MANN. I do not know what courtesy I showed the gentleman the other day, for frankly I have not become acquainted with the gentleman until now.

The Clerk read as follows:

356. Matches, friction or lucifer, of all descriptions, per gross of 144 boxes, containing not more than 100 matches per box, 3 cents per gross; when imported otherwise than in boxes containing not more than 100 matches each, one-fourth of 1 cent per 1,000 matches; wax matches, fuses, wind matches, and all matches in books or folders or having a stained, dyed, or colored stick or stem, and tapers consisting of a wick coated with an inflammable substance, 25 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 88, line 13, after the word "substance," insert the words "and night lights."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

357. Percussion caps, cartridges, and cartridge shells empty, 15 per cent ad valorem; blasting caps, 75 cents per thousand; mining, blasting, or safety fuses of all kinds, 15 per cent ad valorem.

Mr. CURRY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 88, line 15, after the word "caps," strike out the figures "75" and insert in lieu thereof the figures "2.25."

Mr. CURRY. Mr. Chairman, this amendment proposes to substitute the present tariff on blasting caps for that contained in the bill. I have introduced this amendment at the request of a number of gentlemen who are interested in a blasting-cap factory at Stege Station, in the city of Richmond, in my district, who inform me that if this tariff is reduced from $2.25 to 75 cents a thousand the blasting-cap industry in this country will cease; that they will close up their factory. Nearly all the blasting caps imported into the United States come from Germany, and the German article is one that can not be depended upon. Blasting caps are used for the purpose of setting off blasts of dynamite and powder.

The United States Bureau of Mines and the mining bureaus of the mining States in a number of their pamphlets and bulletins have called the attention of the mine operators to the fact that a great many of the accidents in the mines have been caused by defective blasting caps, and to be careful to use none but the best, and those manufactured in the United States are the best. There are but three blasting-cap factories in the United States—one in California, one in Pennsylvania, and one in New Jersey.

Now, in the event of war, it would be a serious matter if we had to depend on foreign importations for Army and Navy use, as blasting caps are contraband of war. I do not expect that the Committee of the Whole will accept this amendment, but I am presenting it to bring it to the attention of the Ways and Means Committee in the hope that when the bill reaches the Senate it may be given a reasonable and proper rate that will permit this industry to be continued. During reecnt years the price of the American article has decreased and the quality has been improved until we manufacture the best blasting caps made in the world, while the imported foreign article continues to be unreliable and unsatisfactory.

Under the Wilson bill the tariff rate was $2.07 per thousand, with an ad valorem equivalent of 85.24 per cent. Under the present law the tariff is $2.25 per thousand, with an ad valorem equivalent of 46.55 per cent. Manufacturing these caps is a dangerous occupation, and the wages paid operatives in this country is from $2.50 to $10 a day, according to the skill required and the danger encountered in the different departments of the factory in which the operative is employed. In Germany the highest wages paid is less than $2 a day.

Mr. J. R. KNOWLAND. Mr. Chairman, in support of the amendment of my colleague I desire to call attention to a recent report of Consul General Robert P. Skinner, at Hamburg, published in the Daily Consular and Trade Reports, dealing with the blasting-cap industry in Germany. This report calls attention to the wages paid in Germany in the blasting-cap factories, which I wish to contrast with the wages paid in these factories in the United States. It shows that in the German factories the wages paid for men are 15.5 cents per hour, for women but 6.7 cents per hour, and for the children but 5.2 cents per hour. For an eight-hour day that would be $1.24 for the men and 53.6 cents for the women. In the blasting-cap factory in the district of the gentleman who has just spoken, the wages range from $2.50 to $10 a day. There is not a man

or woman employed there who does not receive a minimum wage of $2.50 or a maximum of $10, as against a little over $1.24 and 53.6 cents. This is another illustration of the necessity for obtaining information from some reliable body so that when a tariff bill is before the House we will have information that is reliable and upon which we can base schedules that will protect the industries of this country. This is another instance of where the committe strikes at a California industry. I will insert an extract from the report of Consul General Skinner:

German manufacturers of blasting caps employ women for drawing the detonator tubes and for charging and packing the finished product. They are also employed in the manufacture of electric fuses and fuses for war purposes.

Probably one-half of the employees in German factories of this class are adult men, one-third women, and one-sixth minors. It is impossible to obtain absolutely correct figures relating to this special industry as a whole. In regard to one very important concern manufacturing blasting caps, the following entirely dependable figures have been obtained: Number of men employed, 96; women, 59; boys, 15; girls, 7; total, 177. The men are paid at the rate of 65 pfennigs (15.5 cents) per hour, the women 28 pfennigs (6.7 cents) and the boys and girls 22 pfennigs (5.2 cents).

Mr. PALMER. Mr. Chairman, just a word or two in relation to this blasting-cap proposition. In the interest of labor again we hear the distinguished Representatives from the State of California asking for a return to the Payne rates, and the gentleman who has just taken his seat has compared the cost of labor in the production of these articles in this country and abroad, and he would return to the duty of $2.25 a thousand in order to protect that difference in labor cost. Yet he must know that upon the value of this article in 1911 the rate of $2.25 would be over 95 per cent ad valorem of the import value of the article. He certainly has qualified as a friend of labor when he would protect the difference in cost of production to within 5 per cent of the entire cost of our production, material, labor, and everything else. It seems to me to be a sufficient answer to all these arguments to say that as to this line of goods our exports, including kindred articles like cartridges, mining, blasting, and safety fuses, and percussion caps amount to $2,294,000 per annum, while our imports amount to $173,000. There can not be this startling difference in the cost of production, which is going to drive the American producer out of existence, if he can take abroad two millions and a quarter of his goods and compete with the foreigner in his market, while the foreigner brings here less than $175,000 worth. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I do not know where the gentleman from Pennsylvania got his figures, but I notice from the report which he submitted to the House on this bill that he gave the import value of blasting caps at $4.83 a thousand, and I am quite sure of my arithmetic when I say that $2.75 is not 90 per cent of $4.83.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. PALMER. I said on the price which prevailed in 1911. The price has since risen.

Mr. MANN. The gentleman is begging the question. That was not correct, as to the price in 1911.

Mr. PALMER. Well, I am stating the fact. The gentleman is speaking of another year.

Mr. MANN. On this subject I ask to have read in my time a letter from the president of the Aetna Powder Co., which does not manufacture blasting caps.

The Clerk read as follows:

CHICAGO, *February 18, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: Relative to the duty on blasting caps, paragraph 437 of the tariff act 1909:

We consider the maintenance of the present tariff on blasting caps a matter of great importance to the welfare of our industry in this country. We manufacture and sell dynamite. We believe that when our product leaves our mill it carries with it that degree of perfection which the exercise of the highest degree of skill and the application of sound scientific principles can give it. But when it passes into the hands of the consumer its ability to do the work expected of it is dependent in some measure upon other elements, chief of which is the blasting cap. The best dynamite ever made will fail if used in conjunction with a poor cap. Either the charge will not be set off at once, thereby enormously increasing the hazard to the user who is apt to believe that it will not go off at all, or the combustion will be incomplete or retarded, thereby failing to develop all of the disruptive force of the dynamite. In either event the average consumer condemns the dynamite and the manufacturer thereof must contend with a criticism which is unjust and undeserved.

We do not manufacture caps; the margin of profit is so small and the risk so great that we prefer to buy. We buy caps from domestic manufacturers and urge our customers to buy the caps from us, thus assuring ourselves, as far as we are able, that our dynamite will develop the highest efficiency.

Domestic manufacturers have given us an efficient cap at a reasonable price. In fact, the cost of the cap to the consumer, especially in view of the importance attached to the work it is required to do, is insignificant. The dynamite costs the consumer from $12 to $15 a hundred pounds, while 100 caps will cost him only 75 cents.

Foreign blasting caps in this country are of a quality decidedly inferior to the domestic. We speak from experience. We have handled the foreign cap, have given it an extensive and a thorough test, and know, to our cost and injury, that it is wholly unfit to develop the efficiency of the high-grade explosives now produced in this country.

It is proposed now to reduce the tariff on blasting caps. Domestic manufacturers tell us, and we believe that we know enough about the manufacture of explosives to vouch for the accuracy of the statement, that if the tariff is reduced they will be forced either to retire and to leave the field to the weak and cheap foreign cap or to lower the standard of their goods to the level of the inefficiency that now comes from abroad. Either event would surely work serious harm to both the maker and the user of dynamite.

We feel the strongest interest in the maintenance of the present high efficiency of the domestic blasting cap. Necessarily, therefore, we are much concerned in the proposition now being advanced that the tariff on blasting caps be reduced. We believe that such action on the part of Congress would have a most damaging effect. We are therefore taking the liberty of addressing this communication to you for the purpose of acquainting you with our views on the subject.

Yours, very truly,

THE AETNA POWDER COMPANY.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

358. Feathers and downs, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for in this section, 20 per cent ad valorem; when dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, 40 per cent ad valorem; artificial or ornamental feathers, fruits, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for in this section, 60 per cent ad valorem; boas, boutonnieres, wreaths, and all articles not specially provided for in this section, composed wholly or in chief value of any of the feathers, flowers, leaves, or other materials or articles herein mentioned, 60 per cent ad valorem: *Provided*, That the importation of aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches, or to the feathers or plumes of domestic fowls of any kind.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 88, line 18, after the word "downs," insert the words "on the skin or otherwise."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, I would like to ask the gentleman from Alabama if he would consider an amendment striking out the proviso.

Mr. UNDERWOOD. I will say to the gentleman that I can not help considering it if he offers it. I do not think it is probable it will go through.

Mr. MOORE. It is not probable such an amendment would pass. Mr. Chairman, of course this is a matter in which I must submit to the chairman of the majority, but I am very much surprised at this method of reducing the cost of living. There is a certain element of selfishness about this entire paragraph. In the first place, it is proposed that notwithstanding birds of high plumage may be killed in foreign countries and that the meat of the bird shall be admitted into this country, the feathers of the bird, which the ladies of America would like to have for ornamental and millinery purposes, must be excluded. To be sure, there are some societies of ladies and gentlemen endeavoring to preserve the song birds of this country, and who are also extending their influence to foreign countries in order that no one shall kill birds beyond our borders, but the fact still remains that the birds are killed and that we admit, in one of the foregoing paragraphs of this bill, the meat of the bird after it is killed, while we deny the right of admission to the plumage of the bird, which adds so much to the adornment of the ladies of this fair country of ours. Now, it appears——

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE. Yes.

Mr. MANN. Does not my friend from Pennsylvania think that the ladies are now ornamental enough without requiring this additional degree of ornamentation? [Laughter and applause.]

Mr. MOORE. Yes; there is no doubt about that. Added to the attractive personality of the gentleman from Illinois he is a good judge of beauty and does not hesitate to express himself freely on that subject. But the truth of the matter is that

the elimination of these feathers may be in the interest of the Ribbon Trust of the United States [laughter], and at the same time aid in the depopulation of the feathered flock both of the barnyard and the pigeon cote. But what I object to particularly is that the gentlemen who are now in control of this House and the country, many of them pushing women's suffrage with the loudest possible acclaim, propose by this bill to reduce their personal expenses in the purchase of these high-priced feathers for the ladies whom they so much admire. [Applause.] Not only do they do that with respect to feathers—and in this particular I am surprised at my handsome and well-groomed friend from Pennsylvania [Mr. PALMER], who conducted the steel schedule through the House the other day and then admitted himself to be an expert on arborculture—but they also intend to reduce the cost of living for themselves personally by reducing the rate upon the trimmed hats that come into this county. It is economy at the expense of the fair ladies of the land. [Applause.] You are putting out of business three or four concerns that are dependent upon the manufacture and the sale of this sort of plumage, but as the responsibility is all yours I suppose we will have to submit.

Mr. PALMER. Mr. Chairman——

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

359. Furs and fur skins of all kinds not dressed in any manner, except undressed skins of hares, rabbits, dogs, goats, sheep, and not specially provided for in this section, 10 per cent ad valorem; furs dressed on the skin, not advanced further than dyeing, 30 per cent ad valorem; manufactures of furs, further advanced than dressing and dyeing, when prepared for use as material, joined or sewed together, including plates, linings, and crosses, and articles manufactured from fur not specially provided for in this section, 40 per cent ad valorem; articles of wearing apparel of every description partly or wholly manufactured, composed of or of which fur is the component material of chief value, 50 per cent ad valorem. Furs not on the skin, prepared for batters' use, including fur skins carroted, 15 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I move to strike out the last word simply for the purpose of saying that my distinguished friend, the gentleman from Philadelphia——

Mr. MOORE. Will the gentleman correct that?

Mr. PALMER. Has, per his usual, spoken upon all sides of the question which was involved in the feather schedule; and, inasmuch as he is, as usual, the author of all the newspaper reports of his speeches which reach the Philadelphia press, I want him now to interpret his remarks. I want him to stop and not sidestep and go upon record and say whether he stands with the good women of Philadelphia who would save bird life by restricting the importation of bird plumage of this kind, or whether he stands on the side of those who would kill birds in order to ornament themselves. I want him to say whether he is in favor of this proviso or whether he is against it.

Mr. MOORE. If the gentleman will take back what he said about the speeches I will answer him.

Mr. PALMER. I am so anxious to get the answer that I will take back anything.

Mr. MOORE. I admit that I am the author of the speeches I make. [Laughter.] I also contend that the gentleman has no right to be envious if my speeches are reported and his are not. Merit in this matter will count as in all other things [laughter], and if the speeches of the gentleman from Pennsylvania [Mr. PALMER] are not sufficiently interesting to be reported, that is his misfortune and not my fault. I will continue to have published as widely as possible everything I am able to say about the inconsistency of the Democratic program, all it is possible for me to construct and make public. And so far as the gentleman's question is concerned, I will say to him that when I have an opportunity to meet the fair ladies of Philadelphia I will tell them in confidence what I think upon this subject, and I will not unbosom myself to the gentleman at this time. [Laughter.]

Mr. STEENERSON, Mr. MANAHAN, and Mr. STEVENS of Minnesota rose.

Mr. STEENERSON. Mr. Chairman, I desire to offer an amendment.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent——

Mr. MANN. There is quite a contest on this——

Mr. STEENERSON. The gentleman better make it 20 minutes. I would like to speak 10 minutes myself.

Mr. UNDERWOOD. I can not agree to that.

Mr. MANN. There are three gentlemen here who wish to speak, and I would like to speak myself.

Mr. UNDERWOOD. I would like to reserve 5 minutes to this side. Can we not make it 20 minutes, and I will yield 15 minutes of that time to the gentleman from Illinois?

Mr. STEENERSON. I do not propose to agree to anything unless I have 5 minutes. This is the only thing I have argued, and it seems to me if you parcel it out that way I will have to beg for more time.

Mr. PAYNE. He may lose his amendment if he does not have 5 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this paragraph and all amendments thereto be closed in 20 minutes, 15 minutes of the time to be controlled by the gentleman from Illinois [Mr. MANN] and 5 minutes by himself. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Minnesota [Mr. STEENERSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 89, line 15, after the word "sheep," insert the following:
"Marmot, wolf, raccoon, red fox, kitt fur, pony, house cat, wildcat, opossum, muskrat, Japanese mink, Chinese weasel, kangaroo, hair seal, wool seal, wombat, vellaby, squirrel, black bear, brown bear, badger, civet cat, beaver, kolinsky, mink, fitch, nutria, skunk, wolverine, otter, cross fox."

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, the furs named in this amendment constitute the materials out of which the fur clothing and the fur robes of the people of the Northern States, where it is cold and these things are needed, are made. Now, raw fur, or fur undressed, has been on the free list ever since this Government was founded. For 124 years they have been free of duty. It has always been recognized by the Republicans and Democrats alike that these things are a necessity, and if the gentleman who is chairman of the Committee on Ways and Means and the other eloquent gentleman from New York [Mr. HARRISON], and the others, would come up into northern Minnesota, where the thermometer goes down as low as 45 or 50 degrees below zero, and then ride 30 or 40 miles in a sleigh, I will guarantee that they also would admit that this kind of fur is a necessity.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. STEENERSON. I decline to yield to the gentleman.

The gentleman from New York [Mr. HARRISON] has stated in the hearings that he has observed the ladies on Fifth Avenue wearing sealskin coats, and therefore he thinks that they are a luxury. [Laughter.] I do not care how fashionable ladies are adorned on Fifth Avenue. They may wear what they please, but coon-skin coats are an absolute necessity in the northern country. [Laughter.] If the majority members of the Committee on Ways and Means do not know that fact it is much to be regretted.

Every now and then some majority member of that committee comes in here and says he pleads for "the clothing of the poor." [Laughter.] Another comes in and says he pleads for "the food of the poor man." [Laughter.] You heard it stated and repeated and reiterated over and over again that they are taxing luxuries. I say that a greater injustice was never perpetrated upon humankind than is now attempted to be perpetrated in this paragraph that proposes to tax the fur clothing which is necessary to keep people of the Northern States warm in the winter on the Democratic theory which comes from Alabama that fur is a luxury and has to be taxed. [Laughter and applause.]

You have stripped my people, gentlemen, of every vestige of protection. You have taken away the duties on what my people produce. Everything produced on the farm is opened to the competition of the world. And when you have done that and have deprived the Government of thirty or forty or fifty or a hundred million dollars of revenue, now you pretend, for the sake, as you assert, of a million and a quarter dollars of revenue, to place a tax on the coon-skin coats which my people wear in the wintertime. [Laughter.] The only thing that you have left on the free list, so far as furs are concerned, are a few measly rabbit skins and dogskins. [Laughter on the Democratic side.]

Gentlemen, do you think any farmers in the northern part of the country will vote the Democratic ticket when the only thing that they can wear in the winter is dogskins? [Laughter.] Even the beautiful hair that grows upon the back of the Angora goat of Texas bears a duty of 10 per cent ad valorem, because they do not come in under your classification of goatskins. Goatskins, you know, are pretty smooth. [Laughter.] You do not get any hair on them unless it is from these long-haired goats in Texas. [Laughter.]

Now, I will say to my friend from Alabama [Mr. UNDERWOOD], who spoke about furs the other day, that if he thinks these things are not a necessity I will meet him in any mass meeting in the winter or in the fall in Minnesota, and if 90 per cent of the farmers who come out to that meeting do not wear fur coats I will give him a certificate of election as long as he lives. [Laughter and applause.] You can not hold a meeting or go into any town in the northern part of this country in the wintertime without seeing the farmers wearing these very same furs that are mentioned in that amendment of mine. Fur clothing and fur robes are also necessary to the thousands of rural carriers in the North and street-car drivers and all who are exposed to the weather.

You call these things luxuries. A muskrat cap is a luxury, according to your idea. [Laughter.] At the same time that you have placed a tax on the raw fur and compensatory duties in proportion—a tax on the raw material—you have in this same bill continued curling stones and curling-stone handles free as a necessity. [Laughter and applause.]

These things are all imported from Scotland at the high price of fifteen or twenty dollars for every stone used in fashionable winter sport by the idle rich in New York and other large cities. Instead of being necessities, those are luxuries. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. No, Mr. Chairman; I do not think I used up all my time. I ought to have about one minute left, according to my count. [Laughter.] Just imagine how a man will feel standing in a dogskin coat watching those fashionable people on the ice at a bonspiel playing with curling stones. [Laughter and applause.]

Mr. MANAHAN. Mr. Chairman, I am impelled by a feeling of sympathy for the majority to make an observation in their behalf. The onslaught of my Viking colleague [Mr. STEENERSON] so absolutely destroyed every semblance of justification for this schedule that I hardly feel it necessary to say anything to sustain his amendment. I am more inclined to think it would be the charitable and proper thing for me, under these circumstances, to enter into a defense of the majority and its misguided committee. I think we have been unnecessarily severe with them in our discussion to-night. There is needed a defense of this schedule from some one, and the committee is silent.

Now, I am not going to defend the whole bill. I am not a criminal lawyer. [Laughter.] I only wish to defend this committee, who for the first time that I have observed in this discussion have seen fit to protect one of the industries of my State. They put a protective tariff on the gopher skins of the Gopher State, and for this small favor we are thankful and appreciative.

But, Mr. Chairman, now that I am on this line of defense I think this observation ought to be made in this connection: This particular paragraph represents very clearly the general incongruity and inconsistency of the whole measure. It severely taxes the consumers of the North on a stern necessity of life while pretending solicitude for consumers.

There was a debate this afternoon as to who was responsible for this bill, and gentlemen went into ancient history to show who was responsible for other bills in years gone by. To a new Member this is mystifying and unconvincing. It does not make any difference who is responsible for any bill that ever was written. The bill must stand or fall upon its merits as a law. If it is good, it will work out well. If it is bad, it will work out ill. It does not make any difference who the author was or is.

When they consider these obvious contradictions in this law, I know that my colleagues have unnecessarily uncharitable feelings toward the majority in regard to this measure. They see in it so many glaring inconsistencies. They see a high and noble purpose in one paragraph, and evidence of mendacity in another, the good and bad confused and commingled without sense, system, or sanity. I have been mystified for an explanation. What is the cause of it? How did it happen? Who is responsible? God only knows who was responsible for this monstrosity of a law. But, Mr. Chairman, I think I understand the forces in which the Ways and Means Committee drifted, and I feel it my duty to my associates to offer them my theory—my defense of the committee.

This bill is not a result of the belief in the doctrines of Thomas Jefferson, who was a protectionist—my colleagues know that. They know also it did not result from a study of political economy. Every political economist must condemn it. This Underwood bill has no common or mortal parentage; nor does it come from any particular or presidential source, as some say.

I found this little book coming down on the street car to-night, and discovered in it the explanation and inspiration of this law. It is not a campaign book. It is an almanac. The proof is in the bill. It fluctuates like the changing seasons. It blows hot and cold; is as inconstant as the moon, and as uncertain as Venus in the morning.

Evidently this bill was written at different times and suffered in the writing from the different conjunctions of the planets, sometimes one force exercising itself and sometimes another. I do not favor the more prosaic theory of some observers that some days the committee ate too much meat and felt destructive, and so on those days they put in schedules that would destroy industries. They say that on other days probably the moon, at least, was full. [Laugher.] Anyhow, they got it, I surmise, from the almanac. I see the effect of all the signs of the zodiac in this measure. There is Aries, the ram, ramming this bill right through regardless of consequences. I see Taurus, the goat [laughter]—no; not the goat——

Mr. GARDNER. Capricornus is the goat.

Mr. MANN. The Angora goat? [Laughter.]

Mr. MANAHAN. Taurus is the bull, typical of the original Bull Moose and of this bull-neck, stubborn committee that will not yield to any argument; and, as I said, the ram is represented, and the lion. You beheld him yesterday in charge of the ceremonies, with his bushy locks [laughter]—the lion of the zodiac—with much more noise in his voice than intelligence in his argument. [Laughter.]

Then there are the other signs of the zodiac—even the creeping crab is represented, with all its mendacity.

Now I see my time is about to expire. I want to say, gentlemen, that Minnesota needs cheap furs. It is not right to put a tariff on this great necessity. It is not fair to the consumers, and it is not fair to anybody. [Applause on the Republican side.]

Mr. SLOAN. Do you not think the majority will need protection on their bare skins when the people get after them? [Laughter.]

Mr. MANAHAN. They undoubtedly will need bear skins on their backs when the lash of public scorn scourges them from the temple of this great Government.

Mr. STEVENS of Minnesota. Mr. Chairman, I offer an amendment.

Mr. MANN. There is an amendment pending, offered by the gentleman from Minnesota [Mr. STEENERSON]. The gentleman from Minnesota [Mr. STEVENS] desires to offer an amendment. I do not know whether the gentleman from Alabama [Mr. UNDERWOOD] desires to be heard upon the Steenerson amendment or not.

Mr. HARRISON of New York. Mr. Chairman, I regret very much that the committee is not able to satisfy the various gentlemen from Minnesota. As I was listening to the gentleman from Minnesota [Mr. MANAHAN], who addressed us so eloquently the other day, and described what he called the prehistoric Democrat, with long ears, it occurred to me to wonder whether he was speaking of himself, for I understand that he has only been in the Republican Party about two years. [Laughter and applause on the Democratic side.]

Mr. MANAHAN. Will the gentleman yield?

Mr. HARRISON of New York. I can not. The gentleman from Minnesota [Mr. MANAHAN] is a little bit vague in his zoology. His remarks upon the fur-bearing animals bear less weight in this House since he has announced that he considered Taurus as a goat. [Laughter.] As to the other gentleman from Minnesota [Mr. STEENERSON], I was moved almost to tears by his plea for the people of Minnesota. He announced that we have stripped them of all protection, and in consequence he wants fur to cover their shivering persons. He says that if I would come out to Minnesota I would have a different opinion about the fur schedule. I visited his State last summer and drove around that magnificent city of St. Paul, and I want to say that his State in summer is a good deal hotter than Florida, whatever it may be in winter.

I drove about the magnificent city and the cab driver pointed out the palaces of the rich on the hill. I asked him "Whose house is that?" He said, "Mr. So-and-so, a fur dealer." "Whose house is that?" "That is Mr. So-and-so, who made a great fortune out of Canadian furs." Another man had a palace built out of money he had made in furs. Why, gentlemen, the Minnesota Members in this discussion defend the great rich fur merchants in the city of St. Paul and Minneapolis.

Mr. STEENERSON. There is no fur dealer in my district.

Mr. HARRISON of New York. I can not yield. They are making pathetic appeals in behalf of the farmers of Minnesota, whereas what they are really doing is to represent the great rich men who live in palaces on the hills of the Twin Cities.

I spoke about the furs on Fifth Avenue. Every man in this House who is a member of the Husbands' Protective Union ought to desire not only a 10 per cent duty, but a prohibitive duty, so as to keep them out of the country. [Applause on the Democratic side.]

In New York the richest shopkeepers we have are fur dealers, just the same as they are in your State, and the only difference between the two gentlemen from Minnesota and myself is that I believe these fur merchants ought to pay some fair share of the taxes of the Government, and the contention of the two gentlemen from Minnesota is that they ought to be allowed to go without paying any of the burden of taxes.

I do not know why furs have always been on the free list. I suppose that up to recent times the Hudson Bay Fur Co. of Canada occupied a position of influence and power in that country, such as the Canadian Pacific Railway does to-day. I have no doubt they had sufficient influence with our Government in the past to keep furs on the free list.

Mr. STEENERSON. Will the gentleman yield for a question, just to set him right? [Laughter.]

Mr. HARRISON of New York. No; the gentleman will pardon me. Just as I believe the Canadian Pacific Railway to-day considers it has enough influence with our Government to make us repeal the Panama Canal act providing free tolls in the Canal Zone for American coastwise ships. I believe the day is past when our tariff laws, or any other laws, ought to be written for the benefit of any other nation or any powerful financial influence in any other government. [Applause on the Democratic side.] I believe the gentlemen from Minnesota, representing as they do the powerful rich men of their State, are also indirectly representing the Hudson Bay Co. of Canada. I am willing to tax them; are not you? [Applause on the Democratic side.]

The CHAIRMAN (Mr. HAYDEN). The question is on the amendment of the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. STEENERSON) there were 56 ayes and 102 noes.

So the amendment was lost.

Mr. STEVENS of Minnesota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend paragraph 359 by striking out all of said paragraph down to and including the words "ad valorem," in line 22, page 89, and insert in lieu thereof the following: "Furs and fur skins of the Russian sable, marten, ermine, mole, lynx, black fox, silver fox, sea otter, fisher, fur seal, blue fox, white fox, chinchilla, polar bear, and grizzly bear, 10 per cent ad valorem; furs dressed on the skin but not made into articles, 20 per cent ad valorem; furs not on the skin, prepared for hatters' use, 20 per cent ad valorem."

Mr. MANN. Mr. Chairman, this bill takes off the duty on wool in order to destroy the sheep industry and puts a duty on skunk skins in order to protect the skunk industry in the United States. [Laughter.]

I call the attention of the committee to the following communications:

CHICAGO, *April 15, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We have your letter of April 12, together with copy of the new tariff bill, and have noted the recommendations of furs on Schedule N, paragraph 363.

We are inclosing herewith a copy of a letter which we filed with the Committee on Ways and Means on January 27. We respectfully ask you to read the arguments put forth in this letter and then compare same with the new recommendations in Mr. UNDERWOOD'S bill. You will note that the new bill makes an exception of the skins of dogs, goat, and sheep in the undressed class and leaves them to come in free, while the other high-class furs are recommended for 10 per cent duty. The "rugs" and "mats" referred to in our appeal are included in manufactures of furs (see lines 21 to 25) of the new bill, and we conscientiously believe that they should also be made an exception of under this listing and be allowed to come under a duty of not over 20 per cent as they were under the old Dingley tariff, as per suggestion on the attached slip.

These are the roughest and lowest class of furs imported into this country, and the coats and robes made from them are not a luxury but are necessities to our farmers all over the country, they being the only low-priced article of fur which they can get. Under the Payne tariff this class of goods was advanced from 20 per cent to 35 per cent, and the new recommendation would advance them another 5 per cent in the face of all the arguments which we, and we believe other manufacturers, have put forth. This is adding a needless burden to the consumer, and simply increases the cost of these rough furs, bringing them up to a point where they are higher than at any time in the history of our business.

We firmly believe that even the present duty on this class of goods is unjust, and we ask you and your colleagues to lend every effort to have the prepared material of dog, goat, and sheep skins put under a separate heading at a lower rate of duty.

As the bill now reads a furrier can import the finest grade of dyed sealskin at 10 per cent less than we can bring in the "rugs" of a common goat, dog, or sheep skin. We leave this to your own good judgement as to whether or not it is fair to the consumer of the cheap goods which are a necessity as against the article which is a luxury. We also call your attention to the fact that the skin can be imported already dyed, while our material, which is imported entirely in the undyed state, is 10 per cent higher.

If there is anything about this matter which you are not quite clear on, the writer will be more than pleased to give you further information you may need, and we sincerely hope that you will see that justice is done and that this revision is made, so that the farmer, who is the largest consumer, will not have to pay this unjust tax.

We suggest the following addition to the proposed tariff bill, to be inserted in paragraph 359, Schedule N:

"Furs of goat, dog, and sheep not further advanced than dressing, when temporarily joined together for use as material in the form of 'plates,' 'mats,' or 'rugs,' 20 per cent ad valorem."

Thanking you for your attention to the matter and trusting to hear from you, we remain,

Very truly, yours,

A. HOENIGSBERGER,
HARRY L. HOENIGSBERGER,
D. HOENIGSBERGER,
Members of Above Firm.

P. S.—We are writing you at the suggestion of a mutual friend, Mr. Felix A. Norden, of Chicago.

COMMITTEE ON WAYS AND MEANS,
House of Representatives, Washington, D. C.

GENTLEMEN: Referring to paragraph No. 439 under Schedule N of the present tariff, we beg to petition your committee in regard to the rough furs, which are commonly known as goat and sheep "rugs" and "mats" and dog "mats," and ask that this class of furs be separated from the general class and be put by themselves with a special rating of their own. We ask this for the reason that they are of an entirely different class of material, being cheaper and rougher than what are commonly known as "fancy furs." However, on account of not having a separate classification, they are included in the second part of paragraph No. 439, under "Manufactures" of furs further advanced than dressing and dyeing and prepared for use as material, including plates, linings, and crosses, 35 per cent ad valorem, thus putting them on an equal basis with goods which are already prepared in the greater part for manufacture. We give you the following arguments in favor of a separate listing and reduction:

First. We have no ax to grind. We neither gain nor lose on account of the higher duty. The only effect which it has is to make the manufactured article cost more to the consumer without giving to any one any added protection whatever, as this class of furs is used only for the manufacture of carriage robes and a cheap grade of men's fur coats, none of which are imported into this country in the manufactured state.

Second. The term "rugs" and "mats" is simply the trade name for certain standard sizes of furs, and has no meaning in any other sense than this. While they are not one separate skin, they are simply pieced out on the sides with a loose stitch and basted to bring them up to the standard of measurement. This stitch is absolutely worthless as far as being of any use in the manufacturing, it being necessary to rip the sewing, cut the "rugs" and "mats" apart, rematch them, and sew them before they are of marketable value, as far as manufacture is concerned. The principal reason for these furs being imported in these sizes is because the importer in this country is better able to ascertain what amount of material he is getting than if he bought these in the regular skin shape, the skins being of variable sizes.

Third. It requires just as much work to manufacture a robe or coat from these "rugs" or "mats" as it would to manufacture from natural-shaped skins.

Fourth. The natural-shaped skins, which are no further advanced than these "rugs" and "mats" can be brought in at 20 per cent, even though they may be dyed abroad. The fancy fur plates, such as squirrel, etc., even though dyed, can be brought in at the same rate of duty (35 per cent) as our "rugs" and "mats," which we import in the undyed state entirely.

What we claim is that China goat and sheep "rugs" and "mats" and dog "mats" loosely basted together to make a standard size, not machine sewed, should be under a separate heading, so worded, at 20 per cent duty.

In making this appeal to your committee we beg to impress upon you the fact that this will reduce this class of skins to the old rate of duty at which they were always entered under the old Dingley tariff; that the advance of 15 per cent made in the last revision of the tariff simply increased the cost of the manufactured article to the consumer, giving no protection to any manufacturer in this country; and that under the present tariff it would be advantageous for us to have our raw material dyed abroad instead of in this country, as we are doing now, and importing it in the dyed state, being able to do so without any increase in the tariff rate.

We beg you to take this all into consideration and give the matter an unbiased decision.

Very truly, yours, ——— ———.

CHICAGO, *April 23, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of April 19, in reply to mine of April 15, and thank you for your attention. I am, however, taking the liberty of writing to you again to once more call your attention to the fact that the goods which we use, namely, goat, dog, and sheep, are not the kind of goods which commonly come under the heading of "furs." The latter include sealskin and all the other kindred grades, while ours is of the cheapest kind of domestic animal.

In talking of this fur schedule, we trust you will keep the above fact before you, and we sincerely trust that the suggested amendment sent in our last letter will be offered when the bill is being put before the House.

Assuring you that your efforts will be appreciated, we remain,

Very truly, yours,

A. HOENIGSBERGER.
H. L. HOENIGSBERGER.

Mr. STEVENS of Minnesota. Mr. Chairman, the amendment which I send to the desk should satisfy the gentlemen of the committee—yes, even the gentleman from New York [Mr. HARRISON]. It provides substantially two things:

First, it sets forth all of the high-grade raw furs used as luxuries by the people of this country, on which there is placed the duty provided in this bill of 10 per cent ad valorem. If one agrees with the gentleman from New York [Mr. HARRISON] that furs used as luxuries ought to be taxed, then this amend-

ment of mine is the proper and safe way to accomplish such result without injury to the important fur industry.

Secondly, it provides that the provisions of the Wilson bill and of the Dingley bill as to duties on furs dressed and partially made shall be substituted for the remaining provisions in this paragraph down to the part providing for the finished article. It leaves the duties on the finished the same as in the bill, and as in the existing law, of 50 per cent on all finished garments. It is easy to perceive that the gentlemen of the committee do not understand the situation of this industry and the uses of fur garments in the North. Nearly all of the rural free-delivery carriers in the Northern States, and, I will venture to say, more than 10,000 of them, are obliged to wear fur coats in their daily journeys of 25 miles or so in the severe days of winter. Nearly all of the teamsters up in our section of the country are obliged to wear fur coats, or linings of fur or skins of some sort. The street-car drivers who are exposed, the inspectors of out-of-door work, the policemen, nearly all of the farmers who can do so, and all chauffeurs and motorists are obliged to wear fur coats, costing from $25 to $50 each.

Under the provision of the existing law these furs as they come into this country to be made over into garments are taxed substantially 35 per cent on admission. Under the Wilson bill and under the Dingley bill they were taxed only 20 per cent. Under the provisions of the Payne-Aldrich bill they were taxed 35 per cent, but under the provisions of the present bill these necessities of life are taxed 40 per cent, an increase of 5 per cent. That is why I think there should be called to your attention the cruelty and the injustice which you are doing to the people of the North, who are exposed to the severities of the weather and need comfortable clothing to don. For that reason I have provided the list of furs which are clearly luxuries and that ought to be taxed if you decide on a policy of taxing raw materials in this industry. The remainder, which are used by the people of moderate circumstances, are articles of entire necessity. We provide that raw furs shall be placed upon the free list, and furs dressed and partially made are placed back to the old provisions of the Wilson and Dingley bills at 20 per cent.

Four years ago we from the North objected to the increase of the tax on our necessities—of clothing, from 20 to 35 per cent—since it did not protect anybody, and was only an unjust exaction from our people. We object now to the increase still further of the taxes on our necessities of living from 35 to 40 per cent. You are in this way unfairly and unjustly taxing the garments of our daily living. You are taking money out of the pockets of the rural free delivery carriers, of the teamsters, the farmers, the policemen, the firemen, the motormen, the men of humble means who are exposed to the inclemency of the weather. You are depriving them of clothing they need for their daily use, and you are doing this when there is no necessity, because the revenue will not be increased. It will rather diminish. In addition to that you are keeping away a large business from that section of the country. The furs which come down from Canada as a rule are the ordinary furs for daily use and moderate-priced goods. They come in small packages—5, 15, 20, to 100 pounds. They have been coming down to St. Paul and Minneapolis for more than 50 years. They are sent by the trappers and farmers of the extreme north; and the moment you put a tax on the furs coming into this country from that region it will divert those furs, because of the trouble and difficulty of forwarding them, and they will be sent east to Montreal and London to be made up, thus depriving our people of that work, depriving our people of the opportunity to get that sort of cheap furs for their daily clothing.

You do not understand the injustice you are doing, not only to the wearers, but to a legitimate and helpful industry employing many thousands of our people in profitable employment. You seem to think you are only taxing those people 10 per cent.

That fact is of small consequence. The fact that you place any tax on raw furs at all dislocates this industry and prevents gain and even competition with its foreign rivals. But, fully as important, you must know that these furs, coming in under the description of plates, crosses, and linings, as a rule, are not suitable for use in that form, but have to be torn to pieces and entirely remade. You are taxing in reality, at this rate of 35 per cent, articles which you provide for in your bill which shall be admitted free—skins of goats, dogs, sheep, and so forth, your bill providing in terms for their free admission because they are used as garments for the poorer man. As a matter of fact, they will only be admitted at 40 per cent, under your bill, because of the way they are and must necessarily be imported, and if you gentlemen had the information before you of the business as it is actually done and must be done you would have omitted this provision from the bill. The reason substantially is that the Chinese and Siberians, who produce these skins, prepare them in that way and can not be taught or persuaded to change their customs of a thousand years, and you are penalizing our poor people for it. Of course I do not expect that you will accept the amendment, but I do want you to understand in all sincerity and fairness what the condition of our people has been and is and must be, and I have offered you a practical amendment, which satisfies your conditions and tries to meet what you are accomplishing, and I hope you will see fit to adopt it. I will place in the RECORD a list of furs classed as luxuries, as set forth in my amendment, another class of common furs, and still another class which is subject to change, and may be at one time expensive and again cheaper, depending on the fashion of the day.

This statement is prepared by Mr. C. L. Kluekhohn, of St. Paul, former president of the St. Paul Association of Commerce, and of lifelong experience in the northern fur industry, and by Mr. E. L. Ulman, of New York and St. Paul, who has devoted his life to this business.

DEAR SIR: In compliance with your request of to-day, we herewith beg to submit the following list of furs, which we have divided into various classes to the best of our knowledge and belief:

We class as articles of luxury Russian sable, marten, ermine, mole, lynx, black fox, silver fox, sea otter, fisher, fur seal, blue fox, white fox, chinchilla, polar bear, grizzly bear.

We class as articles of necessity, which are bought by people of small means, marmot, hare and rabbit, wolf, raccoon, red fox, kitt fox, house cat, wild cat, opossum, muskrat, Japanese mink, Chinese weasel, dog, goat, sheep and lamb, hair, seal, wool seal, wombat, wallaby.

There are a number of articles that are used by people of moderate means whenever prices are low, but which sometimes are fashionable and then are high in price. A duty on these would also be a serious handicap to American merchants engaged in interstate trade: Squirrel, black and brown bear, badger, civet cat, nutria, skunk, wolverine, beaver, kolkinsky, mink, fitch, otter, cross fox.

We respectfully submit that while certain raw furs can be classed as articles of luxury, the revenue derived from them would be small and difficult and expensive to collect on account of the nature of the material and the difficulty in classifying and valuing them.

All raw furs have been free of duty during the entire history of our Government and none of the great commercial countries put a duty on these articles, and any duty, great or small, will seriously handicap, if it would not entirely destroy, all international trade in raw furs on the part of American merchants who have been for generations engaged in the building up of a large business of this kind on a basis of free trade and exchange of this material with all commercial countries.

We respectfully call your attention to the fact that the small revenue to be derived would result in serious injury to an important branch of American commerce.

As explained to you to-day, dogskins and goatskins used for fur purposes are rarely, if ever, imported as raw skins. On account of long-time custom and habits it is impossible to induce the Chinese exporters to sell them to us in any way, except as so-called mats, robes, or rugs, which are never used in their original condition, but are only used in the manufacture of the cheapest fur coats for farmers and teamsters. Until the passage of the Payne bill these have never borne a duty more than 20 per cent.

Yours, respectfully,

C. L. KLUEKHOHN.
E. L. ULMAN.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

The Clerk read as follows:

360. Fans of all kinds, except common palm-leaf fans, 50 per cent ad valorem.

Mr. MANAHAN. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, only for the purpose of making a personal explanation, confession, and apology. I know I can not have redress outside of this Chamber against the gentleman from New York for the grave accusation he made against me. He says I was a Democrat two years ago. I confess it, gentlemen; God forgive me [laughter], I was a Democrat. I was a Democrat until I became convinced that I could not do my share for better laws in this country working in the ranks of Democracy. I became convinced that its organization, its ideals, and its handicap was such that it would not be possible for that party to do the constructive work of legislation demanded by the industrial conditions of this country. [Applause on the Republican side.] It was not easy for me; to be frank and sincere, it was not easy for me to sever the ties that bound me to associates for many years, and if I had not felt compelled by my conscience to do so, and to do so at a time when every intelligent man in the United States knew that conditions looked favorable to party success at the polls, to do so when apparently and in the judgment of my friends I was making a grave mistake so far as personal advancement was concerned, because if I do say it, I held a high place in Democracy and the confidence of some of its best men.

I was a Democrat until I became convinced as a thoughtful, earnest student of political conditions that the only hope of this country having laws that were right and fair to all was under the leadership of the great progressive Republican, ROBERT LA FOLLETTE, of Wisconsin, the ablest constructive statesman of our day. That is why I became a Republican and enlisted in

that great work. [Applause on the Republican side.] And, Mr. Chairman, before I conclude let me make another personal observation, since it has been forced upon me here, and that is that I am in sympathy with many things that those gentlemen on the other side are dreaming about. It was not all sarcasm on my part in alluding to the astrology exemplified by the makers of this bill. These men are stargazers, so far as the Government is concerned, dreamers of noble dreams, but impractical executors of ordinary business, and so I say I will admit I was for a long time a Democrat and a dreamer myself, and possibly the gentleman from New York is correct when he makes personal allusion to the size of my ears. Possibly it was because I look like any ordinary Democrat; but I am surprised that he took the chance of lese majeste when he considers the appearance of the great leader of his party to-day in making an allusion of that kind. Perhaps I, like many other Democrats, elongated my ears listening for the impossible, but I saw in time my error, and therefore I trust the future will not aggravate my appearance. But I am not complaining about my appearance any more than about my belated enlightenment. I was not elected to represent the great State of Minnesota on my looks. I was elected because more than two to one of the people of that State believed that I stood for just and honest legislation, and I have not taken the position in this tariff debate on a single schedule that I did not feel impelled to take by my convictions of right and wrong. [Applause.] There is much good in this bill and, unfortunately, much evil also.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, the difficulty which besets a political flopper in explaining his frequent changes under political exigency in a five-minute speech must be apparent to everybody. [Laughter.] I presume, however, the gentleman's apostasy from the Democratic Party occurred after he began to derive his information from the almanac.

Since learning the book of his faith and authority our minds are entirely enlightened and cleared up as to the origin of the antiquated wit and wisdom with which gentlemen on that side have illuminated the debate on this bill. I want to warn the gentlemen, however, that their almanac authority is liable to lead them astray. It does not even regulate the weather, much less the politics, nor will it keep their consciences nor their arguments straight. He prays forgiveness for having been a Democrat. Though he secured his own election by the flop to the Republicans, his added weight on that old hack helped us defeat the party. So we can easily forgive him if he will agree not to come back and adulterate the party and handicap our success in another election. [Laughter on the Democratic side.] I want to tell him that we know the author of the almanac from which he has been deriving his politics and inspiration for his frequent changes, and he will not do. The author went clipping by a farmer in Georgia one day, a fair, bright day, with no sign of rain, there not being a cloud as large as a man's hand, and the farmer said, "You had better gallop, Doc, or you will get rained on before you get to town." The doctor thought it was ridiculous. He rode on; and sure enough, it rained pitchforks and ladles before he reached town. He was so disgusted he would not dismount. He turned around and rode back, and he said to the farmer, "How in thunder did you know it was going to rain on such a fair day?" The farmer said, "I take old Doc So-and-So's Almanac, and he said it would be a fair, dry, beautiful day, and I knew it was a lie." [Laughter and applause on the Democratic side.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

361. Gun wads of all descriptions, 10 per cent. ad valorem.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 90, line 3, strike out paragraph 361.

Mr. JOHNSON of Washington. Mr. Chairman, I wish to give notice that I shall ask to have gun wads placed on the free list when the item is reached. They are here in the bill at 10 per cent ad valorem. For years they have never been at less than 20 per cent, and they have never brought in over $300 revenue, but that tariff has been sufficient to keep German wads out. I want to impress on my friend from Connecticut [Mr. DONOVAN] that all business industries everywhere will suffer as those over which he is worrying. Gun wads are manufactured by the Union Metallic Cartridge Co. and the Winchester Arms Co., two of the industries of Connecticut. Let them wince with the rest of us. Further, I want to say that if all the industries of my State are to suffer through free trade, then I hope that we can have some free gun wads from Germany with which to shoot a little game upon which to live. [Applause on the Republican side.] I want to tell my Democratic friend, Mr. DONOVAN, that his hats are not hurt any worse than our shingles.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Washington [Mr. JOHNSON].

The question was taken, and the amendment was rejected.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I have sat here since last Tuesday morning listening to the tariff experts on the other side of the aisle, particularly to the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Wyoming [Mr. MONDELL], and I have wondered while listening to the learned arguments of those gentlemen what would happen to the country if the Lord in His wisdom should see fit at some time to remove them from among us. But I have been consoled for my country by recollections of a circumstance which once occurred in a city of my district.

A gentleman living in my district had for years been the yardmaster for a railroad company. His name was Ashley Girardeau, which was pronounced as though spelled "Jerrydo." Early in the spring of one year he decided that he ought to have an increase of salary. So he went to the superintendent of the road and told him he had been with the road a long time and thought his services were very valuable and that he wanted an increase.

The superintendent said to him, "Well, Jerry, we have been thinking of laying off a few people during the summer, and suppose you just take a rest for two or three months and let us see how things go." He says, "All right. I will quit; that is what I will do." He saw his wife that night and told her what had happened. He said, "Susie, I want you to go down to the yard with me early in the morning and I want you to just see them get a train out of those yards. You get up earlier than usual in the morning and get breakfast and go with me and we will just see them do that thing." They got up early and went down and saw that the trains went out as usual. He said, "They can't do it again; that was just an accident." The next morning they went down, and again the trains moved out as usual, and for several mornings the same thing happened. He finally said to her "You come with me and we will visit with the folks up in Jefferson County awhile and then we will come back. They can't keep this thing going without me. They'll find out they can't run this thing without me." They spent the summer visiting his kin, and in the fall they came back and he went down to the yard Everything seemed to be moving smoothly. The day was hot. He did not see anybody but an old one-eyed gray-haired darky hanging around, but he seemed to be a person of some consequence. So he approached him. He said, "Do you stay here?" The old darky said, "Yas, sir; yas, sir." "Did you ever hear of a man by the name of Girardeau who used to be around here? Did you ever know him?" "No, sah," he said; "I didn't zackly know him; but I'se heerd of him. Yas, sir; I'se heerd of Mr. Jerrydo. Yas, sir; I'se show heerd of him, becase I'se got his job." [Laughter and applause.]

Mr. DONOVAN. Mr. Chairman, I suppose it is a bit presumptuous for me to suggest anything, to offer an amendment even, when one is obliged to stop and think that one has to meet the opinion of the distinguished gentleman from Alabama [Mr. UNDERWOOD], that of his associate in the chair right adjoining him [Mr. HARRISON of New York], and that of the gentleman at the table, the distinguished gentleman from Pennsylvania [Mr. PALMER]. But possibly we do meet them, or they might comprehend that they erred in finding, as they did, in this particular schedule. It is the last schedule, Schedule N, Sundries, which came late, after several months' work, when possibly they were out of temper and in no state of mind to deliberate as fair men ought to. I am going to claim this, gentlemen, that if the statement I make is true, that the treatment of the subject in hand, the fur-felt hat industry, as they treated it, was not fair treatment, the only way to account for it was that it was too much labor for a human being to perform.

I am probably representing a class of labor which, in my opinion, is treated more cruelly than any other class from beginning to end of this report of the Ways and Means Committee.

But I am going to claim, too, that if this matter had been considered at the beginning of the hearings there is no question as to what the result would have been. You will appreciate my point of view when I tell you that the distinguished chairman of this committee, though campaigning in a strange State, among a strange people, with the natural prejudices of those people against him and his associates in his section of the country, when he went amongst my people practically carried—yes, swept—the State from end to end with his eloquence. How? By the same means that he carries this body whenever he so desires—by his personality. When you think that misfortune or errors may befall you, you have only to look upon that face and you forget them all. [Laughter and applause.]

Unfortunately, I am occupying a position here formerly filled by one of the most noted men of our country. Probably no man ever came out of that State so well known, either favorably or unfavorably [laughter] as my predecessor. At home he said to his people since the election and within a few days that I am a free trader. The distinguished gentleman who is chairman of this committee says to his associates here in this body that the way I was returned and elected was that I accused Mr. Hill of being a free trader. [Laughter.] But that is neither here nor there. This can not affect our people.

The personality of the gentleman from Alabama is what made our people politically go to him. On the 13th day of March of this year he repeated at the hearings of the Ways and Means Committee, in yonder Office Building, what he said to them in Connecticut. This is in his report as chairman, volume 4, page 3861: "Of course," says the distinguished gentleman from Alabama, "of course none is in favor of reducing the tariff if it is going to injure any American industry." That was on the 13th day of March. [Applause.]

Mr. Chairman, the men who are working at this business for a living are already hungry. The gentleman from Alabama has cited the figures as to these hats, but if he had looked a little further the figures would have spoiled his case. I have the census figures here to show that out of the total amount of business in fur-felt and wool-felt hats, fur-felt hats, generally known as felt hats, form only 83½ per cent. The fur-felt hats should never have been classed with the wool-felt hats. They are separate industries. The fur-felt hat industry is carried on under many disadvantages, when you understand that the fur of the rabbit and, in fact, everything that goes to make a fur hat comes from the other side of the ocean, and this side furnishes nothing except the water that comes from the heavens and a little of the spirits to cut the shellac.

We claim that under the present conditions in the hatting industry any reduction in the tariff is going to be a loss to our industry. This is not like the great steel industry, which is located near the source of its raw materials. And if there is a loss it must follow that there will be a gain to some one, for there is no loss without some gains. The gain in this case will go to the workers who pay homage to the British lion and to the coat of arms of the Italian house of Savoy.

The Italians and English are nearer the source of supply of materials. Are you going to help them, and at the same time put a profit into the pockets of the importer, while you do not make it possible for the American consumer to buy a hat one cent cheaper than he has ever purchased it?

There is merit, gentlemen, in the case of the American hatter. His own country is his own market. There is great competition among the hat manufacturers of this country. He has to compete in this country, for in the majority of the great countries of the earth, which are the fields of the exporters of goods other than hats, the people do not wear stiff hats. You could not sell a stiff derby hat in the Far East. The people there wear turbans. The Chinese do not wear the same kind of headgear that is worn in this country. The Russian moujik would not give up his cap for a black or brown stiff hat, while in the South American countries the preference is for lighter headgear of palm leaf, cork, and straw. What chance has the American hatter to expand his trade under a policy of trade expansion? I dare say that the millions of people in the Far East who buy our cotton goods and other manufactured goods have no more use for an American fur felt hat than the Sultan of Sulu has for a red flannel undershirt.

The census statistics now show that we have only eight months' work in the hatting industry each year. According to these figures we have 25,900 people employed in the month of January and in February 19,000, and these are two of the eight months that the plants are supposed to be in operation.

Now, Mr. Chairman, I should not feel that I had as good a case as I have if the consumer, the American millions who wear derby hats, was going to be able under this change of schedule to get the article one penny cheaper.

Who will get it? Why, the middleman. The committee has changed the schedule so that it will represent about $1.20 a dozen to labor, amounting to 10 cents a hat in labor when the raw material is deducted. Will that 10 cents per hat reach the public? No. If the committee had listened long enough and with patience to get at the facts, they would have rendered justice instead of giving the column of figures that they have in their report.

It would seem from the spirit of things in this House that only one class, and that the agricultural class, was represented here. I want to say to you gentlemen who come from agricultural districts that you have 7,000,000 workers employed in manufacturing in this country. They have made this land the great market that it is. Now, I am speaking for 25,000 workers and their families who are a large unit among the buyers of the products of the farm. Do you wish to cut down their buying power and put good American money into the pockets of the subjects of two foreign princes?

This bill as it is drawn means less revenue, less work for American hat makers, more profit for the middleman, and money for the European that he would get under no other conditions.

You will remember that the agriculturist that owns a place nearest the city has the best market, and because of his location he has the most valuable possession. When you injure the market you are injuring yourself, and you can not afford to do that by any sort of reasoning.

You have heard the gentleman from New York tell that out of 400 farmers in his district 300 owned automobiles. This bespeaks of the greater prosperity of the American farmer during the past few years. The men who work at hat making are not in the automobile class. Many of them live in tenement houses with from 50 to 100 people. [Applause.]

I am not making this appeal for a great big money-bloated industry such as some that have fattened under protection without aiding anyone except the stockholders. I am speaking for an industry that at this very time is suffering from a panacea that is peculiarly all its own. The changing fashions is the ailment that has struck the hardest at the foundations of this industry that feeds and clothes nearly 150,000 people in the United States of America. Motoring, the golf links, and the young idea aping the manners, customs, and clothing of the rich are some of the things that have hurt the business. Added to this the Democratic Party wants to take away a part of the duty which fosters a poor class of workers who are on their last legs, so to speak.

I have here in my hand a book which I have just picked up by the strangest coincidence. It tells of the recent trip to Europe of Samuel Gompers, of the American Federation of Labor, and he is discussing trade conditions in this country with a fellow passenger. They are both agreed that the fur-felt hat industry in this country is in dire straits. And mind you, gentlemen, this condition exists under the present tariff of 51 per cent.

In these days of civilization, in this day of fair play, I think that we have an opportunity to say a word for the poor man who ought to get from the Democratic Party, if nowhere else, what he is justly entitled to.

All I am asking of you is 10 cents on every American made fur-felt hat. The man who goes to market now to get a hat pays $1.50, $2, $2.50, $3, and $4 for them. If this bill is passed with this schedule unchanged I will wager that you are not going to buy these hats for $1.40, $1.90, $2.40, $2.90, and $3.90.

Before the final vote is taken on this bill I want you to imagine, if you will, the distressing predicament of the workman in Danbury, Conn. Usually a man of family, a skilled mechanic, with years of training, he has perhaps saved enough money to buy a home. Now, in middle life, he finds his trade disappearing in this country. He can not seek other employment because Danbury is a city whose 25,000 inhabitants are absolutely dependent on hat manufacturing, there being no other industry in the town. He is averse to leaving the city to seek employment, because he does not wish to abandon the house he has purchased. He is not earning sufficient to provide the absolute necessities for his family—can not sell his house, because the trade depression has depressed property values in the town, and hardly able to make payments and meet taxes on his home, his bank balance is depleted and rapidly becoming exhausted—his savings of a lifetime are threatened.

With conditions no better than stated, the hat manufacturers are making every effort to work out their own salvation, under the most heart-breaking conditions, and they do not ask the aid of the Government in the form of additional tariff protection. They do request, however, in the fight they are making to recover their lost business that the Government shall not

impose a further handicap and burden in the form of a reduced tariff that will invite an influx of foreign-made fur-felt hats.

Are you going to forget the divine word, "Love thy neighbor as thyself"—and in the season of your prosperity forget the skilled mechanic, the hatter? It is in your power to hold up his arms in the hour of his need.

It is simply a question, gentlemen, whether you will give your aid to the workingmen of your own country, or to some other workingmen who live 3,000 miles away and have never seen the Stars and Stripes flying to the breeze over American institutions. Gentlemen this is not a question of revenue, but a matter of patriotism, and I appeal to you. I thank you. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. DONOVAN. Mr. Chairman, has my time expired?

The CHAIRMAN. Some time ago.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Connecticut is right when he says that I am not in favor of destroying any legitimate industry. But I do not think that the gentleman from Connecticut has much of a case in this instance. The statistics show that the production in this country of goods embraced under this paragraph, according to the census of 1910, was $46,952,000, and the imports for the year 1912 amounted to $875,000. It is readily seen that the amount of imports, as compared to the American consumption, is less than 2 per cent under the existing rate of 51 per cent ad valorem. The rate is a specific one, but the equivalent tax is 51 per cent ad valorem. The importations are less than 2 per cent of the consumption.

Now, the Democratic Party stands for a competitive tax. They have reduced the rate from 51 to 40 per cent. The Treasury expert who made up these figures in this handbook made them up without my supervision. He estimates that the increased imports under this reduction of duty will amount to $125,000, or about a quarter of 1 per cent. Now, even if the imports were doubled, that would only make them about 4 per cent of the American consumption. Gentlemen who stand for protection can very readily say: "We do not want anything to come in." The gentlemen on this side of the House, who stand for a revenue tariff and a competitive tariff, certainly could not complain if the imports, as compared to American consumption, were increased to a total of 4 per cent, being less than 2 per cent now. As I say, the estimate of the Treasury expert indicates that the increased imports will not amount to more than one-quarter of 1 per cent. This shows clearly that, so far as this particular item is concerned, the committee certainly have not been drastic in their action. The only thing I can say is that the gentlemen who are interested in this hat industry have been the most persistent, continual, insistent advocates of maintaining a prohibitive tariff tax in their trade that ever appeared before the Ways and Means Committee of this House.

Mr. DONOVAN. Will the gentleman yield?

Mr. UNDERWOOD. I will yield to the gentleman if I have any time.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

366. Indurated fiber ware and manufactures of pulp, not specially provided for in this section, 25 per cent ad valorem.

[Mr. DONOVAN addressed the committee. See Appendix.]

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

367. Jewelry, commonly or commercially so known, valued above 20 cents per dozen pieces; rope, curb, cable, and fancy patterns of chain not exceeding one-half inch in diameter, width, or thickness, valued above 30 cents per yard; and articles valued above 20 cents per dozen pieces designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, card cases, chains, cigar cases, cigar cutters, cigar holders, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military, and hair ornaments, pins, powder cases, stamp cases, vanity cases, and like articles; all the foregoing and parts thereof, finished or partly finished, composed of metal, whether or not enameled, washed, covered, or plated, including rolled gold plate, and whether or not set with precious or semiprecious stones, pearls, cameos, coral, or amber, or with imitation precious stones, 60 per cent ad valorem. Stampings, mesh and other materials of metal, whether or not set with glass or paste, finished or partly finished, separate or in strips or sheets, suitable for use in the manufacture of any of the foregoing articles in this paragraph, 50 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 91, line 2, after the word "pieces," insert the words "60 per cent ad valorem."

The amendment was agreed to.

Mr. PALMER. Mr. Chairman, I offer the further amendment.

The Clerk read as follows:

Page 91, line 17, after the word "stones," insert the words "or pearls."

The amendment was agreed to.

Mr. PALMER. Mr. Chairman, I offer the further amendment.

The Clerk read as follows:

Page 91, line 18, after the word "stampings," insert the word "galleries."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

369. Laces, lace braids, lace window curtains not specially provided for in this section, coach, carriage, and automobile laces, and all lace articles of whatever material composed; handkerchiefs, napkins, wearing apparel, and all other articles made wholly or in part of lace or of imitation lace of any kind; embroideries, wearing apparel, handkerchiefs, and all other articles or fabrics embroidered in any manner by hand or machinery, whether with a plain or fancy initial or monogram or otherwise, tamboured, appliquéed, or scalloped by hand or machinery; edgings, insertings, galloons, nets, nettings, veils, veilings, neck rufflings, ruchings, tuckings, flouncings, flutings, quillings, ornaments, all the foregoing, of whatever material composed; woven fabrics or articles from which threads have been omitted, drawn, or cut, leaving open spaces in which figures or designs are formed by threads other than the threads of the fabric, and articles made in whole or in part of any of the above materials; all the foregoing, 60 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 93, line 2, after the word "drawn," insert the word "punched."

The amendment was agreed to.

Mr. PALMER. Mr. Chairman, I offer the following further amendment.

The Clerk read as follows:

Page 93, line 3, at the end of the line, strike out the comma and insert the words "alone or in combination with the threads of the fabric, not including hemstitching or poke stitching."

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, there will be a little discussion on this subject, and I will ask the gentleman from Alabama if we can not agree upon some time?

Mr. UNDERWOOD. Is that the leather paragraph?

Mr. GARDNER. The leather paragraph.

Mr. UNDERWOOD. I will agree to 15 minutes' debate on the subject, 10 minutes to be controlled by the gentleman's side and 5 minutes by our side.

Mr. STAFFORD. Mr. Chairman, I would like to have five minutes' time.

Mr. MANN. Can the gentleman not give us 15 minutes on this side?

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close at the end of 20 minutes, 15 minutes to be controlled by the gentleman from Illinois and 5 minutes by myself. It is understood, of course, that this covers the leather proposition.

Mr. GARDNER. I shall want to discuss boots and shoes when we get to the free list, but other leathers now.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, as I said a moment ago, it is my intention to discuss the boot and shoe item when we reach the free list. If boots and shoes had been retained on the dutiable list they would have been included with leather in the paragraph which we have just reached.

To-night I shall confine myself to a discussion of the duties on leather. The second largest shoe city in the world, the city of Lynn, is situated in my home county. It is represented by the gentleman from Massachusetts [Mr. PHELAN]. The fourth largest shoe city in the world, the city of Haverhill, is also situated in my home county. I represent Haverhill. Essex County, Mass., is the largest shoe and leather district on earth.

Now, I am obliged to admit that the gentleman who represents the Lynn half of our county [Mr. PHELAN] knows a great deal more than anybody else in this House about boots and shoes, and about the leather schedule. Unfortunately to-night he is suffering from caucus lockjaw and so I bear the burden.

In passing I desire to call the attention of the chairman of the Ways and Means Committee to the duty of 10 per cent on glove leather. I am of the opinion that with a duty of 10 per cent on glove leather and with the provision in the free list that leathers in general shall enter free, many importers will invoice glove leathers as dressed kid and goat skins. Although I am not by any means sure that such will be the case, yet such is my opinion. As a matter of fact I telegraphed for information as to this point to a leather manufacturer in Mr. PHELAN'S district, to a leather manufacturer in my own district, and also to the Hon. Richard Young, a former Member of Congress. The answers which I have received contradict each other. I call the attention of the chairman to the matter, in case he should wish later on to consider it.

Mr. UNDERWOOD. Mr. Chairman, I will say that I consulted several manufacturers of gloves in reference to the question of whether "glove leather" was a sufficient designation. One of these gentlemen of whom I asked the question was a former Member of this House and a well-known authority on the subject. He said there could be no question about that designation.

Mr. GARDNER. Still, as a matter of fact, there is a difference of opinion. The former Members of Congress whom the gentleman and I have consulted undoubtedly agree with each other as to the matter. The point is that other manufacturers do not take the same view.

In this bill you have put most leathers on the free list. Probably you desire to make some compensation to the shoe manufacturer for the loss of the duty on boots and shoes. Probably you feel that you are justified in your course because leather is exported in such very great quantities. It is true, of course, that we exported $40,000,000 worth last year, while only $7,000,000 worth was imported. From the Democratic point of view I can understand why you should put upon the free list the kind of leathers we export in quantity. What I do not understand is why you should cut the duty off practically all leathers, whether or not they are of the kinds which are exported. For instance, out of our $40,000,000 leather export, just about one-half is glazed kid. Half of the remainder is sole leather.

On the Democratic theory of lowering duties, I can understand your action on glazed kid and sole leather, but I can not understand why you removed all duties from patent leather and calfskins.

We export a small quantity of patent leather—perhaps to the amount of a million and a half of dollars. We import a trivial amount of patent leather. The fact is that patent leather manufacture in its present form is a comparatively new industry in this country. I doubt whether it has been oversuccessful. Patent leather to-day carries a protective duty equivalent to from 25 to 30 per cent. No one can claim that patent leather is a luxury. Even supposing that the negligible amount of importations indicates too high a rate of duty under the present law, is that any reason for cutting the whole structure away with an axe instead of lowering it with a jackscrew, as your chairman put it?

Now, as to calfskins. I understand that we export a few specialties, but that our great staple lines can not be exported. As a matter of fact, our calfskin leather export amounts to one million and three-quarters dollars' worth annually. A little calfskin leather is imported. The significant matter about calfskin leather is this: We used to be able to sell calfskins in the English markets, but the Germans have come along and driven us out.

There are likely to be serious results if you give the German calfskin manufacturers the free run of our market. Skins for morocco, tanned and unfinished. There are $2,000,000 worth of those skins imported. I do not criticize the Ways and Means Committee for putting them on the free list. As a matter of fact, those skins for morocco, tanned but unfinished, are what we call "India tan." They are raw material for our morocco factories. I doubt whether they compete with any American product of like sort. What I especially criticize is the free admission of calfskin leather and patent leather; perhaps also of sealskin leather, pigskin leather, colt, and kangaroo. I know mighty little about the last-mentioned leathers. Granting that it is right from the Democratic point of view to put leather on the free list, is it fair for you to require these leather manufacturers to purchase their raw materials in a protected market? To be sure, you have put bark tannages on the free list. You have also put indigo on the free list, but there are plenty of articles used in tanning and currying which are not put on the free list. In my district nowadays calfskins are tanned by the chrome process. It does not do the manufacturers the slightest good in the world to take the duty off of tan bark. Bichromates are used on calfskins to-day, bichromates of soda and potash being the largest item in tanning at present.

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. GARDNER. Yes.

Mr. HARRISON of New York. Of course the duties on bichromates of potash and soda are very much reduced, and as a practical question does the gentleman from Massachusetts know that to-day bichromates are selling cheaper in the United States than they are abroad?

Mr. GARDNER. No; I did not know it; but that would seem to require some explanation from the walking delegate of the husbands' union as to what the duty is retained for. Bichromates at all events are taxed at a rate equivalent to 15 per cent ad valorem. Dyes are largely used in the manufacture of leather. Ordinary dye woods are taxed at three-eighths of a cent a pound. Sulphonated oil is the next largest item, and that is taxed at 15 per cent ad valorem. Coal-tar dyes are taxed at 30 per cent ad valorem. Blue vitriol comes in free. Borax is taxed, bichromate of soda is taxed, sumac comes in free, linseed oil is taxed, sal soda is taxed, sponges are taxed, degras is taxed, sulphuric acid comes in free. Soda sulphite is taxed, bichromate of potash is taxed, soap is taxed, fusel oil is taxed, and sulphonated oil is taxed. So you see that while the upper-leather manufacturers are obliged to purchase in a protected market, you throw wide open to the world the market in which they are obliged to sell.

As I have pointed out to you, the foreigner to-day, even over a duty of 15 per cent on calfskins and over a duty of from 25 to 30 per cent on patent leathers, can send a certain amount of leather into this country.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, all Members, after the briefest session since the tariff bill has been under consideration, recognize the futility of any amendment offered here being adopted unless it originates with the Ways and Means Committee, and so I shall withhold submitting any formal amendment covering the leather schedule. The briefest examination of this schedule proves the necessity of an expert, nonpartisan tariff commission to ascertain the difference in the cost of production here and abroad and conditions of manufacture generally in the different industries. Here leathers are reduced from ad valorem duties ranging from 5 to 25 per cent without any data whatever as to cost of production and placed on the free list. All that is at hand is the extent of exportations and importations, and this not as to the respective characters of leather. In fairness to a great industry, where competition is keen and prices are uncontrolled by any artificial agency, I claim that these duties should not be abolished entirely and leather put on the free list.

Considerable mention has been made in this debate from time to time of putting hides on the free list in the Payne Act and the increase in the price of hides that followed. But that was the result of an increasing demand for hides in the world's market and a want of a commensurate supply to meet that demand. Those of us who served here four years ago recall well the efforts of President Taft, as a result of placing hides on the free list, to secure the very lowest reductions in the leather schedule. The leather manufacturers reduced their schedules as a result of this reduction from 30 to 75 per cent in different items. Heavy leather, such as sole and belting leather, was reduced from 20 to 5 per cent ad valorem. As a result of that reduction, the importations of heavy leather have increased immensely, until during the last 12 months they have aggregated $2,000,000, where four years ago they were but $80,000. The manufacturers of heavy leathers will be handicapped if you admit this character of leather free of duty, because the tanning industry is fast developing in Canada, and the Canadian leather manufacturer has the advantage of the native hemlock bark, and not only of the native hemlock bark but of free chemicals which are necessary as a substitute in the tanning of leather. More than that, the committee in their first bill, and I take it that the schedule as found in H. R. 10 was the deliberate judgment of the distinguished majority of the Ways and Means Committee, included a certain character of leather carrying a duty of 15 per cent, namely, kangaroo, sheep, and other skins, but these skins were eliminated in the second bill, which is now before the committee. But in both

bills they failed to include patent leather, which has been referred to by my colleague [Mr. GARDNER], and which requires double the amount of labor than that employed in other kinds of upper leather.

Patent leather not only requires the tanning process which is necessary in other leathers, but it requires the japanning or enameling process. Though under the present tariff act that schedule has a tariff the equivalent of about 25 per cent ad valorem, that is all eliminated here. Now, the mere fact that we are exporting large quantities of these leathers is no absolute criterion, I maintain, that the industry is so established that we can compete with the world. There may be exigencies in the commercial world whereby there may be extraordinary demand for one character of leather which the manufacturers of the world may not be able to meet, and this country, being more able perhaps for the time being to produce that character of leather to meet the world demand, would export it for the time being. It is true we have exported one million and a half of patent leathers. But Germany is making fast inroads with their improved machinery into the manufacture of all kinds of leather and competing with the American leather manufacturers in the control of the world's trade. The distinguished chairman said to-night he does not wish to do anything to destroy legitimate industry. But with the cost of labor in Germany one-half of that which is required to produce leather in this country, with improvements going on rapidly in the industry there and in other countries, I claim there is continued need of a duty on leather, and particularly on the highly manufactured leather, such as patent and upper leathers. I ask the gentleman who has this bill in charge why it was that in this industry all tariffs were taken off and the industry exposed to the competition of the world? It is not sufficient to say that there has been large exportations before, because if the labor market is so much lower abroad than here, naturally it will be necessary to meet that by some compensatory tariff when the industry becomes established abroad, and the only available data we have shows that our exports are diminishing already, and those of other countries, particularly Germany, increasing. So, Mr. Chairman, representing a city which produces more leather than any other city in the United States, I feel constrained to raise objection to this radical cut in the schedules, which, while it may be justified, or the industry may be able to adjust itself to the changed duty so far as heavy leathers are concerned, as to the other leathers, places the manufacturer in an unfair position in meeting foreign competition here.

Mr. UNDERWOOD. Mr. Chairman, in reference to the question that is raised as to glove leather, after hearing what the importers and the Treasury experts have to say about it, I am fully satisfied that this language fully describes the leather used for gloves. There is ordinarily no question about this leather, because ordinarily leather that is finished in the rough is not a domestic production, although there may be a small amount of glove leather that is made in this country. But the principal glove leather that is made in this country is a product that is not finished in the rough. The balance of it is an imported article that is not made here at all. I have no serious question in the world as to the effect of this paragraph.

I ask, Mr. Chairman, that the Clerk read.

The CHAIRMAN (Mr. BYRNS of Tennessee). Without objection, the pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

371. Bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, made wholly of or in chief value of leather, not jewelry, and manufactures of leather, or of which leather is the component material of chief value, not specially provided for in this section; all the foregoing, whether or not permanently fitted and furnished with traveling, bottle, drinking, dining, or luncheon and similar sets, 30 per cent ad valorem.

Mr. BROWNING. Mr. Chairman, again I am constrained to voice my feeble protest against the passage of this unfair bill, and by reading the following letter from a manufacturing establishment in my district I feel that I am appealing strongly for an amendment to section 371, which should provide at least the same rate of duty as is carried in the Payne Tariff Act:

APRIL 29, 1913.

Hon. WILLIAM J. BROWNING,
Representative First District, New Jersey.

DEAR SIR: Referring to your letter of the 8th, in which you want to know the effect of the reduced tariff on our industry, we can see no bright prospects. We have this week had our first serious rebuff, which is only a forerunner of many more to come. We mention the following incident:

In a leading Philadelphia department store, which places orders for fall delivery in April, our representative approached the buyer of a certain department with a request for the usual order, and the answer was, "We have strict orders not to buy anything for future delivery until the tariff question is settled." Then he added: "You can not expect us to buy goods from you, when we will be able to get them so much cheaper from Europe."

The above goods consist of school bags and are now being imported in large quantities under the present tariff.

Very truly,

CAMDEN KNIT GOODS CO., INC.
LOUIS ENGLE, *Secretary.*

Mr. Chairman, I hope the chairman of the Committee on Ways and Means will offer an amendment that will properly protect this industry.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

372. Gloves, not specially provided for in this section, made wholly or in chief value of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent, namely:

373. Men's, women's, or children's "glacé" finish, Schmaschen (of sheep origin), not over 14 inches in length, $1 per dozen pairs; over 14 inches in length, 25 cents per dozen pairs for each additional inch in excess of 14 inches.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. Mr. Chairman, in this paragraph relating to "Men's, women's, or children's 'glacé' finish, Schmaschen (of sheep origin), not over 14 inches in length," the term "sheep origin" is new, and I take it that it is intended to take the place of the language formerly used, "lamb or sheep." Has there been any construction to the effect that the language "of sheep origin" covers lamb or sheep gloves? I ask that question because a number of people interested in the trade have asked me in reference to it.

Mr. UNDERWOOD. I call the gentleman's attention to the fact that the present law reads, "Women's or children's glacé finish, Schmaschen (of sheep origin), not over 14 inches in length."

Mr. MANN. The present law reads, "'glacé' finish, of lamb or sheep, not over 15 inches in length." Is that paragraph 455?

Mr. UNDERWOOD. Paragraph 454.

Mr. MANN. I have not got that. Yes; paragraph 455 is "Women's or children's glacé finish, lamb or sheep, not over 15 inches in length." That is what I wanted to inquire, whether the term "of sheep origin" covers what is covered in paragraph 455, because this paragraph, I take it, is intended to cover it all.

Mr. UNDERWOOD. I understand it covers the whole proposition. It is an imported glove, as a matter of fact. There are no Schmaschen gloves manufactured in this country.

Mr. MANN. The point I was getting at was whether the term "of sheep origin" would cover gloves of lamb origin?

Mr. UNDERWOOD. I should think it would.

Mr. MANN. I make the inquiry because several gentlemen who are interested in the importation of these gloves on a large scale called my attention to this matter, and they were unable to say from the trade term whether that would be included or no. If not, it is quite important, and I did not know whether the Treasury Department had rendered an opinion or not.

Mr. UNDERWOOD. This amendment went to the Treasury Department, and I also talked over this paragraph with some of the leading glove manufacturers of the United States, some of whom are known to the gentleman from Illinois.

Mr. MANN. I wish the gentleman would make an inquiry about this.

Mr. UNDERWOOD. I have already done so.

Mr. MANN. I doubt whether the gentleman has made the inquiry from the Treasury Department as to whether there would be any question that the term "of sheep origin" would include gloves made from lambskin.

Mr. UNDERWOOD. I will say to the gentleman that I did inquire of a glove manufacturer, who stated that this proposition would cover it. And then, on the other hand, the amendment which has been submitted, changing the classification, has been submitted to the Treasury authorities and no comment made on that language.

Mr. MANN. On the other hand, I will say to the gentleman that several of the largest importers of gloves in Chicago—where they import large quantities—have expressed the opinion to me that it probably would not cover lambskin gloves under the ruling heretofore made. I am sure that the gentleman from Alabama does not want that construction put upon the bill, and if it is necessary to change the language, I would be glad to change it.

Mr. UNDERWOOD. I am sure that the gentleman understands that Schmaschen was originally supposed to be made from the stillborn lamb, but that there are now some other lambskins used in the manufacture of these gloves, although

originally that was not so. The orginal proposition was to cover the other class of gloves. So I am satisfied that the words "of sheep origin" will cover the Schmaschen glove.

Mr. MANN. But if the gentleman will note, in the existing law, paragraph 454, women's or children's glacé finish Schmaschen (of sheep origin) not over 14 inches in length, are $1.25 per dozen pairs, while women's or children's glacé finish lamb or sheep not over 14 inches in length are $2.50 per dozen pairs. The only difference between those is that in one place it says "(of sheep origin) $1.25 per dozen," and in the other it says "lamb or sheep, $2.50 per dozen." I think the first, "Schmaschen (of sheep origin)," probably only includes the stillborn lamb.

Mr. UNDERWOOD. It originally did, but subsequently Schmaschen gloves, according to my information, included some leather that was made from other lambskins besides stillborn lambs.

Mr. MANN. That is true, but the present law makes the distinction. In the case where it is made from the skin of stillborn lambs, it says, "of sheep origin." Where it is made of lamb or sheep skins, it says, "lamb or sheep," and the rate is different in the existing law. The question is whether, under the language here, you do not confine your rate to the gloves made from the stillborn lambskins. I wish the gentleman would inquire about that.

Mr. UNDERWOOD. I will make further inquiries into it; but I will say to the gentleman that I had already discussed the question with a man whom I considered was informed on the glove schedule.

Mr. MANN. The only reason I call it to the attention of the gentleman is that the people who wrote to me about this are as well posted as anybody in the country on the subject. I do not know anything about it, and they were not prepared to say definitely about this, but they were very much afraid of it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

377. Harness, saddles, saddlery in sets or in parts, finished or unfinished, not specially provided for in this section, 20 per cent ad valorem.

Mr. STEVENS of Minnesota. Mr. Chairman, an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend section 377, lines 18 and 19, by striking out the words "not specially provided for in this section" and insert in lieu thereof the words "composed wholly or in chief value of leather."

Mr. STEVENS of Minnesota. Mr. Chairman, the amendment that I submit restores the language of the existing law, and in terms provides for a 20 per cent ad valorem on leather goods such as harness and saddlery, which has been the rate for many years and under which a large business was developed. There seems to be confusion in your bill which I have endeavored to clear by my amendment.

Paragraph 377 provides as follows:

377. Harness, saddles, saddlery in sets or in parts, finished or unfinished, not specially provided for in this section, 20 per cent ad valorem.

While on the free-list paragraph 535 reads as follows:

535. All leather not specially provided for in this section and leather board or compressed leather; leather cut into shoe uppers or vamps or other forms suitable for conversion into boots or shoes; boots and shoes made wholly or in chief value of leather; leather shoe laces, finished or unfinished; harness, saddles, and saddlery, in sets or parts, finished or unfinished, composed wholly or in chief value of leather.

Now, there is a possible inconsistency, and my amendment seeks to clear the difficulty by striking out the words in paragraph 377, "not specially provided for in this section," and hereafter I will offer one to paragraph 535, placing a period after the word "unfinished" in line 19 and striking out the words "harness, saddles, and saddlery, in sets or parts, finished or unfinished, composed wholly or in chief value of leather."

This will completely dispose of any possible confusion and will correct any possible injustice.

I know there is some confusion in the minds of others as to exactly what is the provision of the pending bill, but I have submitted the amendment in this form so that the rates now existing shall continue.

As a reason for the adoption of this amendment I have ventured to submit to the committee, and ask to have read from the Clerk's desk, a letter from one of the leading citizens of my city, Mr. William A. Hardenbergh. He is head of the firm of P. R. L. Hardenbergh & Co., and probably is the leading Democrat of my section. He is at present the Democratic member of the St. Paul police commission and may be selected to head the hosts of the Democracy in the next contest we will have in my city. He is a man of the very highest character, of the broadest intelligence, and highest standing, and I am sure that you will be proud of your leading representative in that part of the country when you shall listen to his letter, and I respectfully commend it to the serious consideration of my Democratic brethren. I have omitted all personal references.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk read as follows:

ST. PAUL, MINN., *April 10, 1913.*

Hon. F. C. STEVENS,
House of Representatives, Washington, D. C.

MY DEAR MR. STEVENS: I note that the Ways and Means Committee have placed harness and saddlery on the free list in the tariff bill which they have introduced, and while I know from my experience of the past two years as a minority member of the St. Paul police board that a rank outsider finds it very difficult to help out any of his friends, I am nevertheless writing to you to solicit your good offices even if you are no longer of the dominant party.

When I went over this bill and found that the tariff on most of the schedules from which vast fortunes have been made during the past generation had been reduced, and in the case of saddlery had been entirely removed, it seemed to me that they had picked out our industry because it was so small in volume that it had no friends.

I have, perhaps, as wide an acquaintance with the conditions surrounding this industry as any one man in the country, and I ask you to accept my word for it that during the past 30 years in which I have been connected with it there has not been one single saddlery manufacturer who has retired from his business on a competency, nor is there now any one man engaged in it who might be called rich. With these two facts in mind it seems preposterous to me that only a portion of the protective tariff should be removed from other schedules while on our schedule the present tariff, which only represents the difference in the cost of labor here and abroad, should be entirely abolished.

The saddlery industry has not in the past fattened on a protective tariff, or, in fact, on anything else, and it does seem to me that even with the radical legislation which is now proposed our little industry is being made the goat.

With saddlery on the free list those cities near the Canadian border are going to suffer tremendously from competition from that country, and as far as the Twin Cities are concerned, which, taken together, is the largest saddlery manufacturing center in the United States, it is going to put some of us out of business. The largest saddlery manufacturer in the world is in Winnipeg, and the Canadian houses are already approaching the salesmen of ourselves and neighbors with a view of putting their men into Minnesota, North Dakota, and Montana. If we could get into Canada without duty, this would be entirely satisfactory to us, but as it bids fair to be, Canada will dump a tremendous surplus of manufactured stuff into our territory and we will be utterly powerless to strike back.

Under the very best conditions our industry is suffering from the automobile and gas tractor development, and during the past year seven large manufacturers have voluntarily liquidated and gone out of business, and there is a country-wide movement to consolidate those remaining into a less number of units, as with the decreased volume of business the cost of distribution is becoming oppressive, and in every saddlery center in the country the manufacturers are working to cut down the number of houses, either by purchase or consolidation.

Anyone who has observed the growth of motor vehicles and motor tractors must appreciate that our industry is having a hard time, but what we have encountered in this respect is trifling when compared to the results that will follow the placing of our product on the free list. I would like to impress upon you—and if you can consistently bring the matter to the attention of any of your Democratic colleagues I will appreciate it—the one fact that during the past generation there has not been one man who has been made rich in the manufacture of harness, and that Canadian competition is going to seriously affect an industry which is already fighting for its life by reason of the development of power vehicles. I feel that this industry has been selected for slaughter because it is so small, and therefore has but few friends in Washington and its well-being is of interest to but very few people; but to me and my associates in the Twin Cities it is a tremendously vital matter, and I sincerely hope that you may be able to interest some of your Democratic friends so that we may have a good word spoken for us when the consideration of that schedule comes up.

With kindest personal regards and trusting that I have not consumed too much of your time,

Yours, very truly, W. A. HARDENBERGH.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

379. Manufactures of bone, chip, grass, horn, india rubber or gutta-percha, palm leaf, quills, straw, weeds, or whalebone, or of which any of them is the component material of chief value, not otherwise specially provided for in this section, shall be subject to the following rates: India rubber or gutta-percha, 10 per cent ad valorem; palm leaf, 15 per cent ad valorem; bone, chip, horn, quills, and whalebone, 20 per cent ad valorem; grass, straw, and weeds, 25 per cent ad valorem; combs composed wholly of horn or of horn and metal, 25 per cent ad valorem. The terms "grass" and "straw" shall be understood to mean these substances in their natural state, and not the separated fibers thereof.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 95, line 10, after the word "metal," strike out "25 per cent ad valorem" and insert "50 per cent ad valorem."

Mr. MOORE. Mr. Chairman, in order to save time I propose to withhold several amendments to this schedule, for I realize that the gentleman from Alabama is under pressure. It seems to me that this amendment ought to be discussed briefly. In this instance it is proposed to restore the Payne rates on combs composed wholly of horn or horn and metal. There are very

few establishments engaged in this industry in the United States. They are all of limited capacity but give employment to a number of people. The product retails at from 5 to 10 cents, and the reduction of this duty threatens the entire industry. It would seem a hardship on the men struggling all these years to manufacture combs of horn to impair or destroy what they have done. What they produce is put on the market so low that it seems almost ridiculous to ask them to sell their commodity any cheaper than now. The influx of foreign combs would not result in reducing the cost price to the consumer. It is almost absurd to think of combs being put on the market at 3 cents or 2 cents. In this case there are three or four manufactories, one or two that have been in business for 60 years, and they say that the business is positively imperiled by the reduction of the duty from 50 to 25 per cent ad valorem.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3321—the tariff bill—and had come to no resolution thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 8 minutes p. m.) the House adjourned until Monday, May 5, 1913, at 11 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FREAR: A bill (H. R. 4615) to amend the general pension act of May 11, 1912, as amended by act approved March 4, 1913; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 4616) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. HENSLEY: A bill (H. R. 4617) for the relief of tobacco growers; to the Committee on Ways and Means.

By Mr. HINDS: A bill (H. R. 4618) to increase the limit of cost for increased quarantine facilities at the port of Portland, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRODBECK: A bill (H. R. 4619) authorizing the Secretary of the Treasury to sell the old post-office building and the site thereof at York, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON of Mississippi: A bill (H. R. 4620) to establish a fish-hatching and fish-culture station at a point in or near the city of Biloxi, in the State of Mississippi; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4621) for the erection of a military post at or near the city of Gulfport, in the State of Mississippi; to the Committee on Military Affairs.

Also, a bill (H. R. 4622) providing for examination and survey of channel in Back Bay of Biloxi, Miss.; to the Committee on Rivers and Harbors.

By Mr. FERRIS: A bill (H. R. 4623) to establish an agricultural experiment station in the fifth congressional district of Oklahoma; to the Committee on Agriculture.

By Mr. ANSBERRY: A bill (H. R. 4624) for the distribution of the cotton-tax fund collected in the State of Ohio; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 4638) to provide for the erection of a public building at Pineville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 4639) for the purchase of a site and the erection of a public building at Marion, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY: Resolution (H. Res. 88) creating a standing committee of the House to be known as the Committee on Roads; to the Committee on Rules.

By Mr. HARRISON of Mississippi: Resolution (H. Res. 89) to print 1,000 additional copies of the Soil Survey of the Biloxi Area, Miss., for use in the House document room; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, priavte bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 4625) granting an increase of pension to John Brin; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 4626) granting an increase of pension to Joseph C. Dickson; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 4627) granting a pension to Fred A. Hecker; to the Committee on Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 4628) for the relief of N. Ferro; to the Committee on Claims.

Also, a bill (H. R. 4629) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board; to the Committee on Claims.

By Mr. HINDS: A bill (H. R. 4630) for the relief of Fred A. Emerson; to the Committee on Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 4631) granting a pension to Sarah Haynes; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 4632) granting an increase of pension to Lewis M. Osborne; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 4633) granting an increase of pension to Cornelia J. Ames; to the Committee on Pensions.

Also, a bill (H. R. 4634) granting an increase of pension to Annie E. Hawkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4635) granting an increase of pension to Melvina Bottles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4636) granting an increase of pension to Rebecca A. Clayton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4637) granting an increase of pension to Loretto Roland; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 4640) granting a pension to Mrs. A. H. Bryant; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Aug. G. Jabin and F. William Wiseman, of State of Missouri, against mutual life insurance in income tax bill; to the Committee on Ways and Means.

Also, petition of Los Angeles Chamber of Commerce, of Los Angeles, Cal., favoring immediate change in banking and currency laws; to the Commitee on Banking and Currency.

By Mr. AINEY: Petition of Henry C. Miller, Edd Payne, and M. A. Hodgson, of Pennsylvania, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petitions of Workers of the Trade and Shoemakers, of Honesdale, Pa., against any change in tariff on boots and shoes; to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of the Chamber of Commerce of Steubenville, Ohio, favoring the passage of legislation for an immediate reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of Charles A. Morgan, Paulding, Ohio, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. CARY: Petition of National Enameling & Stamping Co., of Milwaukee, Wis., favoring reform in banking and currency laws at this session of Congress; to the Committee on Banking and Currency.

Also, petition of Washington Millers' Association, of Tacoma, Wash., against tariff on grain; to the Committee on Ways and Means.

Also, petition of Eureka Hill Mining Co., of Salt Lake City, Utah, against reduction of duty on lead ore; to the Committee on Ways and Means.

Also, petitions of citizens of Milwaukee, Wis., against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. CLANCY: Petition of Ernest Bohm and 101 citizens of New York, N. Y., protesting against admitting Philippine tobacco and cigars free of duty; to the Committee on Ways and Means.

Also, petition of 42 citizens of Syracuse, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Cigar Makers' Union, No. 6, of Syracuse, N. Y., protesting against the removal of the duty on all Philippine tobacco and cigars; to the Committee on Ways and Means.

By Mr. DALE: Petition of William F. Bidwell and one other citizen of New York, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of Eureka Hill Mining Co., of Salt Lake City, Utah, against reduced rates of duty on lead; to the Committee on Ways and Means.

Also, petition of Washington Millers' Association, of Tacoma, Wash., against duty on grain; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of the State of New York, relative to income-tax provision of the new tariff bill; to the Committee on Ways and Means.

By Mr. FRANCIS: Petition of business men of Steubenville, Bowerston, Carrollton, Brilliant, Sherodsville, Mingo Junction, and Toronto, Ohio, all favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. GORMAN: Petition of A. G. Price and others, of Chicago, against the free importation of cigars from the Philippines; to the Committee on Ways and Means.

By Mr. GOULDEN: Petitions of sundry citizens of the twenty-third congressional district of New York, against mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. HINDS: Petition of Aroostook County, Pomona Grange, of Blaine, Me., against removal of duty on hay and potatoes; to the Committee on Ways and Means.

Also, petition of Androscoggin Local, No. 15, International Brotherhood of Paper Makers, of Lisbon Falls, and Pejepscot Local, No. 23, International Brotherhood of Paper Makers, of Pejepscot Mills, Me., against removal of duty on paper; to the Committee on Ways and Means.

By Mr. JOHNSON of Utah: Petition of Chapter of Utah of the American Mining Congress and from the Rocky Mountain lead-ore producers, favoring retention of tariff duty on lead; to the Committee on Ways and Means.

By Mr. KAHN: Petition of J. C. H. Steet and 1,335 residents of San Francisco, Compton, Anaheim, Marysville, Artesia, Hynes, Colusa, Pleasanton, Huntington Beach, Guadaloupe, Santa Maria, Santa Ana, Los Alamitos, Alvarado, Betteravia, Oxnard, Hueneme, Orcutt, all in the State of California, protesting against the proposed reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens of fifteenth Pennsylvania congressional district, against mutual life insurance companies in income-tax bill; to the Committee on Ways and Means.

By Mr. MOORE: Petition of Manufacturers' Club, of Philadelphia, Pa., against clause in sundry civil bill prohibiting use of any money appropriated for prosecution of any labor or farmers' organizations; to the Committee on the Judiciary.

By Mr. O'BRIEN: Petition of W. D. Wood, jr.; A. G. Brown; M. Mahoney; and 112 other employees of the Moehle Lithographic Co., Brooklyn, N. Y., protesting against the proposed reduction of the tariff on lithographic work; to the Committee on Ways and Means.

By Mr. PLUMLEY: Petition of Hyde Lestie, of Plymouth; L. W. Parker, of Chester; C. F. Boynton, of St. Johnsbury; Hon. Henry D. Holton, H. F. C. Toldt, Della M. Sherman, C. C. Crosby, E. C. Brigham, H. C. Brazor, E. C. Cook, W. M. Sanborn, D. Cowles, and Thomas W. Crosby, Brattleboro; G. B. Lamson, H. B. Salisbury, E. W. Tewksbury, D. E. Salisbury, H. M. Wires, C. O. Osha, M. A. Tewksbury, A. J. D. Tewksbury, Dr. Rumrill, J. W. Raymond, and L. H. Rumrill, of Randolph; A. C. Hooker, of Hardwick; A. T. Davis, of Marshfield; C. S. Andrews and D. J. Morse, of Barre; Allan W. Martin, of Hardwick; Byron L. Bogle, C. C. Bogle, Edwin Davis, and C. E. Bogle, of White River Junction; E. J. Hewitt, of South Royalton; Byron Parker, of Rutland; George M. Gibson, of East Thetford; A. H. Graves, of Waterbury; H. W. Sheldon, of Ascutneyville; A. G. Mausur, of Burlington; Byron Parmenter, of Bethel; H. C. Stoddard, of Bellows Falls; C. A. Smith, of Weston; W. T. Walker, of Lyndonville; W. J. Coates, of East Calais; Gen. F. G. Butterfield, of Derby Line; F. L. Brigham, M. D., H. B. Hawes, and E. H. Eaton, of Springfield; all of Vermont, and all protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of W. T. Franklin and A. T. Mist, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of Sherer-Gilbert Co., of Chicago, Ill., against duty on saffron; to the Committee on Ways and Means.

Also, petition of E. P. Bryan, jr., Bound Brook, N. J., relative to tariff on horticultural products; to the Committee on Ways and Means.

Also, petition of American Manufacturers of Steel Shears and Scissors, against reduction of duty on shears, scissors, etc.; to the Committee on Ways and Means.

Also, petition of Welsbach Light Co., of Philadelphia, Pa., against reduction of duty on monazite, etc.; to the Committee on Ways and Means.

Also, petitions of citizens of Massachusetts, favoring repeal of clause for free tolls for American vessels through Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Cult-a-lap Co., of Somerville, N. J., against increase of duty on jute cloth; to the Committee on Ways and Means.

Also, petition of Isaac Prouty & Co., of Spencer, Mass., against reduction of duty on shoes; to the Committee on Ways and Means.

Also, petitions of citizens of New Jersey, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of citizens of Detroit, against reduction of duty on wheels for railway purposes; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petitions of Cigar Makers Union No. 290, of Oswego, N. Y., against free cigars from the Philippines; to the Committee on Ways and Means.

Also, petition of citizens of the United States, against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of city council of Schenectady, N. Y., favoring the passage of legislation for the Government to acquire control and ownership of all telephones and telegraph systems; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New York City, against free cigars from the Philippine Islands; to the Committee on Ways and Means.

Also, petition of sundry citizens of the thirtieth district of New York, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of citizens of the United States, against free cigars from the Philippines; to the Committee on Ways and Means.

SENATE.

MONDAY, *May 5, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed Senate concurrent resolution No. 1 for the printing of 6,000 additional copies of House Report No. 1,593, Sixty-second Congress, on the "Concentration of control of money and credit."

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of Connecticut, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
General Assembly, January Session, A. D. 1913.

Senate joint resolution 40.

Resolution requesting Congress to propose to the States an amendment to the Constitution of the United States for the election of the President and Vice President by a direct vote of the people.

Resolved by this assembly:

SECTION 1. That the Congress of the United States is hereby requested to propose for ratification by the several States an amendment to the Constitution of the United States abolishing the office of presidential elector and substituting a mode of electing a President and a Vice President of the United States by the direct vote of all the electors in the several States, respectively; but providing that in ascertaining the choice of President and of Vice President, made by the electors so voting in all the States, the persons receiving a plurality of the votes so cast in any State for President and for Vice President shall be credited with the votes of that State for such offices; such votes of said State so credited to be the number of votes equivalent to the number of Senators and Representatives to which, at the time of such election, it may be entitled in the Congress.

SEC. 2. The governor is requested to send a certified copy of this resolution, under the great seal of the State, to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives in the Congress of the United States.

Passed the Senate April 9, 1913.

Passed the house of representatives April 29, 1913.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Albert Phillips, secretary of the State of Connecticut and keeper of the seal thereof, and of the original record of the acts and resolutions of the General Assembly of said State, do hereby certify that I have compared the annexed copy of the resolution requesting Congress to propose to the States an amendment to the Constitution of the United States for the election of the President and Vice President by a direct vote of the people with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut, now remaining in this office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said State, at Hartford, this 2d day of May, 1913.

[SEAL.] ALBERT PHILLIPS, *Secretary.*

The VICE PRESIDENT presented a joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing Congress of the United States to pass the Newlands bill, relating to river regulation.

Resolved by the assembly (the senate concurring), That the Congress of the United States is hereby memorialized to enact during the extra session the Newlands bill (S. 10900) providing for the creation of a board of river regulation, and for the control and beneficial use of flood waters, and we urge our Senators and Representatives in Congress to employ their best efforts to accomplish this end. Also to secure the investigation of the Great Plains irrigation project.

MERLIN HULL,
Speaker of the Assembly.
H. C. MARTIN,
President of the Senate.
A. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
Juneau, Alaska.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a full, true, and correct transcript of senate joint memorial No. 8, of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska, at Juneau, this 19th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

IN THE SENATE. TERRITORY OF ALASKA, FIRST SESSION.

Senate joint memorial 8, relative to reduction of cable tolls.

To the honorable the Senate and House of Representatives, in Congress assembled:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, in legislative session assembled, most respectfully represent that—

The tolls and charges for the transmission of commercial messages over the United States military telegraph and cable lines in Alaska are considered by the people of Alaska as excessive, and thereby impose upon the people a burdensome tax; and that

It is generally understood throughout the Territory of Alaska that the Government can, without loss or inconvenience, reduce said tolls and charges to a reasonable basis and thereby eliminate the exaction of a profit by the Government at the expense of those whose business requires them to use the Government cable and telegraph lines in Alaska; and that

Your memorialists feel assured that upon a consideration of said tolls and charges the Congress of the United States would find the same to be excessive, and would afford any relief which tends to aid the further development of our Territory: Now, therefore,

We respectfully solicit your honorable bodies to take such action in the matter of the tolls and charges required to be paid for commercial messages over the United States military telegraph and cable lines in Alaska as will most readily, and in the most effective manner, afford the relief sought.

And your memorialists will ever pray.

Passed the senate April 8, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 17, 1913.

EARNEST B. COLLINS,
Speaker of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
Juneau, Alaska.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a full, true, and correct transcript of senate joint memorial No. 15 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 19th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

Senate joint memorial 15.

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

To the honorable the President of the United States and the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the Territory of Alaska, in legislative session assembled, do most respectfully and earnestly represent that—

Whereas the congressional appropriation for the payment of mileage to members of this legislature amounts to $6,500; and

Whereas payment at 15 cents per mile for the actual number of miles covered by said members in coming to Juneau, Alaska, the capital, and to be traveled by them in returning to their respective homes in Alaska after the close of the session, as fully and accurately set forth in the mileage tables prepared by the governor of the Territory, will exceed said appropriation by $2,267.20: Now, therefore,

We, your memorialists, respectfully pray that the Congress of the United States enact a deficiency appropriation bill covering the said deficiency.

Passed the senate April 10, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 12, 1913.

EARNEST B. COLLINS,
Speaker of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
Juneau, Alaska.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a full, true, and correct transcript of senate joint memorial No. 6 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 21st day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

Senate joint memorial 6.

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the residents and business interests of the town and port of Skagway, Alaska, have for more than 10 years last past been absolutely without a wagon road from said town of Skagway and without means of transportation or travel of any kind, except only over the White Pass & Yukon Railway, to any place outside of the boundaries of said town of Skagway; and

Whereas the business interests and means of travel from said town of Skagway to interior points of Alaska would be greatly benefited and expedited provided a wagon road should be built from said town of Skagway a distance of approximately 18 miles to White Pass Summit, the boundary line between British Columbia and Alaska; and

Whereas such a wagon road so constructed as aforesaid would aid the prospector and miner and be an easy means of driving in cattle and taking in supplies, etc., and not compel the prospector, miner, and shipper of supplies to rely entirely upon the White Pass & Yukon Railway, the only means at present of ingress and egress to and from the said town of Skagway to interior points: Therefore be it

Resolved by the Senate of the Legislature of the Territory of Alaska (the House of Representatives concurring). That we, your memorialists, would pray that an appropriation sufficient to build and construct a wagon road from said town of Skagway to the summit of White Pass, a distance of approximately 18 miles, be made therefor.

Adopted by the senate April 1, 1913.

L. V. RAY,
President of the Senate.

Adopted by the house April 19, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Mr. NELSON presented the memorial of W. H. Harries, commandant of the Minnesota Soldiers' Home, Minneapolis, Minn., remonstrating against reducing the number of the managers of the National Soldiers' Home to five, which was referred to the Committee on Military Affairs.

He also presented a telegram in the nature of a memorial from the Minnesota Potato Growers and Shippers' Association, remonstrating against potatoes being placed on the free list, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Minneapolis, Staples, Excelsior, St. Paul, and Duluth, all in the State of Minnesota, praying for the adoption of an amendment to the so-called income-tax clause of the pending tariff bill, exempting the proceeds of all life insurance policies and all life insurance funds from taxation, which were referred to the Committee on Finance.

Mr. GALLINGER presented petitions of sundry citizens of Concord, N. H., and Washington, D. C., policy holders in the Mutual Life Insurance Co. of New York; of C. S. W. Packard, of Philadelphia, Pa.; of J. E. Caldwell, of Philadelphia, Pa.; of H. A. Norton, of Boston, Mass.; of Charles H. Heath, of Newport, E. H. White of Concord, Frederick W. Ely, of Greenville, E. B. Atherton, M. D., of Nashua, Robert B. Wolf, of Berlin, and Arthur Wright of Keene, in the State of New Hampshire, praying for the exemption of mutual life insurance

companies from the operation of the proposed income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Woman's Club of Concord, N. H., and a petition of Alice C. Gilbert, of Buffalo, N. Y., praying for the adoption of the clause in the pending tariff bill relating to the importation of aigrettes and feathers, etc., which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Concord, N. H., praying for the adoption of the proposed provision in the pending sundry civil appropriation bill exempting labor and farmers' organizations from the operation of the antitrust law, which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of United States, remonstrating against the adoption of the proposed provision in the pending sundry civil appropriation bill exempting labor and farmers' organizations from the operation of the antitrust law, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Reading, Pa., remonstrating against a reduction in the duty on decorated glassware, which was referred to the Committee on Finance.

Mr. GRONNA. I have received a large number of petitions signed by citizens of my State and forwarded to me by F. C. Lowry, of New York City, praying for the removal of the tariff on sugar. I do not ask that the petitions be printed in the RECORD, but that the body of one of them be printed and that they be referred to the Committee on Finance.

There being no objection, the petitions were referred to the Committee on Finance, and the body of one petition was ordered to be printed in the RECORD, as follows:

To the United States Senate (Finance Committee), Washington, D. C.:

Pursuant to the last election sentiment, the undersigned respectfully request a material reduction or the removal of the tariff on sugar, in the interests of the 94,000,000 consumers, including the distributing and manufacturing industries, in which it is an important item. For years the tariff has increased consumers' cost nearly 2 cents per pound, and, operating as a heavy indirect subsidy, encouraged promoters of the domestic sugar industry to float and pay dividends on watered stock. We are entitled to relief from such extortion on a necessary of life. We wish to caution you against accepting too seriously the complaints of these industries, who seek to maintain the privilege of taxing the American consumer for their especial benefit, and beg to submit that evidence shows that a heavy tax on sugar is not justified by conditions relating to the production or refining of sugar in this country. If protection to infant industries were needed, it has been bountifully given; the aim of future legislation should be "the greatest good for the greatest number" A rate equivalent to 20 per cent ad valorem (one-half cent per pound on raw sugar of 96 test) should be the maximum on this, one of the principal articles of daily food. We protest vigorously against a higher rate. The United States is singularly favored with natural and abundant sources of supply, both of cane and beet sugar, that can be produced at a low cost. In consequence, consumers should receive refined sugar cheaper than any nation in the world, and would if it were not for the high tariff which enhances the price.

The question is, Are we to receive the benefit of our natural advantages, or are they to be discriminated against, through a high tariff, for the benefit of the promoters of our domestic beet and cane sugar industry? A high tariff means the latter; a low tariff insures the former.

Mr. GRONNA presented memorials from C. W. Watson, of Fairmont, W. Va., remonstrating against any investigation being made into the labor conditions existing in the Paint Creek district in that State, which were ordered to lie on the table.

He also presented a telegram in the nature of a memorial from H. F. Easton, vice president of the North Dakota Pharmacy Association, of Tioga, N. Dak., and a memorial of the Builders' Exchange, of Atlanta, Ga., remonstrating against the passage of the sundry civil appropriation bill on account of class legislation, which were ordered to lie on the table.

He also presented a memorial of the International Trade Union, remonstrating against the adoption of the clause in the pending tariff bill relating to news-print paper and pulp, which was referred to the Committee on Finance.

He also presented a memorial of the legislative committee of the Cigar Makers' International Union of America, remonstrating against the importation of cigars from the Philippine Islands free of duty, which was referred to the Committee on Finance.

Mr. WEEKS presented a memorial of Amalgamated Glass Workers' International Union, No. 28, of Boston, Mass., remonstrating against a reduction of the duty on painted and stained glass windows, which was referred to the Committee on Finance.

He also presented petitions of President Ellen F. Pendleton, Prof. Mary Whiton Calkins, Prof. Adeline Belle Hawes, Prof. Emily G. Balch, and other members of the faculty of Wellesley College; of the Woman's Christian Temperance Union of West Acton; and James Ford Rhodes, Robert H. Richards, and sundry other citizens of Boston, all in the State of Massachusetts, praying for the repeal of the clause in the Panama Canal act exempting American coastwise shipping from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

Mr. SMITH of South Carolina presented memorials of sundry business firms of Cateechee, Camden, Greenville, Rock Hill, Union, Easley, Cherokee Falls, Columbia, Inman, Spartanburg, Clover, Anderson, and Piedmont, all in the State of South Carolina, and of Augusta, Ga., remonstrating against a reduction in the duty on cotton, which were referred to the Committee on Finance.

Mr. WALSH presented a petition of the Woman's Christian Temperance Union of Helena, Mont., praying for the enactment of legislation providing for the closing of the gates of the Panama Canal Exposition on Sundays, which was referred to the Committee on Industrial Expositions.

He also presented petitions of sundry citizens of Mona, Culbertson, Girard, and Sioux Pass, all in the State of Montana, praying that an investigation be made into the prosecution of the publishers of the Appeal to Reason, a Socialist newspaper, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHERMAN presented a petition of the Association of Credit Men of Peoria, Ill., praying for the enactment of certain currency legislation, which was referred to the Committee on Banking and Currency.

Mr. POMERENE. I present memorials from the city council of Cleveland, the city council of Cincinnati, the city council of Toledo, and the city council of Youngstown, in the State of Ohio, relative to the establishment of a proposed Federal telegraph and telephone system. I ask that the memorials be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the memorials were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Whereas the telegraph and telephone are ever-increasing public necessities; and

Whereas these services could be more certainly and more fairly rendered under a system of government ownership of these utilities: Now, therefore, be it

Resolved by the council of the city of Cleveland, State of Ohio, That it is the judgment of the council that the time is ripe for the acquisition of these utilities by the Government of the United States, and that the Congress of the United States be urged to take the necessary steps for the establishment of a Federal telegraph and telephone system rendering a local and interstate service like the Post Office Department; and be it further

Resolved, That the clerk of the council send copies of this resolution to the Senate and House of Representatives and to the Senators from Ohio and the Representatives from the twentieth and twenty-first districts.

—

COUNCIL OF THE CITY OF CINCINNATI,
OFFICE OF THE CLERK,
Cincinnati, April 28, 1913.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

DEAR SIR: In accordance with instructions therein contained, I am sending you a certified copy of that part of the minutes of the council of the city of Cincinnati of Tuesday, April 22, which relates to a report of the committee on telegraph, telephone, and conduits.

Respectfully, yours,

ARTHUR ESPY, *City Clerk.*

Minutes of council of Tuesday, April 22, 1913.

Council now considered a report of the committee on telegraph, telephones, and conduits, as follows:

The committee on telegraph, telephone, and conduits, to which was referred communication from city of Cleveland relative to government ownership of telegraph and telephone system, submit the accompanying resolution and recommend its passage.

Signed: Hubbard F. Reynolds, T. J. Conner, Edward Beigel, Charles A. Aull, Edward B. Imbus, committee.

The accompanying resolution reads as follows:

A resolution relative to public ownership of Federal telephone and telegraph system.

Whereas the telegraph and telephone are ever-increasing public necessities; and

Whereas these services could be more certainly and more fairly rendered under a system of government ownership of these utilities: Now therefore be it

Resolved by the council of the city of Cincinnati, State of Ohio, That it is the judgment of the council that the time is ripe for the acquisition of these utilities by the Government of the United States, and that the Congress of the United States be urged to take the necessary steps for the establishment of a Federal telegraph and telephone system rendering a local and interstate service like the Post Office Department; and be it further

Resolved, That the clerk of council send copies of this resolution to the Senate and the House of Representatives and to the Senators from Ohio and Representatives from the first and second districts.

Mr. Mullen moved that the report be laid upon the table, which was lost by the following vote Mr. Peck was excused from voting on this matter.

Yeas: Messrs. Asmann, Ast, Berning, Cook, Deal, Heilker, Kleemeier, Martin, Mullen, Schneller, Scully, White—12.

Nays: Messrs. Aull, Beigel, Butterworth, Conner, Davis, Dieringer, Eckert, Haberkorn, Howard, Imbus, Knueven, Koch, Meyer, Nusekabel, Reynolds, Sawyer, Willenborg—17.

The question being upon the adoption of the report of the committee, it was adopted by the following vote:

Yeas: Messrs. Ast, Aull, Beigel, Butterworth, Conner, Davis, Dieringer, Eckert, Haberkorn, Howard, Imbus, Knueven, Meyer, Nusekabel, Reynolds, Sawyer, Willenborg—17.

Nays: Messrs. Asmann, Berning, Cook, Deal, Heilker, Kleemeier, Koch, Martin, Mullen, Schneller, Scully, White—12.

COUNCIL OF THE CITY OF CINCINNATI, STATE OF OHIO,
Clerk's Office, City of Cincinnati.

I hereby certify that the foregoing transcript is correctly copied from the books, papers, and journals of the city of Cincinnati, kept under authority and by direction of the council thereof.

In testimony whereof I have hereunto set my name and affixed the seal of the clerk's office this 28th day of April, in the year 1913.

[SEAL.] ARTHUR ESPY, *Clerk.*

—

Resolution urging the Congress of the United States to take the necessary steps for the establishment of a Federal telegraph and telephone system.

Whereas the telegraph and telephone are ever increasing public necessities; and

Whereas these services could be more certainly and more fairly rendered under a system of Government ownership of these utilities: Now, therefore, be it

Resolved by the council of the city of Toledo, State of Ohio, That it is the judgment of the council that the time is ripe for the acquisition of these utilities by the Government of the United States, and that the Congress of the United States be urged to take the necessary steps for the establishment of a Federal telegraph and telephone system rendering a local and interstate service like the Post Office Department; and be it further

Resolved, That the clerk of council send copies of this resolution to the Senate and the House of Representatives, and to the Senators from Ohio and Representatives from this district.

Adopted April 21, 1913.

Approved April 25, 1913.

BRAND WHITLOCK, *Mayor.*
AMBROSE A. MOODY,
President of Council.

Attest:

JOHN M. BABCOCK,
Clerk of Council.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the council April 21, 1913, and approved by the mayor April 25, 1913.

Attest:

[SEAL.] JOHN M. BABCOCK,
Clerk of Council.

Hon. ATLEE POMERENE,
Senator, Washington, D. C.

—

CITY OF YOUNGSTOWN, OFFICE OF CITY CLERK,
Youngstown, Ohio, April 30, 1913.

Hon. ATLEE POMERENE, *Senator, Washington, D. C.*

DEAR SIR: By direction of city council I herewith inclose copy of a resolution passed by council at its session April 28.

Respectfully,

M. F. HYLAND, *City Clerk.*

A resolution declaring the necessity of national ownership of telegraph and telephone systems.

Whereas the telegraph and telephone are ever increasing public necessities; and

Whereas these services could be more certainly and more fairly rendered under a system of Government ownership of these utilities: Now, therefore, be it

Resolved by the council of the city of Youngstown, State of Ohio, That it is the judgment of the council that the time is ripe for the acquisition of these utilities by the Government of the United States, and that the Congress of the United States be urged to take the necessary steps for the establishment of a Federal telegraph and telephone system rendering a local and interstate service like the Post Office Department; and be it further

Resolved, That the clerk of council send copies of this resolution to the Senate and House of Representatives, and to the Senators from Ohio and Representatives in Congress from this district.

Passed this 28th day of April, 1913.

SOL S. DAVIS,
President of Council.

Attest:

M. F. HYLAND, *Clerk.*

Approved.

F. A. HARTENSTEIN, *Mayor.*

I, M. F. Hyland, clerk of the city council of the city of Youngstown, Ohio, do hereby certify that the above and foregoing is a true and correct copy of a resolution passed by the council of said city of Youngstown, Ohio.

[SEAL.] M. F. HYLAND, *City Clerk.*

Mr. O'GORMAN presented a memorial of the Board of Aldermen of Buffalo, N. Y., remonstrating against the passage of the pending tariff bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Common Council of Schenectady, N. Y., favoring the establishment of a Federal telegraph and telephone system, which was referred to the Committee on Interstate Commerce.

Mr. JOHNSON of Maine. I present a joint resolution adopted by the Legislature of Maine, which I ask may be printed in the RECORD, and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

STATE OF MAINE.

Joint resolution by Senate and House of Maine Legislature, seventy-sixth session.

Whereas the tariff bill now pending in the National House of Representatives makes reductions in the tariff which seriously affect the products of the land, forests, and manufactories of Maine; and

Whereas in the opinion of the legislature the effect of such bill, if passed in its present form, will be to seriously injure the business of the State, and in effect is an unjust and unfair discrimination against its business interests: Therefore be it

Resolved, That the Legislature of Maine protests against the present rate of reduction in the proposed tariff bill as an unfair and unjust discrimination against the State of Maine and its business interests; And further

Resolved, That we urge upon our Senators and Representatives in Congress that they use their best efforts to secure such modification in the proposed schedule as will put the business interests of this State upon an equal footing with those of all other States affected by the reductions in the tariff schedule; And further

Resolved, That the Secretary of State be requested to send a copy of these resolutions to our Senators and Representatives in Congress.

CARL E. MILLIKEN, *President.*
JOHN A. PETERS, *Speaker.*

IN SENATE CHAMBER, *April 12, 1913.*

Read and passed in concurrence.

W. E. LAWRY, *Secretary.*

HOUSE OF REPRESENTATIVES, *April 11, 1913.*

Read and passed. Sent up for concurrence.

W. R. ROIX, *Clerk.*

UNITED STATES OF AMERICA.
STATE OF MAINE,
OFFICE OF SECRETARY OF STATE.

I, J. E. Alexander, secretary of state of the State of Maine, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of joint resolution of the Senate and House of Representatives of the State of Maine in legislature assembled with the original thereof as filed in the office of the secretary of state of the State of Maine, on the 12th day of April, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have caused the seal of the State to be hereunto affixed. Given under my hand at Augusta, this 14th day of April, in the year of our Lord 1913, and in the one hundred and thirty-seventh year of the independence of the United States of America.

[SEAL.] J. E. ALEXANDER, *Secretary of State.*

Mr. JOHNSON of Maine presented a memorial of Cigar Makers' Local Union No. 273, of Rockland, Me., remonstrating against the admission free of duty of cigars from the Philippine Islands, which was referred to the Committee on Finance.

He also presented memorials of the Commercial Engraving Co., of Sheboygan, Wis., of the Heitmann Lithograph Co., of Chicago, Ill., and of Stromberg, Allen & Co., of Chicago, Ill., remonstrating against the proposed reduction of the duty on lithographic products, which were referred to the Committee on Finance.

He also presented memorials of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket; of Local Union No. 261, International Brotherhood of Stationary Firemen, of East Millinocket; of Local Union No. 23, of Pejepscot Mills, of Local Union No. 27, of Millinocket, and of Local Union No. 73, of Madison, of the International Brotherhood of Paper Makers; of the Trades Assembly of Millinocket; of the Central Labor Union of Millinocket; of Local Union No. 27, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Woodland; of Local Union No. 45, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Riley; and of sundry citizens of Madison, Millinocket, Van Buren, Sherman, Caribou, and Sherman Mills, all in the State of Maine, remonstrating against news-print paper and pulp being placed on the free list, which were referred to the Committee on Finance.

He also presented a memorial of Local Grange No. 138, Patrons of Husbandry, of Caribou, Me., remonstrating against a reduction in the duty on potatoes or potato starch, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Albion, Waterville, Auburn, Farmington, Bar Harbor, Portland, Denmark, Mount Desert, Greenville, Saco, Liberty, Augusta, Bucksport, Houlton, Fort Fairfield, Brunswick, Oakland, Shawmut, Camden, Winthrop, Gardiner, Bangor, Rockland, Norcross, Bethel, Machias, Westbrook, Madison, Livermore Falls, Brewer, Norway, Bath, Calais, Orono, and North Berwick, all in the State of Maine, praying for the adoption of an amendment to the so-called income-tax clause in the pending tariff bill exempting the proceeds of all life insurance policies and all life insurance funds from taxation, which were referred to the Committee on Finance.

He also presented a petition of the Universal Piano Co., of New York, N. Y., and a petition of Kohler & Co., of New York, N. Y., praying that ivory be placed on the free list, which were referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented a memorial of the Woman's Christian Temperance Union of Wayne, Me., remonstrating against the adoption of a certain amendment to the homestead law, which was referred to the Committee on Public Lands.

He also (for Mr. BURLEIGH) presented memorials of Midway Lodge, International Brotherhood of Paper Makers, of East Millinocket; of Local Lodge of Androscoggin; and of Local Lodge No. 73, International Brotherhood of Paper Makers, of Kennebec, all in the State of Maine, remonstrating against the removal of duty on print paper, which were referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented a memorial of Local Union, International Brotherhood of Pulp, Sulphite, and Paper

Mill Workers, of Livermore, Me., remonstrating against placing paper on the free list, which was referred to the Committee on Finance.

Mr. HITCHCOCK. I present a resolution adopted by the House of Representatives of the State of Nebraska, relative to the adoption of an amendment to the Constitution providing not only for popular election of United States district judges every six years, but also circuit court judges. I ask that the resolution be printed in the RECORD and referred to the Committee on the Judiciary

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF CHIEF CLERK,
Lincoln, Nebr.

Resolution.

Whereas amendments to the Federal Constitution are now pending at Washington, providing for a popular election of United States judges every six years; and

Whereas the responsibility of the courts to the people and the cause of progress is the most imperative need in our present-day legislation: Therefore be it

Resolved by this house, That our Senators and Representatives in Washington are requested to support an amendment providing not only for popular election of United States district judges every six years but also circuit court judges.

I hereby certify that the above is a true and correct copy of a resolution adopted by the house on April 16, 1913.

HENRY C. RICHMOND,
Chief Clerk of the House.

Mr. BURTON presented a memorial of sundry employees of the Heekin Can Co., of Cincinnati, Ohio, and a memorial of sundry citizens of Cincinnati, Ohio, remonstrating against a reduction in the duty on lithographic products, which were referred to the Committee on Finance.

Mr. STEPHENSON presented a petition of sundry citizens of Superior, Wis., landowners in the Isle of Pines, praying that the status of that island be determined and that sovereignty over it be retained by the United States, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Superior, Wis., praying for the appointment of a citizen of that State as collector of the ports of Superior and Duluth, which was referred to the Committee on Commerce.

He also presented a memorial of the Board of Managers of the National Home for Disabled Volunteer Soldiers, remonstrating against the proposed reduction of the number of members comprising the board to five, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Union No. 66, International Brotherhood of Paper Makers, of Rhinelander, Wis., remonstrating against the removal of duty from the importation of paper, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Portage, La Crosse, Horicon, Milwaukee, Sparta, and Westfield, all in the State of Wisconsin, remonstrating against the adoption of that part of the income-tax clause in the pending tariff bill relating to life insurance companies operating upon the mutual plan, not for profit, which were referred to the Committee on Finance.

Mr. McLEAN presented memorials of sundry citizens of Hartford, New Haven, New Britain, Meriden Middletown, Torrington, Waterbury, Stamford, Bridgeport, Winsted, Jewett City, Unionville, and Hazardville, all in the State of Connecticut, remonstrating against the adoption of the income-tax provision in the pending tariff bill, which were referred to the Committee on Finance.

Mr. LODGE presented a memorial of the Board of Trade of Turners Falls, Mass., remonstrating against the adoption of the paper schedule in the pending tariff bill, which was referrred to the Committee on Finance.

He also presented resolutions adopted by the Home Market Club of Boston, Mass., and petitions of sundry citizens of Woburn, Mass., praying for the maintenance of a protective tariff, which were referred to the Committee on Finance.

He also presented memorials of Henry Abrahams, secretary of the Central Labor Union, and 1,674 other citizens of Boston, Mass., remonstrating against the admission free of duty of cigars from the Philippine Islands, which were referred to the Committee on Finance.

Mr. STONE presented memorials of the Foundry Men's Association, the Citizens' Industrial Association, the manufacturers' membership of the Furniture Board of Trade, the committee on national legislation of the Business Men's League, all of St. Louis; of the Employers' Association of Kansas City, and of the Kansas City Association of Credit Men, of Kansas City, all in the State of Missouri, remonstrating against the adoption of the provision in the sundry civil appropriation bill exempting labor unions from the operation of the antitrust law, which were ordered to lie on the table.

DISTRICT COURT IN ARIZONA.

Mr. WALSH. From the Committee on the Judiciary I report back favorably, with an amendment in the nature of a substitute, the bill (S. 99) to fix the times and places of holding district court for the district of Arizona and creating divisions thereof, and I submit a report (No. 31) thereon

Mr. ASHURST. Mr. President, I ask unanimous consent that the bill, which is very short, may be read in full, and then I ask for its passage.

The VICE PRESIDENT. If there be no objection——

Mr. GALLINGER. Let the bill be read for the information of the Senate.

Mr. SMOOT. Let it be read first.

The VICE PRESIDENT. That was the request of the Senator from Arizona. The bill will be read.

The SECRETARY. The committee reports to strike out all after the enacting clause and to insert:

That the State of Arizona shall constitute one judicial district, to be known as the district of Arizona.

SEC. 2. That terms of the district court shall be held in Tucson on the second Tuesdays in January and June; at Tombstone on the second Tuesdays in February and September; at Phoenix on the second Tuesdays in March and October; at Prescott on the second Tuesdays in April and November; and at Globe on the second Tuesdays in May and December. Causes, civil and criminal, may be transferred by the court or judge thereof from any of the aforesaid places where court shall be held in said district to any of the places hereinabove mentioned in said district when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in any of the hereinabove mentioned places.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to fix the times and places of holding district court for the district of Arizona."

INVESTIGATIONS OF BANKING AND CURRENCY.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with amendments, Senate resolution 66, submitted by the Senator from Oklahoma [Mr. OWEN] on the 24th ultimo. I ask unanimous consent for the immediate consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read as follows:

Resolved, That the Committee on Banking and Currency be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make investigations of banking and currency matters and to compile and prepare statistics relative thereto such as may be necessary, and to report from time to time to the Senate the result thereof, and for this purpose they are authorized to sit, by subcommittee or otherwise, during the sessions of the Senate or recesses thereof at such times and places as they may deem advisable, to send for persons and papers and administer oaths, and to employ such stenographic and clerical assistance, or otherwise, as may be necessary, the expense of such investigation to be paid for from the contingent fund of the Senate, and the committee is authorized to pay for such printing and binding as may be necessary for its use.

Mr. GALLINGER. Mr. President——

Mr. WILLIAMS. There are several amendments.

Mr. GALLINGER. Perhaps the amendments had better be stated. I desire to ask the Senator a question; that is all.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. In line 11, before the word "assistance," strike out "and clerical," and after the word "assistance" and the comma insert "at a cost not to exceed $1 a printed page."

The amendment was agreed to.

The next amendment was, in lines 14 and 15, to strike out the words "and binding," and in line 15, before the word "use," to strike out the word "its" and insert "the," and after the word "use" to insert the words "of the committee."

Mr. GALLINGER. Mr. President, I rose to ask the Senator from Mississippi or the chairman of the Committee on Banking and Currency whether or not it is contemplated to have a financial bill prepared and submitted to the Senate or to the other branch of Congress during the present session?

Mr. OWEN. Mr. President, the Committee on Banking and Currency has taken no action with regard to the matter that would justify the chairman in stating what the action of the committee will be. It has simply desired to consider the matter and has taken the preliminary steps suggested in the resolu-

tion with a view to considering it, leaving the action of the committee open after the matter shall have been considered.

Mr. GALLINGER. I will ask the Senator from Oklahoma, as some of us feel that we ought not to remain here until snow flies, whether or not it is reasonably safe for us to assume that this is a preliminary investigation with a view to considering currency legislation at the next regular session?

Mr. OWEN. Mr. President, I can only speak for myself. I am of opinion that the matter ought to be considered at this session, but the committee has not expressed itself in any way, and I really do not know what attitude it will take when it considers it.

Mr. GALLINGER. It is clear to my mind, Mr. President, though I may be wrong about it, that having been called here for the consideration of a great question, that is going to engage the attention of the Senate, I apprehend, for two months at least, it would be unwise for either branch of Congress to take up another great question such as the currency question, which we all know will lead to almost interminable debate. That it should be investigated, that the preliminary work should be done, appeals to me, and I have no objection to the resolution, but I for myself would like to have some kind of assurance, if I could get it, that we are going to devote ourselves assiduously and industriously to the consideration of the tariff question, which to my mind is going to make trouble enough for us during this session and after the session closes, and that it shall not be complicated with this other great question upon which scarcely two men in the country that I meet agree, and which to my mind, if it is taken up, will keep us here until the beginning of the next regular session of Congress.

Now, Mr. President, having made that inquiry, and not having received a very satisfactory reply, I leave the matter with the committee. I am quite willing——

Mr. OWEN. The Senator has received a very frank reply.

Mr. GALLINGER. The Senator from New Hampshire is satisfied with the reply, and assumes that the Senator from Oklahoma could not have put it in any more definite form. But I will repeat that I hope the Senator in his enthusiasm and his great desire to legislate on this question, which is an important one, will not hurry it unduly, that he will give the country time to think it over, give Congress time to think it over, give the Chief Executive time to think it over, and see whether or not it may not well be postponed until at least the next session.

Mr. BACON. Mr. President, I simply wish to say for myself—I am not on the committee, but, of course, I feel the interest in it that every Senator must feel—that I think the private convenience of Senators should be subordinated to a great public interest if there is such an interest.

There is a very large element of opinion in our business community that this is a matter of urgency, that the present law is one which is liable at any time to cause the country to be plunged into great financial trouble and difficulty, entailing great disaster. I do not profess to be very skilled in that branch, but I listen to those who are very deeply interested in it, and I think that the matter is so important as to require as early attention as it is practicable to give to it. Whether it will be practicable to conclude it at this session I am not prepared to say, but I think, if it be true that our financial system is one which keeps the country in constant peril, then it is one which demands immediate attention and as speedy action as possible.

It may be that the tariff is going to make trouble, not only during its consideration but hereafter, and I am inclined to think that if that be true and we can give any compensatory good, if a compensation is needed, as I am sure it is, considered from the standpoint of the Senator from New Hampshire [Mr. GALLINGER], then we ought to be ready with the conferring of as much good as we can, if that which the Senator from New Hampshire considers as evil is inevitable. Therefore, Mr. President, I have no special sympathy with the idea that it is a matter for Congress to consult its personal convenience rather than the question as to whether or not it is within the power of Congress to accomplish something which may be of great practical good. I am very much of the opinion myself that if Congress does its duty, not as to this question in particular, but as to all the great questions involved in our business here, Senators and Representatives will hereafter have to make up their minds to spend a good part of every year in session, and, in my opinion, the days of short sessions have passed if Congress does its full duty in all the matters where the legislative branch can properly exercise its legitimate and important functions.

I do not know what is the purpose of the committee or of those having some special interest in this branch of legislation, but for myself I will say that, if what these great bankers and men engaged in large business say about the peril which constantly attends us under our present financial system is true, the sooner we can get to the business of trying to provide a remedy for it and a safeguard against it the better.

Mr. CLARKE of Arkansas. Mr. President, when unanimous consent was asked for the consideration of the resolution it was not indicated that amendments had been proposed. I think the resolution had better go over and the proposed amendments be printed as a part of it, so that we may know exactly what we are to consider. I object to the further consideration of the resolution.

The VICE PRESIDENT. Being objected to, the resolution goes over.

Mr. WILLIAMS. I hope the Senator from Arkansas will withdraw his objection. All that the resolution contemplates is to give this committee stenographic assistance and the right to hold meetings, to have hearings, and to print for its use hearings had before the committee. Nobody has any objection to its consideration. I am, of course, sorry, as is the Senator from Arkansas, that it should have precipitated debate, not upon the subject matter of the resolution at all, but upon other matters; and I hope that the Senator from Arkansas will withdraw his objection and let the resolution be considered. It is of a good deal of importance that the committee should be hearing testimony, investigating, and getting ready for action at a succeeding session of the Senate, whether it does anything at this session or not. I repeat, I hope the Senator will withdraw his objection and let the resolution be considered.

Mr. CLARKE of Arkansas. Mr. President, if the presentation of the objection at this time would prejudice the substantial interests involved, I of course would not insist upon taking advantage of the right to make an individual objection, thereby withdrawing from the Senate the power to consider the resolution, but I do not so understand the situation. The proposed amendments can be printed, and we can better consider the resolution to-morrow morning than we can now.

Mr. WILLIAMS. The committee wants to begin the hearings to-morrow.

Mr. CLARKE of Arkansas. It will not hurt seriously if the committee do not hold hearings to-morrow, and I must persist in the objection, although I should be very glad to accommodate the Senator from Mississippi.

The VICE PRESIDENT. The resolution goes to the calendar.

Mr. WILLIAMS. I merely want to say that this is just exactly the same resolution that has been passed on behalf of every other committee of the Senate.

Mr. O'GORMAN. Mr. President——

Mr. WILLIAMS. Mr. President, I rise to a point of order. I understood that unanimous consent for the consideration of the resolution had been given.

Mr. GALLINGER. Oh, no.

Mr. WILLIAMS. If it had been granted, then the objection comes too late.

Mr. GALLINGER. Mr. President, the Senator from Mississippi is mistaken in that. Pending the request for unanimous consent I took occasion to address the Chair and to make an inquiry.

Mr. WILLIAMS. But, as I understood, the Chair had progressed beyond the stage of requesting unanimous consent for consideration, and the Secretary was reading the amendments to the resolution when the Senator from New Hampshire rose.

The VICE PRESIDENT. The recollection of the Chair is that the Chair inquired whether unanimous consent would be given, and at that point the Senator from New Hampshire [Mr. GALLINGER] asked for the reading of the resolution that the Senate might know whether or not there would be objection.

Mr. WILLIAMS. Of course, if that is the fact, though I did not hear it, the point of order is not well taken.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. Mr. President, Mr. George C. Butte has written a very instructive and persuasive article on the Panama Canal tolls question. Although the book is published in Heidelberg, Germany, I gather the impression that the writer is an excellent lawyer and a good American. I ask that the article be published as a Senate document.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New York whether or not the book is copyrighted?

Mr. WILLIAMS. There are some reports pending before the Senate, and I ask for the regular order.

Mr. O'GORMAN. In reply to the query of the Senator from Utah [Mr. SMOOT], I will say that the book does not appear to be copyrighted.

Mr. WILLIAMS. I ask for the regular order.

Mr. O'GORMAN. I will say that I have the consent of the writer of the article to have it published as a Senate document.

The VICE PRESIDENT. The regular order is called for. The Secretary will read the resolution reported by the Senator from Mississippi [Mr. WILLIAMS], which has been sent to the desk.

Mr. WILLIAMS. I ask for the regular order.

Mr. O'GORMAN. What is the objection, Mr. President?

The VICE PRESIDENT. The Senator from Mississippi [Mr. WILLIAMS] has called for the regular order, and reports of committees are in order.

Mr. O'GORMAN. I hope the Senator from Mississippi, who is always indulgent, will not interpose any objection to this contribution to a very important subject.

Mr. WILLIAMS. At the proper time, I shall not; but I want reports of committees considered, so that we may have them out of the way.

Mr. O'GORMAN. This can not delay the Senator from Mississippi, and I hope he will be as indulgent as he usually is, and withdraw his objection.

Mr. WILLIAMS. It is delaying the Senator from Mississippi right now. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. SMOOT. I want to say to the Senator from Mississippi [Mr. WILLIAMS] that unanimous-consent requests have in the past generally been made at this particular stage in the proceedings, and I think the Senator from New York [Mr. O'GORMAN] is in order in asking unanimous consent; but if the Senator from Mississippi insists on his objection, then the matter passes over.

Mr. WILLIAMS. I do not want to object.

The VICE PRESIDENT. The Chair rules that the Senator from Mississippi has the floor and was making a report. The Secretary will state the report.

Mr. O'GORMAN. Mr. President, the Senator from Mississippi has stated that he makes no objection to the consideration of the request which I present to the Senate.

Mr. WILLIAMS. The Senator from Mississippi has called for the regular order and has announced that at the proper time he would make no objection.

Mr. O'GORMAN. When is the proper time, Mr. President? I make that as a parliamentary inquiry.

The VICE PRESIDENT. After the report made by the Senator from Mississippi has been acted upon.

CLERK TO COMMITTEE ON BANKING AND CURRENCY.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, without amendment, Senate resolution 67. I ask for the consideration of the report, which I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolution reported by the Senator from Mississippi which has been sent to the desk.

The Secretary read Senate resolution 67, submitted by Mr. OWEN April 24, 1913, as follows:

Resolved, That the clerk to the Committee on Banking and Currency, whose employment was authorized by resolution of March 17, 1913, be paid at the rate of $3,000 per annum from miscellaneous items, contingent fund of the Senate.

Mr. WILLIAMS. I ask unanimous consent for the immediate consideration of the resolution.

Mr. CLARKE of Arkansas. I object. Let the resolution go over.

The VICE PRESIDENT. The resolution will go to the calendar.

PANAMA CANAL TOLLS (S. DOC. NO. 19).

Mr. O'GORMAN. I rene[illegible] my request that the article on the subject of Panama Canal tolls, and to which I have referred, be published as a Senate document.

The VICE PRESIDENT. The Senator from New York requests that a certain document touching upon the subject of Panama Canal tolls be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED LEGISLATIVE PROGRAM.

Mr. OVERMAN. From the Committee on Rules I report back favorably, without amendment, Senate resolution 4, providing for a legislative program during the extra session, and I submit a report (No. 32) thereon. At the request of the senior Senator from Nevada [Mr. NEWLANDS], I ask that the resolution and accompanying report be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The resolution and report submitted by Mr. OVERMAN from the Committee on Rules this day are as follows:

Senate resolution 4.

1. *Resolved*, That it is the sense of the Senate that during the approaching extra session for the immediate revision of the tariff Congress should not only consider and pass comprehensive legislation regarding all the schedules of the tariff, but should also, through the appropriate committees, consider other subjects of needed legislation, to be taken up for final action at the next regular session of Congress.

TARIFF AND TAXATION.

2. *Resolved*, That the Senate Committee on Finance report at as early a date as possible during the extra session upon the following questions:

(a) Whether the prices of any farm products in the United States are raised above the international level of prices by the duties now imposed on such products, and if so, what products, and whether such duties on such products can be abolished or materially reduced without injury to American industry, and to what extent. In such inquiry shall be included meats, cheese, wool, sugar, tobacco, wines, citrus fruits, and dried and preserved fruits.

(b) What products now on the dutiable list should be put on the free list.

(c) Whether it is practicable and advisable to change all duties from specific to ad valorem duties.

(d) The average percentage of the duties imposed by the existing tariff, and the average percentage to which it is desirable to reduce the duties imposed under the proposed revision of the tariff, and the maximum and the minimum duties which it is desirable to impose.

(e) Whether it is practicable and desirable to distribute the proposed reduction over a period of four years.

(f) Whether it is practicable and advisable, after making the contemplated reduction in the tariff, to organize an administrative tariff board, which, acting under rules fixed by Congress, shall have the power, either upon its own initiative or upon the initiative of any importer, producer, or consumer, to further inquire into complaints of excessive duties prohibiting or unduly restricting importations, or of diminished duties permitting excessive importations to the prejudice of existing domestic industries and to the injury of the capital or labor employed therein, or of excessive duties prejudicial to domestic consumers, such board to present to the President and to Congress such recommendations as it may deem advisable.

(g) Whether it is practicable and advisable to give such tariff board after full investigation and hearing, the power, with the approval of the President, to make reductions or increases in duties, within certain limitations and under rules prescribed by Congress; and if so, what limitations and rules should be prescribed.

(h) Whether it is practicable and advisable to make such rules and regulations for the action of such a tariff board as will enable the Government to feel its way gradually from a high protective to a revenue basis without readjustments prejudicial both to domestic labor and capital, and without denying to the consumers needed relief from the imposition of excessive taxes upon foreign imports and excessive prices for domestic products.

(i) Whether it is advisable to provide a graduated income tax and a graduated inheritance tax with a view to making up any deficit in revenue caused by a reduction in customs duties, and also with a view to extending the operations of the National Government in cooperation with the States in the improvement of post roads, the regulation of rivers in aid of navigation, irrigation, water-power development, and swamp-land reclamation, and also in cooperation with the States in the advancement of vocational education.

(k) Whether it is practicable and advisable to appoint a budget committee, of which the chairman of the Appropriations Committee and the chairmen of the other supply committees shall be members.

INTERSTATE COMMERCE.

3. *Resolved*, That the Senate Committee on Interstate Commerce report at as early a date as possible during the extra session upon the following questions:

(a) Whether it is advisable to supplement the existing Sherman Antitrust Act by legislation which will more specifically define restraints of trade, including therein the prevention of unfair competition, stock watering, overcapitalization, excessive size, interlocking directors, and the holding by one corporation of the stock of another.

(b) Whether it is advisable to substitute for the present system of holding companies, by which a corporation organized under the laws of a single State is made the means of federating corporations organized under the laws of other States for the purpose of interstate transportation, a national act for the incorporation of holding companies, under which railway companies organized under the laws of different States may be federated for interstate transportation, such holding companies to be subject in their general conduct to the regulation of the Interstate Commerce Commission.

(c) Whether it is advisable to organize an interstate trade commission, in which shall be merged the officials, powers, and functions of the Bureau of Corporations, with powers of publicity, investigation, correction, and recommendation regarding corporations engaged in interstate trade similar to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation, but without the power to fix prices; such interstate trade commission to have the power to aid the courts in the administration of the Sherman Act and other legislation supplementary thereto.

(d) Whether it is advisable to provide for the creation of a board of river regulation which shall bring into cooperation the departments and services of the National Government whose duties in any way relate to waterways in devising and carrying out comprehensive plans for the promotion of interstate commerce by the regulation of river flow, the mitigation of destructive floods, by the promotion of storage above and of bank and levee protection below, the establishment of terminal and transfer facilities, the coordination of rail and water carriers, and the cooperation of the Nation with the States, each within its jurisdiction, in plans and works for the full and, so far as practicable, compensatory development of the rivers for every useful purpose, and the establishment of an ample fund for continuous work during a period of 10 years.

(e) Whether it is practicable and advisable to bring into coordination under the Interstate Commerce Commission the related subjects of interstate transportation, interstate trade, and interstate exchange, by the creation of three boards in such commission, one relating to interstate transportation, one relating to interstate trade, and one relating

to interstate exchange, the present Interstate Commerce Commission to constitute the board of interstate transportation, the proposed interstate-trade commission to constitute the board of interstate trade, and the proposed banking commission to constitute the board of interstate exchange, merging into the board of interstate trade the present Bureau of Corporations and merging into the board of interstate exchange the comptroller's office.

INTERSTATE EXCHANGE.

4. *Resolved*, That the proper Senate committee report as soon as possible during the extra session upon the following question:

(a) Whether it is practicable and advisable to organize under national law in each State a national reserve association, in which the State banks engaged in interstate exchange and complying with the national legislation as to capital and reserves shall be united with the national banks as members, such associations to have the powers of issue relating to emergency currency now enjoyed by the constituent national banks; such associations to have such of the powers proposed by the National Monetary Commission to be conferred upon a central national reserve association as are necessary and advisable; such State associations to have the powers of investigation and correction regarding the affairs of the constituent banks; such State associations to be brought into federation for the protection of interstate exchange and the prevention of bank panics through a national banking commission fairly representative of the different sections of the country, part of which shall be selected by such associations and part by the President of the United States; such national banking commission to have powers of investigation and correction over the State associations, and to report to the President and Congress annually such recommendations as it deems advisable regarding legislation and administration concerning monetary affairs.

PUBLIC LANDS AND NATURAL RESOURCES.

5. *Resolved*, That the Senate Committee on Public Lands report at as early a date as possible during the extra session upon the following questions:

(a) Whether it would be advisable for the National Government to promote the development of Alaska by the construction of a railroad or railroads; and, if so, the probable cost and plans for construction and operation.

(b) Recommendations regarding the protection of our natural resources in timber, coal, iron, and oil against monopolistic control.

(c) The applicability of the land laws of Canada to the conditions of our public domain, and particularly those provisions regarding the grant of the surface to settlers, excluding from the operation of the grant timber, coal, iron, oil, and water-power sites.

MILITARY EXPENSE AND AUXILIARY NAVY.

6. *Resolved*, That the Committees on Military and Naval Affairs report at as early a date as possible during the extra session upon the following questions:

(a) The preparation of a plan for the more efficient administration and cooperation of the Army and Navy and the reduction of the total Army and Navy expense for the next four years to not exceeding $225,000,000 annually, with the aid of a board of Army and Navy officers to be selected by the President.

(b) A plan for the construction of auxiliary ships for the Navy, to be used in time of war in aid of the fighting ships and in time of peace in establishing necessary service through the Panama Canal and new routes of commerce to foreign countries through lease to shipping companies; such legislation involving the temporary diminution of the construction of fighting ships and the substitution of auxiliary ships with a view to the organization of a well-proportioned and efficient Navy.

[Senate Report No. 32, Sixty-third Congress, first session.]

LEGISLATIVE PROGRAM DURING THE EXTRA SESSION.

Mr. OVERMAN, from the Committee on Rules, submitted the following report, to accompany Senate resolution 4:

The Committee on Rules, to whom was referred Senate resolution 4, having considered the same, report the resolution back to the Senate with the recommendation that each subhead contained therein be referred for consideration to the proper committee having jurisdiction of the subject matter, to wit:

That all of section 2 except subdivision (k) be referred for consideration to the Committee on Finance.

That subdivision (k) of section 2 of said resolution, which relates to a budget committee, be referred to the Committee on Appropriations.

That subdivisions (a), (b), and (c) of section 3 of said resolution, relating to interstate commerce, be referred for consideration to the Committee on Interstate Commerce.

That so much of subdivision (d) of section 3 of said resolution as relates to the physical improvement and development of rivers shall be referred for consideration to the Committee on Commerce, and that so much of subdivision (d) of section 3 as relates to the establishment of terminal and transfer facilities and the coordination of rail and water carriers shall be referred to the Committee on Interstate Commerce.

That subdivision (e) of section 3 of said resolution be referred to the Committee on Interstate Commerce.

That section 4 of said resolution, relating to interstate exchange, be referred to the Committee on Banking and Currency.

That subdivision (a) of section 5 of said resolution be referred to the Committee on Territories.

That subdivision (b) of section 5 be referred for consideration to the Committee on Conservation of National Resources.

That subdivision (c) of section 5 be referred to the Committee on Public Lands.

That subdivision (a) of section 6 be referred to the Committees on Military and Naval Affairs.

That subdivision (b) of section 6 of said resolution be referred to the Naval Affairs Committee.

Mr. NEWLANDS. I ask that the resolution reported by the Senator from North Carolina [Mr. OVERMAN] from the Committee on Rules regarding a legislative program be considered. It simply provides for the reference of the different subjects to appropriate committees.

Mr. ROOT. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded.

PRINTING OF REPORT ON TARIFF BILL.

Mr. FLETCHER. From the Committee on Printing I report back favorably with an amendment House concurrent resolution 7, and I submit a report (No. 33) thereon. I ask unanimous consent for the immediate consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 additional copies of the report of the Ways and Means Committee on House bill 3321—15,000 copies for the use of the House of Representatives, to be apportioned as follows: Two thousand to the Committee on Ways and Means, 1,000 to the House document room, 12,000 to the House folding room; and 5,000 for the use of the Senate.

The VICE PRESIDENT. The amendment reported by the committee will be stated.

The SECRETARY. Add, after the word "Senate," in line 9, the following:

To be apportioned as follows: Two thousand to the Committee on Finance, 2,000 to the Senate document room, and 2,000 to the Senate folding room.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, if I recollect rightly, the Senate a few days ago authorized the printing of 4,000 extra copies of the tariff bill for the use of the Senate. That would be the equivalent of about 40 copies for each Senator, if my figures are correct.

Mr. SMOOT. Mr. President, I will call the Senator's attention to the fact that those copies went to the Senate document room instead of to the folding room, and are there at the call of Senators.

Mr. BRANDEGEE. I understand that; but what I was about to suggest is this: If I recall correctly the language of the resolution just reported, it provides that 20,000 copies of the report upon the bill shall be printed. My experience has been that there is a much larger demand for copies of the bill itself than for copies of the report. If I have understood correctly the terms of the resolution, I desire to propose an amendment to the effect that 10,000 additional copies of the bill also shall be printed and placed in the Senate document room for the use of Senators.

The VICE PRESIDENT. The amendment offered by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to add at the end of the resolution, as amended, the following:

That there also be printed 10,000 additional copies of House bill 3321 for the use of the Senate.

Mr. BORAH. Mr. President, would it not be wise to defer this printing until the Finance Committee of the Senate gets through with the bill? No doubt there will be a great many changes made in it.

Mr. BRANDEGEE. The reason I made the suggestion was that the demand is to see the bill as it is passed by the House. I assume that if amendments are put on by the Senate Committee on Finance there will be a reprint of the bill as reported, and there will have to be extra copies of that printed also.

Mr. SIMMONS. Mr. President, I think probably it would be better to wait until the bill has passed the House and has been received by the Senate before we authorize the printing of extra copies. My understanding is that the probabilities are that the bill will pass the House some time during the present week.

Mr. BRANDEGEE. Mr. President, I appreciate the force of the Senator's suggestion, and I will wait until the bill has actually passed the House before asking for the printing of additional copies.

Mr. SIMMONS. Then I would suggest that probably the Finance Committee had better consider how many copies will be needed, and let the request for the number of copies that shall be printed come from that committee. I trust the Senator from Connecticut will withhold his amendment for the present.

Mr. BRANDEGEE. I have already stated that I withdrew the amendment.

The VICE PRESIDENT. The question is upon agreeing to the resolution as amended.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 1759) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

A bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; to the Committee on Indian Affairs.

By Mr. SHAFROTH:

A bill (S. 1761) granting to the State of Colorado 1,000,000 acres of land to aid in the construction and maintenance of public roads in the State of Colorado; to the Committee on Public Lands.

By Mr. ROOT:

A bill (S. 1762) relating to procedure in United States courts; to the Committee on the Judiciary.

A bill (S. 1763) for the relief of Isador Miller; to the Committee on Claims.

By Mr. THOMPSON:

A bill (S. 1764) granting a pension to Andrew P. Duff;

A bill (S. 1765) granting an increase of pension to Harvey H. Carr;

A bill (S. 1766) granting an increase of pension to William Butler (with accompanying papers); and

A bill (S. 1767) granting an increase of pension to Jane Simpson (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 1768) to authorize the issuance of a patent to Fred C. and C. Helen Fisher for land located in the county of Fremont, State of Wyoming; to the Committee on Public Lands.

By Mr. TOWNSEND:

A bill (S. 1769) providing for carrying in the mails reply letters and postal cards without prepayment of postage; to the Committee on Post Offices and Post Roads.

A bill (S. 1770) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell (with accompanying paper); to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 1771) for the relief of Capt. W. W. Wright and Capt. Claude B. Sweezey, United States Army;

A bill (S. 1772) for the relief of Capt. Chase W. Kennedy, United States Army, and others;

A bill (S. 1773) for the relief of the Wales Island Packing Co.; and

A bill (S. 1774) for the relief of Capt. W. W. Quinton, United States Army; to the Committee on Claims.

A bill (S. 1775) to class mates in the Navy as warrant officers;

A bill (S. 1776) providing for the promotion of Chief Boatswain Patrick Deery, United States Navy;

A bill (S. 1777) for the relief of John L. Vennard, United States Navy, retired; and

A bill (S. 1778) for the relief of former Paymaster's Clerk James S. Alexander; to the Committee on Naval Affairs.

By Mr. GRONNA:

A bill (S. 1779) granting an increase of pension to Thomas Harrison; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 1780) to amend sections 4 and 10 of the act of June 29, 1906, entitled "An act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States"; to the Committee on Immigration.

By Mr. BRISTOW:

A bill (S. 1781) granting an increase of pension to James Carroll; and

A bill (S. 1782) granting an increase of pension to Samuel G. H. Whitley; to the Committee on Pensions.

By Mr. NELSON:

(By request.) A bill (S. 1783) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

A bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries; to the Committee on Public Lands.

By Mr. JOHNSON of Maine:

A bill (S. 1785) for the relief of Effie M. Rowse; to the Committee on Claims.

A bill (S. 1786) granting an increase of pension to Charles W. Frost;

A bill (S. 1787) granting an increase of pension to Horace C. Webber;

A bill (S. 1788) granting a pension to Delia Schofield;

A bill (S. 1789) granting an increase of pension to George W. Hurd (with accompanying papers);

A bill (S. 1790) granting an increase of pension to Eunice A. Austin (with accompanying papers);

A bill (S. 1791) granting an increase of pension to Frances K. Scates (with accompanying paper);

A bill (S. 1792) granting an increase of pension to Mary A. Wainsborough (with accompanying papers);

A bill (S. 1793) granting a pension to Euphemia Duffey;

A bill (S. 1794) granting an increase of pension to Emily E. McCrillis (with accompanying paper);

A bill (S. 1795) granting an increase of pension to Jonathan S. Nickerson (with accompanying papers);

A bill (S. 1796) granting a pension to Lizzie Swanton Day (with accompanying papers); and

A bill (S. 1797) granting a pension to Melvin F. Wyman; to the Committee on Pensions.

A bill (S. 1798) for the relief of William Wentworth; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 1799) granting a pension to Caroline Springer; and

A bill (S. 1800) granting a pension to George H. Jones; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 1801) providing for an increase of salary of the United States collector of customs for the district of Maine and New Hampshire; and

A bill (S. 1802) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 1803) for the relief of Benjamin E. Jones (with accompanying papers); and

A bill (S. 1804) for the relief of Edward Erickson; to the Committee on Claims.

A bill (S. 1805) granting an increase of pension to Elvira J. Morton (with accompanying paper); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 1806) granting an increase of pension to Mary J. Forbes; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 1807) for the relief of Daniel M. Frost; to the Committee on Public Lands.

By Mr. PERKINS:

A bill (S. 1808) for the relief of Joseph L. Donovan; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 1809) granting a pension to Nancy J. Sandusky (with accompanying papers);

A bill (S. 1810) granting a pension to Christina Dralle (with accompanying papers);

A bill (S. 1811) granting an increase of pension to Sarah Ann Kelley; and

A bill (S. 1812) granting an increase of pension to Mary P. Hamersly; to the Committee on Pensions.

A bill (S. 1813) for the relief of Frank Schilling; and

A bill (S. 1814) for the relief of A. P. Holcomb and the heirs of Samuel Thompson, deceased; to the Committee on Claims.

A bill (S. 1815) to correct the military record of Daniel O'Connell (with accompanying papers); to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 1816) granting a pension to Eveline Titus;

A bill (S. 1817) granting an increase of pension to W. A. Owens; and

A bill (S. 1818) granting an increase of pension to George W. Ross (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 1819) granting an increase of pension to Sarah E. C. Emerson (with accompanying papers);

A bill (S. 1820) granting an increase of pension to Jane A. Adams (with accompanying papers);

A bill (S. 1821) granting an increase of pension to Ellen F. Marshall (with accompanying papers);

A bill (S. 1822) granting an increase of pension to Cornelia Kenyon (with accompanying papers);

A bill (S. 1823) granting an increase of pension to Milo E. Cook (with accompanying papers);

A bill (S. 1824) granting a pension to Howard A. Carpenter (with accompanying papers);

A bill (S. 1825) granting an increase of pension to Mary Britton (with accompanying papers);

A bill (S. 1826) granting an increase of pension to Julia A. Fields (with accompanying papers);

A bill (S. 1827) granting an increase of pension to Nellie E. Alfred (with accompanying papers); and

A bill (S. 1828) granting an increase of pension to Harriet J. Tuttle (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 1829) for the relief of W. D. McLean, alias Donald McLean; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A joint resolution (S. J. Res. 30) extending the leave of absence of Mrs. A. E. Grant (with accompanying paper); to the Committee on Appropriations.

By Mr. CLAPP (for Mr. REED):

A joint resolution (S. J. Res. 31) to forfeit to the United States the Merchants' Bridge across the Mississippi River at St. Louis, to operate said bridge as a free public bridge, directing the Secretary of War to take possession of said bridge, and the Attorney General of the United States to institute proceedings, if necessary, forfeiting the rights granted to the St. Louis Merchants' Bridge Co. by the acts of February 3, 1887, and September 10, 1888; to the Committee on the Judiciary.

THE TARIFF.

Mr. OLIVER submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. SHERMAN submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

FORT ASSINNIBOINE MILITARY RESERVATION.

Mr. MYERS submitted an amendment intended to be proposed by him to the bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement, which was referred to the Committee on Public Lands and ordered to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. KERN submitted an amendment proposing to appropriate $8,000 for traveling and other expenses incident to the transfer of the clerks of the various pension agencies to Washington, D. C., etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and to be printed.

ADMINISTRATION OF CIVIL-SERVICE LAWS.

Mr. POMERENE. I submit a resolution, and ask that it be read for the information of the Senate and referred to the Committee on Civil Service and Retrenchment.

The Secretary read the resolution (S. Res. 77), as follows:

Whereas in the administration of the civil-service laws it has been and now is repeatedly charged that they have been disregarded in the interest of and by the party at the time in power; and

Whereas it is the desire of the Senate to have said laws administered in accordance with the letter and spirit thereof, where that is practicable, and to amend them, if, in their present form, it is impracticable to enforce them according to the tenor thereof; and

Whereas it is necessary to know the real facts relating to the present laws or the administration thereof in order to determine whether there should be new or additional legislation, or what, if any, changes should be made in the present administration thereof: Therefore be it

Resolved, First, that the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor be, and they are each hereby, directed to prepare and present to the Senate of the United States the names of all appointees in each branch or bureau of his department; their addresses at the time of the appointment; the date thereof; the length of residence in the State, Territory, or District to which accredited at the time of said appointment; their politics at the time of said appointment and now; whether in the classified or unclassified service and when so placed; their promotions, if any, and the cause therefor and date thereof; their demotions, if any, and the cause therefor and date thereof; also give copies of any Executive orders which may have been made extending the classified service, together with the dates thereof; also a statement giving the names and addresses and politics of the employees thus included in said classified service by said Executive orders, and a statement as to whether or not they were required to pass any examination before being placed therein; also state what changes, if any, he suggests either in the administration of the present laws or in the enactment of new or additional legislation.

Second, that in order to insure accuracy in said reports, the members of the Cabinet, through the several bureaus or branches of the service under their control, shall require from each appointee a report in writing on blanks prepared for that purpose, over his or her own signature, stating his or her name and address at the time of appointment, date thereof, length of residence in the State, Territory, or District in which accredited at the time of appointment; politics at the time of said appointment and now; whether in the classified or unclassified service and when so placed; the salary at the time of appointment and present salary; promotions, if any, and the cause therefor and date thereof; demotions, if any, and the cause therefor and date thereof; also whether said appointments, promotions, or demotions were the result of examination, Executive order, or other cause, and if so, state the cause.

Mr. McCUMBER. Mr. President, I hope the Senator in charge of the resolution will agree to one amendment that is very essential if he desires to get at the truth in this investigation. I would ask to have it amended in two places. I can not give the page or the line; but wherever the expression "length of residence in the State" is used, I suggest striking it out and inserting in lieu thereof "length of actual domicile."

The reason for asking this is that residence is not always a question of domicile. There are persons in the departments here in Washington that are charged to States in which they have never had any actual domicile. Perhaps the father or the grandfather of the person at one time lived in the State and accepted a position in the city of Washington as a resident of that State, and his children and children's children have been accredited to that State, although they have never been there. It may be that under a fiction of law they may be regarded as residents if the parent still claims a residence in the State, although accepting a life office out of the State and with no intention of ever returning to it. But if we wish to get at the real facts in the case, to know whether or not these appointments have been properly accredited to the States, we ought to ascertain the actual domicile in the State and not leave the matter to a question simply of residence.

I make the suggestion with the hope that it will be accepted, so that we may get the facts before the Senate.

Mr. POMERENE. I appreciate the force of the suggestion of the Senator from North Dakota, and I believe it to be a wise one. I wish to say that I have no desire to do anything save to get at the facts in this matter, and I have tried to frame the resolution with that end in view. I have no doubt that after it is taken up and considered by the committee, and later by the Senate, there will be other suggestions made, and I shall be very happy to receive them.

Mr. GALLINGER. I will ask the Senator if his proposition is to have the resolution referred to the Committee on Civil Service and Retrenchment?

Mr. POMERENE. That was my request.

Mr. GALLINGER. I certainly have no objection to that. I do not want to have it considered this morning, however.

Mr. POMERENE. Oh, no; I do not ask that.

The VICE PRESIDENT. The resolution will be referred to the Committee on Civil Service and Retrenchment.

COLLECTOR OF CUSTOMS, PORT OF PHILADELPHIA.

Mr. OLIVER. Mr. President, I send to the desk a resolution, and ask unanimous consent for its present consideration.

The Secretary read the resolution (S. Res. 76), as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate all papers and other information in his possession or in the possession of the Treasury Department relating to the demand of the Secretary of the Treasury for the resignation of Chester W. Hill, collector of customs of the port of Philadelphia.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SIMMONS. I suggest that the resolution lie over under the rule.

The VICE PRESIDENT. Objection being made, the resolution will go over.

THE DEMOCRACY OF ABRAHAM LINCOLN (S. DOC. NO. 18).

Mr. ROOT. I ask unanimous consent that an address delivered to the students of the Boston University School of Law on the 14th of March last by the senior Senator from Massachusetts [Mr. LODGE], entitled "The Democracy of Abraham Lincoln," be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Mr. President, I will ask the Senator from Virginia if this bill is identical with the bill that was passed at the last session?

Mr. MARTIN of Virginia. It is, with one small exception, in respect of the governors of soldiers' homes.

Mr. GALLINGER. Then I apprehend there will be no objection to the consideration of the bill; and I suggest to the Senator that he might ask unanimous consent that the reading of

the bill be dispensed with, it having been read and having passed the Senate in the same terms heretofore.

Mr. MARTIN of Virginia. I will say to the Senator from New Hampshire that it was my purpose to do so.

The VICE PRESIDENT. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. MARTIN of Virginia. I understand the Senator from California [Mr. WORKS] wishes to address the Senate, and has given notice to that effect. With the appropriation bill now before the Senate, I am very glad to let it be temporarily laid aside to enable that Senator to proceed with the speech which he gave notice he would desire to make to-day.

Mr. WORKS. I thank the Senator from Virginia for his courtesy in allowing the appropriation bill to be laid aside temporarily on my account.

The VICE PRESIDENT. The Senator from California is recognized.

TRUSTS AND COMBINATIONS.

Mr. WORKS. Mr. President, the Sherman antitrust law has been in force now for over 22 years. It was intended, doubtless, to prevent the accumulation of large fortunes in the hands of a few by the oppression of the smaller lines of business by the larger. Its ostensible object was to maintain competition and to prevent contracts and combinations in restraint of trade. It has effected neither the one nor the other. As a practical remedy it has been a complete failure. Its object was wholesome and beneficent, but such legislation and efforts to enforce it do not reach the evils which result in these unlawful contracts and overpowering combinations of wealth. It simply scratches the surface of the evils of selfishness, greed, and avarice so largely ingrained in human nature, and which so almost wholly rule and govern the actions of men in business transactions. The fear of the law and the punishment which may result from it may, in individual instances, prevent the more timid or the more law-abiding from entering into unlawful and injurious combinations, just as individuals may by the same influence be prevented from committing murder or other crimes. But men can not be made honest or unselfish by law. Something greater and higher than this is necessary to prevent men from wronging their fellow men. In the effort to amass wealth they forget the rights of others and trample them under foot. They exact long hours of labor from their underpaid and underfed employees and the highest prices from their customers. Immense fortunes are amassed by the most cruel and inhuman injustice to thousands and thousands who labor for the simple necessaries of life. They begin wrong in this respect and continue in that way to the end. Their children are educated to be selfish. The one thing uppermost in mind in the education of the young is to enable them to succeed materially and to make and accumulate money. The good which they might do with their education to their kind is in most cases unthought of. Their success in future life is judged by the money they make and save, and not by the good they have done their fellow men.

It seems to be human nature to seek and strive for the acquisition of more of this world's goods. Where it comes from or who may be injured or deprived of his rights by its getting is, with a good many people, a matter of no consequence. From the cradle to the grave man is taught, and practices, this rule of selfishness which has brought sorrow to thousands and thousands of people. The accumulation of the millions of dollars now resting in the hands of a comparatively few people in this country has, in the main, been accomplished through the toil of the many underpaid employees who are still struggling on for a mere existence. Investigations have been going on, notably in the great city of Chicago, to determine the wages paid, especially to women and girls, for their labor, and testimony has been taken to determine whether such an employee can live on $8 a week. With them it is not a question of the accumulation of money. That is not thought of. It is only a question of existence. Incongruous as it may seem, the distinguished gentlemen who carry on these investigations and the witnesses who are called upon to testify often spend more for one meal than the weekly allowances of many such employees. Thousands of these unfortunates are not paid even $8 a week. Indeed, the evidence tends to show, and I think it is a fact, that in this country the average wage for such employees does not exceed $5 a week. Take, for example, the department stores throughout the country. What I have said about the average wages paid applies to that industry. Women and girls labor for long hours for wages upon which it is almost impossible for them to subsist, while many of the proprietors of such establishments grow rich in money if not in good deeds. If any attempt is made to reduce the hours of labor of such employees or to increase their wages, the employers rise up as one man and declare that the wages are sufficient and the hours reasonable, and that to reduce them will ruin their business; and while we are passing laws and making long speeches about contracts and combinations in restraint of trade the injustice of the employers toward the helpless employees receives but scant attention.

In the adjustment and payment of wages women and children are the greatest sufferers. A woman equally competent with a man, who does equally good and efficient service, can not command the same wages a man receives. This is so not only in the management of private corporations, but the same discrimination is made, I am sorry to say, in public employment. What are we to do, then, to remedy these pressing evils? First, stringent laws adequately enforced must be provided to exclude vicious, ignorant, and otherwise objectionable immigrants. Second, the livelihood and independence of citizens already here must be protected by securing to them reasonable wages and hours of labor. Third, the National Government must regulate both prices and wages of corporations and individuals doing an interstate business. Fourth, these laws must be supplemented by State laws of a like kind regulating prices, wages to be paid, and hours of labor.

The future prosperity of this country and the perpetuation of its institutions depend in a large measure upon maintaining the prosperity and independence of the wage earners. Of late years we have been fast falling into an unfortunate division of the people into classes. The laboring man has accepted his position in one class, I am sorry to say, and the employer and so-called ruling class of the country are set over against him. Nothing could be more unfortunate. There should be no classes in a free Republic like ours. Every man should be equal with every other man, no matter what his calling may be. The ruling class in this country is the money class. Wealth and power and position are arrayed against the men and women who toil for a livelihood. They look upon themselves as superiors to what they are pleased to call the "lower classes."

The effective way to overcome this evil is to bring these classes nearer to an equality. This can be done only by elevating the station of the wage earners and by curbing the power of the employer class. No better way occurs to my mind to accomplish this result, so far as the making of laws is concerned, than regulation of prices, wages, and hours of labor. There is something wrong in the economy of things when the employer can live in luxury and enjoy unlimited wealth, while the country is speculating upon the question as to how low a wage is sufficient to maintain the wage earner with the necessaries of life. Acknowledging to the fullest extent the power, capacity, and ability of one man to earn and save money to a greater extent than another, this does not account for the differences in station between the employer and the employee. Many of the skilled wage earners who are making a bare living for themselves and their families are just as capable of earning and amassing wealth as their employer. There is something else besides capacity and earning power which makes the great difference between the two. Sometimes it is opportunity, but that alone can not account for it. What is it, then, that makes this enormous difference between the man who rolls in exorbitant and useless wealth and the equally capable, honest, and efficient man who toils day in and day out for a mere subsistence? There must be something radically wrong in the laws and the sentiments of a country that will permit this distressing state of inequality between men who are equal with each other by the fundamental laws of the country.

But, Mr. President, something more than the making of laws is necessary to wipe out the class lines that are dividing our people. We must learn to know each other better and to understand, appreciate, and sympathize with the trials, the problems, the sorrows, and afflictions of all classes, and, above all things, to see the good that is in all men, and to strive to make all men and all women understand and appreciate and to strive to cultivate the good that is within themselves. This higher duty that rests upon each one of us was brought forcibly to my mind in an Easter Day editorial in the Philadelphia Times. It was a sermon in itself, that I wish all men might read and practice its precepts. I give it here in full, because of the lesson it teaches:

"WHO SHALL ROLL US AWAY THE STONE?"

"And they said among themselves, 'Who shall roll us away the stone from the door of the sepulcher? And when they looked they saw that the stone was rolled away.' (Mark xvi, 3–4.)"

What could be more commonpl ce than a sordid boarding house managed by a cheating landlady, who is assisted by a sloven who is also a social outcast? Who could be more ordinary than the patrons—the painted lady, the shrew, the snob, the bully, the man of the world, the coward, the hussy, the sneak?

Into these meanest of surroundings and among these meanest of people comes the passer-by. He rents the back room on the third floor, associates with the motley lodgers. A change takes place. The influ-

ence of the stranger underneath the troubled roof touches every life. He is first scorned, then ridiculed, then trusted and loved.

He does not preach. He expounds no creed. He never mentions himself. He dresses as becomes a man of modest purse and quiet disposition; his bearing is that of gracious dignity; his voice is gentle but searching, betraying great strength of character. His knowledge of men is penetrating, going through the weaknesses and sins and back of them to the noble, the upright, the generous, the saving quality that every human being has. Here is the theme.

The passer-by accomplishes the reformation of the lodgers by his appeal to their better nature—not a verbal appeal, but a silent appeal, in which he recognizes the divinity within them, the real behind the false, the man beneath the shell. More than merely recognizing the good within each of the despicable characters, he serves that good. His treatment of the hussy as a lady makes her aspire to be one; his confidence in the integrity of the sneak begets the quality he recognizes; his belief in the purity of the sloven resolves her to be pure; his salutation of the real and true in the painted lady shows her the greater beauty of genuineness.

He lived a life of service, of unselfishness, but it was service rendered to—

"whatesover things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report.

And they said among themselves, Who shall roll us away the stone from the door of the sepulcher? And when they looked they saw the stone was rolled away."

The passer-by who takes the back room on the third floor is the Savior of men. He it is whose appeal to the better self rolls away the stone while learned savants are discussing the means of removing it by formulas, or even questioning if it can be rolled away at all.

Christ it was who set the example. His whole life on earth was service; his whole appeal was to the better self. He delivered no lectures, gave no dogmas, outlined no creed. "Go; thy faith has made thee whole," is the burden of his teaching. He rebuked not the harlot, but those who had contributed to her downfall and sought to remind her ever of her condition he denounced. It had been a world of selfishness; Christ set a new example of service.

This golden thread runs through all literature, art, music, and history. It is the only golden thread we have in the grimy garment that clothes the world.

It is the theme in the quest of the Holy Grail; by contemplating the great stone face we unconsciously grow like our ideal.

The good bishop declared his faith in the better self of the galley slave, and gave us Jean Valjean, mounting toward God upon the stepping stones of his dead self.

Parsifal, Mary of Magdala, The Servant in the House, The Message from Mars tell the same story. Always it is that of service or loyalty to one's better self and the recognition of whatever there is of good in others.

"Who shall roll us away the stone from the door of the sepulcher?"

President Woodrow Wilson, during his work as governor of New Jersey, said:

"It is safe to take the advice and counsel of the common man. He understands life. He knows what it means to be close to the people. He understands what the people need, because he is one of them himself and feels what they feel. He is in the current, and he knows the current and feels it and understands it better than the man who stands on the bank.

"I have noticed that since I was inaugurated governor of New Jersey, that when men come before me on hearings on matters of legislation most of them know the legislation only as it affects them or their business. They don't know anything about the legislation as it affects the entire community. Now, these are not the men to depend on for advice in framing legislation. What we need is men who are interested in legislation for the general people.

"I noticed in my campaign in New Jersey that when I spoke to a crowd of workingmen—the men who are on the make—I could get along faster with my speech than when I addressed men of leisure. The former understood at once what I was telling them, while I felt when addressing the latter that I had to explain to them the rudiments of what I was telling them. There you have the difference."

This proves Woodrow Wilson a leader of men in the noblest sense of that word. He did not discover any truth. The truth of all ages merely discovered him.

Christ picked his disciples from the humble workingmen because they understood. He spoke from the hillside to the multitude in simple words, because his message was to humanity and the heart of things. Back even of Christianity, in other religions, we are taught the same lesson.

Buddah had to escape, so runs the story of that "heathen" faith, from the thrall of loyalty and become a menial that he might save the people and preach the true gospel. Tolstoi learned the lesson and wore the garb and lived the life of a peasant. Victor Hugo, the most inspired interpreter of democracy, sought the ranks of labor to get the lesson he would impart to others. When Millet put on canvas the beauty of the sky at evening and depicted the better self returning thanks to its Maker, it is with the common people in the field that we bow our heads in worship, and with them we hear the music of the angels.

From the loins of the common people have sprung the leaders of all nations, the master minds of all times, the directing hands in every crisis. This is the lesson needed to-day.

"Who shall roll us away the stone from the door of the sepulcher?"

Not the church as it is to-day, neither the political parties, but service of the better self, the passer-by who is the type of the common man.

The world does not need more wealth; religion does not need more churches; humanity does not need more creeds and parties. A guidebook is not scenery. A cookbook is not nourishment. A fashion plate does not protect against the elements.

Why do we have socialism? Because it is the solution of the evils that canker our industrial system? No. It is merely a protest, a groping for a solution, a cry in the night. Nay, more. It is an indictment of the church as the church is; an exposure of the thing we set up and call democracy.

Socialism appeals to man only because it promises equality. Yet equality is what Christ taught, and equality is what democratic institutions should establish. The workingman is not irreligious—quite the contrary. But why must he go to the lodge room, the labor union, or the saloon in order to find equality? Why the social settlements, the charitable organizations, the Salvation Army?

"Who shall roll us away the stone from the door of the sepulcher" of child labor, of the dark and disease-infected tenement houses, of the overcrowded fire traps where men, women, and little children must work for a pittance in order to exist?

"Who shall roll us away the stone from the door of the sepulcher" of women forced to prostitution by poverty, that worst of poverty known as profitable business, a poverty that is based on an inadequate wage system, in order that those higher up may live in luxury?

"Who shall roll us away the stone from the door of the sepulcher" that contains children wasted by disease, perishing for want of pure water, pure air, pure food, and God's sunlight—four things that should be most free, yet four things that are most rare in our industrial centers?

Has the frocked minister and the vested choir who entertain the stylishly clad congregation to-day, while the automobiles and carriages await outside, any message to furnish concerning evils of child labor, sweatshop conditions, the housing problems, starvation wages, the scarlet woman? Do they offer any solution of the wrong that makes it possible for the granaries that dot the prairies to be filled with wheat while thousands form bread lines in our cities?

Easter Sunday! And we turn our backs upon the poor because a system of our making and toleration has made them poor and keeps them poor. We scorn the ignorant who have been deprived of education because our system has forced them to spend 12 hours a day in hard labor in order to live. We hold in contempt the criminal and harlot, both by-products of our democracy and our Christianity. We forget the sick and afflicted and, arraying ourselves in purple and fine linen and frock coats and hobble skirts, traverse the peacock alleys in our tabernacles and thumb the gilt-edged prayer book—all to what purpose?

To worship Him who was a carpenter's son and rode into Jerusalem upon an ass's colt, who forgave the prostitute, drove out money changers from the temple, and preferred to associate with fishermen? To Him who gave a life of service and bade his disciples to do likewise?

No. We go through the ritual and genuflexions and make a little larger contribution to the plate as a celebration over the fact that Lent is over, because on Monday we may throw off even the guise of service in His name and openly play the shrew, the snob, the bully, the man of the world, the cheat, the coward, the hussy, and the sneak.

"And they said among themselves, 'Who shall roll us away the stone from the door of the sepulcher?' And when they looked they saw the stone was rolled away."

The power of service, the love for the common man, had rolled it away.

Does Easter mean this to you? Is it a resurrection of your better self?

Will this Easter cause any Hugo, Tolstoi, or Lincoln to gaze out into the future and, by the eye of faith and dedication of himself—another passer-by on the third floor back—to see the day—

"When all men's good shall be every man's rule, and universal peace lie like a shaft of light across the land and light the lane of beams athwart the sea through all the circle of the golden year?"

Mr. President, even the charities of the present day have become commercialized. They are carried on as a business. They are doing more, perhaps, than almost any other influence to make this Nation a country of mendicants and beggars. Take a concrete example: One of the millionaires of the day conceived that an easy and convenient way of ridding himself of some of his useless and burdensome millions and at the same time exalting himself would be the giving away of public-library buildings. They are always distinguished by having his name attached to them. These libraries have been constructed in cities and towns without number all over the country. These municipalities have made themselves the objects of charity, and more of them are begging for like favors. Any self-respecting community should be ashamed to accept charity of this kind under any circumstances. Much more should they refuse to accept it as coming from such a source. As a matter of simple justice and right the money thus accumulated belongs not to the dispenser of these charities but to the men, women, and children whose underpaid toil accumulated the fund.

The extent to which this idea of commercializing charity has gone is well exemplified in a bill which passed one House of Congress at the last session entitled "A bill to incorporate the Rockefeller Foundation." It is a marvelous thing that the idea of incorporating such an institution for charitable or educational purposes could have been considered by Congress for a moment. The trustees were named in the bill and included John D. Rockefeller and John D. Rockefeller, jr. It is perfectly understood that the money to be devoted to the carrying out of the objects of this corporation will be the money of Mr. Rockefeller, accumulated through the Standard Oil Co. So Congress is putting itself in the attitude of incorporating a company by law to dispense the millions accumulated by the Standard Oil Co., not alone for purposes of charity, but for the purpose of educating the people of the country. The bill provides:

That the object of the said corporation shall be to promote the well-being and to advance the civilization of the people of the United States and its Territories and possessions and of foreign lands in the acquisition and dissemination of knowledge; in the prevention and relief of suffering; and in the promotion, by eleemosynary and philanthropic means, of any and all of the elements of human progress.

Just think for a moment of the extent to which these millions are to be used to educate the public mind. One of its objects is to disseminate knowledge. Another is to promote any and all of the elements of human progress. The bill further provides—

That for the promotion of such objects the said corporation shall have power to establish, maintain, and endow, or to aid others, whether

individuals, associations, or corporations, to establish, maintain, and endow institutions and other agencies for carrying on said objects, and any of them; to purchase, hold, sell, and convey real estate necessary for the said corporate objects, and to erect, improve, enlarge, and equip buildings or other structures necessary or convenient for said objects, or any of them, and to acquire, make, and furnish all necessary or convenient apparatus and other accessories; to employ and aid others to employ teachers, lecturers, assistants, and agents; to donate to any individual, association, or corporation engaged in similar work, money or property, real or personal, which shall at any time be held by the said corporation hereby constituted, subject to the terms of any gift, grant, bequest, or devise by which the said corporation shall have received the same.

The enormous amount of money allowed to be expended for these purposes may be gathered from a proviso of the bill, as follows:

That the total amount of property held at any one time, including that which is held absolutely as well as that which is held in trust, shall not exceed the value of $100,000,000, exclusive of increases in the value of property subsequent to its receipt by said corporation.

It must be understood in connection with this proviso that it does not limit the amount of money which may be used or controlled by the corporation for the purposes mentioned in the bill, or the amount of property which it may vest in other corporations or persons under such conditions as it may impose, which may run into many hundreds of millions of dollars, but only limits the amount of property in value which the corporation may hold at any one time, and it carefully excludes the increase of value after the property is acquired, which may run into many millions. The bill provides specifically for the right of the corporation to convey property to other persons or corporations, as follows:

To donate to any individual, association, or corporation engaged in similar work, money or property, real or personal, which shall at any time be held by said corporation hereby constituted, subject to the terms of any gift, grant, bequest, or devise by which the said corporation shall have received the same.

So we are asked to enact a law that will to a great extent vest in this great corporation the power to educate and direct the sentiment of the people of the country, as it may see fit, with money accumulated by criminal means. In other words, we are proposing to "farm out" to John D. Rockefeller and his associates the right and power to educate the people of the country. The extent to which this may be carried out is practically unlimited. The corporations and institutions of learning which may be established throughout the country in the hands of people who will be subservient to the interests and views of Mr. Rockefeller and his associates are without number or limitation.

We do not want our children to be taught the ways nor the methods of John D. Rockefeller or his kind, nor to be generous with ill-gotten gains, nor to touch, handle, or profit by gold that should blister the fingers of the man who has accumulated it by extortion, oppression, and crime, and is now attempting to rid himself of it by giving it away, nor to become the receivers of stolen goods in the name and under the guise of charity.

The corporation itself may not hold property worth more than a hundred million dollars at any one time, but it may control in the hands of others an unlimited amount. In addition to this, the corporation is authorized, after 50 years, to distribute this vast fund, to whom is not provided, and all personal property and funds of the corporation are made free from taxation by the United States or any Territory or District thereof; and in some of the States where property used for educational purposes is not taxable the whole of the property, real as well as personal, will be exempt from taxation.

Mr. President, I have said that in its practical results, as a protection to the people, the antitrust act has proved a failure. I desire to reiterate and emphasize that statement. It provides as follows:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract, or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

The first section of the act forbids only contracts, combinations in the form of trusts, or otherwise, or conspiracies in restraint of trade or commerce. It does not make criminal any act of one individual or corporation against another, however oppressive or injurious, although the specific wrongful act in itself may be in restraint of trade or commerce. Such wrongful acts, that should be themselves made criminal, may be proved only to establish the ultimate fact of an unlawful contract, combination, or conspiracy. If this ultimate fact is not established, the wrongful acts committed in restraint of trade must go unpunished.

The second section is subject to the same criticism. It is directed wholly against monopolies and not against acts of wrong or oppression, however much or how directly such acts tend to restrain trade or commerce. The wrongful acts are not an offense against the statute and proof of them can be made only to establish the ultimate fact of a monopoly or attempt or conspiracy to establish a monopoly. The acts themselves, some of which may be directed at one person or corporation and some at another, are not punishable under this section. There can be no doubt that the sole object and purpose of the act was to prevent contracts, combinations, and conspiracies in restraint of trade and nothing else. It was not intended to and does not forbid or render criminal specific acts in restraint of trade or commerce. This is just as true of the section against monopolies as it is of the other. In the Standard Oil case (221 U. S., 1) the Supreme Court said:

There can be no doubt that the sole subject with which the first section deals is restraint of trade, as therein contemplated, and that the attempt to monopolize and monopolization is the subject with which the second section is concerned.

The court might have gone further and said, "And the only offense against the statute by its very terms is the contracting, combining, conspiring, or monopolizing to restrain trade." Contracts in restraint of trade were regarded, at common law, as unlawful as against public policy. Monopolies by individuals were not considered or prohibited. Such monopolies as were known in earlier days were created by act of the sovereign power. In these later times a king's patent is not necessary to create a monopoly. They are created by a power greater than that of kings. In England monopolies by individuals were not forbidden, but specific wrongful acts, engrossing, forestalling, and so forth, by which one person could secure to himself property, the subject of trade, to the exclusion of others, were provided against.

In the Standard Oil case, already cited, the court construed the second section against monopolies as only supplementary to and in aid of the first against contracts, and so forth, in restraint of trade. It is said:

And a consideration of the text of the second section serves to establish that it was intended to supplement the first and to make sure that by no possible guise could the public policy embodied in the first section be frustrated or evaded.

The court says further:

Undoubtedly the words "to monopolize" and "monopolize," as used in the section, reach every act bringing about the prohibited results. The ambiguity, if any, is involved in determining what is intended by monopolize. But this ambiguity is readily dispelled in the light of the previous history of the law of restraint of trade, to which we have referred, and the indication which it gives of the practical evolution, by which monopoly, and the acts which produce the same result as monopoly—that is, an undue restraint of the course of trade—all came to be spoken of as and to be, indeed, synonymous with restraint of trade. In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section—that is, restraints of trade—by any attempts to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about or are brought about be not embraced within the general enumeration of the first section. And, of course, when the second section is thus harmonized with and made, as it was intended to be, the complement of the first, it becomes obvious that the criteria to be resorted to in any given case, for the purpose of ascertaining whether violations of the section have been committed, is the rule of reason, guided by the established law and by the plain duty to enforce the prohibitions of the act, and thus the public policy, which its restrictions were obviously enacted to subserve. And it is worthy of observation, as we have previously remarked concerning the common law, that although the statute, by the comprehensiveness of the enumerations embodied in both the first and second sections, makes it certain that its purpose was to prevent undue restraints of every kind or nature, nevertheless, by the omission of any direct prohibition against monopoly in the concrete, it indicates a consciousness that the freedom of the individual right to contract, when not unduly or improperly exercised, was the most efficient means for the prevention of monopoly, since the operation of the centrifugal and centripetal forces resulting from the right to freely contract was the means by which monopoly would be inevitably prevented, if no extraneous or sovereign power imposed it and no right to make unlawful contracts having a monopolistic tendency were permitted. In other words, that freedom to contract was the essence of freedom from undue restraint on the right to contract.

Thus it appears that the only things forbidden by the statute are contracts, combinations, conspiracies, and monopolies in restraint of trade. When the court came to consider the remedy to be applied in the Standard Oil case the fact that the two sections of the statute had but one object in view was thus further emphasized:

In applying remedies for this purpose, however, the fact must not be overlooked that injury to the public by the prevention of an undue restraint on or the monopolization of trade or commerce is the founda-

tion upon which the prohibitions of the statute rest, and, moreover, that one of the fundamental purposes of the statute is to protect, not to destroy, rights of property.

And the decree of the court below, which was affirmed, proceeded upon the same theory and construction of the statute. After reviewing the contracts, conspiracies, combinations, and monopolies constituting the gravamen of the offense in that case the Supreme Court said:

So far as the owners of the stock of the subsidiary corporations and the corporations themselves were concerned after the stock had been transferred, section 6 of the decree enjoined them from in any way conspiring or combining to violate the act or to monopolize or attempt to monopolize in virtue of their ownership of the stock transferred to them, and prohibited all agreements between the subsidiary corporations or other stockholders in the future tending to produce or bring about further violations of the act.

Still further, in dealing with the nature and extent of the acts done necessary to bring it within the inhibitions of the statute, the court said:

We say this since it does not necessarily follow because an illegal restraint of trade or an attempt to monopolize or a monopolization resulted from the combination and the transfer of the stocks of the subsidiary corporations to the New Jersey corporation that a like restraint or attempt to monopolize or monopolization would necessarily arise from agreements between one or more of the subsidiary corporations after the transfer of the stock by the New Jersey corporation. For illustration, take the pipe lines. By the effect of the transfer of the stock the pipe lines would come under the control of various corporations, instead of being subjected to a uniform control. If various corporations owning the lines determined in the public interests to so combine as to make a continuous line, such agreement or combination would not be repugnant to the act, and yet it might be restrained by the decree.

As another example, take the Union Tank Line Co., one of the subsidiary corporations, the owner practically of all the tank cars in use by the combination. If no possibility existed of agreements for the distribution of these cars among the subsidiary corporations the most serious detriment to the public interest might result. Conceding the merit, abstractly considered, of these contentions, they are irrelevant. We so think, since we construe the sixth paragraph of the decree not as depriving the stockholders or the corporations, after the dissolution of the combinations, of the power to make normal and lawful contracts or agreements, but as restraining them from, by any device whatever, re-creating, directly or indirectly, the illegal combination which the decree dissolved.

Mr. President, what was the remedy applied or attempted to be applied in the case? It was an attempt to annul the trust contracts, dissolve the combinations, and break up the monopoly held to be in violation of the statute. In my judgment this decree was as impotent and devoid of real practical beneficial results as the statute under and by virtue of which it was rendered. It served only to sever the contractual relations by which the several defendant companies were combined and confederated together.

The numerous wrongful and oppressive acts committed by them in restraint of trade, and by which hundreds of legitimate competitors were ruined in business, went unpunished and they, whether alone or in future combinations, were left free to continue such nefarious practices at will. This was no fault of the court. The law did not forbid these acts by which competitors were driven out of business, and provided no punishment for them.

Not only so, Mr. President, but, under the express language of the opinion, any member of the subsidiary corporation might, after this decree, again combine together and do business subject only to be again dissolved, when the process could again be repeated. The subsidiary companies, according to the decree of the court below, numbered something like 46, and their combined capitalization ran up into many millions. The only effect of the decree worthy of consideration was to sever these corporations, restore to each of them its stock held by the Standard Oil Co., and annul the certificates issued to each therefor. They are probably as much in sympathy with each other as before and will likely act together as much as ever, and certainly they may with impunity make such new combinations and contracts with each other as they please, so far as any effect of the decree is concerned. The result of it all is that the stock of the Standard Oil Co., and probably that of the other corporations, has increased in value, and the public, as far as one can see, has derived no benefit whatever from the action of the court. The one great weakness of the statute is that it does not provide in specific terms what shall constitute a contract, combination, conspiracy, or monopoly in restraint of trade. No act is made unlawful or declared to be a contract or combination or monopoly within the meaning of the statute. This weakness is clearly pointed out in the opinion of the Chief Justice in the Standard Oil case. It is said:

Clear as it seems to us is the meaning of the provisions of the statute in the light of the review which we have made, nevertheless before definitely applying that meaning it behooves us to consider the contentions urged on one side or the other concerning the meaning of the statute, which, if maintained, would give to it in some aspects a much wider and in every view at least a somewhat different significance.

* * * * * * *

In substance, the propositions urged by the Government are reducible to this: That the language of the statute embraces every contract, combination, etc., in restraint of trade, and hence its text leaves no room for the exercise of judgment, but simply imposes the plain duty of applying its prohibitions to every case within its literal language. The error involved lies in assuming the matter to be decided. This is true because, as the acts which may come under the classes stated in the first section and the restraint of trade to which that section applies are not specifically enumerated or defined, it is obvious that judgment must in every case be called into play in order to determine whether a particular act is embraced within the statutory classes and whether, if the act is within such classes, its nature or effect causes it to be a restraint of trade within the intendment of the act. * * * The merely generic enumeration which the statute makes of the acts to which it refers and the absence of any definition of restraint of trade as used in the statute leaves room for but one conclusion, which is that it was expressly designed not to unduly limit the application of the act by precise definition, but while clearly fixing a standard—that is, by defining the ulterior boundaries which could not be transgressed with impunity—to leave it to be determined by the light of reason, guided by the principles of law and the duty to apply and enforce the public policy embodied in the statute in every given case, whether any particular act or contract was within the contemplation of the statute.

The construction placed upon the statute by the court in this respect has been severely criticized. I think this has resulted from a misconception of the meaning of the court. It is assumed that the court held that it was within its jurisdiction to determine to what extent the contract or other alleged act was in restraint of trade; that is to say, whether it constituted an unreasonable restaint which alone would violate the statute or only a reasonable restraint not within its terms. I have studied the opinion with care, and I do not so construe it. The court held, as I understand the language of the opinion, that as the statute dealt only in general terms and failed to provide what acts must be done in order to bring the contract, combination, and so forth, within its provisions the court must determine, in the light of reason, whether the ultimate acts of contracting or entering into conspiracies or combinations were in fact in restraint of trade within the meaning of that term as used in the statute and therefore within its prohibitions. This is quite a different thing from holding that if the court found that the act charged was one in restraint of trade it might still, in the light of reason, relieve the offending corporations from an adverse decree, because, in the judgment of the court, the restraint was not great enough to bring it within the statute. If the latter was the ruling of the court, I can not but feel that it was erroneous. The statute is intended to prevent the acts enumerated when they are in restraint of trade. The degree or extent of the restraint is wholly immaterial. It is in restraint or not. If it is, it is within the express and unambiguous terms of the statute and unlawful. But whether it is in fact in restraint of trade must be determined by the contract made, the combination or conspiracy entered into, or the acts done by the parties in carrying on trade or preventing others from doing so, or all these combined, and this, under the general terms of the statute, must of necessity be determined by the court in the light of reason and judgment.

At the last session I introduced a bill providing as follows:

Any person who shall himself, in his own name or for or in the name of any other person, corporation, association, or copartnership, by threat, intimidation, persuasion, or otherwise, prevent any other person, corporation, association, or copartnership from securing loans or credit, or otherwise securing financial aid in organizing or carrying on any lawful interstate business; or who shall by misrepresentation or otherwise destroy or attempt to destroy the credit of any person, corporation, association, or copartnership engaged in such interstate business; or who shall willfully and for the purpose of preventing or hindering the organization or prosecution of any such lawful business by another, or destroying the same, commence or prosecute any action at law or in equity in any of the courts, State or Federal; or who shall, for the purpose or with the intention of driving a competitor out of such business or to prevent competition therein, sell or otherwise dispose of goods, merchandise, or other property for less than cost or so low as to produce no profits; or who shall knowingly and willfully conspire or confederate with any other person, corporation, association, or copartnership to so or otherwise obstruct or prevent the carrying on of any lawful interstate business by another shall be guilty of a felony and be fined not less than $100 nor more than $10,000 and be imprisoned at hard labor not less than 1 nor more than 14 years.

The bill was intended to remedy, in small degree, one of the defects in the antitrust law by making unlawful specific acts in restraint of trade. To destroy the credit of a troublesome competitor is one of the worst and most common, as well as most successful, devices resorted to by big business to put him out of the way. It does not require any combination, conspiracy, or monopoly to carry it out or accomplish the desired result. It is generally the work of some bank that deals in the securities of railroad or other corporations. It may be done by one man as well as by many. It is not within the prohibitions of the Sherman antitrust law, as I have already pointed out, because that law does not provide against specific acts. The way it works is graphically shown in a book lately published entitled "Cannibals of Finance," a very appropriate title. This book is a history of the struggles of one man against competition maintained by just such practices as the bill introduced

by me is intended to prevent. The book is opened by this statement under the chapter heading "The Siberia of finance":

This is a true story of 15 years of persecution; a battle day by day for the right to live and create; a battle with the unfair and destructive methods of the so-called Money Trust, and I can assure my readers that no sufferers in Siberia are more deserving of your sympathy than those who are being daily sentenced by the Money Trust to the Siberia of finance.

There may be no chain gangs. They may not travel in cattle cars nor walk thousands of miles in the snow, but the Money Trust is as autocratic and wields as great a power as the Czar of Russia, and the Siberia to which I have been sentenced at their command has given to me and many others as great mental and physical suffering as the Siberia of Russia.

Then follows a history of financial persecution that should shock the whole Nation and open the eyes of legislators who really desire to check the power of big business and unlimited capital, which holds that power by practices that makes trade and business, as conducted by such men, a by-word and reproach to the whole country. The book would be a revelation to people who do not already know something of the methods of the money kings, the "cannibals of finance." It shows how competitors in railroad building and other legitimate enterprises are ruined financially, and their competitive industries destroyed by receiverships obtained by fraud and perjury, midnight injunctions issued by subservient judges, and credit destroyed by misrepresentation, deceit, and the criminal use of unlimited financial power. It is not an unusual experience in the unsavory affairs of high finance. It is only that in this case the story has been given out to the public. Few will read it, perhaps. Of those who do some will not believe; but it will not fail to attract attention to this great evil.

The bill introduced by me was referred to the Judiciary Committee. Presumably it found no favor there, as it was never heard of again. Notwithstanding that, I have again introduced it at this session, hoping for its more favorable consideration.

If anything more were needed to prove the inadequacy of the antitrust law to accomplish beneficial results, it has been furnished by the late exhaustive hearings and investigations of the subject, and the report made thereon by the Interstate Commerce Committee of the Senate under a resolution providing as follows:

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress at such times and places as they may deem desirable or practicable.

The hearings covered weeks of time and cost the Government thousands of dollars. They consisted mainly of opinions, theories, and speculations of supposed or self-constituted experts. If anything of practical importance resulted from the hearings, it is not disclosed by the report of the committee. The majority report of the committee was prepared, it is understood, by the able and distinguished Senator from Iowa [Mr. CUMMINS], who has given the subject long, careful, and intelligent study; but it brings neither consolation nor hope to an overburdened and oppressed people. It is distinctly disappointing that it contains practically nothing of value as an aid to future legislation on a subject so important and far-reaching. The report says:

The committee will recur to this subject in connection with another aspect of the judicial power, and contents itself now with a statement of its conclusion that there should be further legislation specifically prohibiting certain forms of association, combination, or monopoly which admittedly restrain trade and commerce among the States and with foreign nations, but which may be held by the courts to be indirect or remote interferences.

And again:

The committee does not intend in this report to indicate the terms of the act or acts that should be passed to supply the court with such legislative tests and standards as will limit the scope of judicial discretion. To do so would be to report upon the bills now before it, and that the committee is not prepared to do. It is prepared, however, to say that Congress should, in so far as is possible, specifically prescribe certain conditions upon which persons and corporations shall be permitted to engage in commerce among the States and with foreign nations. These conditions should be of a character that will tend to preserve reasonable competition, or substantially competitive conditions, and to compel independence in both organization and conduct. They should be so clear that the business world can understand them and go confidently forward, guided by them.

Not only should such conditions be imposed upon those who are engaged or propose to engage in commerce among the States, but our legislation should further recite certain known forms of combination and declare them to be unlawful because in restraint of trade. With respect to other forms, we should declare that if restraint is established the burden of proof is upon the persons or corporations involved to show that the restraint is reasonable.

* * * * * * *

The committee does not conceal the difficulty of reaching an agreement concerning the details of the legislation just outlined, but it has no hesitation in reporting that legislation of the general character pointed out is both wise and necessary.

It will be seen that the committee is inclined to follow in the line of the present antitrust law and confine legislation to "forms of combination supposed to be in restraint of trade," and not to specific acts certainly and obviously having that effect. This is evident from the recital in the report that legislation should "further recite certain known forms of combination and declare them to be unlawful because in restraint of trade." In other words, it is proposed not to make specific acts in restraint of trade unlawful and punish them but to render it illegal to form a combination by and through which such acts may be better and more successfully committed. To illustrate what I mean, let me take a story said to have been told by one of the high officials of the Standard Oil Co. of the means used by that company to dispose of one of its competitors:

Well, it is quick work putting them asleep. I had a man in our Cincinnati office who had saved about $100,000; he found out that the Standard Oil had practically no trade in one of the Southern States. He resigned from our employ, moved down there, and in three years built up a business that netted him between forty and fifty thousand dollars per year. Oh, he was a good hustler, and we made up our mind that we wanted his business. I offered him $200,000 to sell out, and what do you suppose? He had the nerve to refuse it.

Well, I put in a system of oil wagons and sold oil at 1 cent per gallon less than it cost him to get it. The next year I sold at 2 cents less than it cost him to get it. He was a good fighter and met our prices, but it was useless. No one would lend him money or help him, although he tried in every way to get financial aid. They knew we were after him and would get him in time. We cleaned him out in a little over two years. Such a fool not to sell out for the $200,000 that I offered him!

There could be no more direct or effective means than this of destroying competition and restraining trade. It required no combination, no contract, no conspiracy to carry it out. It could be done by one company or one man as well as a dozen. That just such acts have been done in hundreds of cases to the destruction of competitive business by the Standard Oil and other corporations there is not the slightest doubt. But they are not within the Sherman antitrust law. They would not be within it if every amendment of or change in that law suggested by the Committee on Interstate Commerce in its report were enacted into law. The trouble is that we are legislating against the shadow and not the substance of the offenses that are so seriously affecting the people. If we are going to accomplish anything worth while, we will have to change front entirely and commence to make specific acts in restraint of trade unlawful and punish them accordingly.

Mr. President, what we want in the great struggle that is going on between the trusts and other forms of the money power is not mere theories or theorists, but common sense and practical knowledge. We do not need an expert to tell us that to destroy the business of a weak competitor by a powerful corporation, by selling for less than cost, is a great wrong and in restraint of trade. The destruction of a man's business by depriving him of credit to remove him from competition is not a theory, but a fact. The man who does these things deserves to be in the penitentiary as much as the thief or the burglar; but we have made no law against such acts, but allow them to go unpunished.

Mr. President, laws enacted to make men fair and honest in business are generally unsatisfactory and disappointing when it comes to their enforcement. We passed a law at the last session which I am afraid will fall within this class. It is the law providing for the physical valuation of railroad properties. I was glad to support the bill because, in principle, it is right and just. But it will, I am sure, fail to accomplish beneficial results to any such extent as is expected of it. The prime objects of such valuation are to determine the question of the reasonableness or unreasonableness of the issue of stock and bonds of the corporation and to arrive at the rates such companies may justly impose. But without additional legislation it will fail of its purpose. If the value of the corporate properties could be ascertained with reasonable accuracy and how much of this value had been paid for by the stockholders, and is legitimately a part of the investment of the company of its own money, something practical and tangible might result. But unless this is done the immense values of railroad property will be ascertained and a great part of that value will have been contributed by shippers and other patrons of the corporations. It will not disclose the capital or investments of the corporations.

They will get the advantage, in such a valuation, of property paid for by the patrons of the roads in unreasonable and excessive rates; and, if future rates are fixed, in whole or in part, on such valuations the shippers will be paying rates on their own investments and not on that of the company. The

only just thing to do, in ascertaining such value, is not only to find the actual worth of the property, but to deduct from it the amounts paid for it out of the earnings of the corporation. In other words, the right of the corporation to issue stock and bonds and charge rates, especially the latter, should depend upon the property owned by it and paid for with its own money. The amount of bonds issued, or money borrowed, is not a safe guide in determining the amount of a company's investment by any means. Stocks and bonds issued, and the funds realized from their sale, do not accurately indicate the amount invested ostensibly for construction or improvements. They too often find their way into the pockets of the promoters, officers, and stockholders of the company, while its property is being paid for out of earnings derived from rates paid by shippers. The rights of such corporations to charge rates or to issue stock or bonds can never be fairly based on property valuations until you can segregate the amount paid therefor by the company. The patrons of a public-service corporation should not be required to pay rates based on the value of property that they have paid for. The company is entitled to a reasonable return on its own investment and nothing more.

One conspicuous exception to the unsatisfactory character of legislation of this kind is the act creating the Interstate Commerce Commission and defining its powers. It differs very materially from the antitrust statute in that it gives the commission continual supervision over corporations under its jurisdiction and enables it to discover any unlawful or unjust proceedings on their part and provide and enforce a practical remedy. Sometimes these remedies are not as drastic as they should be, but they are always ready to be and generally are applied with promptness.

Mr. President, this same supervision should be extended to other corporations doing an interstate business, and the States should enact and enforce like remedies within their own jurisdictions. There is no reason, sir, why the powers of this commission should not be extended to the matters so feebly dealt with under the antitrust law. Let the Interstate Commerce Commission be given power to investigate any corporation or corporations charged with or suspected of contracting, combining, conspiring, or monopolizing in restraint of trade, and to dissolve the combination and place the offending corporations in the hands of a receiver, whose duty it shall be to close up the business of such corporations. It is not enough to dissolve the combination. The corporations themselves should be dissolved and their business wound up. In addition to this the officers of the corporation should, when the unlawful combination is established, be punished by imprisonment, not in the county jail, as for a mere misdemeanor, but in the penitentiary. The offense is worse than that of the thief or the burglar and should be punished accordingly. It is worse, because its perpetrator not only steals, but he violates a trust that any honorable man would regard as sacred. One of the great troubles is that both the legislative bodies and the courts deal too leniently with this class of criminals. By the antitrust law the stealing of millions of dollars and the destruction of the business of thousands of men are made mere misdemeanors punishable by a fine of not exceeding $5,000 or imprisonment not exceeding one year, or by both, "in the discretion of the court," while the poor thief who steals a hundred dollars, or even less, is made a felon and sentenced to long years in the penitentiary. And yet, theoretically, all men are equal before the law. Even the mild punishment of one year's imprisonment is rarely imposed by judges. They exercise their discretion in favor of the convicted criminal, with rare exceptions. It is a matter of wonder and of deep concern, this sympathy of judges for the rich and powerful criminals.

There is nothing to be done if laws for the protection of the weaker many from the criminal oppression of the rich and powerful few are to be made effective but to take away the discretion of the weaklings on the bench, make the crime a felony, and imprisonment imperative. As I have said, this will not make honest men who commit such crimes. They may, and some of them doubtless will, continue their nefarious practices, just as others continue to commit crimes of different kinds for which severe penalties are imposed, but it will have a wholesome and deterrent effect and do substantial justice.

But, sir, while we are dealing out justice to the criminals who use their powers unjustly through powerful corporations or their own great wealth we should be equally careful in protecting honest corporations and individuals of wealth in their rights. Such as these who desire to obey the law and respect the rights of competitors in business and the general public suffer injustice as the result of the misdeeds of the unworthy. It makes no difference how big a corporation is or how wealthy the individual their rights are as sacred and should be just as jealously protected as the weaker competitor.

Mr. President, there are many reforms yet to be brought about—reforms so closely connected with each other that the achievement of one without the other amounts to but little. Regulation of wages and hours of labor, protection of the freedom of trade, and prices to be charged to consumers belong to a class, and reforms in all of these should go hand in hand. The establishment of one is important if the others are to follow, but all of them are necessary for anything like adequate protection of the people. I suppose we are likely soon to have reform tariff regulation, as the dominant party, with all branches of the Government under its control, is pledged to tariff reform.

If this means only a reduction of the tariff, it will be a delusion and a snare that will react upon the party that brings it about. There are industries in this country that are overprotected and others that are not. Overprotection, or so-called protection where none was needed, has contributed largely to the building up of immense fortunes and powerful combinations that are now throttling competition, restraining trade, and destroying legitimate and worthy competition. The high tariffs were brought about to a very great extent by the oft-repeated claim that they were necessary for the protection of the wage earners. But they have not protected the laboring men nearly so much as the greedy and often unscrupulous employers. The protected industries pay no higher wages than the unprotected ones, and the wages paid bear no fair relation to the profits of the business or the amounts pocketed by the proprietors or stockholders of the protected industries. Instead of paying higher wages because of the protective tariff, thus encouraging American citizens to become and continue wage earners, the protected trusts and other big business have imported cheap foreign labor, driven our own people away from the manufactory and the shop, and degraded the one kind of labor that should be encouraged and made respectable.

It might be an excellent thing in harmonizing the tariff and wages to allow the Interstate Commerce Commission to determine whether fair wages are being paid by any concern; and if not, to compel the employer employing foreign laborers and paying European wages to pay the same tariff on its manufactured goods that are enforced against foreign importations until its wages are increased to a fair scale for American workmen. If we are sincere in our claim of protecting our workmen from the competition of cheap foreign labor we could do so effectually in this way.

If a high tariff did in fact protect the wage earner I would cheerfully stand for its continuance, even at the expense of higher prices to the consumer; but if the laborer gets any of the benefits of a high tariff, it is infinitesimal in comparison with that of his millionaire employer. Unfortunately, the tendency of reform tariff legislation seems to be to commence at the wrong end and reduce the tariff where it will do the least good and maintain it where it does the most harm. The evident purpose of the so-called tariff experts is, so far as progress has been made, to deprive the farmers, who are themselves laboring men and wage earners in most cases, of all protection and preserve it to the trust and millionaire manufacturers. This would be a fatal mistake. The manufacturer with his millions generally needs no protection. In most cases our manufacturers and business men can compete with the world and make profits. They can and do sell their goods cheaper in foreign markets than at home. With the farmer, in many cases, it is different.

By maintaining a high protective tariff we have made trusts and combinations possible, and now we are attempting with poor success to enact and enforce laws to dissolve the powerful combinations of wealth that we by law have created. I am afraid we will make a show of regulating and reducing the tariff where it can not hurt us—in politics—and still protect the powerful influences that are now and have been for a long time ruling our politics and the affairs of government. I believe in the protection of our home industries of every kind where protection is really needed. I do not believe in tariff laws that result in abnormal profits with all their accompanying evils.

Our Democratic friends are divided into advocates of tariff for revenue only and free traders. I do not believe in either, but of the two I sympathize most with the free trader. If we are to levy a tariff only with a view of raising money to carry on the affairs of government, we had better resort to direct taxation and be done with it. It will distribute the burden more evenly, and be more just to all concerned, and tend to economy in government. If a tariff is to be levied, it should be for protection of our industries, and levied upon products that

will afford that protection. The raising of revenue should be an incident only to this object, and no tariff should be levied on the theory that it will or that it is necessary to raise revenue. The Democratic Party has the power and the opportunity to so regulate, equalize, and adjust the tariff along just and right lines, as to supply the Government with the necessary revenues, protect worthy and struggling industries that need and deserve to be protected, withdraw it from the powerful industrial concerns that do not need, but have abused the power and advantage it has already given them and do no one harm or injustice. One of the first steps to this end should be the establishment of a competent and nonpartisan tariff commission and the removal of tariff legislation from the baneful influence of politics. It is a task that calls for the highest wisdom and patriotism. If it misses the opportunity or prostitutes the power the people have given it to base or partisan purposes, it will return to the oblivion from which the partisanship and folly of the Republican Party has enabled it to emerge. But to entitle it to continue in power it must do more than this. It must pass such legislation as will protect the people from the tyranny and oppression of the money power wielded by the great trusts and combinations that have grown up and prospered under the misrule of the reactionary wing of its old enemy, the Republican Party.

The wage earner must be protected in his earnings and reasonable hours of labor, the consumer in reasonable prices, and the whole people must be protected in their independence and liberty. There must be no dominating or superior class in this country. The equality of all men must be made a reality and not a theory. This must be made and maintained as a government of the people. If the Democratic Party can and will accomplish these results, demanded by the people, it may live and maintain itself in power. If it does not, its reign will be brief. If neither of the old parties can or will restore the government to the people as our forefathers handed it down, then a new party will be raised up that will do the people's will. It will not be a one-man party, or one founded on hatred and disappointed ambition, or one dominated or controlled by disappointed trust promoters and political bosses, or designing trust magnates seeking through it to advance their own interests and ambitions. It will be a party of the people's own making, founded on justice, fair dealing, and disinterested patriotism. I am ready to give the Democratic Party a fair trial. I have no political ambitions of my own. I am willing to wait and see and to lend my aid to that party or any other to bring about just and beneficent laws through and by which the whole people may be brought into their own and their just rights fostered and protected. May the day soon come when political parties will be patriotically striving for the good of the whole Nation, and not for the loaves and fishes and their own political gain and advantage; when parties will be governed by principles of right and justice, and not by ambition, self-seeking, and greed for place and power.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, which had been reported from the Committee on Appropriations with an amendment.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martin, Va.	Smith, Ga.
Bacon	Gallinger	Martine, N. J.	Smith, Md.
Borah	Gronna	Nelson	Smith, Mich.
Bradley	Hitchcock	O'Gorman	Smoot
Brady	Hollis	Oliver	Stephenson
Brandegee	Hughes	Overman	Stone
Bristow	James	Owen	Sutherland
Bryan	Johnson, Me.	Page	Swanson
Burton	Johnston, Ala.	Perkins	Thomas
Clapp	Kern	Pomerene	Thompson
Clark, Wyo.	La Follette	Ransdell	Townsend
Clarke, Ark.	Lane	Robinson	Vardaman
Colt	Lippitt	Root	Walsh
Cummins	Lodge	Saulsbury	Warren
Dillingham	McCumber	Shafroth	Williams
Fall	McLean	Sheppard	Works

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

Mr. MARTIN of Virginia. Let the appropriation bill be now proceeded with. I ask unanimous consent that the formal reading of the bill be dispensed with. There is only one amendment by the committee, and I desire to have the committee amendment first considered. I ask unanimous consent that that course may be taken.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent that the reading of the bill be dispensed with.

Mr. BACON. I may have misunderstood the Senator from Virginia. I did not understand him to ask that the reading of the bill be dispensed with but that the formal reading be dispensed with. It has to be read at some time. It has never been read in the Senate, I understand.

Mr. MARTIN of Virginia. I ask that the formal reading of the bill may be dispensed with.

Mr. STONE. And that it be read now for amendment.

Mr. MARTIN of Virginia. Yes, sir.

The VICE PRESIDENT. Is there objection to dispensing with the formal reading of the bill? The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill and read to line 2, on page 6, the last item read being as follows:

> Caspar, Wyo., post office: For completion of building under present limit, $25,000.

Mr. CLARK of Wyoming. I call attention to a clerical error at the top of page 6. "Caspar" should read "Casper."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, line 1, strike out "Caspar" and insert "Casper."

Mr. MARTIN of Virginia. I have no objection to the correction. I do not think it is necessary, as the sound is the same.

The VICE PRESIDENT. Without objection, the amendment will be made.

The reading of the bill was continued. The amendment reported by the Committee on Appropriations was, on page 102, after line 16, to strike out:

> Hereafter vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 24, page 129, the last item read being the following:

> Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. GALLINGER. Mr. President, I will ask the Senator from Virginia [Mr. MARTIN], in charge of the bill, if he prefers that the reading be concluded before any amendment is offered?

Mr. MARTIN of Virginia. I will say to the Senator that I should prefer that the reading of the bill be finished. Any amendments that are in order may then be presented.

Mr. GALLINGER. That is quite agreeable to me.

Mr. BORAH. Mr. President, I ask the chairman of the committee if there is any written report upon the proviso which has just been read, as to what it means and as to what purpose is to be accomplished by it?

Mr. MARTIN of Virginia. There was no written report; only a formal report submitted to the Senate with the bill. That proviso is in totidem verbis as it was when this same bill passed through the conference committee, passed the two Houses, and went to the President at the last session of Congress.

Mr. BORAH. I so understand.

The reading of the bill was resumed, beginning at line 1, page 130, and continued to line 12, on page 142, the last item read being the heading: "Under the Department of Commerce and Labor."

Mr. BURTON. Mr. President, it is evident that this bill is a copy of the one that passed at the last session, and that the word "Labor" should be stricken out on page 142, as the department now is the Department of Commerce.

Mr. MARTIN of Virginia. Of course, I could not say that there is no word change in the bill, but I certainly think there is no substantial change.

Mr. WARREN. Mr. President, I want to ask the chairman of the committee, does not the bill, as we formerly passed it, provide in terms that so much of the money as has been appropriated and that shall be appropriated by this act and by the Indian appropriation act may be divided between the Departments of Commerce and Labor? Perhaps the Senator has a copy of the former bill before him.

Mr. MARTIN of Virginia. That provision is certainly made.

Mr. WARREN. I think that is provided for, I will say to the Senator from Ohio.

Mr. SUTHERLAND. Mr. President, I should like to ask the chairman of the Committee on Appropriations a question. These appropriations are all under the head of the Department of Commerce and Labor, and, if I understand it correctly, some of the appropriations go to the Department of Commerce and some of them go to the Department of Labor. Is that correct?

Mr. MARTIN of Virginia. That is correct; simply conforming to the law creating the Department of Labor.

Mr. SUTHERLAND. Then, I suggest to the chairman that the word "Department" should be made "Departments"—that it should be in the plural and should read "Under the Departments of Commerce and Labor."

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 142, in the heading, beginning in line 11, it is proposed to strike out the word "Department" and to insert in lieu thereof the word "Departments," so that it will read:

Under the Departments of Commerce and Labor.

Mr. MARTIN of Virginia. I have no objection to that, though I do not think it is at all necessary. I think the context of the bill makes it perfectly clear. I do not, however, make any objection to it.

The amendment was agreed to.

Mr. LODGE. Mr. President, I do not want to interfere unreasonably with the reading of the bill, but I desire to offer an amendment on page 181. I will offer it later, however, if the Senator from Virginia desires that the reading of the bill shall first be concluded.

Mr. MARTIN of Virginia. I will say to the Senator from Massachusetts that I hope he will permit the reading of the bill to be finished. Then he can go back and offer any amendment he sees fit at any point in the bill.

Mr. LODGE. Very well.

Mr. SMOOT. I desire to reserve an amendment to the bill to strike out lines 3, 4, 5, 6, and 7, on page 169, or if the Senate do not decide to strike out that clause, then I shall call up Senate resolution No. 3, which passed the Senate on March 17, 1913. I will explain it to the Senator from Virginia when we reach it.

Mr. MARTIN of Virginia. I will say, Mr. President, so that there may not be any further misunderstanding about it, I announced at the outset that when the reading of the bill was completed amendments could be offered; that it was not contemplated that any interference would be had with amendments by finishing the reading of the bill or with the desire of any Senator to offer an amendment to any section or clause or sentence in it.

The reading of the bill was resumed and concluded.

Mr. GALLINGER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. On page 129, line 13, it is proposed to strike out all after the numerals "$300,000" to and including the word "products," in line 24, in the following words:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. MARTIN of Virginia. Mr. President, if the Senator from New Hampshire will excuse me for intervening at this moment, I merely wish to make a brief general statement—not a discussion of the amendment which he offers—but before amendments are taken up I should like to submit just a few words explaining the bill.

Mr. GALLINGER. I shall be pleased, Mr. President, to withhold the amendment for that purpose. I think it is desirable that the bill should be explained.

Mr. MARTIN of Virginia. Mr. President, I hesitated to take even the very few moments necessary for that purpose, because I felt reasonably sure that every Senator present understood the bill thoroughly well. It is verbatim et literatim the bill which passed both Houses of Congress after an agreement of the conference committee at the last session. It came back to the respective Houses and met with the approbation of both Houses. It went to the President, and when it went to the President, as I have stated, it was exactly in the same terms and phrases which are now incorporated in it. Not a single change has been made in the bill except one amendment which was made here in the Senate. That one amendment reported by the committee and approved by the Senate struck out of the bill a provision which reduced the number of the Board of Governors of the Soldiers' Homes. There were, I think, 11. They received no salary, but only actual expenses going to and from the places where the meetings of the board were held. While I was very anxious to see the bill pass just as it had been passed at the last session without crossing a "t" or dotting an "i," I felt that there could be no real harm in making this one exception rather than excluding from that board any of the old soldiers who are already on the board and who did not wish to see any change made. So the committee made that one amendment. With that exception, the bill as it stands now before the Senate is identically the bill which passed both Houses of Congress at the last session.

I will say, Mr. President, that my anxiety to avoid all amendments, particularly amendments increasing appropriations or covering items of appropriation not already contained in the bill, was due to this conviction on my part: If we appropriate for the expenses of conducting the Government once a year at the regular session of Congress, which meets in December each year—if we make the appropriations then that are required for the next ensuing financial year—I think we are appropriating fast enough. I believe the necessities of the public service will be amply provided for when we discharge that duty once a year. I think it is a bad practice, and I think it would be an unfortunate course, to undertake, whenever we happen to have an extraordinary session of Congress, to go into the matter of appropriations for the conduct of the business of the Government.

We hear a great deal about unnecessary appropriations and extravagance in the expenditure of public moneys; and no doubt there is some occasion for criticisms of that sort. We will never have a government that will be free from all weak points and free from all abuses; but enough errors creep into our appropriation bills when we take them up only once a year; and I feel that it is entirely unnecessary to go into these matters of appropriations for the public service at this extraordinary session of Congress.

Then, too, Mr. President, I look upon this bill as a piece of completed legislation. It had the very best care that could be bestowed upon it by the committees of the respective Houses, by both Houses themselves, and by the conference committees of the two Houses. It was scrutinized as closely as it could possibly be scrutinized; weeks were expended in hearings in the other House; and every item in the bill was not only scrutinized, but most of them were discussed, considered, and deliberately agreed upon. I believe, Mr. President, that it is as free from objections and as just and as reasonable a sundry civil appropriation bill as ever passed the Congress.

The amount appropriated by the bill, $116,795,327.01, is a large amount; but it is in round numbers about $23,000,000—I will not take the time to read the figures with absolute exactness—less than the amount estimated to be necessary by the departments of the Government; and $1,332,000 in round numbers less than the amount appropriated for the preceding fiscal year. So that the bill as now presented to the Senate appropriates $23,000,000 less than was estimated to be necessary, and nearly a million and a half dollars less than was appropriated for the preceding financial year. I think, Mr. President, that those figures justify the statement which I have made that the bill has been carefully considered and that all of the precautions that could be exercised have been exercised to keep the expenses of the Government within proper limits.

I will not take the time of the Senate to go further into details. The general statement I have made will explain to the Senate what the bill is. It is, as Senators all know, almost exclusively an appropriation for liabilities which exist against the Government under previous legislation. With few exceptions the bill simply provides for meeting the obligations of the Government as the coupons of the bonds of the Government have to be met. Under previous legislation obligations have resulted, the Government has become liable, and the sundry civil bill for the most part simply appropriates the money to meet those obligations which, under previous legislation, have become imposed upon the Government.

Now, Mr. President, if we undertake to depart from the policy which I have indicated and the policy which controlled the committee, we will open a wide field for increased appropriations. If you amend this bill in any particular to gratify a Senator who thinks he has a case differing from the general run of cases and from the items desired by other Senators, if you open the door at all, if you commence to enlarge this bill, you may find that the door will be opened so wide as materially

to increase the amount carried by this bill and cause unnecessary expenditures.

There are cases, I know, which seem to be very urgent; there are cases that, I will confess, I have not been entirely able to answer when the committee has been appealed to to add items not contained in the bill, but no great injustice would be done even if those matters remain without remedy until next December. I feel that the safe rule, the wise rule, and the just rule is to let these appropriations all go over until the regular session, when the annual appropriations are taken up and when any necessary items can be provided for.

Mr. President, in addition to that, I will say that there will no doubt come to the Senate from the other House a deficiency bill. Appropriation bills, according to the recognized policy prevailing between the two Houses, must originate in the other body; indeed the House contends that it alone can originate appropriation bills; but whether or not that position be well taken—and I, myself, have never considered it well taken, although I have no purpose to revive a discussion of it at any time, and certainly not now—the universal practice is for appropriation bills to originate in the House, and the chairman of the Committee on Appropriations of the House tells me that he expects later on to send to the Senate a small deficiency bill providing for some very urgent matters which were not provided for, and perhaps most of them could not have been provided for, at the last session of Congress.

If there are any items of extraordinary importance which, if not provided for at this session of Congress, will result in any very great inconvenience or injury or injustice, they can be considered in connection with that bill much more safely than in connection with a piece of completed legislation, such as the sundry civil bill. I sincerely hope that Senators who have in mind items which they would like to see appropriated for in the pending bill will not undertake to amend this bill, but will reserve their purpose until the deficiency bill comes over. If those items which they think ought to be provided for are to be provided for at all, it is much better, as I have said, to provide for them on that bill, which is not yet drafted or even considered, than to undertake to disturb the provisions of a piece of completed legislation, such as the pending bill.

For those reasons, Mr. President, I very much hope that Senators will withhold amendments. There are, I know, some appropriations for public buildings and various other objects which seem to be important, and perhaps urgent, but they have no place, in my judgment, on a piece of completed legislation such as this. If they are to be considered at all, they ought to be considered in connection with the deficiency bill, which, later on, will be brought to the Senate.

I make these general statements, Mr. President, and most earnestly hope that other Senators having in view the same object which I have, namely, the guarding of the Treasury against useless and unnecessary appropriations, will reserve for the annual session the consideration of all ordinary items of appropriation, and that they will agree with me that it is the course of wisdom, economy, and justice to leave the sundry civil appropriation bill just as it was fixed by the last Congress.

Of course, what I have said does not embrace to the fullest extent the question presented by the amendment offered by the Senator from New Hampshire, though to a lesser degree the argument does apply; and later on I shall no doubt find it necessary to give some reasons which satisfy me that the amendment should not be adopted. At present, however, I only wish to make some general statements in respect to the whole bill. I did not intend to and will not at present address myself to the amendment offered by the Senator from New Hampshire.

Mr. WILLIAMS. Mr. President, before the Senator from Virginia takes his seat I should like to ask him a question. I suppose his remarks do not apply to omissions from the bill which are omissions from the estimates?

I notice that the item relating to the road from Vicksburg to the Vicksburg National Military Park, which is being constructed by the Government, and for which purpose there is a recommendation of $10,000, is left out of the bill. When we reach that particular place in the bill I hope the Senator will give that matter the benefit of the doubt as an omission from the bill. I understand it was left out by accident, though I do not know how it came to be left out.

Mr. MARTIN of Virginia. Mr. President, my remarks, for what they are worth, do apply to just such items as that. Of course every item that a Senator wants in the bill, and that is not in the bill, is an omission.

Mr. WILLIAMS. Oh, no. This was at one time in the bill for $5,000, as I understand from a letter that was written me by the Vicksburg National Park people. Then, afterwards, the department estimated for $10,000; and instead of changing it from $5,000 to $10,000, it was dropped—I do not know how.

However, when we get to that place in the bill I shall probably have the correspondence, and we can enter into the matter more particularly. It undoubtedly must be a casus omissus.

Mr. MARTIN of Virginia. There are cases just like that all over the country. There is one down in my State, I think, at Fredericksburg. They wanted some improvements made to the road from the National Cemetery to the city of Fredericksburg. It is an omission; the item was not put in.

Mr. WILLIAMS. But this is a scheme for continuing work that the Government has already been doing.

Mr. MARTIN of Virginia. The Fredericksburg scheme is exactly the same thing. There was an appropriation, and the work was attempted, but not adequately accomplished. The project is in bad shape; it is not a credit to the Government, and in my judgment it ought to be appropriated for; but it was omitted from this bill just like the Vicksburg item was omitted.

There is not a Senator on this floor who has not some item in his State which was omitted from the bill. The House did not put in the appropriation which the Senator from Mississippi wanted in, and the bill came over to the Senate, and neither the committee nor the Senate put it in here. It was omitted. There were hearings on it also, but the committee did not put it in. I do not say they did right when they left it out, but I say we should do wrong if we put it in now.

It ought to wait until the December session, when matters of that sort can be taken up and considered, not only this item in Mississippi and this item in Virginia, but items all over the country.

I see the Senator from Ohio is looking over here at me in a very significant way. He has been for weeks appealing to me and urging me to help him get in this bill some omitted items. The Senator from South Carolina, whom I do not see in his seat, tells me there was a very flagrant injustice done by omitting an item for a public building in his State. I imagine there is not a Senator on this floor who does not find omitted from the bill some item which he thought ought to have gone into it. If we are to open the bill and discuss all the items which Senators think ought not to have been omitted, we will take weeks of time, and when we get through, perhaps, we will have a bill almost as big again as the one we are now considering.

I appeal to Senators to let this piece of completed legislation, which was considered and perfected and agreed upon by both Houses of Congress as a suitable bill to provide for the expenses of the Government for the financial year commencing the 1st of July, 1913, be passed without further amendment. I say it has been completed, and we ought not to open it. It would be a great mistake to open it. We had better adhere to what we did before, and let these omissions and these injustices, if they exist, be taken up and considered and disposed of next December, when we again come to appropriate for the expenses of the Government.

Mr. GALLINGER. Mr. President, the amendment that I have offered is understood by every Senator, as it will be perfectly understood by the country at large. In advocating that amendment I do not propose to detain the Senate for any considerable length of time.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I yield to the Senator.

Mr. BORAH. The Senator says this amendment is understood. I am frank to say, after considerable study, that it is wholly ambiguous to me. I do not know what the purpose is, or what the language intends to convey as the purpose of the provision. If the Senator or anyone else knows precisely what it means or what it is intended to accomplish, I should like to know it. It is to my mind susceptible of an interpretation which means nothing at all.

Mr. GALLINGER. Mr. President, what I meant to convey—I was unfortunate if I did not state it accurately—was that the purpose of the amendment I have offered is perfectly understood. It is to strike from the bill a certain provision that has had more or less consideration heretofore.

It will be recalled that at the last session, when this bill was passed in the identical form in which it is now presented to the Senate, the President of the United States vetoed the bill, and as a result it failed of enactment into law. I am going to read a paragraph from the veto message of the President.

A great deal of stress is being laid in certain quarters upon these words of the proviso:

Or for any act done in furtherance thereof not in itself unlawful.

I have read with a great deal of care Mr. Gompers's long letter, which I have on my desk, 13 pages in length, in which he lays a great deal of stress upon those words, arguing that no harm can be done by the proviso, because of the fact that it does not apply if the acts done are not unlawful in themselves.

The President of the United States, in his veto message, took up that matter, and dealt with it in these words:

The proviso is subtly worded, so as, in a measure, to conceal its full effect, by providing that no part of the money appropriated shall be spent in the prosecution of any organization or individual "for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor," and so forth. So that any organization formed with the beneficent purpose described in the proviso might later engage in a conspiracy to destroy by force, violence, or unfair means any employer or employee who failed to conform to its requirements; and yet, because of its originally avowed lawful purpose, it would be exempt from prosecution, so far as prosecution depended upon the moneys appropriated by this act, no matter how wicked, how cruel, how deliberate the acts of which it was guilty. So, too, by the following sentence in the act such an organization would be protected from prosecution "for any act done in furtherance" of "the increasing of wages, shortening of hours, or bettering the condition of labor" not in itself unlawful. But under the law of criminal conspiracy acts lawful in themselves may become the weapons whereby an unlawful purpose is carried out and accomplished. (Shawnee Compressed Coal Co. *v.* Anderson, 209 U. S., 423–434; Aikens *v.* Wisconsin, 195 U. S., 194–206; Swift *v.* United States, 196 U. S., 375–396; United States *v.* Reading Co., Dec. 16, 1912.)

I apprehend, Mr. President, that it is perhaps on that very point that the distinguished Senator from Idaho, one of the ablest lawyers in the Senate or anywhere, is puzzled to know precisely what this provision in the bill actually means. I confess that I, as a layman, do not understand its full import, and hence I shall not undertake to interpret it.

The President concludes his veto message in these words:

It is because I am unwilling to be a party to writing such a provision into the laws of this Republic that I am unable to give my assent to a bill which contains this provision.

Mr. President, I remarked a moment ago that I did not propose to discuss this matter at length. It seems to me that the proposed legislation is bad; that it can do no good to anyone; and that it may be the means of doing much harm to important interests in the country, including labor itself.

I have been flooded with letters and telegrams on this question—most of them, it is true, from men engaged in business; in one instance I received a letter from a very intelligent laboring man, who protested in the name of labor that harm will come to labor if this should become the law of the land. That letter I have not on my desk, but it was received a few days ago.

Out of the telegrams—they have been very numerous, and I suppose every Senator has received them—I have selected two which I propose to ask to have read into the RECORD. One is from the Cadillac Motor Car Co., of Detroit, Mich. The other is from the Atlanta (Ga.) Builders' Exchange. I will ask that the Secretary read those two telegrams.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DETROIT, MICH., *May 2, 1913.*

JACOB H. GALLINGER,
Senate, Washington, D. C.:

Legislation that has not sufficient merit to stand out in the open should not be smuggled through as a rider to an appropriation bill. Our wonderful history is due to the fact that all are equal before the law. The restrictive clause in sundry civil bill is pernicious discrimination. It singles out one particular class for favor before the law. The one class seeking this favor is and has been charged with heinous crimes in the name of liberty. Any investigation you may make will convince you that the entire country is watching this proposed iniquitous discrimination with increasing displeasure.

H. M. LELAND,
Cadillac Motor Car Co.

—

ATLANTA, GA., *May 1, 1913.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

We vigorously protest against the passage of the sundry civil bill, forbidding use of public money to punish violation of law. Class legislation is extremely dangerous, unfair, and unjust. We earnestly ask that you use your influence and vote against the passage of this bill.

THE ATLANTA BUILDERS' EXCHANGE.
By R. M. WALKER, *President.*

Mr. GALLINGER. Mr. President, a few days ago the Chamber of Commerce of the United States was in session in the city of Washington. It is a great organization, composed of delegates from the various boards of trade and chambers of commerce of all States of the country. At that meeting a resolution was adopted which I will ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, D. C., April 29, 1913.

SUNDRY CIVIL BILL (H. R. 2441).

ENFORCEMENT OF ANTITRUST LAWS.

Resolution adopted by the board of directors of the Chamber of Commerce of the United States of America in session in Washington, D. C., April 24 and 25, 1913:

"*Resolved*, That it is the sense of this board that the provision in the sundry civil bill now before the United States Senate preventing the use of any part of the appropriation for the enforcement of antitrust laws in the prosecution of special classes is a violation of the fundamental principle of equity and law enforcement. We object to the principle of having Congress exempt from prosecution any class of possible offenders under any law, toward which this provision is, in our opinion, a definite step, and we respectfully protest against its enactment into law."

Submitted for consideration of the Members of the Senate of the United States.

By order of the board of directors.

ELLIOT H. GOODWIN, *General Secretary.*

Mr. GALLINGER. Mr. President, what I wished to say on this question has been substantially said. Of course it will be heralded in certain quarters that every Senator who opposes this provision is an enemy of the cause of labor, and that he is opposed to legislation in the interests of the laboring man. That does not disturb me in the least. A demand has been made upon me scores of times since I have occupied a seat in the Senate, accompanied by threats, that I should support certain legislation in the so-called interest of the laboring men of the country. My reply has always been that I would give it consideration; that if it commended itself to me I would support it; otherwise I would not.

I have taken this matter under consideration in the same spirit. While I confess to some difficulty in interpreting the exact language of the bill, I am entirely clear in the conviction that it is a discrimination, and that it proposes to exempt from the operations of a general statute certain organizations in the United States. It seems to me that a statute dealing with a great question, such as the Sherman antitrust law does, should have universal application, and that if it is not good and wise legislation the original statute should be amended, and that we should not undertake to amend it through an appropriation bill such is is now under consideration.

I shall content myself, when the vote is taken, with asking for a yea-and-nay vote, in order that I may record my vote against the proviso I have moved to strike out. When that is done my duty will have been done, and whether the amendment prevails or is lost there will be no ground for complaint on my part.

That is all I shall endeavor to do. I am entirely willing that the vote shall be taken as speedily as it may be after the subject has been debated by other Senators, who will doubtless present both sides of the question.

Mr. TOWNSEND. Mr. President, I feel that it is my duty to protest against the provision in this bill limiting the appropriation for administering the antitrust law by prohibiting the Department of Justice from using any part of it for enforcing that law against labor unions and farmers' associations. No labor or farmers' organization has asked me to permit it to do an illegal thing; no one has written me a word in reference to the matter, except that I received a letter from the head of the American Federation of Labor indorsing the provision of the bill in so far as it applies to labor organizations, and a circular letter this morning from a lawyer of this city who assumed to speak for farmers.

I am opposed to the provision because it is a vain thing, so far as the enforcement of the antitrust act against the organization sought to be exempted is concerned. There are other funds which the Department of Justice can use to enforce this law impartially. The proposed action is not the most direct and honest way to proceed, even if it is desirable to treat the employer and the employed differently, so far as combinations in restraint of trade are concerned. The fair, open, and just way is to amend the Sherman Act directly and not through the circumlocution of restricting the use of an appropriation.

But if the limitation of the appropriation before the Senate is vain, why is it proposed and why do I oppose it?

It is vain so far as the impartial enforcement of the Sherman law at present is concerned, but it furnishes an opportunity for some statesmen to go on record as favoring a strong political class of our people without making its results particularly effective. Some there are who honestly and sincerely believe in the proposition to exempt labor organizations from the operation of the antitrust law, and they take advantage of this opportunity to express their approval of this provision with the hope that it will eventually lead to an amendment of the general law.

I am opposed to it because I believe it is largely a matter of politics, and bad politics at that.

I am opposed to it because I am a friend of labor organizations; and being a friend, I am opposed to injuring them by passing class legislation nominally for their benefit but eventually for their detriment. The laborer of all men is vitally interested in just and impartial law.

This measure proceeds on the declared assumption that American labor is a class, and implies that its members have no hope of getting out of it into the so-called employer class. Nothing could be more hopeless or more unjust than this, if it is or shall be true. All labor does not get its just dues. It has not had an even chance in the great struggles of the past. It is even now working under great handicaps, not least of which are some of its exploiters, who for financial or political reasons find it exceedingly useful. To relieve labor from some of its burdens should be the honest effort of every good citizen in and out of Congress, and it is comforting to know that a great majority of the people sympathize with labor in its struggle for its rights and for its proper share of the wealth which it creates. I believe most heartily in organized labor. If I were a laborer, as the term goes, I would, if possible, belong to a union, and I would try to make membership in that union stand for worth and character, and all I would ask would be equal opportunity under equal law, and I would insist that there should be no impassable wall separating employer and employee.

I would resist all efforts from without or from within my order to shut the door of advancement against me and my fellows. It is one of the glories of our country that a great majority of our men of affairs, of our public men, of our great men in every department of life, have come up through the ranks of labor and from the very bottom of the line. We should not change this by enacting a law which recognizes the principle that labor is a class which should be treated differently from the way the employer is treated.

Under existing conditions the strike is sometimes beneficial and sometimes apparently necessary, but this admission simply emphasizes the imperfection of men in their search of remedies for existing injustice because the strike is wasteful at best, and principles are seldom established by it. It seems, however, to be the only means now recognized. How much better, as it seems to me, it would be to have a commission, such as I have tried to secure for years, to make public the causes which now induce to strikes, for public sentiment would then be founded on facts instead of prejudice, and public sentiment would control, and the controversies would be settled justly. Honest labor has nothing to fear from publicity.

But we must not lose sight of the fact that a great majority of laborers do not belong to unions. Shall this Government tie its hands so that it can not protect the rights of the unorganized? Shall we subdivide labor into the organized and unorganized and have a special law for each? Certainly not. Conspiracies may exist and have existed not alone against the employer, but they have sometimes been more powerful against unorganized labor.

It is possible that the antitrust act has been invoked in some cases both against employers and labor organizations where action should not have been entertained, but such cases have been most rare, and there is no danger under present public sentiment that such decisions will be followed as precedents.

Every lawful right of labor should be safeguarded to the very limit, and labor has no better friend than I am. Indeed, it is because I am in sympathy with the toiler for one reason that I object to this kind of privileged class legislation which may lead to his injury.

Nothing illustrates the political character of this proposed provision better than the fact that farmers' organizations are included in it. Have these organizations petitioned for this? Is there anything which farmers' associations are doing or which they are proposing to do which is now unlawful? I have heard of nothing of that kind. The farmers are law abiding as a class and want no special legislation which is not for the common good. Then why have they been linked with labor organizations in this provision? There can be but one answer, and that is politics. If the farmers could be induced to believe that the antitrust law is inimical to them, their moral and political influence would be powerful in the passage of this class legislation; furthermore, it adds some strength to the provision by associating with it the farmers of the country. The class is thus made larger. I have heard no argument from the proponents of the measure in behalf of farmers who are now suffering because of their inability to do any just thing. I doubt if any Senator has received complaint from any real farmers or bona fide farmers' organizations.

Mr. JOHNSTON of Alabama. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. Certainly.

Mr. JOHNSTON of Alabama. If the Senator from Michigan will permit me, I will say that I have received letters and telegrams from the president of a farmers' union in Alabama insisting upon this provision being included in the bill. I just wanted to make this statement because the Senator said that he thought no Senator had received any communications from such organizations.

Mr. TOWNSEND. I am obliged to the Senator. I have received nothing, nor have I known of anyone else who had received anything before.

Does any Senator believe that any employer could long endure if he resisted the known just and proper demands of his employees? But how shall we know whether the demands are just and proper? Will a resort to the test of endurance between capital and labor through the medium of the strike furnish the needful information? Will the sympathetic strike or the boycott settle permanently any great principle? Is it right that the great mass of the people who are served by railroads and mines and factories shall suffer irreparable injuries while some captain of finance and some labor leader are fighting for supremacy?

Shall we say that any influence shall be permitted to coerce men into breaking contracts with which they are satisfied, into leaving employers against whom they have no grievance, in order to settle the differences existing between other men with whom they have no relation? Would the advocates of this measure support another amendment exempting from the operation of the trust statute employers banded together to blacklist the workmen of any one industry and to prevent the employment of all laborers until the proscribed workmen accede to their employers' demands?

Mr. President, the black list and the boycott, the sympathetic strike, and all methods of direct or indirect intimidation are undemocratic and should be un-American. The differences of capital and labor will never be permanently adjusted through methods which are not at once approximately just between them and fair to the great mass of the people who constitute the Republic and furnish the opportunity and safeguard the rights of both employer and employee. The pending proposition will result in no good to honest labor, but it will emphasize and widen the artificial gulf between capital and labor.

I am, sir, in favor of just and equitable laws, which can not be set aside either by the rich and powerful or by the poor and weak. Indeed, when there shall have been created a just and intelligent public sentiment, there will be no rich and poor, no powerful and weak, known in the administration of law.

It is not possible that the segregation of our people into classes called capital and labor, with penal statutes peculiar to each and not applicable to both, can be good for our country. To me conspiracy is conspiracy, coercion is coercion, lawlessness is lawlessness, the same as murder is murder, no matter what the political, financial, or social standing of the offender may be.

It is not our business as legislators to refine what common consent accepts as wrong by classifying the people and exempting one class while holding another.

But if you insist on this kind of legislation, let it be done directly, and not hand to labor organizations a bouquet of poppies gorgeous in color but withering and falling to pieces even as they reach to grasp it.

Mr. President, it is because I do not believe that this exemption can possibly result in benefit to labor, but possibly may result in disaster to the whole country, that I am in favor of striking the provision from the bill.

Mr. McCUMBER. Mr. President, when Abraham Lincoln put his signature to the emancipation proclamation for the first time in American history he made the old Declaration of Independence ring true to its meaning that all men are born equal, not with equal intelligence, not with equal character, but with equal rights under the law. For half a hundred years we have been living in a country in which that condition of equality has been recognized, golden era of American history, and for the first time we now have a proposition to change that old declaration and to reassert that all Americans are not born equal, that some have rights which are not accorded to others, that some have responsibilities which should not be enforced against others.

Mr. President, if there is any one thing in my American citizenship of which I am justly proud it is the right of equality under the law with every other American citizen. It is the right to look with level eyes into the eyes of every other citizen

of this land, conceding no superior right and acknowledging no inferior right.

No man in this country, Mr. President, is entitled to a special privilege. God pity the country when we shall arrive at a condition when for a political support we shall as legislators declare that there are castes in American citizenship against whom the general laws of the land shall not be effective.

What are the laborers in the United States entitled to at the hands of Congress? A special law for their benefit that will exempt them from the general rule that is applicable to other people? No, Mr. President, but they are entitled to benefits which the party I represent has always accorded to them, and that is the right to sell their labor in a protected American market. What are the farmers entitled to in this country?

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. In just a moment. What are the farmers entitled to? They are not entitled to any special privilege, and, so far as the farmers of my State are concerned, they are not asking for a special privilege. They do say that they are entitled, as American citizens and by reason of their citizenship, to the American market for their products in preference to the foreigner.

Now, I yield to the Senator from Texas.

Mr. SHEPPARD. Did not this bill with the provision which the Senator is now criticizing pass the Republican Senate at the last session of Congress?

Mr. McCUMBER. This bill passed at the last session of Congress. That is as far as I am prepared to go.

Mr. SHEPPARD. With this provision in it?

Mr. McCUMBER. With this provision in it; and it was vetoed by a Republican President. I will admit, for the benefit of the Senator from Texas, that it is more or less of a party proposition, and that the Democratic Party has put itself squarely on record as recognizing a distinction of class in American citizenship.

Mr. SHEPPARD. The Senator is criticizing his own party.

Mr. McCUMBER. If that is criticizing my own party, and any members of my party are supporting the exemption clause in this bill, then it seems that the whole of the other side of this Chamber have suddenly come over to my party or that portion of my party.

Now, Mr. President, what benefit will the farmers receive from this exemption? I have not heard of any of them who ever asked for it. We now produce beyond our home consumption in all lines of agricultural products. I do not know of any method by which we can greatly enhance the value of our property or what we have to sell by any character of an organization, so long as you place us in open competition with the whole world. We may derive some benefit from an organization which educates and advises in reference to the law of supply and demand. We can accomplish very much in that respect, and I am one who is heartily in favor of agricultural organization for that particular purpose, and to do any other lawful act to enhance the value of their products, but I anticipate that no agricultural organization would ever ask the right to be exempted or be protected if they attempted to do a thing for which they could be prosecuted. I admit the right of the farmers to organize as much as possible to determine what kind of crops it would be best for them to raise in a single year, but I deny the right of anyone of that organization to insist upon either a boycott or a night-rider's raid against the farmer who does not see fit to follow its particular advice along that line, and I do not believe the American farmer is asking for any privilege that is not extended to every other American citizen.

Mr. President, this is made more or less of a party measure, and I want to consider it a moment in that light. I know, and I think every other Senator knows, that it is more or less of an appeal to a certain class of citizens for their suffrage. Now, let us see whether or not the laborers will receive the benefit that is expected from class legislation.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Will the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield to the Senator.

Mr. BORAH. I am opposed to this proviso as it is offered, but I regret very much any attempt to make a party matter out of a measure of this kind. It ought to be considered from another standpoint. This matter came into the Senate for the first time two years ago from a Republican House, and it was passed at the last session by a Republican Senate. In my judgment it is not a party measure, nor can it be made such. It arises from a different condition entirely, and it ought to be considered from a different standpoint entirely. I do not believe that you will find when you come to analyze the history of it that it has its source in one party more than another.

Mr. McCUMBER. Mr. President, I have considered it from the American standpoint. The vote which perhaps will take place in a very short time will demonstrate whether or not it is substantially a party measure, and I will permit that vote to determine that question.

The true friend, Mr. President, of the wage earner is the party or the Congress that by its acts rather than by its idle declaration subserves the interests of labor.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I do.

Mr. BACON. In addition to what the Senator from Idaho [Mr. BORAH] has said, I will simply call the Senator's recollection to the fact, if I am not mistaken, that this provision came to the Senate prior to the last Congress; that it came to the Senate several Congresses ago in a bill from a Republican House of Representatives.

Mr. McCUMBER. That is what I understood the Senator from Idaho did say.

Mr. BACON. It was prior to the passage of this bill.

Mr. LODGE. He said so.

Mr. CLARK of Wyoming. That is what he said.

Mr. BACON. I misunderstood him.

Mr. BORAH. I stated that it came here two years ago.

Mr. BACON. I thought it antedated that.

Mr. BORAH. I think it was in June, 1910.

Mr. McCUMBER. It is not material when it came here; it is not material as to what ancient cause brought forth this result; I insist that it is un-American and un-Republican, and I am considering it from that standpoint.

Each of the political parties, Mr. President, has always declared itself to be the firm and steadfast friend of the American laborer; but no party on earth has so carefully safeguarded the real interest of the laborer as the Republican Party. If we had no other criterion than declarations we well might pause as to which party to intrust our interest. But the interest of labor, like the interest of any business in this country, depends upon proper legislation and national policies. Policies which destroy our commerce, which annihilate our industries, ever have been and ever will be destructive to labor interests. Policies which promote industrial development, which increase our exports, which open up new fields of employment, which give confidence to investment of capital, always have resulted and always will result in more extensive employment and better wages to the laboring man. No more glaring example of the truth of this assertion could be given than a comparison of the condition of labor under the last Cleveland administration with the condition of labor and business since 1896.

The best friend of the laboring man is the party or the Congress which will give him the greatest opportunity to work at the greatest remuneration. Talk will not produce this. Bluster will not produce it. Appealing to prejudices will not produce it. Granting special privileges or exemptions will not produce it. It can be produced in one way and one way only, and that is by so conducting our national affairs as to give the country the greatest possible prosperity. General stagnation is the graveyard of labor hopes.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield to the Senator.

Mr. REED. The Senator has just stated that creating special privileges will not create prosperity. In what way has his party ever undertaken to build up any industry except by creating a special privilege and taxing the people for its support?

Mr. McCUMBER. Mr. President, a privilege which gives to the American citizen as a citizen the first and superior opportunity in the American market is a proper privilege. That belongs to citizenship in general and not to class.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield further?

Mr. McCUMBER. I yield.

Mr. REED. The Senator says that the privilege belongs to citizenship. Is he not aware of the fact that the Supreme Court of the United States has decided that it is absolutely unconstitutional to levy a tax upon one class of citizens for the emolument and profit of another, and that instead of belonging

to citizenship as a right the exercise of it is in the teeth of the Constitution itself?

Mr. McCUMBER. Mr. President, the value of all labor is finally fixed by the value of its product in the field of consumption. Neither labor union nor capital union can eliminate that law. There must be a demand for the product. Back of the demand must be a prosperity which will assure ability to pay. The political party or the Congress whose precepts carried into effective legislation maintain prosperity and ability to pay subserves the real interest and is the true friend of the laboring man. The party or the Congress whose policies spell industrial stagnation is the enemy of labor, no matter what its declarations are.

The last 16 years of American history ought to demonstrate to every citizen which of the two great political parties can best be intrusted to maintain this prosperity.

It is true that we declare for one law for all men—rich or poor, black or white, capitalist, business man, or laborer. I recognize the right of capital to combine for legitimate industry or commerce to cheapen production and assist in the distribution of what it produces. I recognize the right of labor to combine to facilitate its interests, to increase the individual earnings of its members, and to promote the general prosperity of the workingmen of the country. But I deny the right of the one to combine to stifle competition or monopolize trade and the right of the other to destroy an industry which may not conduct its business along lines laid down by it.

This Government can not afford to make one law for one set of men and another for another set. It can not afford to declare that a certain act committed by one man shall be a crime and be punished as such, which act shall be lawful when committed by another. Such a law would be the opening wedge to a despotism which would soon destroy free government. No party can be said to be a true friend of labor which would advocate immunity for a labor organization which would not be granted to all other organizations doing the same act.

And right here let us remember, Mr. President, that public conscience and sympathy, which have been always naturally on the side of the laborers, would experience a change of sentiment if that class were granted special exemptions from a rule deemed necessary to govern the rest of mankind, for the public wants fair play and equality before the law; and if there is any way that a labor union or farmers' union or any other union can incur general hostility and eliminate their asset of sympathy with the American public it is by demanding a special law for their particular class.

Labor unions are useful and, in my opinion, are necessary in order to secure the best possible remuneration for labor service. These unions, however, can not make business. The most they can do is to secure the best results for themselves under conditions over which they have no control.

I am a strong believer in labor organization. I wish to see the laborer marching forward and onward toward a greater and ever greater triumph until he shall reap his legitimate share in the profits of all his toil produces. In my opinion, the highest and happiest condition of humanity will be when the son and daughter of the laborer sit side by side in the higher institutions of learning with the son and daughter of the owner of the business in which he labors, and his wife, in the refinement of her position, and exalted by proper and honest respect for labor, is recognized as the social equal of any woman in the land. But this can only be brought about by education, by the uplifting of labor, by a just recognition of its equal rights by capital and not by special privileges or one-sided laws.

Mr. President, our present industrial system is unnatural. No man ought ever to labor for another man. There should be no employer and employee. It is a system that has grown up during the ages. I believe it is a system that will be gradually worked out of existence. I believe that the cooperative plan of labor and employment is sure to gain ascendency in the end. Every laborer ought to feel that his own interest as well as his heart and mind combine with his efforts, and that he has a direct interest and part ownership in every product which his hand or mind brings forth. But we have not that condition now, and we may never reach it if we write into our laws a class distinction where we must ever after recognize the laborer as one class and the capitalist as another class. I hope to live to see the day when the laborer will have more than a mere labor interest in the product of his skill, when he will be both capitalist and laborer.

Mr. President, I oppose this exemption in behalf of those very farmers who, Senators say, are asking for a special privilege; but above all, Mr. President, I oppose it as a simple American citizen who believes in the equal right of every man before the law.

Mr. BORAH. Mr. President, when the Sherman antitrust law was originally before Congress in 1890 this same question was presented in a different way to the Congress of the United States. There is no doubt but those who originated the idea of an antitrust law had in mind in the first instance legislation relative to industrial combinations almost exclusively. But as the debate progressed and the subject was discussed more fully it came to be believed that the law was broad enough in its terms to include labor organizations and organizations of farmers. I think it was Senator George, of Mississippi, who first called attention to the matter. I have been told by those who are more familiar with the history of that legislation than myself that Senator George drew the amendment to which I am about to refer, but, nevertheless, the amendment was actually offered in the Senate by Senator Sherman. The amendment offered by Senator Sherman was to follow or rather to become a part of section 1 of the Sherman antitrust law as it now exists, and was in the following words:

Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages, nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with a view of enhancing the price of agricultural or horticultural products.

That amendment was adopted by the Senate, but when the bill was sent back to the committee it came out of committee without the amendment, and was passed and became a law, as it now is, without that proviso.

There has been an agitation ever since the passage of the law in favor of this exception—not a considerable agitation upon the part of the farmers, but considerable upon the part of organized labor. Both organized labor and the farmers, however, have undoubtedly favored amending the law. But to amend the law is one thing; to refuse to enforce it so long as it exists is another thing.

Mr. BACON. Mr. President, will the Senator pardon me? My attention was diverted for a moment. I think the amendment read by the Senator was stated by him to have been offered by Senator Sherman. Am I correct?

Mr. BORAH. That is correct.

Mr. BACON. I have not examined the RECORD in several years, but my recollection is distinct, and I think if the Senator will examine it he will find that a similar amendment was offered by that very great lawyer and distinguished Senator from Mississippi, Senator George.

Mr. THOMAS. That is what the Senator from Idaho said.

Mr. BACON. I thought he said it was offered by Senator Sherman.

Mr. THOMAS. He said it was offered by Senator George, too.

Mr. BORAH. I said I have been informed that Senator George was actually the author of the amendment, but it was actually offered, according to the RECORD, as it appears, by Senator Sherman, of Ohio.

Mr. BACON. I did not hear the Senator distinctly and I misunderstood him. My recollection was very distinct. I have forgotten whether it appears in the RECORD or not that the author of that amendment was Senator George, of Mississippi.

Mr. BORAH. I think, likely, that is true.

As I was remarking, there has been a great deal of agitation upon the part of organized labor in favor of amending the law.

Mr. WILLIAMS. Before the Senator from Idaho passes away from that stage of his discussion I want to ask him if it is not a fact that the argument made against the amendment was that the bill did not apply and could not apply to laborers' organizations and that in so far as objection was made to the amendment it was nearly altogether upon the ground that it was useless, because the bill did not make a crime out of any combination of workingmen for the purpose of securing increased wages or reduction of hours or betterment of conditions?

Mr. BORAH. There were Senators who entertained the view, especially in the first part of the debate, that the bill would not include labor organizations, but I think anyone must come to agree in reading the debate in full that the Senate finally came to the conclusion that its purpose was to prohibit restraint of trade and not to inquire who were the authors of the restraint. While in the first instance it had in view alone the question of industrial combinations, there can be no doubt, it seems to me, but what as they finally came to pass upon it they thought it unsafe to except any class of people from interfering with interstate trade. I will not at this time go into the debates to substantiate my view, but I have reached that conclusion, and concerning that conclusion I entertain no doubt.

Mr. BACON. Mr. President——

Mr. BORAH. I yield to the Senator from Georgia.

Mr. BACON. If the Senator will pardon me, I have now before me the RECORD which contains the correct statement upon which my recollection was based. I have before me an antitrust bill introduced by Senator George. It is Senate bill No. 6, introduced in the first session of the Fifty-first Congress. In the first section, which makes the prohibition general, there is this proviso—and that is the origin of the provision which was afterwards offered by Senator Sherman, I presume. This is the proviso to the antitrust bill which was drawn by Senator George and introduced by him December 4, 1889:

Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products.

I presume that is the exact amendment which was afterwards offered by Senator Sherman.

Mr. BORAH. I think that is the exact amendment.

Mr. BACON. That is the origin of it.

Mr. BORAH. I think, as I have said, the Senator from Georgia is correct, and I endeavored to give Senator George full credit for being the real author of this amendment, as I have no doubt he is entitled to that honor.

Mr. President, two years ago the proviso which is now in the pending appropriation bill was passed by the House of Representatives and came to the Senate. The Committee on Appropriations omitted it from the bill in its report, and the report of the committee was adopted upon a yea-and-nay vote in the Senate. This year it came here from the other House and was finally adopted without any yea-and-nay vote by the Senate.

Perhaps it is unnecessary to say so, but when it appeared in the appropriation bill two years ago I expressed the same view with regard to it that I now entertain. In the first place, in my judgment, it is a vain and ineffectual piece of legislation. I do not in saying that mean to impute any wrong motives to those who are urging it, but I think when you come to examine the language you will find it very difficult to arrive at a conclusion as to what it means. It means, it seems to me, to pretend something without actually assuring anything. It establishes a bad precedent without accomplishing what it promises to accomplish.

I can not believe that the Senate of the United States or the Congress of the United States deliberately intends to leave a law upon the statute books unmodified and unrepealed, and to connive at its violation by any man or any combination of men. I can not believe that there is any considerable class of people in this country associated with labor or associated with agriculture who would ask the Congress of the United States to leave a law upon the statute books and give them permission to violate it, and yet if the proposed law does not mean that it is a vain, ineffectual, duplicitous, insincere, and hypocritical thing. Let us read it. It reads:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful.

Unless all of those things amount to a restraint of trade, unless all of those things enumerated violate the Sherman law, of course this proviso is wholly immaterial. If, on the other hand, those things enumerated do amount to a violation of the Sherman law, then we, as a legislative body, are saying that we have a law which shall be enforced as to some and may be violated as to others. But that is not the worst. We are putting ourselves in a position where we say that interstate trade may be brought to a standstill and interstate commerce actually prohibited by a certain class of people if they have the power to do so. I can interpret this ambiguous language in no other light, and so interpreting I can not agree to support it.

I have an idea that those who are advocating this, in the first instance, assumed that there were certain things which labor had a right to do that it ought not to be restrained from doing in connection with unionism and kindred matters which might possibly come within the purview of the Sherman antitrust law. If the language were sufficiently specific to limit it so that combinations of that character could organize for the purpose of increasing wages and protecting their rights and interests, without amounting to a restraint of trade, if the dividing line could be devised and specifically stated, I would be in favor of it; but the difficulty is, as I say, it either means the thing which amounts to a restraint of trade or else it means nothing so far as this language is concerned. I am thoroughly in favor of leaving labor uninterfered with in all legitimate efforts to increase wages and protect themselves. But this proviso is not necessary for that. It means more or it is useless.

What is the necessity of putting the provision in the bill at all? As has been said by the Senator from Michigan [Mr. TOWNSEND], there are plenty of other funds by which to enforce the Sherman antitrust law. On the other hand, suppose we leave it out of the bill entirely; there is nothing obligatory upon the Executive Department to use any part of these funds for the purpose of prosecuting this class of combines. View it as we will, it has no other object or purpose apparently than that of establishing a bad precedent of, by indirection, seeming to except from the law a class of people who are in combination as organized laborers and as farmers. I presume that we can regard it from that standpoint if we are to give it any effect at all.

So far as any prosecutions against labor organizations thus far are concerned, they have only been in instances where it did amount to a restraint of trade. There has never been any attempt that I know of or, at least, that I find in the books, where there has been any prosecution, at least sufficiently successful to reach the courts, where the acts of the combination did not amount to an absolute interference with interstate commerce. The first case that I have any knowledge of is the case reported in Fifty-fourth Federal Reporter, where interstate trade was absolutely stopped or prohibited by the interference; the other cases are those which are known as the Receiver cases, where railroads in the hands of receivers were interfered with to such an extent as to wholly stop traffic. But they were all sustained upon the proposition that the act of the parties finally amounted to an actual obstruction of interstate commerce, or such manifest interference as was unreasonable. Of course the most noted case is the Loewe case, which is known as the Danbury Hatters case, in which the Supreme Court of the United States finally held that this law does apply to organized labor.

Mr. President, if this law were before the Senate as an original proposition, if we were in a position to determine whether or not it should apply and under what circumstances it should apply to organized labor or to farmers, a different question entirely would be presented. We might very well say, for some reason, that there should be a limitation, as Sherman and Teller and George and other eminent lawyers and statesmen thought there ought to be, but we are now proceeding in an appropriation bill to except the operation of the law from a certain class without, if I may use the phrase properly, having the courage to go back and amend the law, and we place ourselves in a position where we are leaving a law upon the statute books and at the same time undertaking to except its operation.

I do not propose to discuss the matter at length, but for these reasons I should oppose any exception of this kind, at least until it comes up in the form of an original proposition to amend the law. I think we ought to take up this law and seriously consider the amendments which would meet this situation. I think I shall offer the Sherman amendment to this bill if the motion to strike fails. I can not for a moment consent to leave the law as it is and in this way weaken or destroy its worth.

Mr. President, if I understand the supreme genius of this Government under which we live, it is obedience to law as it is written. You may unwrite the law; you may change or modify its terms, and in doing so you may make such exceptions as are founded upon substantial differences in the struggle of life, but when it is once written and placed among the statutes as a guide, it must be a guide for all, or it will shortly be a guide for none. You may not, while it is there the last expression of the public will, suspend its operation without bringing into peril the whole vast fabric, for the cancer, which no human power has ever been able to eradicate when once it has fastened its poisonous and spreading fangs upon the life of a republic, is disobedience to the law. When the representatives of an entire people, of all stations and both sexes, of every race, color, and condition of life, crystallize the views of those they represent into a rule of action, that rule is universal, imperious, and indifferent to all who violate its terms. If it be a bad rule, it is our duty to change it in the open, manly way provided by the Constitution, but not to compromise with candor by suspending its operation as to some and then seek to compensate our conscience by crying the louder for its enforcement as to others.

I am in full sympathy with the effort of labor to secure the enactment of better laws—laws which will more effectually protect their rights and insure a fairer distribution of the wealth which their labor creates. But for this very reason, if I had no other, I would be opposed to precedents which would undermine the stability or render wholly worthless those laws when once enacted. If there is anything well established by the experience of nations it is that you can not confine a disregard for the law to a part of the people and enforce respect and obedience from

another part. Even in the old days when class distinctions were pronounced and rigid, the virus would spread from one class to another and ultimately the whole community found itself one in disorder and crime though divorced in all other things. I have said many times, and I repeat it here, that I would either take this law off of the statute books or I would put every man in stripes who violates the law and let business chaos come. Better have business chaos for a season than a civic breakdown and moral disintegration, for this will follow as inevitably as the night follows the day if this disregard for law is to continue. I stand ready to take up this law, reconsider it, make it plain and enforceable, and make it conform to the best judgment of the present day. But while it is here I can not for any reason connive at its violation.

Permit me to say to the man of labor it has never been a matter of very much concern to the man of great wealth under what form of government he lives. The man of wealth can get along; he always has got along pretty well under any form of government. In the hour of lawlessness, when disorder and crime prevail, he finds a way to protect himself. But there is only one sure and certain protection and safeguard for the poor, and that is a government of just and equal laws, faithfully enforced, universally obeyed. That is the goal for which he should always strive—that means peace and prosperity; it means educated children and comfortable homes. He finds his protection in a free, open Republic in whose supreme power and honor all may share and whose orderly justice all may enjoy. Such a government can only come from a law-abiding, home-loving people. In the hour when the supreme question overtopping all others is enforcement of the law, obedience and respect for the expressed mandates of the people, in God's name let not those who are most interested in that great issue either ask or give quarter. Let us either obey the law or repeal it.

Mr. CUMMINS. Mr. President, I expect to vote for the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], but lest I might be thought to concur in all the views that have been expressed favoring the amendment I want a word upon it.

Historically I think that what has just been said is inaccurate. The Sherman antitrust bill, so called, came into the Senate of the United States, I believe, either late in 1888 or early in 1889. It was debated at various times for nearly two years. Originally it was referred to the Committee on Finance, together with a great many amendments that were proposed, but during the two years of debate, as I remember it, the phrase "in restraint of trade" had not been employed in the bill or in any amendment. The bill was finally referred to the Committee on the Judiciary, and was very soon reported from that committee in a form prepared either by the then Senator from Vermont, Mr. Edmunds, or the then Senator from Massachusetts, Mr. Hoar. There is some controversy between the former distinguished Senator and the descendants of the latter Senator with regard to the authorship of the bill as it finally became a law. However that may be, as I remember, when the Judiciary Committee made its report in 1890 for the first time the prohibition took the form which it now bears, namely, a prohibition against restraint of trade.

As I recall, the controversy with regard to the exception of labor unions was chiefly directed to the bill while in the form debated in 1889 and not to the form which the bill finally assumed. I say this in justice to the leaders of the labor movement. I believe that they were assured, after the bill was reported from the Committee on the Judiciary in the form in which it now is, that it did not include labor unions. I believe they suspended or ceased their opposition to it because of that assurance. This is the history of that enactment, and I think there was very great surprise when it was afterwards claimed that the terms of the law embraced the labor unions and when it was afterwards declared by the Supreme Court of the United States that its terms did include organizations of the kind I have described.

So much I have said because I believe that the labor unions have been entirely consistent, as well as persistent, in the claim that this law does not fairly embrace such organizations as are now known as labor unions. However, the fact remains that the Supreme Court of the United States has said that the law does include organizations of this character. It has almost said that physical interference with the instrumentalities of trade is restraint of trade, a thing which no English court, from which we took the phrase "in restraint of trade," had ever suggested in all the development of the subject. Personally I do not believe that physical interference with trains or factories constitutes a restraint of trade in the sense of the antitrust law, although such interferences may be and ought to be offenses against other laws.

The Senator from Michigan [Mr. TOWNSEND] is mistaken also with regard to the attitude of the farmers of the country. The largest organization of farmers in the United States is now, or was recently, petitioning Congress to so change the antitrust law as to enable the farmers to combine in a manner that under the construction of the statute would be a violation of its provisions. The officers of this association appeared not long ago before the Committee on Interstate Commerce, of which my friend from Michigan is a distinguished member, asking for that change in the law. At the same time one of the leaders in the labor movement in America, the distinguished president of the American Federation of Labor, appeared and asked the same thing; and we now have under consideration before the Interstate Commerce Committee the question of whether the law should be so amended as to remove certain phases of combination among farmers and certain phases of combination among laboring men from the scope of the antitrust law.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I yield to the Senator from Michigan.

Mr. TOWNSEND. I recall very well the circumstance to which the Senator refers; but has any farmer's organization suggested that this particular amendment in this bill—and that is what I was directing my discussion to—be enacted in this form? Did they discuss that provision before the committee?

Mr. CUMMINS. In so far as I know, no farmer's organization presented such a request to the committee. I am simply supplying the history of the matter.

Mr. TOWNSEND. The Senator is not correcting anything that I said. I was discussing the question of doing this either directly or indirectly.

Mr. CUMMINS. If I am in error in regard to what the Senator from Michigan said, I beg his pardon. I thought he took the position that there was no desire on the part of the farmers of this country that certain organizations, into which many of them enter, should be released from the effect of the antitrust law. I was sure I could refresh his memory upon that point; but if he says that no farmer's organization has requested that the Congress of the United States make a declaration that if they violate the law they shall not be punished for it, I quite agree with the Senator from Michigan.

Mr. TOWNSEND. That is what I did say.

Mr. CUMMINS. I do not recall any such request. So much, Mr. President, I feel bound to say in order to lead up to this proposition: I believe that there are certain things connected with labor unions which are now declared to be unlawful which ought to be lawful. I think the Supreme Court of the United States has strained this law unnaturally and unnecessarily in order to bring within its provisions certain phases of labor organizations, and I am for amending the law so as to make certain things lawful which now seem to be unlawful under the decisions of our courts. But so long as they are unlawful I am not willing to say that any moneys that are provided for the administration of justice shall not be expended in their prosecution. We must have class or special legislation. In a sense, nearly every law that we pass is class legislation, because we must apply it to the peculiar and special conditions which arise and surround it; but when we pass a law, everyone who comes within its provisions as construed by the judicial tribunals appointed for that purpose must obey the law if we are to perpetuate the institutions of which we are so justly proud.

I am not able to conceive or understand that frame of mind which asks that a violator of the law shall be exempted from the prosecution provided by the law. I can conceive of nothing more destructive to the very cause which these organizations represent and which I think is as high and as worthy a cause as was ever led by faithful men. I can conceive of nothing that will eventually be more disastrous to their own welfare than the suggestion that the law shall not be obeyed, and that the law being violated shall not be vindicated in the prosecution and punishment of the offender.

I for one would like to see this whole clause stricken out. I do not believe in making an appropriation especially for the enforcement of the antitrust law, as great a statute as I believe it to be. I do not concur either with the Senator from California [Mr. WORKS] or with the Senator from Idaho [Mr. BORAH] that the law has been without value to the American people. I think it has been of tremendous advantage to the people of the United States. While its enforcement has been at times weak, while it has been often inefficient, I still believe it has done as much for the welfare of the industrial society of this country as any other statute ever passed by the American Congress, for if we had not the prohibition which appears

so plainly in the statute it is not possible to conceive the extent of combination and monopoly that would now exist. I therefore want this statute to stand; I want it to be enforced; but I can not understand why we did not make the appropriation for the maintenance of the Department of Justice sufficiently large to enable it to do its work. It has not been explained to me why we need an especial appropriation for the enforcement of a particular law. That is bad legislation, as well as the proposal to except from this expenditure the prosecution of any offender, whether high or low, whether rich or poor, whether he belongs to the class of employers or the class of employees. If I had my way about it I would strike out the entire paragraph, so that in the future we may appropriate for the Department of Justice a sum of money applicable to all purposes sufficient to enable it to carry on its work efficiently; but this appropriation has passed the House, and I think it is one of several that has passed the House in recent years in the same form, and passed the Senate as well, and I do not intend to oppose it upon that ground.

Mr. BACON. Mr. President, will the Senator permit me to ask him a question?

Mr. CUMMINS. I yield to the Senator.

Mr. BACON. This provision in the bill expressly excepts from its terms any act which is itself unlawful. The Senator will recognize, of course, that if this provision should become law, saying that no part of the money shall be used in the prosecution of persons who may do any of the things specified here, that it could not be construed otherwise than as at least a pro tempore modification of the law.

The officers whose duty it is to prosecute are not paid for the particular cases they prosecute. They are paid salaries. The amount of money that goes to an officer in the discharge of his duty as a prosecuting officer can not be reduced in such a way as to represent the withholding of payment for the service which he rendered in the prosecution of any particular case. Therefore when you come down to a practical consideration of this provision it is an impossibility for it to mean anything else than that it is the sense of Congress that this law shall be so construed as not to include liability to prosecution for these causes. Otherwise there is nothing practical in it.

If it were true that the officers were paid a certain specified sum of money for the prosecution of each case, then it might be said that the contention of the Senator was a very serious one; that this is an effort on the part of Congress to prevent the enforcement of a law while permitting the law to remain on the statute books.

While I confess this is a clumsy way of accomplishing the purpose, at the same time it seems to me that there can be no other purpose effected, at least by the enactment of this provision into law, except to indicate the purpose of the legislative mind that so far as this bill will go, so long as it shall remain in force and effect, these combinations of men for the purpose of bettering their condition by improving wages, and so forth, shall not be a violation of law.

Of course we must all recognize that there is very great force in the contention of the Senator in the view presented by him that it is a very serious thing to permit a criminal law to remain upon the statute books and then to say that it shall not be enforced. But in practical effect that is not what we are doing, and it can not be so in the nature of things. It can not be so unless the prosecuting officer who tries the case would ordinarily be paid for that particular case, and is denied payment for it; and that is not the case where officers are paid a salary. It can not have any effect in reducing the amount of money which would be paid to the officer who receives a salary. It can have no effect except to put the courts upon notice that so long as this provision is in force such and such combinations on the part of labor or agricultural organizations shall not be violations of law. Is not that the effect of it?

Mr. CUMMINS. Mr. President, I am not quite sure whether the Senator from Georgia holds that this provision has the effect of modifying the existing law, or has the effect of an instruction to a prosecutor. I think it has the latter effect, morally speaking. I do not think it modifies the law in any sense; but it does say that Congress believes that the Department of Justice ought not to prosecute an offender against the antitrust law who comes within these classes. I do not think that is a wise course to pursue. I believe if we were to fall into the habit of treating an unpopular law, if you please, in that way, we should speedily forget the essential and fundamental principles of good government. We will accomplish here nothing more than to say to the Attorney General: "On the whole, we are rather sorry that we did not exempt labor unions and farmers' organizations from the operation of the antitrust law, and therefore you must use no part of the $300,000 that we now give you to bring such offenders to justice."

I think that is essentially wrong, although I will join at once in an effort—or, rather, continue to make an effort that I have been making for several years now—to supplement the antitrust law by additional legislation so as to do full justice to labor unions and farmers' organizations.

Mr. BACON. Mr. President, with the permission of the Senator——

Mr. CUMMINS. I yield to the Senator.

Mr. BACON. I repeat that I agree with him that this is a very clumsy way of effecting the purpose. It is not the way which I should choose, or which I have chosen. I will say to the Senator that in the last Congress I introduced a bill for the direct purpose which he now says he would favor, and I reintroduced the bill in this Congress, for the purpose of making those agreements no longer unlawful. It is Senate bill 927.

Mr. CUMMINS. I remember the bill very well.

Mr. BACON. It has been referred to the Judiciary Committee; and as the Senator is a member of that committee I hope we may have his distinguished assistance in securing its passage.

Mr. CUMMINS. But the Senator from Georgia will see in a moment, if he will reflect, that if a prosecuting attorney were to present a case to a grand jury, and an indictment were found against a labor union or its members for violation of the antitrust law, it would be no defense to present this provision in an appropriation bill; and if it would be no defense, then, of course, we are not modifying the law either clumsily or skillfully. We are possibly bringing some influence to bear upon the prosecuting officer, but that is all.

I believe the influence ought to be brought to bear upon the law itself, so that we need not say to any agency of the Government, "You may be somewhat blind, or altogether blind, to certain offenses against the law which we ourselves have established."

Therefore, Mr. President, although I shall feel that my vote does not fully express my view of what ought to be, I shall vote to rid this appropriation of the exceptions which have been attached to it, believing that every offender against the law ought to know that he will meet the punishment which the law establishes for him.

Mr. THOMAS. Mr. President, before the Senator takes his seat I should like to make a suggestion. To my mind, one of the serious objections to this proviso lies in the fact that it may become a very dangerous precedent. If Congress should enact this proviso as it now appears, which is negative in its character, might it not become a precedent for some other Congress to provide that such a sum shall be spent exclusively in the prosecution of the very things whose prosecution is here prohibited?

Mr. CUMMINS. The suggestion of the Senator from Colorado simply emphasizes the conclusions I have attempted to state. If the law ought to be amended, let us amend it at once; but to nullify it by saying to the Executive that it ought not to be enforced is sowing the seed of anarchy and destruction.

Mr. STONE. Mr. President, while the Senator from Idaho [Mr. BORAH] was speaking I received a telegram which I have here. As I understood him, he said that the workingmen, the union-labor men, were not particularly interested in this legislation. If I misunderstood the Senator, I will ask him to correct me.

Mr. BORAH. Is the Senator addressing his remarks to the Senator from Idaho?

Mr. STONE. I said that I understood the Senator to express the opinion that the labor organizations of the country were not particularly in sympathy with the legislation here proposed.

Mr. BORAH. Oh, no; the Senator from Idaho made no such statement as that.

Mr. STONE. Then I misunderstood the Senator. It so happened that while he was making his remarks and I was listening to him with interest a dispatch was handed me, signed by officials of different railway organizations, saying, in substance:

In behalf of 400,000 members of the railway employees' organizations we urge you to vote for and use whatever influence you can to pass this bill.

Mr. BORAH. Mr. President, I do not know what language I used which would have been subject to that construction. I did not intend to say anything of the kind, because I have on my desk a letter of some 15 pages from the head of the American Federation of Labor in favor of it. I have had personal interviews with labor representatives who are in favor of it.

If I said anything of that kind, it was a slip of the tongue. It was not intentional.

Mr. STONE. Then I misunderstood the Senator.

Mr. BORAH. Yes. I think upon looking at the RECORD the Senator will see that he misunderstood my language.

Mr. STONE. Mr. President, I do not think this question ought to take on the color of partisanship. I think everything of that kind ought to be eliminated, and that we should consider it alone from the broad standpoint of the public right.

This bill appropriates $300,000 for the enforcement of the antitrust laws. The purpose of the provision is plainly expressed—it is to appropriate money to aid the Department of Justice to enforce the antitrust laws. Then follows the provisos. I read the first proviso:

> That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful.

This is the more important of the two provisos. The other proviso relates to agricultural organizations, which is less important, because less likely to be made the subject of judicial inquiry.

Now, keeping my promise to be brief, let me begin in this way: Let us take the Sherman law as the beginning of this antitrust legislation and consider that as the organic act upon which other legislation of this kind has been predicated. Is it not plain that the thought in the minds of the legislators in the beginning had no reference to labor organizations? I think the Senator from Idaho has quite well emphasized that fact. There had grown up in this country a system of commercial or industrial organizations relating to manufactures, to mining, to transportation, and other things by and through which production was limited, prices fixed, and the whole industrial life of the country controlled.

In other words, commercial and industrial monopoly had been in large measure established. This became very obnoxious to the people. The laws enacted were intended as blows at monopoly—industrial, commercial monopoly. Corporations were the ordinary agencies through which these monopolies operated and became effective. It was through corporate bodies that these industrial forces were combined and operated. The effect of these combinations was to do an injury and a positive harm in a large way to the great body of the American people of all classes.

These combinations undertook to control the price of commodities, the cost of transportation, and all that, and thus imposed grievous burdens on the people, against which they made loud complaint. They undertook by combination in divers lines of manufacturing to dominate the markets of the country and to destroy competition, and thus control the market price at which their products should be sold to the consuming public. This was regarded as a positive evil, and the Congress determined to make war upon that evil; and to that end, and to that end only, the Sherman antitrust law and supplemental laws were enacted.

I know that by judicial interpretation or judicial legislation these laws have been extended in their operation until they cover a far wider field than they were intended to cover by the men who wrote them into the statute books of the country. They have been held to apply to men who meet not to limit commercial production, not to fix commodity prices, not to fix rates of transportation, not to fix tariff rates and write them into tariff schedules—nothing of that kind, but who organize and meet only and solely to improve and rectify unhappy human conditions existing among the workingmen themselves.

For example, if they find here and there that the wages they receive are too small, not enough to support their families, or that the hours of labor are too long and hard, or that there are other industrial environments and conditions extremely objectionable to them, and they meet in their organizations to confer among themselves, and then through their organizations with their employers to see if agreements can be reached, shall such men be restrained? And if agreements are not arrived at, and the men say, "Unless you advance the wage, unless you improve the condition complained of, whatever it is, we will decline to go on with the work. We will no longer engage in your employment." Here is a combination; but if it be lawful and orderly, why should any man object to that?

Have not men a right to say that? True, they are organized; they confer together, and they send out word to their fellows everywhere as to what they intend to do and what they advise others to aid in doing. This is a human action that concerns fundamentally the question whether or not men shall work unless their demands for improved conditions are complied with.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I do.

Mr. GALLINGER. Mr. President, a great many years ago, during the Homestead strike, which was a very serious matter, it chanced to be my lot to be chairman of a committee of investigation. On that committee there were some able Democrats. After a very thorough investigation, covering Chicago, Pittsburgh, Homestead, New York, and other places, we made a report. The first finding in that report, I think, reads about as follows: That men have an entire and absolute right to quit work at pleasure, but they have no right in law or in justice to prevent others from taking their places.

I think we all agree to the proposition laid down by the Senator from Missouri that workingmen have a right to organize, and that they have a right to strike when they think their interests are involved; but does the Senator think they ought to go beyond that, and, by force or otherwise, prevent other American citizens from taking their places, or from engaging in work for the men with whom they have formerly been associated?

Mr. STONE. I think it is the right of any American in a battle of this kind to appeal to his fellow men not to take a course calculated to break down the effort they are making for improved labor conditions. They have a right to make that plea in every lawful way. To that extent the question of the Senator answers itself. If he asks me if they have a right to resort to unlawful, forceful, criminal means to accomplish what they fail to accomplish by peaceful and lawful means, then I say that would be intolerable; it is not permissive.

Mr. BACON. Will the Senator pardon me to supplement what he says——

Mr. STONE. Yes.

Mr. BACON. By calling attention to the fact that the law which we propose to enact expressly excludes unlawful acts from any benefit of this provision, and uses the words "or for any act done in furtherance thereof, not in itself unlawful." Of course acts of violence are unlawful.

Mr. STONE. To be sure.

Mr. GALLINGER. Mr. President, that is a pretty elastic provision. It involves the question just how far lawful acts will go and where unlawful acts will commence. As I understand the matter, these organizations insist that they have a lawful right to picket a factory and to assault men and women who want to take their places. They assert that over and over again.

Mr. STONE. Just what "picketing a factory" means is something I am not altogether familiar with.

Mr. GALLINGER. It is pretty well understood in our part of the country.

Mr. STONE. I will say without hesitancy that if men or women desire to stand on the streets or highways in the neighborhood of factories or elsewhere and talk with employees going in or out of a factory in a peaceful and proper way, saying what they wish, they have a right to do that. I deny the right of anybody to forcefully interfere with other people. If anyone attempts to use force, then I say the public authority should exert itself, and all those engaged in anything of that kind should be made to pay the penalty of violating the law.

Mr. GALLINGER. Mr. President——

Mr. STONE. But, Mr. President, there is nothing in this provision which prevents that. The Senator suggests a violation of the law. If I should assault the Senator under such circumstances as he supposes, I would be responsible to the criminal courts of the vicinage.

Mr. GALLINGER. Yes; but the man who is killed under such circumstances has not any recourse of that kind.

Mr. STONE. No; that man would not. The dead man would be gone to that—

> undiscovered country from whose bourne no traveler returns.

If to-night I were so criminally disposed that upon our adjournment I shot the Senator dead there would be no remedy for him, but there would be my responsibility to the public authority.

Mr. GALLINGER. But Mr. Hayward and Mr. Ettor would say there ought not to be any remedy, because they are above the law and they have openly proclaimed it.

Mr. STONE. I am not talking about Mr. Hayward and Mr. Ettor. I do not know anything about them, and I do not care about them. I am speaking of great questions of human right.

Mr. GALLINGER. The Senator remembers it has not been long ago since this Chamber rang with denunciation of the conditions in Lawrence, Mass., and that violence was resorted to, that men were assaulted and one woman was killed. The result of it all is that there are 12,000 people in Lawrence, Mass., out of employment to-day. So their effort to benefit labor by unusual and revolutionary and violent means has resulted in great harm to the laboring people themselves.

Mr. STONE. I hope I do not understand the Senator from New Hampshire to say, and I do not believe he means to say, that because some individual or number of individuals moving in concert should commit assault, or even murder, therefore we should deny to working men and women the right of organization, the right to confer, the right to take action looking to the improvement of their conditions; aye, further, of conferring with other working men and women whose course of conduct might be calculated to make their movement a failure or success—peaceful always and within the absolute limits of the law.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I would be quite unwilling to be placed in the category of those who deny laboring men the right of organization. I think they have an undoubted right—I think it is their duty—to organize, and I would be the last one to make a suggestion that that should not be permitted. What I called attention to more particularly was the fact that these organizations sometimes go beyond their rights and do commit acts of violence, the claim being made on the part of their leaders that they are above the law, and they do not propose to observe the law. Those declarations have been made over and over again.

Mr. STONE. Mr. President, as I have already said, anything done in violation of law and public order is intolerable and should be severely punished. We must enforce the law and preserve order or else chaos follows. Still, I repeat that it is clear to me that the legislative power which enacted these laws in the beginning intended them to apply only to commercial or industrial organizations—business organizations—to prevent combinations, and that that was done with the ultimate view of preventing commercial monopoly. I am aware that by judicial interpretation or legislation—I say this with great respect, for I highly respect the judiciary—it seems to me by a very strained construction of the courts these laws have been expanded so as to cover such labor organizations as we are talking about. For the time being, at least, we must accept the law as declared by the courts. So long as it stands as the court declares it to be, we must accept it, I suppose; nevertheless we are presumed to have some opinions of our own.

I agree with what the Senator from Iowa [Mr. CUMMINS] and the Senator from Idaho [Mr. BORAH] and others have said, that the better plan would be to go back to the antitrust statutes themselves and amend them, if we wish to amend them. I agree to that, and I hope in due time, in the course of this Democratic administration, we will be able to make such amendments to these statutes as ought to be made.

But, Mr. President, this particular provision in the pending bill, while not a direct amendment to the antitrust statutes, does provide that no part of the $300,000 appropriated shall be used to prosecute men who lawfully—mark you, lawfully—undertake to take care of the interests committed to their hands; that is to say, to better labor conditions, to ask for better wages, to ask for better hours, to ask for better labor environments. "Lawfully" is the language of the statute; not unlawfully. If one acts unlawfully he is amenable to the courts of the State and to the national courts, so far as national courts may have jurisdiction, and this without regard to this proposed statute. An unlawful act is a violation of the criminal law, and the violator can be indicted and prosecuted. This provision would not prevent that.

Mr. SUTHERLAND. Mr. President——

Mr. STONE. But this is, as my friend the Senator from Georgia said a bit ago, a legislative expression of opinion. The moneys are appropriated here to do what? Here is the language: For the "enforcement of antitrust laws." And the antitrust laws, as I have understood and attempted to explain my view, in being enforced were not to be used to prosecute organized-labor people who are lawfully endeavoring to better their conditions.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I yield to the Senator.

Mr. SUTHERLAND. Is it the understanding of the Senator from Missouri that labor organizations or anybody else lawfully doing any of the things described could be prosecuted in the absence of this proviso?

Mr. STONE. I do not know. I confess myself unable to quite understand the Senator.

Mr. SUTHERLAND. The Senator has been talking——

Mr. STONE. Just what the Senator means by lawfully——

Mr. SUTHERLAND. The Senator has been using that term; I have not.

Mr. STONE. Here is what I mean by "lawfully" or "unlawfully." If a court should say that men and women in a given labor organization can not say, "We decline to work for a given wage or for given hours; that we will quit the employment of our master unless conditions are rectified," and then some others come in and take their places, and then the workmen say, "We will see these people; we will talk with them; we will contrive with them to see to it that they do not stand in the way of our effort," an injunction might go against them on the ground that they were acting unlawfully. That is not what I mean by "unlawful"—unless force is used. What I mean by "unlawful" is the use of some force that brings one into conflict with the criminal laws of the State or Nation.

Mr. SUTHERLAND. Does not the Senator from Missouri mean by "unlawful" an act which would be in violation of the antitrust law? Would not that be unlawful?

Mr. STONE. I am not so sure about that from my point of view. Broadly I am not ready to admit that, at least in the sense in which I speak of it; and I think it is a strained judicial interpretation of the antitrust laws to undertake in such a case as I have stated to issue a mandatory injunction against labor organizations and say that they can not do a thing peacefully and without violence.

Mr. SUTHERLAND. Will the Senator permit me to ask him another question?

Mr. STONE. The Senator may ask me all the questions he wishes.

Mr. SUTHERLAND. If a labor organization or an individual belonging to a labor organization were to enter into a conspiracy or a combination which was actually in restraint of trade and which was a violation of the Sherman antitrust law, would the Senator think that the proviso we are now discussing would prevent the Attorney General from using any part of the appropriation of $300,000 to prosecute that kind of a case?

Mr. STONE. Well, state a case.

Mr. SUTHERLAND. I am stating a case.

Mr. STONE. If he entered into a combination in restraint of trade was the Senator's observation.

Mr. SUTHERLAND. I will put it in another way. If the individuals engage in this——

Mr. STONE. Give me a concrete case.

Mr. SUTHERLAND. I wanted to get the Senator's view of the principle, if I could. Suppose that some labor organization or labor organizations do such things as in the opinion of the courts, which have a right to interpret the law, amount to a violation of the Sherman antitrust law, would the Senator think that this proviso would prevent the Attorney General from using a part of the appropriation of $300,000 to prosecute that case?

Mr. STONE. I think very likely it would, and I hope it would; but I do not think it would prevent the court or the district attorney from proceeding, if desired, notwithstanding this provision.

Mr. SUTHERLAND. That is, proceeding to use some other appropriation?

Mr. STONE. Yes; such other appropriation as might be available. They could proceed without reference to this act. This appropriation is not necessary to give the court jurisdiction. A court could proceed without reference to this act.

Mr. SUTHERLAND. Then, if I understand the Senator, his position is that no part of the $300,000 could be used for this purpose, but that notwithstanding the Attorney General could prosecute the case.

Mr. STONE. Oh, I should not think there was a question of doubt but that the Attorney General might proceed without reference to this appropriation.

Mr. SUTHERLAND. If the Senator is right about that, would it not be the duty of the Attorney General to prosecute, because the Constitution provides that the Executive shall take care that the laws be faithfully executed? Would it not then be the duty of the Executive, if no laws of Congress prevented him, to execute this law as well as all others?

Mr. STONE. I remit the question to the Attorney General to determine what he may do. If the law has been violated, the Attorney General has power to proceed, whether this provision is agreed to or not in the form in which it is here presented.

Mr. SUTHERLAND. Then what have we accomplished for the benefit of these men?

Mr. STONE. We would accomplish this much: It would be the expression of the Congress of the United States that money

appropriated to enforce the antitrust law against combinations and monopoly should not be used to prosecute men who are lawfully engaged in attempting to better their human conditions. We will at least have accomplished that much. I will go further. I think it would be an expression of the legislative body that could be taken as contrary to the judicial interpretation of the law; that it was never intended that these antitrust laws should be used for any such purpose as they have been used for. The lawmaking power, answering the court, would say what was meant; and I assume that would have some effect even on the judicial construing power.

Mr. President, I think this is about all I care to say. I shall vote for the provision of the bill as it is, and I am going to do it for the reasons I have indicated.

Mr. BACON. Mr. President, I am not going to detain the Senate more than a minute. I want to call the attention of the Senate to one fact which illustrates the contention of the Senator from Mississippi [Mr. WILLIAMS] that the provision which is now proposed to be incorporated into the law and which was originally proposed in the antitrust law was left out of the bill when it was finally put upon its passage because of the fact that it was generally conceded and understood and recognized that the bill as framed would not cover the case either of labor organizations in the effort to better their condition, or the case of the agriculturists in the effort to get the best prices for their products. The fact is that such earnest men as were then in the Senate, men who had themselves proposed this provision of law as an amendment, such men as Senator George and others who thought with him, when the bill finally came upon its passage without that provision voted for the bill. I have not the vote before me but I think I am accurate in my recollection that when that bill was put upon its passage in the Senate there was but one vote against it, and that was cast by Senator Blodgett, of New Jersey.

The men who were anxious and earnest that the labor organizations of the country should not be put in a criminal attitude when they sought to better their condition by methods which in themselves were not unlawful, and that agriculturists, when they sought to secure for themselves the benefit of the best prices by methods which were within themselves not unlawful, would not have voted for that bill with practical unanimity if it had not been for the recognition of the fact that it was not intended that the law at that time should include those two classes who are now ruled by the courts to be violators of the law.

It is true that the decisions of the courts have heretofore been in a measure limited to matters which relate to the labor organizations, but there can be no question of the fact that the same logic or system of reasoning which brings the court to the conclusion that the antitrust law does cover agreements among laborers will also be used to rule that agreements among agriculturists for the purpose of endeavoring to get the best prices for their products will also be unlawful and under the ban of this law and that those who violate it will be subject to its penalties.

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent that the pending bill be laid aside and that its consideration be resumed to-morrow morning after the completion of the morning business.

The VICE PRESIDENT. In the absence of objection, that order will be made.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

Mr. KERN. Mr. President, I desire to call up the resolution submitted by me some days ago and reported with amendments by the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent to proceed to the consideration of a resolution which will be stated.

The SECRETARY. Order of Business No. 10, Senate resolution 37, introduced by Mr. KERN, authorizing the appointment of a committee to make an investigation of conditions in the Paint Creek district of West Virginia.

Mr. KERN. It will not require unanimous consent, Mr. President, as I understand. I call the resolution up. It is on the calendar. I move that the resolution as reported by the committee be adopted.

Mr. GALLINGER. Mr. President, is the resolution before the Senate?

The VICE PRESIDENT. The Chair thinks the resolution is before the Senate. There seems to have been no objection to it.

Mr. KERN. The resolution has been reported by the committee with certain amendments.

Mr. GALLINGER. Yes; the resolution is on the calendar. I desire to know whether or not it is now before the Senate?

The VICE PRESIDENT. The Chair has ruled that it is.

Mr. KERN. I have called up the report of the committee, which is on the table.

Mr. SMOOT. Was the question put to the Senate on the motion of the Senator from Indiana?

The VICE PRESIDENT. No. The Senator from Indiana asked that the resolution be taken up by unanimous consent. The Chair inquired if there was any objection, and no Senator objected.

Mr. OLIVER. I think if the minutes be consulted it will be found that the Chair did not put the question to the Senate as to whether unanimous consent should be given. I am sure I had no opportunity to object.

Mr. SMOOT. Mr. President, as I remember, what the Senator from Indiana said was that he would withdraw his request for unanimous consent and ask that the resolution be laid before the Senate.

Mr. KERN. I did.

Mr. SMOOT. But the Senator did not put it in the shape of a motion.

Mr. KERN. Yes, sir; it is in the shape of a motion.

Mr. SMOOT. Then, I will say that the motion was not put to the Senate.

The VICE PRESIDENT. The motion was not put to the Senate. The Senator from Utah is correct.

Mr. KERN. If the Senator from Utah will excuse me a moment, the proceeding was this: The report of the committee is upon the table. I called it up. I then moved that the report of the committee be concurred in, that the resolution as proposed to be amended by the committee be adopted; that is, to send this investigation to the Committee on Education and Labor.

Mr. SMOOT. Well, Mr. President, as I remember, the history of the resolution is this: This morning the Senator from North Carolina [Mr. OVERMAN] reported the resolution, it went to the calendar, and it is now on the calendar under Rule VIII. I will admit that the Senator from Indiana can move to take up the resolution and have it considered at this time.

Mr. WILLIAMS. The Senator from Utah is mistaken. This is a resolution which comes from the Committee to Audit and Control the Contingent Expenses of the Senate. It came before the Senate several days ago in the shape of a report from the committee. Unanimous consent for its immediate consideration was not asked. It went, therefore, to the calendar. I have forgotten when the resolution was reported, but I believe it was at the meeting of the Senate before the last.

Mr. KERN. The meeting before the last, and, at the request——

Mr. WILLIAMS. At the meeting of the Senate before the last a report was made on the resolution by the Committee to Audit and Control the Contingent Expenses of the Senate. I then called the attention of the Senator from Indiana to the fact, and asked whether he wanted to request immediate consideration of the resolution. He said no, and the resolution went to the calendar in the regular course.

Mr. SMOOT. I was mistaken as to the resolution. I thought it was a resolution which was reported by the Senator from North Carolina, but I find on the calendar, under Rule VIII, Order of Business No. 10, Senate resolution No. 37, reported by the Senator from Mississippi [Mr. WILLIAMS] to the Senate.

The only proper way for the Senator from Indiana to do is to move that the Senate proceed to the consideration of Senate resolution No. 37, Calendar No. 10. The resolution is not now before the Senate at all.

The VICE PRESIDENT. The Chair rules that the Senator from Indiana asked unanimous consent to take from the calendar and to have considered the resolution, and the request was put to the Senate, and no Senator objected.

Mr. OLIVER. Mr. President, I call for the reading of the minutes.

Mr. SMOOT. The Senator from Indiana withdrew his request, and the minutes will so show.

Mr. GALLINGER. Let the minutes be read.

Mr. KERN. The Senator from Indiana withdrew his request because he was laboring under a misapprehension. He thought the report was on the table and not on the calendar.

Mr. SMOOT. I am not objecting to the consideration of the resolution, Mr. President; but I do say that the Senator from Indiana withdrew his request for unanimous consent, as he has just admitted. If the Senator makes a motion to proceed to the consideration of Senate resolution 37, that will be the proper way to proceed.

Mr. GALLINGER. Mr. President, I desire——

Mr. KERN. I move, then, Mr. President——

Mr. GALLINGER. I desire simply to make this observation: I was not prepared to give unanimous consent without asking the Senator a question, and I felt very sure that unanimous con-

sent was not given. I am not going to get into any controversy with either the Senator from Indiana or the Chair as to that. The Chair is stating his recollection, but I do not think the resolution is before the Senate. I agree with the Senator from Utah [Mr. SMOOT] that the usual method, the invariable method, unless unanimous consent is asked, is to move to proceed to the consideration of a resolution, and I presume there will be no serious objection to that course in this instance.

The VICE PRESIDENT. The Chair cares nothing about the ruling one way or the other, except that the Chair proceeded as he has since the chair has been occupied by the present incumbent by asking whether there was any objection, and there being none, the Chair assumed that the resolution was before the Senate.

Mr. OLIVER. Mr. President, I should like to hear the minutes read as to what actually did happen. It seems to me the presiding officer is hardly correct in his recollection of what occurred. I was paying attention, and I have no recollection of the question of unanimous consent being put to the Senate. I am free to say that, if unanimous consent were asked now, I would not object; but I am sure that no opportunity was given to Senators who might wish to object.

Mr. KERN. Mr. President, there was much confusion in the Chamber at the moment, and, in view of the misunderstanding that evidently prevails, I again ask unanimous consent for the consideration of the resolution.

Mr. GALLINGER. Well, Mr. President——

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana?

Mr. MARTIN of Virginia. Before that request is put to the Senate, I wish to state that I notice that neither Senator from West Virginia is on the floor. The Senator from Indiana may know something about their wishes in the premises.

Mr. KERN. I will state that on Saturday evening I had a conversation with the senior Senator from West Virginia [Mr. CHILTON], and told him that I intended to ask to-day for the consideration of the resolution with a view of having the matter referred to the Committee on Education and Labor, and that was perfectly agreeable to him. He went away with that understanding. I let the matter go over on Thursday last because of the absence of the junior Senator from West Virginia [Mr. GOFF], and, as there seems to be no opposition anywhere to the reference of this resolution to the Committee on Education and Labor, I think it ought to be disposed of to-day.

Mr. MARTIN of Virginia. I fully concur, if it only involves a reference to a committee, but, if the Senator was asking for the resolution to be considered, I did want to be assured that the Senators from West Virginia do not object. However, if it is only a question of referring the resolution to the Committee on Education and Labor, I do not feel that anybody should object to that.

Mr. KERN. It implies the adoption of the resolution. The resolution directs the Committee on Education and Labor to make this investigation. That is precisely what I notified the senior Senator from West Virginia would be done, and I understood from him that there would be no objection on his part.

Mr. WILLIAMS. Mr. President——

Mr. GALLINGER. Mr. President, I want to say just this word——

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. WILLIAMS. Mr. President, the resolution authorizes nothing, except that it empowers the Committee on Education and Labor to make this investigation.

Mr. KERN. That is all.

Mr. WILLIAMS. That is all. It had to be sent to the Committee to Audit and Control the Contingent Expenses of the Senate first, because the expenses of the investigation have to be paid out of the contingent fund of the Senate. So the only question before the Senate to be considered would be as to whether this investigation should be made by the Committee on Education and Labor and the cost of it paid out of the contingent fund of the Senate.

Mr. GALLINGER. There can be no possible objection to that. I have been laboring under a slight misapprehension. I thought the Senator from Indiana desired to have the resolution agreed to, and that he did not propose a reference to a standing committee. The junior Senator from West Virginia [Mr. GOFF], through his secretary, informed me this morning that that Senator had some amendments he desired to offer to the resolution, and I think the secretary said to me they had been handed to his colleague [Mr. CHILTON]; but his colleague is not present, and I did not feel that we ought to pass the resolution providing for an investigation by a special committee without giving the Senator from West Virginia an opportunity to be heard. If the resolution as it stands proposes simply a reference to the Committee on Education and Labor we ought all to agree to it.

Mr. CLARKE of Arkansas. The Senator is mistaken as to that.

Mr. WILLIAMS. The committee amended the resolution in that particular and, instead of sending it to a special committee, sent it to a standing committee.

Mr. CLARKE of Arkansas. Mr. President, I suggest to the Senator from Indiana that a motion to proceed to the consideration of the resolution would make it the unfinished business, and then he could agree to let it lie over until Wednesday or until the Senators from West Virginia can be present. It will then be the unfinished business and will come up automatically immediately after the morning hour. I think that is the better course to pursue and is one entirely within the sentiment of the Senate, as I understand it, at this time.

Mr. GALLINGER. Mr. President, if the Senator from Arkansas will permit me, I will ask the Senator from Indiana if the resolution directs the Committee on Education and Labor to proceed to make the investigation?

Mr. KERN. Yes, sir; it does.

Mr. GALLINGER. Then, does not the Senator from Indiana think that the junior Senator from West Virginia [Mr. GOFF], who has suggested to me through his secretary that he has some amendments to offer to the resolution, ought to be given an opportunity to offer them?

Mr. KERN. In the ordinary course of things I would say yes; but the matter was passed over last Thursday until to-day because of the absence of the junior Senator from West Virginia. I supposed that the two Senators were in entire accord after I had had the conference with the senior Senator from West Virginia on Saturday evening. I understood very positively from him that he had no objection to the adoption of the resolution, and I felt that it was no great discourtesy to call the matter up to-day. However, as it will only involve a delay of a day or two more, I will make the motion suggested by the Senator from Arkansas [Mr. CLARKE] that the Senate proceed to the consideration of the resolution and that it lie over, giving notice that I will call it up immediately upon the disposition of the bill now under consideration.

Mr. GALLINGER. I think that would be agreeable to all.

Mr. CLARKE of Arkansas. I suggest to the Senator that he make the request in the morning that he will ask to have the resolution considered after the morning hour on Wednesday, if the Senate be in session at that time.

Mr. KERN. I do not know that it will be.

Mr. CLARKE of Arkansas. That will give all the time that could reasonably be asked for the appearance of the Senators from West Virginia.

Mr. KERN. Inasmuch as the senior Senator from West Virginia will not be here until Wednesday, I will give notice that I will call the resolution up on that day after the conclusion of the morning business.

Mr. CLARKE of Arkansas. In other words, the Senator will agree to have it informally laid aside until Wednesday. It will then come up automatically, being made the unfinished business. I think that will be satisfactory.

Mr. KERN. It will be laid aside until the completion of the morning business on Wednesday.

Mr. STONE. Mr. President, I should like to ask the Senator from Arkansas a question. If the motion to proceed to consider the resolution is agreed to and it becomes the unfinished business, it displaces everything else, does it not?

Mr. CLARKE of Arkansas. Not necessarily, because it can be informally laid aside if other matters are desired to be taken up.

Mr. STONE. But primarily it displaces everything else.

Mr. CLARKE of Arkansas. Oh, yes; it has the right of way.

Mr. STONE. It becomes the unfinished business; but when the sundry civil bill comes up again, then the resolution can be laid aside informally.

Mr. CLARKE of Arkansas. Of course.

Mr. STONE. Then there is no object in saying that it will be called up at any given time on Wednesday or Thursday. It is sufficient to say that it is the unfinished business, and if we meet to-morrow, at the proper time the resolution can be laid aside.

Mr. CLARKE of Arkansas. There are various ways of doing the same thing if the thing is right. That would be one way to do it. The intention was to have this resolution pending, but not to displace the sundry civil bill. That can be taken care of when it is reached.

Mr. MARTIN of Virginia. It can not displace the sundry civil bill, because unanimous consent has been given that the sundry civil bill shall be proceeded with to-morrow at the conclusion of the morning business.

The VICE PRESIDENT. The Senator from Indiana moves that the Senate proceed to the consideration of a resolution which will be stated.

The SECRETARY. Calendar No. 10, Senate resolution 37, by Mr. KERN, authorizing the appointment of a committee to make an investigation of conditions in the Paint Creek district of West Virginia.

The VICE PRESIDENT. The question is on agreeing to the motion.

The motion was agreed to.

Mr. KERN. I now ask that the resolution be laid aside until Wednesday at the expiration of the morning business.

The VICE PRESIDENT. The Senator from Indiana asks that the resolution be laid aside until the conclusion of the morning business on Wednesday next. In the absence of objection that order will be made.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

Mr. BACON. I move that the Senate adjourn until 2 o'clock p. m. to-morrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 6, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 5, 1913.

COLLECTOR OF INTERNAL REVENUE.

Henry Hayes Lewis, of Florida, to be collector of internal revenue for the district of Florida, in place of Joseph E. Lee; superseded.

REGISTER OF THE LAND OFFICE.

H. Frank Woodcock, of The Dalles, Oreg., to be register of the land office at The Dalles, vice Charles W. Moore, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 30, 1913.

Coleridge Livingstone Beaven, of Maryland.
John Berwick Anderson, of Texas.
William Washington Vaughan, of the District of Columbia.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. (Junior Grade) Hollis M. Cooley to be a lieutenant in the Navy from the 5th day of February, 1913.

Medical Inspector Thomas A. Berryhill to be a medical director in the Navy from the 12th day of January, 1913.

Judson Daland, a citizen of Pennsylvania, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of March, 1913.

James D. Morgan, a citizen of Maryland, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 18th day of March, 1913.

The following-named paymasters with rank of lieutenant to be paymasters in the Navy with the rank of lieutenant commander from the 30th day of March, 1913:

Donald W. Nesbit,
John S. Higgins, and
Ignatius T. Hagner.

Passed Assistant Paymaster Walter D. Sharp to be a paymaster in the Navy from the 18th day of January, 1913.

Civil Engineer George A. McKay, with rank of lieutenant, to be a civil engineer in the Navy, with rank of lieutenant commander, from the 30th day of March, 1913.

Ensign Ralph D. Spalding to be an assistant civil engineer in the Navy from the 3d day of March, 1913, to correct the date from which he takes rank as previously confirmed.

Capt. William M. Small to be a captain in the Marine Corps from the 22d day of August, 1912, to correct the date from which he takes rank as previously confirmed.

First Lieut. Robert B. Farquharson to be a captain in the Marine Corps from the 1st day of January, 1913.

Boatswain Harry T. Johnson to be a chief boatswain in the Navy from the 31st day of January, 1913.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 5, 1913.

COLLECTOR OF INTERNAL REVENUE.

Hayes H. Lewis, of Florida, to be collector of internal revenue for the district of Florida, in place of Joseph E. Lee, superseded, is hereby withdrawn, because of error in name.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 5, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, God our Father, we thank Thee that Thou hast made us and assumed the responsibility of our well-being. "Therefore will I not be afraid, but will put my trust in the covert of Thy wings." Thou hast filled the earth with all things necessary to our existence and surrounded us with Thy glory in the awe-inspiring scenes which bring us to our knees. Therefore my soul shall not be perturbed. Thou hast revealed Thy love in the heart of the Christ, and in Him Thou hast revealed man at his best. Therefore will I put my trust in Thy loving kindness, and I will worship at Thy footstool, and I will try to obey Thy mandates. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of Saturday, May 3, 1913, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RUCKER, for 10 days, on account of illness in family.

ELIMINATING CERTAIN LETTERS FROM THE RECORD.

Mr. J. I. NOLAN. Mr. Speaker, I ask unanimous consent to have stricken from the permanent RECORD some 409 letters which were printed through a mistake in the RECORD of Friday, May 2, 1913. As I stated in the House in Committee of the Whole on Saturday last, these letters, in the nature of a petition, were filed by me with the idea of having them printed as a petition. It was not my intention to have them extended in the RECORD. I therefore ask unanimous consent to have them stricken from the permanent record of the House.

The SPEAKER. The gentleman from California asks unanimous consent that 409 letters printed in the RECORD of Friday, May 2, 1913, be stricken from the permanent RECORD, having been inserted in the current RECORD by mistake. Is there objection?

There was no objection.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321, with Mr. GARRETT of Tennessee in the chair.

The Clerk read as follows:

380. Ivory tusks in their natural state, or cut vertically across the grain only, with the bark left intact, 20 per cent ad valorem; manufactures of ivory or vegetable ivory, or of which either of these substances is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem; manufactures of mother-of-pearl and shell, plaster of Paris, papier-mâché, and vulcanized india rubber known as "hard rubber," or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem; shells engraved, cut, ornamented, or otherwise manufactured, 25 per cent ad valorem.

Mr. MOORE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 95, line 14, strike out "Ivory tusks in their natural state, or cut vertically across the grain only, with the bark left intact, 20 per cent ad valorem."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph close in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I would like to have two or three minutes.

Mr. UNDERWOOD. I will divide the time with the gentleman.

There was no objection.

Mr. MOORE. Mr. Chairman, ivory tusks are not indigenous to the United States. This is a proposition to put them on the free list, as they are in the Payne law, and not upon the dutiable list, as in the present bill. They enter very largely into the manufacture of piano keys. They are free of duty in Germany, which is the greatest competitor of the United States in the manufacture of pianos. Some gentlemen interested in this business in Cambridgeport, Mass., have indicated that it would be destructive of the business in the United States if these ivory tusks are made dutiable, as proposed in the Underwood bill. They were under the impression, as they write, that the Democratic Party had promised not to destroy any legitimate industry, and they feel this is a breach of Democratic

faith. I find there are manufacturers of pianos in the city of Philadelphia who hold the same opinion. Whether or not these gentlemen were lured into voting for the Democratic Party last year I do not know; but whether they were or not, they now find what they believed to be a promise that "legitimate industry" would not be affected by the Democratic majority is being violated. I have nothing to say further, except that the admission of certain free raw materials which are not produced in this country and which enter into manufactures here adds to labor's opportunity for employment in the United States. In such cases there is no real objection on the part of protectionists. I submit herewith the letters to which I have referred:

SECTION 380. IVORY TUSKS, DUTY 20 PER CENT; ALWAYS FREE HERETOFORE.

CAMBRIDGEPORT, MASS., *May 3,, 1913.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: We have $500,000 invested in the business of manufacturing ivory keys for pianos. Last year our importations of raw ivory amounted to $191,000 and our pay roll $200,000. The cost of the ivory is 50 per cent of the cost of the finished product. Eighty-five per cent of the pianos disposed of in the United States are sold on installments of about $5 a month, the purchasers being people of small means. The rich and luxurious class of people furnish only a trifling proportion of the piano manufacturer's market. An increase of 20 per cent in the cost of our raw material and the decrease in the tariff on the manufactured product from 35 to 30 per cent will open the market wide to foreign manufacturers, who will take our business away from us. They are waiting for the chance and petitioned the Ways and Means Committee for a reduction in the duty so that they might enter this market (see p. 5205 Hearings before the Committee on Ways and Means). They could not have hoped for such favorable consideration as they have received. They get their raw material free; we are changed from the free list to a duty list of 20 per cent, and the duty on the manufactured product has been reduced from 35 to 30 per cent. Section 380 was made for foreigners, not for the United States. They will take our business and, with our raw materials taxed, we can not export at all. Our expensive plant is especially made for the manufacture of ivory keys, and our men are trained for this particular work. We were promised in a Democratic platform and by the President in his speeches that no legitimate industry would be injured. Ours is a legitimate business; it is based on sound capitalization, efficient management, and there is a state of intense competition among the domestic manufacturers of our line of goods.

The duty on raw ivory would be the ruin of the ivory manufacturing industry in this country, and our men would be obliged to take other jobs with which they are not familiar at less wages.

We earnestly request the restoration of ivory tusks to the free list. And in asking this, we are only asking for the same fair treatment that you have given to the manufacturers of goods from pearl shell, tortise shell, vegetable ivory, horns, tropical cabinet woods, etc.—all of these materials in the same general class as ivory tusks and all of them on the free list.

Yours, very truly,

SYLVESTER TOWER CO.
H. B. LEAVETT,
Acting Treasurer.

PHILADELPHIA, *April 25, 1913.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

HONORABLE SIR: We desire to make a vigorous protest against section 384 of the new tariff bill, which imposes a duty of 20 per cent on ivory tusks, thereby increasing the cost of ivory keys for pianos 10 to 20 per cent.

This is clearly a discrimination against the piano industry of this country and will seriously affect the business. Ivory has been increasing in cost steadily for the last five years, owing to its scarcity. At the same time the quality has been growing poorer for the same reason, so that to those who desire to make a fine piano the cost has increased in the neighborhood of 25 to 40 per cent during this period, and if this duty is added the cost will be at least 10 per cent more. There is no known substitute for it—it is impossible to use celluloid on account of its inferiority.

This puts the manufacturer of this country at a very decided disadvantage, because ivory enters free of duty in Germany and other foreign countries which compete with us. Further, it is almost impossible for us to compete with the foreigners for export piano trade, as Germany, particularly, can lay down a piano in South America for less than it costs to make the same grade here. We do have some export trade in player pianos, but this will fast disappear as our American patents expire.

Trusting you will give this your attention and use your influence to have this iniquitous and most unjust item taken out of this bill, we are,

Most respectfully, yours,

THE LESTER PIANO CO.
GEO. MILLER, *Treasurer.*

Mr. MANN. Mr. Chairman, in many places in the bill there is for the first time imposed a tariff tax upon raw materials which are not naturally produced in this country. That, of course, is a real tax. Ivory tusks, now on the free list, which this bill puts on the dutiable list at 20 per cent, are mainly used in the manufacture of piano keys. I suppose gentlemen on the other side will say that piano keys and pianos are articles of luxury. That is not the opinion of a great many people in the country. I can see no excuse for placing this tax upon this article. I respectfully ask the House to consider the following letters which have been addressed to me:

CHICAGO, *May 3, 1913.*

Hon. JAMES R. MANN,
Finance Committee of the House, Washington, D. C.

DEAR SIR: Referring to the proposed tariff schedule, our attention has been called to the fact that section 380 of the Underwood tariff bill imposes a duty of 20 per cent on ivory tusks in natural state. This means, at the least, a 10 per cent increase in the cost of piano keys.

We have been informed that ivory tusks have been transferred from the free to the dutiable list because articles of luxury are manufactured from this raw material. The chief use made of ivory tusks in this country is for piano keys, and with music so taught in the public schools, at the expense of the State, and considered a necessary adjunct to an ordinary education, a musical instrument in the home can no longer be considered an article of luxury, and 85 per cent of all pianos manufactured are bought by artisans and people of small means.

You will please note that other raw materials from which articles of purest luxury are manufactured, such as pearl shell, tortoise shell, vegetable ivory, meerschaum, and all other tropical woods have been left on the free list.

We believe that much good can be done by having this duty removed, and are convinced that such a duty would work considerable hardship. We trust, therefore, that it will meet with your approval to lend your efforts in that direction.

Thanking you very kindly for any attention you may give the matter, we are,

Yours, very truly,

THE MARQUETTE PIANO CO.,
By B. C. WATERS,
Secretary-Treasurer.

CHICAGO, *April 28, 1913.*

Hon. JAS. R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: Our attention is called to the provision in the Underwood bill, section 384, imposing a duty of 20 per cent on ivory tusk.

This is a material which enters into the make-up of our instruments, and it would seem quite unnecessary that the present cost be increased, through the imposing of a duty, particularly when it is pointed out that raw materials of similar class at times used, such as mother-of-pearl, horn, bone, ebony, etc., are on the free list.

Our understanding is at for over 100 years ivory has been admitted free, and our investigation is that it is at the present time admitted free from duty to every other country. Piano industry of the United States must needs suffer this handicap, which clearly should not be imposed.

May not the matter have your best attention?

Yours, very truly,

GEO. P. BENT CO.,
J. C. MCCHELY.

Mr. UNDERWOOD. Mr. Chairman, I will state that the tax on ivory in the raw state is strictly a revenue tax. It is a noncompetitive article and I think that it can bear the small tax imposed in this bill without serious detriment to the industries involved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The Clerk read as follows:

382. Matting made of cocoa fiber or rattan, 5 cents per square yard; mats made of cocoa fiber or rattan, 3 cents per square foot.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I hold in my hand an item that appeared in the Evening Star of this city a few days ago that has caused me considerable concern. It says:

Progressives at odds on Underwood bill. Several favor the measure, some are opposed, and others refuse to vote. Confusion has fallen, it is stated, upon the Progressive Party of the House of Representatives. Instead of standing like a short but well-constructed section of a stone wall on the tariff proposition, it has scattered to the four winds of heaven, and scarcely any five of its Members will vote the same way on the Underwood tariff bill when it is put up to the House for passage. It is said to indicate that the party is simply waiting to see which way the cat will jump.

Then this article goes on to say two distinguished gentlemen belonging to the party are going to stand directly on top of the fence so they may the more easily jump upon the side where they think there is the most clamor. Then it says further that one distinguished gentleman from Illinois [Mr. COPLEY] is reputed to be very wealthy and he is very much discouraged. Now, I trust the distinguished gentleman from Illinois will not become discouraged in his battle for the people because he is wealthy. I ask him to look at Perkins and at Flynn and McCormick and at Crane, who has already received his reward, and take courage. It is very easy to serve two masters in the cause of righteousness when you learn how. And a little further on the article says the distinguished gentleman from Kansas [Mr. MURDOCK] is going to vote against the bill. I am sorry to hear that because I was in hopes he would vote for the bill and then if he was true to his record he would immediately denounce it. If he votes against it and follows his record on the Payne bill I will expect him to sing its praises to chautauquas' remotest bounds.

Now, it is a cause for public grief that this party, that is coerced by no caucus and controlled by no bosses and influenced by no interest, should take to quarreling among themselves. But, Mr. Chairman, how is it possible that members of a party that possesses all the wisdom and all the righteousness could disagree? Can it be possible, Mr. Chairman, that these are the same old vocabulary performers we have had with us always, that want to reform their neighbors and not themselves? Is it possible that these anointed of the people are as other men?

Mr. HULINGS. Will the gentleman permit a question?

Mr. HUMPHREY of Washington. In just a moment. They should not quarrel among themselves. Their way is perfectly plain—they denounced the Payne bill to get in and they will denounce the Underwood bill or get out. Now, what the Ways

and Means Committee should have done, and what they would have done if they had been honest in their desire to serve the people, if they had not been influenced by some sinister motive, would have been to bring in a bill here that gave high protection upon every industry located in every Bull Moose district and free trade for all the rest of the country. That would have been real reform, that would have been real downward revision, that would have been in the real interest of the people. Such a bill as that would receive the undivided, unanimous, enthusiastic support of the righteous 13. By the way, I hope that the distinguished gentleman from Kansas will tell a candid and waiting world just how many Members follow him now, when he is marching in any direction except toward pie. Now I will yield to the gentleman from Pennsylvania.

Mr. HULINGS. I just wish to inquire of the gentleman what the gentleman had for breakfast this morning?

Mr. MANN. It looks to me as if the gentleman had eaten a Progressive.

Mr. HUMPHREY of Washington. It is perfectly apparent I did not have a piece of Progressive pie, as I still think the world is all right. I do not believe I am the only honest man in the country and that I belong to the only honest party.

Mr. COPLEY. Mr. Chairman, I move to strike out the last two words.

Mr. UNDERWOOD. Mr. Chairman, of course I do not wish to cut off the gentleman from his five minutes. This debate is rather entertaining to our side of the House; but as we want to progress I would like to cut off political debate this morning, and therefore I move that after five minutes, and after giving the gentleman a chance to reply, all debate on this paragraph shall be closed.

The CHAIRMAN. Without objection, the debate will be closed in five minutes.

There was no objection.

Mr. COPLEY. Mr. Chairman, that article in the Evening Star was not inspired by any man friendly to the Progressive cause, nor was it inspired by any man friendly to myself. The gentleman from Washington [Mr. HUMPHREY] has hitherto taken occasion to quote passages from newspapers that were inspired by political interests opposed to myself and accepts them as gospel. I will say to the gentleman, however, that my opinion on the tariff question was expressed in a speech in this House printed on the same day that it was delivered, and if he wants to know where I stand he can find out by reading that speech. He also intimates that one of the other gentlemen and myself are going to stand on the fence. I took my political life in my hands at the election last fall. In fact, I took the attitude immediately after the Republican national convention had nominated, and I have stood in that same attitude ever since. And it is not worth while spending any time in trying to explain to him. I will only call his attention to this fact, that although there are but 19 Progressive Members in this Congress, we have the satisfaction of knowing the candidate and the principles that we espoused in the last election were indorsed by more than 700,000 voters in this country in excess of the number of voters that espoused the principles to which he seems so firmly wedded. [Applause.]

So far as that article is concerned, I had no intention of paying any attention to it, having been in public life long enough to know that some of your enemies are going to write things which are intended to harm you and yet write them as apparently in a measure friendly. Now, as to "being a man of wealth," that is purely a personal matter, and has been exaggerated manyfold. I have never stood under any circumstances on any other basis than one of absolute equality with the gentleman from Washington [Mr. HUMPHREY] or any other Member of this House, or any other man, wherever or whoever he may be. I have worked in the ditch with my hands side by side with other laboring men, and am proud of it. I have never denied it. I have worked side by side with bank presidents, and I am proud of it. I have never denied it. I am content in the fact of accomplishing something useful. I have run through the gamut of human endeavor, and I am just the same sort of a fellow that I was before, notwithstanding the attempt of the gentleman from Washington to read something into these lines that were written by interests hostile to me and that might in some way belittle the Progressive cause or myself. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

389. Pencils of paper or wood, or other material not metal, filled with lead or other material, pencils of lead and slate pencils, all the foregoing, 25 per cent ad valorem.

Mr. FORDNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 96, line 25, after the word "foregoing," strike out "25 per cent ad valorem" and insert "45 cents per gross and 25 per cent ad valorem."

Mr. FORDNEY. Mr. Chairman, I offer this amendment to restore to this bill the existing rate of duty, for the following reasons: The United States produces and furnishes to Germany a large per cent of the graphite used in the manufacture of pencils in Germany. Germany purchases the wood from the United States out of which to make pencils. Therefore we furnish Germany not only with the wood but with the graphite, and she, with her cheap labor, furnishes us with a large per cent of the pencils used in this country. However, under existing law, the manufacturing of pencils in this country has been established and is increasing year by year. The rate of duty fixed in existing law is not excessive. Therefore I ask that the rates in the Payne tariff law be inserted in the so-called Underwood tariff law for the reason given, that I do not want to see again the pencil industry transferred to Germany, and that country, with its cheap labor, supply us with all our pencils.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. FORDNEY].

Mr. J. R. KNOWLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California [Mr. J. R. KNOWLAND] moves to strike out the last word.

Mr. J. R. KNOWLAND. I do so in order to ask that in my time the following editorial on this subject from the Oakland (Cal.) Tribune be read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[From the Oakland (Cal.) Tribune, Apr. 24, 1913.]

INDUSTRIES THREATENED WITH DESTRUCTION.

Making pencils is an extensive industry in the United States that is threatened with extinction by the tariff bill introduced in Congress. New York is where the pencils are made, but the cedar slats used in their manufacture are made in California, Tennessee, Florida, and other Southern States. Should the domestic manufacture of pencils cease the plants scattered about the country now employed in producing slats would be compelled to shut down and our home market surrendered to foreign makers.

German-made pencils would supersede the product of our home makers, and Germany does not use American cedar in making pencils. The German makers get their cedar from German East Africa. All Government officers in Germany are required to use pencils made with African cedar, as Germany desires to develop the resources of her African possessions while building up her manufactures at home.

The German tariff shuts American-made pencils out of the German market, even if the lower labor cost in the Kaiser's empire were not an insuperable obstacle to the exportation of pencils from the United States to Germany. Where the American manufacturer pays out a dollar for labor the German manufacturer pays out a mark. Figured in American money a mark is 23 cents.

Under the present tariff law a specific duty of 45 cents per gross is levied on foreign pencils imported into this country, in addition to 25 per cent ad valorem. The bill which has just been introduced in Congress abolishes the specific duty entirely. As the 25 per cent ad valorem duty is insufficient to equalize the cost of production, the pencil industry in the United States will be destroyed if the bill goes through in its present form. This will react disastrously on timberland owners and mill proprietors in several States, besides throwing a large number of people out of employment.

Until a comparatively recent period the common red cedar of California had no market value. It was not worth cutting until a company entered this field with a plant to manufacture pencil slats. This plant is located at San Leandro, in Alameda County, Cal., and occupies a tract of 14 acres. It has recently been enlarged and improved at a considerable expense. Several acres were purchased at a cost of $1,500 an acre. At San Leandro 108 persons are employed, and over 100 more are employed in the woods. In addition to cutting its own timber the San Leandro concern buys cedar logs from a number of lumbering companies operating in this State.

Thus a new industry has been created in California utilizing a hitherto waste product and giving employment to a large number of workingmen. If the pencil manufactories in the East are compelled to shut down by a ruinous reduction in tariff duties the San Leandro plant will also be compelled to close down, and there will be no longer a market for California cedar.

And what will we get in return? The privilege of buying German pencils made from African cedar. The plumbago used by American pencil makers is mined in the United States, but the plumbago mines will have to shut down if the pencil makers are forced out of business.

Mr. J. R. KNOWLAND. Mr. Chairman, I desire to support the amendment offered by the gentleman from Michigan. Japan is becoming a competitor of the United States in the manufacture of lead pencils. The wages paid in this country are nearly fifteen times higher than paid in Japan. Notwithstanding the present duty, the value of importations last year exceeded over $400,000, showing that the duty is far from prohibitive. I will insert the following letter from the Hudson Lumber Co., of San Leandro, Cal.:

SAN LEANDRO, CAL., *January 13, 1913.*

Mr. J. R. KNOWLAND, *Washington, D. C.*

DEAR SIR: Referring to Schedule N, paragraph 472, pencils, of the present tariff:

We object strongly to any reduction in the present tariff on pencils. We manufacture slats for pencil factories, and any reduction in the tariff on pencils would make the price of our manufactured stock so low that we would, no doubt, have to go out of business or cut the

price of our labor to equal the pauper labor of Europe. The farmers own the cedar wood that is left in the Southern States, and a reduction in the tariff on pencils would mean a tremendous loss to these men.

Red cedar, formerly found only in the Southern States of this country, is now shipped in large quantities and much cheaper from the German East African possessions to Germany, where the authorities have publicly recommended to the people not to use any other cedar. The lower the tariff on pencils here, the more finished pencils will be imported made of the African wood, thereby cutting down the farmers' income and lowering the wages of the laborers.

We depend for our living upon protection of the finished article made in this country as against low-priced wood used in Germany, Italy, France, and Japan in the manufacture of pencils.

Yours, very truly,

HUDSON LUMBER CO.,
Per R. E. GOODGAME.

Mr. J. R. KNOWLAND:

We, the undersigned, citizens of this congressional district, kindly request that you use your influence to prevent any reduction in the tariff on pencils for the reasons as outlined in this letter.

Bank of Haywards, J. E. Farnum, cashier; W. J. Gannon; W. F. Knightly; John E. Lears; Alonzo Bradford; Chas Q. Rideout; L. C. Morehouse; A. B. Carey; P. Godchaux; A. S. Weaver.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. FORDNEY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

392. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, 25 per cent ad valorem; other pipes and pipe bowls of whatever material composed, and all smokers' articles whatsoever, not specially provided for in this section, including cigarette books, cigarette-book covers, pouches for smoking or chewing tobacco, and cigarette paper in all forms, 50 per cent ad valorem.

Mr. PALMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

The Clerk read as follows:

Page 97, line 18, after the word "forms," insert the words "except cork paper."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

394. Umbrellas, parasols, and sunshades covered with material other than paper or lace, 35 per cent ad valorem. Sticks for umbrellas, parasols, or sunshades, and walking canes, finished or unfinished, 30 per cent ad valorem.

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Amend, page 97, line 23, after the word "lace," by striking out "35 per cent ad valorem" and inserting "45 per cent ad valorem."

Mr. MOORE. Mr. Chairman, this is the third and last stage of the umbrella question. Undoubtedly the committee has made a mistake in this instance. It is taxing the raw material higher than the finished product and is making it impossible for men in this country to successfully compete in the manufacture of umbrellas.

I hope the committee will give consideration to this matter, because here is a chance for them to make good and correct an error that is manifest. The Payne bill gave protection to the manufacture of umbrellas, in that it rated the component parts of the umbrella lower than the finished product; but this bill, whether for the purpose of raising revenue or not, does tax the component parts higher than the finished umbrella itself. When we reached paragraph 143, which provides that on umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partially finished, the duty should be 35 per cent ad valorem. I endeavored to raise the duty from 35 per cent to 40 per cent, but the amendment was overthrown. That duty, by the way, was equal to the duty that is placed upon the finished product.

When we reached paragraph 326, relating to woven fabrics, in the piece or otherwise, of which silk is the component material of chief value, and all manufactures of silk or of which silk or silk and india rubber are the component materials of chief value, constituting the coverings for umbrellas over the ribs and frames, I undertook to have the duty reduced from 45 per cent to 35 per cent, in order that it would be less than the rate fixed upon the umbrella itself. That amendment also was defeated, and that notwithstanding the fact that there are umbrella factories employing hundreds and possibly thousands of people in the city I have the honor in part to represent, and one in Lancaster, Pa., and other sections of the State and throughout the country that will be seriously affected by this change.

Now we have come to the crucial paragraph, that of the umbrella itself, the finished umbrella or parasol, which we set against the umbrella or parasol which comes in from the other side, and against that importation we fix a duty of only 35 per cent. How can a man make an umbrella at 35 per cent if he has to pay 45 per cent, as this bill provides he must do, in order to get his woven fabric? It seems to me this is such a glaring error that the gentlemen on the other side ought to be glad to correct it, more especially as it affects the wage of hundreds of thousands of people employed in this industry.

I seriously appeal to the gentlemen on the other side to permit this amendment to go through. It does no more than fix the rate upon the finished product equal to that on the raw material.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. MOORE. Yes.

Mr. HARDWICK. I understood the other day that the gentleman from Pennsylvania said that nobody could make a dent in this bill, and that he was going to quit offering amendments. Is that right? [Laughter on the Democratic side.]

Mr. MOORE. Yes; that is right. I said it was useless to offer amendments, but here is a meritorious case this morning——

Mr. HARDWICK. Then the other cases were not meritorious? [Laughter on the Democratic side.]

Mr. MOORE. And it seems to me the gentlemen might soften a little and permit this amendment to be adopted.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. BARNHART. The gentleman says this time he makes a "serious" appeal to the committee. Were the other amendments not serious? [Laughter on the Democratic side.]

Mr. MOORE. Yes; they were serious, but ineffectual. I hope that in this case the committee will accept this amendment. I do not want to see these plants transferred from this country to Germany and other countries abroad, as would seem to be the result if the committee persists in its evil course.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

Mr. PALMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 97, line 23, after the word "lace," by inserting the words "not embroidered or appliquéd."

The amendment was agreed to.

The Clerk read as follows:

397. That each and every imported article not enumerated in this section which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this section as chargeable with duty shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this section, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

Mr. PALMER. Mr. Chairman, I ask unanimous consent that in the amendment which was offered and agreed to on Saturday, in line 3, page 93, the word "poke" may be changed to "spoke."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that in an amendment agreed to on Saturday last, on page 93, in line 3, the word "poke" in said amendment be changed so as to read "spoke." Is there objection?

There was no objection.

Mr. PALMER. Mr. Chairman, I move to strike out the last word for the purpose of referring to a statement which was made on Saturday by the gentleman from Michigan [Mr. FORDNEY], which is found in the RECORD, on page 978, in which he says:

Away back in 1894 or 1895 there was a gentleman whose name is Osborne, who was a candidate for the office of governor of Wyoming; a great Democrat, and in favor of free wool. He told in a joking way afterwards, "I came within 3 cents a pound of getting it—free wool,"

because that was all he could get for his wool. [Laughter.] He was a very extensive woolgrower in Wyoming, and just at that time there appeared a higher price abroad for wool than was paid in the United States. He accordingly shipped his wool to London, England, and before his wool had arrived there the price went down.

He kept his wool in a warehouse over there and paid the rent and storage upon it in England until the Republican Party once more got back into power and put wool on the protected list, and then he brought that wool back to the United States and sold it here.

The gentleman who is referred to in this statement—Mr. Osborne—is now an Assistant Secretary of State, and he has authorized me, indeed he has requested me to say, in order that the record shall be straight, that the distinguished gentleman from Michigan [Mr. FORDNEY] is entirely mistaken in his statement as to Mr. Osborne selling wool abroad in that manner. He says—and I am just repeating Gov. Osborne's statement—that he sent to the London market a considerable clip of his wool, amounting to over 40,000 pounds; that he received for it a slightly higher price than the then prevailing market price in America, and that he was advised by his factors that he would have received a larger price if it had not been that it was badly packed; that the next year he shipped abroad a clip of about the same amount, 40,000 pounds, and that he sold it in the London market and received 1½ cents a pound more than the then prevailing price in the United States. He says it is not a fact that he stored that wool abroad and returned it to this country, when he sold it cheaper, or for any price; that it was not returned to this market, but in each of those years it was sold in the London market, the first year at a slightly higher price than the American price, and the second year at 1½ cents a pound higher than the American price.

I do not desire to get into any controversy about it, but I am making this statement at the request of Gov. Osborne in order that the facts may appear upon the record.

Mr. MONDELL. What year was that?

Mr. PALMER. It was 1894 and 1895.

Mr. FORDNEY. Will the gentleman permit me to set myself right before the House?

Mr. PALMER. Certainly.

Mr. FORDNEY. I made that statement in good faith. I received my information from Senator WARREN. Senator WARREN happened to be in the House last Saturday when I made that statement, or he learned of it, because within five minutes after I made it I met him in the cloakroom, and he again said that my statement was correct. When I made the statement last Saturday I did not know that Mr. Osborne is now an Assistant Secretary of State under Mr. Bryan, but if I had known it it would have made no difference. Before I revise my statement of last Saturday I want again to consult with Senator WARREN, and let him and Assistant Secretary of State Osborne thrash it out. Mr. Osborne does admit having shipped his wool abroad when wool in the United States was on the free list. The only way in which he contradicts my statement is that he did not bring any portion of that wool back to the United States.

Mr. MURDOCK. Mr. Chairman, I rise to oppose the motion of the gentleman from Pennsylvania. Mr. Chairman, twice within the last week the dyspeptic gentleman from Washington [Mr. HUMPHREY], who is a weak understudy of the gentleman from Illinois [Mr. MANN], has brought into this Chamber a supercilious sneer. On the first occasion the gentleman from Washington undertook to deride the men in the country who live in small towns. He quoted from a newspaper, friendly to him, to show that a large number of men on the Ways and Means Committee were laboring under the awful disadvantage of not having been reared, as the gentleman from Washington has been reared, in a large city, and consequently that they were not able to write duties in a tariff bill.

This morning, in a second attempt along the same line, he essays to ridicule the Progressives in this body for an alleged division among them. I want to say to the gentleman from Washington that the members of the Progressive Party have no rings in their noses. [Applause.] They are not led around, as the gentleman from Washington has been led around for years, by so-called bosses or leaders.

I call the attention of the gentleman from Washington, in his criticism of me for voting against the Payne-Aldrich tariff law, to the fact that he did not vote against the Payne-Aldrich law, but that he voted for it under the direction of the bosses and under dictation. The gentleman from Washington, who now claims to be for a tariff commission, is not in fact for a tariff commission, nor, if we had a tariff commission, would he abide by the facts the commission found. Does the gentleman claim that he would? No; he will not claim it. We once had a full investigation into the matter of one item of the tariff.

Three years ago a board appointed by this body went into the matter of proper duties on wood pulp and print paper. That committee was headed by the gentleman from Illinois [Mr. MANN]. It had on it four Republicans and two Democrats. They brought in a unanimous report favoring the placing of wood pulp, then bearing a duty of $1.66 a ton, on the free list and a reduction on print paper from $6 to $2 a ton. That report was unanimous, and it was made after a long and exhaustive inquiry, and complete information was brought to the House.

What happened? In the face of that report, in disregard of the facts brought in by that commission, the duty on print paper was put up to $3.75 a ton and the duty on ground wood retained. What did the gentleman from Washington do in that day, the gentleman from Washington who talks here so glibly and eloquently in favor of a tariff commission? Where was he then? He was then, as he is always, following meekly behind some leader, not following his own judgment, not using the information which was within his reach, but voting as his leader told him to. And, in plain disregard of the facts brought out by the commission, he voted for the Payne-Aldrich tariff bill and against the findings of that commission, as in the future he would vote against the findings of any commission if his bosses told him to do so.

The gentleman spoke of a division of the Progressives. So far as I can observe, there are about four different camps in the Republican Party at the present time. I honor the leaders of one faction, not for their tariff policy, but for their sincerity. The gentleman from Michigan [Mr. FORDNEY] and the gentleman from Pennsylvania [Mr. MOORE] are high protectionists, and they do not care who knows it. If they have the writing of a bill, they will write high and prohibitive duties. Then, there is another camp in the Republican Party which is headed by the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois [Mr. MANN] is in great trouble. For years here he has brought against those in the Republican Party who wanted to make a little progress the obstruction of his sneer. There has never been a moment in the last six or eight years in this body when the Republicans tried to get away from the old system of bossism that they have not been opposed by the gentleman from Illinois. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MURDOCK. Mr. Chairman, I would like to have five minutes more.

Mr. UNDERWOOD. Mr. Chairman, I can not break my rule.

Mr. MURDOCK. Mr. Chairman, I would like to explain about these two other divisions in the Republican Party. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I should like very much to yield to the gentleman under other circumstances, but I can not break the rule.

Mr. MURDOCK. This is the end of a schedule.

Mr. UNDERWOOD. I can not play favorites, as much as I would like to play a favorite of the gentleman from Kansas.

Mr. MANN. Mr. Chairman, I join in the request that the gentleman have a chance to get rid of his bile.

Mr. MONDELL rose.

Mr. BARNHART. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARNHART. Mr. Chairman, I would like to inquire if under the rules those on the other side of the aisle are to be permitted to bring their Monday wash day linen in here and consume the morning in cleansing it?

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. PALMER. Mr. Chairman, I would suggest to the gentleman from Kansas that the first paragraph of the free list covers arsenic and carbolic acid, and that that would be a good place to inject his remarks about the other two divisions of the Republican Party. [Laughter.]

Mr. MONDELL. Mr. Chairman, inasmuch as the name of some honorable citizens of my State have been brought into the debate, I ask that I be permitted to address the committee for five minutes.

Mr. UNDERWOOD. Mr. Chairman, I will state that I am not willing to go into political discussions. I move that all debate on the paragraph and all amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama that all debate on the paragraph and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

FREE LIST.

That on and after the day following the passage of this act, except as otherwise specially provided for in this act, the articles mentioned in the following paragraphs shall, when imported into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be exempt from duty.

Mr. UNDERWOOD. Mr. Chairman, I desire to announce now, because I am not willing to go into any general debate, and I know that this will lead there if we permit it, that I intend to insist on the debate being confined to the bill. I do not like to interfere with the gentlemen, but if we go into general debate as to what these gentlemen think of one another——

Mr. MURDOCK. Mr. Chairman, will the gentleman yield? That seems hardly fair, inasmuch as the gentleman from Washington [Mr. HUMPHREY] rose this morning and without objection from the gentleman from Alabama made an attack on the Progressive Party in this Chamber.

Mr. UNDERWOOD. I will state to the gentleman from Kansas that I did not interrupt the gentleman from Washington because he had gotten half way through his five minutes' talk before I discovered he was not talking about the bill.

Mr. MURDOCK. And I am only half way through my 10 minutes.

Mr. UNDERWOOD. Mr. Chairman, I wish to say to the gentleman from Kansas that his party has had 10 minutes in which to answer the gentleman from Washington, because both the gentleman from Kansas and the gentleman from Illinois [Mr. COPLEY] have consumed 5 minutes. I must insist upon the debate being confined to the bill.

Mr. MURDOCK. Will the gentleman permit me two minutes?

Mr. UNDERWOOD. Well, Mr. Chairman, I am willing to compromise——

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas have my five minutes, and that the gentleman from Wyoming have five minutes.

Mr. MONDELL. Mr. Chairman, I expect to speak to the bill, as I have up to this time in all the arguments that I have made.

The CHAIRMAN. The gentleman from Wyoming will permit the Chair to state the question. The gentleman from Illinois asks unanimous consent that the gentleman from Kansas may proceed for five minutes in such manner as he may choose. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, if this is going to bring on further debate I am not willing to consent to it, because I do not want to play favorites in this matter.

Mr. MANN. And the gentleman from Wyoming five minutes. I do not know whether the gentleman from Kansas will excite me sufficiently to want to reply, but he has not yet. [Laughter.]

Mr. UNDERWOOD. If the proposition is that the gentleman from Kansas, representing the Progressive Party, and the gentleman from Wyoming [Mr. MONDELL], speaking for the Republican Party, have five minutes to say what they please, and that then we stop the debate on that subject, I am willing to consent.

Mr. MONDELL. Mr. Chairman, I am not asking permission to speak out of order, but at the proper time I want five minutes to address myself to the bill.

Mr. UNDERWOOD. Then the gentleman from Wyoming is not in this proposition. If he will wait he can get the time.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas may have five minutes.

Mr. UNDERWOOD. With the understanding I intend to object if anybody else goes out of the record.

Mr. MANN. Well, we will have to take a chance on that.

Mr. UNDERWOOD. If the gentleman himself wants five minutes in which to reply I will consent to it.

Mr. MANN. There is nothing I have heard so far that is worthy of reply. [Laughter.]

Mr. MURDOCK. Mr. Chairman, as usual the gentleman from Illinois puts in a supercilious sneer against the Progressives.

Mr. UNDERWOOD. Mr. Chairman, if I can not come to an agreement on this political debate I will have to object. I am perfectly willing for the gentleman from Kansas to have five minutes and for the gentleman from Illinois to have five minutes to do with as he pleases.

Mr. MANN. I am not at this time asking five minutes; I will take my chance of getting such time as I desire.

Mr. UNDERWOOD. The gentleman knows I would dislike to raise the point of order, so far as he is concerned, but if the gentleman wants five minutes I am willing to yield it now, but if he does not I will have to make the point of order.

Mr. MURDOCK. The gentleman from Illinois apparently makes no request.

The CHAIRMAN. The gentleman from Illinois has not preferred a request; the gentleman from Alabama asks unanimous consent that the gentleman from Kansas proceed for five minutes out of order [laughter]——

Mr. MANN. That part is not necessary; of course, he will be out of order.

Mr. UNDERWOOD. I desire to modify the request, because I want to be fair and I do not want to be put in the attitude of objecting to or raising the point of order against the leader of the Republican Party. Now, I ask unanimous consent that the gentleman from Kansas may have five minutes to talk about what he wants to and then the gentleman from Illinois to have five minutes, if he wants to use it for the same purpose, and at the end of that time I give notice that I am going to insist that debate be confined to the rule.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Kansas may have five minutes in which t. talk about anything he wants to [laughter] and that the gentleman from Illinois may have five minutes to reply, if he desires to do so. Is there objection? [After a pause.] The Chair hears none.

Mr. MURDOCK. Mr. Chairman, I was, when interrupted, describing the present condition of the Republican Party and the present state of its fragments. First come the standpatters represented by the gentleman from New York [Mr. PAYNE], the gentleman from Michigan [Mr. FORDNEY], and the gentleman from Pennsylvania [Mr. MOORE], all on the Ways and Means. Those gentlemen, if permitted to write a tariff, would not write that tariff upon the report of any commission; they would write into the bill prohibitive rates, according to their belief; and, as I have pointed out in particular, that when we had the full report upon wood pulp and print paper that they disregarded those recommendations [applause on the Democratic side] and put in prohibitive rates. Now, I want to show how Mr. Taft, then President of the United States, in his Winona speech, said that the duties upon wood pulp and print paper in the Payne-Aldrich law were not exactly as the commission had found, but that Mr. PAYNE, upon investigation, had concluded that the commission had found the figures much too low. [Applause on the Democratic side.]

And if the gentleman from New York and the gentleman who is his associate on the committee [Mr. MOORE] and the gentleman from Michigan [Mr. FORDNEY] had the right to write a tariff bill to-day it would be a prohibitive tariff not based upon a tariff commission's report. [Applause on the Democratic side.] Now, I said the second division of the Republican Party was headed by the chief sneerer of the Republican aggregation, Mr. MANN, of Illinois [laughter], assisted by the other artist in that line, Mr. HUMPHREY of Washington. They are in great trouble; they are afraid to follow their natural inclinations and go with Mr. PAYNE, Mr. MOORE, and Mr. FORDNEY, because associated with those gentlemen are some other members of the Republican Party who have been in the past progressive. Just where they are now I do not know. Typical of them is the gentleman who indulged in criticism of me Saturday in this Chamber, the gentleman from Wisconsin [Mr. LENROOT]. Where is Mr. LENROOT and what is he? Is he a Republican. I doubt it. Is he a Progressive? He is not. [Applause on the Democratic side.] Is he a standpatter? I do not know. It seems that the impression is abroad up in Wisconsin that he is a Democrat. [Cries of "No!" on the Democratic side.] But I would not deny it. Here is a letter to the editor of the Superior Telegram. Listen to it:

> Representative LENROOT'S affiliation to the Democratic administration, as outlined in the Associated Press dispatches, is no loss to the Progressive Party of his own country, as he never was of or with us. He, by his glib tongue, led us to believe that he was so at first, but we found him out long ago to be inclined toward the Democratic Party rather than to the Republican or Progressive Parties. Good-by LENROOT.
>
> A. S. ANDREWS,
> *Chairman County Committee of the Progressive Party.*

Now, there is a fourth element of the Republican Party, and it is in some respects in the worst pickle of all. There are some 8 or 9 or 10 Members acting with the Republican Party on this side who were elected by the Progressive Party and not by the Republican Party. This is not fiction; it is not guess; it is demonstrable. Up in Pennsylvania a candidate can get his name on the ballot twice, in two places, and it is possible to show by the ballot in Pennsylvania what votes these Members, now acting with the Republican Party, received as Progressives and what votes they received as Republicans.

Now, it may surprise some of the Members of this House to know that some of the men from Pennsylvania who are following the sneering policy of the gentleman from Illinois, aided by his understudy, the gentleman from Washington [Mr. HUMPHREY], received more Progressive votes in Pennsylvania than they did Republican votes, and Progressive votes enough to elect them. I will ask Mr. MORIN, of Pennsylvania, if that is true of him; I will ask Mr. FARR; I will ask Mr. AINEY; I will ask Mr. KIESS; I will ask Mr. PATTON; I will ask Mr. LANGHAM; I will ask Mr. PORTER; and I will ask Mr. BARCHFELD. And yet, gentlemen of the House of Representatives, the Pro-

gressive Party, denied its full strength in this House, must sit here under the sneers of the gentleman from Illinois, backed up by the sneers of the gentleman from Washington [Mr. HUMPHREY], playing the old, old game of fooling the people of the United States. [Applause.]

Mr. MANN. Mr. Chairman, it is worthy of the thoughtful for the gentleman from Kansas, elected on the Republican ticket, as a Republican, complaining about Republicans who received Progressive votes. The gentleman from Kansas [Mr. MURDOCK] has secured his position in the House standing as a Republican and then claiming to be the leader of another party. Why, if the gentleman from Kansas had the sense of honor that most of the Members of this House have, when he wished to run as a Progressive he would have resigned his seat as a Republican and then been a candidate as a Progressive. [Applause on the Republican side.]

The gentleman from Kansas, who referred to a tariff commission report on wood pulp and print paper, which report was made by the Mann committee, of which I was chairman, a disinterested report so far as I was concerned, supported it because it lowered the duty on print paper, which he uses in his newspaper establishment. [Applause on the Republican side.] The gentleman from Kansas claims now that he is for a tariff commission, and complains because the gentleman from Washington [Mr. HUMPHREY] did not on the motion to recommit the Payne bill stand for the report of the Mann committee on print paper; the gentleman from Kansas, who voted against the Tariff Commission on the motion of the Republican side to recommit the wool bill at the session two years ago, to the Committee on Ways and Means, to await the finding of the Tariff Commission on wool; the gentleman from Kansas voted against the Tariff Commission on the motion of the Republicans to recommit the metal-schedule bill to the Committee on Ways and Means, to await the finding of the Tariff Board on that subject; the gentleman from Kansas did not vote against the Republican motion to recommit the cotton-schedule bill and await the finding of the Tariff Commission, because he was then, I presume, as he usually had been for several years, using the advertisement of being a Member of Congress to obtain audiences for pay on the Chautauqua lecture platform [applause]—was not here to vote either way. And you can not find, although there were three or four votes altogether upon the cotton schedule, I believe—you can not find that the gentleman from Kansas is recorded anywhere on the subject. But the gentleman voted for all the other tariff bills which were proposed in the House in the last Congress, with the exception of the chemical bill, where he voted at all, without waiting for a tariff commission report. And he has no more desire for a tariff commission report than the other side of the House has. The Democrats in this House, frankly and aboveboard, declare that as far as they can be, they are for free trade. The gentleman from Kansas, without the frankness and the candor which shines from the other side of the House, is and has been a free trader on everything that Kansas does not produce, aye, everything which his district does not produce—a free trader as against the protective principle. And no wonder that on Saturday, on the wool-schedule bill, where the Republicans offered an amendment to this bill to conform with the report of the Tariff Board on wool, the gentleman from Kansas marched through the tellers against the bill which would conform with the report of the Tariff Commission and in favor of the free-trade bill of the other side of the House, which expressly disavows any intention to comply with the report of the Tariff Board. The distinguished gentleman from Kansas will need to revise his leadership and his actions in the House if he intends to represent the great masses of the country who voted for Theodore Roosevelt, a protectionist, an advocate of protection which the gentleman from Kansas does not now and never will stand for.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, this is the first paragraph of the free list, and I desire to discuss it briefly. A few moments ago the gentleman from Pennsylvania [Mr. PALMER] referred to some experience under free wool, which this bill provides for, of a distinguished friend and constituent of mine—that is, assuming that his present residence in Colorado is only temporary—who once defeated me for Congress, running on a platform declaring for the free and unlimited coinage of silver at the ratio of 16 to 1, without the aid or consent of any other nation, now or hereafter, world without end. [Laughter on the Republican side.]

Mr. HARDY. Mr. Chairman, I do not believe there is any 16-to-1 rate involved in this paragraph, and I therefore——

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Texas?

Mr. MONDELL. I regret I can not yield.

Mr. HARDY. I raise the point of order that the gentleman is not discussing the paragraph now pending.

The CHAIRMAN. The gentleman from Texas raises a point of order. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, in 1894 the Wilson bill put wool on the free list. At that time a gentleman distinguished in the councils of the Democratic Party in my State, now honored by this administration by appointment as Assistant Secretary of State, was a large grower of wool. The exigencies of politics compelled him to defend the placing of wool on the free list. His neighbors so prodded him and his pocketbook so persistently reminded him of the fact that the price of wool had gone down to practically nothing at home that he shipped some wool to London. The only error in the statement made the other day by the gentleman from Michigan [Mr. FORDNEY] was that he shipped the wool back again to this country. He did not do that, because we had free trade in wool here, and, low as wool was in London, it was practically bringing no price at all here at home.

Mr. HARRISON of New York. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Mr. Osborne did sell this fleece in London, just as he says he did, and I saw, about a year ago, what purported to be a copy of the bill of sale, which establishes the fact that Mr Osborne received for the wool——

Mr. HARRISON of New York. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from New York?

Mr. MONDELL. Just a moment. The gentleman does not want to interrupt me, I know, in the middle of a sentence. The bill of sale establishes the fact that Mr. Osborne received in London for wool that cost him at least 12 or 14 cents a pound to grow, net 3½ cents per pound, or thereabouts.

It is true, I am advised, that he did not ship the wool back. It is also true that he lost about 10 cents a pound on his fleeces.

Now, I will yield to the gentleman.

Mr. HARRISON of New York. Is it not true that we now have a duty of 10 or 11 cents a pound on wool, and in spite of that fact we are now shipping American wool to the Bradford mills in England.

Mr. MONDELL. Mr. Chairman, the gentleman is—I was going to say so simple-minded, but he is not—he is so artful that he would have those who do not understand believe that the agitation for the placing of wool on the free list or the assurance that it is to go on the free list does not have the effect of sending it to near a free-trade basis here. The fact is, wool is low here because you are proposing to put it into competition with foreign wool. I am not informed as to whether American wool is being sold abroad; I doubt it. While your continual agitation of free wool has depressed the price for a long time, however, I called attention a few days ago that, in spite of your agitation, the Boston prices were, as late as last December, from 4½ to 7½ cents a pound higher than the London prices. If the level of prices now tempts export of American wool—which I doubt—it is due wholly to the fact that you propose to put wool on the free list.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

398. Acids: Acetic or pyroligenous, arsenic or arsenious, carbolic, chromic, fluoric, hydrofluoric, hydrochloric or muriatic, nitric, phosphoric, phthalic, prussic, silicic, sulphuric or oil of vitriol, and valerianic.

Mr. HARRISON of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 99, line 15, in the word "pyroligenous," by transposing the letters "e" and "n," so that it will read "pyroligneous."

The amendment was agreed to.

The Clerk read as follows:

402. Agricultural implements: Plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horse-rakes, cultivators, thrashing machines and cotton gins, wagons and carts, and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

Mr. HUGHES of Georgia. Mr. Chairman, I move to strike out the last word.

During the discussion of this tariff bill I have been amused and somewhat entertained by the paternal expressions so frequently used by our distinguished friends upon the other side of the aisle in behalf of the farmers and the so-called common laborers of this country. But, Mr. Chairman, we have felt their protective arms for 16 consecutive years. We must return to them our thanks for some consideration during that time, however, because of the fact that they have given us upon the free list such articles as apatite, acorns, bladders, dragon's blood, ice, kindling wood, and ashes. [Laughter.]

But, my countrymen, we wish to say this, that you have taxed to the very limit the necessities of the farm, namely, agricultural implements, plows, disk harrows, headers, reapers, agricultural drills, planters, and so forth, cotton gins, wagons and carts, wire for fencing, bagging and ties for their cotton.

Mr. Chairman, we ask those distinguished gentlemen if they have taxed these necessities in behalf of the farmers of this country, the creators of honest wealth? The Underwood bill places them on the free list to lessen the cost of production.

Again, Mr. Chairman, they have taxed almost every necessity for the common laborer of this country; his clothing both for winter and for summer, cotton and wool. They have taxed his bread, his butter, and his meat. I ask you, gentlemen of the Republican Party, if you have taxed these articles in the interest of the common laborer of this country? The Underwood bill has placed on the free list many of the necessities of the laborer and reduced the tariff on every article he consumes, in order to reduce the cost of living.

Mr. Chairman, the Republican Party saw the handwriting on the wall. They saw that they stood over a volcano that was liable to burst forth in its fury. They also saw that they could no longer continue to exact the last pound of flesh. Therefore they entered upon a campaign under a platform in which they pledged the people of this country that if they would only trust them again they would revise the tariff and revise it downward.

The people unfortunately felt that they were sincere, for the Republican Party was trusted, and again was placed in power and control of this great Government. But so soon as they possessed that power they forgot the pledges that they had made to the people, and they turned again to their first love, for they revised the tariff upward, not in the interest and in behalf of the great masses of the people, but in behalf of the trusts and combines of this country. [Applause on the Democratic side.]

The Democratic Party presented to the people a platform, upon which they were elected. This party will prove true to the trust imposed and received. As evidence of their fidelity they have presented the Underwood tariff bill and will pass it.

Those who approve this bill are the masses of the people of this Union, for it gives justice to all and special privileges to none. Those who do not approve the Underwood bill are the Republican Party, the representatives of the trusts and combines, the creatures of a protective tariff. They oppose it because it is justice to all, special privilege to none.

Mr. GOOD. Mr. Chairman, I move to strike out the paragraph. The gentleman from Georgia [Mr. HUGHES] proceeds on the theory that we have a high tariff on agricultural implements. When this paragraph was under discussion in the last Congress, gentlemen on that side of the chamber made the statement over and over again that American-made agricultural implements could be purchased more cheaply abroad than here. In the last campaign a Democrat, making a speech in my district, is reported in the Benton County Times as follows:

Mr. Huber, having traveled extensively in Europe last year, largely for the very purpose of studying the economic conditions of foreign countries, was able to cite cases that came directly under his observation.

Mr. Huber saw American-made self-binders of the latest models sold in Europe from $25 to $35 less than is charged the American farmer, and this after the cost of shipping is paid.

Mr. Chairman, the Department of Commerce and Labor made a report on the 3d day of March on its investigations of the International Harvester Co., and I hope the report of that investigation will solve and settle the question with regard to the prices paid for American machines in this country and abroad. On page 244 of the report a comparison of the domestic price and the foreign price is given:

Prices in United States and in foreign countries.—Comparing the foreign business of the International Harvester Co. with the domestic business, there are comparatively few exceptions, apparently, to the statement that the prices to the retail dealer or to the farmer are higher abroad than in the domestic market. The difference between domestic and foreign prices is due largely to the fact that the business in foreign markets must bear a large expense for freight and generally for duty, while the selling expenses likewise are often high.

A comparison of domestic and foreign prices for certain harvesting machines is given below. It should be noted, however, that a much larger part of the foreign business than of the domestic is done with jobbers. This tends to lower the foreign price as compared with the domestic. Of course the figures take no account of any differences between prices of machines to the farmer in the United States and in foreign countries due to variations in the expenses or in the profits of the retail dealer.

Average net prices of specified lines of the International Harvester Co. in the United States and in foreign countries, excluding Canada, in 1910.[1]

Item.	Domestic.	Foreign.
Grain binders, 5-foot, 6-foot, 7-foot	$102.64	$125.27
Reapers	53.83	68.28
Mowers	37.11	41.09
Rakes	18.17	21.71
Twine	.074	.083

[1] Prices in Canada also are higher than in the United States.

The average proceeds of sales given above include all sales of machines to dealers and jobbers (less discounts). In the United States the business done with jobbers is very small as compared with that in foreign countries. It should also be remembered, as just stated, that the prices for machines sold in foreign countries include heavy freight and duty charges, amounting, according to an average of these expenses on the monopolistic lines for 1910 and 1911, to over five times as much in proportion to sales as the freight paid on corresponding lines in the United States.

From the figures in the above table it can be easily seen that the farmer in the United States enjoys a marked advantage over the farmers in foreign countries generally, even if the retailer's margins were very much lower abroad, on an average, than in the United States. The foreign price shown by the table on grain binders is about 22 per cent greater than the domestic; on reapers, about 27 per cent; on mowers, about 11 per cent; on rakes, about 20 per cent; and on twine, about 12 per cent.

While the above table indicated that in general the advantage to the farmer in the United States is very considerable, it is not to be inferred from this that so great a contrast would be found in all cases if comparisons were made with particular countries. In some countries the International Harvester Co. meets very aggressive competition, and because of that competition it is compelled to lower its prices considerably. The areas of low prices are comparatively unimportant and have little effect on the average price.

Because of frequent reports that the International Harvester Co. has sold its machines at much lower prices abroad than in the United States, emphasis should be placed on the fact that the bureau's agents made an extensive investigation in Europe and found no noteworthy instances of what is usually termed "dumping" with respect to the International Harvester Co. In some instances sales below actual cost were found. These were apparently due, however, to peculiar conditions, such as the accumulation of stock that had deteriorated in value beacuse of exposure or other circumstances, or to other conditions justifying the reductions made. In some cases it has been found that the International Harvester Co. realized a lower (net at factory) average price for some of its principal machines in particular foreign countries in certain years as compared with the United States, but such prices were apparently due to aggressive competition or to abnormally high selling expenses.

Now, the fact is, as shown by this report, the foreign price of farm machinery is about 25 per cent greater than the domestic price, or, in other words, agricultural implements can be purchased in the United States 25 per cent cheaper than the same article can be purchased abroad.

Mr. HELVERING. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. HELVERING. What was the quotation the gentleman gave as to reapers?

Mr. GOOD. The average net price on specified lines in the United States was $102.64 as against the foreign price of $125.27.

Mr. HELVERING. The gentleman said that we could buy a reaper cheaper in the United States than in a foreign country?

Mr. GOOD. Unquestionably. American-made reapers which our farmers can buy for $102.64 sell abroad for $127.27, as stated in the Government report—a report not made for the purpose of securing votes, but rather for the sole purpose of giving reliable information. The following table, set out on page 248 of said report, shows the range of farm machinery covered by the investigation and report:

Average net prices in the United States of the International Harvester Co. for specified kinds of farm machinery, etc., by years, 1903–1911.

[Deducting discounts but not freight.]

Machines, etc.	1903	1904	1905	1906	1907
Grain binders, 5, 6, and 7 foot	[1] $98.42	[1] $97.73	[1] $97.67	$95.79	$96.34
Grain binders, 8-foot				109.49	[2] 115.63
Mowers[3]	35.11	34.53	34.68	34.48	34.69
Rakes[3]	17.30	17.67	17.18	17.11	17.05
Tedders[3]	29.65	29.12	28.67	28.72	28.22
Corn binders	96.29	94.25	94.33	93.19	94.89
Disk harrows[3]			19.92	19.71	19.91
Wagons, two-horse[3]					55.73
Manure spreaders[3]			98.74	98.04	96.22
Cream separators[3]			70.02	64.37	58.98
Binder twine, per pound[4]	.1081	.1040	.0972	.1005	.0962

[1] Includes a number of 8-foot binders.
[2] Prices of 8-foot binders advanced $5.
[3] All sizes.
[4] All kinds. The unusually large variations in the price of twine were chiefly due to changes in the price of fiber.

Average net prices in the United States of the International Harvester Co. for specified kinds of farm machinery, etc.—Continued.

Machines, etc.	1908	1909	1910	1911
Grain binders, 5, 6, and 7 foot	[1] $102.65	$102.49	$102.64	$102.39
Grain binders, 8-foot	[2] 122.70	122.50	122.98	123.74
Mowers [3]	[4] 37.21	37.10	37.11	37.06
Rakes [3]	18.11	18.18	18.17	18.20
Tedders [3]	30.95	30.00	29.74	29.77
Corn binders	100.02	99.65	100.19	101.28
Disk harrows [3]	20.07	20.18	20.25	20.20
Wagons, two-horse [3]	58.08	58.66	58.97	58.15
Manure spreaders [3]	97.39	95.79	89.01	86.29
Cream separators [3]	51.60	51.35	44.87	44.51
Binder twine, per pound [5]	.0822	.0748	.0743	.0647

[1] Prices of 5, 6, and 7 foot binders advanced $7.50.
[2] Prices of 8-foot binders advanced $10.
[3] All sizes.
[4] Prices of mowers generally advanced $2.50.
[5] All kinds. The unusually large variations in the price of twine were chiefly due to changes in the price of fiber.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that I may be permitted to follow in the RECORD the speech of the gentleman from Iowa [Mr. GOOD] with a table of prices of agricultural implements in this country and in foreign countries.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. GOOD. Mr. Chairman, reserving the right to object, I will ask the gentleman from what source this table was compiled?

Mr. FOWLER. I will give the source.

Mr. GOOD. Yes; but I would like to know in advance whether it is authentic.

Mr. BARTLETT. The gentleman has that right, any way.

The CHAIRMAN. Is there objection?

Mr GOOD. Mr. Chairman, I want to know something about the authenticity of the report.

Mr. FOWLER. It will come from authority.

Mr. BRYAN. Mr. Chairman, the gentleman has the right to extend this table in the RECORD without any request, and he is out of order in making the request.

The CHAIRMAN. The gentleman has not made any remarks heretofore, so that he does not come within that rule. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FOWLER. Mr. Chairman, it is hardly to be expected that any considerable number of Republicans will admit that farming implements have been and still are sold cheaper in foreign markets than they are in the American markets. Yet, nevertheless, such is a fact. I am somewhat surprised at the gentleman from Iowa [Mr. GOOD] contending that such is not the case. He is too well informed to make such statements and his common course of honesty on the floor of this House forbids him from making statements which are calculated to mislead the public. It is well known among the implement dealers, both in America and abroad, that farming implements manufactured by the International Harvester Trust are sold in all the principal European and Asiatic markets in competition with the implements made abroad, and that the prices which they bring in these foreign countries are from 25 to 100 per cent less than what they receive from the American farmers for the same grade of implements. I submit the following table of prices, which is taken from a price list circulated in Spain. The price which the American farmers paid was printed in that price list in the English language and the price which was offered to the Spanish farmers was printed in the Spanish language. This price list shows that the Spanish farmer paid only about one-half as much for American-made farming implements as the Americans were compelled to pay for the same class of goods:

	This column of prices was printed in the Spanish language, showing the price to be paid by the Spaniards.	This column of prices was printed in the English language, showing the prices which the Americans were compelled to pay.
Advanced plow, No. 2	$9.00	$18.00
Advanced plow, No. 1	4.00	8.00
Hay tedder	30.00	45.00
Mower	30.00	65.00
Horse rack	17.00	25.00
Ann Arbor feed cutter, No. 3	60.00	90.00
Ann Arbor feed cutter, No. 2	28.00	40.00
Ann Arbor feed cutter, No. 1	16.00	28.00
Clipper cutter	9.50	18.00
Lever cutter	4.25	8.00
Cultivator	22.00	30.00
Sweep	60.00	90.00

This table was obtained from the Reform Club of South America, and in each instance the figures were obtained from the manufacturers themselves, showing that the identical articles were advertised for sale at the rates in the table above. The Mail and Export Journal for April, 1890, printed this list in English, and circulated in Spain a supplement of the same periodical, of the same date, printed in Spanish, which was not allowed to circulate in America, and we were only able to obtain it through the Reform Club of South America.

Mr. Dalzell, of Pennsylvania, a high protectionist, representing Pittsburgh in the American Congress, was fair enough to admit that iron and steel implements are sold abroad cheaper than they are in America. On the 26th day of May, 1906, in the CONGRESSIONAL RECORD, pages 7643–7656, Mr. Dalzell, in answer to a question propounded by OSCAR UNDERWOOD, of Alabama, made the following statement:

> Do we sell goods cheaper abroad than we do at home? Undoubtedly, sometimes; certain kinds of goods; the kind of goods the sale of which promises us a foothold in a foreign market, and, to a limited extent, to wit, to the extent of our surplus. Why? Well, for a number of reasons, all of them patent to business men. The first and foremost, because our home production exceeds our home consumption; and the excess of production must be sold in a foreign market or our factories and our workmen remain during a portion of each year idle.

Further on in his remarks Mr. Dalzell says:

> Another reason is because, in order to gain a foothold in foreign markets, the price must be regulated so as to meet the price in the foreign market with which we come in competition. Another reason is because, in our contest for entrance into the world's markets, we have to encounter a system of tariffs, of syndicates, of cartels, of bounties, all of which were made for the purpose of excluding us from those markets.

It will be seen from this frank statement of Mr. Dalzell that the better informed Republicans now admit our contention that trust-made goods in America sell cheaper abroad than they do at home, but we assign a different reason for such low prices abroad to that which is assigned by Mr. Dalzell. We claim that America is able to manufacture the finished product cheaper in this country than it can be manufactured in any other country in the world, and for this reason they are able to ship their goods to foreign countries, compete in the markets of the world with foreign-made goods, and sell them as cheaply as the foreign-made goods are sold, which is at a much lower rate than the Americans are compelled to pay for the same class of goods.

The International Harvester Co. was incorporated August 12, 1902, under the laws of New Jersey with a capital of one hundred and twenty million—sixty million preferred and sixty million common. In February, 1910, a dividend of 33⅓ per cent was paid on the common stock increasing it by twenty million, which made a total of eighty millions common stock. This twenty millions of common stock was paid entirely out of the accumulated earnings of the company.

It has spread out all over the world in its holdings, thereby becoming international in character. It has not only bought out practically all of the American companies engaged in the manufacture of farming implements and machinery, but it has taken over the International Harvester Co. of Canada, Aktiebolaget International Harvester Co. of Sweden, International Agricultural Machine Co. of France, International Harvester Co. of Germany, and the International Harvester Co. of Russia.

It can manufacture a binder for less than $30, including cost of material and cost of labor, and it can manufacture a mower for less than $15. The binder is sold in America to our farmers from $125 to $150. I am reliably informed that it sells the same binder abroad at a much lower price. What party will indorse such methods? The Republican Party lost its prestige and the confidence of the people in its defense of these unlawful combinations. I advise my friend from Iowa [Mr. GOOD] to take notice and govern himself accordingly.

Mr. COOPER. Mr. Chairman, I move to strike out the last two words.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on the paragraph close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection?

Mr. CANDLER of Mississippi. Mr. Chairman, I want five minutes.

Mr. UNDERWOOD. Will not the gentleman take the next paragraph?

Mr. CANDLER of Mississippi. I would rather have it on this.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph close in 10 minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, I desire to call attention to a most important fact which seems to have escaped the notice of very many gentlemen on the other side of the aisle, judging from what they have repeatedly said on the floor of the House. I refer to a provision in the Payne tariff law now on the statute book:

Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines, and cotton gins, 15 per cent ad valorem: *Provided*, That any of the foregoing, when imported from any country, dependency, province, or colony which imposes no tax or duty on like articles imported from the United States, shall be imported free of duty.

Observe that under existing law our markets are free to the implements of other countries when those countries open their markets free to ours. What could be fairer than that?

We on this side of the aisle believe that before putting on the free list the implements made in other countries whose workmen receive only one-half as much pay as the wages received by American mechanics, we should see that those countries take down their tariffs against us.

And yet you propose, in the interest you say of American labor, for the purpose of extending our trade and enabling our manufacturers and workmen to capture foreign markets, to throw completely down our tariff on these implements, and let Canada, Germany, France, and other countries with their underpaid workmen sell in free competition here while at the same time they maintain high tariffs against the products of our factories. Every one of the other nations excepting only England has a protective tariff. For four years the market of England has been free for our machines to go there, and for four years our market has been free for English implements to come here. But upon what theory—I will not say of "statesmanship"—upon what theory of ordinary, practical, business common sense, upon what theory of justice do you open up the United States, incomparably the richest market the world has ever seen, to workmen in Canada and across the sea while they keep up their tariffs against us? [Applause on the Republican side.]

The policy is absolutely indefensible, I care not what gentlemen may say in attempting to justify it.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. COOPER. No; I can not yield at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER. Mr. Chairman, reciprocity, if you are going to have it, would make us put into the law precisely what has been in the law for four years—a provision for no tariff in this country upon agricultural implements from any foreign country that will allow our machines to enter its markets free of duty. I have the honor to represent a district which has several large manufactories in it, not alone in my own city but in other cities—some of the largest of their respective kinds in the world—and——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, the gentleman from Iowa [Mr. GOOD] quoted from a report on prices of agricultural implements in foreign countries. I have not read that report, but I do know that these people who make these agricultural implements and put them on the market for sale have been forced to admit that they did sell some, if not all, agricultural implements abroad at a cheaper price than they sold them in this country; and the report from which the gentleman read, before he finished, stated that there were some cases, where they had a surplus or where there were some conditions existent that justified it, where these articles were sold in foreign countries more cheaply than they were sold in the United States. Hence this report upon its face detracts from the force of the statement made by the gentleman from Iowa, he being compelled to admit before he finished his remarks that some of these articles were sold in foreign countries more cheaply than they were sold in this country. That has been admitted for years past, and the justification made for it by the manufacturers was that they were selling simply their surplus in foreign countries that they could not sell in this country. The facts are that it was not alone the surplus, but regular sales in competition with the world at a profit. Some excuse was better than none, and they found themselves resorting to the excuse that they had made more than the demand in this country required and were compelled to go abroad to foreign countries to sell that surplus. In view of the fact that our manufacturers could and did sell agricultural implements abroad cheaper than they sold them in this country, and sold them at a profit, and because of the further fact that the manufacturers of agricultural implements are in a trust, justify us absolutely in putting all agricultural implements on the free list in this bill. Your speakers in 1908 proclaimed upon every stump, from the Republican presidential candidate down to the humblest one on the hustings, that the tariff would be revised and revised downward. Instead of doing that, you deserted the people, you proved false to them, you betrayed them, and revised it upward. You made it higher instead of making it lower, and hence the people turned away from you, and having driven you from power they will keep you out of power, because we are going to keep our promises and pledges made to the American people to reduce their taxes. [Applause.] This bill, in this free-list schedule, is an encouraging feature, because we find in it 32 pages covering articles which the American people are entitled to receive without paying taxes upon them. I hope it can be enlarged in the future so that the American people may be relieved as much as possible from the heavy burdens of taxation under which they have labored so long. We have kept our promises in the past; we are going to keep them in the future, and this bill will redeem the last pledge that was chief and important among the several pledges enumerated by our distinguished Speaker at the beginning of the Sixty-second Congress that we would reduce the tariff taxes of the people and give them relief. [Applause on the Democratic side.]

Mr. Chairman, on April 28, 1911, when the tariff question was under consideration in the House, I made a speech in which I called attention to some of the promises of the Democratic Party. As stated by our distinguished Speaker, Hon. CHAMP CLARK, when he was elected at the beginning of the Sixty-second Congress, chief among these promises made by the party were the following:

(1) An honest, intelligent revision of the tariff downward.

(2) The passage of a resolution submitting to the States for ratification an amendment to the Constitution providing for the election of United States Senators by the popular vote.

(3) Certain changes in the rules of the House.

(4) The publication of campaign contributions before elections.

(5) Economy in the public service.

(6) The admission of both Arizona and New Mexico as States.

We have redeemed all these pledges except the one declaring for a revision of the tariff downward. We sought to redeem this pledge during the Sixty-second Congress, and would have done so, to some extent, but for the several vetoes of our bills by President Taft. In my speech I also called attention to the fact that the people had given the Democrats a majority in the lower House because the Republicans had failed to keep their promise and pledge to reduce the tariff. Because of the deception and betrayal of the Republicans the people determined to give the Democrats an opportunity to prove their sincerity and make good their pledges, and I said to the Republicans then, "We are going to give the people relief, keep our promises, and reduce their taxes, and continue to defeat you at the polls until we have the House, the Senate, and the President, and then we will give to the people genuine reform and permanent relief." I invited all to draw near and hear the prophecies of the prophet Ezekiel, and time has demonstrated the wisdom of doing so, as my prophecies came true, for to-day we have a larger majority in the House, a majority in the Senate, and the President of the United States in the White House, and we propose to redeem the last of the pledges mentioned above by giving the people an honest and intelligent revision of the tariff downward. [Applause.] The bill under consideration will, when it becomes a law, redeem that pledge and verify our sincerity when we made it to the American people. Just what the bill is expected to do in comparison with the Payne-Aldrich bill is as follows:

Government revenue from all sources in 1912 was $938,522,481, and expenditures were $901,297,979, and surplus $37,224,502.

Government revenue during the first year of the Underwood tariff estimated at $926,000,000 from duties and $70,125,000 from income tax, making a total of $996,125,000. Government expenditures during same period estimated at $994,790,000. This would leave a surplus of $1,325,000. Imports during first year of Underwood tariff are estimated at $1,000,999,000, and duties are estimated at $266,701,000. Imports worth $759,209,915 under Payne tariff law in 1912 yielded $304,597,035 in duties. Imports aggregating $102,402,579 under Payne tariff law that paid duty aggregating $24,698,226 in 1912 will be admitted free by Underwood tariff bill. It is estimated that 100 persons will pay on incomes of more than $1,000,000 a year each, 550 persons on incomes between $250,000 and $500,000 each, 2,500 persons on incomes between $100,000 and $250,000 a year each, and 126,000 persons will pay on the minimum of incomes between $4,000 and $5,000 a year each. By the collection of this income tax we will reach the surplus wealth and require it to help bear the burdens of government, and thereby reduce the taxes on those less able to bear them. A righteous and just tax it is,

and I have long favored it and rejoice now that I will have an opportunity to vote for it.

If this bill accomplishes these results, and I confidently believe it will do so, then it will be found to be a bill in the interest of the masses of the American people. It reduces every schedule in the Payne-Aldrich law except the schedule on "sundries." This schedule is increased from 25 per cent to 33 per cent because it taxes in a large measure luxuries. The bill throughout reduces the taxes on the necessities of life and the increases are on luxuries, which is strictly in accordance with Democratic declarations and doctrines. Taxes in the chemical schedule are reduced 24 per cent. Earthenware and glass schedule is reduced 35 per cent; on metals and manufactures of metals the reduction is 41 per cent; on wood and manufactures of wood the reduction is 71 per cent. The reduction on sugar is 25 per cent for the next three years, and then we will have free sugar. On cotton manufactures the reduction is 33 per cent, on wool and wool manufactures the reduction is 67 per cent; on paper and books the reduction is 45 per cent. Therefore it will be seen that upon the necessities of life this bill provides for a substantial reduction, which will be for the benefit of all the people. In the presidential campaign in 1912 the Democratic platform included the following statement:

We declare it to be the fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue, and we demand that the collection of such taxes shall be limited to the necessities of government honestly and economically administered.

The high Republican tariff is the principal cause of the unequal distribution of wealth; it is a system of taxation which makes the rich richer and the poor poorer; under its operations the American farmer and laboring man are the chief sufferers; it raises the cost of the necessities of life to them, but it does not protect their product or wages. The farmer sells largely in free markets and buys almost entirely in the protected markets. In the most highly protected industries, such as cotton and wool, steel and iron, the wages are the lowest paid in any of our industries. We denounce the Republican pretense on that subject and assert that American wages are established by competitive conditions and not by the tariff.

We favor the immediate revision downward of the existing high and, in many cases, prohibitive tariff duties, insisting that material reductions be speedily made upon the necessities of life. Articles entering into competition with trust-controlled products and articles of American manufacture which are sold abroad more cheaply than at home should be put on the free list.

We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry.

We denounce the action of President Taft in vetoing the bill to reduce the tariff in the cotton, woolen, metals, and chemical schedules and the farmers' free-list bill, all of which were designed to give immediate relief to the masses from the exactions of the trusts.

The Republican Party, while promising tariff revision, has shown by its tariff legislation that such revision is not to be in the people's interest; and having been faithless to its pledges of 1908, it should no longer enjoy the confidence of the Nation. We appeal to the American people to support us in our demand for revenue only.

On this platform declaration we went to the country and President Wilson was elected by an overwhelming electoral vote and the Senate became Democratic, and we have a larger Democratic majority in the House. This bill now under consideration has been framed and will be passed in strict accord with this platform declaration. It is a bill for revenue and for the benefit of the people and not in the interest of any class of our citizenship or special interests. The Republican tariff bill was written and enacted into law at the dictation of the great manufacturing industries and special interests of this country. The Democratic Party is now and has ever been the party of the people, and hence in striking contrast it proposes in this bill to enact a law in the interest of all the people and to serve the purpose of securing revenue to run the Government economically administered. When the Republicans were in power, I introduced a free-list bill. Of course, it received no consideration at their hands and was never reported. In 1911 the Democrats reported and passed a free-list bill containing many of the articles mentioned in the bill which I introduced. This bill now before the House—the free-list bill—will materially help the farmers in this country. This free-list provision is entirely just and in recognition of the demands of the farmers and the people generally. It provides free of duty plows, hoes, harrows, harvesters, reapers, planters, mowers, cultivators, thrashing machines, gin stands, and all other agricultural implements of any kind and description; wagons, carts, harness, saddles, trace chains, bagging and ties, binding twine, nails, barbed wire, and fertilizers of all kinds, and besides gives to the sewing woman her sewing machine and needles without taxation. It also provides for free meat, free coffee, free salt, free flour, free meal, free boots and shoes, free wool, free lumber, and free coal for the toiling masss of the American people. The Republicans taxed the people on all they used from head to foot. In our bill we reduce all these taxes and place the above articles on the free list and thus give the masses of the people the relief to which they have long been entitled. I can not go into every detail in the bill at this time, but I desired, Mr. Chairman, to call attention to these features in the bill and to invite an investigation by all of its general provisions, because I believe that the Members here upon due investigation will realize the beneficial results which will necessarily flow from its enactment into law and give to it hearty and enthusiastic support; and when the American people feel and realize the great benefit which will come to them when it is upon the statute books they will applaud the Democratic Party and say to their Democratic Representatives, "Well done, good and faithful servants," and having trusted the Government to that grand old party and found it true to their every interest, will continue it in power for many years to come. Let us be faithful to the people and they will be true to us and will continue to give us their confidence and trust us with the affairs of the Government.

Now, in conclusion, I appeal to all true representatives of the people to rally around the standard of honest tariff revision and put this bill upon the statute books and make it the law of the land and thereby please the people and bring prosperity and happiness to their homes throughout this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read.

The Clerk read as follows:

406. Any animal imported by a citizen of the United States specially for breeding purposes shall be admitted free, whether intended to be so used by the importer himself, or for sale for such purpose: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed, and duly registered in the book of record established for that breed: *And provided further*, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: *And provided further*, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure-bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury: *And provided further*, That the provisions of this act shall apply to all such animals as have been imported and are in quarantine, or otherwise in the custody of customs of other officers of the United States, at the date of the passage of this act.

Mr. PALMER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a committee amendment, which the Clerk will report.

The Clerk began the reading of the amendment.

Mr. LENROOT. Mr. Chairman, I desire to ask unanimous consent to return to paragraph 405, which has just been passed. I did not notice that it had been passed. I desire to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to paragraph 405.

Mr. LENROOT. Yes; the one which precedes this.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, paragraph 405, by adding, after the words "sulphate of," the words "perchlorate of."

Mr. LENROOT. Mr. Chairman, paragraph 405 of the bill puts sulphate and nitrate of ammonia upon the free list. My amendment proposes to add to this perchlorate of ammonia. In explanation I will say that I understand that nitrate of ammonia is one of the component parts of dynamite. There has been an explosive discovered called "amerite," of which perchlorate of ammonia is one of the component parts. Now, we all know that the manufacture of dynamite in this country is practically a monopoly. Now, why nitrate of ammonia should be free and perchlorate of ammonia carry a duty of 15 per cent I can not understand. I have in my hand, Mr. Chairman, a letter from Prof. Delwiche, from the University of Wisconsin, in which he asks that this perchlorate of ammonia be put upon the free list. I shall extend the full letter in my remarks in the RECORD.

The letter is as follows:

THE UNIVERSITY OF WISCONSIN,
COLLEGE OF AGRICULTURE AND
AGRICULTURAL EXPERIMENT STATION,
Ashland, Wis., April 1½, 1913.

HON. IRVINE L. LENROOT,
United States House of Representatives, Washington, D. C.

DEAR SIR: I take the liberty to write you regarding the explosive amerite and the possible good that would accrue from its manufacture

to the cut-over regions of northern Minnesota, Wisconsin, and Michigan. I herewith inclose a circular which describes some of the advantages of this explosive above ordinary dynamite. I wish to have it understood in the beginning that my interest in this matter is of none other than that of benefiting the new settler on cut-over land.

This new explosive called amerite is the invention of Francis M. Marshall, of Chicago. One of the chief components is perchlorate of ammonia. In addition to the points of superiority mentioned in this circular which I inclose is the fact that it will cost the settler about one-half what dynamite costs at wholesale prices. Mr. H. A. Johnson, of Superior, Wis., is interested in this matter of securing cheaper explosive for the farmer, and through his instrumentality Mr. Marshall came to Superior and gave a demonstration of this explosive. Another demonstration was also held at Madison, at which members of the engineering department of the university were present. Mr. W. H. Killen, land commissioner of the "Soo" line was also there at the time. I intended to be present, but owing to circumstances it was impossible for me to be there. The result of this test, according to Mr. Killen and Mr. Johnson, was to the effect that amerite proved its superiority over 40 per cent dynamite. The proposition is to have the same manufactured here in Wisconsin and then furnished at cost price to settlers. Members of the State legislature propose having the State manufacture the material at some of its reform institutions, but the great trouble just now is that the perchlorate of ammonia is subject to a duty of 25 per cent ad valorem. Practically all the perchlorate of ammonia used in this country is manufactured in Sweden and the manufacturers here are obliged to pay a duty, which is 2½ cents per pound for the manufactured amerite. If the duty was taken off the perchlorate of ammonia amerite could be manufactured for 8 or 9 cents per pound, and 1 pound of the material is claimed to be equal in blasting power to 2 pounds of 40 per cent dynamite. Dynamite at the present time wholesales for about 10½ cents per pound, so that amerite, if manufactured in this country, would cost less than half what 40 per cent dynamite does for stumping purposes, but in order to manufacture it so that it can compete with dynamite this duty should be removed, and I am writing you at this time asking you to consider the proposition in view of the fact that cheap explosive is one of the greatest needs for the development of the stump regions of the North.

I am sure that this is a matter of great concern to the northern sections of Wisconsin and adjoining States, and anything that you could do toward helping the development of this industry would be a great boon. Personally, I would like to see the patent for this explosive held by some public institution to prevent it from being monopolized, for I fear if what is claimed for amerite is true that the same will be controlled by the trusts some day.

I am asking the Lake Superior Farmer, a new publication published here in Ashland, to send you a copy of their paper which contains an article on this subject.

I shall be pleased to write you further regarding this if you ask me to. You can get more specific information by writing directly to the inventor, Mr. Francis M. Marsall, 675 North Clark, Street, Chicago, Ill., or H. A. Johnson, Superior, Wis. I hope you will pardon me for thus writing you regarding this matter, but the object I have in mind in asking you to consider this prompts me to write you in this wise.

I inclose herewith a letter written to Mr. Marshall by George Boor & Co., regarding this matter of the duty on perchlorate of ammonia. Please return this at your early convenience.

Hoping you will give this matter your kind attention, I am,

Respectfully, yours,

E. J. DELWICHE,
Assistant Professor of Agronomy.

I shall also insert a letter from George Boor & Co., of London, England, upon the same subject.

The letter is as follows:

JANUARY 29, 1913.

FRANCIS M. MARSHALL, Esq.,
675 North Clark Street, Chicago, Ill., U. S. A.

DEAR SIR: We are in receipt of yours of the 11th instant, in reference to perchlorate of ammonia.

With regard to what you write respecting the comparison of nitrate of ammonia with the perchlorate in price, there can, of course, be no comparison between the two, as the combination of nitrogen with ammonia is a very different problem to the combination of the ammonia with oxygen, a very much greater power being required to make the two combinations; also as the power required to do that part of the work is much greater and more costly, so the resulting force of the two chemicals is, of course, very much greater. The difference in cost is, of course, far more than accounted for, and in addition to that the perchlorate of ammonia is not only safer to handle, but is not affected in any way whatever by atmospheric conditions, and is therefore not liable to deterioration.

It is unfortunate, of course, that the one should be subject to a duty in the United States of America and the other allowed in free. What that is so is unintelligible; but as perchlorate of ammonia is not made in the United States, we should think that a petition in the proper quarter would probably bring about its introduction free of duty under the new régime which we understand is likely to start with the new administration. We understand that a movement is already on foot to allow chlorates and perchlorates in free, as the enormous duty of 25 per cent already levied on them makes their use for heavy blasting work naturally very difficult. Even in spite of that the perchlorate of ammonia at its present price has been able to compete with dynamite where they are already up very high in price and also very inferior qualities are delivered.

The Dynamite, or Du Pont, Trust naturally oppose any alteration, but at the same time we think it will probably come.

We regret, however, that we are not able ourselves to help you in the matter by reducing our price to 4½d. per pound, or 9 cents. We are, of course, not in a position to pay the American duty. We have also been able to bring the price down at which perchlorate of ammonia originally stood—of about 2s. per pound—to its present value simply by the electrolytic production of it, and at that price it is not leaving us a very big margin.

We ourselves are too busily occupied here at the Swedish works to put down a factory in the United States, as the cost involved is heavy, a very large quantity of platinum being necessary for the plant. Roughly speaking, for an output of 1,000 tons yearly about £70,000 would be necessary to cover the works and platinum. Out of this amount £48,000 would be for platinum, which, however, is not, of course, thrown away, as it lasts with ordinary maintehance practically unchanged.

For a 3,000-ton plant the figures would be £144,000 for platinum and £46,000 for the works. Electric horsepower would then have to be obtained from a power station; and if this were obtainable, which we expect it is, at 10s. to 12s. per horsepower per annum—how does your price compare with this?—we could then guarantee that the cost of the perchlorate of ammonia of suitable quality to work explosives would be considerably under 4d. per pound, including all costs, interest on capital, office expenses, etc.

From this you will see that it is a great proposition starting to make this chemical. In addition to this it would hardly pay to put down a plant to turn out much less than 1,000 tons a year, as the working expenses on 1,000 tons are not very much higher than if you turn out 500 tons only.

We are shipping considerably more perchlorate of ammonia to the United States of America and Canada than you mention being able to guarantee to take, and that in spite of the duty on them in the United States of America.

With regard to the ammonia which you refer to, that, we take it, can be obtained on your side at around about the price you mention. It is at present selling here at about the same figure.

The sulphate of ammonia, which is what we presume you allude to, has very much the same value in most parts where it is produced. We have, however, the only patent that is of any economical value for the production of perchlorate from sulphate, all the other known methods using another base, which, however, is not economically successful, although it can be worked.

Yours, faithfully,

G. BOOR & Co.

Now, Mr. Chairman, I realize that there is no use asking the Democratic majority to vote with me upon this amendment, but I want to ask the committee if they will not accept this amendment, which is clearly in the interest of the American people, as there is no reason in the world why this chemical constituent should not be put upon the basis of another one very similar to it used by a monopoly in this country. Accept this amendment and there will be some competition with the Powder Trust of this country.

Mr. HARRISON of New York. I would like to have the attention of the gentleman from Wisconsin [Mr. LENROOT] a moment. I did not have the pleasure of hearing all of his remarks, inasmuch as I came in just as he was concluding. I understood him to be asking the committee to accept an amendment to extend this free list on the salts of ammonia, and I heard him mention the chlorates of ammonia.

Mr. LENROOT. Perchlorates.

Mr. HARRISON of New York. The gentleman will realize the duty has already been reduced to 15 per cent on the chlorates, and, so far as I am individually concerned, I would be willing to accept his amendment if I knew exactly where it would lead us. But I have found in dealing with these chemical propositions that one has to be very sure of all the constituent parts of a chemical compound before placing the compound upon the free list, for fear of thereby free-listing something in which all the materials may be taxed. I wish the gentleman to accept my assurance that this matter will be investigated by the committee, with a view of ascertaining where it will lead them.

Mr. LENROOT. I assure the gentleman that was my purpose in offering it at this time, namely, that it may be investigated before it becomes a law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from——

Mr. PALMER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 100, line 8, strike out paragraph 406 and insert:

"Any animal imported by a citizen of the United States specially for breeding purposes shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *And provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

"The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

"Horses, asses, cattle, mules, sheep, swine, and goats straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, shall be dutiable unless brought back to the United States within six months, in which case they shall be free of duty, under regulations to be prescribed by the Secretary of the Treasury: *And provided further*, That the provisions of this act

shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of customs or other officers of the United States at the date of the taking effect of this act."

The CHAIRMAN. The question is on the substitute in the nature of an amendment offered on the part of the committee.

The amendment was agreed to.

Mr. HARDY. Mr. Chairman, I do not wish to take five minutes. When I first came to this Congress, some six years ago, I learned to regard the gentleman from Wisconsin [Mr. COOPER] as one of the then progressive Members of that side, but it seems to me he has turned back and is now one of the ultra-standpatters on the tariff question. He takes the view now that before we should give our people the benefit of free trade in agricultural implements we ought to be very sure that no other country taxes our implements going into that country. That is reversing the principle we stand for and presenting the contention that to admit something free of duty is an injury to our people as a whole. We are not so much concerned in the question as to whether England or Germany may get cheaper agricultural implements by taking off the duty on implements going into England or Germany, and thus receive a boon by being freed from paying tribute to their special interests, as we are that our country may be getting cheaper agricultural implements by being freed from the burden that is placed on us for the special benefit of a few. The gentleman wants to know what kind of statesmanship it is that takes off the tariff here on such commodities that are not permitted to be shipped by us free of duty into other countries. The gentleman says he does not understand such statesmanship; that such a proposition is outrageous. I hope he will remember the Standard Oil joker as to our duty on oil. For many years many people supposed there was no duty on crude oil, until this Standard Oil joker was discovered.

Our statutes, when I came to Congress, authorized crude oil to be admitted free into this country, and everybody supposed it was free, but it had a condition, just such as the gentleman from Wisconsin demands as to agricultural implements. It provided that when any other country put a tax on crude oil shipped from the United States a like tax was to be put on oil when sent from that country into this. That was a very healthy joker, and came to be called the Standard Oil joker. Under it it was found that crude oil while apparently free was in fact heavily protected, because every country that produced oil had a duty, and hence that left us with a high duty on oil from anywhere, and the statesmanship of the gentleman from Wisconsin [Mr. COOPER] did not prevent him then from voting to repeal and remove that Standard Oil joker and let oil into this country free whether it was from a country that taxed our oil or not. We want to apply to agricultural implements the same principle that the gentleman from Wisconsin helped us to make apply to crude oil. We are not interested in the manufacturing of farm implements carried on in the district of the gentleman from Wisconsin, but we are interested in letting our farming people have their agricultural implements free from an unjust price by virtue of a tariff in the interest of and for the benefit of the manufacturer. It is a shrewd trick to get this joker in our law and then get other countries to fix a high tariff on the articles they want protected.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. HARDY. I will if I have time.

Mr. MORGAN of Oklahoma. The gentleman refers to the act of 1909 which took all the duty off of petroleum. Why is it that petroleum has been going up ever since we made it free?

Mr. HARDY. The duty of 1909 did not take all the duty off of oil.

Mr. PAYNE. The gentleman had better read that portion of the act.

Mr. HARDY. I know what I am talking about, if the gentleman will contain himself. It did not take the duty off of oil apparently, because apparently oil was on the free list under the Dingley law. What we did was to repeal the joker of the Dingley law and make oil really as well as apparently free, whether other countries taxed it or not. It was in this unstatesmanlike performance, as he now views it, that the gentleman from Wisconsin [Mr. COOPER] aided.

Mr. PAYNE. The gentleman does not seem to understand that we put oil absolutely, and all its products, absolutely, in terms, on the free list.

Mr. HARDY. I know that we did that, if the gentleman will only understand what I mean. But the Dingley bill had apparently done it before that, only the joker was left in there—the joker which I am calling to the attention of the gentleman from Wisconsin [Mr. COOPER].

Mr. PAYNE. That joker was in the first Wilson bill, in 1894.

Mr. HARDY. Oh, yes; it was also in your bill when it first came into the House, and the gentleman from Wisconsin helped us strike it out, and he is now saying that no statesman would let in anything free here from any country that taxed the same article when imported there, just reversing, if I am not mistaken, the position he took on the Standard Oil joker. I would like to add one thing more, and that is that the present position of the gentleman from Wisconsin would seem to me to leave us in the attitude of letting other countries determine what articles we put on the free list.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. That was Mr. MORGAN'S question, was it not?

Mr. HARDY. No. I did not answer Mr. MORGAN because I do not understand that Mr. MORGAN'S question has or had any relevancy to the question I am discussing. The truth is, the price of crude oil goes up and down in different localities, apparently at the will of Standard Oil——

Mr. PALMER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph close in five minutes.

The CHAIRMAN (Mr. SAUNDERS). The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that debate on this paragraph close in five minutes. Is there objection?

Mr. TAYLOR of Arkansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The request of the gentleman from Pennsylvania [Mr. PALMER] is being put. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER. Mr. Chairman, the gentleman from Texas [Mr. HARDY] is mistaken in intimating that I represent a purely manufacturing district. It is true that the district contains some very large manufacturing establishments, but it is true also that it is one of the richest agricultural districts in the United States. It may be called the lake district of Wisconsin. Sugar beets, tobacco, corn, and other agricultural products are raised in great abundance, and its dairying industry is large and very prosperous. So I spoke not alone for the workingmen in the factories in my district, but also for the farmers who have their market right at their doors because of these great factories, and of the rich and varied manufacturing industries.

That is the theory of a proper tariff. The moment you build a factory you have a market for the products of the farms in its vicinity.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Texas?

Mr. COOPER. I have only five minutes. I can not yield now.

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. COOPER. The gentleman said that I voted to put petroleum on the free list. I did; and if the gentleman will consult the RECORD he will see that I bore, if I may be permitted to say so, a not inconspicuous part in the hard struggle which resulted in putting it there. I voted and labored to put the products of the Standard Oil Co. on the free list, because at that very time the United States in the court in St. Louis had filed its complaint and depositions to support it, showing that that great corporation, while ostensibly having some independent competitors, had in reality none; that it controlled all the way from 85 to 95 per cent of the refining industry in the United States; that the so-called independent refiners were independent only as that great corporation consented that they might run under the name of "independent." That company was a great controlling monopoly.

In voting to put oil on the free list, I did nothing in conflict with my contention to-day that agricultural implements made by scores of absolutely independent manufacturers in this country ought not to be forced to pay a tariff when seeking to enter other countries, while we at the same time put foreign-made implements on our free list. There is no such monopoly in this country in the manufacture of agricultural implements. The great thrashing-machine company in my district, the largest of its kind in the world, is an independent concern.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. COOPER. I can not. I have only five minutes.

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. COOPER. The tool factories, plow factories, and wagon factories in my district are entirely independent, so the gentleman is absolutely mistaken, not only as to the facts concerning my district and the motives which prompted my argument, but he is utterly mistaken as to why the House of Representatives

four years ago, after a bitter struggle on this floor, succeeded in putting petroleum on the free list.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

407. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

The TAYLOR of Arkansas. Mr. Chairman——

Mr. HARRISON of New York. I ask unanimous consent that all debate on this paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from New York [Mr. HARRISON] asks unanimous consent that all debate on this paragraph and amendments thereto close at the end of 10 minutes.

Mr. MORGAN of Oklahoma. Will the gentleman make it 15 minutes?

The CHAIRMAN. Does the gentleman modify his request?

Mr. HARRISON of New York. I will make it 15 minutes.

The CHAIRMAN. The gentleman from New York [Mr. HARRISON] asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. TAYLOR of Arkansas. Mr. Chairman, considering the great Democratic majority in this House and pointing out also the fact that this Democratic tariff bill has been so ably defended by our learned and eloquent leader from Alabama [Mr. UNDERWOOD], supported by those splendid statesmen, Mr. PALMER, of Pennsylvania; Mr. HARRISON, of New York; Mr. RAINEY, of Illinois; and that gifted and splendid gentleman from Georgia [Mr. HARDWICK] and others, I have not felt that up to this time that it was necessary for my voice to be heard in this Chamber. But knowing that I represent one of the greatest agricultural districts in this Nation I promised the people of my district that if they honored me with a seat in Congress that my voice would be heard in the advocacy of a tariff for revenue only; that a downward revision of the tariff should come to the people of this country, as pledged by the last Democratic convention of the Democratic Party at Baltimore. I stand in my place and keep that pledge. I want to see enacted into law the doctrine advocated by the Democratic Party for all these many past years; the doctrine proclaimed in the platform upon which the immortal Samuel J. Tilden stood, and the doctrine which has been written in every Democratic platform from that day to this. [Applause on the Democratic side.]

And now we have a great majority of Democrats in the House and a majority in the Senate, and a Democrat sitting in the White House, and the day for keeping that pledge has come. The people of this Nation have hearkened unto the voice of the Democracy, and with this majority in the House and in the Senate, we should keep the pledge with vestal fidelity. [Applause on the Democratic side.]

The people who sent us here are looking on and trusting that their servants will carry out and enact into law every promise made. I promised the people of my district that when I took my seat in Congress I would vote as though every constituent of mine was sitting by my side, and I am glad to state that each and every vote that I have cast, I believe, will be approved by every Democratic voter in my district.

The pending bill now being discussed is a bill to reduce tariff duties and to provide revenue for the Government, and for other purposes. This bill is known as the Underwood bill and reported to the House by him as chairman of the Ways and Means Committee. It has been passed upon and approved, every paragraph of it, by the Democratic caucus, and it is now before the Congress for its solemn and deliberate judgment.

For years and years the Republican Party have been legislating in the interest of the few and the rich, as against the great masses of the people, and I have always thought and contended that it was a crime for the American Congress to undertake to enrich men by legislative enactment. All men of this Nation should be placed upon equal footing, and if the Government undertakes to legislate for one class as against another it is not only unconstitutional but is a mournful condition of affairs.

This bill now before the House reduces all schedules, except as to luxuries, downward. The farmers of the country will find when this bill becomes a law that bagging for wrapping cotton, boots and shoes, sewing machines, leather and harness, saddles and saddlery, hoops and bands of iron for bailing the cotton, nails and spikes, horse and mule shoes, salt, lumber, fencing wire, and a great many other articles used by the farmer are absolutely on the free list.

The changes in food are, in part, as follows:

Bacon, from 17 per cent to free.
Beef, from 19 per cent to free.
Lamb, from 12 per cent to free.
Lard, from 12 per cent to free.
Pork, from 8 per cent to free.
Buckwheat flour, from 25 per cent to free.
Wheat flour, from 25 per cent to free.

In addition to the free list, the following are some of the important reductions in tariff duties carried by this bill:

Woolen dress goods, from 99.70 to 35 per cent.
Ready-made woolen clothing, from 79.56 to 35 per cent.
Flannels for underwear, from 93.29 to 25 and 35 per cent.
Woolen blankets, from 72.69 to 25 per cent.
Cotton underwear, from 60.27 to 25 per cent.
Stockings, hose, and half hose, from 75.38 to 50 per cent.
Shirts, collars, and cuffs, from 64.03 to 25 per cent.
Ready-made wearing apparel, from 50 to 30 per cent.
Handerchiefs and mufflers, from 59.27 to 30 per cent.
Cotton thread, from 31.54 to 19.29 per cent.
Gloves, from 44.15 to 31.77 per cent.
Anvils of iron and steel, from 32.11 to 15 per cent.
Bolts, from 20.59 to 15 per cent.
Chains of all kinds, from 46.59 to 20 per cent.
Pocketknives, from 77.68 to 40 per cent.
Scissors and shears, from 53.77 to 30 per cent.
Table and butcher knives, forks, etc., from 41.98 to 27 per cent.
Files, etc., from 60.47 to 25 per cent.
Tinware, from 45 to 25 per cent.
House or cabinet furniture of wood, from 35 to 15 per cent.
Sugar, from 48.54 to 36.25 per cent; free after 3 years.
Red lead, from 60.35 to 25 per cent.
White lead, from 38.01 to 25 per cent.
Castile soap, from 16.20 to 10 per cent.
All bricks, from 30.23 to 10.28 per cent.
China, crockery ware, from 55 per cent to 35 or 50 per cent.
Wire rope and strand, from 49.84 to 30 per cent.
Common window glass, from 46.38 to 28.20 per cent.

The arguments which I have heard on this floor during the consideration of this bill is to the effect that the manufacturer and the business men of the country must be protected and taken care of. Little thought seems to have been given to the producer, and by the producer I mean that great mass of our people who cultivate the ground, the people who sow and reap. These are they who furnish food and raiment for the people of this Nation. The little farmer who cultivates his 40 or 60 acres of ground is as much a business man, in so far as his ability goes, as the wealthy man who handles his millions on Wall Street. These are the men who in time of peril or in time of war are the patriots of the Government, and yet in the past the Republican Party, it seems, have overlooked them.

Princes and lords may flourish or may fade.
A breath can make them, as a breath hath made,
But the bold farmer, the Nation's pride,
When once destroyed can never be supplied.

[Applause on the Democratic side.]

The great millionaire, Mr. Rockefeller, is not a producer, yet he is one of the great beneficiaries of protection. When he bores a hole in the ground and gets oil he has not produced anything. God Almighty put it there, and with his wealth all he had to do was to go down and get it; but the farmer, with his brain and his brawn and his muscle, produces that which feeds the people of this country. "He makes two blades of grass grow where only one grew before." [Applause.]

The people of this country, from Vermont to California and from the Lakes on the north to the Gulf of Mexico, have discredited the Republican Party and have driven it from place and power, and, as was said by St. Paul, "Their sins have found them out."

And now, since the Democracy is charged with the responsibility of enacting a tariff law in behalf of all of the people of this Nation, there comes from the throbbing heart and the trumpet tongue of the people the mandate, "Onward." Every Democrat is expected to stand on guard and do his duty. This is no time for speculation and dodging, and as was said many years ago by a distinguished statesman on this floor, "He who dallies is a dastard, and he who doubts is damned."

The tariff is a tax pure and simple, and the consumer pays the tax. Thousands of speeches have been made to disprove each of these propositions, but their truth is now almost universally admitted.

The fact that the people have insistently demanded for several years past a revision downward proves that the masses have arrived at the conclusion that the tariff is a tax and that the tax is paid by themselves.

If the goods are imported, the tax is added to the import price and paid by the consumer. If the goods are made at home and the tariff rate is high enough to keep out foreign competition—as it has been and has done for the last 16 years—then the tariff is added to the domestic price and is paid by the

consumer. Manufacturers monopolize the home market at high-tariff prices and the masses pay the bills, thus making millionaires of one class—the tariff-protected barons of the United States—and poor men of another class, the millions of people who pay for and use the goods.

The tariff made a colony of plutocrats in the sale of steel, and that colony formed the Steel Trust to further enrich itself at the expense of the people. Another colony of tariff-made plutocrats formed the agricultural-implement trust—the Harvester Trust—and proceeded to greater enrichment at the expense of the consumers. In oil, in tobacco, in flour, in meat, in leather, in machinery, in sugar, and in divers other ways the tariff favored certain manipulators—in fact, was constructed at the demand of a manipulating interest—and these manipulators waxed fat in riches while the millions of consumers paid the bills. These men prospered and flourished even to the making of millions of dollars, while the masses were kept down to the paltry hundreds and thousands. On all hands the "captains of industry," as these manipulators styled themselves, were favored by tariff provisions, thereby enabling them to disturb the natural distribution of wealth, taking to themselves the lion's share and leaving the remnant for the millions to divide among themselves.

All taxes should be just and equal, and the protective-tariff doctrine when expressed in high tariff rates violates both these provisions. It is not just to force consumers to pay higher prices for their goods to enable a class of people to live. Taxes, to be just, should be levied on all alike for a necessary government expense. To tax all farmers in order to enable a manufacturer to gain a foothold is unjust; to tax all the people to enable a class of people to make abnormal or any other kind of profits is unjust and decidedly unequal.

The people have come to recognize the injustice and inequality of tariff taxation and have commissioned the Democratic Party to write a new tariff and reduce the taxation of the people, whether direct, as paid on imported goods, or indirect, as paid in higher prices to the makers of almost every sort of goods consumed by the people.

This bill, the Underwood bill, is the answer of the Democratic Party to the people who sent that party to power. It was not written at the call of men who profit by its enactment through tariff and trust prices, but at the call of men who, if they profit at all, can only do so by a lowering of consumption prices growing out of a total destruction of tariff and trust profits.

The bill before us is a radical departure from the bills that have been passed by the Republican Party in years agone. The Republican tariffs were tariffs drawn to favor the manufacturing plutocrats. This bill was drawn to favor the people by removing unnecessary and unjust burdens from their shoulders.

This bill looks to ultimate free sugar—free within three years—and to the ultimate reduction of all sugar prices of from 1 to 2 cents on each pound consumed.

In this measure we give not only free hides to the manufacturer, but free shoes to the people. We not only give free wool to the factories, but cut down the tariff rates on all woolen and cotton goods. In every paragraph of the bill we are confronted by downward revisions—revisions that cut out the pernicious doctrine of protection and fix rates looking to the ultimate betterment of the consumer's interests.

The following table shows some of the reductions on iron and iron ore:

Article.	Payne law.	Present bill.
	Per cent.	*Per cent.*
Round wire	38.43	20
Barbed wire	7.77	Free.
Anvils	30	15
Tools	17	10
Castings	26	10
Chain	48	20
Furnaces	44	20
Cutlery	76	35
Files	68	25
Mill saws	20	12
Bar iron	10	8
Beams and girders	31	12
Cotton bands	29	Free.
Bands for baling hay	29	Free.
Railway rails	17	Free.
Steam engines	30	15
Machinery	45	25
Carriages	45	25
Cut wire nails	17	Free.
Horseshoe nails	17	Free.
Horse and mule shoes	5	Free.
Cash registers	30	15
Sewing machines	30	Free.
Typewriters	30	Free.
Shoe machinery	45	Free.

In chemicals the cuts are exemplified as follows:

Article.	Payne law.	Present bill.
	Per cent.	*Per cent.*
Glue	34	12
Ink	25	15
Wood alcohol	20	5
Paints:		
Blues	43	20
Ultramarine blue	32	20
Wash	30	20
Blacks	25	15
Yellows	26	20
Umbers	28	20
Red	30	20
Red lead	60	25
White lead	42	25
Acetate of lead	42	21
Varnishes	65	25
Enamels	35	25
Paris white	62	27
Other paints	30	20
Potash	25	10
All other soap	20	15
Medicated soap	64	30

Potatoes are no longer taxed, nor rye flour, nor corn meal, nor milk and cream, nor oatmeal, nor salt, and after three years sugar will be untaxed.

This is a record of achievement. It is a history of what the Democratic Party has done and is worthy of all commendation. In woolen goods the record is even greater. This was the citadel of protection, but it is no longer so. Free wool puts the woolgrower on the same plane as the cotton grower, the corn grower, and farmers generally. Free wool will not only cut down prices indirectly, but the tariff on woolens being cut will cut all prices directly. We have adjusted the rates so as not to despoil honest industry of a single right while giving back to the people the rights of which they have been despoiled.

The average tariff rate on all woolens has been as high as 96 per cent, while in 1912 it was 87.72 per cent. This bill cuts the average to 40 per cent. Descending from generals to particulars, we have:

Woolen blankets that were taxed from 71 to 165 per cent are now taxed at from 25 to 35 per cent.
Carpets, from 50 to 95 per cent to 20 to 50 per cent.
Women's dress goods, from 70 to 155 per cent to 35 per cent.
Children's dress goods, from 70 to 155 per cent to 35 per cent.
Cloaks, from 80 per cent to 35 per cent.
Wool hats, from 86 per cent to 35 per cent.
Ready-made clothing, from 76 per cent to 35 per cent.
Flannels, from 86 to 143 per cent, to 25 to 35 per cent.
Plushes, from 95 to 141 per cent, to 35 per cent.

The clothing schedule has had its fangs extracted as to high rates on shawls, mufflers, webbings, stockings, cloaks, and every other element entering into the question of household expenditures. The door of privilege to the few has been closed and the door of opportunity opened to the million. This bill destroys favoritism and gives equal chances in the race for wealth to all our citizens.

This is the way the tariff makes living high. The remedy was vetoed by President Taft. The present law cuts all these rates from 50 to 100 per cent. Beef is cut 100 per cent. They will not be vetoed this time.

	Per cent.
TAXES ON THE PARLOR.	
Carpets, if made of druggets	66
Carpets of flax or cotton	50
Wooden furniture	35
Wall paper	35
Looking-glass (common)	45
Carpets of tapestry	64
Ingrain carpets	64
Plush furniture	96
Window curtains (common)	50
Knickknacks	35
TAXES ON THE BEDROOM.	
Common wooden bed	35
Commonest blankets	93
Feather beds	60
Wooden chairs	35
Cast-iron bed	35
Sheets	42
Mattresses	20
Common chinaware	55
TAXES ON THE WARDROBE.	
Flannel underwear	91
Ready-made clothing	65
Hats of wool	85
Knitted goods	95
Cloaks	65
Shawls	96
Jackets	65
Suspenders	87
TAXES ON THE KITCHEN.	
Cheapest glassware	60
Bone-handled knives and forks	50
Hollow ware	40

	Per cent.
Commonest oilcloth	45
Brass ware	45
Brooms	40
Salt	104
Sugar	63
Lemons	79
Commonest chinaware	55
Average cutlery	65
Commonest stoves	45
Cotton window shades	50
Commonest tinware	45
Common yellow ware	45
Scrub brushes	40
Matches	33
Starch	57
Beef	22
Cheese	35
Eggs	35
TAXES ON SUNDRIES.	
Explosives	45
Window glass	80
Files	68
Harness	35
Leather goods	40
Tiles	67
Spectacles	119
Razors	89
Shot	75
Lead pipe	45
Building stone	50
Gloves	50
Copper wire	45
Blasting caps	61
Linen fabrics	60
Glue	32
Wire rope	40
Iron chain	183
Scissors	50
Machinery	45
Needles	44
Three-quarter-inch screws	128
Thread	42
Structural iron	31

I am proud to stand upon tiptoe in this House and state that a new era has come in this Government. A new day is approaching when the burden of the oppressed shall be lightened, and the men, women, and children in all of the walks of life in this Government shall be free. The Democratic Party has been commissioned to work out this high destiny. With our great and able leaders working in harmony and with patriotism for the general welfare of the people we shall not fail to serve faithfully and well those who have trusted and commissioned us, and when this tariff law shall be passed and go into effect, and when the people of this Nation come into a full realization of its great blessings, "Then will a shout of joy go up, the wild glad cry of freedom come from hearts long crushed by cruel hands, and songs from lips long sealed and dumb." [Applause.]

Mr. Chairman, I desire to print in the RECORD, following my remarks, two letters relative to taxing life insurance companies under the income section of the tariff bill.

Mr. PALMER. The gentleman has permission to print that at the end of his speech anyway.

The following is the matter referred to:

SUGGESTED AMENDMENT TO THE INCOME-TAX SECTION OF THE TARIFF BILL NOW PENDING IN CONGRESS.

GRADY, *April 30, 1913.*

To the Hon. S. M. TAYLOR, *Washington, D. C.*

The income-tax law of 1894 exempted life insurance conducted on the mutual plan as follows:

"Section 32 of the act of August 28, 1894, provided that 'nothing herein contained shall apply * * * to any insurance company or association which conducts all its business solely on the mutual plan and only for the benefit of its policyholders or members and having no capital stock and no stock or shareholders and holding all its property in trust and in reserve for its policyholders or members; nor to that part of the business of any insurance company having a capital stock and stock and shareholders which is conducted on the mutual plan separate from its stock plan of insurance and solely for the benefit of the policyholders and members insured on said mutual plan and holding all property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policyholders and members insured on said mutual plan.'"

I respectfully suggest that you take whatever action may be necessary and proper to have that language incorporated in the income-tax section of the tariff bill now pending in Congress.

Yours, truly,

J. H. HELLUMS.

LITTLE ROCK, ARK., *April 26, 1913.*

The MUTUAL LIFE INSURANCE CO. OF NEW YORK,
New York City.

GENTLEMEN: Returning your letter of the 15th, I do not see why insurance companies should be exempt from the income tax upon the idea that policyholders pay it. The amount is very small and would not make a difference of one-tenth of 1 per cent in your dividends. It is by far better that your policyholders, especially the smaller ones, should be able to save from $2 to $5 on every suit of clothes and proportionate on other necessary articles they buy than to get 10 or 15 cents per thousand per annum on their policies payable 20 years hence, or to their heirs at death of assured.

Yours, very truly,

F. B. T. HALLENBERG,

(Attention Mr. W. J. Eaton.)

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Mississippi a short time ago stated that it had been currently reported and never denied that the manufacturer of agricultural implements sold their products abroad cheaper than at home.

Mr. REILLY of Connecticut. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REILLY of Connecticut. The gentleman from Iowa is not speaking on the paragraph. This paragraph relates to animals.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that the gentleman from Iowa is not speaking to the amendment.

Mr. GREEN of Iowa. If the gentleman wants to make that point of order against me he ought to realize that gentlemen for some time have been talking on something else besides the amendment.

Mr. PALMER. The gentleman from Alabama gave notice that he would make this point of order.

Mr. GREEN of Iowa. I beg the gentleman's pardon, the gentleman from Alabama did not say quite that. He said he would make a point of order against anyone not speaking to the provisions of the bill.

Mr. PALMER. But he meant upon the amendment. The gentleman from Texas did make a five-minute speech which was out of order, and we did not object when the gentleman from Wisconsin did the same thing. We thought that it should be evened up, and the gentleman from Arkansas has evened up the time, and I hope the gentleman from Iowa will confine himself to this paragraph.

Mr. GREEN of Iowa. Has the gentleman from Pennsylvania or the gentleman from Alabama, or anyone on that side, ever objected to a gentleman on that side claiming that he should confine his remarks to the paragraph?

Mr. PALMER. To speakers on this side? Yes; objection has been made to gentlemen on this side. We want the rule to apply to both sides.

Mr. GREEN of Iowa. What I am complaining about is that you do not apply it.

Mr. PALMER. I am not making the point of order, but I hope the gentleman will confine his remarks to the paragraph under consideration.

Mr. GREEN of Iowa. Very well, the gentleman will not succeed in keeping me out in that way.

The CHAIRMAN. The gentleman from Iowa will proceed in order.

Mr. GREEN of Iowa. Mr. Chairman, I would like to know whether the Chair held it out of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Connecticut.

Mr. GREEN of Iowa. Very well, Mr. Chairman, I will proceed later when I will be in order with the same thing that I proposed to say now.

The CHAIRMAN. Then the gentleman will be in order when he does that.

Mr. MORGAN of Oklahoma. Mr. Chairman, is paragraph 407 under consideration?

The CHAIRMAN. Paragraph 407.

Mr. MORGAN of Oklahoma. Mr. Chairman, this paragraph refers to animals. I am opposed to putting animals on the free list, and I am opposed generally to taking the duty off the things the farmers produce. The gentlemen on the other side who prepared this bill contend that the reduction of the tariff duty will reduce the price accordingly, and I think that idea is pretty extensive among the people of this country; but that result does not always follow.

That was illustrated by the tariff legislation upon petroleum. I remember in 1899 we put petroleum and all its products on the free list.

Mr. REILLY of Connecticut. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REILLY of Connecticut. The gentleman is not talking to this particular amendment.

Mr. MANN. Mr. Chairman, I insist that where a Member is addressing himself to a paragraph that he is not required to confine himself to talking purely upon terms used in the paragraph when he wishes to use a relation between that and another item in the bill.

Mr. HARRISON of New York. Mr. Chairman, I do not want to be discourteous to the gentleman from Oklahoma, but this deals with polo ponies and wild animals, and I have not heard the gentleman say a word relating to them.

Mr. MANN. Mr. Chairman, in discussing a paragraph in the bill as to whether items shall be upon the free list or the dutiable

list, it is often necessary to refer to other items which may or may not be placed upon the free list, or may or may not be placed upon the dutiable list.

The CHAIRMAN. The Chair will state that of course it is always a matter of difficulty to determine, when a pro forma amendment is pending to strike out the last word, just the scope that the argument being made may take. The gentleman from Oklahoma has not proceeded far enough for the Chair to determine whether he is speaking to related items. The gentleman from Oklahoma knows the rule and the Chair will request him to proceed in order.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for three minutes without regard to the rule.

Mr. UNDERWOOD. Mr. Chairman, if the gentleman wishes to speak in reference to petroleum we will reach that item later on in the bill, and he can discuss it then and be in order.

Mr. MORGAN of Oklahoma. Mr. Chairman, this bill relates to animals. There are a good many kinds of animals in this world, and they are found almost everywhere. I am opposed to the theory of this bill, so far as it relates to placing animals produced by the farmer upon the free list. I am opposed also to placing the manufactured product made out of those farm animals upon the free list. I believe that it is unjust to the farmer. To place meat, manufactured from cattle, hogs, and sheep, on the free list will work a great detriment to the farmers of the country. I have understood that one of the objects of a reduction of the tariff was to strike at the trusts, to strike at monopoly, or to strike at combinations—to strike at the great wealth of this Nation—and I understand that is the theory on which the gentlemen claim this bill was prepared. I do not understand that the farmers have any combination.

I do not understand that there is any monopoly in the production of farm produce, and yet apparently the provisions of this bill strike hardest at the farmers of the Nation. There are 6,500,000 farmers in the United States. There are, perhaps, 12,000,000 persons over 10 years of age engaged in labor on our farms, and there is competition between each and every one of those 12,000,000 persons. If the great object of reduction of the tariff is to afford competition, is to strike at monopoly, is to hit a definite blow at wealth, why should the provisions of the bill strike so hard at the farmers of the country?

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MANN. Mr. Chairman, I oppose the motion to strike out the last word. I do not know whether it is practicable to ask the question that I wish to under the strict rule which the gentleman from New York [Mr. HARRISON] and the gentleman from Pennsylvania [Mr. PALMER] are seeking to invoke about discussion, but I would like to inquire about this. Gentlemen will remember that in the last Congress we passed a bill which came from the Democratic Committee on Ways and Means, introduced, I think, by the gentleman from Wisconsin [Mr. Kopp], designed to permit wild animals used for circus or menagerie performances into the United States, where the company had gone over into Canada and wished to bring their animals back. I do not find that that amendment to the law is covered in this paragraph.

Mr. UNDERWOOD. It is.

Mr. MANN. How?

Mr. UNDERWOOD. It was a mistake in the Payne bill, admitted to be such. We passed a bill last year to correct that mistake, and that correction is included here. I saw that it was done.

Mr. MANN. I can not find it.

Mr. UNDERWOOD. I will hunt it up for the gentleman.

Mr. MANN. It certainly is not in either one of these two paragraphs.

Mr. UNDERWOOD. My clerk calls attention to the fact that the change is made in paragraph 406. Of course the bill as we passed it is not here, but the change of language is made to conform to the idea in paragraph 406.

Mr. MANN. Where is it in 406? I have read 406 over, and of course I may be mistaken, but I could not find where it admitted those animals back into the United States.

Mr. UNDERWOOD. I will have to look into it, and I will call attention to it later. I know it is in the bill, because I took the trouble to have it put in.

Mr. MANN. Well, if it is not in here, I know the gentleman wants to put it in.

Mr. UNDERWOOD. Certainly. I remember it came up in the committee, and the change was made to conform, but I have not just got the memorandum before me.

Mr. MANN. It may be in, but I do not find it.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from Alabama a question. I notice that by this paragraph, when it becomes a law, animals can be brought in temporarily for exhibition purposes for a period of not exceeding six months. Is there anything in existing law relating to the San Francisco exhibition in 1915 which would allow such animals to stay here for a longer period than that? I mean animals going to the exposition.

Mr. UNDERWOOD. It has been customary in exposition matters to pass special acts relating to them and it does not relate to general tariff law, and for every exposition we have adways passed a special act. In this case I have not got the act that was passed in reference to San Francisco before me and my memory does not serve me as to the terms of that act.

Mr. COOPER. I mention this now to call attention to a later possible dispute, for as the pending paragraph will constitute the last statute relating to animals brought in for exhibition purposes, there would be an opportunity for a diversity of opinion as to the law. That exposition is going to continue, I understand, for fully six months.

Mr. KAHN. More than that.

Mr. UNDERWOOD. I recognize the force of what the gentleman says, but, of course, we could not put a provision of that kind in a general tariff bill.

Mr. COOPER. I did not know but that the law already passed for the San Francisco exposition covered such animals.

Mr. UNDERWOOD. The law is not before me.

Mr. KAHN. If the gentleman from Alabama will permit me, it was the purpose of the gentleman from California to introduce a bill covering these tariff matters.

Mr. UNDERWOOD. It may be necessary after this bill becomes a law.

Mr. KAHN. Possibly it will.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

413. Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, iron or steel drums of either domestic or foreign manufacture, used for the shipment of acids or other chemicals, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates or films of American manufacture (except moving-picture films), exposed abroad, whether developed or not, and films from moving-picture machines, light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury; articles exported from the United States for repairs may be returned upon payment of a duty upon the value of the repairs under conditions and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: *And provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon.

Mr. PALMER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 103, line 24, at the end strike out the period and insert " : *And provided further*, That the provisions of this paragraph shall not apply to animals made dutiable under the provisions of paragraph 406."

The question was taken, and the amendment was agreed to.

Mr. CALDER. Mr. Chairman, I move to strike out the last word at the suggestion of some gentlemen on this side for the purpose of inquiring of the gentleman in charge of the bill if the word in paragraph 410 "apatite" is not spelled improperly. Some one over here thought that it should be spelled "appetite," and we were unable to account for the spelling.

Mr. UNDERWOOD. It conforms to the language of the Payne law and the other laws.

Mr. CALDER. Will the gentleman advise me what it means?

Mr. RAINEY. I will say this is a phosphate, none of which is imported, and is produced down in Florida; it is a phosphate.

Mr. CALDER. By consulting the dictionary it occurs to me it might be a gem.

Mr. RAINEY. It is a phosphate produced in Florida; none of it comes from abroad.

Mr. CALDER. What is it used for?

Mr. RAINEY. I do not know; I expect it is a fertilizer; it is a phosphate anyway.

Mr. CALDER. What gentlemen on this side would like to know is if this product, as indicated in the dictionary, can be used to manufacture the poor man's diamond.

Mr. RAINEY. I do not know anything about that.

Mr. GARDNER. Is not apatite a mineral?

Mr. RAINEY. It does not come in at all.

Mr. CALDER. I merely inquired for information, and I thank the gentleman for his very illuminating exposition of the subject. Some one has just suggested to me that about all the American people would have left after this bill becomes a law will be their appetite, and that in placing it—their appetite—on the free list, the Democratic Party would be simply adding insult to injury.

However, for the information of the Ways and Means Committee I am going to read the definition of "apatite," so that in the future they will be able to inform their constituents just what they were really legislating on in this paragraph:

Apatite is a crystalline mineral and is the purest phosphate met with in an inorganic state. There are three varieties—fluorapatite, chlorapatite, and mangan-apatite—according as the lime not existing as phosphate is combined with fluorine, chlorine, or manganese. Apatite is widely distributed, and in many places occurs in vast deposits, which are worked on a commercial scale on account of the value of the mineral as a phosphate fertilizer. It is found in Scandinavia, Bavaria, Saxony, and Switzerland, and in this country in New York and New Jersey. The Canadian variety fluorapatite was formerly extensively used in the United States for fertilizing purposes, but has now been almost entirely supplanted by the phosphates (par. 639) of Florida, South Carolina, and Tennessee. Phosphate is another name for apatite, but it is chiefly applied to the impure, uncrystallized form.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

417. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, seg, Russian seg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or other material not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard.

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 104, lines 3 to 10, strike out the paragraph.

Mr. MOORE. Mr. Chairman, gentlemen on the other side have stated that this bill is not sectional; but the fact is evident throughout that very great pains have been taken upon the other side to protect the cotton planter of the South. Now, every one of us wants to see the cotton planter grow and develop and prosper, and I for one would like to protect him in his business in every particular.

But it does seem in this instance, as it has in a number of other instances throughout this bill, that special attention has been paid to this very special interest in this very special section of the country. Cotton is very widely sold on the other side of the water, the market is very largely in Germany and England, and there is a fine exchange as between the foreign purchaser and the planter of the South, who is the seller. The particular item that we now have under discussion—that of bagging for cotton, gunny cloth, and similar fabrics—indicates that if duties have hitherto been imposed on these commodities, which come largely from the beaten-down labor in India, it is intended now that more shall come in from the same kind of labor, and that the possibility of encouraging any kind of labor to do this work in the United States is eliminated. The purpose of this paragraph is better understood when we recur to section J, paragraph 282, where it is provided that all "carpets, carpeting, mats, and rugs made of flax, hemp, jute, or other vegetable fiber except cotton" shall be dutiable at the rate of 35 per cent ad valorem. In other words, as it also appears in paragraph 276, with reference to single yarns made of jute, dutiable at 15 to 25 per cent ad valorem, it is now proposed that there shall be a tax upon the American people who desire in any way to secure whatever benefits are to be had from the low cost of yarns made of jute, which, of course, are essential to manufacture. In the matter of carpeting, mats, and rugs, which are unquestionably a commodity of the poor, those who seek to buy these modern household necessities shall be taxed at the rate of 35 per cent ad valorem. But when it comes to using this same kind of material for bundling up bales of cotton in the South and sending it largely to foreign purchasers there shall be no duty at all. If this is not sectional, then I do not know what sectionalism is. If it is not partial, I do not know what partiality is; if this does not pertain to special interests, then I do not know what special interests are.

Mr. AUSTIN. May I ask the gentleman from Pennsylvania a question?

Mr. MOORE. Yes.

Mr. AUSTIN. Do you not think it is a fair return when we give the Bethlehem Iron Co. free iron, that the South is interested in, that we should have some return in the way of free cotton bagging?

Mr. MOORE. I am pleased when the gentleman stands for protection throughout the country as I have tried to do, but when it comes to sectionalizing protection and protecting one interest as against another interest, then perhaps I may differ from some gentlemen. But I call attention particularly to the fact that whereas in the Payne bill the existing law proposed a duty on cotton bagging, and so forth, the new bill admits free, in addition to those things that were dutiable under the Payne law, what is known as "seg, Russian seg, New Zealand tow, Norwegian tow," and so forth. Not satisfied to bring in free those things that were dutiable under the Payne law, and which were protected against the Hindoo labor of India, the committee is now admitting a product of the cheap labor of Russia and the cheap labor of other countries.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be closed in five minutes.

The CHAIRMAN. Is there objection?

Mr. GILLETT. I would like three or four minutes on this.

Mr. CALDER. May I have two minutes?

Mr. BARTLETT. I would like some time.

Mr. UNDERWOOD. I would ask unanimous consent that the gentleman from Georgia [Mr. BARTLETT] have five minutes, the gentleman from Massachusetts [Mr. GILLETT] five minutes, and the gentleman from New York [Mr. CALDER] two minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Georgia may proceed for five minutes, the gentleman from Massachusetts for five minutes, and the gentleman from New York for two minutes, and then that all debate on this amendment close. Is there objection? [After a pause.] The Chair hears none. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. Mr. Chairman, this provision is an act of justice to the farmers of the South, those people, especially the cotton farmers, who, by reason of raising the greatest money-producing crop in this country, have done more to produce and maintain prosperity in this country than any other people in it.

After endeavoring for 16 years to have a Republican Congress give the cotton planters of the South free cotton bagging and failing, at the beginning of the Sixty-second Congress, the first Democratic House I served in, I introduced bills exempting cotton bagging and ties from tariff duties. Both of the articles are manufactured and controlled by trusts, and the Government has derived but an insignificant amount of revenue from this source. To longer retain a duty upon them will be solely for the benefit of these trusts. And it is about time that the cotton planter should not longer be required to pay tribute to these manufacturers.

At the opening of this session I introduced bills exempting these articles—bagging and ties for cotton—from tariff duties, and the Ways and Means Committee have reported in this bill paragraphs placing both on the free list, as should have been done years ago.

COTTON BAGGING.

The importations of cotton bagging for the years stated in the following table will show that in no one year has there been imported as much as one-fifth of the cotton bagging used in covering the cotton crop. Take the year 1910. There was used for that year's crop 102,666,660 square yards of bagging, whereas the imports from all countries only amounted to 16,505,542 square yards.

Fiscal year ended June 30—	Rate of duty.	Quantity.	Value.	Duty collected.	Average.	
					Value per unit of quantity.	Ad valorem rate of duty.
		Square yards.				*P. ct.*
1898	$\frac{1}{16}$ cent per square yard.	5,262,788.00	$183,524.00	$31,576.72	$0.035	17.21
1899	do	12,763,285.00	388,109.28	76,579.67	.03	19.82
1900	do	7,236,696.00	295,211.00	43,420.15	.041	14.71
1901	do	9,161,995.55	432,785.00	54,971.98	.047	12.70
1902	do	6,641,802.66	296,454.00	39,350.80	.045	13.44
1903	do	5,417,039.00	213,098.00	32,502.24	.039	15.26
1904	do	7,801,672.00	261,235.00	46,810.02	.033	17.92
1905	do	9,603,487.00	391,730.00	57,620.91	.041	14.71
1906	do	12,309,136.83	663,843.00	73,854.80	.054	11.13
1907	do	19,817,860.22	1,215,446.00	118,907.12	.061	9.78
1909	do	8,012,434.00	413,208.89	48,074.63	.052	11.63
1910	do	16,505,542.00	699,940.00	99,033.28	.042	14.15

These tables will show that while it required nearly 103,000,000 square yards of bagging for the cotton crop of 1910, there were imported only 16,000,000 square yards, and while it required 106,000,000 pounds of cotton ties, there were imported only 500,000 pounds of cotton ties.

The duty collected by the Government on cotton bagging for 1910 was $99,000 and that upon ties was $1,498; so that the amount of revenue that the Government receives from the imposition of this duty is insignificant, while the amount exacted from the cotton planter for the year 1910 upon those two articles amounted to fully a million dollars, which finds its way into the coffers of the Bagging Trust and the Steel Trust.

There has not been any excuse for the retention of the duty, and justice to the farmers demands its repeal.

From an examination of the foregoing tables it will appear that the duty imposed is almost prohibitive, and that the revenue derived by the Government is insignificant compared with the immense amount of money returned to this country from the exportation and sale of raw cotton abroad; and the imports and duties paid have averaged about the same during the past two years as in 1910.

In support of my assertion that these cotton bagging manufacturers combine to keep the price up and are a trust, I submit the following evidence.

The statement of Mr. C. Lee McMillan, made to the Ways and Means Committee of this House in 1908, is as follows:

The American makers, say three in number, consisting of the American Manufacturing Co., of New York; the Ludlow Manufacturing Associates, of Boston; and the Peru Bagging Manufacturing Co., of Peru, Ind., own and control every mill in America now engaged in making new bagging for cotton.

The first two corporations agree at the beginning of each season upon a price to open the market at, and the small Peru company follows. An arbitrary list, showing differentials throughout the entire cotton belt, is strictly followed, and the price named any given point by the American Manufacturing Co. is exactly same as the one quoted same point by the Ludlow company.

Some years ago there were several independent mills engaged in this business, but the ones now surviving managed to drive the others entirely out by selling bagging below price at which the independents could make same at, and in the end the American Manufacturing Co. bought such independent mills as the one in New Orleans, in Louisville, Ky., and in Galveston, Tex., and then dismantled same, shipped such machinery as was wanted to Brooklyn and St. Louis and breaking up and selling for scrap the balance of the machinery. I think that the same process was followed when the American Manufacturing Co. bought out their New York and Brooklyn rivals. When additional machinery has been required by the Americans, they have either had it made in this country or they bought it secondhand in Dundue and imported same free of duty.

In a letter to me, dated May 6, 1911, Mr. McMillan says:

Each year both of these concerns (The American Manufacturing Co. and the Ludlow Co.) open the market upon the same day, and both ask the same identical prices for the same quality of goods to every point they trade with. The same plan as the above is carried out by the Carnegie Steel Co. and the Pittsburg Steel Co. in the sale of cotton ties.

Mr. R. Rochester, of New York, N. Y., made the following statement before the Ways and Means Committee on November 28, 1908:

Every yard of bagging used to cover the cotton crop of the United States is made by the American Manufacturing Co., 65 Wall Street, and the Ludlow Manufacturing Co., at Ludlow, Mass., which concerns have the country districted, the American selling 82 per cent and the Ludlow 18 per cent, at an agreed price.

This business has been going on for many years, the two concerns in question having gradually crushed out or absorbed all others who attempted to make bagging.

They are protected by a tariff to such an extent that it keeps out the Dundee and Calcutta bagging. For it has been the rule for many years that whenever a consignment of any foreign bagging would come in, the combination (American and Ludlow) would promptly lower their prices in the market to which the foreign bagging came to a point below the cost of the foreign bagging, and would so advertise the fact and intimidate the trade as to discourage further importations.

In addition to the above combination between the American and Ludlow they also maintain a chain of brokers or so-called dealers throughout the country who, though posing as independent, are in fact emissaries of these concerns, keeping them advised at all times of the conditions in the various markets regarding the status of foreign bagging, etc., and with suggestions as to "all the traffic will bear."

But we are not confined to the testimony of third parties. The following statement was made before the Ways and Means Committee of this House, in 1908, by Mr. Thomas F. Magner, the representative of the manufacturers of jute cloth from jute butts:

STATEMENT OF THOMAS F. MAGNER, WHO REPRESENTS MANUFACTURERS OF JUTE CLOTH FROM JUTE BUTTS.

MONDAY, *November 30, 1908.*

The CHAIRMAN. On what subject do you appear?

Mr. MAGNER. Cotton bagging.

The CHAIRMAN. Please proceed.

Mr. MAGNER. I represent, Mr. Chairman and gentlemen of the committee, all those manufacturers who are engaged in the manufacture of what is known as jute cloth made from jute butts in the United States. They are the Peru Bagging Manufacturing Co., of Indiana; the Ludlow Manufacturing Associates, of Ludlow, Mass.; and the American Manufacturing Co. The Ludlow Associates have a large plant, 30 acres in extent, at Ludlow, Mass. The American Manufacturing Co. have different plants, several plants in St. Louis, one at Galveston, one at Charleston, and they have two large plants in Brooklyn, New York City, my native city.

We present here to-day from all of these manufacturers a memorial. We have now in process of preparation, and later will present to the committee, a table giving the relative cost of production of this fiber, of the manufactured article, in India and in America, the amount produced, and everything relating to it, both in the production and manufacture in Calcutta and in the United States.

The memorial referred to was signed as follows:

The American Manufacturing Co., by John M. Maury, assistant secretary.

Ludlow Manufacturing Associates, by Charles W. Hubbard, treasurer.

Penn Bagging Manufacturing Co., Max W. Kraus, secretary-treasurer.

So that whenever you find one of these three corporations who manufacture and sell cotton bagging, whether before the committees of Congress, endeavoring to prevent a reduction of duty or to have it increased—in the world of trade, or in the market fixing the prices, or endeavoring to destroy competition—you will find them in company, acting in concert, through the same agents and attorneys, and pursuing the same course and methods as other trusts and combinations do and have done.

Some time ago a Member of this House from a cotton-raising State received a telegram from citizens of his State stating that they were stockholders in a bagging factory, and asking him to oppose putting cotton bagging on the free list. Upon inquiry as to where that factory was located, he received the reply that 14 years ago the bagging factory in a Southern State had been abandoned and closed, and that all the stockholders had now the same interest in the American Manufacturing Co.; that is, that the stockholders in the southern mill which had been discontinued now owned the same number of shares in the American Manufacturing Co.

This bears out the statement made by Mr. McMillan before the Ways and Means Committee in 1908, which was as follows:

Some years ago there were several independent mills engaged in this business, but the ones now surviving managed to drive the others entirely out by selling bagging below price at which the independents could make same at, and in the end the American Manufacturing Co. bought such independent mills as the one in New Orleans, in Louisville, Ky., and in Galveston, Tex., and then dismantled same, shipped such machinery as was wanted to Brooklyn and St. Louis, and breaking up and selling for scrap the balance of the machinery.

A few days ago I received a letter from Mr. C. Lee McMillan, of New Orleans, a dealer and importer in cotton bagging, which I will read:

NEW ORLEANS, *April 11, 1913.*

Hon. CHARLES L. BARTLETT,
Washington, D. C.

SIR: Your kind letter of the 8th instant reached me this morning. I have received copy of tariff bill, which Mr. DUPRÉ forwarded, and I note the difference you refer to in the wording between present and farmers' free list bill.

The jute-bagging paragraph as contained in present Underwood bill is all that can be desired by the cotton people, and if same passes in its present shape I do not think the Bagging Trust will annoy importers as in the past.

For your information I hand you a copy of last "T. D. 33277." The decision will doubtless strike you as being absolutely sound, but at same time I expect Overton & Co., New York importers, acting in the interest of the Bagging Trust, will appeal the case. The trust may never have expected to win, but it knows that as long as it can drag such cases into court importers are timid about bringing in bagging, although same is of far better quality than is now made by any American mill.

Within last few days we were called upon to pay 45 per cent duty on an importation which had been entered by us here 363 days before we got notice of advance in duty. Bagging in question was passed by New Orleans appraiser at six-tenths of a cent per square yard. The Government here sent sample to Washington for analysis, and Treasury Department reported same at six-tenths of a cent; but when two days less than a year had elapsed we were notified that our entry had been reliquidated, and the Government said the jute in said bagging was worth three-eighths of a cent per pound, while some other secondhand fiber the maker of Liverpool put in a small amount of was worth 4½ cents per pound, which, of course, figured out chief value other than jute, and we were made to suffer.

The writer asks your pardon for the length of this letter, as well as several former ones, but you were the one who took sufficient interest in bagging and ties last year to place the matter in its proper light before Ways and Means Committee, and I suppose you care yet to see how the question is being handled.

Thanking you most heartily for your kind indulgence in the past, I beg to remain,

Faithfully, yours, C. LEE MCMILLAN.

[Treasury decisions.]

(T. D. 33277—G. A. 7447.)

JUTE WASTE STILL JUTE.

BAGGING FOR COTTON MADE OF JUTE WASTE.

Bagging for covering cotton made in chief value of various kinds of jute waste, such as card waste, roving waste, loom waste, jute croppings, and other kinds of jute waste is made in chief value of jute within the meaning of paragraph 355, tariff act of 1909, and is dutiable under said paragraph, and not under paragraph 358 of said act.

UNITED STATES GENERAL APPRAISERS,
New York, March 14, 1913.

In the matter of protest 621927, of Overton & Co., against the assessment of duty by the collector of customs at the port of New York. Before board 3 (Waite, Somerville, and Hay, general appraisers; Hay, G. A., absent).

Somerville, general appraiser:

The merchandise in this case is described on the invoice as five rolls of bagging for covering cotton. It was accordingly assessed for duty under paragraph 355 of the tariff act of 1909, which reads as follows:

"355. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard, six-tenths of 1 cent per square yard."

The merchandise is claimed to be dutiable under paragraph 358 of said act, which reads as follows:

"358. All woven articles, finished or unfinished, and all manufactures of flax, hemp, ramie, or other vegetable fiber, or of which these substances, or any of them, is the component material of chief value, not specially provided for in this section, 45 per cent ad valorem."

At the hearing this was the only contention made by the importers. A letter by the Assistant Secretary of the Treasury, dated April 15, 1912, was introduced in evidence without objection. The letter, so far as pertinent, reads as follows:

"I have to state that the Director of the Bureau of Standards has reported that the analysis of the sample submitted shows that the component material is jute waste, 100 per cent. In view of this analysis the merchandise represented by the sample is properly dutiable at the rate of six-tenths of 1 cent per square yard, under paragraph 355 of the tariff act of 1909."

The importers introduced, after proper proof, the result of their analyses of bagging for covering cotton from sample roll No. 3, which is as follows:

	Grams.	Per cent.
Jute waste	33.33	83.325
Hard fiber waste	.33	.825
Seg waste	.20	.50
Cotton waste	.18	.45
Dirt	5.30	13.25
Less by segregation	.66	1.65
Total	40.00	100.00

SUMMARY.

	Per cent.
Jute waste	83.325
Nonjute waste	1.775
Dirt and loss	14.90
	100

"The testimony shows conclusively that jute waste is chief value of the importation. The jute waste consists of roving waste, of card waste, of loom waste, of jute croppings, of jute rejections, or shredded cotton tares, and other waste, all of which are shown to be of jute extraction or jute material. The question presented for decision is, Are these different kinds of waste to be considered jute within the meaning of said paragraph?

"A vast amount of testimony was taken by the importers, who proved that these wastes were known in trade by particular names under which they were bought and sold, and that none of them would be a fulfillment of a contract and delivery under an obligation to sell so much jute. We think this is immaterial. The testimony shows that this jute waste is simply an inferior grade of jute. It is admitted to be jute and is claimed to be legally not jute within the meaning of that term as used in said paragraph.

"In Salomon Bros. Co. *v.* United States (2 Ct. Cust. Appls, 431, T. D. 32196) certain card waste, which consists of broken fibers of undressed raw jute rejected by the carding machine in the first process of manufacture, was held to be more accurately described as jute unmanufactured than as waste not specially provided for and was entitled to free entry under both the tariff acts of 1897 and 1909."

Though a waste unquestionably the court said:

"The substance is unquestionably jute. It is inferior to the parent substance, however, in quality. But the evidence discloses that it may be devoted to the same uses to which the substance resulting from the first carding is devoted. It may be spun or it may be felted or it may be used without further manipulation for stuffing horse collars."

The question there presented was, Does the fact that this substance, which is called in one sense a waste, make it dutiable or does it come, so long as it retains its native characteristics of jute and is susceptible of the same uses, more properly under the provisions of paragraph 566 of the tariff act of 1897 and paragraph 573 of the act of 1909, respectively? This question was answered in the affirmative in the following language:

"Our conclusion is that this importation is more accurately described as jute unmanufactured than as waste not specially provided for."

This decision establishes the fact that a waste does not cease to be the material which composes it for tariff purposes.

In the case of the Standard Varnish Works *v.* United States (59 Fed., 456; 8 C. C. A., 178), in discussing the subject of waste, the court said:

"Ring waste is a highly purified article of scoured wool and is made from wool tops or coomed wool, and the couronnes, when not made for export, is the tangled slubbing, or wool top, that through accident becomes disarranged in the process of spinning it into yarn. Garnetted waste is the product of a garnett machine, which tears and ravels out the twist in thread, thus reducing it back to the original purified wool by reason of taking out the twist which is originally given to the wool to make it yarn or thread. In the process of spinning yarn wool tops are sometimes called "slubbing" or "roving" in a process midway between wool tops and yarn. It is plain that in all these cases the waste is still wool. Again, paragraph 670 provides for waste rope and waste bagging, but, although unfitted for the purpose for which bagging or rope is intended, the waste is no new creation. It is the same substance as the bagging or rope which is used for the intended purpose. The cotton waste of paragraph 549 and the silk waste of paragraph 705 are still, respectively, cotton and silk."

This was, in substance, said also by the board in Salomon's case, G. A. 7242 (T. D., 31739). This case, however, was reversed by the Court of Customs Appeals in the case above cited, but what was said following the Standard Varnish Works *v.* United States, cited supra, was verified and in no manner reversed.

Our conclusion is that the various kinds of jute waste are still jute, being only inferior grades of this material. The protest is overruled and the collector's decision affirmed.

Mr. Chairman, if you take from the exports of our country during the last five years the amount that is brought back for the payment of raw cotton, instead of having a credit upon our side for exports over imports we would be a debtor to foreign countries.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT. Well, the gentleman yields so often when he has only five minutes that I must decline, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia declines to yield.

Mr. BARTLETT. Mr. Chairman, the point is that the Republican tariff bill has carried exemption from duty on the binder twine that is used by those who raise grain and other like products requiring binder twine to be used. In 1894 the Wilson bill placed both binder twine and cotton bagging for the first time upon the free list, and carried this great boon to the western farmers and to the southern farmers. When a Democratic Congress had control here we did not make any distinction between those who raised wheat and grain and those who raised cotton—that great product that clothes the world; that great product of ours, 66⅔ per cent of which we send abroad, and which brings back to this country yearly a stream of gold that adds prosperity to the whole Nation.

If there is any sectionalism with reference to these matters it is not found in this bill. It has been in the bills passed and enacted heretofore by Republican Congresses, because in response to demands from the great Republican Northwest and the grain-raising States they have given to the farmers free binding twine, but they have not given to the farmers of the South free cotton bagging, and the reason for it is that the material is controlled in this country by a bagging trust.

I know that the gentleman from Massachusetts [Mr. GILLETT] denied that once upon the floor of this House. I have not the time now to reply to him if he denies it again, but I have the proof accessible here, which will demonstrate clearly that the American Manufacturing Co. is a trust.

And not only that, but they speak about the cheap labor employed abroad in this industry, in the mills in Calcutta. I have here a statement from a reliable gentleman engaged in selling cotton bagging and the importation of it, which shows that this same American Manufacturing Co. buys up nearly the entire product of these cheap-labor people in Calcutta and brings it here and sells it to the American farmers.

Now, Mr. Chairman, the gentleman from Pennsylvania has suggested something with reference to the increase of the kind of material that is provided for in the Payne bill. We propose not only to exempt cotton bagging made out of jute and jute butts, but also made out of Russian seg and other materials cited in this section.

In the bill introduced and adopted by the Committee on Ways and Means at the last Congress and in the provision in this present bill the wording of the bill which I drew and which was adopted by the Committee on Ways and Means is followed. The reason for that I demonstrated in a speech that I made on this item when the Underwood bill was up for consideration in 1912, and I then showed by the reports from the Treasury Department and by the reports from the Customs Court of Appeals that these importers of cotton bagging had gone out and brought into the country certain articles known as Russian seg and other materials cited in this section 558 of the Payne bill and the Treasury Department decided that it was not dutiable under the section providing for 45 per cent ad valorem, but was dutiable under this rate of one-sixth of a cent per pound.

And just think of it! The importer appealed from that decision, and the case went up to the Court of Customs Appeals, and the importer, who should be interested in having cheap duties, absolutely appealed the case in order that there might be higher duties placed upon an article that he imports.

It was intended by the provision of this section to prevent any such efforts on the part of the importer to wring from the farmers of the South an additional price for cotton bagging. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT. Mr. Chairman, the gentleman states that this clause is a matter of justice to the southern planter. He thereby admits the motive for the clause, and if instead of the word "justice" he would use the word "favor" I would agree with him. It is a favor to the southern farmer, a favor granted in violation of every theory upon which that side of the House have ostensibly framed this bill. It is not a revenue provision to take this out of the dutiable list, because to-day there is an importation of bagging, and a revenue is produced from it.

Mr. BARTLETT. Less than $100,000.

Mr. GILLETT. It is not a competitive provision, because to-day there is competition, and anywhere from one-tenth to one-quarter of all the bagging used in the United States is imported. There is no excuse for this provision, except, as the gentleman says, it is a matter of "justice" or of favor to the South. And they are putting the American manufacturer and laborer not in competition with the European laborer but in competition with the cheapest labor in the world, in competition with East Indian labor, where they get from $2 to $3 a month, so that even with the very slight duty that is now levied we are liable to lose our market.

But the gentleman says that we gave free binding twine to the western farmer, and why should we not give free cotton bagging to the southern farmer? Mr. Chairman, there is no analogy between the two. When binding twine was put upon the free list instead of there being from 10 per cent to 25 per cent of binding twine imported there was no binding twine imported. It looked as if the duty was prohibitive, and it was stricken from the dutiable list, and since the duty has been stricken off there have been no importations of binding twine from India, the product of the cheap labor of the Orient, but the only importations have been from Canada, the nation of all others with whom we ought to be able to compete without any duty or protection at all. The truth is, I suppose, the harvester people who make binding twine in the United States make it also in Canada, and it is exchanged from one country to the other according to existing needs, so that there is no real competition, and there is no possible analogy between binding twine and cotton bagging.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. GILLETT. Yes.

Mr. UNDERWOOD. The gentleman is talking about his part of the country. What does he think about New England getting free coal, free iron ore, and free wool?

Mr. GILLETT. That is something which I would vote against. I do not believe in it.

Mr. UNDERWOOD. I wanted to know whether the gentleman was in favor of that.

Mr. GILLETT. No; I am not.

Mr. BARTLETT. Will the gentleman allow me to interrupt him?

Mr. GILLETT. No; I can not. I have only a minute or two left. I do not ask any relief from the protection for the raw materials which my section of the country uses, and I do not think it is fair to take it from any section. I think all sections and industries ought to have a protective duty.

And now as to what the gentleman from Georgia [Mr. BARTLETT] has said about the trusts. The gentleman has made that statement before.

Mr. BARTLETT. And proved it.

Mr. GILLETT. And given evidence for it. He calls it proving it. For evidence he has quoted the testimony of a discharged employee of one of the companies who now is an importer and interested. I deny the statements which that gentleman has made. I of course do not know from personal knowledge, but I am informed by the head of one of the great manufacturers of this product—and I believe the statement—that he has never been in any trust; that there was not any trust. I will admit the statement of the gentleman that the American Manufacturing Co. did absorb some others——

Mr. BARTLETT. And dismantled the plants also.

Mr. GILLETT. It may have absorbed a number; but the Ludlow Co., one of the largest in the country, has never been in the combination—has been a rival and competitor always—so that although one branch of the manufacturers may have tried to absorb others, it never succeeded. And if the gentleman calls it a trust because one manufacturer has tried to make a monopoly and has not succeeded, I do not know where he will end in his definition of trusts. The truth is, the company in my district, I am assured, never has been in any trust—never has had any combination with other companies—and just because another factory in another part of the country has succeeded in buying out some rivals that does not prove that there is a trust. There has always been competition between them and the Ludlow Co., which is one of the largest manufacturers in the country.

Mr. GREEN of Iowa. Is not this the same kind of bagging on which there is a duty imposed if it is used for covering wool or wheat, but when it is used for covering cotton it is now made free?

Mr. BARTLETT. No.

Mr. GILLETT. I do not know; I did not suppose it was.

Mr. BARTLETT. Oh, no. This is gunny bagging—gunny cloth.

Mr. GILLETT. I do not know as to that; but, Mr. Chairman, to-day there is a tariff on that article which is only slightly protective. It is a specific duty, and therefore its ad valorem depends on the value of the product; but it only runs at the most to 20 per cent, and is now less than 10 per cent. The manufacturers in this country have to import their machinery and pay a heavy duty on it; and then, paying American wages, they have to compete against the Calcutta manufacturer, who gets the same machinery without paying any duty and employs labor at about one-tenth what we pay. And this abolition of a revenue duty—a competitive duty—this departure from the theory on which the Democratic leader told us this bill was framed—is made in order to give the southern planter an apparent saving of 3 or 4 cents on the covering of a bale of cotton worth from $50 to $75. I do not believe it will be a real saving, for I think as soon as the Calcutta manufacturers have killed out ours and won a monopoly of the market their prices will be put up above the present figure.

Mr. CALDER. Mr. Chairman, I know that this paragraph has received the approval of the Democratic caucus, and anything I may say can do nothing to change the situation. However, I want to call the attention of the committee to the fact that in the city of New York we have located several great plants engaged in manufacturing cotton bagging, employing upward of 5,000 people under proper labor supervision, working fair hours, and getting good compensation. These plants are not in my district, and, as far as I know, none of the people employed in them live in my district. But I do feel that it is my duty to stand up and protest against the passage of anything in this bill that will destroy an industry of so much importance to the city which I in part represent.

No gentleman on the Democratic side has uttered a word of protest against this action. The gentlemen in whose districts these plants are located are going to permit them to be dismantled and the business moved to India, where I know from my own investigation they have modern plants and the best, high-class, efficient supervision.

This cotton bagging is used exclusively for covering the American cotton crop, and I am informed that when the cotton is sold it is weighed in and charged for at the same rate as the cotton, so that the cotton grower actually makes a profit on what he pays for the bagging. He comes here now, through the southern Representatives, and demands free trade in cotton bagging, so that he may obtain additional profit on his product.

We have heard much in the debate on this tariff bill about the Democratic Party favoring the workingmen of the country, but when in this particular item it is shown that in the jute mills in India the men, women, and children employed in this industry work 13½ hours per day and 81 hours per week for a compensation of $1.75 a month for the boys and girls and $2 a month for the women and $3 for the men, it is a competition that will drive out of business everyone engaged in this industry in the United States. There is no oriental industry competing with this country that has grown as has the Calcutta jute industry.

I have personally examined the conditions under which the working people engaged in this industry in New York City are employed. The factories are of modern character, the men and women are employed under the very best conditions, and the women receive as high as $15 a week, the men considerably more than that amount.

I know whereof I speak, and as sure as this paragraph is passed and written into the law, just so sure will this particular line of business—that is, the manufacture of cotton bagging in the city of New York and in the United States—be moved to India, and the people now employed therein have to seek some other employment. I hope that the amendment offered by the gentleman from Pennsylvania will prevail. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

418. Balm of Gilead.

Mr. HARDY. Mr. Chairman, I move to strike out the last word. It seems to me a strange situation, that the gentleman from Massachusetts seems to think it is a favor to the South when a great southern industry and cotton-growing section is allowed to buy an article in the cheapest market it can.

Mr. GOOD. Mr. Chairman, are we considering paragraph 418?

The CHAIRMAN. Paragraph 418.

Mr. GOOD. What relation has that to the cotton industry?

The CHAIRMAN. Does the gentleman from Iowa make the point of order?

Mr. GOOD. No; I am simply calling the attention of gentlemen on the other side that the gentleman from Texas is not in order.

Mr. HARDY. Mr. Chairman, whenever a matter is put on the free list, if it happens to be used in the South, gentlemen raise a sectional issue and declare that putting such article on the free list is giving a special privilege to the South. By what process, or inversion of the process, of reasoning does the gentleman think it is a favor to the South if something they ought to have, and did have but for restrictive legislation—the right to buy anywhere—is permitted to be bought by them without the imposition of a tribute levied on it for the benefit of some industry in New England?

Mr. GREEN of Iowa. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Will any gentleman on this side be permitted to answer the argument of the gentleman from Texas?

The CHAIRMAN. That is not a parliamentary inquiry. Does the gentleman from Iowa make the point of order?

Mr. GREEN of Iowa. I am not making a point of order.

Mr. HARDY. If the gentleman will allow me to proceed.

Mr. MONDELL. Mr. Chairman, I was called to order some time ago for simply saying "Amen." [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman from Texas not to go into this matter now.

Mr. HARDY. I was only replying to the gentleman from Massachusetts. I was discussing the putting of materials on the free list, and the item of balm of Gilead was up. By right, without any restrictions of law, naturally, men have the right to buy anywhere anything, and when you restrict that right by law as to one man and refuse to give him the right to buy a thing anywhere and do this for the benefit of somebody else, it is a strange perversion of reasoning for that man, who has ridden and is riding on the other man's shoulders, to come in and say that it is a privilege to allow that man to buy where he can buy the cheapest. It is just the other way; you have levied a tribute on the whole of southern industry for the benefit of New England, and now you complain if only just in one little matter you are asked to take your heavy yoke from our necks and say that is giving us a special privilege.

Mr. GILLETT. Inasmuch as in this bill all manufactured articles pay some duty, and inasmuch as this is a very small one, why should it be taken off?

Mr. HARDY. Because gentlemen have ridden for lo, these many years on the backs of the people; that is, the manufacturing interests have ridden on the backs of the farmers, who sell to all the world, the gentleman thinks it has grown to be a sacred right, and that it ought to be continued.

Mr. STEENERSON. Mr. Chairman, how does the gentleman harmonize his present views with putting a tax upon furs, from which the clothing of the people are made that is worn in the North. That has heretofore been on the free list.

Mr. HARDY. The gentleman's present views are just what they have always been. As I told the gentleman who now addresses me the other day, in private conversation, if furs in his great region is one of those great necessities of common life, then I believe they ought to be upon the free list. [Applause on the Republican side.] I do not believe in taxing the laboring masses of this country for the special benefit of any class; and as far as we can we have observed that rule in this bill, and we invite the gentleman from Minnesota to come over and vote with us for this bill. Let him present the merits of his case to the consideration of a Democratic Congress, or a Democratic Ways and Means Committee, and it will receive a hearing. This committee has shown that it does not regard section or interest, but that it has attempted to regard the whole mass of the people, and to take off the burden from the poor.

Mr. GILLETT. Why does not the gentleman put cotton cloth on the free list?

Mr. HARDY. The gentleman knows full well that both woolen and cotton cloths have retained a duty greatly reduced in this bill for the reason that when you have built a structure on stilts you can not afford to cut the stilts from under the whole structure at once.

Mr. GILLETT. Why does the gentleman want to take the stilts from under this factory and not from under any other?

Mr. HARDY. Because this is a little industry wherein by nature the goods ought all to be made perhaps in India—we don't grow the material—and yet you seek to build this industry in New England out of an East Indian product by demanding a supporting special tribute from the cotton grower, and you have no more right to do it than you would to take up a collection from the whole people. Your duty on bagging is not a right of your factories; it is a burden on the farmers in the South, and it is not right.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MONDELL. Mr. Chairman, I think it is rather appropriate to put balm of Gilead on the free list in a Democratic bill. Balm of Gilead, I believe, is a balm to soothe the weary and the distressed and the injured, and there will be a great many people in this country needing balm if this bill passes.

Mr. HARWICK. Is that the reason the Republicans put it on the free list also?

Mr. MONDELL. Mr. Chairman, I rise to express my high appreciation of the exceedingly logical attitude of my good friend from Texas [Mr. HARDY]. Cotton is on the free list, and cotton bagging, says the gentleman from Texas, should also be on the free list as provided in the bill. This bill puts wool on the free list, and every pound of wool shorn from the backs of the sheep must be placed in a bag, or is placed in a bag for shipment, but that particular kind of bagging pays a duty of 30 per cent. If it is proper and righteous to give the cotton planter of Dixie free bagging for his cotton how about the woolgrower in the great Northwest country, surrounded by all of the difficulties that he has to overcome? How about knocking the stilts from under his feet and then planting a mine of dynamite under him, denying him the poor, miserable consolation of a free bag in which to place the free wool?

Mr. HARDY. Does the gentleman wish an answer?

Mr. MONDELL. I think the thing answers itself; that it is utterly, absolutely inconsistent. It shows how sectional this bill is; that while it puts wool on the free list, along with cotton, it denies wool the free bagging which cotton is given; that while it gives the South free bagging for cotton, charges all the country 30 per cent for bagging for wheat. I do not care to take the time of the committee, but it is pleasant to illuminate these charming inconsistencies.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

The Clerk read as follows:

420. Bauxite or beauxite, crude, not refined or otherwise advanced in condition from its natural state.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 104, strike out paragraph 420, lines 14 and 15.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, bauxite is the crude ore out of which aluminum is manufactured, and it is found in only four States—Arkansas, Alabama, Georgia, and Tennessee. Our competitors are the people of France, where this ore is found in abundance, where its richness is 10 per cent greater than that of the American ore, and where it is mined by cheap labor. Bauxite now is being shipped from the Southern States to the St. Lawrence River, to be treated at Niagara and Messina. The Aluminum Co. of America has decided to begin the manufacture of aluminum nearer the base of raw material, down in the South, where there is an abundance of water power, because in the manufacture of aluminum the question of power is of considerable importance. The gentleman from Pennsylvania [Mr. PALMER], who drafted, as he said, the metal schedule, or rather was largely responsible for it, stated that he proposed to put bauxite on the free list for the benefit of a French company that has begun the construction of a plant in North Carolina; and then in one of the first discussions of this subject he stated that by putting bauxite upon the free list they could use the raw material somewhere on the Atlantic coast in factories or

plants to be established there. In either event this legislation is not in the interest of the South, because if the French company now located in North Carolina secures its raw material from France it does it at the expense of the bauxite mines in the four Southern States I have named. Then every ton of raw material mined in France takes away that amount of raw material that could be mined in the Southern States by American wage earners——

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. AUSTIN. In a moment. We should retain that money in this country, and give wages to the American workingmen, and develop a new industry in the Southern States.

Mr. SHERLEY. This is one of the cases where we are not helping the South and being sectional at all.

Mr. AUSTIN. I have said all along that this bill was not drawn in the interest of the South, and I challenged the statement of the gentleman from Wyoming [Mr. MONDELL] the other night when he was criticizing my southern colleagues of the Ways and Means Committee for, as he said, making a sectional bill, when they were in fact not making a sectional bill.

I said that they had given up virtually everything in the South, free iron ore, free coal, free lumber, free meal, free corn, free cotton, free sugar, free meat, and free wool in Texas; they have surrendered everything—all the South had, except the Angora goat in Texas and peanuts in North Carolina—and I repudiated the insinuation that the southern men on this committee have been partial to their own section. Now, Mr. Chairman, I ask the indulgence of the House for a moment on this subject to have the Clerk read a letter—or part of it—from Col. Robert J. Lowry, an ex-Confederate soldier and one of the most prominently known men in the South.

The Clerk read as follows:

The South has become a manufacturing section, and as such she is now entitled to the same protection that New England as a manufacturing section has enjoyed for a century. Factories of all kinds are dotted all over our southern country, and new ones are being erected continually, and these industries should be protected. The South, which, as a consumer, has paid tribute to the New England section for a century, is now coming into its own as a producer and manufacturer, and she is certainly entitled to the same adequate protection which New England has heretofore enjoyed. Just at the time when the South can make her industries pay, the proposed tariff revision, unless judiciously handled, may subject much of her product to competition with cheap foreign labor and be the direct means of allowing foreign manufacturers coming in here and underselling and putting out of business many of our established industries, which are at this time our pride and the result of years of endeavor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

423. Bibles, comprising the books of the Old or New Testament, or both, bound or unbound.

Mr. MOORE. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 104, lines 19 and 20, strike out the paragraph.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto be limited to five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and all amendments thereto close in five minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MONDELL. I did not understand what the motion was.

Mr. UNDERWOOD. I just asked that debate on this paragraph close in five minutes.

Mr. MONDELL. Well, I wish the gentleman would add a few minutes to that, as I desire to oppose the amendment.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate be limited to five minutes, the gentleman from Pennsylvania to have three minutes and the gentleman from Wyoming to have two.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Chairman, I realize that there is a necessity for more Bibles in certain sections of the country and wish there might be more of them read, but I do not see why it is advisable to bring into this country foreign Bibles, many of them printed in foreign languages, to be distributed amongst our people, nor do I see why we should bring in Bibles, even though they were printed in the English language, that are made in England, when bookbinders and printers might just as well be employed at that occupation in the United States. I submit this amendment in the interest of the very efficient men engaged in these industries in this country. The printers, the pressmen, the bookbinders, and others who make up books are interested in this paragraph. I wish the committee would permit Bibles to be made in this country as they would continue to be if this paragraph were stricken out. This is absolutely in the interest of the labor of the country.

There must be a little Democratic deviltry in this country in order to keep the preacher properly employed, but this is not in the interest of the preacher; it is in the interest of the labor that makes up the Bibles for distribution throughout the land. Perhaps the preacher will have just as much to do, and if we all get too good his occupation will be gone.

Mr. MONDELL. Mr. Chairman, far be it from me to deny any American citizen any consolation that can be obtained from this bill. After it passes there will be no earthly sources of consolation, and men's minds will naturally tend to that consolation that can be had only in Holy Writ. Therefore I think Bibles ought to be free. I think they ought to come in plentifully. I think the American people after this bill passes, after the soup houses are in full swing and rags become popular, ought to have Bibles just as cheaply as they can get them. They will be the only consolation they will have.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE] to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

424. All binding twine manufactured from New Zealand hemp, manila, istle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding 600 feet to the pound.

Mr. MOORE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 25, page 104, after the word "pound," the following: "*Provided*, That articles mentioned in this paragraph, if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to a duty of ½ of 1 cent a pound."

Mr. MOORE. This is simply restoring the very wise and excellent provision of the Payne law as against unfair competition in this line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman what dressed istle or Tampico fiber is used for?

Mr. UNDERWOOD. It is fiber that is used for binding. I am not sure exactly what particular articles are bound with it.

Mr. MANN. I notice that the bill provides for free istle or Tampico. It provides for a duty upon dressed or combed istle or Tampico, and then provides for binding twine made from istle or Tampico free.

Mr. UNDERWOOD. I will say to the gentleman that the language of this bill, except as to the proviso, follows the language of the present law, which seems to work satisfactorily.

Mr. MANN. Except this, I am frank to say, that I do not recall whether istle or Tampico that is dressed is used for binding twine or not.

Mr. UNDERWOOD. It is used for some binding purpose. It may not be for what you call ordinary binding, but it is used to make some kind of a string out of.

Mr. MANN. The present rate on istle dressed or Tampico is practically prohibitory. I think all of that article that comes into the country comes in undressed free. But when you reduce the duty on dressed Tampico or istle, and then leave binding twine on the free list, I am not sure what the result will be.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

425. Birds and land and water fowls, not specially provided for in this section.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman what will be the effect of this provision as to the admission of birds and water fowl free of duty? Of course we have already provided that heads, tails, and wings of birds shall not come in at all.

Mr. UNDERWOOD. I will state to the gentleman that this provision in here probably does not mean anything either, because of the provision in another portion of the bill. The gentleman will note the words "not otherwise specially provided for in this section."

Mr. MANN. I understand, but I was asking where it is specially provided for in this section, providing that the heads and wings and the tails and the skins of wild birds should not be admitted at all, whether there would be any way of bringing in these birds or water fowls without heads, tails, wings, or skin?

Mr. UNDERWOOD. Dressed. The bill contemplates bringing in dressed birds. We change the language to "dressed" in the bill.

Mr. MANN. I was under the impression there was a dutiable rate on dressed birds.

Mr. UNDERWOOD. There is on dressed birds, so that they can come in in that way.

Mr. MANN. Having already provided a duty upon dressed birds, and then having provided that no birds should come in with a head, or tail, or wing, or skin upon them, what will this particular provision permit to come in? What kind of a bird can the gentleman find which is not dressed, but which has neither head, wing, tail, nor skin?

Mr. UNDERWOOD. Well, as I said awhile ago, I think the probabilities are that this line, as it appears, will not be effective, but we recognized it in the old law. We put the "n. s. p. f." behind it, and made it a negative proposition by so doing.

Mr. MANN. I understand.

Mr. HARRISON of New York. Mr. Chairman, if the gentleman from Illinois [Mr. MANN] will permit me, I am under the impression that any appraiser would be justified in construing these two paragraphs to which he has made reference so as to admit live birds introduced for breeding purposes or for purposes of exhibition.

Mr. MANN. That is already carried in a former provision of the bill.

Mr. HARRISON of New York. Yes; and that the feather proviso would prohibit only the importation of plumes or feathers or heads or tails or wings when an attempt was made to import them separately from the birds themselves.

Mr. MANN. Well, now, let us see. Does the gentleman contend, as to these birds that are principally valuable for plumage, that when you bring them in whole that provision will permit them to be brought in free? For instance, I remember on a recent trip to Panama seeing certain gentlemen of the House, Members of the House, using their best endeavors to get a chance to bring in a bird or two of the kind which fly in Panama, and if they had been better shots they would have succeeded. [Laughter.] Now, would they have been able to bring in those birds free if they were whole?

Mr. HARRISON of New York. There may be doubt about it, but my opinion is, as I say, that any appraiser would be justified in construing that provision as to a bird coming in whole as not in conflict with this proviso, because they could not be imported in quantities sufficient to supply the feather trade. It would not be possible to import the birds alive into the United States.

Mr. MANN. I am not speaking of live birds, but dead birds.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

431. Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use Press cloths composed of camel's hair, imported expressly for oil milling purposes, and marked so as to indicate that it is for such purposes, and cut into lengths not to exceed 72 inches and woven in widths not under 10 inches nor to exceed 15 inches and weighing not less than one-half pound per square foot.

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 105, line 16, by striking out after the word "use" the remainder of the paragraph.

Mr. MOORE. Mr. Chairman, I wish to call the attention of my friends, the gentleman from Georgia [Mr. BARTLETT] and the gentleman from Texas [Mr. HARDY], to this paragraph, so that I may answer their criticism that some of us on this side have raised the question of sectionalism. I do not think they have answered the question fully with regard to bagging for cotton, because the gentleman from Georgia——

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. MOORE. Yes.

Mr. BARTLETT. I have not suggested the raising of a sectional question. The gentleman from Massachusetts [Mr. GILLETT] and the gentleman from Pennsylvania himself are the ones that have charged sectionalism against us.

Mr. MOORE. I do not want to be put in the position of raising a sectional question, and do not intend to raise it except as the facts show it.

Mr. BARTLETT But you did it.

Mr. MOORE. I call the attention of the gentleman from Georgia to this new paragraph, 431, where I propose to strike out the language—

Press cloths composed of camel's hair, imported expressly for oil milling purposes, and marked so as to indicate that it is for such purposes, and cut into lengths not to exceed 72 inches and woven in widths not under 10 inches nor to exceed 15 inches and weighing not less than one-half pound per square foot.

This is purely and specially a sectional proposition. The gentleman from Georgia will observe that under the language, on line 17, which I propose to strike out "press cloths composed of camel's hair, imported expressly for oil milling purposes" are to come in free, mark you, provided they are to be "used expressly for oil milling purposes." Now, from that it would appear on its face that these press cloths which are to come in free are only for those who are to manufacture cottonseed oil. That is what the paragraph says; and while I do not want to raise a sectional question—and I hope I do not—I insist that when you say these things shall come in free if used "expressly for oil milling purposes" you provide for bringing them in for only one specific purpose. You play into the hands of the cottonseed-oil manufacturers, who may thus have the advantage of getting them in free, while other establishments requiring press cloths in their business must pay the prescribed rate of duty.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. MOORE. Yes.

Mr. BARTLETT. You can make that same language apply to cloths for milling purposes generally, can you not?

Mr. MOORE. No. That is the very point I am making, if the gentleman please. I am contending that the South in this instance is taking care of its own. Of course, I do not blame the South for doing it. I am not blaming the South at all. I am simply pointing out this circumstance.

Mr. BARTLETT. But the milling industry is not confined to the South.

Mr. MOORE. I think it is in the matter of cottonseed oil.

Mr. BARTLETT. I say the milling industry, in reference to silk.

Mr. MOORE. I am speaking of the manufacture of cottonseed oil, which is coming to be a great industry in the South.

Mr. BARTLETT. Yes. That goes on the free list, too, in this bill.

Mr. MOORE. Cotton seed is manufactured and pressed into oil in the South; and in order to accommodate the manufacturers of cottonseed oil you propose to give them free press cloth, while in other paragraphs of the bill you impose a duty upon the component parts of press cloth. For the particular purpose of accommodating "our friends around the corner" you give them their press cloth free.

I have a letter here which indicates just what this thing is. In it the writer says that this admission free of press cloth, composed of camel's hair imported "expressly for milling purposes"—

Is the worst piece of rank favoritism that the whole bill shows, and is probably made still worse from the fact that it concerns comparatively only a limited number of people directly, but at the same time it has been done to make a present to the southern cotton-oil mills of a very large percentage of the price they pay for the press-cloth bags they use in pressing the oil.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MOORE. Now, I want to say this: God bless the South in every effort it makes to build up its industries. God bless the South when it undertakes to manufacture cotton in competition with foreign countries or New England. God bless the South even when it undertakes to get in its cotton bagging free in order to widen its foreign market.

God bless the South when it undertakes in fair competition to take away from New England or any other portion of the country the manufacture of cottonseed oil, which is exported and often comes back through our ports again as "pure olive oil," after it has been manipulated on the other side. God bless the South in all of its undertakings to favor its own industries; but when you have control on the other side you ought to be a little consistent in your treatment of the other industries of the country. We have need of heavy fur goods in the winter, when you do not need them in the South.

Mr. SHERLEY. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. SHERLEY. Does the gentleman think the cottonseed-oil industry is getting any great show of favoritism when this cloth is put on the free list?

Mr. MOORE. I think so.

Mr. SHERLEY. I just wanted to know what the gentleman thought.

Mr. MOORE. I think so. If you put press cloth on the free list and then provide expressly that it shall be used "only for oil-milling purposes," I think you are giving a direct advantage to the cottonseed-oil manufacturers, and there is no other way to look at it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this paragraph and all amendments thereto close in two minutes.

The motion was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I hardly think it necessary to answer again the gentleman's charge that these provisions of the bill are put here for the purposes of protection. The gentleman from Pennsylvania did not read the whole paragraph to the committee. The first portion of the paragraph reads:

Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use.

Mr. MOORE. If the gentleman will pardon me, that is in the Payne law.

Mr. UNDERWOOD. Certainly. It is already in the law. It is a discrimination in favor of the wheat mills of the North, which the gentleman did not mention at all. It has always been carried in Republican bills for the benefit of the northern milling interests. And now the gentleman says that this is sectionalism, because the provision in this bill happens to do something for an industry located in the South, it all being in the same paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

434. Books, maps, music, engravings, photographs, etchings, bound or unbound, and charts, which shall have been printed more than 20 years at the date of importation, and all hydrographic charts and publications issued for their subscribers or exchanges by scientific and literary associations or academies, or publications of individuals for gratuitous private circulation, and public documents issued by foreign Governments.

Mr. UNDERWOOD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 106, line 6, after the word "etchings" insert the words "lithographic prints."

The amendment was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I offer the following further amendment.

The Clerk read as follows:

Amend, page 106, line 11, after the word "circulation," by inserting the words "not advertising matter."

The amendment was agreed to.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 106, line 5, after the numerals "434," strike out "books"; after the word "music" strike out "engravings"; and in line 6 strike out the word "etchings."

Mr. MOORE. Mr. Chairman, I would like to ask the gentleman from Alabama whether he intends by this paragraph that all books, maps, music, engravings, and so forth, that come in under this paragraph shall be those published only for subscribers, scientific societies, and so forth?

Mr. UNDERWOOD. This is a reenactment of the present law, and I am not informed fully about that.

Mr. MOORE. It would appear from line 8 that the scientific and literary associations only were to receive publications for their subscribers, and so forth. Books, maps, music, and engravings appear to be treated separately. If that is so, I shall press my amendment.

Mr. UNDERWOOD. This is a reenactment of the present law. There is no change in these articles. We received no complaints about the present law and we concluded to retain it. It was not given very full investigation.

Mr. MOORE. I will say that it does appear that many books and engravings are being brought from abroad into this country, not for philanthropic purposes. There are dealers that get them in under various subterfuges, as they do other articles supposed to be admitted only for a scientific purpose. The printers and bookbinders and pressmen are protesting against this sort of thing and artists have a grievance against the vast quantity of art works being brought in under provisions of the law which are evaded. I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was lost.

The Clerk read as follows:

436. Books, maps, music, photographs, etchings, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

Mr. UNDERWOOD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, page 106, line 16, after the word "music," by inserting the word "engravings."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

437. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 107, lines 1 and 2, after the numerals "437," strike out "books, libraries, usual and reasonable furniture, and similar"; and on line 3, strike out after the word "countries," "all the foregoing."

Mr. MOORE. Mr. Chairman, I do not think this paragraph is happily phrased. Its purpose is to admit the household effects of families who come here in good faith. The admission of books, libraries, "usual and reasonable furniture," and similar household effects, allows a degree of latitude and discretion to the inspector at the customhouse that ought not to be tolerated. I have heard of people bringing in books and furniture under such a clause as this that were not properly admissible. They have defeated the customs laws of the country and imposed upon the credulity of the people of the United States. I think the purpose is merely to permit the admission of household effects, which is all right. I urge the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

439. Bran and wheat screenings.

Mr. FORDNEY. Mr. Chairman, I move to strike out the paragraph.

Mr. SMITH of Minnesota. Mr. Chairman, I have an amendment to the paragraph.

The CHAIRMAN. The amendment of the gentleman from Minnesota will be first in order. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota:

Amend, page 107, paragraph 439, by striking out, after the word "and," the word "wheat" and inserting in lieu thereof the word "ground."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. SMITH of Minnesota. Mr. Chairman, I offer this amendment, not with any hope that it will be adopted, but for the purpose of showing that you are heaping insults to injury. The farmers of this country by this bill will be severely afflicted. You have destroyed their flocks, you have reduced the price they will get for their crops. You are bound to make their land waste, and now you are inviting the foul seeds—unground screenings—of foreign countries to be admitted to be sown upon them to make them forever useless.

Mr. Chairman, I am not so much alarmed over the effect of the Underwood bill on the country as are some of my colleagues. I do not believe that it will bring on a panic, because the framers of this bill have placed its burdens on those of our people who are the most patriotic and self-sacrificing.

None of our great industries that are highly organized and monopolized have been interfered with, and in many instances they have been extended privileges that they have not under the present law. Does anyone contend that the great Steel Trust, the Beef Trust, or the Sugar Trust or the Woolen

Trust have been materially handicapped by the Underwood bill? The burdens of this new fiscal policy are deliberately placed on the farmers, the small manufacturers, and the laborers. The benefits are given to those who do not need them. The consumer will gain nothing. Whatever loss the producer will sustain by the lowering of his prices will result in profits to the importer, the trust magnate, the middleman, and the foreign producer, but will never reach the consumer.

The actual producer is sacrificed on the altar of free trade for the sake of redeeming platform pledges written by idealists, who disregard business principles, common sense, and fairness. I do not say that the authors of this bill were not actuated by worthy motives, but I do say that the farmers, the small manufacturers, and workmen—the independent producers of this country—have been penalized for the sake of a wrong economic principle and fiscal policy.

On the Democratic side of this Chamber we have the free trader advocating protection for the industries in which his constituents are interested and free trade on every other commodity produced in this country. The gentleman from Washington [Mr. BRYAN] is clamoring for a 15 per cent duty on shingles, but is perfectly willing that everything else be free. The gentleman from Texas [Mr. GARNER] is perfectly willing that the goat industry of his State be protected to the extent of 35 per cent ad valorem, while raw wool be admitted free. The gentlemen from Louisiana throw up their hands in horror over the reduction of the duty on sugar, but insist that the northern wheat producer and flour manufacturer submit to the admission free of duty of Canadian flour and by-products. Does this not conclusively show the absurd and unscientific principles upon which this tariff measure has been constructed? This explains in part the reason for the many unfair and indefensible items in this bill and its many inconsistencies.

Political expediency is the underlying principle upon which this bill is constructed. The items of this bill relating to wheat and flour can be explained on no other ground. This is true of practically all the products of the farm, as well as a good many of the materials that go to make up the manufactured product.

To place a duty on the raw material while admitting free of duty the finished product is a discrimination against our own producer and of no benefit to the consumer. The chairman of the Ways and Means Committee, the distinguished gentleman from Alabama [Mr. UNDERWOOD], stated Saturday that the effect of the Underwood bill would be to slightly reduce the price of sugar, but that on other articles the reduction would be infinitesimal. Thus from the admission made by the authors of this bill it is evident that the consumer will be benefited only infinitesimally.

This bill can have no other effect than to encourage and increase importation. Every manufactured article imported into this country which can be manufactured here displaces our own products. Every agricultural product imported into this country which can be produced here displaces an equal amount of our own agricultural products.

Clearly, then, the bill is of no benefit to the consumer and of irreparable injury to the producer, and the producer and the consumer are one and the same.

How our Democratic friends can explain that they are going to reduce the high cost of living without reducing prices I can justify on only one theory, namely, that the cost of living will be reduced by reducing the purchasing power of the consumer. By limiting the demand for his product the producer will have less purchasing power as a consumer. He will, therefore, in order to live within his means, be compelled to reduce his standard of living, and in this way he will reduce his cost of living at the expense of his standard of living. This is the only logical conclusion that can be reached.

Mr. Chairman, it has been claimed by the Democrats throughout this whole discussion that they have framed this bill on the theory of reducing the cost of the necessaries of life; but they have taken our furs, one of the most necessary of necessaries, and transferred it from the free list to the dutiable list. The majority of these furs are not used for ornament, but are used as a protection against the severe northern climate. They are a matter of absolute necessity. They are worn by people in every walk of life.

If this bill becomes a law this will be practically the only country in the world that has a duty on raw furs, and why our Democratic friends placed this item on the protected list is inconceivable. High-priced furs, which are properly classed as luxuries, should be taxed, but common furs should be admitted free, so that they would be within the reach of everyone, not only as a protection against the cold but as a matter of economy. No garment can be produced for the same money to take the place of the fur garment either for comfort or for durability. The fur garment is indispensable for the people of our northern climate.

Gentlemen, there are several items in this bill that I wish I had the opportunity of voting for, but you have deprived me of that opportunity by bringing in an omnibus bill. In its consideration and discussion we have not had sufficient information or time to consider the effect of the bill as a whole. In various items of the bill you have disregarded the information furnished by the Tariff Board.

I am in favor of a tariff measuring the difference in the cost of production at home and abroad based upon the recommendation of a nonpartisan, unbiased tariff board or commission, having at its disposal sufficient means and ample power to acquire authentic information. We will never have a just and equitable tariff measure until it is freed from partisan politics. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The Chair will suggest to the gentleman from Alabama that the gentleman from Michigan [Mr. FORDNEY] has also offered an amendment.

Mr. FORDNEY. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BORLAND. Mr. Chairman, I just want to say a word on this particular paragraph in opposition to the remarks made by the gentleman from Minnesota [Mr. SMITH]. He assumes that this item is in some way hostile to the farmer. In that I think his inference is unwarranted. This puts bran on the free list. The farmer is the best customer for bran, especially the dairy farmer, and, as I understand it, the dairy farmers of New York State and some parts of Michigan and Pennsylvania will probably enjoy some particular advantage from this. Certainly no farmer in any section of the country will be at any particular disadvantage. This bran item is the only item of that whole flour and wheat schedule that I think, after a careful study, is at all subject to criticism. It may be that on further consideration the committee or the other body may put bran on the same footing as flour. There is where I think it ought to be. We have a large milling industry centralized in Minneapolis, Duluth, Buffalo, St. Louis, and Kansas City.

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Not now. I have only a very few minutes. They have a large growing milling industry in Canada centralized at Winnipeg. They have a very fine quality of hard wheat in Canada which makes a high-class flour. I do not believe under present circumstances that the American miller is at a disadvantage with the Canadian miller. The facts show that the importations of wheat into this country have been growing. The exportations of flour from this country have been growing, but the importations of flour into this country have not been growing. The importations of wheat during the last year were about 2,000,000 bushels and the importations of flour were in amount only about half a million dollars. The exports of flour from this country were nearly $50,000,000. In other words, the importations of flour bear the relationship to the exportations of flour that 1 does to 100.

The domestic consumption of flour is nearly $500,000,000, so that the millers of America are finding a possible foreign competition now of less than one-tenth of 1 per cent. After a very careful and sympathetic study from the standpoint of the millers themselves and in sympathy with their industry, I do not believe they are injured by the provisions of this bill. But they claim, and I think with some possible show of justice, that while the Canadian miller is at a disadvantage in some respects in competition with them now, that he will gain an advantage on this bran proposition. The Canadian miller has a large supply of the raw material of wheat, but he is at a disadvantage on labor, he is at a disadvantage on transportation, and he is at a disadvantage on fuel, and more than all that he is at a disadvantage in the local market for his bran and screenings, or mill offal.

Now, bran and screenings are 30 per cent of the wheat, 70 per cent are flour, so that this 30 per cent of his product is the real margin of profit in the milling industry. The Canadian miller has no local market for his bran. There are not enough dairy industries, there are not enough live-stock industries in the whole Dominion of Canada to use the bran, and the transportation clear over to England is more or less expensive. But they say this provision for free entry of bran into the United States will open to the Canadian miller a market for his bran and it will enable him to more profitably grind his wheat. I

am not sure but there is some basis for the criticism. But that is not the basis the gentleman from Minnesota seems to take. It does seem to me that bran ought to be tied to flour. If there is free flour there should be free bran; but if there is not free flour there should not be free bran. Now I yield to the gentleman.

Mr. SMITH of Minnesota. Does the gentleman understand the purport of my amendment? It simply says "bran and ground screenings." The bill as it is now is "bran and wheat screenings." Now, one point that I am bringing out at this time is the fact that under the provisions of this bill as it is written you are affording the Canadian people an opportunity to ship over to us all sorts of foul seed, weeds, and everything of that kind. Now, we want those ground over there——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. But the gentleman was arguing that the farmer was injured, which is absolutely without foundation.

Mr. SMITH of Minnesota. You can not injure the farm without injuring the farmer.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MANN. I would like to have about two minutes.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may have two minutes.

Mr. MANN. The gentleman just stated the term "wheat screenings" would admit all weed seeds and such things as that, and I am sure the gentleman from Alabama will disavow the intention of changing the law that we passed in the last Congress which forbids the importation of weed seeds or which relates to the importation of pure seeds by this change in this provision of the law.

Mr. UNDERWOOD. Certainly.

Mr. MANN. I would like to have that go in the RECORD.

Mr. UNDERWOOD. It is not intended in any way to affect the pure-food law provision.

Mr. MANN. The pure-seed law.

Mr. UNDERWOOD. It is the same thing.

Mr. FORDNEY. Will the gentleman let me state, however, under the provisions of that paragraph 429, wheat screenings includes all kinds of foul weeds, such as cockle and cheat so-called, and many other things which are foul weed seeds which can come in free.

Mr. MANN. I take it, Mr. Chairman, this provision in the bill only admits free of duty wheat screenings, which are permitted to come in——

Mr. UNDERWOOD. Certainly.

Mr. MANN. And the language of the pure-seed law is that these wheat screenings which are filled with weed seed are not permitted to be imported at all.

Mr. UNDERWOOD. Not at all.

Mr. MANN. It is not intended to change that.

Mr. FORDNEY. How can you tell when they are ground?

Mr. MANN. If they are ground up they will not grow, and therefore it will not make any difference whether it comes in at all or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

444. Broom corn.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out paragraph No. 444, line 15, page 107.

Mr. MORGAN of Oklahoma. Mr. Chairman, there are but two words in paragraph 444, and those two words are "broom corn." By the terms of this bill broom corn is placed on the free list. Under the terms of the present law there is $3 per ton duty on broom corn. While we had under consideration the agricultural schedule I tried to secure an amendment to put an additional tariff on broom corn as compared with what we have at the present time. I know some gentlemen have the idea that putting $25 on broom corn was somewhat ridiculous. And yet it was not. You must remember that in our country, at least, it requires several acres of ground to produce 1 ton of broom corn. Our farmers are at a very large expense, not only in the cultivation of that corn but in harvesting it, and at a large expense in preparing a shelter so that the broom corn may be properly dried and cured and put in proper shape to produce the best brooms, and in many other ways broom-corn growers are put to a very heavy expense.

Now, for instance, this bill provides $2 a ton upon common hay. One acre of land will produce from 2 to 4 tons of hay per year. Hay grows on from year to year and does not have to be replanted and cultivated and harvested. It is a very cheap product, so far as the labor that is required to produce it, and yet, gentlemen, you give the hay farmer a protection of $2 on a ton, but you take off $3 per ton on broom corn and place that upon the free list.

I can not understand why this House should discriminate against the farmers who produce broom corn. You have a tariff upon oats, a tariff upon peas, apples, and lemons, and peanuts, garlic, and onions, and so forth, and yet the men in Oklahoma who give their energy and their industry and their labor and their toil, who give, as it were, their lives to the production of broom corn to supply the needs of the country are discriminated against. Their product is placed on the free list. I do not know why this has been done, but I do know that if this bill shall become a law the farmers of my State, who produce two-thirds of the broom corn that is produced in the United States, shall know and understand that their products are discriminated against by a House in control of Democrats, and that broom corn is refused even the little protection that is given to many other products.

Mr. DIFENDERFER. I would like to ask the gentleman if it is not a fact that 3 acres of ordinary land will produce 2 tons of broom corn, and that a few years ago it sold in the market for $240 a ton?

Mr. MORGAN of Oklahoma. It is not a fact. It will take on an average in Oklahoma, where we produce two-thirds of the broom corn in the United States, if my information is correct, about 3 acres to produce 1 ton of broom corn.

Mr. DIFENDERFER. Then the land must be exceedingly poor. Then, another question——

Mr. MORGAN of Oklahoma. We may have poor land, but we have as good people as there are in Pennsylvania or anywhere else on earth, and they are entitled to the same consideration from this House.

Mr. DIFENDERFER. But is it not true that a few years ago broom corn sold in the market for $240 a ton?

Mr. MORGAN of Oklahoma. It is not a fact. It was high one year, but that was exceptional. I would like the committee to explain why they discriminate against broom corn.

So far the gentlemen have remained silent. I referred to this matter a few days ago. Not a word of explanation has been made. Why should the truck farmers around the great cities of the East be given a little protection on garlic and onions, and the broom-corn growers of Oklahoma be placed in competition with Italians, Turks, Japanese, Mexicans, and others who work for 25 cents per day? No one in charge of this bill and no one who will vote for it has attempted to explain this discrimination against the men of Oklahoma who produce broom corn. The Democratic caucus considered this bill for two full weeks. I do not know what occurred in this secret caucus. I do not know whether or not any effort was made in that caucus in behalf of the broom-corn growers of Oklahoma. But the decree has come from the caucus that no material amendments offered shall be carried. So I presume the caucus will prevail and broom corn will go on the free list. But I shall protest in the strongest terms possible.

Sir, in 1910, 11 foreign countries imported broom corn into the United States. Importations came in 1911 and in 1912. Whenever the price of broom corn reaches a price which makes it reasonably profitable for our farmers to raise broom corn, when broom corn sells for a price that gives our farmers fair compensation for their labor, then ships are loaded with broom corn grown in foreign countries, come to New York, and down goes the price of broom corn. The ocean freights are cheap; railway rates are high. Foreign broom corn comes to our markets by water transportation. Oklahoma farmers transport their product to market by railway. It is evident our farmers are at a disadvantage. I believe in protecting our own farmers against competition from those who pay none of our taxes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

445. Buckwheat and buckwheat flour.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 107, after line 16, by inserting:
"445½. Bulbs used exclusively for purposes of propagation."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment offered by the gentleman from Washington, and all amendments thereto, be closed in five minutes.

Mr. HUMPHREY of Washington. I do not want but two.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment and all amendments thereto be closed in five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, this is the—may I have the attention of the gentleman from Alabama [Mr. UNDERWOOD]—matter to which I called attention several days ago, hoping you might give it consideration when you reached the free list. I called attention at that time to the fact that on Puget Sound, near Bellingham, the Government has an experimental garden, and it has been demonstrated there that bulbs of this kind can be raised equal to those imported from Europe. The Commercial Club of Bellingham and several individuals there have written me saying that if they could import these bulbs free for propagation purposes it would become a profitable industry.

I have always understood that the view was taken both by the Republican Party and by the Democratic Party that, unless there was some special reason against so doing, it was wise to admit free bulbs or seeds or other agricultural articles for propagation, and accordingly I offer this amendment.

Mr. UNDERWOOD. I will say to the gentleman from Washington that I have not had the chance to investigate the question and have not got a chance to do it now. But there may be merit in this proposition. I would not say that in the end, if I had a chance to investigate it, I would be opposed to it, but I am not willing to consent that the amendment shall go in at this time.

Mr. HUMPHREY of Washington. Then, Mr. Chairman, I will withdraw the amendment and leave the matter open.

Mr. UNDERWOOD. If the Senate should put this amendment on I would give it very careful consideration. It may be meritorious, but I am not prepared now to pass upon it.

Mr. HUMPHREY of Washington. In view of the statement made by the gentleman from Alabama, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

449. Cadmium.

Mr. SMITH of Minnesota. Mr. Chairman, has the buckwheat and buckwheat flour item been passed?

The CHAIRMAN. That has been passed.

Mr. SMITH of Minnesota. I would like to go back to that paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] asks unanimous consent to go back to the buckwheat paragraph.

Mr. UNDERWOOD. Mr. Chairman, I can not consent to that.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] objects. The Clerk will read.

The Clerk read as follows:

451. Cash registers, linotype and all typesetting machines, sewing machines, typewriters, shoe machinery, cream separators, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, all the foregoing whether imported in whole or in parts, including repair parts.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the debate on this paragraph and amendments thereto be closed in five minutes. Is there objection?

Mr. MOORE. Mr. Chairman, will not the gentleman from Alabama extend that time to 10 minutes?

Mr. UNDERWOOD. Well, I will make it 10.

The CHAIRMAN. The gentleman from Alabama modifies his request and asks unanimous consent that the debate on this paragraph and amendments thereto be closed in 10 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I send to the Clerk's desk and ask to have read in my time the following letter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BOSTON, *April 16, 1913.*

Hon. Mr. BORLAND, M. C.,
Washington, D. C.

DEAR SIR: We understand from the press that you recently introduced a motion in the Democratic caucus recommending that shoe machinery be placed on the free list in the tariff bill now under consideration, and, as a number of statements have since been published in the press which would tend to cause Congress to disregard this recommendation, which statements seem clearly to be inspired by parties in interest, we thought that a statement from the standpoint of an independent shoe machinery company might be of interest to you.

While it may be true, as stated, that the United Shoe Machinery Co. can build its machines abroad and import them duty free at less expense than by building them in this country, yet it is doubtful if they would find it feasible or practical to do so. But whether they do or not is a matter of no particular consequence, so far as the real merits of the question of free shoe machinery or shoe machinery with a 20 per cent or 25 per cent duty is concerned.

As we view the situation, the advantages in the removal of the duty from shoe machinery would be several in number.

We believe that the removal of the duty is most desirable and practically almost necessary, if it is desired that the hold of the United Co. be broken, for the following reasons:

Inasmuch as the tying clauses in the leases of the United Co. and the practice of placing substantially all of the royalty on the principal machines and of furnishing auxiliary machines only in connection with the principal machines, and then at a nominal rental, has made it necessary for a manufacturer of shoes either to secure his entire equipment from others than the United Co., or to secure it all from the United Co. It is practically necessary, under the present conditions, for the independent shoe-machinery manufacturer to furnish a complete line of the machines necessary to equip a factory, although he only wishes to put out, and only has capital to put out, a few machines which he deems superior to anything on the market. To manufacture all of these additional machines would require far more capital than what he has, and, as most of them are only made abroad—the manufacturers in this country having been nearly all "absorbed"—he can only get them by paying a duty which, we have found from experience, is practically prohibitive.

With free shoe machinery we would, in a number of instances, have been able to equip whole factories, and we have lost numerous customers who were users of the machines which we do manufacture and wished to continue to use them, simply because we could not supply all the machines which the customers wanted at a reasonable price, for to have done this would have required far more capital than what we had at our command, to say nothing of several years' time necessary to build the machines.

While free shoe machinery will have little or no effect on the hold which the United Co. has on the shoe manufacturers, so long as their leases are in force, yet, if the market is opened so that the independent manufacturers will have an opportunity to do business, by the success of the Government suits and the annulment of the leases, the removal of the tariff will be of great assistance to that end, in our opinion.

We hope that no one will be misled by statements as to the great "advantage" which the United Co. will secure through the removal of the tariff, or deceived by the "bugaboo" that they will shut down their fine plant at Beverly and manufacture their machines abroad, for they won't do it.

If you have any doubt as to whether the writer "knows whereof he speaks," he would beg to refer you to his Representative, Hon. A. P. GARDNER.

Thanking you for your interest in these matters, we remain,

Yours, very truly,

HAVERHILL SHOE MACHINERY CO.,
Per L. H. HARRIMAN, *Treasurer.*

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 107, lines 24 and 25, and on page 108, beginning with line 1, down to and including line 5, by striking out the paragraph.

Mr. MOORE. Mr. Chairman, there is no paragraph in this bill, apparently, so much in the interest of trusts or large combinations of capital as is this paragraph providing free trade for various kinds of machinery. It is entirely possible under this paragraph for any large concern like the cash-register concern, for instance, which may have a factory in this country and a factory in some foreign country, to transfer all its business to the foreign country and still hold the market of the United States on a trust basis.

I do not care to enter into any discussion with the gentleman from Pennsylvania [Mr. PALMER] with regard to his saw speech the other night, but I do happen to know that in the matter of sewing machines one large company in the United States has an establishment in Connecticut, where it pays an American rate of wage to its employees, and also has an establishment in Scotland, where it pays a British standard of wages to its employees; and it is on account of that difference in the wages paid in the United States and in Scotland that sewing machines can be sold abroad more cheaply than they can be sold at home.

We have had reports recently that the International Harvester Trust was proposing to do most of its business abroad. What is to prevent the Cash Register Co., the Linotype Co., and the type-setting machine companies, the manufacturers of typewriters, the shoe-machinery manufacturers, the manufacturers of sewing machines, and the cream-separater manufacturers from doing all their manufacturing in a foreign land, where they can get the benefit of cheap wages and cheap material, and continue the control of the American market just the same? We get nothing for the Government by way of revenue out of this business, and we lose our industries. We simply transfer the manufacture to Germany in the matter of harvesters, to England in the matter of linotype machines, to Scotland in the matter of sewing machines, to some other country

in the matter of cash registers, and so on. This gives them an opportunity to make machinery with cheap labor instead of the well-paid labor of the United States, and it permits their cheap products to come across the border to our country, without any reservation whatever.

I read this bill as being in the interest of large combinations against independent operators, and with respect to this paragraph I am prepared to make the prediction that the small operator in any one of these lines referred to, the individual manufacturer making machinery, will positively be driven out of business by the passage of this particular paragraph. Who, unless he is a great capitalist, can stand as an independent against the International Harvester Co.? Who can stand as an independent against the National Cash Register Co. should they decide to transfer their business to the other side, where they can get labor so much cheaper? What small man in the iron business can stand against the Steel Corporation after all the facilities you have given it in the way of free iron ore and other raw material? Who can stand against any of these trusts? Who, with small capital, can do any business against a combination when you admit free to this country goods made by American capital under the direction of foreign or American trust magnates?

Mr. BARNHART. Is the gentleman informed concerning the enormously high prices of linotype machines and cash registers, for which this country is held up now?

Mr. MOORE. I do not know anything about the price of linotype machines.

Mr. BARNHART. Let me tell the gentleman.

Mr. MOORE. I do know that those who operate linotype machines are special favorites of the Government and that they know the Democratic Party dare not undertake to tear down the privileges which they now receive. I know that those who operate linotype machines and who run the pressrooms of this country have in this bill everything they want, and no Democrat will raise his voice to afford protection to the independent operators who want to make machines, who want to do business, who want to manufacture paper, who want to manufacture wood pulp in competition with those who do it so much cheaper in foreign lands.

This thing may go through for a time, but when the American laborer comes to understand that his employment is taken away perhaps this bill will not be so successful as some of its advocates at this time seem to think. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on the amendment which he has offered.

The amendment was rejected.

The Clerk read as follows:

456. Charcoal, blood char, bone char, or bone black, not suitable for use as a pigment.

Mr. SMITH of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 108, line 12, by striking out the words "not suitable for use as a pigment."

Mr. UNDERWOOD. I ask unanimous consent that all debate on the paragraph and amendment close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and all amendments thereto be closed in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

460. Coal, anthracite, bituminous, culm, slack, and shale; coke; compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquets or other form.

Mr. WILLIS. Mr. Chairman, I do not desire to delay the committee at all in the progress of this bill, but in the interest of truth and fairness I want to place in the RECORD a letter relative to the statement made during this debate by my friend from Illinois [Mr. BUCHANAN]. He was in his seat a moment ago, but I do not see him in the Chamber just now. I understood him to say that he had received no protest from any labor organization relative to the terms of this bill, and that he did not think anyone else had received any protest from organized labor, and that organized labor, in the main, was not in favor of protection. I desire to place in the RECORD at this time the protest from the International Brick, Tile, and Terra Cotta Workers' Alliance. This organization is affiliated with the American Federation of Labor. This protest is signed by Frank Butterworth, president, and William Van Bodegraven, secretary-treasurer. It comes under the union label and has the seal of the organization on it.

The letter is as follows:

INTERNATIONAL BRICK, TILE, AND TERRA COTTA WORKERS' ALLIANCE,
Chicago, Ill., March 31, 1913.

Hon. FRANK B. WILLIS,
House of Representatives, Washington, D. C.

DEAR SIR: Our Trenton (N. J.) union of the tile makers have called our attention to a proposition to reduce the duty on floor and wall tile, which will be considered by the incoming Congress.

Should the present duty on floor and wall tile be reduced we very much doubt if anyone would benefit except importers or foreign manufacturers.

You are doubtless familiar with the comparative wage scales of the countries of Europe. Therefore we will not burden you with tiresome statistics.

We would, however, call your attention to this fact: That the American tile presser and the kiln placer receive $14.50 and $15, respectively, while the Belgium worker receives $3.92 and $4.90 for the same labor. We would further call your attention to the fact that the wage earners of Spain and Italy in this line of work receive much less than those of Belgium.

Should the present rate on tile be reduced our American manufacturers and tile workers could not hope to meet the competition of the underpaid worker of Spain and Italy, who we understand works long hours and at a wage that would render any attempt at competition by the native ware hopeless.

In the struggle to meet the changed conditions should the present protective tariff be lessened it will inevitably happen that the smaller and weaker tile plants must succumb and be forced to the wall and the American worker deprived of the opportunity of earning his living at the trade that he has made his life's calling.

The American manufacturer and workman in the tile industry have done much to beautify the structures of our country. Even in the comparatively short period of 30 years that they have been in existence they have outstripped European competitors in the excellence of their material and in artistic expression and execution. Our American manufacturers have done much to develop and improve the art of tile making, and even with the present protective tariff rate have not always received compensation in proportion to the results obtained.

Should the present rate be reduced the standard of the ware would of necessity become lower. In order to meet the changed conditions there would be a general reduction of wages, which are not even now sufficient in some instances to adequately maintain the American standard of living.

Trusting that you will give this, the protest of the tile workers, due consideration, we are,

Sincerely, yours,

FRANK BUTTERWORTH, *President.*
WM. VAN BODEGRAVEN, *Secretary-Treasurer.*

Mr. LANGLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 108, paragraph 460, amend by striking out the paragraph.

Mr. HARRISON of New York. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto be closed in 10 minutes.

Mr. MANN. Mr. Chairman, several gentlemen wish to be heard on this side, and coal is a very important item in the bill.

Mr. HARRISON of New York. Well, I will say 15 minutes.

Mr. LANGLEY. I suggest to the gentleman that he make it 25 minutes at least.

Mr. HARRISON of New York. Mr. Chairman, I will modify my request and make it 25 minutes.

The CHAIRMAN. The gentleman from New York asks that all debate on this paragraph and all amendments thereto shall close in 25 minutes. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Chairman, I shall not detain the committee but two or three minutes. I shall not attempt to go into this question in detail now, because I covered the matter rather fully in my remarks in general debate. The coal industry is the greatest one in my district. Something has been said in this debate about looking to the interests of the country in general rather than to our own local interests. My opinion is that you can not injure any great industry in the country without on the whole injuring to some extent the whole country. So far as I am concerned, I shall endeavor to represent, so long as I am a Member of this body, what I believe to be the best interests of my own State and district. I have tried to do this ever since I have been here. If there is a Member of this body who is willing to sacrifice any industry in his district for the benefit of some other section of the country, I would like to see the color of his hair. [Laughter.] My experience here has been that if you do not look out for your own section no one else will do it for you. In my district there is one of the greatest coal fields in the world. It is my opinion that when you transfer coal from the dutiable list to the free list you necessarily injure that industry more or less.

I have heard gentlemen, and particularly the gentleman from Massachusetts [Mr. PETERS], boast that this bill will give the people of the country free coal. If there was anything to boast

of in that connection, it must have been that it will reduce the price of coal to the consumer. You can not reduce the price to the consumer without affecting the capital and the labor invested and employed in producing coal.

I have listened attentively to most of the speeches delivered during this debate, and I have listened intently and earnestly, because I was extremely anxious to find out, if I could, by what process you gentlemen on the other side expect to reduce the cost of anything to the consumer and at the same time not affect adversely the interests of the producer. I would ask my distinguished friend from Illinois if he can explain it, but I fear he would answer me like he did the gentleman from Iowa [Mr. GOOD], by asking me what I thought about it, or propound the ancient and perplexing interrogatory, "How old is Ann?"

Therefore I shall refrain from asking him or any of his colleagues how they propose to reduce to the consumer the price of coal and at the same time not affect the producer of coal. Numerous efforts on this side to get that information have been futile, and I do not wish to waste time. I shall content myself with protesting against free coal.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. Certainly; with pleasure.

Mr. HELM. The district that the gentleman represents is 500 miles from any coast line, is it not?

Mr. LANGLEY. It is quite a distance. I do not recall the exact number of miles.

Mr. HELM. From what foreign country would coal be imported which would affect the price of the Kentucky coal, which has to pay a freight rate on 500 miles of railroad?

Mr. LANGLEY. I will say to my colleague that the gentleman from Massachusetts the other day admitted that with free coal there would be large importations of coal from Nova Scotia, and that would increase the supply and reduce the demand for domestic coal, and——

Mr. HELM. But Massachusetts is right along the coast line.

Mr. LANGLEY. Mr. Chairman, I can not yield any further. The gentleman asks another question before he permits me to complete my answer to the question he has already propounded.

Mr. HELM. Kentucky has not any coast line at all.

Mr. LANGLEY. The gentleman is asking a useless question. I take it for granted that he knows where Kentucky is located and how it is bounded.

Mr. HELM. I want to inform the gentleman that it is 500 miles from any coast line.

Mr. LANGLEY. I know that is substantially correct. Now, Mr. Chairman, I decline to yield further, because I have not enough time left now to complete the statement I wanted to make. Coal coming from Nova Scotia will necessarily come in competition with the coal now shipped into New England and to the Atlantic coast market, particularly from West Virginia, and that will necessarily divert that coal to the markets to which we are sending our coal from the Big Sandy, the Licking, and the Kentucky River valleys. But, Mr. Chairman, the chief damage to the coal industry of the country will be not so much from foreign competition in the coal business itself as from the commercial depression throughout the country resulting from the general provisions of this bill, which embody an assault upon nearly all of the great industries of the country, and I predict——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. AUSTIN. Mr. Chairman, this is the old fight over again that we have had here before, led by certain New England interests that want everything protected that they produce, but at the same time want free raw material and cheaper fuel. Certain Boston and New England interests got into our last Republican tariff bill as it left the House this same provision putting coal on the free list. Mr. Chairman, West Virginia and Maryland are largely supplying New England with its fuel supply by rail and water transportation. It is true that we import coal, and by placing coal on the free list we will deprive the Treasury of the United States of an annual tariff duty of $518,468, the value of the coal and coke imported being $3,027,723, and the total quantity in tons 1,367,068. By placing coal on the free list New England will import coal from Nova Scotia, and in that country the coal is from 15 to 20 feet in thickness. The operations are owned and controlled by Canadian and Boston capitalists, and you will prevent the West Virginia and Maryland operators from ever selling any more coal in the New England markets. With cheap water transportation the Nova Scotia operators will ship their coal down the south Atlantic coast, and with free coal will drive from the markets of the southern seacoast towns, cities, and near-by communities coal that is furnished from the coal fields of Virginia, Kentucky, and Tennessee.

When we have completed the Panama Canal the vessels now going to the Orient through the Suez Canal will cross the Atlantic Ocean and pass through the Panama Canal. When they reach this side of the Atlantic Ocean they will have to recoal.

This item in this bill makes it possible for the Nova Scotia people to ship by cheap water transportation the output of their mines and supply the European vessels going through the Panama Canal to the Orient with coal, so that this bill means injury to a great industry in the States of Alabama, Tennessee, Kentucky, and Virginia. When the West Virginia operators lose the New England coal market, having invested thousands and thousands of dollars in plants, in railroads, in coal-mining towns, with an army of industrial workers, they must either retire from business or find a market elsewhere. They will find that market in our own country, in the interior, in competition with the coal mined in Tennessee and Kentucky. So that this proposed legislation does affect the interest of the district represented by my colleague from Kentucky [Mr. LANGLEY]. It affects the coal district represented by the gentleman from Virginia [Mr. SLEMP]. The L. & N., the Southern, the Three C's, and Rogers's Railroads have built their low-grade coal roads to the seaboard, anticipating the increased demand for coal in this country by the completion of the Panama Canal, but you are taking from the American coal operators and the American wage earners the opportunity of supplying that market and giving a favorable chance and opportunity for a foreign country, with foreign coals, with foreign miners, to come in and take from the Americans in whole or in part an American market. I protest against it in the name of fair play and justice to that great mining and mineral region in the Southern States, in Kentucky, West Virginia, Maryland, Tennessee, and Alabama. [Applause on the Republican side.]

Mr. POWERS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk, as a substitute for paragraph 460.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for the paragraph the following:
"Coal, coke, anthracite, bituminous, culm, slack, shale, 45 cents per ton of 28 bushels, 80 pounds to the bushel."

Mr. POWERS. Mr. Chairman——

Mr. AUSTIN. Mr. Chairman, let me ask the gentleman a question. Is not that the existing law?

Mr. POWERS. Not exactly.

Mr. AUSTIN. What is the difference?

Mr. POWERS. I have not the time to explain it at present, but it differs but slightly from the present law. I have offered this amendment with the anxious hope and fond expectation that this House will adopt it unanimously (?), and I am encouraged in that belief for two reasons. In the first place, I have noticed with what generosity (?) the Democratic majority here have been receiving meritorious amendments coming from the Republican side. I am confident, therefore, that my amendment will be received with the same open-handed generosity and hospitality, and will also meet with the same fate.

In the second place, I received a letter from a constituent of mine a few days ago calling my attention to the fact that the State of Kentucky stood seventh among the coal-bearing States of this Union in the matter of production.

Mr. LANGLEY. And it has just fairly gotten started now.

Mr. POWERS. Yes; it has just fairly gotten started now, as my colleague from Kentucky suggests; and of the coal-bearing sections of the State of Kentucky the eastern Kentucky coal field is by far the most important in area, quality, and quantity of coal. My constituent further reminded me that the eleventh congressional district, the one I have the honor to represent, is in the heart of that important coal field, and that it will injure our chief industry if coal is put on the free list. He further suggested that the eleventh district is the Gibraltar of Republicanism in the State, and that if I would just call these facts to the attention of the Democratic majority, especially to the fact that the eleventh district was the Gibraltar of Republicanism, he felt sure the Democratic majority would put coal back on the protected list without delay. I wrote to my constituent and stated that I would take pleasure in calling these things to the attention of the Democratic majority, and that I would see to it that coal went back on the protected list. Now, if you gentlemen fail to put coal back on the protected list you will cause me to violate my word to my constituent; he will be disappointed; my influence in the district will be impaired; and I know that you would not have a thing of that character happen

for the world. [Laughter and applause.] But let me now speak seriously. The gentleman from Tennessee [Mr. AUSTIN] and the gentleman from Kentucky [Mr. LANGLEY] seem to be very much alarmed about coal going on the free list. They both represent districts in which coal is the chief product, but neither the district represented by the gentleman from Tennessee nor the district represented by the gentleman from Kentucky is any richer in valuable coal deposits than the one I have the honor to represent.

The United States now produces annually more than 500,000,000 tons of coal. We produce more than any other country in the world. Great Britain is second with about 300,000,000 tons. We only export about 15,000,000 tons, and there is imported into this country less than 2,000,000 tons of coal annually. That is true under the existing law with coal on the protected list at 45 cents per ton. With coal on the free list there is no way to know just how much coal will be imported. As a matter of fact, coal will not be one cent cheaper to the consumer after it has been placed on the free list than it is now, and the only idea of the Democrats in putting coal on the free list is to fool the American people. The people who live along the Canadian border line and along the Pacific coast and along the Atlantic coast will be more seriously affected by putting coal on the free list than any other section of the country, because the Australian and British Columbia coals reach the Pacific coast, the Canadian coal crosses the border line, while coal from Great Britain and Nova Scotia reaches the Atlantic Coast States.

Coal has been discovered and is now produced in about 30 of the States of the Union. As everybody knows, the State of Pennsylvania stands first among the States in the production of coal—first in the production of both bituminous and anthracite. In fact, Pennsylvania produces nearly all the anthracite coal produced in the United States. She produced in 1910, 84,000,000 tons of anthracite valued at $160,000,000, while her bituminous coal production in that year amounted to 150,000,000 tons valued at $153,000,000. The other coal-producing States I will now give in the order of their coal production in 1910, together with the amount of tonnage and value of same:

States.	Tons.	Value.
West Virginia	61,671,019	$56,665,061
Illinois	49,900,246	52,405,897
Ohio	34,209,668	35,932,288
Indiana	18,389,815	20,813,659
Alabama	16,111,462	20,236,853
Kentucky	14,623,319	14,405,887
Colorado	11,973,736	17,026,934
Iowa	7,928,120	13,903,913
Wyoming	7,533,088	11,706,187
Tennessee	7,121,380	7,925,350
Virginia	6,507,997	5,877,486
Maryland	5,217,125	5,835,058
Kansas	4,921,451	7,914,709
Washington	3,911,899	9,746,465
New Mexico	3,508,321	4,877,151
Missouri	2,982,433	5,328,285
Montana	2,920,970	5,329,322
Oklahoma	2,646,226	5,867,947
Utah	2,517,809	4,224,566
Arkansas	1,905,958	2,979,213
Texas	1,892,176	3,160,965
Michigan	1,534,967	2,930,771
Other States	660,431	1,140,252

What I have here said shows that Pennsylvania, West Virginia, Illinois, Indiana, Alabama, Kentucky, and Colorado are the principal coal-producing States of the Union, and it is fortunate for them that nearly all, if not all, of them are what may be termed inland States, and therefore, in a way, by distance and freight rates, protected from some of the baneful effects of free coal.

But why should the Democrats seek to put coal on the free list? The reason is plain. They have pledged to the country that they would reduce the cost of living. The real problem of the Democrats lies in how they can reduce the cost of living and at the same time leave the business of the country undisturbed. This country is now enjoying unparalleled prosperity in all avocations and lines of industry. The only element of real discontent among the people is the high cost of living, and that is a very serious and disturbing element. How the Democrats can reduce the cost of living and yet maintain the high degree of prosperity now enjoyed by the people is the real problem confronting them. They know that they will not reduce the price of coal to the consumer by putting coal on the free list, but they are willing to jeopardize the coal industry of this country, and especially that part of it along the Canadian boundary line and along the Pacific and the upper Atlantic coasts. The whole Atlantic coast will be in the same position when the Panama Canal is opened and the coal from British Columbia, which now reaches the Pacific coast, reaches likewise the Atlantic Coast States.

The Democratic Party certainly ought at least to protect the most seriously exposed parts of our country by leaving coal on the protected list, but they are willing to sacrifice these for the purpose of being able to go before the country with the argument that they are giving the American people free coal and doing all they can to reduce the cost of living. If putting coal on the free list would really reduce the price of coal to the consumer there would be some justification in their argument, but it will not reduce the price of coal. The price of coal is fixed and determined not so much by tariff rates as by secret agreements of the big coal concerns of this country—the agreements of the middle men and others concerned all along the line. The producers of coal in the States of Pennsylvania, West Virginia, and Kentucky are getting only in the neighborhood of $1 per ton at the mine, while the consumer is forced to pay in the markets of the country some $3 to $4.75 per ton for the same coal, so the producers of coal are not so much to blame for its high price as the exorbitant freight rates paid and the big commissions exacted by the middle men. The average price of Kentucky coal at the mines for the last 10 years has been about $1 per ton. The Underwood bill does not reach the real reason for the high price of coal, and offers no real remedy for lowering the price of it, and all the hue and cry that the Democratic orators on the stump will make about putting coal on the free list will avail them nothing, because the consumer will know that the price he pays for his coal has not been reduced by the fact that coal has been put on the free list. I realize, of course, that the general disturbance of business which may result by reason of the passage of the Underwood tariff bill may bring down the price of coal and the price of everything else. That always results when the business conditions of the country are disturbed; and if the price of coal to the consumer is lowered at all it will be because of this disturbance and not by reason of the fact that coal has been put on the free list.

Mr. MONDELL. Mr. Chairman, coal is so important an article of use that if the placing of coal on the free list would make coal cheaper to any considerable number of people anywhere I think that all of us would be much inclined to favor that sort of proposition. But, Mr. Chairman, I take it that there is no one who will pretend to say that the placing of coal on the free list will ever make a ton of coal cheaper to the ordinary consumer. It may reduce it, not the amount of the present duty, 45 cents, but it may reduce temporarily 10 or 15 cents a ton coal purchased in the port of Boston by the large importers and consumers. It may reduce the price which Mr. Hill pays on coal to be burned on the Great Northern and Northern Pacific Railroads by some 10 or 15 cents a ton, but no one claims, no one believes, that any ordinary consumer will ever get any reduction. I called attention to all this the other day, and to the fact that my State will suffer, because it will give our Canadian rivals an opportunity for a reduction of the price a few cents a ton and drive and keep us out of our northern markets.

But what I desire to particularly call to the attention of the committee in this connection at this time is this important fact, namely, that the Canadian duty on coal is the same as ours. We export annually to Canada about 12,000,000 tons of coal, and on that we pay a duty of 45 cents a ton. The wages of the miners in both Ohio and West Virginia mining that coal are fixed to a certain degree by the fact that the exporter of that coal must pay that 45 cents a ton duty. In the late reciprocity bill provision was made for a reciprocal arrangement with Canada whereby if we give her our markets for her coal free she would also give us hers. No such attempt is made in this bill. The miners of my State are to lose a large proportion of their employment, the mines a considerable portion of their output, and no attempt is made in surrendering these opportunities for labor to secure any corresponding benefits. We still continue to pay to the Canadians on the 12,000,000 tons of coal that we export 45 cents a ton. They will pay no duty on coal they send us, though every ton of increased importation deprives an American miner of an opportunity to mine coal.

It does seem to me that the majority, if they felt it incumbent upon them to attempt to fool the people—and that is all it amounts to, an attempt to fool the people into believing that they were going to get cheaper coal by placing coal on the free list—they could at least have attempted while doing that to secure a more profitable and favorable market for our miners and our exporters into Ontario and other parts of Canada from Pennsylvania, Ohio, and West Virginia.

Mr. POWERS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Kentucky?

Mr. MONDELL. I yield.

Mr. POWERS. They are perfectly willing to affect your industry for the purpose of going before the American people and saying they put your coal on the free list.

Mr. MONDELL. I do not like to say that a great party when it makes schedules deliberately plans to fool the people, but I understand this coal situation fairly well, and I know if the gentlemen who put coal on the free list do understand the situation—and they are not justified in doing it if they do not—if they do understand the situation, they know that there can be no possible reason for it, except the possible political advantage to be gained by the claim that they have made coal cheaper by putting it on the free list.

Mr. GORDON. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. GORDON. If this 45 cents a ton will not increase the price of coal, why is it on there?

Mr. MONDELL. Just read my statement of the other day, and if you do not care to do that read what I have just said. Free coal will, in some parts of the Northwest and in New England, make coal cheaper by 10 or 15, possibly for a brief period 25, cents a ton cheaper to certain large railway companies and certain great manufacturing companies, but the small consumer will not get his coal cheaper, and eventually even the large purchasers will get their coal little, if any, cheaper, for if the foreigner can sell his coal cheaper than our mines without wiping out his profit that fact gives him the market without making much lower prices.

Mr. CULLOP. Mr. Chairman, I think I represent a district that produces as much coal a year as any district in the Mississippi Valley. Our production is larger perhaps than that of almost any other district situated in that great coal-producing territory. The duty on coal, the gentleman says, does not affect the price. If coal is put on the free list, he says, there will not be a bushel sold cheaper to the consumer, and yet, he says, at the same time that if coal is put on the free list it will close up the industry in the United States.

Now, by what process of reasoning, if taking the duty off of coal will not cheapen it, does he arrive at the conclusion that it will close down the industry of the United States? I am unable to comprehend. He asserts the duty does not increase the price, but its removal, he charges, will destroy the business. It is true, in my judgment, that a duty on coal does not assist the coal miners of this country one particle, but I will tell you whom it does assist. It assists the great transportation companies of this country, and they are enabled, by a duty on coal, shutting out foreign importations, to charge a higher transportation cost than they would otherwise be able to charge in order to haul it to the extreme portions of the country. These great companies are the beneficiaries and reap the reward. And the duty on coal will not affect the coal miners adjacent to New England, but it will only enable the common carrier which transports the coal into New England and sell it to the consumers there to charge a higher transportation rate than it otherwise could charge. Now, that is what the tariff on coal accomplishes—nothing more and nothing less. In New England and the extreme Northwest the wages of the coal miners are not fixed so much by the supply and demand as by the labor unions. It is the best organized of any of the labor unions, and they regulate the wages instead of the protection that has been levied heretofore upon coal. They know fully this is the result, and their wages are by and through them maintained and not because of the tariff.

Mr. LANGLEY. Will the gentleman yield to me?

Mr. CULLOP. I can not at this time.

The only advantage and the sole purpose of duty on coal is to aid the transportation companies that haul it from the mines to the market in distant portions of the country.

That is all it does, and that is the sole purpose of putting the duty on coal. It is simply voting a larger bonus to the great transportation companies of this country which the ultimate consumers must bear, and that is why the Democratic Party proposes to strike it off, in order to give the ultimate consumer the advantage of the transportation charge instead of letting the great common carriers of the country have it, as is now the case. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN (Mr. BYRNS of Tennessee). Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CULLOP. Yes; with pleasure.

Mr. MANN. Does not the gentleman from Indiana think that if we put on the free list coal coming from Canada we ought to require, as a consideration for that, that our coal should go into Canada free of duty?

Mr. CULLOP. I am mighty glad the gentleman from Illinois has suggested that question. I take this position about that, that we had better give to Nova Scotia the opportunity to supply New England with coal—we would make money by it—and let us take the interior of Canada, where the thicker settlements are, and furnish them with the coal of Ohio, Indiana, Pennsylvania, and West Virginia. That would be an advantage for the American coal miner and coal operator if it were done. It would be far better for us and the people of both countries.

Mr. MANN. I know; but you do not do that by this bill.

Mr. CULLOP. We have not the right to legislate for Canada, and we do not propose to let them legislate for us; but, I take it, that after we have extended to them this provision they will extend the same privilege to us. It will be to their interest to do so. The levying of tariff duties is largely a retaliatory matter, and has ever been so. That is, in part, the bane of the whole procedure.

Mr. MANN. Would not the gentleman favor, as an amendment to this bill, a provision putting coal on the free list coming from countries which admit our coal to their ports free?

Mr. CULLOP. The objection I would have to that, I will say to the gentleman from Illinois, is that would not be arriving at the desired results or the benefits as quickly as we are by doing it this way. Canada will see the advantage of this, and will therefore extend the same benefits to their people. They will soon see the advantages of such a policy and adopt it.

Let no one be deceived about a duty on coal. It is of no benefit to either miner or operator, but only inures to the very great benefit of the railroad companies which carry the product from the mines to the ultimate consumers. It has been asserted here that great railroads have been built from the coal territories to the seaboard. This is true, but these were not built to haul coal into the country but to haul it out, so that our coal could be sent abroad. This was the purpose, and this purpose is being carried out. We are supplying our seaboards and shutting out foreign coal. We are also shipping it abroad. The cost of shipping coal, as a rule, for 250 miles is as much as the cost of mining it and loading it on the cars ready for shipment. The cost of transportation is the burden upon the industry and the consumers, and we hope to remedy this evil and relieve this great industry and the people from this burden, which to-day oppresses both. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. POWERS] as a substitute.

The question was taken, and the Powers substitute was rejected.

The CHAIRMAN. The question now is on agreeing to the substitute offered by the gentleman from Kentucky [Mr. LANGLEY].

The question was taken, and the Langley substitute was rejected.

The CHAIRMAN. The Clerk will read.

Mr. UNDERWOOD. Mr. Chairman, I would like to address myself to the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] to see if we can come to some agreement about reading this free-list section of the bill. Of course I do not wish to cut off from any gentleman the opportunity of offering any amendment that he desires to offer, but I wanted to suggest that gentlemen desiring to make amendments, if agreeable, would announce what amendments they want to offer now, then agree upon reasonable debate on the amendments, and then allow the Clerk to read the free list through and later come back to those amendments for consideration. I think we can make speed in that way and at the same time give every opportunity for the offering of amendments.

Mr. MANN. I believe there are 200 more items on the free list. Can we ascertain what paragraphs gentlemen wish to submit amendments on?

Mr. UNDERWOOD. Let us have the paragraphs named.

Mr. SMITH of Minnesota. Mr. Chairman, I wish to offer an amendment to paragraph 227.

Mr. GREEN of Iowa. I wish to offer one to paragraph 647.

Mr. AUSTIN. I wish to offer an amendment to paragraph 476 and one to paragraph 523.

Mr. STEENERSON. I wish to offer an amendment to paragraph 586 and paragraph 670.

Mr. MANN. Let us get these down, if we can.

Mr. AUSTIN. I will offer an amendment to paragraph 476 and an amendment to paragraph 523, covering cotton and iron ore.

Mr. GARDNER. I wish to offer one to paragraph 511 and one to paragraph 535.

Mr. PAYNE. I will wish to offer one to paragraph 653.

Mr. GUERNSEY. I wish to offer one to paragraphs 572 and 573.

Mr. GREEN of Iowa. I wish to offer an amendment to paragraph 535.

Mr. SWITZER. I want to offer one to paragraph 653.

Mr. GREEN of Iowa. And I desire to offer one to paragraph 514.

Mr. MANN. Five hundred and fourteen?

Mr. GREEN of Iowa. Yes; and two others, paragraphs 559 and 648.

Mr. SMITH of Minnesota. Six hundred and forty-seven.

Mr. GOOD. Five hundred and forty-five.

Mr. STEVENS of Minnesota. Six hundred and eight, 609, 596, and 628.

Mr. GOOD. And 549.

Mr. MURDOCK. Five hundred and seventeen.

Mr. SLOAN. Four hundred and seventy-four.

Mr. MOORE. 471, 505, 535, 553, 557, 567, 572, 574, 575, 608, 659.

Mr. WILLIS. I think I shall want to offer an amendment to 653 and probably 549, if some one has not named that, as well as 552 and perhaps one or two others.

Mr. MANN. If the gentlemen will take notice, I have a memorandum of these paragraphs to which gentlemen have said they desire to offer amendments. Of course, they are not in their consecutive order: 523, 476, 586, 608, 511, 535, 572, 573, 653, 514, 559, 647, 648, 622, 609, 595, 528, 517, 549, 474, 491, 471, 505, 553, 557, 567, 572, 574, 575, 659, 653, 549, 552.

Some of these have been named by several different gentlemen.

Mr. UNDERWOOD. As I checked it, there were two gentlemen who indicated their desire to offer amendments to 523.

Mr. MANN. I did not in every case indicate how many gentlemen. I have some of them several times.

Mr. LANGLEY. I want to offer an amendment to the lumber schedule.

Mr. MANN. Suppose we read the free list through and then have these numbers arranged in numerical order, with the privilege of gentlemen offering amendments to them as we return to them; and if some gentleman is now out of the Chamber who has a reason for offering an amendment to some other paragraph, that there be no objection to that.

Mr. UNDERWOOD. If it is a real amendment and not a motion to strike out.

Mr. MANN. Oh, certainly; an amendment to the proposition itself; that we read the free list through and then return to these paragraphs in their numerical order for the purpose of offering amendments, without at this time trying to limit the debate on the amendments, because on some of them there are several gentlemen who desire to be heard.

Mr. LANGLEY. I want to offer an amendment to take lumber off the free list. I was called out of the Chamber for a moment. I do not know the number of the paragraph.

Mr. UNDERWOOD. I think that is reserved, anyhow.

Mr. SHARP. Mr. Chairman, may I ask the gentleman in charge of the bill what rule is to be followed as to limiting the number of amendments upon any particular paragraph?

Mr. UNDERWOOD. That will be in the hands of the committee.

Mr. MANN. That will be disposed of when we reach the point.

Mr. SHARP. Although I made no request, I expect to offer an amendment to one of these paragraphs.

Mr. MANN. Is it one of those named?

Mr. SHARP. Yes.

Mr. UNDERWOOD. If there is only one gentleman proposing an amendment to a paragraph, I shall probably move to close debate. If there are several, I intend that they shall have an opportunity.

Mr. MANN. The purpose of this agreement is to give a little more time on the controverted paragraphs and dispose of those items about which there is no controversy, so as to avoid excessive debate on those, and lessen the time on the controverted propositions.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the Clerk may read the free list through; or I suppose——

Mr. MANN. You had better have it read through.

Mr. UNDERWOOD. That the Clerk read it through; and then, after the free list is completed, that the following paragraphs shall then be read in their order—not as I give them, but in their order in the bill—for amendment.

Mr. MANN. We both have the list.

Mr. UNDERWOOD. The list has been read by the gentleman from Illinois. That they then be considered in the order in which they come in the bill.

Mr. MANN. For amendment and debate.

Mr. UNDERWOOD. And that committee amendments may be offered on any paragraph while it is being read.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the remainder of the free list may be read through for committee amendments, and that after being so read through the committee shall return to the consideration of the several paragraphs which have been read, a list of which will be furnished at the desk for amendment.

Mr. UNDERWOOD. I think the Clerk had better read the numbers of the paragraphs to which amendments may be offered.

The Clerk read the following list:

471, 474, 476, 491, 505, 511, 514, 517, 523, 532, 535, 545, 549, 552, 553, 557, 559, 567, 572, 573, 574, 575, 586, 595, 607, 608, 609, 622, 628, 647, 648, 650, 653, 657, 659.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Clerk will read the remainder of the free list for committee amendments.

The Clerk read as follows:

470. Copper ore; regulus of, and black or coarse copper, and copper cement; old copper, fit only for remanufacture, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for in this section.

Mr. PALMER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, page 109, line 12, after the word "remanufacture," at the end of the line, insert the words "copper scale."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

555. Miners' rescue appliances, designed for emergency use in mines where artificial breathing is necessary in the presence of poisonous gases, to aid in the saving of human life, and miners' safety lamps.

Mr. PALMER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 116, line 12, after the word "lamps," strike out the period and insert "parts, accessories, and appliances for cleaning, repairing, and operating all the foregoing."

The amendment was considered and agreed to.

The Clerk read as follows:

558. Myrobolans.

Mr. PALMER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, page 116, line 12, after the word "Myrobolans," strike out the period and insert ", fruit."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend, page 117, line 16, by inserting after the word "coconut" the word "cod."

Mr. GARDNER. I would like to ask the gentleman from Pennsylvania if the word "cod" would be qualified by the phrase a few lines below "that it must be rendered unfit for use as food"?

Mr. PALMER. No; I think that refers to olive oil.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

571. Ores of gold, silver, or nickel, and nickel matte; sweepings of gold and silver.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 118, after line 8, insert the words "ores of the platinum metals."

The amendment was agreed to.

The Clerk read as follows:

573. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued at not above 2½ cents per pound.

Mr. PALMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 22, page 118, strike out the period after the word "pound" and insert a semicolon, and add the words "decalcomania paper not printed."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

600. Seeds: Cardamom, cauliflower, celery, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mangelwurzel, mustard, rape, St. John's bread or bean, sorghum, sugar beet and sugar cane for seed; bulbs and bulbous roots not edible and not otherwise provided for in this section; all flower and grass seeds; evergreen seedlings; all the foregoing not specially provided for in this section.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 122, line 6, after the word "evergreen" insert the word "coniferous."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Clerk read as follows:

617. Stone and sand: Burrstone in blocks, rough or unmanufactured; rotten stone, tripoli, and sand, crude or manufactured; cliff stone, freestone, granite, sandstone, and limestone, unmanufactured; all of the foregoing not specially provided for in this section.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 124, line 9, after the word "unmanufactured," strike out the semicolon and insert: ", and not suitable for use as monumental or building stone.".

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

640. Types, old, and fit only to be remanufactured.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 126, line 15, strike out the paragraph and insert the words: "Type, stereotype metal, electrotype metal, linotype composition, all of the foregoing, old, and fit only to be remanufactured."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

650. Wood: Logs, timber, round, unmanufactured, hewn or sawed, sided or squared; pulp woods, kindling wood, firewood, hop poles, fence posts, handle bolts, shingle bolts, gun blocks for gunstocks, rough hewn or sawed, or planed on one side; hubs for wheels, posts, heading bolts, stave bolts, last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks or sticks, rough hewn, sawed, or bored; sawed boards, planks, deals, and other lumber, not further manufactured than sawed, planed, and tongued and grooved; clapboards, laths, pickets, palings, staves, shingles, ship timber, ship planking, broom handles, and wood flour; all the foregoing not specially provided for in this section.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 128, line 14, after the words "broom handles," insert the word "sawdust."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

652. Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached: *Provided*, That if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge, or license fee, or otherwise), upon printing paper, mechanically ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp the amount of such export duty or other export charge shall be imposed as a duty upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government; and if any country, dependency, province, or other subdivision of government shall prohibit the exportation of printing paper, mechanically ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp there shall be imposed a duty of one-tenth of 1 cent per pound upon such chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 128, line 26, strike out all of paragraph 652 and insert:

"652. Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached: *Provided*, That if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee or otherwise), upon printing paper, mechanically ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp, the amount of such export duty or other export charge upon an equal amount of mechanically ground wood pulp, or chemical wood pulp, or upon an amount of wood for use in the manufacture of wood pulp necessary to manufacture such chemical wood pulp, or upon an amount of printing paper ordinarily manufactured from such wood pulp, shall be imposed as a duty upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government; and if any country, dependency, province, or other subdivision of government shall prohibit the exportation of printing paper, mechanically ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp there shall be imposed a duty of one-tenth of 1 cent per pound upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government."

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Mr. Chairman, this is a committee amendment?

The CHAIRMAN. Yes.

Mr. MANN. Mr. Chairman, I am frank to say that I was not listening to the committee amendment as it was read from the desk. It is to paragraph 652?

Mr. PALMER. Yes.

Mr. MANN. May I ask what change is proposed in it from the bill?

Mr. PALMER. The purpose of the amendment is to make it conform to the paragraph in the paper schedule, which was amended by the committee by adding the words "upon the amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper."

Mr. MANN. Mr. Chairman, this was one of the paragraphs that was reserved for discussion. I do not care whether I discuss it for a moment now or later.

Mr. PALMER. There is no controversy about the amendment, is there?

Mr. MANN. I do not know what the amendment is, but there is no controversy about it anyway. All I want to know is whether the amendment changed the rate of duty on chemical pulp?

Mr. PALMER. No.

Mr. MANN. Or whether it changed the retaliatory duty in reference to being confined wholly to chemical pulp?

Mr. PALMER. It does not change any rate of duty. It affects the retaliatory duty in this, that the retaliatory duty provides it shall be equal to the amount of such export duty imposed by such country, and so forth, upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp. There is no way to translate into the value of the paper the export duty upon the wood pulp or the wood for use in the manufacture of wood pulp, so that we now provide for that method by making it equal in amount to the export duty charged by the country upon the paper and by such an amount of the wood pulp or wood as is necessary to manufacture such paper.

Mr. MANN. Well, there is no retaliatory——

Mr. PALMER. It does not affect the rate at all.

Mr. MANN. There is no retaliatory duty in this paragraph levied upon paper at all.

Mr. PALMER. No; not in the free paragraph.

Mr. MANN. It is only levied upon chemical pulp. I do not know how you will translate it in any event except by a decision or regulation of the Treasury Department which may be affirmed by the court that it requires so much pulp for the manufacture of so much paper.

Mr. PALMER. We are writing that into the law that it shall be such an amount as equals the duty upon wood pulp, or upon such amount of wood pulp as goes into the manufacture of paper instead of now simply upon the wood pulp, and so forth.

Mr. MANN. Suppose the export duty is upon the pulp itself?

Mr. PALMER. We do not change that.

Mr. MANN. You levy a retaliatory duty here upon sulphite paper if it happens to be print paper. It takes about 80 per cent of mechanical pulp and about 20 per cent of sulphite pulp to make print paper.

Mr. PALMER. We make the duty equal to the duty upon such amount of the pulp as would go into that paper. I have no doubt that is the way they would have to interpret it, but to make that clear we write those words in.

Mr. MANN. That very much reduces the retaliatory duty.

Mr. PALMER. I would not think so—not very much.

Mr. MANN. I had supposed from this paragraph that if Canada, for instance, levied an export duty of one-tenth of a cent a pound upon paper that would be added to the duty on sulphite pulp. You put a duty upon sulphite pulp—chemical pulp—coming here, but only 20 per cent of sulphite pulp is used in the manufacture of paper. I understand from the gentleman now that if Canada should levy an export duty of one-tenth of a cent a pound the retaliatory duty would be one-fifth of one-tenth of a cent a pound on sulphite pulp.

Mr. PALMER. Well, if the gentleman's premises are correct, his conclusion is right.

Mr. MANN. My premises are right as to quantities.

Mr. PALMER. I do not doubt it; I do not know about the proportion.

Mr. MANN. Well, that is the proportion—from 20 to 25 per cent.

Mr. PALMER. This proposes that the duty shall be levied upon the amount of wood pulp that goes into the manufacture of

the paper, such an amount as will be necessary for the manufacture of such paper.

Mr. MANN. Of course, that would not make any duty at all upon soda pulp, practically speaking.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

660. Zaffer.

The CHAIRMAN. Under the order of the committee made by unanimous consent a few moments ago the committee will now return to the consideration of 37 paragraphs which were reserved, the first paragraph being No. 471. Has any gentleman an amendment to offer to this paragraph?

Mr. MOORE. I have, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out paragraph 471, which reads "copperas or sulphate of iron."

Mr. UNDERWOOD. I ask that all debate on this——

Mr. MOORE. Mr. Chairman, just a sentence. This is offered in the interest of an American industry, the continuance of which is threatened by this bill.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Is there any other amendment to 471? The next paragraph is 474.

Mr. SLOAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, paragraph 474, page 109, by striking out the paragraph which reads as follows: "Corn or maize."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. MANN. I do not know whether anybody else wants to be heard about the free corn proposition or not. There was some discussion about it.

Mr. UNDERWOOD. I took it for granted that when I made the request they would get up.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Nebraska [Mr. SLOAN] is recognized.

Mr. SLOAN. Mr. Chairman, I desire to call the committee's attention to the figures which they furnished the House. The value of the corn imported in 1896 was $2,974; in 1903, $10,698; in 1910, $72,357. I find by consulting another authority that in 1911 it was $38,785, and in 1912 it was $47,858. It was a constant increase—and especially a great increase in 1910—and a growing revenue producer. I want to call your attention to the fact that of all the great cereals, wheat, oats, corn, barley, and rye, that rye is the only one that is placed upon the free list with corn or maize. I want to call your attention to this further fact, that in each case of wheat, oats, and barley there is forecasted a decrease of importation and a decrease of revenue. I want to state that if this bill, as a great many think and it is probably true, goes into effect and lasts but two years, it is not very important. But if this legislation is to last longer than that time, corn is entitled to the same consideration as that of the other important cereals. It is not a question alone of what our importations have been, but what our potential importations may be. There was a time when the United States furnished nearly all of the corn for the world. Our principal competitor in the matter of corn production and export is the Argentine Republic, and its exports now amount to four and three-quarters times the amount of the United States exports. While our exports amount to only about 40,000,000 bushels, their exports amount to 190,000,000. This indicates a fact patent to all of us, that the time has come when the exports and imports will be practicaly the same, and if any of the grains are entitled to protection, as wheat and oats and barley are, corn should be placed in the same category. I was going to mention peanuts, but I understand that is entirely a shell game, as worked in this bill.

I want to call your attention to this fact, that down in the State of Alabama a boy by the name of Junius Hill has been endeavoring to do what he can to see what can be done in the production of corn. That little boy, something over a year ago, produced 212 bushels of corn on 1 acre of Alabama soil. I do not know what the distinguished gentleman from Alabama [Mr. HEFLIN] or the chairman of this committee [Mr. UNDERWOOD] think about Alabama boys, but I know if that boy was in our State, and I think it would be true of nearly every other State in the Union, and any favors were to be granted we would grant them to the boy in America who was producing corn. And in the struggle for the markets of the East, where they use great amounts of this domestic-produced corn, it seems to me that the long end of the lever should be given to the Alabama boy or the American producer whether he is a boy or man.

Mr. STEENERSON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Nebraska yield to the gentleman from Minnesota?

Mr. SLOAN. I will.

Mr. STEENERSON. Is it not a fact that the reason for admitting rye and corn free is to encourage the industry of distilling whisky and furnishing raw material cheap to the distiller?

Mr. SLOAN. I would not pass on that proposition. I am not familiar with that article, but I fancy if I were I would be inclined to rate that corn of that little Alabama boy as 15 per cent better than the corn that was raised by the Pedros and Josés down on the plains of the Argentine, and I would give him that much advantage over everybody else who did not live under the American flag and who did not pay taxes to support our local and State governments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 474? If not, the Clerk will read paragraph 476.

The Clerk read as follows:

476. Cotton, and cotton waste or flocks.

Mr. AUSTIN. Mr. Chairman, I move to insert after the word "cotton" the words "$5 per bale."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 109, line 22, after the word "cotton," at the beginning of the line, insert the words, "$5 per bale."

Mr. AUSTIN. Mr. Chairman, on page 337 of the report of the Ways and Means Committee the value of the imported raw cotton or unmanufactured cotton was $20,217,292, which was admitted to this country free last year. We are raising 60 per cent of the entire world's output of cotton and are exporting of this amount about one-third, and at the same time, under this provision of existing law, admitting cotton free, we are receiving in imports in competition with the American cotton, raw cotton, in our own country, cotton of the value of $20,000,000 per year. Now, in the discussion of the cotton schedule on May 2 I had a controversy with some of the gentlemen on the other side in reference to the importation or exportation of American and Japanese cotton goods. In this connection I wish to submit the following letter, with certain tables from the Department of Commerce:

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, May 3, 1913.

Hon. R. W. AUSTIN,
House of Representatives, Washington, D. C.

DEAR SIR: In compliance with your telephonic request of to-day, I am sending you herewith tables showing the exports of manufactures of cotton from the United States to China in the fiscal years 1906 and 1912; the imports of cotton goods into the United States from Japan in the fiscal years 1911 and 1912; and the total exports of cotton goods from Japan to China in the calendar year 1912.

Very truly, yours,

O. P. AUSTIN,
Assistant Chief of Bureau, Division of Statistics.

Exports of domestic manufactures of cotton from the United States to China, fiscal years 1906 and 1912.

Classes of cotton goods.	1906		1912	
	Quantity.	Value.	Quantity.	Value.
	Yards.		*Yards.*	
Cloths, uncolored	494,287,746	$29,377,179	104,439,275	$7,138,501
Cloths, colored	4,233,656	264,009	3,976,194	233,457
Wearing apparel	.....	22,349	.....	82,269
Waste cotton .....pounds..	540	55	.....	.....
Yarn	.....	2,650	.....	3,236
All other manufactures	.....	40,482	.....	11,912
Total	.....	29,706,724	.....	7,469,375

The figures of 1912 were subdivided into two groups: Unbleached, 103,563,291 yards, valued at $7,088,033; bleached, 875,984 yards, valued at $50,468.

Exports of cotton goods from Japan to China, calendar year 1912, $29,742,329.

Imports of manufactures of cotton into the United States from Japan during the fiscal years 1911 and 1912.

Articles.	1911		1912	
	Quantity.	Value.	Quantity.	Value.
CLOTHS.				
Not bleached, dyed, colored, stained, painted, or printed.....sq. yds..	2,093	$258	7,623	$775
Bleached.....sq. yds..	71,049	6,687	91,515	8,592
Dyed, colored, stained, painted, or printed.....sq. yds..	1,082,654	136,306	1,420,020	171,618
CLOTHING AND OTHER WEARING APPAREL.				
Knit goods:				
Stockings, hose, and half hose, dozen pairs.....	97	62	7	11
All other.....	.....	154	.....	71
All other clothing.....	.....	46,928	.....	65,216
Handkerchiefs or mufflers.....	.....	(1)	.....	5,459
Laces, embroideries, etc., except wearing apparel.....	.....	225,447	.....	[2]317,705
Plushes, velvets, and velveteens, and other pile fabrics except corduroys, sq. yds.....	265	130	298	281
Thread (not on spool), yarn, warps, or or warp yarn.....lbs..	1,079	180	322	86
Waste or flocks.....lbs..	2,923,142	112,737	896,090	37,737
All other manufactures.....	.....	74,025	.....	96,112
Total.....	.....	602,914	.....	703,663

[1] Included in all other manufactures of cotton.
[2] Subdivided into: Laces, hand-made, $42,524; laces and lace articles, $41,884; nets or nettings, $156; embroideries, including edgings, etc., $202,221; all other laces, etc., $30,920.

Exports of domestic manufactures of cotton during the fiscal years 1911 and 1912 to Japan.

Articles.	1911		1912	
	Quantity.	Value.	Quantity.	Value.
CLOTHS.				
Unbleached.....yards..	31,174	$3,890	363,180	$31,892
Bleached.....yards..	108,189	14,263	90,862	12,665
Dyed, colored, or printed.....yards..	271,503	15,391	102,477	10,013
CLOTHING AND OTHER WEARING APPAREL.				
Knit goods.....	.....	3,882	.....	3,633
All other.....	.....	7,975	.....	8,502
Waste, cotton.....pounds..	100	10	.....	.....
Yarn.....	.....	3,952	.....	.....
All other manufactures of.....	.....	86,610	.....	56,603
Total.....	.....	135,973	.....	123,308

Mr. DONOVAN was recognized.

Mr. AUSTIN. May I ask the gentleman from Connecticut [Mr. DONOVAN] a question?

Mr. DONOVAN. Yes.

Mr. AUSTIN. Is it not true that on May 2 you asked the gentleman from Pennsylvania [Mr. PALMER] if my statement was true, namely, that in 1906 we exported in cotton goods to China $29,000,000 and six years thereafter, 1912, $7,000,000, or a falling off of $22,000,000, and that Mr. PALMER denied that that was true and said that, on the contrary, our exportations to China were increasing?

Mr. DONOVAN. That is the way I understood it.

Mr. AUSTIN. Mr. Chairman, I will print in the RECORD a statement from the Department of Commerce verifying my figures and statements on that question.

Mr. DONOVAN. The gentleman from North Carolina [Mr. KITCHIN] is looking for information on cotton. Can the gentleman state the transportation rates from Galveston to Liverpool for cotton?

Mr. KITCHIN. If you want me to answer, I can not.

Mr. DONOVAN. Can the gentleman state the number of yards of cotton print that are made out of a pound of cotton or a bale of cotton?

Mr. KITCHIN. I can not.

Mr. DONOVAN. How could the gentleman, as a member of this committee, find intelligently the difference in expense between the cloth on the other side and on this side, not knowing how much it cost the manufacturer on the other side to take his raw cotton from this country over there or to return the manufactured goods here? How do the committee intelligently find the difference, in order to fix the tariff upon cotton fabrics? That is the question.

Mr. UNDERWOOD. If the gentleman will allow me, I think he has wandered away from this side of the House. That side of the House attempt to fix their tariff rate on the difference in cost at home and abroad. Those figures are very necessary for the Republican side of the House. This side of the House levies a revenue tariff.

Mr. DONOVAN. I thought the gentleman was going to answer a question or ask one. I did not suppose he was going to take up my time as these amateurs here have done. [Laughter.] I will say to the gentleman from Alabama [Mr. UNDERWOOD] that when the whole force of his tongue is turned on it becomes shockingly mixed with fiction. He, as chairman of the committee, ought to be able to say, or some member of the committee ought to be able to say, why they fix the rate upon cotton, because unless they know the cost of transporting the cotton from this to the other side, manufacturing it there, and returning it here there must be something wrong when, according to the statement of the gentleman from Tennessee [Mr. AUSTIN], they can send $65,000,000 of their product here. Now you have reduced that to 25 per cent. If under the present conditions we can import $65,000,000 and you reduce the duty practically 50 per cent, it necessarily means that the importation will be at least double under your bill. Surely these things ought to be explained intelligently. [Laughter on the Republican side.] I find that this great expert at repartee is one of the cleverest Members that ever came over the pike; but when you undertake to pin him down and ask him an abstract question he turns the answer over to some other Member. [Laughter.]

Mr. MANN. Mr. Chairman, the gentleman from Connecticut asked for information of the Democratic members of the Ways and Means Committee how much it cost in the way of freight to ship cotton from this country to England. Then he asked how much cotton print could be made from 100 pounds of cotton—two intelligent questions. Having asked two intelligent questions the gentleman from Alabama very naturally said that the gentleman belonged on the other side of the House. [Laughter.]

It is true that these questions were not answered except to say, "Why, we are legislating in the interest of the great mass of the American people." No matter what questions may be asked in this debate in order to get information for an intelligent understanding of the question, the only answer that is given is, "We are not legislating in the interest of the manufacturers, we are legislating in the interest of the great mass of the American people." If you would read the number of times that that expression has been used in this debate, it would cover page after page of the CONGRESSIONAL RECORD, and if you will read the number of times that intelligent questions have been asked and answered you can put it in three lines.

Mr. DONOVAN. Will the gentleman yield?

Mr. MANN. I will.

Mr. DONOVAN. Will the gentleman from Illinois answer the two questions? [Laughter.]

Mr. MANN. I will not. I do not know. But if I were writing a tariff bill I would know. [Laughter and applause on the Republican side.] The gentleman from Connecticut, who represents a cotton manufacturing district, can he answer his own questions?

Mr. DONOVAN. I am here as a pupil and not a teacher. [Laughter.]

Mr. MANN. The gentleman gives an intelligent answer concerning the question, but will the gentleman vote for a proposition to create a tariff commission which will report accurately this information to this legislative body so that it can have it when it comes to legislate? He will not. [Laughter.]

Mr. DONOVAN. Did I understand that question to be directed to me?

Mr. MANN. It was.

Mr. DONOVAN. Will the gentleman repeat it? I lost the first part of it. [Laughter.]

Mr. MANN. The gentleman evidently has lost a part of the intelligence that he has displayed heretofore.

Mr. DONOVAN. It is true that I have lost part of it, but I will have to go elsewhere to get the information.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. If there are no further amendments to paragraph 457, the Clerk will read the next paragraph, which is paragraph 491.

The Clerk read as follows:

491. Fresh-water fish, and all other fish not otherwise specially provided for in this section.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 11, strike out all of paragraph 491.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be closed in five minutes.

The motion was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, the purpose of this amendment is to strike the fresh-water fish and other fishes from the free list. Fishing is one of the great industries of Alaska; perhaps it is the greatest. It is also one of the great industries of the Pacific Northwest. I am not going to argue the question of oriental labor. I have discovered that it is entirely useless to appeal to the Democratic side of this House to protect the people on the Pacific coast from competition with oriental labor. I will only say this much, that in the State of Washington and in Alaska no alien is permitted to fish and no alien is permitted to be in a fishing crew. All of our fishing is done by American citizens. The fisheries of British Columbia are vast, and they are rapidly developing. The Government is erecting at Prince Rupert a great cold-storage plant, where the catch can be stored until it is ready to be shipped. The Government also pays a bounty to the fishermen; but greater than all that, the British Columbia Government, or the Canadian Government, pays one-third of the cost of transportation of sending the fish into the markets of this country The great fish markets of this country are along the northern border—Minneapolis, St. Paul, Chicago, Cleveland, Buffalo, New York, Boston—and they are all reached as directly from British Columbia as they are from the fisheries of Alaska or the State of Washington. So that they have every advantage in getting into our markets with their fish. We receive nothing whatever in return, and I again want to call attention to the fact that this bill gives free markets for the industries and products of British Columbia, while they levy a heavy duty on our products. And that is the way the Democratic Party proposes that we shall go out and get the markets of the world—by making our markets free for the products of other countries and permitting other countries to maintain a duty on our products.

Mr. HARRISON of New York. Mr. Chairman, did not the Democratic Party do its best, in conjunction with a section of the gentleman's party, to get a reciprocal agreement for free fish?

Mr. HUMPHREY of Washington. When?

Mr. HARRISON of New York. Last year.

Mr. HUMPHREY of Washington. That was in the Canadian reciprocity pact?

Mr. HARRISON of New York. Yes.

Mr. HUMPHREY of Washington. Oh, no; the gentleman is entirely mistaken. You kept fish just as it is now. You proposed to make fish free, but you made no arrangement that ours should go in there free.

Mr. HARRISON of New York. Having tried to do so, but failed.

Mr. HUMPHREY of Washington. It was not provided in the bill. The gentleman refers to the reciprocity measure?

Mr. KITCHIN. Yes.

Mr. HUMPHREY of Washington. The gentleman is mistaken. The reciprocity measure did not make provision for letting our fish free into British Columbia.

Mr. HARRISON of New York. Oh, I beg the gentleman's pardon. Fresh fish was on the reciprocal list.

Mr. GARDNER. Has not the gentleman from New York overlooked the fact that the bounty provision was not repealed—the bounty that Canada pays to her fishermen and the transportation which she pays for her fishermen? That was not affected in the reciprocity treaty.

Mr. HUMPHREY of Washington. If I may have the attention of the gentleman from New York; if I am wrong, I got my information from the department. At any rate, the tariff still remained and this bounty still remained. The gentleman will remember I was against the reciprocity bill——

Mr. HARRISON of New York. I do remember perfectly well the gentleman's attitude. I merely want to call the gentleman's attention to the fact that the Democratic Party made an honest effort to get into their markets by the Canadian reciprocity act, and having failed we are trying to relieve our own consumers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Is there any other amendment to paragraph 491? If not, the next paragraph is paragraph 505.

The Clerk read as follows:

505. Guano, manures, and all substances used only for manure, including basic slag, ground or unground, and calcium cyanamid or lime nitrogen.

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 112, line 17, after the word "manures," insert in parentheses "(excepting puer)."

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. MOORE. Yes.

Mr. HARRISON of New York. Is not the gentleman aware that the article to which the amendment refers is not used for manure, but used for tanning leather?

Mr. MOORE. That is the point, and I am very glad the gentleman is familiar with the article. [Laughter.] This commodity is found in various parts of the United States, in fact all over the civilized world, and at least 5,000 people have been employed in preparing it for the market. In certain foreign countries it can be produced cheaply, and gathered and assembled, as it were, with much more ease and at much less expense than it can be in the United States. In Constantinople in particular and throughout Turkey it is a prolific commodity, and the reason for asking that it be excepted from the free list is that it is entirely possible to collect and transport this article, pay the freight all the way across the deep blue sea, land it at the wharves of the large ports of New York and Philadelphia for 85 cents a bushel, whereas the labor cost of producing it in the United States is $1.25 per bushel.

Mr. MANN. Is it an edible product?

Mr. MOORE. It is not edible nor is it valuable as a fertilizer. Its collection is valuable from a sanitary point of view. It is a commodity, however, essential to the tanning trade. There is nothing to take its place. Its collection from the highways and byways by the scavengers engaged in the business is really a benefit to the community. Horticulturists ought to approve of it because it is of no benefit to the green grass growing about the squares. Now, I have said there are, or were, at least 5,000 people whose employment in one form or another is dependent upon this article. It is assembled and sold for tanning purposes, and in the treatment of morocco is said to have no superior.

Mr. PAYNE. Does not the gentleman think these people would be very glad to get a job of collecting this material after this bill is passed and there is not any other work to do even if it remains on the free list?

Mr. MOORE. I think the gentleman is entirely right. The collection of this commodity in this country is not special to any locality; there is no special interest here to be served, and the people who do this work are poor people. People from Virginia have sent in petitions asking for the protection of this article, as well as those from New Jersey, New York, and Pennsylvania. They ask a specific duty upon this commodity, because it can be picked up in Constantinople and laid upon the wharves in New York, which the gentleman [Mr. HARRISON] so handsomely represents, at 85 cents a bushel. This is unfair, when it can not be produced here for less $1.25 a bushel. There ought to be a tariff duty of at least 50 cents per bushel imposed upon the article.

Mr. HARRISON of New York. Will the gentleman tell us whether this is a Philadelphi.. industry which he is protecting?

Mr. MOORE. I have just said that it is as plentiful in New York as in some of the other cities, and that warehouses are in New York and in Virginia and some parts of New Jersey. My purpose in offering this amendment at this time is to have this article excepted from the free list in order that the article, without specific duty, may be dropped into the basket clause for such advantage of the rates as it may there obtain.

Mr. LOGUE. Does my colleague consider that a single manufacturing industry in Pennsylvania will be closed if this is put on the free list?

Mr. MOORE. My colleague, the gentleman from Pennsylvania [Mr. LOGUE], who has just put this pointed interrogation, knows full well that the lowly people who are engaged in this business are performing a distinct service to the public, and they are forced to compete, even in their lowly state, with the downtrodden people in Constantinople and throughout Turkey almost to an extent which is most dispiriting.

Mr. LOGUE. In reply to my colleague from Pennsylvania I would say that those who come over here from the places that he has mentioned never come here in anticipation of performing

merely this kind of American industry. They have a little ambition for something higher.

Mr. MOORE. Of course they have. The gentleman certainly will not oppose this amendment, knowing what he does about the trade?

Mr. LOGUE. I do not think it will interfere with the production of a single pound. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 505? If not, the next paragraph is 511, which the Clerk will report.

The Clerk read as follows:

511. Hides of cattle, raw or uncured, or dry salted or pickled.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment be closed in five minutes.

Mr. MANN. Mr. Chairman, I think there is a little more time desired.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MOORE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Was there any reservation made as to paragraph 535?

The CHAIRMAN. There was.

Mr. MOORE. I thank you.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the debate on this paragraph close in eight minutes, five minutes to be given to the gentleman from Massachusetts and three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. GARDNER. I want to ask the gentleman from Alabama what rate is charged in this bill on horsehides?

Mr. UNDERWOOD. I will look into it and answer the gentleman when he gets through with his argument.

Mr. GARDNER. Mr. Chairman, in the meantime, while the gentleman is looking that matter up, I shall just say a few words in connection with a letter presented to-day by the gentleman from Missouri [Mr. BORLAND], a letter which mentioned my name. It was written by the secretary of the Haverhill Shoe Machinery Co. in connection with the question of putting the product of the United Shoe Machinery Co. on the free list. Mr. L. H. Harriman is the author of the letter. He closes with this sentence:

If you have any doubt as to whether the writer knows whereof he speaks, he would beg to refer you to his Representative, Hon. A. P. GARDNER.

Now, I might as well say once and for all that the Haverhill Shoe Machinery Co. and the United Shoe Machinery Co. are both of them established within the limits of my district. The plant of the United Shoe Machinery Co is situated in Beverly. Beverly is in my district and Haverhill is in my district. Mr. Harriman is a patent lawyer and an exceedingly able one. He makes the statement that he believes that we ought to admit shoe machinery free of duty. I do not think so. He believes that there is no danger of shoe machinery being made abroad and imported. I disagree with him there. He implies that the "tied lease" system of the United Shoe Machinery Co. is not proper as a method of doing business. In that I certainly agree with Mr. Harriman. In fact, I have said so before the Committee on the Judiciary. However, I do not think that it is the "tied lease" system or yet the high protective duty which gives the United Shoe Machinery Co. the strong position which it occupies. I rather think that its remarkable organization for rapid repairing has much to do with the company's success.

Let me say in passisg that, although I personally do not believe in the "tied-lease" system, and I think it improper, yet, so far as I know, a majority of the shoemakers in my district—that is to say, a majority of the shoemakers who use the United Shoe Machinery Co.'s machinery entirely—have ranged themselves on the company's side. Most shoe manufacturers with little capital favor a system of leased machinery, as it tends to equalize conditions between them and their richer rivals.

Mr. HAMILTON of Michigan. Mr. Chairman, for the benefit of those of us who do not understand the terms of the trade, will the gentleman from Massachusetts define what he calls the "tied leases"?

Mr. GARDNER. The "tied leases" are leases by which shoemaking machines on which the patents have expired are "tied" to machines upon which the patents have not expired. Under the "tied-lease" system it is exceedingly difficult for a shoe manufacturer to hire the best modern machines except in connection with old machines, like the Goodyear machines, on which the patent has expired. For the most part the United States Machinery Co. controls the best modern machinery connected with the "bottoming" of the shoe. The series of processes by which the bottom of the shoe is attached to the upper are called "bottoming." If I am correctly informed, when a shoe manufacturer desires to hire "bottoming" machinery, he finds that each of the various recent inventions is tied in what is known as a "series." As a general rule, each series must be leased as a whole, and in that way dead patents are revitalized, or so it looks to the ordinary layman.

My impression is that the United States Machinery Co. does not at all control the machinery situation with respect to "turned" shoes. "Turned" shoes are shoes with flexible soles, which are manufactured inside out.

I am not at all up to date on this question, but, on the whole, I think that my statement conveys a correct impression, even though my details may be all wrong.

Of course there is great difference of opinion on the merits and faults of the "tied-lease" system.

Now, is the gentleman from Alabama [Mr. UNDERWOOD] ready to answer the question I propounded to him?

Mr. UNDERWOOD. Yes. I would state to the gentleman from Massachusetts [Mr. GARDNER] that the hides of horses are provided for in paragraph 609 of this bill, which provides for the admission, free of duty, of skins of all kinds and hides not specially provided for.

Mr. GARDNER. They come in free?

Mr. UNDERWOOD. Yes.

Mr. GARDNER. I wanted the statement of the gentleman that the intention is to admit them free.

Mr. UNDERWOOD. It is. There is a similar provision in the Payne law.

Mr. GARDNER. This bill does admit them free?

Mr. UNDERWOOD. Yes; it admits them free.

Mr. KREIDER. Mr. Chairman, my only purpose in rising at this time on this schedule is to commend the committee on the fact that they have continued to place hides on the free list.

During the debate here on several occasions the fact has been mentioned that when hides were put on the free list the price of shoes and leather did not come down, as was anticipated, and I take this occasion to say, and to say to the Members of this House, that the reason why there was no reduction was the fact that our packing interests, who receive about 85 per cent of the hides of this country as soon as they are taken off, not only had cornered the market in this country, but the market of the entire world, and the moment the tariff was taken off the price of hides was just as high on the other side of the water as it was here.

The shoe manufacturer and the leather manufacturer were absolutely helpless, because they were getting their raw material—and hides are the raw material of the leather manufacturer—from an absolute trust.

And I want to say in passing that hides are one of the best things on the face of the earth to speculate in, because the high price of hides does not stimulate the production. No matter what the price of hides are, you will have no more of them because the price is high. The packing interests and the men engaged in the tanning business have a line on the production of hides of all classes of animals throughout the entire world, and they know within a small percentage just how many calfskins and how many cattle hides and all other hides and skins are taken off each year; they know where they are tanned and the uses to which they are put, and control the market price.

I say this simply by way of explanation, that whenever you remove the duty from a commodity that is controlled by a trust on both sides of the water, or a world-wide trust, the only thing you gain by putting the article on the free list is that you give the duty, which otherwise would be paid into the Treasury of the United States, right over to the interests that control the commodity. It did not help us one whit to put hides on the free list.

I do not wish now to speak of the shoe question, although I want to define my position on it later. I simply wanted to call your attention to these facts, so that you will understand why leather goods and shoes did not come down when hides were put on the free list four years ago.

Mr. KAHN. Then it was your experience that the fact that a commodity in which you were interested, namely, hides, had the duty removed had absolutely nothing to do with the price, and that there was a combination in the commodity even after the duty was removed?

Mr. KREIDER. Absolutely; the trusts controlled the commodity on both sides of the water. Thus a world-wide combination exists to-day on a number of articles put on the free list

by this bill, and the removal of the duty will not reduce the price of any commodity in which there is a world-wide trust, but is a direct benefit to the trust controlling the commodity.

Mr. KAHN. And the tariff has nothing to do with it?

Mr. KREIDER. Nothing at all, so far as the lowering of the price is concerned.

The CHAIRMAN. If there be no objection, the pro forma amendment is withdrawn. Are there any other amendments to this paragraph? If not, the next paragraph is 514.

Mr. GREEN of Iowa. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend, page 113, by striking out paragraph 514.

Mr. GREEN of Iowa. I ask that the Clerk read paragraph 514.

The CHAIRMAN. If there be no objection, the Clerk will read paragraph 514.

The Clerk read as follows:

514. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, if this amendment prevails, I will follow it with another amendment transferring the articles covered by it to paragraph 109 of the metal schedule, which provides that hoop, band, or scroll iron or steel not otherwise provided for in this section shall bear a duty of 12 per cent ad valorem.

Mr. Chairman, the gentleman from Connecticut [Mr. DONOVAN] a short time ago seemed to be somewhat puzzled or bewildered as he examined some of the provisions of this bill; but when he comes to examine a provision like this paragraph under consideration it seems to me that the gentleman will be utterly paralyzed.

This particular paragraph provides that band iron used for baling cotton shall be admitted free. The provision in the metal schedule to which I referred provides that other band iron shall bear a duty of 12 per cent.

It is true that in this particular paragraph to which I have just referred there is a provision that band iron used "for baling cotton or any other commodity" shall be free; but I know of no other commodity for which it is so used, so that it practically means that a special privilege is granted to the southern planter, in order that he may bale his cotton with cotton ties that are admitted free of duty, although we have heard so much talk here against special privileges being granted.

Why, Mr. Chairman, save and except that lamentable time when our Democratic friends were in control before, when they passed the Wilson bill, nobody ever thought of inserting in a tariff bill any such a provision as this. But now we have in this bill not only this provision, providing that band iron used for baling cotton shall be free, but we have also in paragraph 417 a provision that bagging suitable for covering cotton shall be admitted free, whereas other bagging, that may be a little finer woven, but which is used for covering wheat or covering wool, shall bear a duty.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. GREEN of Iowa. Yes.

Mr. BARTLETT. This section which the gentleman is discussing does not limit this to band iron used for baling cotton. It says, "cotton or any other commodity."

Mr. GREEN of Iowa. The gentleman was not listening. I just stated that.

Mr. BARTLETT. But the gentleman stated that it was a special privilege granted to the cotton raisers.

Mr. GREEN of Iowa. I read the words which the gentleman has quoted, but after I had read them I said that cotton was the only commodity that was so covered, and therefore that it applied strictly and solely to cotton.

Mr. AUSTIN. Will the gentleman permit me to make a statement?

Mr. GREEN of Iowa. I have only five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. GREEN of Iowa. I will say to my esteemed friend, the gentleman from Tennessee—and I regret very much that I can not yield to him now—that he has stated here that this is not in his judgment a sectional bill, and he has given as his reason for that statement that certain products of the South, of which he enumerated a long list, have been placed on the free list, or the duty very much lowered thereon; but he seems to have failed to notice that so far as those particular products are concerned they are also the products of the North, and that those provisions apply alike to products of the North and of the South.

Mr. AUSTIN. I want to tell the gentleman that the last time our friends on the other side enacted a tariff bill cotton went down to 4 cents a pound, and this provision is to try to compensate them for the lowering of the price of their product.

Mr. GREEN of Iowa. I do not think that has any application whatever to that situation.

Mr. BARTLETT. When was that?

Mr. AUSTIN. Under the Wilson bill.

Mr. BARTLETT. That is not true, though.

Mr. GREEN of Iowa. The gentleman from Connecticut [Mr. DONOVAN] did succeed in getting an answer from the gentleman from Alabama. He commented on it as not being satisfactory, and I do not care to repeat his comments; but I will ask if anyone here can answer why such a provision as this is made, and under what theory, reason, or principle any such provisions are put in this bill? And after some one has answered that I should like to inquire of my Democratic friends why, before the election, when they were considering this question of jute bagging, they then provided that it should be free, not only when used to cover cotton but when used to cover any agricultural product? For that was the provision in their so-called "farmers' free-list" bill.

Mr. BARTLETT. They do not use jute bagging for anything else except cotton. They use burlap for other things, not jute.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. CANDLER of Mississippi. Do I understand the Chair to say that all time has expired?

The CHAIRMAN. Yes.

Mr. CANDLER of Mississippi. I am sorry for that, for I want to answer the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Is there any amendment to paragraph 523?

Mr. AUSTIN. Mr. Chairman, I move to strike out paragraph 523, which is as follows:

523. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be limited to five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and amendment be limited to five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, in the course of the discussion on pig iron a few days ago, the gentleman from Missouri [Mr. LLOYD] made this statement:

In conversation with Mr. Schwab last night he made a statement that the worst enemy to the profits of the Bethlehem Steel Co. in the United States was their Representative in Congress, Mr. PALMER.

[Applause on the Democratic side.]

Following, Mr. LLOYD said that—

Mr. Schwab said that he himself had put into the business $35,000,000 in seven years and that he had made 20 per cent on his investment during that time.

[Applause on the Democratic side.]

Mr. Chairman, the man who led the unsuccessful fight for free iron ore when the Payne-Aldrich bill was up for tariff consideration was Mr. Schwab. This provision of the Underwood bill will give Mr. Schwab free iron ore, and he is the largest importer of iron ore in the United States. If he has made 20 per cent on $35,000,000 per annum, that is $7,000,000 in profit a year, and in seven years a profit of $49,000,000 on the investment of $35,000,000.

Now, if the largest importer of iron ore in the United States is making $7,000,000 a year profits in running the Bethlehem Steel Works, why should we vote out of the Treasury of the United States $263,767, the amount of duties per annum on foreign iron ore and make that a present to Mr. Schwab, of the Bethlehem Steel Co., and to the Pennsylvania Steel Co.?

Why, the Democratic platform says that under a Republican protective tariff we are making "the rich richer and the poor poorer." Your proposition is to give Mr. Schwab free iron ore, to give him 15 cents a ton on every ton of iron ore, when he is making 20 per cent on an investment of $35,000,000. You are depriving American citizens who own the iron-ore mines

and the American citizens who work our mines of this money, whch you send to Cuba, Spain, Sweden, and Chile under this bill. You are giving these importers of foreign iron ore $263,000 out of the Public Treasury—the people's money—when they do not need it and do not deserve it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Is there any further amendment to paragraph 523? If not, is there any to 532? If not, are there any amendments to 535?

Mr. MANN. Mr. Chairman, there are several gentlemen who wish to be heard on paragraph 535. Can we agree upon a time for debate?

Mr. UNDERWOOD. I think so.

Mr. MANN. I would like 25 minutes on this side. I want to give one gentleman more than 5 minutes.

Mr. UNDERWOOD. Can not the gentleman make it 20 minutes on that side and 10 on this?

Mr. MANN. No; I wish the gentleman would make it 25 minutes on this side.

Mr. UNDERWOOD. I will ask unanimous consent, Mr. Chairman, that debate on paragraph 535 and amendments thereto be limited to one-half hour, 25 minutes to be given to the gentleman from Illinois and 5 minutes to this side of the House.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on paragraph 535 and amendments thereto be limited to 30 minutes, 25 minutes to be given to the gentleman from Illinois and 5 minutes to the gentleman from Alabama. Is there objection?

There was no objection.

Mr. SWITZER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend the paragraph by striking out the period in line 21, on page 114, and inserting instead a colon and adding thereto the following:

"*Provided*, That whenever any of the foregoing articles are exported to the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned and the said fair market value thereof for home consumption, provided that the said special duty shall not exceed 15 per cent ad valorem in any case.

"'Export price' or 'selling price' or 'price at which such goods are consigned' in this section shall be held to mean and include the exporter's price for the goods, exclusive of all charges thereon after their shipment from the place whence exported directly to the United States.

"The Secretary of the Treasury shall make such rules and regulations as are necessary for the carrying out of the provisions of this section and for the enforcement thereof."

Mr. MANN. Mr. Chairman, under the agreement there were to be 25 minutes upon this side. I ask unanimous consent that I may have control of that time.

Mr. UNDERWOOD. That was the understanding.

The CHAIRMAN (Mr. BARTLETT). That was provided for in the order that was made. The gentleman from Illinois is recognized for 25 minutes.

Mr. MANN. Mr. Chairman, I yield 12 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, there has been perhaps a little too much caustic discussion in the last few days as to whether or not organized labor favors this bill. At all events, the president of the International Boot and Shoe Workers' Union, Mr. John S. Tobin, appeared before the Ways and Means Committee in opposition to reducing the tariff on boots and shoes in any way. Moreover, an organizer from the International Boot and Shoe Workers' headquarters, Mr. Thomas O'Hare, appeared before the Ways and Means Committee in protest against free boots and shoes. Mr. O'Hare was formerly a practical shoe worker and an organizer for British unions. In case there should be any misstatement as to who paid the expenses of those witnesses, I am authorized to say that the Boot and Shoe Workers' Union paid their expenses entirely. Mr. Tobin appeared on his own initiative. As to Mr. O'Hare, he was detailed from the union headquarters at my request. I had in the past received most valuable information from him as to conditions in the boot and shoe industry of Great Britain, where he was formerly an organizer. I asked permission to pay Mr. O'Hare's expenses. I offered the money to him. He declined. Next I wrote to the union headquarters. They would not hear of it. That statement seems to dispose once for all of any lurking suspicion that these union men had their expenses paid by boot and shoe manufacturers.

Mr. Tobin testified to various things. I shall not go too deeply into his evidence before the committee, but here is one significant passage. Mr. Longworth asked this question:

Do you believe that the placing of shoes on the free list would have a tendency to reduce the standard of living of the American shoe workers?

Mr. TOBIN. Without any question.

Mr. RAINEY. Why, Mr. Tobin? Because they would be paid less wages?

Mr. TOBIN. The foreign shoe manufacturer would then find a very large market in this country, and he would apply himself to making the American style of shoes. The American supervision in their factories would yield that result, with the American machinery which they are now working, and very diligently, within the last two or three years particularly.

Mr. Tobin memorialized Congress the year before last, and in his memorial he used these words:

To put shoes and finished leather on the free list or in any way reduce the present tariff would compel the American shoe manufacturers to meet foreign competition through the only avenue open to them, namely, to attack the wages of the shoe workers and thereby bring about a lower standard of wages than at present, which would result in an industrial warfare and no doubt eventually would lower the standard of wages and consequently lower the standard of living.

There has been a great change in the situation since the days when we used to export Goodyear-welt shoes in large quantities to England to be sold by English retailers. In the last 10 years the American Shoe Machinery Co. has spread its machinery all over the face of the earth, and to-day it can equip a factory in Hongkong as completely and almost as rapidly as it can equip a factory in the city of Brockton, in the State of Massachusetts. So the situation has changed, and yet, as I said the other day, my expectations of the future when the Payne law was passed have been entirely disappointed. When the boot-and-shoe duty was cut in half by the Payne law I thought that the result was sure to be a very large importation of boots and shoes. Such has not been the case. Our exports of shoes amount to $16,000,000 a year, and our imports are a negligible quantity. Therefore, I understand perfectly well why the Committee on Ways and Means felt itself justified in putting boots and shoes on the free list.

If I had the time I should elaborate on my reasons for thinking that action a mistake. Inasmuch as I have only 12 minutes, I shall be forced to curtail my remarks and disarrange the order of my speech. It is not so much the immediate future which I fear. I am fearful of what may happen as soon as English manufacturers and American manufacturers have looked around them and have come to the realization that the provision for free boots and shoes is going to last four years, anyway. Perhaps it would be too risky for the British shoe manufacturer to go to work and equip his factory to produce American goods on American lasts with American patterns if there were danger that in a year or two the United States might put a high duty on boots and shoes.

But, with free boots and shoes guaranteed for four years, I think it extremely probable that Englishmen may consider it wise to equip their factories for the American trade. Unquestionably there is grave danger lest some American shoe manufacturers, finding labor conditions at home unsatisfactory to them, may establish foreign shoe factories. By means of American supervision and American machinery, coupled with a low wage scale, such manufacturers ought to be able to send shoes into this market which would undersell similar American-made articles by 25 to 30 per cent. As yet, Great Britain is our only serious rival in the manufacture of boots and shoes. Great Britain and the United States have been running neck and neck in the matter of shoe exports. Great Britain is always a little ahead in exports though, of course, far behind in amount of product. Now, note this: Whereas our export of boots and shoes to France and to Germany has increased very much in the last decade, on the other hand our export to Great Britain has fallen off during the same period. Our export to Great Britain in 1902 and 1903 was a little over $2,000,000. Nowadays we have an export of shoes to that country of about $1,800,000 a year. In 1906 the United Kingdom exported a little smaller amount of shoes than did the United States. Since that year Great Britain has shown such an increase that to-day her export of boots and shoes exceeds our by 7.6 per cent.

I now invite your attention to this chart showing the international wages in the shoe industry. The output is not shown. Nothing is shown but the actual wages paid. These figures are made up from various sources, largely from the official reports on the boot and shoe industry published by the Department of Commerce and Labor.

As you see in the chart, England, taking the average of the whole industry, pays its shoe workers about 55 per cent of what we pay our shoe workers. Scotland does a little better, Ireland not quite so well. In Germany, as you will observe,

the wages in this industry are 45 per cent of ours. In Switzerland 35 per cent, in Austria 38 per cent, in Denmark 41 per cent, and in Norway 45 per cent. Except in Scotland, England, and Ireland the average European wage of the shoe industry is less than half what it is in the United States. Of course all these wage figures would be entirely unconvincing if we could form no comparison between the output of an individual European workman and the output of an individual American workman. On this question of comparative output our information is by no means complete. Certain things we know, however. We know that our shoemakers are almost all on piecework. We know that some British shoemakers are on piecework, but that more of them are on weekly wages. In a few minutes I shall give you some direct comparisons. Meanwhile let me offer an illustration showing the relative output in a day's work at home and abroad as measured by one of the most important processes of shoemaking, to wit, welting.

The CHAIRMAN (Mr. BARTLETT). The time of the gentleman has expired.

Mr. MANN. I yield the gentleman three minutes additional.

Mr. GARDNER. I am informed by Mr. O'Hare, of whom I have spoken, that the British workman is permitted by his union to welt a maximum of 200 pairs of shoes in the course of a day.

In Brockton, Mass., as I understand it, the men affiliated with the Boot and Shoe Workers' Union welt from 250 to 280 pairs of men's Goodyear welts daily. From the point of view of output, if welting is a fair standard of comparison, our manufacturers have an advantage over Great Britain in the ratio of 250 or 280 to 200. In the matter of wages, however, our manufacturers are at a far greater disadvantage in the ratio of 55 to 100.

In the hearings before the Ways and Means Committee appears a table showing the relative cost of producing shoes in Great Britain and in the United States. From this table it appears that the cost of shoemaking in Great Britain exceeds the cost elsewhere except in the United States. It also appears that in Great Britain the highest cost is found in the town of Leicester and in the class of shoes known as Goodyear welts. In Leicester, the center of the British shoe industry, it costs 81 per cent of what it costs in America to produce a pair of men's Goodyear welts. In all other parts of England and in all other kinds of shoes the proportionate cost of shoemaking is even less in comparison with ours.

Mr. UNDERWOOD. I understood the gentleman——

Mr. MANN. I desire five minutes more on this side.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the time of debate on this be extended 10 minutes—5 minutes on this side and 5 on that.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the time for debate on this paragraph be extended 10 minutes—5 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 5 minutes by himself. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. I may be out of the Chamber at the time, so I wish to say now that I yield five minutes to the gentleman from Pennsylvania [Mr. PALMER] and five minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. MANN. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, I am in favor of the amendment to strike this paragraph from the free list and place the articles therein named upon the dutiable list. That automatically would subject the articles named in this paragraph to the protection afforded in the provisions of what is known as the dumping clause or the special dumping duty in section 4 of this bill. But according to the Democratic interpretation of this law, articles upon the free list are not subjected to the protection afforded by this dumping clause provision. Boots and shoes, if they remain upon the free list, will not have the protection that is afforded articles that are left on the dutiable list. Take the fabrics of the cotton factories in North Carolina and New England, and you have reduced the duty for the purpose, I understand, of increasing importation. Therefore, you have taken all the duty off of shoes for the purpose of increasing the importation of boots and shoes. Now, in one case you protect the manufacturer of cotton fabrics against having dumped into this country cotton goods procured at a price in a foreign market lower than they are sold for there, but you give to the shoe manufacturer no protection against this unjust and unfair competition.

I can see very readily why this dumping clause should not apply likely to all the articles named in this free list. We have no objection to dumping rubber in here, or coffee, or something of that kind, but the shoe industry is a great industry. We produce shoes here. A great many people depend on this industry for their living, and I see no reason why in the interest of fair play, that the men engaged in this industry, the employees, should not have the equal protection with the men who are engaged in the steel industry, the iron industry, and the cotton industry, and the textile woolen industry. I can see no reason for this unjust discrimination. Therefore, I think that in all fairness if boots and shoes are left upon the free list, and a number of other articles on the free list that are produced in this country in considerable quantities, this provision should be adopted or there should be another special dumping clause applying to those articles on the free list that we produce in this country as well as being produced abroad, protecting the manufacturers and the persons engaged in those industries equally as you protect the persons engaged in the industries whose products stay upon the dutiable list.

I yield back the rest of my time.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Chairman, it is not my purpose to go into details of the shoe question. If I did, I should want about four hours instead of the short time yielded to me.

STATES POSITION IN RELATION TO SHOE INDUSTRY.

In view of the remarks of the gentleman from Pennsylvania [Mr. PALMER] a few days ago, I want to set myself straight with the membership of this House as to the business in which I am engaged in private life. I want to say that I own stock in three different shoe manufacturing concerns, two of which are located in the district which I have the honor to represent. I also want to say that the remarks made on this floor by the gentleman from Pennsylvania that I am president of the National Boot and Shoe Manufacturers' Association of the United States is correct. The shoe manufacturers have indeed greatly honored me by electing me as president of their association. To have and maintain the confidence and respect of the trade in which we are engaged is an honor and pleasure that any man can well be proud of.

SHOE INDUSTRY NOT A MONOPOLY OR TRUST.

Again, I am exceedingly gratified and delighted to be the head of an organization that represents an industry with an output valued at probably $600,000,000; has an invested capital of over $200,000,000; employes hundreds of thousands of workmen, to whom are paid annually about $150,000,000 in wages; at which the finger of scorn has never been pointed and never will be pointed because of monopolistic or trust control in any way, shape, or form. [Applause on the Republican side.] The shoe manufacturers of this country have never combined for the purpose of either raising the price of the shoes they manufacture or lowering the wages of the men whom they employ. The manufacturers of the trade which this association represents are in free and open competition with each other. I want to call your attention to another fact, gentlemen, especially in view of the statements that have been made here as to trusts and monopolies; there is no shoe manufacturer or combination of shoe manufacturers that is to-day producing over 5 per cent of the entire production of shoes in the United States.

SHOE INDUSTRY ASKS NO FAVORS, BUT IS ENTITLED TO A SQUARE DEAL.

I am not here asking for favors or special privileges for the shoe industry, or any member of the industry. I do not intend, at this time, to speak in favor of the shoe manufacturers, but if I did I would call your attention to the fact that this bill does not give the shoe industry a square deal. You devoted entire pages of this tariff bill to wool, sugar, and other industries, none of which is equal in importance to the shoe industry, yet in one sentence, in one paragraph, you place the entire shoe business of the country, without regard to quality, kind, class, or grade, on the free list in open competition with the world. Not only this, but were I to speak at this time for the shoe manufacturers of the United States, I would call attention to the fact that you are subsidizing the industry in favor of the foreign manufacturer, by allowing some 30 articles used by the manufacturer and in the manufacture of shoes to remain on the dutiable list. In effect, you say to the foreigner, You can not send cotton linings, cotton goring, cotton galloon or webbing, or thread, nor silk thread and silk galloons and goring, nor buttons or hooks and eyelets, nor cardboard for cartons, nor box shooks, and a number of smaller items into this country without paying a duty, but if you will use your cheap foreign labor and make these articles into shoes, all can come in free. Is this a square deal? But I must not dwell any longer on this subject.

PROTEST IN BEHALF OF MY DISTRICT.

Mr. Chairman, I am here to represent the people in my district, and I want to register my protest against this bill in so

far as it relates to the farming, mining, manufacturing, and all other lines of trade carried on in my district.

AGRICULTURAL SCHEDULE.

The agricultural schedule is an insult to the American farmer. My district is a large agricultural district. In it are located the fertile and beautiful Lebanon, Cumberland, and Lykens Valleys, and they are inhabited and the soil is tilled by the most industrious and intelligent people on earth, commonly known as the Pennsylvania Germans; their reputation for thrift and economy is known throughout the entire country, and if it is the purpose of the framers of this bill, as it seems to be, to fool the average farmer, I want to say here and now that they will not fool the Pennsylvania Germans. When you pretend to give them protection in one section of this bill and take it away in another you are not fooling a single one. By providing for a duty of 10 cents per bushel on wheat and putting flour and bran, the products of wheat, on the free list, you are not only legislating against the farmer but more directly against the milling industry in my district and the country.

INCONSISTENCY OF CATTLE DUTY.

You have provided for a duty of 10 per cent on cattle and sheep and all other live animals not specially provided for, and again, you have put beef and all products of cattle and sheep on the free list. There are a large number of farmers in my district who buy cattle in the fall known as stockers or feeders, which they fatten during the winter months and sell in the spring.

This bill is a direct handicap to these farmers. It prevents them from securing a supply of these cattle from the border States of Mexico and from Canada in the fall of the year when they buy their stock, but compels them to sell their fattened cattle in the spring in free and open competition with the product of the large packing interests who own and control packing houses in Canada, Mexico, and the South American countries, whose product may now be brought into this country free of duty in direct competition with stall-fed cattle. After the farmer has bought his cattle in the protected home market and has fattened them, the beef he has produced must be sold in open and free competition with these outside countries. This is a direct handicap to the farmer, and not only to the farmer but to the butcher and small slaughtering house as well, who do not have Canadian or South American connections. If they must sell in an open market, why not let them buy in an open market? By your duty on live cattle you are also compelling all dairymen who would replenish their herds of milch cows, for which they are paying an extremely high price at this time, to pay a duty of 10 per cent on every cow they might wish to bring into this country to help to increase the supply of milk, a very necessity of life.

DUTY ON PRODUCTS SOLD IN HOME MARKET NO BENEFIT.

You have tried to cater to the farmers and fool them by allowing a small duty on butter, cheese, eggs, and garden products of various kinds, which is of absolutely no use to them at all, because they know and you should know that on these articles it is entirely a matter of production and consumption and that the price is regulated by the demand.

INTERESTED IN A MARKET.

But, Mr. Chairman, the farmers are very much interested in having a demand and a market for their product. They know and realize that the wage earners of the country are their customers, and they know full well by past experience that when the wage earners are steadily employed at a fair wage, they know that when the mills, the mines, the manufacturing establishments, and iron works of all kinds are running on full time that they need not worry about their market; but when these industries begin to shut down, to lay off help, or reduce wages, then their market conditions suffer in the same proportion, because their customers will not have the money with which to buy.

REDUCE COST OF LIVING.

Mr. Chairman, we are told that this bill is framed for the express benefit of the consuming public and to reduce the cost of living. We admit that if this bill compels the shutting down and closing of our mills, mines, manufacturing and industrial establishments to such an extent that the wage earners do not have the money with which to buy the products of the farm, the necessaries of life, then the cost of living will be reduced. Then the products of the farm will again flood the market, and the wage earners will not have the money to buy even at low price; but, rest assured, when this is again brought to pass by the passage of a vicious tariff bill, notwithstanding the solemn promise of the Democratic Party platform and orators in the last campaign that "legitimate business shall not be destroyed or injured," the American people will rise in righteous indignation and condemn the party that pretends to legislate in the interests of the consuming public but which legislation can only result in disaster.

DEMAND PROTECTION FOR AMERICAN LABOR.

It seems that the framers of this bill have slashed the duties regardless of the consequences. There are thousands upon thousands, yes millions, of wage earners whose earning power is threatened by this bill, and I want to enter as emphatic a protest as is possible against the passage of such an un-American piece of legislation. It has been stated on the floor of this House by the leaders of the Democratic Party that they *do not* intend to give protection to American labor or any industry, but that the quantity of imports has been the governing factor in writing a tariff law. I want to say, Mr. Chairman, that I indorse the position of the Republican Party in their stand for the protection of American labor. We are not asking for any special privileges for any industry, but we do ask that in all industries the wages of the workmen shall be protected against free and open competition with the underpaid foreign labor.

We ask you, and sincerely hope, that a tariff board or commission may be appointed to ascertain the difference in the labor cost of production between home and abroad, to the end that a tariff bill may be written that will protect the wage earners. We invite members of such a commission to enter our manufacturing establishments and see how much money is contained in the pay envelope of the American workman, and then see how much money is contained in the pay envelope of the workmen of foreign countries in similar lines of industry, and then write a tariff that will put the American wage earners on such a basis that their present scale of wages may be maintained.

STANDARD OF LIVING AND WAGES.

It is an acknowledged fact that all that the workman has to sell is his labor. This he has been able to sell to good advantage during the last 10 or 15 years, and because of this fact he has established a standard of living that is higher than he has ever had before. Let it be remembered that the standard of living is just as high as the wage scale will permit it to be. The moment that you pass legislation that will cut down the earning capacity of the wage earner, you are cutting down the purchasing power of the wage earner and the Nation. The wage earners are the great consuming public, and national prosperity is absolutely impossible when the wage earner is not prosperous.

We are thoroughly in sympathy with our Democratic friends in their attempt to legislate for the reduction of the high cost of living, but we most earnestly protest against the wrecking of industrial prosperity and the putting of the wage earners on a starvation basis to accomplish the result.

Mr. PALMER. Mr. Chairman, if there is any one industry in all the length and breadth of the American manufacturing business which has demonstrated its ability to stand alone, not only in its own market but also in the markets of the world, without the protection which tariff rates give to it, it is the American boot-and-shoe industry.

I want to say that the hearings which were held by the Committee on Ways and Means in January were in many respects most impressive. They were the most interesting feature of congressional life that I have ever been associated with, and I was particularly impressed by the men who came out of New England, representing the great industries of that section of the country, discussing before that committee the tariff as it affected their industries. They were mostly young men, showing by their methods and their manners that they were able and brilliant men and men who possessed tremendous courage. I never was able to understand before, until I looked into the sharp eyes of those Yankee manufacturers, why it was that the American manufacturer in so many lines of trade is to-day beating the world. And probably one of the most able of those men, certainly one who impressed me most favorably, was a young man who came before our committee representing the American boot-and-shoe industry, who said that he was himself practically the largest manufacturer of boots and shoes in America, owning mills which produced $20,000,000 worth of shoes per annum.

That was Mr. McElwin. He was a fair witness. Of course he was looking out for his own, but he said three or four things which are so highly significant and which, to my mind, so entirely justify the act of this committee in putting boots and shoes on the free list that I shall content myself simply with reference to those things.

The first was this: When he was asked by a member of the committee at what point he would lay a rate, between zero and 10 per cent, which would result in some competition with the American manufacturer, however small, despite his large knowledge of the boot-and-shoe industry, he could not name such a

rate. To-day the American producer manufactures over one-half billion dollars' worth of shoes in this country per annum, exports $16,000,000 worth per annum, and there are no importations.

The imports of less than $200,000 cover carpet slippers and various specialties. Boots and shoes do not come into this country. Yet when we have reached the day when we must have something come through the customhouse, or we men upon this side of the House be charged with a violation of our pledges to the people, we asked this able representative of the trade where he could put his finger on a rate which would result in any boots and shoes coming into this country, and he said he could not do it.

The next thing Mr. McElwin said, which was very significant, was this: When I asked him whether he was engaged in the export trade he said, "Not largely; but by the way," he said, "we are going into it right now."

And not only he, but every big manufacturer of boots and shoes in the country is preparing to go into the export trade. Why? Because of the third thing that Mr. McElwin said, which impressed me so deeply that I have remembered it ever since. That was that the reason for the large exports of American shoes is found in that first line of the advertisement of the Walk-Over shoe: "In 87 countries the Walk-Over sets the style for shoes."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PALMER. If I may have two minutes more——

Mr. GARDNER. I ask unanimous consent that the gentleman have such time as he desires to conclude his remarks.

The CHAIRMAN (Mr. BARTLETT). The gentleman from Massachusetts asks unanimous consent that the gentleman from Pennsylvania have such time as he desires to conclude his remarks.

Mr. PALMER. No, no.

The CHAIRMAN. That was the request.

Mr. PALMER. Two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman is recognized for two minutes.

Mr. PALMER. The significant thing about that is this, that where the value of an article produced by an American manufacturer consists of something else than its intrinsic worth, as for instance, its style or its fashion, it can not be stolen by a foreign manufacturer.

Mr. GARDNER. If the gentleman will yield——

Mr. PALMER. In a minute. Where an article sells in all the countries of the world upon its style it is the style of the producing country that makes it sell. The reason why we are such large exporters of shoes is because the American style, devised, invented, and perfected by the American producer, is attractive to the eyes of the world. It can not be copied with success. The world will not buy a counterfeit. Now I yield to the gentleman from Massachusetts.

Mr. GARDNER. Supposing that the manufacturer in a foreign country buys American machinery, American patents, and American lasts, and has American floor superintendents, how can he produce a different shoe?

Mr. PALMER. The American manufacturer of automobiles produces just as good a car as the Fiat or the Mercedes, but the people who want that kind of a product insist upon it, because it is a foreign car. They insist upon an Italian, a French, or a British car. The same thing is true of the American shoe. It has such a reputation the world over, because it is American, that the foreign imitation will never seriously interfere with the American producer. I do not believe there is a shoe manufacturer in the country who has any real fear that the American market will be seriously "inroaded" if we put boots and shoes on the free list. [Applause on the Democratic side.]

Mr. KREIDER. Will the gentleman answer a question?

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Minnesota [Mr. STEVENS] is recognized for three minutes.

Mr. STEVENS of Minnesota. I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, paragraph 535, lines 19, 20, and 21, by striking out all of the paragraph after the word "unfinished" in line 19.

Mr. STEVENS of Minnesota. Mr. Chairman, this amendment seeks to strike out harness and saddlery from the provisions of this paragraph. In effect it would restore them to the dutiable list, in accordance with the amendment which I offered Saturday to paragraph 377; and at that time I stated that I should offer it to paragraph 535 when it should be reached. I now redeem my promise and statement to this committee, as well as seek to clear any possible confusion in the pending bill and prevent any possible injustice to a very deserving industry scattered all over the country.

On Saturday evening when, in the consideration of paragraph 377, I had read from the desk a letter from one of the leading Democrats and one of our leading and public-spirited citizens from our section of the country which stated, in substance, that the harness and saddlery business of the border States would be seriously injured by the free-trade provisions of the pending bill; that the largest manufacturing concern on the American continent was located at Winnipeg, ready now and looking forward to the passage of this provision for free harness and saddlery. This large concern in Winnipeg was making its organization and seeking the services of American traveling men to solicit for their business and take it away from our own people, removing the benefit of the trade to Canada. The passage of this provision in the bill would inevitably result in depriving the American manufacturer along the border of a fair chance and a fair return in the harness and saddlery business. The American manufacturer is obliged to use many articles now on the dutiable list and which will remain on the dutiable list under your bill and he pays his share of the taxes in this manner and in many other ways for carrying on his business and aiding in the support of our institutions. The foreign manufacturer would have exactly the same market, would have as good organization in taking it away from us, as the American would have; and yet the foreigner would pay none of the taxes, securing many of his materials without the taxes and burdens you place upon the competing American manufacturer.

This good Democrat declared that such a provision and such a condition in the bill of his party was grossly unfair. I agree with him, and I am unwilling to believe you are acquainted with the situation or you would not permit such an injustice. Free trade in harnesses certainly will not help the Treasury, since it takes away revenues from it. It will not help the consumer, the farmer, and the teamster will not get harnesses any cheaper, because any difference will be absorbed by the dealer, who will push the goods where he can make the largest profit for himself. But it will injure a good many American citizens who now pay their share of the expenses of the Government by giving the competing foreigner free admission for his competing goods without his paying any expenses of our Government, and giving them the same splendid market of our people, who are obliged to bear the burdens.

In addition, the harness and saddlery business is depressed now by the development of the great automobile industry, and this will be increasing as time goes on. If this amendment passes, the letter of my good Democratic friend states that it would be necessary for many of the small concerns which are now competing highly with each other to combine, to sell out one to the other to reduce overhead expenses, and eliminate some competition among themselves, in order to meet the increased competition from Canada and over across the sea. In other words, it will eliminate quite a number of small American business manufacturing concerns in order that those remaining can be strong enough to compete with the foreign concerns over across the border and over across the sea. Your free trade does not help the consumer, it does help the foreigner, it does injure the small producer. It will result in eliminating lines and in necessary combination in order to live at all. The adoption of my amendment will prevent confusion, prevent injustice, protect American labor and employers, and care for our own people first of all. [Applause on the Republican side.]

Mr. MONDELL. Mr. Chairman, there is scarcely an industry among the people I have the honor to represent on this floor that is not seriously threatened by the provisions of this bill. Woolgrowing sheep, cattle and horse raising, coal mining, potato raising, sugar-beet raising are all seriously endangered, and now we have reached a manufacturing industry—that of making harnesses and saddles—which is placed in competition with all the world.

Among the most promising of the small industries of my State is that of the making of high-grade, handmade stock saddles and harnesses. This industry, I think, was injured somewhat by the reduction of the rate in the Payne bill. If stock saddles and harness now go on the free list our handmade stock saddle and harness industries are very certain to be injuriously affected by competition from Mexico, Canada, and Europe.

Mr. Chairman, while this may seem a small matter, it is in fact a matter of great importance to us. The prosperity of our

small manufacturing industries touches me deeply. The other day in my temporary absence from the House the accidental gentleman from Colorado, who lives in Denver, called attention to the fact that we had but few manufacturing industries in our State. I regret that fact, and I want to save this one. The gentleman from Colorado had the advantage of me because I was not here. Whether he is here now I do not know, for I never had the pleasure, so far as I recall, of meeting the gentleman, and I do not know what he looks like. I can only imagine him as he described himself the other day in that speech. He painted a picture of himself as a Janus-faced composite of Gambrinus and Carrie Nation, with, in the language of heraldry, a stein rampant and hatchet passant, or en passant, as our French friends would say. He adorned the picture by relating how artfully he had fooled 17,000 Prohibitionists in his State out of their vote by temporarily holding the hatchet rampant and the stein passant. [Laughter.] Although the gentleman did refer to me in rather harsh terms, the sympathy I have for him is unmixed with any other emotion.

I sympathize with him, for I realize how badly he must feel with every industry of his great and glorious State, her mines, her farms, her forests, her mills, her factories, all threatened with destruction by this measure, and he, tongue-tied with party caucus paralysis, unable to rise here and defend any one of those great industries. I sympathize with him also because he seems to have confused an election to Congress with an appointment on the Interstate Commerce Commission; but if it be true, as he modestly told you the other day, that he controls the decisions of that great commission—at least he assured us that they were Kindell decisions—even though that be true, I suggest to him in the most friendly spirit that when the magnificent potato industry of northern Colorado, the greatest in the world; her splendid sugar-beet industry, the largest in the United States; her great mining industries; her farming industries—when all of them are burdened under this bill and are paralyzed by it, he will not be able to fill the aching void that will be left in the stomachs and pocketbooks of his constituents by a railroad rate. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. PETERS. Mr. Chairman, I understand that the other side has consumed all its time?

The CHAIRMAN. Yes.

Mr. PETERS. Mr. Chairman, the boot and shoe industry receives to-day no help from the present tariff, and the provisions of the bill before us will prove an aid to the industry. The small rates on its finished product are of trifling assistance, but the duties placed by the Payne bill on the materials which go into the manufacture of shoes impose a heavy burden on the industry. The provisions of this bill will place the boot and shoe industry on a better industrial foundation than that on which it rests to-day. The bill, it is true, removes the duty of 10 per cent and 15 per cent on various classes of boots and shoes, but it also follows out the policy which our party adopted in framing this bill by placing on the free list the principal articles which enter into the manufacture of shoes and greatly reduces the rates of duty on many of the other articles used by this industry. The proposed act puts on the free list sole leather, grain, buff leather, patent leather, upper leather, and calfskins, and reduces the duty on shoe knives and shoe laces, dextrin, cotton thread, linen thread, and the other component parts which go into the manufacture of the shoe.

Following is a table showing some of the materials which enter into the cost of making shoes on which there will be a material reduction in the rate of duty:

Boots and shoes.

Article.	Rate of duty on ad valorem basis.	
	Under Payne law (fiscal year 1912).	Under H. R. 3321.
Cattle hides	Free.	Free.
Sole leather	5.00	Free.
Grain, buff, and split leather	7.50	Free.
Patent, etc., leather weighing not over 10 pounds per dozen hides	29.55	Free.
Patent, etc., leather weighing over 10 and not over 25 pounds per dozen hides	24.99	Free.
Patent, etc., leather weighing over 25 pounds per dozen hides	25.60	Free.
Upper leather dressed, n. s. p. f.	15.00	Free.
Calfskins	15.00	Free.
Leather cut into shoe uppers or vamps	15.00	Free.
Shoe machinery	45.00	Free.
Coal, bituminous	13.66	Free.

Boots and shoes—Continued.

Article.	Rate of duty on ad valorem basis.	
	Under Payne law (fiscal year 1912).	Under H. R. 3321.
Coke	20.00	Free.
Borax, crude	11.82	Free.
Nails:		
Wire	7.16	Free.
Cut	13.54	Free.
Hobnails	16.70	Free.
Tacks	14.00	Free.
Wood alcohol	20.00	Free.
Lumber for boxes	7.60	Free.
Studs and rivets	43.58	20.00
Shoe knives	41.98	27.00
Shoe lacings, cotton	53.96	25.00
Tannic acid and tannin	73.04	10.40
Castile soap	16.20	10.00
Borax, refined	21.22	1.31
Sal soda	20.93	16.25
Glue	30.00	10 to 25
Dextrin and substitutes	42.42	23.33
Cotton thread	31.54	19.29
Linen thread	37.06	25 and 30
Silk thread	25.00	15.00
Cotton lining cloth	31.50	25.00
Braids	60.00	50.00
Cotton webbings	60.00	25.00
Cotton goring	60.00	50.00
Silk gorings	60.00	50.00
Buttons	43 and 48	15 and 40
Hooks and eyelets	45.00	15.00

The shoe industry is one of the great industries of this country. My own State—Massachusetts—produces 46.1 per cent of the total output of shoes. It is an industry of which we may be justly proud, and I am gratified that Massachusetts has furnished so large a part of the organization and the workingmen who have led in this great industry. The growth of the industry is the strongest testimonial of the brains and energy of those who have created it. From a total output for the United States valued in 1899 at $290,047,087, it has grown until in 1910 the output was valued at $515,797,642—a growth in a decade of 76.8 per cent. That the shoe industry will be seriously affected by free shoes I do not believe. We have seen the effect of lowering the duty in the Payne law. The duties on shoes were lowered in that act from 25 per cent to 10 and 15 per cent. The manufacturers protested at that time, yet there are no results from that decreased duty from which we could infer that the industry is threatened with any injury by placing boots and shoes on the free list, as is done in this bill. The last year of the 25 per cent duty there were importations of $104,000, and the next year when shoes were subject to the 10 and 15 per cent duty the importations were only a little greater.

To-day, the very last year of which we have the returns, the importations are only valued at $216,000, and Turkish slippers and other inexpensive slippers form the larger part of this. The importations of shoes are but a trifle compared to the production of the industry.

Each year we have shown the strengthening force in the organization and the capabilities which the shoe manufacturers have displayed. Five years ago the exportations were but $11,469,559. They have increased each year until this last year—1912—the exportations were over $16,009,002. That shows the strength of the industry. Those exportations are made in direct competition with the countries whose competition in our market is most feared. We are sending shoes not only into neutral markets where they do not manufacture them, but we are sending shoes into markets where manufacturing of shoes itself thrives. From 1908 to 1912 the exportation of shoes from this country to Austria-Hungary increased from $140,000 to $563,000. In addition to that, we paid a tariff duty of over 5 per cent. Into France the exportations increased in the last five years from $238,000 to $501,000 despite a duty of 12.3 per cent. Into Germany, whose competition is most often now held up before us as something we should fear, our exportations increased from $589,000 in 1908 to $920,000 in 1912, and that despite the fact that we were paying a duty of 6.5 per cent.

To Italy our exportations increased from $29,973 in 1908 to $383,932 in 1912, and we paid a duty of 9.5 per cent. Our exports to the United Kingdom have not changed materially. For Scotland and Ireland there has been a decrease of about $250,000 in the last four years, while for England there has been an increase of about an equal amount. Despite a duty of 28.5 per cent which we pay, we have increased our exports to

Canada from $1,215,248 to $2,457,007 in 1912. In South America our increase has been even more marked and exports to Argentina, Brazil, and Chile have increased in five years respectively from $94,661 to $377,407; from $151,407 to $234,817, and from $28,196 to $171,502. Exports to all of South America have increased from $548,000 in 1908 to $1,192,000 in 1912. Removed from the restrictions which the tariff lays on his industry the manufacturer should be able to meet his competitor on equal terms and not only retain his domestic market but extend his export sales to increased volume.

Mr. Chairman, in view of the considerable disparity in time I venture to ask unanimous consent that I may have three minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may have three minutes additional. Is there objection?

Mr. PETERS. Mr. Chairman, at the request of the chairman of the Ways and Means Committee I withdraw the request.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Minnesota [Mr. STEVENS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Is there any further amendment——

Mr. MANN. What became of the amendment of the gentleman from Ohio?

The CHAIRMAN. It was lost.

Mr. MANN. It was disposed of?

Mr. SWITZER. Was my amendment voted on?

The CHAIRMAN. The present occupant of the chair was not in the chair when the amendment was voted on, but he is informed at the desk that it was voted on.

Mr. MANN. I think it was not voted on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SWITZER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next paragraph is 455.

Mr. KAHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 115, line 11, strike out the period and insert "and mannit."

Mr. KAHN. Mr. Chairman, mannit is produced in Sicily. It is used as a medicine by the Latin people. There is none produced in this country, and I desire to have read in my time a letter from Langley & Michaels Co., San Francisco, explaining the necessity for putting mannit on the free list.

The Clerk read as follows:

REQUEST THAT MANNIT BE PLACED ON THE FREE LIST.

SAN FRANCISCO, *April 30, 1913.*

The Honorable WAYS AND MEANS COMMITTEE,
House of Representatives, Washington, D. C.

GENTLEMEN: Mannit has been commonly classified under the present Payne Act, Schedule A, paragraph 65, as a chemical and medicinal substance, in the preparation of which alcohol is used, subject to 25 per cent duty. It will therefore probably be considered under the general classification provided in paragraph 18 of the Underwood bill, namely, 10 cents per pound and 20 per cent ad valorem, but this classification does not meet the properties of mannit, nor does any other classification cover it in the proposed bill. We therefore request that you place it on the free list with manna for the following reasons:

Mannit is used for medicinal and industrial purposes. It is a sugarlike substance crystallized from manna, which is the sap extracted from a tree grown principally in Sicily. Mannit is therefore a vegetable substance refined, but it does not contain alcohol and alcohol is not used in its preparation. Textbooks state that alcohol is used in its preparation, but it is only done in very rare instances. Ninety-eight per cent of the entire production is refined simply by crystallizing from solution of manna in pure water. The mannit of commerce is all produced in Sicily and Italy. None is produced or refined in the United States. The world's production and supply does not exceed 165,000 pounds annually, but it has an important part in the health of the Latin races in Europe and South America, and also in the United States.

We understand that application was made to the Ways and Means Committee through the Italian Chamber of Commerce in New York by one of our foreign correspondents and producers to have mannit placed on the free list with manna, which latter has always been and still is on the free list. We heartily indorse this request, because mannit and manna are both used for the same purposes—as a sirup and laxative, principally among the Latin races.

Manna is never over 40 per cent pure, balance being molasses and gums without any medicinal properties. The only reason that manna is used instead of mannit in the United States is because it can be procured so much cheaper, being duty free. Mannit is better adapted to children and delicate women because of its purity, and for this reason is almost exclusively used in preference to manna in foreign countries. The American consumer should therefore also be able to procure the mannit more reasonably. Mannit could also be used in America for industrial as well as medicinal purposes, if obtainable without duty.

The above reasons summarized show:

1. Manna and mannit applicable for the same purposes.
2. That it is possible to increase foreign commerce without in any wise injuring home industry, on the contrary helping it.
3. Public and humane policy to supply our people with the "pure drug" instead of the impure.
4. Use of the more desirable product prohibitive, because mannit has been improperly classified heretofore.

We therefore join others in requesting that you place mannit on the free list by having paragraph 548 of the Underwood bill, instead of only "manna," read "manna and mannit" free.

Respectfully,

LANGLEY & MICHAELS CO.,
By C. F. MICHAELS,
Vice President.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Is there any further amendment to paragraph 545? If not, the next paragraph is 549.

Mr. GOOD rose.

Mr. MANN. I think there is some little discussion on 549. Why not dispose of 552 before taking a recess, and then go back?

Mr. UNDERWOOD. If we can come to an agreement on 549, I will rise and let debate come after.

Mr. GOOD. I will say to the gentleman after this amendment is discussed I want to offer then another amendment, if this is not adopted. I was in hopes the gentleman from Alabama would be agreeable to it.

Mr. MANN. That is on meat. Let us dispose of 552 and then go back to 549, and do it before the recess.

The CHAIRMAN. Is there any amendment to 552?

Mr. WILLIS. I have an amendment.

Mr. UNDERWOOD. Is the gentleman willing to have an agreement for 15 minutes debate on all amendments pending, 5 minutes to go to this side?

Mr. WILLIS. I would like to have four or five minutes.

Mr. MANN. There is the gentleman from Ohio, the gentleman from Wyoming, and the gentleman from Iowa.

Mr. GOOD. I have two amendments.

Mr. UNDERWOOD. Then the gentleman can offer both of them.

Mr. GOOD. And if this is not adopted, when I offer to strike out this paragraph I want three minutes on that.

Mr. MANN. Make it 18 minutes on this side.

Mr. SWITZER. Does that include all amendments offered?

Mr. MANN. On meats.

Mr. UNDERWOOD. I ask unanimous consent that there may be 30 minutes debate on this paragraph, 20 minutes to be controlled by the gentleman from Illinois and 10 minutes by myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph 549 and all amendments thereto shall close in 30 minutes, 20 minutes to be controlled by the gentleman from Illinois and 10 minutes by the gentleman from Alabama [Mr. UNDERWOOD]. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3321, and had directed him to report that it had come to no resolution thereon.

PERSONAL EXPLANATION.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that I may have five minutes to make a statement about something that is printed in the RECORD relative to myself that does not state correctly my attitude.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Massachusetts [Mr. GREENE] in the RECORD of May 3, on page 990, inserted a letter or a statement from Mr. Walter H. Langshaw, of New Bedford, Mass., which contains the following statement:

There is certainly not over 15 per cent of our products in this country that is on fancy and figured work. A large portion is made in New Bedford, and plants have been equipped to do this work, and the little consideration shown for the increased cost in adjusting the rate of duty as compared with other classes is singular considering Chairman UNDERWOOD's significant remark, when asked by a Congressman from this district to give New Bedford more consideration. He said, "New Bedford mills are rich; they can stand it."

Now, Mr. Chairman, I do not reflect on the gentleman from Massachusetts [Mr. GREENE], because I suppose he did not notice this when he put it in the RECORD. That statement was published in some New England papers. It was denied in those papers before this letter reached here. I simply want the

RECORD to show that there is absolutely no truth in the assertion, and that I never made such a statement anywhere at any time. I want the RECORD to show its falsehood.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 8 o'clock p. m.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

At 8 o'clock p. m., the recess having expired, the House was called to order by the Speaker.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. When the committee rose before recess, paragraph 549 was under discussion, and an agreement had been entered into whereby there was to be 20 minutes' debate, 10 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 10 minutes by the gentleman from Alabama [Mr. UNDERWOOD].

Mr. GOOD. An amendment was pending which was not reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

After word "section," line 18, page 115, add:

"*Provided, however,* That none of the foregoing meats shall be imported into the United States from any foreign country unless and until the President, after due investigation, has found and proclaimed that the Government of any such foreign country has established and is maintaining a system of meat inspection which is the substantial equivalent and is as efficient as the system established and maintained by the laws of the United States in the Department of Agriculture; and especially that the system of such foreign country provides for the examination of all cattle, sheep, swine, and goats before they are allowed to enter into any slaughtering, packing, meat canning, rendering, or similar establishment in which they are to be slaughtered and the meat or meat products thereof are to be used for food: *And provided further,* That no meat imported into the United States from any foreign country shall be sold in the United States until it is examined and inspected, after arrival and before sale, by inspectors appointed by the Secretary of Agriculture; and the provisions of an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, relating to post-mortem examinations and inspections of the carcasses and parts thereof of cattle, sheep, swine, and goats are hereby made applicable to carcasses, parts thereof, and meats so imported into the United States from any such foreign country."

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Chairman, I am in hopes that the chairman of the Committee on Ways and Means will accept this amendment.

Mr. AUSTIN. I have no doubt he will do it.

Mr. GOOD. The amendment simply provides that no meats shall be imported under this act until the country that exports the same shall have adopted a meat-inspection law at least as efficient as our own.

The act making appropriations for the support of the Department of Agriculture for the fiscal year ending June 30, 1908, provided for a very efficient meat inspection—not only a post-mortem examination but an ante-mortem examination. Under the provisions of that law it is necessary to-day for every packing house to have a meat inspector, who shall inspect every animal that is brought there for slaughter, and those that are rejected are required to be kept separate. They are slaughtered, and the meat is again inspected, and even those carcasses that pass the first examination are reinspected.

But, mind you, the quarantine laws do not apply to fresh meats. They apply only to live animals.

Now, what is the proposition here? The proposition is to take off the duty of 1½ cents a pound on meats and to allow all meats from all the countries of the world to come in our market free, uninspected, without any inspection except the inspection that is provided for in the pure-food law, and that inspection simply provides that the Secretary of Agriculture shall find that some inspector has made a report and states that some inspection has been made and that there has been added no substance injurious to health. There is no provision with regard to meats that are tubercular, or anything of that kind, or of an examination and real inspection being required. Nobody eating imported meats would know whether or not the meats were injurious to health or not.

Now, I submit that in legislating in the interest of the American people, it is just as important that our people shall not have diseased meats from Argentina, as it is that they shall not be served with diseased meats by our own packers. To-day the "big four" have their packing houses in Buenos Aires. Armour & Co., Swift & Co., the S. S. Co., Morris & Co., and even Cudahy, are building factories there, and under the provisions of this bill they can bring their meats in free of duty and without a post-mortem or ante-mortem examination. How are we to know whether or not the meats we shall eat which will be imported from South America are wholesome? If it was essential to have an ante-mortem examination when Congress passed this appropriation act, so far as our own meats are concerned, is it not doubly important that now, when we are allowing free meats to come into open competition with our meats, there should be an ante-mortem as well as a post-mortem examination at foreign slaughtering plants exporting foreign meats to the United States?

I have studied the provisions of the law that we passed in 1908, and I do not see how that law could be improved upon. It seems to me that every safeguard was thrown around that meat-inspection law for the benefit of the American consumer. But with one stroke of the pen, by writing in this bill "free meats, uninspected," we throw that law and all of its provisions to the winds, and the American farmer and the American independent packer are obliged to compete in the sale of their product with meats made from cattle that are suffering with disease, meats of cattle that have been rejected and could not be brought into this country as live cattle.

We have a very effective remedy in the present law. The duty of 1½ cents a pound regulates the importation of these meats that have not been inspected, that are frozen and sent to the market of the world. When such meats are imported into this country as chilled meats they have to pay the duty of 1½ cents a pound, and that has served as a bar to the beef from South America that is not inspected.

Mr. MOORE. Would not the gentleman's argument apply equally to bread, biscuits, wafers, and so forth, that will come in uninspected?

Mr. GOOD. I do not think so. As I understand, we have no law affecting those articles excepting the pure-food law; but here we have altogether a different subject to deal with, and the inspection of meats has become a very important thing, one of the most important in the Department of Agriculture.

While in every packing plant we have our inspectors, and our beef must be rigidly inspected, post mortem and ante mortem, yet the meat from Argentina is to have no inspection at all. Is this in the interest of the American consumer? Is it even fair?

That hereafter, for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed"; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit

for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

Mr. SLOAN. Is it not your purpose to place the foreigner on the same basis with the American producer in this bill, so far as the restrictions of inspection are concerned.

Mr. GOOD. That is the object—to be fair.

Mr. SLOAN. Does not the gentleman know that this bill, from the beginning to the end, is in the interest of the foreign producer and against the American? And why should he ask the opportunity for equality in this particular that is not granted in any other particular in this bill?

Mr. GOOD. I thought that inasmuch as this provision affects the public health of the great American people, they on that side would be willing to put this amendment through.

Mr. SLOAN. But do you really expect it from the party in charge of this bill? What is your expectation about that?

Mr. GOOD. No doubt the chairman of the committee in charge of this bill will accept this provision. At least, I hope he will.

Mr. MOORE. Mr. Chairman, under general leave and following up the argument of the gentleman from Iowa [Mr. GOOD], I submit the following letter from a large Philadelphia concern relating to the placing of biscuits, bread, and wafers on the free list:

PHILADELPHIA, PA., *May 3, 1913.*

Hon. J. HAMPTON MOORE, M. C.,
Washington, D. C.

DEAR SIR: You are, of course, aware that the present tariff duties on imported biscuits are as follows:

Biscuits, bread, wafers, cakes, and other baked articles when sweetened with sugar, honey, molasses, or other similar material, the selling price of which biscuit is based at 15 cents per pound or less, the present duty is 3 cents per pound and 15 per cent ad valorem.

Some articles valued at more than 15 cents per pound the present duty is 50 per cent ad valorem.

Biscuits, wafers, cakes, etc., not otherwise mentioned the present duty is 20 per cent ad valorem.

This indicates that every kind of sweetened biscuit imported from a foreign country pays a duty based upon its valuation.

Under the new tariff bill now being considered for revision at Washington, Schedule G, item 203, reads "biscuits, wafers, etc., combined with chocolate, nuts, fruit, or confectionery of any kind, and without regard to the component material of chief value, 25 per cent ad valorem."

ITEM NO. 430.

"Biscuits, cakes, etc., not especially provided for in this section will be admitted free of duty."

This practically means that Schedule G, item 203, will result in a decrease in the duty of more than 25 per cent.

Item No. 430 will involve a decrease in duty of over 20 per cent.

We have it upon reliable authority that the most skilled bakers in foreign countries do not receive on an average over $7.50 per week, and that a great many bakers are working at a wage of from $5 to $6 per week.

Compared with this wage schedule the best bakers in this country, as you know, receive from $15 to $30 per week, and this enormous difference in the wages would impose a severe handicap upon any American manufacturer.

Should this reduction in tariff come about it will make it comparatively easy for a foreign manufacturer to come in and compete with us, particularly since they have a very much lower wage schedule than we have.

As you perhaps know, we have large manufacturing establishments in each of the following cities: Boston, Mass.; Chicago, Ill.; Kansas City, Mo.; Omaha, Nebr.; Chelsea, Mass.; St. Louis, Mo.; Minneapolis, Minn.; and Dallas, Tex.; employing many thousand people, and should the proposed reduction come about it would naturally throw a great many of these people out of employment, or in any event, of course, would force very heavy reductions in salaries paid in order to meet such competition.

We particularly bring your attention to the fact that the value of imported biscuit consumed in the United States is very small, and the effect of the reduction in tariff would be but of little benefit to the general public, while on the other hand American biscuit manufacturers are placing goods on the market annually to the value of about $100,000,000.

We feel that the existing schedule of tariff on biscuit products is entirely satisfactory, and we sincerely hope that the present schedule be maintained, and we earnestly solicit your cooperation and efforts to see that no change is made.

Thanking you for your attention and consideration, we are,

Yours, very truly,

LOOSE-WILES BISCUIT CO.

Mr. MANN. I yield five minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I had an amendment which I expected to introduce, but it embodies substantially the provisions of the amendment introduced by the gentleman from Iowa [Mr. GOOD], and I therefore wish to speak in favor of his amendment and shall not introduce the one I had in mind.

It seems to me, Mr. Chairman, that this amendment is of tremendous importance. It is not a matter that goes to the question of a protective tariff or a revenue tariff, but it goes simply to the question of the maintenance of the public health.

My attention was most forcibly called to this situation not long since by a discussion which I saw in one of our leading agricultural papers, which article I shall insert in the RECORD. The article, in full, is as follows:

FREE MEATS.

In connection with the effort now being made to encourage the importation of meats by removing the duty therefrom it will be well for the public to stop and consider the influence such a change might have upon the health of our people. In the United States to-day we have the most rigid and effective system of meat inspection that is maintained in the world. It is admittedly the most thorough, and has been brought to its present high standard of efficiency at an enormous cost to the Nation and its live-stock producers. The Federal appropriation for our meat inspection is annually $3,200,000. In addition to this the States and cities spend another million. Then there is annually condemned in Federal plants $3,000,000 worth of meats, the latter loss being borne by the stockmen. Without considering the meats condemned by State and city inspectors, we find the cost of our meat inspection to be $7,200,000 annually. All this is for the protection of the public health, and the money is well expended.

Now it is suggested that by placing meats on the "free list" we would import large quantities of meat from Canada, Mexico, China, South America, Australia, and New Zealand. With the exception of Canada, not one of these countries has what could be called a system of meat inspection, and most of them have no inspection at all. Canada had none until about three years ago, and even yet her system is not comparable with that in force here. Where any of these countries maintain inspection it is largely a farce, kept up for the issuance of certificates so as to facilitate the export of meats.

The law under which our meats are inspected does not cover imported meat, and the inspection of such meats is provided for only in the pure food and drug act, under direction of the Bureau of Chemistry. This bureau requires imported meat to be accompanied by a certificate of inspection, but it accepts certificates from countries having no adequate system of inspection. In fact, none of these countries can supply a certificate of inspection that is worth anything as a guaranty of the purity of the meat. Under existing regulations this meat is inspected on arrival here, but this inspection is only to determine its state of preservation. Inspection of the meat itself can determine nothing else. We are therefore without any adequate law covering the inspection of imported meats, and in the absence of such a law, under free trade, this country will become the dumping ground for the diseased and filthy meats of the world.

What we most need is an amendment of the meat-inspection act of 1906 so as to require that meat can not be imported except from countries which maintain a standard of inspection equal to that in force in this country. Such an amendment must give our meat inspectors full authority to keep close supervision over the system in force in other countries.

Germany excludes foreign meat not by a tariff but through sanitary regulations that no country can comply with. We do not advise such measures, but the American people have a right to insist that imported meats shall carry the same freedom from disease as is demanded from our own meats.

In this ably written article attention is called to the fact that our meat-inspection service is now costing us something like $3,200,000 per annum. As the gentleman from Iowa [Mr. GOOD] has lucidly explained, we have a splendid inspection service. Our meat inspection is not simply inspection of the carcass, but it is an inspection of the live animal. I venture to say that it is not possible to have a satisfactory meat inspection when that inspection is limited simply to the meat. There must be an inspection of the animal before it is slaughtered.

In this country not only is the Government now spending $3,200,000 per annum, but in addition to that last year there were condemned as unfit for food the carcasses of slaughtered animals worth $3,000,000, which loss was borne, uncomplainingly, by the stockmen of this country. And yet we are proposing to say by this bill, by this provision in it, that the stockmen of the Argentine, New Zealand, and elsewhere shall be allowed to send in their meats free of duty and practically without inspection. If this bill shall pass, undoubtedly there will be large importations of meat from Canada, from New Zealand, from Mexico, from Central America, perhaps, and certainly from South America; and so far as I am informed there is not one of those countries, with the possible exception of Canada, that has any meat-inspection law worthy of the name, and the Canadian meat-inspection law is not at all satisfactory.

So far as I am informed there is absolutely no inspection in Argentina, New Zealand, or any of those places. As the gentleman from Iowa has pointed out, the only thing upon which we would have to rely would be the provisions of the pure food and drugs act, under the authority of the Bureau of Chemistry and all that bureau can do is to inspect the meat to determine whether or not improper preservatives are used. They can tell nothing about the health of the animals. They can simply tell whether the meat appears to be in proper condition for food, and whether or not it is decomposed, but they can not tell anything about the health of the animal.

It seems to me that this is a matter clearly above the range of politics; that it is a matter that pertains to the public health. As I said, we have a splendid meat-inspection service. We de-

manded it and we ought to have had the law long ago. It was finally put on the statute book by the Republican Party. Now we have the law and it is in successful operation at a tremendous expense to the Government of the United States and to the various States and cities who have their own inspection law, in order to do what? Not to protect any industry; it is not a question of the tariff, but to protect the public health and to protect the lives of the people that are to eat this meat. If we should pass this bill without the amendment proposed by the gentleman from Iowa, we should simply open the gates so that the stockmen of New Zealand and Canada and Mexico and the Argentine can send their meat in here absolutely duty free and without inspection. I do not believe that the gentlemen who prepared this bill intended that that should be done, but obviously that is the effect of the provisions of the bill. I do not believe that that aspect of it has been called to the committee's attention, and therefore I hope that the amendment that has been offered by the gentleman from Iowa will be accepted by the committee and written into the law in the interest of the health of the people of the United States.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, sometime ago I introduced a bill at the beginning of this Congress prohibiting the importation of fresh and cured meats into the United States unless some provision was made at the point of slaughter and preparation substantially in conformity with the provisions of the meat-inspection law of the United States. I have prepared an amendment which I intended to and I think I shall still offer at the proper time, on page 204, as a separate paragraph following subsection 1 of section 8, which prohibits the importation of neat cattle and hides from any foreign country until such time as the Secretary shall officially determine and give public notice that such importation will not tend to the spread of infectious diseases among the cattle of the country.

It seems to me that perhaps that is a proper place in the bill for an amendment of that sort.

But I do hope that the amendment offered by the gentleman from Iowa will be adopted at this time and place. If it is it will be unnecessary for me to offer the amendment that I have prepared. But in case the gentlemen conclude that they have not had time to examine the matter carefully, and therefore can not accept it at this time, I hope before we reach the other section that they will have given the matter some attention and will realize its importance and will accept the amendment then if they do not accept the amendment now offered.

It is of the very greatest importance, if we are to have the free importation of meats in the United States—and I am not in favor of that, but the majority has willed it and I suppose it will be done—if we are to have free importation from all the world it is not asking too much of foreigners to ask that they shall have the meats they send as carefully and thoroughly inspected as the American must have his meats inspected at the place of slaughter here at home.

It is an amendment in the interest of the health of the American people. Gentlemen on the other side have from time to time insisted that the sole motive that had actuated them in the preparation of this bill was the welfare of the people. Assuming, for the sake of argument, that that is so, they certainly can not desire to expose the people of the country, and particularly the people in the crowded, congested districts of the great cities, to the dangers that will beset them from Argentina and Australia, where they can slaughter animals that are diseased and ship them here with no examination but that provided for under the pure food and drugs act.

As the gentleman from Iowa [Mr. GOOD] and the gentleman from Ohio [Mr. WILLIS] have clearly explained, that examination in the very nature of things can not be sufficiently efficient to be amply protective of the health of the people. Meats from tubercular cattle, after they have been cooled and chilled and preserved—if they are preserved—retain no trace whatever of the diseased character of the meat. The only way in which we can be protected from these great dangers is by the form of inspection that we require in our own country, and I call upon the gentleman from Alabama [Mr. UNDERWOOD] and his colleagues, if they insist upon putting these articles on the free list, that they provide that they shall be shipped here in a pure and healthful state.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. UNDERWOOD. Mr. Chairman, meat may be more dangerous to health when untaxed than when it is taxed, but people usually do not consider it so. There was $816,958 worth of meat imported into the United States last year that paid a tax. The gentlemen on that side of the House are responsible for the laws of the country up to this time for the last 20 years, because they have been in control of the Government and we have not, and every word that has been said on the other side in the last 20 minutes, if it were true—that these meats can come in now and endanger public health—is an indictment against the Republican Party for not protecting the health of the American people. [Applause on the Democratic side.] But, fortunately for them, the indictment that they bring against themselves is not true. They have overlooked a law that this side of the House helped them put on the statute books some years ago, known as the pure-food law of this country. Section 11 of that act provides:

> Meat and food products imported into the United States shall be accompanied by a certificate of official inspection of a character to satisfy the Secretary of Agriculture that they are not dangerous to health, and each package of such articles shall bear a label which shall identify it as covered by the certificate, which certificate shall accompany or be attached to the invoice on which the entry is made.

Therefore, unless there is a certificate accompanying each shipment of meat into the country to-day, whether it is taxed or untaxed, the Secretary of Agriculture can prohibit its entry into the United States unless he is satisfied that it will not be injurious to health. That being true, I think it is absolutely unnecessary for us to debate an amendment that really is not germane to this bill and has not had careful consideration, that is offered here in a perfunctory manner, without opportunity for the committee to consider it.

No gentleman on that side of the House appeared before the Committee on Ways and Means, which announced over two years ago that we intended to put meat on the free list, to ask us to protect the health of the American people, which they are now complaining about, although some of the distinguished gentlemen who have been involved in this debate appeared before the committee and asked us to protect certain interests in their own States from competition from abroad.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I will yield for a question.

Mr. MONDELL. The gentleman did not intend to say that he was reading from the law a moment ago, did he?

Mr. UNDERWOOD. The pure-food laws, with rules and regulations.

Mr. MONDELL. Oh, he was reading a regulation.

Mr. UNDERWOOD. That accompanies the law.

Mr. MONDELL. If the gentleman will read the law, he will find that regulation could not be enforced in that form if any one resisted it.

Mr. UNDERWOOD. Of course, the gentleman now not only indicts his own side, as he did a few moments ago, but he is now proceeding to indict the law he put on the statute books himself.

Mr. MONDELL. Does not the gentleman make a distinction between a law and a regulation?

Mr. UNDERWOOD. Your Secretary of Agriculture, a very distinguished Secretary of Agriculture, from the State of the gentleman from Iowa who has just made this indictment, is the man who wrote this regulation.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I can not now. I will say this to the gentleman: Of course, I understand that this proposition is introduced to try and create an issue. You do not dare stand up and say you are not in favor of free meat to the American people, but you are trying to create a side issue.

The distinguished Secretary of Agriculture from the State of Iowa wrote this regulation in conformity with what he believed he was authorized to do by the law which you enacted, and I will say to you that we do not propose at this late hour to attempt to revise a law without careful consideration. But the Democratic Party will have your law carefully investigated by a Democratic Secretary of Agriculture, who thoroughly understands his business, and if it is necessary to protect the health of the American people, the Democratic Party will write a law on the statute books that protects them. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. GOOD. Mr. Chairman, I demand tellers.

The CHAIRMAN. As many as are in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer an amendment. I move to strike out the paragraph.

Mr. MANN. I yield the gentleman three minutes.

Mr. GOOD. Mr. Chairman, it is evident that that side of the House is not interested in any provision that provides for the

health of the American people. [Laughter on the Democratic side.] The only interest that appeals to that side of the House is the question of prices. When you touch the question of the high cost of living in this bill you have touched the point that appeals to the gentleman from Alabama. This Democratic circular which I called attention to the other night [laughter on the Democratic side] has a great many items in it that refer to the meat schedule. Why, what did the circular do? It led the voters to believe that the Payne law increased the tariff on fresh meats. On the contrary, the Payne law reduced the tariff on fresh meat 25 per cent.

Now listen to this Democratic logic. They say that the reduction of 25 per cent in the tariff on fresh meats was followed by an increase in the price to the consumer of 150 per cent. Now, I would like to ask the gentleman if a decrease of 25 per cent in the Payne law on fresh meats increased the price to the consumer 150 per cent, how much will it increase the price to the consumer by striking the tariff all off? [Applause on the Republican side.] But this whole proposition is false. It is also amusing, about as amusing as a little incident I heard the other day of a church congregation that had an economic craze. The church wanted to buy a new hymn book, and a man came around and said he would give them hymn books free if they would let his firm print an advertisement in it. They said all right, and in due time the books came, and the first Sunday morning after the hymn books arrived the choir rose in its place and sang:

Hark! the heavenly angels sing,
"Beecham's pills are just the thing!
Peace on earth and mercy mild,
Two for a man, one for a child."

[Laughter.]

The congregation repudiated the hymn book, and the people of the United States will repudiate the tariff bill, written on a platform such as the one you present to the American people. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, the gentleman from Alabama referred to the pure-food law and, addressing this side of the House, referred to it as "your law." He never uttered a truer utterance. It was the Republicans who wrote the pure-food law upon the statute books without much help from the other side of the House.

Mr. UNDERWOOD. We gave you our votes, that is all.

Mr. MANN. No; you did not give us all the votes by any means.

Mr. UNDERWOOD. Practically all.

Mr. MANN. Mr. Chairman, this bill puts sheep upon the dutiable list at 10 per cent; it puts mutton upon the dutiable list. If you kill a sheep you can bring in the wool free, you can bring in the mutton free, you can bring in the blood free, you can bring in the bones free, you can bring in the intestines and their contents free, you can bring in the hoofs free, you can bring in the skin free, you can bring in the tallow free, you can bring in the horns free; I do not know whether there is a tariff on the bleat or not, but there is nothing else that is not free after the animal is slaughtered, and yet you propose to put a tariff upon the live animal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 549? If not, the next paragraph is 552.

The Clerk read as follows:

552. Milk and cream, including milk or cream preserved or condensed, or sterilized by heating or other processes, and sugar of milk.

Mr. MOORE. Mr. Chairman, I offer this amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 115, line 23, after the word "cream," strike out the remainder of the paragraph.

Mr. MOORE. Mr. Chairman, President Wilson in his celebrated address from "the throne" declared against "hothouses" and any "artificial arrangement" by which we may progress in this country, and the committee in the formation of this bill in paragraph 553, "mineral salts obtained by evaporation," and so forth, has lived up to the President's philosophy. It provides, with reference to mineral salts, which are used in many instances by and for the sick, that an authenticated certificate shall be produced and satisfactory proof had that they, the mineral salts, are "in no way artificially prepared."

Thus the committee and President Wilson agree in regard to "artifice" in a constructive work of this kind. Paragraph 552, preceding the one referred to, puts "milk and cream" on the free list and provides that they shall be admitted free, "including milk or cream preserved or condensed or sterilized by heating or other processes, and sugar of milk." In other words, milk and cream which are produced from the cows of Germany, Holland, Canada, or elsewhere may be condensed or sterilized and put into cans, if you please, by those artifices presumed to be superior to ours and transported across the water and sold to the consumers of the United States. But apart from the inconsistency shown in these two paragraphs, which are in juxtaposition here, is the fact that we condense and sterilize milk in the United States. We are amply able to do the work here, and we do it successfully and as well as it can be done in Holland, in Germany, or England, or Canada. Whether the philosophy of the President has slipped a cog or not, we ought to permit the American condenser and sterilizer of milk to do business here at the same old stand. It would give us milk a little fresher, it would give us a better chance against deterioration, and it would aid us in the matter of pure food.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 552? [After a pause.] If not, are there any amendments to 553? [After a pause.] If not, are there any amendments to paragraph 557?

Mr. MOORE. Yes, Mr. Chairman. I offer this amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 116, lines 16 and 17 and 18, strike out the paragraph which reads as follows:
"Moss, seaweeds, and vegetable substances, crude or unmanufactured, not otherwise specially provided for in this section."

Mr. MOORE. Mr. Chairman, a large number of men are engaged, along the Atlantic seaboard, at least, for I have seen many of them, gathering seaweeds and moss and vegetable substances during the summer time. They find a use for it in upholstery and other industries. In this occupation, which has grown rapidly in recent years, a large number of men obtain a livelihood. In this bill it is proposed to put moss, seaweeds, and vegetable substances on the free list, thus enabling those in foreign countries to send it here in competition with those who gather it here. If we refer to paragraph 383 in this bill we find there is a protection of 10 per cent guaranteed to the manufacturers of seaweed, moss, and vegetable substances brought in from other countries. As the tariff now stands, it is an inducement for those on the other side to send material in here. The manufacturer is protected, but the producer of the raw material is not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 557? [After a pause.] If not, are there any amendments to paragraph 559?

Mr. GREEN of Iowa. Mr. Chairman——

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 116, strike out paragraph 559, which reads as follows:
"559. Cut nails and cut spikes of iron or steel, horseshoe nails, hobnails, and all other wrought iron or steel nails not specially provided for in this section; wire staples, wire nails made of wrought iron or steel, spikes, and horse, mule, or ox shoes, of iron or steel, and cut tacks, brads, or sprigs."

Mr. GREEN of Iowa. Mr. Chairman, this is one of the paragraphs in this bill, or one of its provisions, which can do no one any good, which loses the Government some revenue, and harms a great many. I know of no object for its introduction, except some people claim that it might reduce the price to the consumer. It will not. Cut nails and cut spikes, horseshoe nails, wire nails, and wire staples are so cheap now that any reduction might be made in the wholesale price, and which would be free as a result of this provision, would not result in a reduction of price to the consumer.

But this is not the chief objection to this section. It is a repetition of what has been running all through this bill—a provision putting the tariff on the partly finished product, as was contained in the metal schedules, where all the articles out of which these articles are made are on the dutiable list, and the finished product described in this paragraph is made free of duty.

It seems to have been especially invented in order to benefit the Steel Trust, which controls the material out of which these articles are made, and to drive out the small manufacturers. It is a special invitation to every small manufacturer in these lines to move his plant over into Canada, where he can get this material without being subject to so many restrictions, or to

transfer his plant to some other country and then ship his product in here free of duty.

Now, what defense can there be for a provision like this? What excuse has been given anywhere along the line for paragraphs of this kind? Gentlemen on that side have sat still because they had no reason to give, and gave no excuse that would justify it. [Applause on the Republican side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 559? If not, are there any amendments to paragraph 567?

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

On page 117, lines 18 and 19, after the word "bean" in line 18, strike out the words "and olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes."

Mr. MOORE. Mr. Chairman, this is an object lesson in Democratic consistency, and I introduce the amendment very largely for the purpose of awakening the Democratic conscience.

Mr. KELLEY of Michigan. What is that? [Laughter.]

Mr. MOORE. The amendment provides for striking out the words "olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes." I understand the purpose of the Democratic Party, and the real purpose of this bill, to be to reduce the cost of living. Now, it is proposed to put on the free list olive oil that is rendered unfit for use as food, but which will be used "for manufacturing or mechanical purposes." Why does the Democratic Party throw this sop to the manufacturers? Why should the manufacturers have free olive oil which is unfit for use as food? If the Democratic Party wants to be consistent, and will be in this instance, it will adjust itself to paragraph 47, which provides that olive oils or fruit oils which come in for use as food shall be dutiable at the rate of 20 per cent. The food product is taxed at the rate of 20 per cent, but the manufacturer gets his oil free. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, I can not support the amendment offered by the gentleman from Pennsylvania [Mr. MOORE]. Olive oil rendered unfit for use as food or for any but for mechanical or manufacturing purposes is now on the free list in the Payne law.

When the chemical bill was presented by the Democratic side of the House it proposed to put this article upon the dutiable list, and the distinguished gentleman [Mr. HARRISON of New York] in charge of the bill stated that this drew the dividing line. "Why," he said, "should we place a tax upon olive oil used for food and permit olive oil used for manufacturing purposes to be admitted free?" "Why," he said, "should we charge the man a tax who eats oil and give free oil to the man who uses it in manufacturing?"

I offered an amendment to restore to the free list olive oil used for manufacturing purposes, or denatured olive oil; and I congratulate the gentlemen on that side of the House that their committee finally accepted the amendment which I then proposed. I was going to say I congratulate the distinguished gentleman from New York [Mr. HARRISON] on his change of mind, but I am told—although I do not know how correct the statement may be—that this change of putting denatured olive oil on the free list was made over his protest, notwithstanding he was in charge of the chemical schedule of the bill. I have been told that the arguments which I presented to the House a year ago in reference to a number of these items persuaded the other members of the Democratic end of the Ways and Means Committee, so that they overruled my distinguished friend from New York, and they decided to put these articles upon the free list, although he insisted that these articles used in manufacturing ought to be put upon the dutiable list. [Applause on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, I never realized how eloquent my words were until I heard them proceed from the lips of the gentleman from Illinois. [Laughter on the Democratic side.] And I venture to say if the gentleman from Illinois had been on the committee, making my speeches for me, olive oil, denatured, would have remained upon the tax list as it was on our bill last year.

But the gentleman from Pennsylvania [Mr. MOORE] in presenting this matter to the House entirely overlooks or neglects to state that denatured olive oil has been on the free list ever since the days of the Wilson bill. It has been in the Dingley bill and in the Payne bill, and our bill only proposes to continue it in the same place. [Applause on the Democratic side.]

Now, on the olive oil that is used for food, the Republicans left a tax which equals 40 per cent ad valorem, and we have reduced that to 20 per cent ad valorem. Under these circumstances I can not see the force of the gentleman's argument. [Applause on the Democratic side.]

Mr. MANN. The other people see it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. KAHN rose.

The CHAIRMAN. The gentleman from California [Mr. KAHN] offers an amendment.

Mr. KAHN. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. I ask unanimous consent that debate on this paragraph may close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and all amendments thereto be closed in five minutes. Is there objection?

There was no objection.

Mr. KAHN. I notice, on page 118, line 1, the words—

And also spermaceti, whale, or other fish oils of American fisheries.

In an earlier part of the bill, page 9, paragraph 45, whale oil is to come in at 5 cents a gallon. Under the Payne bill whale oil comes in at 8 cents a gallon. Under that provision of the Payne law a new industry was started on the Pacific coast. A company known as the Tyee Co. was organized to manufacture whale oil. That company built several American vessels in American shipyards and paid $80,000 apiece for their construction.

There is a competing company operating in British Columbia that buys similar ships in Norwegian shipyards and pays therefor $23,000 each. That company also employs a Chinese crew and pays Chinese wages. The American company paid the wages that prevail on the Pacific coast. It also fed its employees at a cost of $1 per day for each man employed, while the Chinese employed by its Canadian competitor fed themselves. It also has had to pay the duty under the law for the harpoons, the hemp lines, and the bombs that are used in the business, and thus the expenses of the company were very considerable.

The company created a market in the United States for whale oil. It is used in the manufacture of liquid soap. The company was compelled to sell its first production at a loss to Glasgow manufacturers, because there was no demand for it in this country; but during the past two years it has been able to dispose of its product at remunerative prices to the soap manufacturers of the United States. The men who had invested their money in the business felt they had established a new American industry.

When it was found that the Democrats had obtained possession of Congress in both branches and that a Democratic President was elected the company realized that there would be a reduction in the duty on whale oil. The company had to fit out in March to do business, because the ships go to the Arctic Ocean to catch the whales there and render out the oil. This year they would have expended $150,000 in purchasing supplies and paying wages to American workmen. But realizing that the duty was to be cut, they found that it would be impossible for them to continue in the business. They did not expend a dollar in outfitting; they engaged no crew; they refused to advance $150,000 that would have been required to proceed in their business, although that business had been placed on a paying basis. They are selling out all of their supplies and their ships, and they have gone out of business.

The cut from 8 cents to 5 cents per gallon has put them out of business; they went out of business in anticipation of this cut. Yet gentlemen on the other side say that the fact that the Democrats elected a Congress and a President in 1892 had no effect upon the business of the country, because the Wilson tariff was not enacted until 1894. But I want to show the House a practical demonstration of the fact that men will not put their money into enterprises when they realize that a political party is put into power that will cut the duty so that an American industry can not be continued profitably. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, has the time expired?

The CHAIRMAN. There are two minutes remaining yet.

Mr. UNDERWOOD. Mr. Chairman, I will take advantage of the two minutes remaining to say that I regret that the gentleman from California [Mr. KAHN] has got himself in such a stew over this matter. His constituents certainly were not mind readers. They started to go out of business before this bill was introduced, and not all the items in this bill have re-

duced the Payne rate; so they still had a chance. But I think the gentleman from California has most successfully demonstrated the fact that his constituents were busted and going out of business before this bill started. [Applause on the Democratic side.]

Mr. KAHN. Will the gentleman yield?

Mr. UNDERWOOD. I do not think there is anything to yield for.

Mr. KAHN. As a matter of fact, the company sent one of its representatives to appear before the Ways and Means Committee when you had hearings in anticipation of preparing this bill, and they were so well satisfied, as a result of the hearings, that the rates were to be cut that they decided to go out of business.

Mr. UNDERWOOD. No; but, as a matter of fact, I do not think the committee or any member of it had reached any conclusion on whale oil at that time, and no decision was rendered to the public in this matter until the 7th day of April, before which time your constituents had busted. The gentleman ought not to charge the bust to the Democratic Party. [Applause on the Democratic side.]

Mr. KAHN. Well, they were pretty well-to-do before that.

The CHAIRMAN. The pro forma amendment will be withdrawn. Are there any amendments to paragraph 567? If not, are there any amendments to paragraph 572?

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 118, line 15, after the word "bags," strike out the words "used chiefly for paper making."

Mr. MOORE. Mr. Chairman, I am persuaded that the newspapers of the country, which the Democratic Party is now trying to serve, are not wholly unanimous as to the reduction of duty on paper stock, print paper, wood pulp, and things of that kind, and it may be that the party is overstepping the mark if it expects to have the united support of the journalists of this country.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. UNDERWOOD. Do we have the support of the gentleman from Pennsylvania in putting print paper valued at less than 2½ cents a pound on the free list? Can not the gentleman from Pennsylvania join with us in that effort?

Mr. MOORE. I am frank to say that you do not have my support in any proposition that is not amply protective. [Laughter.] Mr. Chairman, I hold in my hand a statement from the leading progressive newspaper in the United States; I may say it is the organ of the Progressive Party—the North American, of Philadelphia—whose fulminations each morning are the spirit and inspiration of those who believe in this holy cause. It is undoubtedly at variance with the Democratic Party on tariff matters, in that it charges the Democratic Party with bossism, and sets out a platform which undertakes to state its position, as follows:

"TARIFF SITUATION.

"This is apparently the Democratic policy as to the tariff:

"To pass the present bill, far superior to the Aldrich Act, by time-worn foes and caucus control.

"To resist all progressive amendments.

"To oppose all efforts to establish a nonpartisan tariff board of experts."

That is the first proposition. I have in my hand, now, a statement, double-leaded, from the same North American, a paper that is worth the 1 cent that we pay for it, which I send to the Clerk's desk to have read:

"AN ANNOUNCEMENT.

"Rumors are in circulation that the Public Ledger's advance to 2 cents a copy is only the first step toward similar action on the part of all other Philadelphia morning papers; that the change is to be made at different times, so as to avoid conflict with the Federal law against combinations. While we can not speak for any other paper, the North American has no intention of raising the price to 2 cents. The price of the daily North American will remain at 1 cent, although such a newspaper at such a price is the cheapest of all commodities. Since we did not find it necessary to make any change when the cost of the best quality of print paper, such as we always have used, was at high-water mark, we feel that an advance at the present time would be unwarrantable, in the face of probable reduction, due to new tariff regulations."

Now, Mr. Chairman, the Public Ledger is a great newspaper and it is worth 2 cents; I do not object to its raising its price. And the North American is a great paper and it is worth 1 or 2 cents, whichever it cares to charge, but it states that it does not intend to take advantage of the lower duty and thus increase the price to the consumer, as it charges the Ledger with doing. And so the North American is consistent in this respect and differs from other journals of the country. I quote from what it said in an editorial July 24, 1911:

"The North American, like every other American newspaper of large circulation, will be a beneficiary of the measure. But we must repeat what we have said over and over again during the debates in Congress. That merely because we consider honest and equitable a reduction of the paper schedules of the tariff which would save the North American large sums of money every year is no reason why this newspaper should give its indorsement to an agreement which is to our self-interest, but in nearly every other clause is a sham and a perversion of real reciprocity and an imposition upon millions of people.

"And this position we maintain in no holier-than-thou pose of saintly unselfishness, but in our fixed belief that the only permanently profitable way for a newspaper to act with the people is the square deal.

"We dissent emphatically from the view held by thousands of newspapers and thus expressed by the Hearst papers, whose benefits under the Taft pact are estimated at more than $400,000 annually:

"Having fought all other popular battles unselfishly, have we not earned the right to fight our own?"

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BURNETT. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] has vouched for the integrity and truthfulness of the Philadelphia North American, and has also stated that under the Payne bill the conditions of the wage earners are most excellent, and I want to read from that paper that he has vouched for an extract as to the conditions in Philadelphia. I read from the North American of the 28th of April. It can not be said that this is a last year's paper:

"Any large body of wage-earning families, if dropped below a now fairly well defined standard of living, speedily becomes a seed bed for the nurture of the inefficient and criminal individuals who are the bulk of the goods on sale in the business of prostitution. With low income belong overcrowding, bad sanitation, anemia, degenerating amusements, a shortened term of education, religious decay—all the conditions which work directly against health and decency; which corrupt the general morale of life among both children and adults as to modesty, reticence, cleanliness of mind and person, reserve or control of action; which make it almost surely a losing fight to try to raise a family of children to decency as it is understood among thoughtful wage earners.

"But for the existence of such conditions the commission would have been fatally limited in considering and publicly discussing the evils upon which rest the most hideous and humanly destructive of vices. How vitally it regards them is best evidenced by the fact that it constitutes as the cornerstone of its findings the need for a living wage, thus emphasized:

"Large groups of men in Philadelphia earn annually a wage about $200 below the amount estimated as a 'living' wage in this city for a family of father, mother, and three children. Such a family status as to income insures deterioration physically and socially for the individual and for the family as a unit and social group. Exceptions to this truth are negligible."

Mr. BURNETT. The gentleman from Pennsylvania stated that the North American always tells the truth.

Mr. MOORE. No; I did not. [Laughter.]

Mr. BURNETT. He is absolutely apologizing for his own witness. If he were a lawyer he would know that the invariable rule of law is that when a man introduces a witness he vouches for his integrity, unless the witness takes him by surprise, and the gentleman is never taken by surprise.

Mr. CULLOP. And he is not allowed to impeach him.

Mr. BURNETT. No; he is not allowed to impeach him; when he undertakes to impeach his own witness he impeaches himself. I believe in the integrity of the gentleman's witness against the statement of the gentleman himself. [Laughter.] Here is the witness, the very same witness the gentleman vouched for a minute ago. He undertakes now to say that it is a lying witness. I do not believe it. I believe his witness told the truth one time, and I think it tells the truth now.

Mr. Chairman, that is a deplorable condition, to think that in the city of William Penn and of the gentleman from Pennsylvania [Mr. MOORE]—the twins, Penn and the gentleman from Pennsylvania—there are actually men who, under the Payne law, are to-day earning $200 less than it takes to support them. I presume that the gentleman from his princely salary, and from that of the institutions and the steel trusts of his country,

will make up the difference and allow these people to keep from going to the poorhouse. At least, I hope he will do so. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, do I understand the gentleman from Pennsylvania [Mr. MOORE] offered an amendment to strike out paragraph 572?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 118, line 15, after the word "bags" strike out the words "used chiefly for paper making."

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. BUCHANAN of Illinois. Mr. Chairman, reserving the right to object, I should like to ask for five minutes.

Mr. UNDERWOOD. Mr. Chairman, I beg the gentleman's pardon. I will change my request and ask that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, shortly before the recess for dinner this evening the gentleman from Alabama [Mr. UNDERWOOD] made a statement in regard to the reasons why there should not be a tariff on fine cotton goods, and, as I understood it, he stated that it was because fine cotton goods could not be made in this country of as fine grade as they are made in lands across the seas. He stated the reason for that was that there was need of humidity in the atmosphere, which was provided in foreign lands, but could not be produced in this country either naturally or by a humidifying process, this being necessary for the successful manufacture of fine cotton fabrics in this country.

Mr. Chairman, I wish to state for the information of the Chairman and for the information of the committee that in the city of Fall River there are very many of the 111 cotton mills located there which make the finer grades of cotton yarn that are equal to any cotton yarn made anywhere in the world, and in the adjoining city of New Bedford, about 12 miles away, there are a large number of cotton mills, nearly every one of which makes the finer grades of cotton yarns and the finer grades of cloth, not equaled anywhere else in the world. Since 1909 more than 15 mills, of a million dollars' capital each, have been built in New Bedford for the purpose of manufacturing fine cotton goods.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly.

Mr. DONOVAN. I wanted to call the attention of the chairman of the Committee on Ways and Means to the statement of the gentleman from Massachusetts, because it is a direct contradiction of the position the chairman of the committee took in regard to the manufacture of cotton just before the recess.

Mr. UNDERWOOD. Mr. Chairman, I will state to the gentleman that I stated that a great many gentlemen gave a great many reasons why this could not be done, and that this is one of the reasons why it can not be done. The reasons impressed me, whether it impresses the gentleman from Massachusetts or not.

Mr. GREENE of Massachusetts. There is no need for any attempt to make an impression upon me, because I have eyes and ears. I see this process of the manufacture of the finer grades of cotton goods every day when I am at home. The business is carried on there, and I will state to the gentleman that humidifiers are successfully used every day in a great many manufacturing cities and towns in the United States.

The Almighty has furnished the district which I have the honor to represent and also the district represented by my Democratic colleague, Mr. THACHER, with an atmosphere which makes this section of Massachusetts the center for manufacturing cotton goods, and nothing like the atmosphere that exists there can be produced by machine humidifiers; but I will state further that humidifiers are used in the city of Woonsocket, which is represented on this floor by Mr. KENNEDY, of Rhode Island, and they are used successfully very largely throughout the Southern States, where Mr. Parker, who appeared before the Committee on Ways and Means, makes cotton goods of the finer grades of yarn that are coming in competition with the finer grades that are made in Fall River and in New Bedford; and if the gentleman had been familiar with the goods made there and had seen the samples of the goods made, he would not for one moment question the fact that they can make the cotton goods in many of the manufacturing centers in this country, and the reductions proposed in the bill now under consideration relative to cotton goods will make competition from abroad prove very injurious, not only to the manufacturers, but to every person employed in the mills, and I will add that the wages paid in these finer grades of goods are larger than paid in any other line of the cotton industry.

Mr. Chairman, if the Committee on Ways and Means had expeditiously and earnestly pursued their inquiries relative to the manufacture of fine cotton goods from American operatives and manufacturers instead of gaining their information as I very much fear from those who were more interested in the manufacture of goods abroad and who were anxious to enjoy the advantage of the American market, and provide competition which should stimulate the American manufacturer to use greater economy, I think they would have produced a better bill and the country would have had the opportunity to enjoy greater prosperity.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, on last Saturday evening, I believe it was, I stated that the working conditions in West Virginia in respect to miners were the worst anywhere in the country; that they were paid less. And I was replied to by gentlemen on the other side of the House that I did not know anything about West Virginia or enough about this tariff bill to have the right to vote on it. I have spent some time in securing statistics, and they bear out what I said on Saturday night, and more. I have a statement prepared here, but I want to say that in West Virginia they not only pay less per ton than any coal-mining district in the United States, but that the labor cost per ton in mining coal in the United States is cheaper than anywhere in the world.

Mr. LANGLEY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANGLEY. I happened to be out of the Chamber for a moment, and I want to know if the gentleman is discussing the coal question.

Mr. BARTLETT. Mr. Chairman, I raise the point that the gentleman can not interrupt the gentleman by a parliamentary inquiry, he can make the point of order.

Mr. LANGLEY. I do not want to do that.

Mr. BUCHANAN of Illinois. I trust that this will not be taken out of my time. I will give statistics and documentary evidence in proof of the statements which follow.

During the discussion of the tariff schedule on coal the gentleman from West Virginia [Mr. AVIS] complained very seriously about putting bituminous coal on the free list, charging that if this were done the mine workers employed in the mining industry of his State would suffer as a result. He further charged that myself or any other Democrat would not get an audience from the mine workers of his State if we were to favor this tariff schedule as it applies to bituminous coal. He further stated that the mine workers, regardless of their political beliefs, all favored a protective tariff on bituminous coal.

I have made some investigation to ascertain what advantages the present 45 cents per ton tariff rate has been to the mine workers of West Virginia. The coal produced for eastern shipments in competition with Canadian coal is mined chiefly in the nonunion coal fields of Pennsylvania, Maryland, and West Virginia, where worse conditions of employment prevail than in any mining section of this country.

I am going to prove to the satisfaction of every Member of this House that the conditions of employment and the general environment of the mine workers in West Virginia, in the very district that Mr. AVIS comes from, are a disgrace to American civilization.

During all these years the mine workers of West Virginia are supposed to have been protected by a tariff on coal; they have received the smallest wages of any mine workers in the United States. In proof of this the Census Bureau figures for the year 1912 show that the average wage cost of producing a ton of coal in West Virginia was 58 cents against 68 cents in Pennsylvania, 74 cents in Ohio, 81 cents in Indiana, and 82 cents in Illinois. The wages paid per ton in West Virginia is about 20 cents per ton less than the average price paid, taking all coal producing States as an average. In addition to being the poorest paid mine workers in the United States, an abundance of evidence can be produced to show that the coal companies maintain a system of peonage at the mines in the very district where the gentleman from West Virginia [Mr. AVIS] comes from. For more than one year the miners of West Virginia in the Kanawha field have been engaged in a strike for industrial freedom. They demanded the abolition of the guard system, which consists of a band of gunmen or thugs employed by

the coal companies to brutally beat or murder them, if necessary, should they rebel against the conditions of employment. They demanded honest weights, which means that the coal companies were stealing weight from them. They demanded the abolition of the company stores, commonly known as "pluck-me" stores, where the miner is finally robbed of the last cent of his earnings. They demanded a shorter workday. In other States mine workers have had an 8-hour workday since 1898. In West Virginia they are still required to work 10 or more hours. They demanded semimonthly pays and numerous other improvements in conditions.

The mine workers in West Virginia do not receive as good treatment as the negro slaves received from their masters before their emancipation. West Virginia seceded from Virginia because the citizens disagreed on the question of negro slavery, and I repeat that the conditions of the mine workers are worse than those of the negro slaves at any time in history.

In the district where the gentleman from West Virginia comes from martial law has been declared, and men and women charged with violation of law are tried by court-martial and sentenced to terms in the penitentiary. They are denied the rights guaranteed by the Constitution of the United States and of West Virginia. Mother Jones, the best-known and most-loved woman among the toiling miners of the United States, has been arrested by the military authorities and detained as a prisoner near the military camp for more than two months and denied the right of a trial by jury. This old gray-haired veteran, who has devoted her life to social uplift work, now in her eightieth year, is held a prisoner because she dared to raise her voice in protest against the wrongs and injustices inflicted on the mine workers, their wives, and families in West Virginia.

This is the condition that prevails in West Virginia, where the coal companies are howling for a protective tariff. In West Virginia, where the coal company corporations dominate the politics of the State, the coal companies get the benefit of the protective tariff, and they are then protected by the military authorities of the State in exploiting the mine workers and keeping them in a condition of slavery. The mine workers have no protection. Should they rebel against the conditions of employment enforced upon them they are beaten up, shot down, or ordered to leave the State. Anyone going from another State to assist them to organize for their protection is treated likewise.

Reports from the proceedings of the court-martial hearings recently held in the gentleman's district show that citizens of other States were deceived by the misrepresentation of labor agents in the employ of these coal companies, who induced them by flattering promises to go to West Virginia. Men passed through this very city, the Capital of the United States, who were held prisoners in the railroad cars at the Washington Union Station, taken into West Virginia mining camps, and there held against their will; men who never saw a coal mine were forced to go to work in them under threats of being killed. They were deprived of communicating with the outside world, and denied the privilege of leaving the place where they were detained at the mining camp under threats of being killed.

I have here copies of numerous affidavits presented at the court-martial hearings in the gentleman's district to prove my assertion. In addition to this, two men were recently convicted in the courts of Pennsylvania for violating the Mann white-slave act, and are now serving terms in the penitentiary, convicted for transporting a number of young women from towns in Pennsylvania to the coal-mining camps in West Virginia, to be used for immoral purposes. These girls were deceived and led to believe they would be given suitable employment in hotels.

Let me further add that West Virginia has the highest fatal-accident list per thousand employees of any other State in the Union or any other coal-mining country in the world, all of which is a discredit to the State. The mine workers need no protective tariff, but they do need the protection of our Federal Government; and I hope the Kern resolution now pending in the Senate will be passed and an investigation held, the results of which will shock every liberty-loving citizen of this and other countries. West Virginia might properly be termed the Siberia of America. The mine workers' organization, having 400,000 members, have not declared themselves against putting coal on the free list. No complaint has come to me or to any other Congressman to my knowledge, notwithstanding the fact that two representatives of this great organization are here permanently stationed in Washington to look after their interests.

Let the gentlemen from West Virginia notify the coal corporation to abolish the practices now in effect that make slaves of the mine workers; let them grant the same conditions of employment and wages that the mine workers have in other States; and it will not be necessary for them to pay immigration commissioners and other agents to induce immigrants to go to West Virginia to work in the mines; and the mining industry will not require a protective tariff, and the Republican governor of West Virginia will not be required to declare martial law or deny citizens of this country the rights and liberties guaranteed by the Constitution of these United States.

The following extract from the Literary Digest of April 5, 1913, relative to strike conditions in West Virginia, is further evidence of the un-American conditions which recently existed in the West Virginia coal fields:

Although the prolonged and warlike miners' strike in West Virginia seems to the press to be rapidly approaching a settlement, it promises to leave behind it a vital constitutional question which will not be answered until the United States Supreme Court has spoken. This question is, Can the civil law be suspended in time of peace and trial by jury for civilians be superseded by a drumhead court-martial? In the Paint Creek and Cabin Creek districts of Kanawha County, the scene of the rioting and bloodshed described in our issue for February 22, a state of martial law exists and justice is administered by a military commission. Among the many prisoners who have come before this commission are five labor leaders—"Mother" Jones, C. H. Boswell, John W. Brown, Charles Batley, and Paul J. Paulsen—who, after demanding in vain a trial by jury, have challenged its jurisdiction by refusing to put up any defense against the charge of murder conspiracy, thereby hoping to enable their lawyers to carry the case by appeal to the Nation's highest tribunal. John Brown, in a letter to his wife and published in the Socialist New York Call, makes clear his view of the situation in the following passages:

"If it was only myself personally that was concerned, I would, for the sake of gaining my liberty and being free to go to you and the children, go before this court and defend myself. Nor have I the least doubt in my mind that I would come clear. But, my dear, there are principles involved in this case infinitely deeper than the fate of any one citizen. If the capitalist class get away with this, then constitutional government is dead, liberty is dead, and justice for the working class is a thing of the past.

"Already have they scuttled the ship of state; they have strangled justice; they have cut the throat of liberty. They have stolen the jewel of liberty from the crown of manhood and reduced the victims of the burglary to slavery and to prison; and, I repeat, if we let them get away with it, then in the future, wherever and whenever the interests of the working class and the capitalist class reach an acute stage, out will come the militia, the courts will be set aside, and the leaders railroaded to the military bull pens and thence to the penitentiaries. Here lies the great danger.

"This case can not now be settled until it has reached the bar of the Nation's conscience. In order to do this the sleepy old public must have another victim. We boys have made up our minds to go to the pen; this will give the lawyers a ground to test the case before the Supreme Court, and we will trust to our comrades to keep up the agitation.

"The history of this case must go to the common people. It must be told o'er and o'er again, until the deafest ear will hear and the numbest brain will act. The American people must see Holly Grove and Hansford as I saw them of February 8, 9, and 10. They must not only see, but they must hear the moaning of the broken hearts and the wailing of the funeral dirge; they must see the hot tears of orphans and widows falling on the glassy eyes and bullet-mangled faces of dead husbands and fathers; they must see these tented dwellings in the dead of winter and the poor wretches that occupy them. Aye, they must not only see, but they must know the cause."

These prisoners will base their appeal, according to the United Mine Workers' Journal (Indianapolis), upon the following clauses of the constitution of West Virginia:

"The military shall be subordinate to the civil power, and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State. * * *

"The provisions of the Constitution of the United States and of this State are operative alike in a period of war as in time of peace, and any departure therefrom or violation thereof, under the plea of necessity or any other plea, is subversive of good government and tends to anarchy or despotism."

In the local courts the contentions of the prisoners have met with little encouragement. Judge Littlepage, of the United States circuit court, after first issuing a writ of habeas corpus on the theory that the defendants had a right to a trial by jury, reversed his opinion and decided that "a Federal judge has no right to interfere with a court-martial duly organized under the laws of the State," and at the same time the West Virginia Supreme Court of Appeals upheld the governor's right to declare martial law and to appoint a military commission.

Outside the State affected, however, we find a widespread tendency on the part of editorial observers to agree with the defendants that this suspension of civil law establishes a dangerous precedent. "This thing of trying civilians by court-martial is a dangerous proceeding, for, if allowed, there is hardly any limit to its abuse," remarks the Houston Post; and the New York Evening Post agrees that it is a "vicious practice." "West Virginia does what the United States can not do," says the New York World, "it suspends the civil law in time of peace." This paper continues:

"The President of the United States is specifically forbidden to suspend the writ of habeas corpus except in cases of invasion or rebellion. The governor of West Virginia exercises that power in the presence of a sordid disagreement over work and wages.

"There can be no such thing as martial law under Federal sanction even in time of war except in territory in which the civil authority has ceased. The civil courts of West Virginia, in full operation, are ignored by tribunals presided over by militiamen.

"More than the welfare of one monopoly-ridden State is involved in this tyranny. It menaces the peace of every State. It is a wrong that will rankle in millions of hearts. It is an injustice that will embitter political and industrial controversies from sea to sea. It is an error that even the most infatuated of employers must see can lead only to mischief and reprisal.

"The American people will not be denied trial by jury. They will not submit to despotism. If the puppets of privilege who now dragoon West Virginia do not know this, some of their powerful friends and backers among the coal magnates should instruct them speedily."

And in the Buffalo Express we find the situation thus tersely stated:

"The United States is at peace with all the countries of the world. Within our own borders there is no civil strife of which the Federal Government has taken cognizance. Yet in West Virginia a State mili-

tary commission may pass its judgment of life or death on persons who are accused of murder in connection with the strike riots in the Kanawha mining district. Among the defendants is Mother Jones, 'the angel of the miners.' The issue to be decided in a court-martial in her case is the same that arose at Lawrence during the trial of Ettor, Giovannitti, and Caruso. The right of free speech similarly was involved in the rioting at Little Falls. At Lawrence a jury of 12 men decided that the speeches of the defendants did not incite murder. In West Virginia the same question is to be decided according to military practices."

Although Gov. Hatfield has not seen his way clear to lift the edict of martial law imposed by his predecessor, his personal investigation of conditions and his blending of firmness with clemency are believed to have been large factors in bringing the difficulty as far along the road to settlement as it has come. Thus he has released, on promise to keep the peace, the majority of the miners held for trial by the military commission, and since his intervention the operators of the Paint Creek district have made concessions which bring between 3,000 and 4,000 miners back to work. This leaves about 7,000 miners of the Cabin Creek district still on strike.

In the Paint Creek region, according to Mr. John P. White, international president of the United Mine Workers, the demands of the men have in the main been granted. Among the points gained, we learn from the dispatches, are: The right to organize, payment twice a month, and the employment of checkweighmen. The character of these concessions, remarks the Springfield Republican, "shows that the coal companies in the West Virginia fields have been backward in the treatment of their employees compared with the Pennsylvania coal companies." In this connection the New York Tribune, which seldom sides with the strikers in a labor war, remarks:

"If anywhere in the world workmen need organization in order to protect their interests it is in the West Virginia coal-mining district, where the strike is. * * *

"In the West Virginia coal fields the mine operators are the landlords, the local merchants—for the miners trade at the company stores—and they are very much of the local government so far as there is any in those mountains. Indeed, they have always been a large part of the State government, too. Each way the miner turns he comes up against the employing corporation. When he rents a house it must be at the company's terms. When he buys food and clothes he must pay the company's prices. And when he seeks his legal rights, it must be from authorities that are likely to be subservient to the great local industry. It is a species of industrial serfdom to which he is subjected. * * *

"All American instinct for fair play opposes leaving workers as defenseless against aggression and oppression as these West Virginia miners, unorganized, are."

Memoranda relating to classification of mines according to the number of hours operated and the average expense at mines for salaries, wages, and other purposes.

The classification of mines according to the number of hours operated covers all the mines reported in each State. The number of hours reported by the mines is the number of hours per shift. Miners and miners' laborers—i. e., wage earners paid by the ton or by the mine car—are not held strictly to this number of hours work per day.

In regard to the average expense per ton for salaries, wages, and other purposes, it should be noted that all mines have been excluded from the accompanying tables for which the expense reported included the cost of making coke at the mines, i. e., the expense shown relates strictly to coal mining.

It should also be noted that those mines have been excluded from this table at which the production of coal was merely incidental to the development of the property.

The average expense per ton shown for wages is not the average amount paid per ton to miners and miners' laborers, but is the total of all wages paid. In addition to the amount paid by the ton or mine car to miners and miners' laborers this item of average wages also includes an average amount per ton paid to engineers, firemen, blacksmiths, carpenters, drivers, trappers, cagers, trackmen, tipple men, etc., i. e., men paid by the day, who constitute about 25 per cent of the total number of wage earners in the Ohio and Pennsylvania mines included in this table and 34 and 37 per cent of the wage earners in the mines of Maryland and West Virginia, respectively, included in this table:

Analysis of expenses of bituminous coal mines making no coke at mines.

	Average expense per ton of coal.			
	Total.	Salaries.	Wages.	Other.
Total	$1.03	$0.05	$0.79	$0.19
Alabama	1.14	.10	.80	.24
Arkansas	1.42	.06	1.11	.25
Colorado	1.29	.07	.95	.27
Illinois [1]	1.01	.04	.82	.15
Indiana	.98	.04	.81	.13
Iowa	1.62	.07	1.31	.24
Kansas	1.40	.04	1.17	.19
Kentucky	.91	.07	.67	.17
Maryland	.98	.05	.68	.25
Michigan	1.52	.05	1.22	.25
Missouri	1.56	.05	1.31	.20
North Dakota	1.25	.14	.89	.22
Ohio [1]	.96	.05	.74	.17
Oklahoma	2.01	.10	1.46	.45
Oregon	2.19	.16	1.76	.27
Pennsylvania	.91	.04	.68	.19
Tennessee and Georgia	1.03	.09	.72	.22
Texas	1.53	.09	1.17	.27
Virginia	.87	.07	.61	.19
Washington	1.61	.05	1.29	.27
West Virginia	.83	.06	.58	.19
Wyoming	1.27	.06	.91	.30
Other States [2]	1.29	.07	.99	.23

[1] Includes 1 operator producing a small amount of coke at mines.
[2] Includes California, Idaho, Montana, New Mexico, and Utah.

Number of bituminous coal mines operated specified number of hours per day.

	Total number of mines.	Number of mines operated—					
		Less than 8 hours.	8 hours.	9 hours.	10 hours.	12 hours.	Not specified.
Total	6,013	65	3,747	810	1,270	9	112
Alabama	203	2	37	51	103	3	7
Arkansas	69	.....	69	.....	.....	.....	.....
Colorado	155	.....	70	23	61	.....	1
Illinois	631	9	600	4	6	.....	12
Indiana	322	15	289	6	1	.....	11
Iowa	311	3	291	7	3	.....	7
Kansas	202	1	167	21	2	.....	11
Kentucky	310	3	93	85	127	.....	2
Maryland	70	1	5	11	53	.....	.....
Michigan	28	1	26	1	.....	.....	.....
Missouri	220	.....	192	18	2	.....	8
Montana	65	2	63	.....	.....	.....	.....
New Mexico	28	.....	3	10	14	.....	1
North Dakota	53	1	18	11	21	.....	2
Ohio	640	8	591	21	14	.....	6
Oklahoma	104	1	97	.....	6	.....	.....
Oregon	9	.....	7	1	1	.....	.....
Pennsylvania	1,509	14	904	310	268	2	11
Tennessee [1]	145	2	19	81	34	4	5
Texas	47	.....	27	2	16	.....	2
Utah	22	.....	19	1	.....	.....	2
Virginia	85	.....	3	11	68	.....	3
Washington	54	.....	51	1	1	.....	1
West Virginia	661	2	42	132	466	.....	19
Wyoming	65	.....	59	2	3	.....	1
Other States [2]	5	.....	5	.....	.....	.....	.....

[1] Includes 3 mines in Georgia. [2] Includes California and Idaho.

It seems to me that I have given sufficient information to satisfy any fair-minded person. The statement made by me Saturday night that the working conditions for miners were worse in the West Virginia mines than any other mining locality in the United States was a moderate statement, and I repeat that such a condition is a disgrace to American civilization, and should bring the blush of shame to public-spirited and conscientious people's faces.

I wish to here insert the dissenting opinion of Judge Ira E. Robinson, of the Supreme Court of Appeals of West Virginia, as further evidence that the constitutional rights and liberties that our Revolutionary forefathers spilt their blood for have been violated in the State of West Virginia.

DISSENTING OPINION OF JUDGE IRA E. ROBINSON, OF THE SUPREME COURT OF APPEALS OF WEST VIRGINIA.

The majority opinion boldly asserts that the sacred guaranties of our State constitution may be set aside and wholly disregarded on the plea of necessity. It had long been supposed that such a doctrine was forever condemned and foreclosed in this State. It was believed that the ringing denouncement against that doctrine in the opening sentences of our constitution was sufficient to bar it from recognition by any citizen, official, or judge. The unmistakable words were supposed to be too clear ever to endanger our people by a disregard of their meaning. Hear them: "The provisions of the Constitution of the United States and of this State are operative alike in a period of war as in time of peace, and any departure therefrom or violation thereof under the plea of necessity or any other plea is subversive of good government, and tends to anarchy and despotism." (Art. I, sec. 3.)

How closely akin are these words to those that were uttered by the Supreme Court of the United States shortly prior to the adoption of our constitution: "The Constitution of the United States is a law for rulers and people equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the government, within the constitution, has all the powers granted to it which are necessary to preserve its existence." (Ex. parte Milligan, 4 Wall., 120.)

A decision based on that which our people have so clearly condemned and inhibited from recognition in our State government, and which the highest tribunal in the land has so plainly declared to be pernicious and to have no place in our form of government, meets my emphatic dissent.

It is not difficult to comprehend why our State constitution contains such a clear and unmistakable protest against the disregard of constitutional guaranties under the plea of necessity. During the decade immediately preceding the making and adoption of that instrument this doctrine of necessity was a live issue before the American people. Indeed, just at the close of the Civil War, and immediately thereafter, the doctrine was one of the foremost issues of the times. Events brought it vividly before the Nation. Those who applied the doctrine during the war at its close for the summary trial and execution of noncombatants were met with the accusation of murder from both North and South. Even in one of the counties of this State a citizen was summarily deprived of his life under the plea of military rule and the doctrine that necessity suspended the constitution. Instances of this character, as well as the many instances of imprisonment without civil trial, caused the question to come immediately before the statesmen of the times and, by the debates upon it, to come directly before all the people. The people had become thoroughly familiar with the subject. Great men of the North, foremost among them the illustrious Garfield, had thundered against the doctrine. And at last the great judicial tribunal of the Nation had set its seal of condemnation upon it. (Ex parte Milligan, supra.) But even after this, and only two years prior to the assembling of our constitutional convention, the question came

again before the country in the celebrated cases in North Carolina arising from the use of the militia of that State in the suppression of the Ku Klux Klan. (Ex parte Moore et al., 64 N. C., 802.) These cases, because of the marked clash between the military power and the judiciary, again made the country to notice the question and to observe that the principle of necessity, though denounced by the Supreme Court of the United States, was claimed for the purpose of ignoring the guaranties of a State constitution. And again, in the face of the most stubborn resistance from the executive and military arm of the government of North Carolina, the principle that the plea of necessity could deprive one of constitutional trial by jury was rejected, with marked emphasis, in an opinion by the eminent Chief Justice Pearson of that State.

So it was that when our constitutional convention assembled in 1872 the persistent claim that necessity could abrogate a constitutional provision naturally came to be considered. That convention saw, by the recent example in North Carolina, that notwithstanding the condemnation that this doctrine of necessity had received from the greatest and most cautious minds of the country, it was likely still to be claimed in State government. Hence, the strong men of that convention deemed it essential to make clear pronouncement against such a doctrine ever finding hold in West Virginia. They had become fully advised about the question by having been face to face with it. The people who approved and ratified the constitution were advised by the same experience. They hated the doctrine that a constitution might be set aside or declared inoperative at the will of an official created by that constitution itself, as all lovers of constitutional government hate such a doctrine. Therefore, as a part of their compact of government, they adopted the forceful declaration against abrogating the guaranties of that compact, at any time, on the plea of necessity. Let us again bring that declaration to mind: "The provisions of the Constitution of the United States and of this State are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism." Can there be any mistake about the meaning of these words? Were they put in the Constitution for mere sound? No; they were put there to bind—to be sacredly kept.

Martial law can not rightly be sanctioned in West Virginia in the face of this constitutional declaration. For, as the majority opinion admits, martial law is a departure from the constitution, a plain violation thereof, under the plea of necessity. It substitutes the law of a military commander for the law of the constitution. It is the total abrogation of orderly presentment and trial by jury, so jealously guarded by the constitution. Then, since martial law is such a plain departure from the constitution, that instrument itself brands martial law as subversive to good government and as tending to anarchy.

Having made this general declaration against martial rule, the makers of our constitution went further. They provided that the privilege of the writ of habeas corpus should not be suspended. This was a radical change from the constitution of 1863, and was radically different from the Constitution of the United States. Our constitution of 1863 had provided: "The privilege of the writ of habeas corpus shall not be suspended except when in time of invasion, insurrection, or other public danger the public safety may require it." The Constitution of the United States provides: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." But in the making of our present constitution, in dealing with the great writ of freedom, no exception was made. Again unmistakable, imperative words were used: "The privilege of the writ of habeas corpus shall not be suspended." (Art. III, sec. 4.) The people clearly meant something by the change. They evidently meant exactly what they said—that the great writ, which any citizen deprived of his liberty without due form of law may command, should in no case be suspended under a claim of necessity for military rule. Having so plainly declared in general terms against the doctrine of necessity in the former provision, as we have seen, they made this provision as to the privilege of the writ of habeas corpus to conform to that former declaration. They well knew that the exceptions contained in their former constitution, if retained, would lead to the temptation of encroachment on the guaranties of the constitution they were making. By providing that the privilege of the writ of habeas corpus should at all times be available, they were simply again providing against the claim that constitution guaranties may be suspended on the plea of necessity; for, as long as the writ of habeas corpus is available, constitutional guaranties can not be ignored. That which Blackstone said about the constitution of his country is equally applicable to ours: "Magna Charta only, in general terms, declared that no man should be imprisoned contrary to law; the habeas corpus act points him out effectual means, as well to release himself, though committed even by the king in council, as to punish all those who shall thus unconstitutionally misuse him." (Book IV, 439.) This great, effective writ, by the terms of our State constitution, is always available to any citizen deprived of a constitutional guaranty. Since it is so available at all times, how can any departure from the constitution be allowed? Indeed the provision that the privilege of the writ of habeas corpus shall not be suspended is itself virtually a prohibition against martial law, for the availability of the writ and the recognition of martial law are totally inconsistent. "Suspension of the writ of habeas corpus is essentially a declaration of martial law." (Messages and Papers of the Presidents, vol. 10, p. 465.) "Promulgation and operation of martial law within the limits of the Union would necessarily be a virtual suspension of the habeas corpus writ for the time being." (De Hart's Military Law, 18.) "The declaration of martial law in the State has the effect of suspending it." (Cooley, Principles of Constitutional Law, 301.) "Practically, in England and the United States, the essence of martial law is the suspension of the privilege of the writ of habeas corpus; that is, the withdrawal of a particular person or a particular place or district of country from the authority of the civil tribunals." (Halleck's International Law, vol. 1, p. 502. See also May's Constitutional History, ch. 11.) The great Lincoln so understood it. In his proclamation he merely suspended the writ of habeas corpus. (Messages and Papers of the Presidents, vol. 6.) The founders of our State government really could have inhibited martial law by no stronger terms: "The privileges of the writ of habeas corpus shall not be suspended."

Not content with the two declarations against martial law which we have seen, the founders grew even more specific. They again said, "The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State." (Art. III, sec. 12.) There is no ambiguity in these words. He who runs may read. They directly strike at martial law; they directly inhibit martial law; for the height of martial law is the supplanting of the civil courts by military courts. But this provision expressly ordains that military courts shall never take the place of the civil courts of the State for the trial of civil offenses. No military sentence for a civil offense can rightly stand in the face of these words. Nor can these words rightly be overlooked in order to uphold any such military sentence. To do so is to make the constitution a rope of sand.

The men of the constitutional convention of 1872 had all witnessed the suspension of the privilege of the writ of habeas corpus and the trial and sentence of citizens by military courts. They had learned that departure from the constitution, though dictated by the best of motives, was liable to abuse. Experience admonished them to guard against anything of the kind in the future of their State. They no doubt believed that by the three provisions which we have noticed they had banished all claim for martial law in this State. Determination to do so was plainly dictated to them by the experiences through which they had passed. By those experiences they had come to know the truth of that which Hamilton had written long years before, "Every breach of the fundamental laws, though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers toward the constitution of a country, and forms a precedent for other breaches, where the same plea of necessity does not exist at all, or is less urgent and palpable." (The Federalist, No. 25.)

Can these direct provisions of our constitution be overcome by any implication that the people meant to retain martial law whenever an executive declared it necessary? Is there a presumption, as the majority opinion claims, against intent on the part of the people to abolish martial law? Can any such presumption prevail against the direct declarations which absolutely negative any such presumption? No; the principle of martial law can not be inherently connected with any constitutional government in which the constitution itself directly declares against the principle as our Constitution does.

It is said that the State must live. So must the citizen live and have liberty—the constitutional guaranties vouchsafed to him. The founders of our State government saw fit to exclude this claimed theory of implied or presumed right of self-defense in a State. They knew it to be absolutely unnecessary as to any State in the American Union under the Constitution of the United States. They knew that it was even more likely to lead to abuse than to good. They could well afford to disclaim it by positive prohibitions against its exercise; for the Constitution of the Union fully protected the State. Were they not consistent in denouncing and prohibiting a principle of self-defense wholly out of harmony with constitutional government and in relying on the safety vouched to the State by the General Government of the Union of which it is a part? Was not the guaranty of the great General Government sufficient for the continued life of the State? That guaranty speaks plainly, "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence." (Art. IV, sec. 4.) Does the State for its preservation need methods so at variance with constitutional guaranties as is martial law when it may obtain the power of the Union to suppress even domestic violence? Can not the militia and the United States Army pacify any section of the State, or the whole State, by methods strictly within the Constitution and laws? It was so believed when the Federal Government was formed. (Federalist, No. 42.) Referring to this guaranty by the General Government, a renowned author and judge says: "This article, as has been truly said, becomes an immense acquisition of strength and additional force to the aid of any State government in case of internal rebellion or insurrection against lawful authority." (Cooley, Principles of Constitutional Law, 206. See also 1 Tucker's Blackstone, App., 367.)

It is claimed that the power given by the constitution to the governor, as commander in chief of the military forces of the State, to call out the same to execute the laws, suppress insurrection, and repel invasion authorize a proclamation of martial law. Are these words to undo every other guaranty in the instrument? Can we overturn the many clear, direct, and explicit provisions, all tending to protect against substituting the will of one for the will of the people by merest implication from the provision quoted? That provision gives the governor power to use the militia to execute the laws as the constitution and legislative acts made in pursuance thereof provide they shall be executed. It certainly gives him no authority to execute them otherwise. In the execution of the laws the constitution itself must be executed as the superior law. The governor may use the militia to suppress insurrection and repel invasion, but that use is only for the purpose of executing and upholding the laws. He can not use the militia in such a way as to oust the laws of the land. It is put into his hands to demand allegiance and obedience to the laws. It therefore can not be used by him for the trial of civil offenses according to his own will and law, for so to use it would be to subvert the very purpose for which it is put into his hands. By the power of the militia he may, if the necessity exists, arrest and detain any citizen offending against the laws; but he can not imprison him at his will, because the constitution guarantees to that offender trial by jury—the judgment of his peers. He may use military force where force in disobedience to the laws demand it, but military force against one violating the laws of the land can have no place in the trial and punishment of the offender. The necessity for military force is at an end when the force of the offender in his violation of the law is overcome by his arrest and detention. There may be force used in apprehending the offender and in bringing him to constitutional justice, but surely none can be applied in finding his guilt and fixing his punishment.

It is further claimed that the statute which says that the governor may declare a state of war in towns, cities, districts, or counties where invasion, insurrection, rebellion, or riot exists is legislative authority for martial law. (Code 1906, ch. 18, sec. 92.) The readiest answer to this argument is that a declaration of war is not a declaration of martial law. The mere presence of war does not set aside constitutional rights and the ordinary course of the laws. Civil courts often proceed in the midst of war. Again, if the act could be construed to contemplate martial law, it would be plainly contrary to the provisions of the State constitution which we have noticed and would be utterly invalid. Moreover, it is not within the power of a State legislature, even when not so directly forbidden as is ours, to authorize martial law. Martial law rests not on constitutional, congressional, or legislative warrant; it rests wholly on actual necessity. Nothing else can ever authorize it. And that necessity is reviewable by the courts. These views are ably supported by one of the most thoughtful and impartial students of the martial law that recent years has produced—himself Judge Advocate General of the United States Army—G. Norman Lieber. In his learned review on the subject, published as a War Department

document, hereinafter to be specifically cited, he says: "It has also been asserted that the principle that the constitutional power to declare war includes the power to use the customary and necessary means effectively to carry it on lies at the foundation of martial law. I can not agree to the proposition. It is positively repudiated by those who justify martial law on the ground of necessity alone, and the Supreme Court of the United States stands committed to no such theory." This is high authority, coming, as it does, from a military source. The Judge Advocate General rests not content with individual assertions; he resorts to the decisions and to sound reasons for his conclusions. He repudiates the view of the minority judges in the Milligan case. He says further: "If the question were at the present time to arise whether the legislature of a State has the power to declare martial law, we would, in the first place, consult the Constitution of the United States, and there we would find this prohibition:

"'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State, deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.'

"The Constitution of the United States affords protection, therefore, against the dangers of a declaration of martial law by the legislature of a State as well as against the danger of its declaration by Congress. The principle holds true both as to the United States and the States, that the only justification of martial law is necessity.

"It is a well-settled principle that when a person is invested by law with a discretionary power his decision within the range of his discretion is conclusive on all, and therefore binding on the courts. This rule has been applied to the subject of martial law, and it has been contended that the officers who enforce it are acting within the range of their discretion, and are protected by the principle which makes them the judges of the necessity of the acts done in the exercise of a martial-law power. From my standpoint such an application of the principle is entirely wrong for the reason that if martial law is nothing more than the doctrine of necessity called out by the State's right of self-defense the officer can have no discretion in the matter. He will or he will not be able to justify according to his ability to prove the necessity for his act; he will find no toleration of the plea that the necessity for his act, and therefore its justification, can not be inquired into by the courts because he was acting within the sphere of his lawful discretion. The officer is not by any law vested with a discretion in this matter. Such a discretion and the doctrine of necessity can not exist together.

"But this necessity need not be absolute, as determined by events subsequent to the exercise of the power. The Supreme Court has, as we have already seen, laid down the rule much more favorable to the person using the power. It is worth repeating:

"'In deciding upon this necessity, however, the state of the facts, as they appeared to the officer at the time he acted, must govern the decision, for he must necessarily act upon the information of others as well as his own observations. And if, with such information as he had a right to rely upon, there is reasonable ground for believing that the peril is immediate and menacing, or the necessity urgent, he is justified in acting upon it, and the discovery afterwards that it was false or erroneous will not make him a trespasser. But it is not sufficient to show that he exercised an honest judgment, and took the property to promote the public service; he must show by proof the nature and character of emergency, such as he has reasonable grounds to believe it to be, and it is then for a jury to say whether it was so pressing as not to admit of delay, and the occasion such, according to the information upon which he acted, that private rights must for the time give way to the common and public good.' (Mitchell *v.* Harmony, 13 How., 427.)

"Under the Constitution of the United States there can never be any justification for the exercise of the military power to which these remarks relate other than the rule of necessity as thus applied."

In the North Carolina cases, supra, it was sought to justify the acts of the governor on provisions of the constitution and statutes of that State similar to those relied on in the cases before us; that is to say that the governor may call out the militia, and may declare a state of war to exist. But the constitution of that State provided exactly as ours provides: "The privilege of the writ of habeas corpus shall not be suspended." That which was said by the chief justice of North Carolina, in an opinion approved by his associates, aptly applies to our own Constitution and laws and to the cases under consideration:

"Mr. Badger, of counsel for his excellency, relied on the constitution, Article XII, section 3, 'The governor shall be commander in chief and have power to call out the militia to execute the laws, suppress riots or insurrections, and to repel invasion,' and on the statute of 1869–70, chapter 27, section 1, 'The governor is hereby authorized and empowered, whenever in his judgment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property, to declare such county to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress the insurrection'; and he insisted that:

"'1. This clause of the constitution, and the statute, empowered the governor to declare a county to be in a state of insurrection whenever in his judgment the civil authorities are unable to protect its citizens in the enjoyment of life and property. The governor has so declared in regard to the county of Alamance, and the judiciary can not call his action in question, or review it, as the matter is confided solely to the judgment of the governor.

"'2. The constitution and this statute confer on the governor all the powers "necessary" to suppress the insurrection, and the governor has taken military possession of the county and ordered the arrest and detention of the petitioner as a military prisoner. This was necessary, for unlike other insurrections, it was not open resistance, but a novel kind of insurrection, seeking to effect its purpose by a secret association spread over the country, by scourging, and by other crimes committed in the dark, and evading the civil authorities, by masks and fraud, perjury and intimidation; and that

"'3. It follows that the privilege of the writ of habeas corpus is suspended in that county until the insurrection be suppressed.'

"I accede to the first proposition; full faith and credit are due to the action of the governor in this matter, because he is the competent authority, acting in pursuance of the constitution and the law. The power, from its nature, must be exercised by the executive, as in case of invasion or open insurrection. The extent of the power is alone the subject of judicial determination.

"As to the second, it may be that the arrest and also the detention of the prisoner is necessary as a means to suppress the insurrection, but I can not yield my assent to the conclusion. The means must be proper as well as necessary, and the detention of the petitioner as a military prisoner is not a proper means; for it violates the Declaration of Rights, 'The privilege of the writ of habeas corpus shall not be suspended.' (Constitution, art. 1, sec. 21.)

"This is an express provision, and there is no rule of construction or principle of constitutional law by which an express provision can be abrogated and made of no force by an implication from any other provision of the instrument. The clauses should be construed so as to give effect to each and prevent conflict. This is done by giving to article 12, section 3, the effect of allowing military possession of a county to be taken, and the arrest of all suspected persons to be made by military authority, but requiring, by force of article 1, section 21, the persons arrested to be surrendered for trial to the civil authorities on habeas corpus should they not be delivered over without the writ.

"This prevents conflict with the habeas corpus clause and harmonizes with the other articles of the Declaration of Rights, i. e., trial by jury, etc., all of which have been handed down to us by our fathers and by our English ancestors as great fundamental principles essential to the protection of civil liberty.

"I declare my opinion to be that the privilege of the writ of habeas corpus has not been suspended by the action of his excellency; that the governor has power under the constitution and laws to declare a county to be in a state of insurrection, to take military possession, to order the arrest of all suspected persons, and to do all things necessary to suppress the insurrection, but he has no power to disobey the writ of habeas corpus or to order the trial of any citizen otherwise than by jury. According to the law of the land, such action would be in excess of his power.

"The judiciary has power to declare the action of the executive, as well as the acts of the general assembly, when in violation of the constitution, void and of no effect."

No power for the recognition of martial law could be found in our constitution, even were those provisions which directly condemn and prohibit it not in the instrument. To say that merest implication or presumption totally at variance with express inhibitions, and directly overthrowing all the important guaranties of the instrument itself, may be resorted to for the purpose of justifying martial law, introduces a new rule of constitutional construction. The constitutional purposes of the militia can not rightly be so subverted. True, the militia exists by the constitution. But that military establishment is not raised by it ever to take the place of the constitution, is creator. The mere raising of a militia does not signify, as the majority conceive, that it is raised for martial law. It is raised to enforce the laws by constitutional methods. It is raised to comply with the great military organization of the Federal Government under the provisions of the Constitution of the Union. (Art. 1, sec. 16.)

Let us look at some guaranties of our constitution that may now lightly be ignored by the force of the majority decision that may be cast aside by the governor of this State and he not be made to answer for ignoring them. Let us see what express words of the instrument other than those already observed are torn down by this resort to mere implication and presumption. Let us see provisions which the people as a whole deemed necessary for good government and sought to place beyond power of change which are now held to be under the control of the commander in chief of the militia by resort to a denounced plea of necessity judged by a single individual. It is well enough at least to preserve them here:

ART. 3, SEC. 4. * * * "No person shall be held to answer for treason, felony, or other crime, not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill of attainder, ex post facto law, or law impairing the obligation of a contract shall be passed."

ART. 3, SEC. 10. "No person shall be deprived of life, liberty, or property without due process of law and the judgment of his peers."

ART. 3, SEC. 14. "Trials of crimes and misdemeanors, unless herein otherwise provided, shall be by a jury of 12 men, public, without unreasonable delay, and in the county where the alleged offense was committed, unless upon petition of the accused, and for good cause shown, it is removed to some other county. In all such trials, the accused shall be fully and plainly informed of the character and cause of the accusation, and be confronted with the witnesses against him, and shall have the assistance of counsel and a reasonable time to prepare for his defense, and there shall be awarded to him compulsory process for obtaining witnesses in his favor."

ART. 3. SEC. 17. "The courts of this State shall be open, and every person, for an injury done to him, in his person, property, or reputation, shall have remedy by due course of law, and justice shall be administered without sale, denial, or delay."

Can the absolute, unrestrained, and unreviewable will of the governor be substituted for these provisions? That it may, is the decision of the majority of this court. One gross error of that decision is that it bases the right to martial law solely on the decision and proclamation of the governor and not on actual necessity. No mere decision or proclamation can justify martial law, even where it might be legally recognized. It can only be justified by the absolute necessity of fact for it. War may be so effective as to make the necessity for martial law. War must have made it wholly impossible to enforce or invoke the civil laws before martial law can be invoked. Even then, the military commander is accountable before the civil laws when the exigency has passed. His judgment as to the necessity may be reviewed. There must be ultimate responsibility. It is even so as to the suspension of the writ of habeas corpus, when a Constitution authorizes the suspension. (Cooley, Principles of Constitutional Law, 300.) The military commander may be compelled to show reasonable ground for believing that the infringement of personal and property rights was demanded by the occasion. (Stephen, History of Criminal Law, 214.) We have seen these principles enunciated by Lieber, above. (See also Ballantine, post.) And as long as there is a civil court that has the power to try an offender for breach of a civil law, martial law can not be applied for the trial of that offender. (Blackstone, Book I, 413.) If a civil court exists that may take cognizance, then necessity for martial trial does not exist. As long as the civil law can be executed by the presence and operation of civil courts, martial law, through military courts, can not take its place. Martial law can only operate where the civil law has become inoperative by the absence of courts. It is the actual, physical annihilation of the civil courts by the war that makes the only necessity upon which trial by martial law may ever be had. It is not merely the decision of the executive or the legislature that military courts will be more effective than the existing civil courts that can make the necessity. Nothing short of the absence of civil resort for trial can ever justify military trial of civil offenses. "If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war

really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this government is continued after the courts are reinstated, it is a gross usurpation of power." (Ex parte Milligan, supra.)

We shall now soon proceed to see how these principles, announced by the Supreme Court of the United States, sustained preeminently by the best thought of all constitutional government, as a research will show, apply to the cases of the petitioners, Nance and Mays. But before proceeding thereto it will be necessary to show the actual status of these cases. It may be inferred from the majority opinion that Nance and Mays are mere prisoners of war. They occupy no such relation. Nor are they merely detained by the militia in the suppression of riot, insurrection, or rebellion. Their petition for writs of habeas corpus and the returns of the warden of the penitentiary thereto make no such cases against them. Nor was it argued at the bar or in the briefs that they have any such relation.

It plainly appears that they are citizens of Kanawha County, not connected with the military service, charged before a military commission for violations within that county of certain provisions of the statutes of West Virginia amounting thereunder to misdemeanors, arrested by the militia, tried by military commission pursuant to the order of the governor, sentenced for specific terms in the penitentiary, and transported thereto for imprisonment for their respective terms of sentence by the approval of the governor as commander in chief, all at a time when the criminal courts of Kanawha County were open, able, and with full jurisdiction to try the charges against them. In other words, these petitioners are held, as the returns show, on specific sentences, one for five years, the other for two, in the penitentiary as civil offenders tried and committed by a military court under the guidance of the following military order:

STATE CAPITOL,
Charleston, November 16, 1912.

(General Orders, No. 23.)

The following is published for the guidance of the military commission organized under General Orders, No. 22, of this office, dated November 16, 1912:

1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

2. Cognizances of offenses against the civil law as they existed prior to November 5, 1912, committed prior to the declaration of martial law and unpunished, will be taken by the military commission.

3. Persons sentenced to imprisonment will be confined in the penitentiary at Moundsville, W. Va.

By command of the governor:

C. D. ELLIOTT, *Adjutant General.*

The returns of the warden do not pretend to justify his authority to hold petitioners other than under sentences for specific terms by this military commission. He justifies under no other commitments. It is to the commitments that we must look in these proceedings to determine the legality of the imprisonment. Says the great commentator: "The glory of the English law consists in defining the time, the causes, and the extent, when, wherefore, and to what degree the imprisonment of the subject may be lawful. This it is which induces the absolute necessity of expressing upon every commitment the reason for which it is made, that the court upon an habeas corpus may examine into its validity." (Blackstone, Book III, p. 133.)

What actual necessity justified the creation of this military commission and the recognition of its powers to supplant the civil courts? As we have seen, nothing but the complete lack of power of the civil courts for the trial of the charges against Nance and Mays, arising by the annihilation and inoperation of those courts, could, if martial law was at all allowable, justify their military trial and sentence. Could Nance and Mays have been tried for the offenses with which they were charged by the civil courts, under the ordinary forms of law, as an actual fact? We know by the record of these cases, we know judicially, that they could have been so tried. But an answer that is attempted is this, that the governor by his proclamation had set off the portion of the county in which the offenses were committed and the offenders were arrested as a martial-law district. Again we say the mere proclamation could not alone make the necessity. The physical status must make it. No physical status existed, like the destruction of the ordinary courts, to make it necessary to try Nance and Mays other than they would have been tried if no disturbances had existed in Cabin Creek district. Those disturbances had not interrupted the very court that would have tried them if there had been no such disturbances. Those disturbances did not physically prevent the transportation of Nance and Mays out of the riotous district to the county seat for trial. If they could be transported out of that district to Moundsville for imprisonment, as they were, they could readily have been transported to Charleston for trial. It is said that the process of the court was prevented from execution in that district by the disturbances. That made no necessity for trial there. Surely the militia, which was in possession of the district, could execute all process of the court or cause the sheriff so to do. That was a very proper sphere of the militia in a riotous district. (Ballantine, post.) It can legally assist in the execution of the process of the civil courts.

Thus, it may assist in the execution of the laws. But plainly it can not supplant operative civil courts. The militia must aid the courts, not supplant them. Both are created by the same constitution. They belong to the same people. They must work in harmony as the people contemplated when they established both. The proper province of the army in such cases of disturbance as those on Cabin Creek was observed in the beginning of the Government, at the time of the whisky insurrection in western Pennsylvania in 1793. "President Washington did not march with his troops until the judge of the United States district court had certified that the marshal was unable to execute his warrants. Though the parties were tried for treason, all the arrests were made by the authority of the civil officers. The orders of the Secretary of War stated that 'the object of the expedition was to assist the marshal of the district to make prisoners.' Every movement was made under the direction of the civil authorities. So anxious was Washington on this subject that he gave his orders with the greatest care, and went in person to see that they were carefully executed. He issued orders declaring that 'the Army should not consider themselves as judges or executioners of the laws, but only as employed to support the proper authorities in the execution of the laws.'" (Garfield's Works (Hinsdale), Vol. I, p. 162.)

The offenses of Nance and Mays were cognizable by a civil court. That is, they were capable of being tried in the proper criminal court of Kanawha County, by a jury, upon presentment and indictment by a grand jury. The disturbances did not make it impossible to give them the constitutional course of trial. Thus no necessity justified the course pursued. No actual physical fact, in the widest view, prevented the operation of the direct shield of the Constitution, wherein it provides: "No citizen * * * shall be tried or punished by any military court for an offense that is cognizable by the civil courts of the State." The offenses charged against Nance and Mays were plainly cognizable by a civil court—capable of being presented and tried there. The only excuse for their not being tried there is that the governor ordered otherwise. Thus the governor alone made the necessity. Under the circumstances, in any considerate view, their trials and sentences were not by due process of law, and were grossly illegal and void.

There were no courts other than those of justices within the actual theater of the disturbances on Cabin Creek that could be rendered inoperative by the riotous condition there. The criminal court that pertained to that part and to the whole of the county was far from the seat of riot and wholly unaffected in its powers for regular and orderly presentment and trial. Even as to offenses cognizable only by justices, there was power and opportunity to bring offenders from that region to trial before justices in undisturbed districts of the county. But it does not even appear that the disturbances in the district rendered it impossible, by the aid of the militia there present, for the courts of justices of the peace there to mete out justice according to the civil law. The war must put the ordinary courts out of business, out of reach, before military courts can ever take their place. This, of course, may be different in foreign conquered territory where the courts of the conquered country are not in sympathy with the obligations of the conquering army to society. It can not be gainsaid that the ordinary courts for Cabin Creek district were at all times during the disturbances within reach and in operation. The militia could reach them with prisoners for trial much more easily than it could reach the penitentiary with prisoners for imprisonment. The State courts were more accessible than the State prison. This principle, that accessibility to the ordinary civil courts excludes resort to martial law, is established by the decision in the Milligan case in no uncertain language. We need no greater precedent.

Some of that which we have written in preceding paragraphs is based on the assumption of the tolerance of martial law simply, of course, for the purposes of argument. We reiterate that it can never be rightly tolerated in this State. Indeed, martial law to the extent of trial and sentence for civil offenses anywhere within our fair land deserves no support from any student of constitutional history. Garfield, by his great argument and review of history before the Supreme Court of the United States in the Milligan case, convinces any thoughtful reader in this behalf. No greater exposition of the subject, no severer condemnation of martial law as connected with constitutional government, was ever given to the world. It was given voluntarily, gratuitously, faithfully, solely in behalf of constitutional government. Yet it is but one among the many supporting the great weight of opinion on the subject. (Garfield's Works (Hinsdale), Vol. I, p. 143.)

The most recent review of the subject of martial law is that by Prof. Ballantine, of the University of Montana. It deals with all the adjudged cases and assures one of the soundness of its conclusions. Specific citation to it will hereinafter be made. It denies that martial law may be applied in State government. This writer says:

"It is believed that there is no warrant in the history of constitutional government for vesting in the governor as commander of the military forces of the State the absolute discretionary power of arrest, and, as a logical consequence, of life and death, so that his command or proclamation may take the place of a statute, and convert larceny into a capital offense, in going beyond legislative power, deprive citizens unreasonably and arbitrarily of life or liberty without review in the courts. (Johnson *v.* Jones (1867), 44 Ill., 142; Ela *v.* Smith (Mass. 1855), 5 Gray, 121.)

"The true view, undoubtedly, is that during a riot or other disturbance militiamen and their officers are authorized to act merely as a body of armed police with the ordinary powers of police officers. (Franks *v.* Smith (Ky. 1911), 134 S. W. 484.) This is as far as the actual decision goes in Luther *v.* Borden (1849), 7 How., 1. Their military character can not give them immunity for unreasonable excess of force. The governor of a State, as commander of the militia, is merely the chief conservator of the peace, and entirely destitute of power to proclaim martial law, punish criminals, or subject citizens to arbitrary military orders which he unreasonably believes to be demanded by public emergency.

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"In a garrisoned city, held as an outpost of loyal territory, or in home districts threatened or recently evacuated by the enemy, military necessity for the public defense would certainly justify all temporary restrictions on the liberty of citizens essential to military operations, such as the extinguishment of lights, the requiring of military passes to enter or depart, and the quelling of public disorder. But the prosecution and punishment of persons suspected of conspiracy, sedition, or disloyal practices, and of treason itself, belongs to the tribunals of the law, and not to the sword and bayonet of the military. Where the army is not invading enemy territory of a recognized belligerent, but is in its own territory, the military authorities remain liable to be called to account either in habeas corpus or any other judicial proceeding for excess of authority toward citizens, no matter whether it occurred in propinquity to the field of actual hostilities or while the courts were closed, or after a proclamation of martial law."

The issue involved in these cases is a marked one. Shall a citizen be subjected to trial before a military commission regardless of constitutional guaranties at any time the governor may see fit, and that citizens have absolutely no redress from such procedure? In other words, may any citizen be absolutely within the power of the executive and the militia which has been placed in his hands? These questions are indeed more momentous than the people of this busy era may conceive. The affirmative answer to them annuls that true liberty which was bought by blood and sacrifice and which long has been jealously guarded and defended. It seems necessary that we should repeat what Mr. Justice Davis said in the Milligan case:

"It is claimed that martial law covers with its broad mantle the proceedings of this military commission. The proposition in this: That in a time of war the commander of an armed force (if in his opinion the exigencies of the country demand it, and of which he is

to judge) has the power, within the lines of his military district, to suspend all civil rights and their remedies, and subject citizens as well as soldiers to the rule of his will; and in the exercise of his lawful authority can not be restrained except by his superior officer or the President of the United States.

"If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within the limits, on the plea of necessity, with the approval of the executive, substitute military force for and to the exclusion of the laws, and punish all persons, as he thinks right and proper, without fixed or certain rules.

"The statement of this proposition shows its importance; for, if true, Republican government is a failure and there is an end of liberty regulated by law. Martial law, established on such a basis, destroys every guaranty of the Constitution, and effectually renders the 'military independent of and superior to the civil power'—the attempt to do which by the King of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law can not endure together; the antagonism is irreconcilable and, in the conflict, one or the other must perish.

"This Nation, as experience has proved, can not always remain at peace, and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln; and if this right is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew—the history of the world told them—the Nation they were founding, be its existence short or long, would be involved in war; how often or how long continued, human foresight could not tell; and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this and other equally weighty reasons they secured the inheritance they had fought to maintain by incorporating in a written Constitution the safeguards which time had proved were essential to its preservation. Not one of these safeguards can the President or Congress or the judiciary disturb, except the one concerning the writ of habeas corpus.

"It is essential to the safety of every government that in a great crisis like the one we have just passed through there should be a power somewhere of suspending the writ of habeas corpus. In every war there are men of previously good character wicked enough to counsel their fellow citizens to resist the measures deemed necessary by a good government to sustain its just authority and overthrow its enemies, and their influence may lead to dangerous combinations. In the emergency of the times an immediate public investigation according to law may not be possible, and yet the peril to the country may be too imminent to suffer such persons to go at large. Unquestionably, there is then an exigency which demands that the Government, if it should see fit in the exercise of a proper discretion to make arrests, should not be required to produce the person arrested in answer to a writ of habeas corpus. The Constitution goes no further. It does not say, after a writ of habeas corpus is denied a citizen, that he shall be tried otherwise than by the course of common law. If it had intended this result, it was easy by the use of direct words to have accomplished it. The illustrious men who framed that instrument were guarding the foundations of civil liberty against the abuses of unlimited power; they were full of wisdom, and the lessons of history informed them that a trial by an established court, assisted by an impartial jury, was the only sure way of protecting the citizens against oppression and wrong. Knowing this, they limited the suspension to one great right, and left the rest to remain forever inviolate. But it is insisted that the safety of the country in time of war demands that this broad claim for martial law shall be sustained. If this were true, it could be well said that a country, preserved at the sacrifice of all the cardinal principles of liberty, is not worth the cost of preservation."

A search of the books, extending over many days of labor in the investigation of this subject, discloses that no State in the Union has ever declared, by judicial decision or otherwise, principles to the extent of those announced by the majority opinion of this court. West Virginia, born of a love for and an adherence to constitutional government, seems now to have departed further therefrom. In Colorado and Idaho arrests and extended detention by the militia for the suppressing of riot and insurrection have been upheld as authorized by the exigencies existing and as necessary for the suppression of uprisings. But further than this no State has ever gone. The Supreme Court of the United States went no further in the Moyer case (212 U. S., 78). No court ever before upheld the action of a governor in ousting the courts of their jurisdiction as to civil offenses and in substituting himself therefor.

This State is a government of its own people. It should matter not that civil rights may at some time have been transgressed elsewhere. We should not permit them to be transgressed here. The insignia of the State bears our legend of freedom. It can not be kept unless we sacredly observe the Constitution, by which all, whether guilty or innocent, are bound alike. Freedom for a West Virginian means the giving to him what his State constitution and that of the Nation guarantee to him. Nor does it matter whether that West Virginian be rich or poor, idler or laborer, millionaire or mountaineer. The Constitution is no respecter of persons.

A sense of duty has impelled the writing of this opinion. If it may in the future only cause the doctrine promulgated by the majority to be questioned, the labor will not have been in vain.

Will the reader of this opinion reserve hasty judgment against conclusions which it announces until he has made studious examination of the citations herein and the three following expositions on the subject of martial law, together with the cases cited in them:

"Military commissions," Garfield's Works (Hinsdale), Volume I, page 143.

"What is the justification of martial law," Lieber, War Department Document No. 79; North American Review, November, 1896.

"Martial law," Ballantine, Columbia Law Review, June, 1912.

The decisions and treatises relied on herein make no distinction in the test for martial law, whether in pacific districts or in the theater of actual war. In the one place as well as in the other the test is the same—the want of operative civil courts. An examination of the subject will not sustain a contention that the courts and the writers referred to were dealing only with martial law outside the theater of actual war. They clearly show that martial law is as objectionable in the one place as in the other, unless it is justified by the absence of civil law.

Will the reader who refers to the decisions and treatises cited also note that there is a clear distinction between the power to use martial acts for the suppression of riot, insurrection, or rebellion, and the power to use martial law for the trial of civil offenses. Martial acts are one thing, martial law is another.

It may be said that the treatises referred to are not judicial in character. The same is true as to every textbook of the law.

And now how applicable are the words of David Dudley Field, that ardent advocate of constitutional government:

"I could not look into the pages of English law—I could not turn over the leaves of English literature—I could not listen to the orators and statesmen of England without remarking the uniform protest against martial usurpation and the assertion of the undoubted right of every man, high or low, to be judged according to the known and general law, by a jury of his peers, before the judge of the land. And when I turned to the history, legal, political, and literary, of my own country—my own undivided and forever indivisible country—I found the language of freedom intensified. Our fathers brought with them the liberties of Englishmen. Throughout the colonial history we find the colonists clinging with immovable tenacity to trial by jury, Magna Charta, the principle of representation, and the petition of right. They had won them in the fatherland in many a high debate and on many a bloody field, and they defended them here against the emissaries of the Crown of England and against the veteran troops of France. We, their children, thought we had superadded to the liberties of Englishmen the greater and better guarded liberties of Americans." (Brewer's Orations, vol. 6, p. 2154.)

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any other amendments on paragraph 572? If not, are there any amendments on paragraph 573?

Mr. GUERNSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 118, by striking out paragraph 573, which reads as follows:

"573. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued at not above 2½ cents per pound."

Mr. GUERNSEY. Mr. Chairman, I do not wish to take up the time of the committee, as I have already addressed the House at length on the paper schedule and the free listing of potatoes, which I shall favor the removal from the free list by amendment that I shall offer when the paragraph is reached, or, if offered by some other Member, shall support. This paragraph relating to paper ought not to be allowed to pass without some restriction, in view of the fact that the provincial governments of Canada are to-day placing restrictions on the manufactured products of their forests, so as to compel their manufacture within the Dominion of Canada, for the upbuilding of the Dominion of Canada. Under the provisions of this paragraph the raw products of great forests in our country will be turned over to the Dominion of Canada for manufacture. The forests of northern Maine are drained by the St. Johns River, which leads into the Province of New Brunswick. On that river great paper mills will be constructed. The products of the forests of the United States will be driven by the provisions of this paragraph into Canada for manufacture there. I am opposed to the provision as it stands. It should be changed to meet the Canadaian situation, as stated in my remarks of April 24.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Maine [Mr. GUERNSEY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments on paragraph 573? If not, are there any amendments on paragraph 574?

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 118, line 23, strike out the line which reads as follows: "Parchment and vellum."

Mr. MOORE. Mr. Chairman, there are many men ready to invest capital in the United States which would employ labor in the production of parchment and vellum and if this item is taken from the free list perhaps we could build up this industry, but as the committee seems to have its face set against any changes to the schedule I desire to return to the gentleman from Alabama [Mr. BURNETT], who spoke a little while ago about something reported in the Philadelphia North American. He finds through that paper, apparently, that some one family was in distress or that some one was living beyond his income. I do not want to cast up any reflections in these matters or to refer to other people who live beyond their incomes, and I do not want to puncture any State or community by pointing out some weak point that could easily be emphasized. By some

strange circumstance it happens that I have before me an editorial from the Public Ledger, with which the North American disagrees, commenting upon the living conditions prevailing in Philadelphia, and referring to the fact that we have 380,000 people there who have more than $160,000,000 invested in the savings funds. That sounds as if we were able to care for an occasional case of real distress. In addition to what the Ledger says about the labor conditions in Philadelphia at the present time, when the Republican tariff law is operating, it may be asserted that we have 350,000 separate homes in which the people live happily and contented. I am going to put the Ledger editorial in the RECORD. Here it is:

WELL-PAID AND HAPPY LABOR.

"Labor in Philadelphia has many things to be thankful for. May Day brought no strife worth considering. It found no mills idle and no men who wish employment unable to find it.

"Philadelphia is a sane city. It gives its people the best houses for the smallest rents paid in considerable towns anywhere in this whole land. It commends itself to the laborer because here he may live on a better scale for less money than elsewhere, while the countless mills and factories supply him with steady work at good pay.

"Philadelphia is also a healthy city, and the vital statistics prove this. It is an intelligent city, the home not only of a great system of free education but the seat of higher knowledge and the continent's best medical and dental schools. At present it is a well-governed city.

"These things make Philadelphia a good place to live in, but a particularly good one for the men and women who must work. Capital is well employed at present, and on all sides there is progress. Industries thrive, and, while there is no mushroom growth, and, fortunately, no artificial boom, there is genuine prosperity.

"More than 380,000 people have money in the savings banks in this town, which is proof of their ability to live inside their income. The $166,000,000 of such savings is at once a sign of thrift as well as good sense.

"After all, in what better condition may a people be found than when they are healthy, intelligent, well governed, content, employed, and saving money? This condition applies to-day not to any small class in Philadelphia but to nearly all its upward of 2,000,000 inhabitants."

This, I think, is sufficient answer to the gentleman from Alabama.

And that brings me to what I desired to say a little while ago about the difference of opinion between the newspapers which the Democratic Party may or may not capture by this free-trade provision in the matter of print paper, wood pulp, and so forth. Resuming the editorial from the North American I read:

"We admit that newspapers, along with all consumers of trust-made products, have been robbed by excessive prices; but we do not concede to newspapers the right secretly to enter into an agreement with the administration for relief, even from extortion, and to make a part of that agreement the support of a policy which will not directly benefit any general consumer, but which will inflict direct hurt upon an honest interest representing more than 30,000,000 of our population."

And then it goes on to explain the arrangements made by Mr. John Norris, whom all know favorably in Washington, as follows:

"Nor can we truthfully say that we think the general criticism of the attitude of newspapers in this matter is unmerited. We have a high regard for the ability and integrity of Mr. John Norris, who represented the American Newspaper Publishers' Association in the secret negotiations with the administration before the text of the Canadian pact was made public. But when Mr. Norris, in furtherance of his understanding with President Taft, assumed the rôle of lobbyist at Washington for the newspaper interests, we are forced to concede that we failed to discern any difference in principle between his position and that of Lobbyist Hines, of the Lumber Trust, or any other lobbyist of any other interest which was to be favorably or adversely affected by the measure.

"We do not impute any wrong motive to Mr. Norris. He was working to relieve his clients of an unjust tax upon a necessity of newspaper life, which was in the control of a monopoly made possible by inequitable tariff schedules.

"Mr. Norris, of course, did not use the methods which Lobbyist Hines and his kind use. Mr. Norris did not have access to any 'slush fund' or powerful coercive agencies. His appeal was open and direct. The combined newspapers had a direct pecuniary interest in the agreement which Mr. Norris had effected with President Taft. Presumably their gratitude was implied and not promised."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. UNDERWOOD. Mr. Chairman, I just wish to say that parchment and vellum have been on the free list under the Wilson bill, the Dingley bill, the Payne bill, and they are on the free list in this bill. If the gentleman's motion should prevail, articles that have been on the free list always would be taxed at 25 per cent ad valorem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there further amendments on paragraph 574? [After a pause.] If not, are there any amendments to 575? [After a pause.] If not, are there any amendments to 586?

Mr. BROWNING. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNING] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 120, lines 10 and 11, strike out the paragraph which reads as follows:

586. Potatoes, and potatoes, dried, desiccated, or otherwise prepared, not specially provided for in this section.

Mr. BROWNING. Mr. Chairman, I represent a district in which there are many and diversified business interests. We have nearly four hundred manufacturing plants; and we have a farming community of a population of between sixty and seventy-five thousand.

During the consideration of the pending bill I have offered amendments, entered protests in the interest of, and submitted letters and petitions from, the manufacturers and their employees—all to no avail.

However, I must register my emphatic protest against this free list in which has been placed almost everything raised on the farm, including that vegetable which is so generally used as an article of diet, the potato.

This is one of the important and dependable crops of my district and State, and one upon which our farmers have made some little money; to enable them to continue in a somewhat profitable business, I believe the present rate of 25 cents per bushel should be maintained, and I hope an amendment may come from the Committee on Ways and Means taking potatoes from the free list to give them necessary and proper protection.

While a rate of 15 cents per bushel might enable our farmers to exist, there could be no profit in competition with the imported potatoes, and I believe that 25 cents per bushel is necessary to give the American farmer a fair profit.

Mr. Chairman, permit me to read into the RECORD at this point a letter received from the South Jersey Farmers' Exchange, in which we are implored not to strike down the potato-farming industry of our country.

WOODSTOWN, N. J., *April 16, 1913.*

Hon. W. J. BROWNING, *Washington, D. C.*

DEAR SIR: We are writing you on request of about 1,000 members of our exchange in protest against the bill that is before Congress to take the duty entirely off of potatoes. We think at least there ought not to be less than 15 cents per bushel duty paid on all foreign potatoes coming into this country. We think, as the bill was presented, the duty was altogether taken off, and we can hardly think that you and other Members representing the farmers' interests will allow this to go through in this shape—not only Republicans, but Democrats—and we would like you to use your best efforts to defeat this bill in the shape it is in and have it amended so that the duty will be at least 15 cents per bushel on potatoes.

Yours, truly,

SOUTH JERSEY FARMERS' EXCHANGE,
FRANK DAVIS, *Manager.*

Mr. Chairman, I am in receipt of another communication on this subject, this time from the general manager of the Monmouth County (N. J.) Farmers' Exchange, which I must call to your attention. It reads as follows:

Voicing the sentiment of the 1,250 members who constitute our organization, we desire to enter our emphatic protest against the new tariff bill in the item that places potatoes on the free list. The present duty of 25 cents per bushel should be continued, otherwise it means a loss of millions to the farmers of our country each year. The potato industry in our State is the one depended upon in many sections as the money crop. The duty of 25 cents a bushel is just the difference between profit and loss to our growers, and we hope you will stand by this large constituency of yours in maintaining the present tariff on potatoes.

Another item that seriously threatens the welfare of our potato growers is the increase of duty proposed on jute. Burlap bags, which are made from jute, are used very largely as a carrier for potatoes, which the farmer must furnish. Under the present rate of duty, the price of bags has increased about 40 per cent. With the added duty it will be nearly double. Instead of being increased, it should be decreased. There is no jute industry in this country that needs protection, but there are thousands of farmers whose burdens ought not to be added to, but rather lightened, and we trust we may depend upon you to use your best influence to have the duty on jute lowered at least to the amount that has been asked for. The present rate is five-eighths of a cent per pound and 15 per cent ad valorem. It has been

asked that it be made in the new law one-sixteenth of a cent per pound and 10 per cent ad valorem. This small reduction would give us some relief, and we trust you will do your best to bring it about.

Mr. Chairman, I hope against hope that the farmers' plea will not fall upon deaf ears. [Loud applause on the Republican side.]

Mr. STEENERSON. Mr. Chairman, I gave notice that I would move to strike out this paragraph; but inasmuch as my friend from New Jersey has made that motion, I will simply add a few remarks in support of it.

When the agricultural schedule was up for consideration I moved to impose a duty of 25 cents a bushel upon potatoes, but that was voted down. Now, I hope this motion to strike potatoes from the free list will carry, with a view of having the duty fixed somewhere between 10 and 15 cents. You have a duty upon wheat and upon oats and barley. The duty upon wheat is 10 cents a bushel. There is no more merit in raising wheat than in raising potatoes. I can see no reason why you should not treat the potato farmer as you have treated the wheat farmer. It is not a wise policy to so legislate as to discourage the production of food in the country. While I recognize that your object is to reduce the cost of living, I want to remind you of the fact that most of the potatoes are bought through middlemen, who exact a profit, and that a duty of 10 per cent would not affect the retail price of potatoes, but it would protect the people against the exorbitant prices in the years of scarcity.

There is one provision in this bill in regard to manufactured articles which shows that you have a great regard for the manufacturing interests. I refer to the so-called dumping clause. That is to protect the American manufacturer against an oversupply from abroad that might be dumped upon the people here at extraordinarily low prices. Now, that would not apply to potatoes, but the reason for its application is still stronger in that instance than it is in the case of manufactured articles, for the reason that the yield of potatoes per acre varies largely in the different years, although we have, fortunately, in this country been able to supply nearly the whole demand for potatoes. We produced last year 376,000,000 bushels, but there have been droughts, as happened two or three years ago, when the supply was insufficient and the price of potatoes went high and justified the importation of several millions of bushels at 25 cents a bushel, which enlarged the revenues of the United States by several millions of dollars. It seems to me, however, that you should not allow an extreme yield of potatoes in foreign countries, which happens once in a while, to be dumped upon this country at such prices as to be ruinous to our own farmers.

That will certainly happen in some of the years if you allow potatoes to go on the free list. If you place on them a duty of 10 cents a bushel I think it will equalize those things, so that the farmer will not be compelled in those years to raise potatoes at a loss.

I can see no reason why you should not to that extent at least discriminate in favor of our people as against the foreigners who produce potatoes. The American farmer is the one who supports the Government. He contributes to our taxes. He is the one who has got to fight your battles for you, and not the Canadian farmer, not the Scotch farmer, or the German or the Irish farmer who produce the foreign potatoes. It is the American farmer who protects the flag in case of peril, and you ought at least to give him a little advantage and at the same time get revenue for the Government, particularly when you are sure that it would not materially or to any appreciable extent affect the cost of living.

I hope, therefore, that the proposition to strike this item from the free list will be carried, and that a duty will be imposed on potatoes equal to that which you have placed on wheat. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I do not imagine any Member of this House believes for a moment that placing potatoes on the free list will completely annihilate the potato-growing industry in the United States. Potatoes will continue to be raised in spite of this bill. But neither do I think anyone will contend that the placing of potatoes on the free list will not cause a material reduction in the price of potatoes received by the farmer who grows them. There can be no other reason for placing that commodity in this part of the bill excepting that the price to be received by the farmer shall be lowered.

I wonder if those who framed the bill have really given much consideration to that item, which is a great American industry? I was surprised the other night that my amendment fixing a duty on potato starch and sago starch did not meet with a more cordial appreciation at the hands of the majority of the committee. We hear a great deal in these tariff discussions about by-products—by-products in the iron and steel industry, by-products in various kinds of manufacturing enterprises. But starch, gentlemen, is a by-product of potatoes and thus a by-product of the potato-growing industry. A reasonable protection on starch would give to the farmer a market for his potatoes, even if the price be greatly lowered by this bill.

I have been wondering a little bit to-day, Mr. Chairman, what any constituents of mine in the eighth district of Minnesota will have in mind if they read this bill from first to last, and what prayer may, perhaps, come on their lips when they meet in family union about the altar. That district is some 250 miles from north to south. Beginning far in the northland, where the lakes, abound, I find that lumber, which is a great industry there, is placed on the free list.

Journeying a little farther south, where the hills are rugged and where the pines still point to the blue, they dig iron ore, and I find that is placed on the free list. Coming down to the great city of Duluth—and ever since a distinguished gentleman from Kentucky by the name of Proctor Knott made a speech on Duluth that city has been great [laughter]—we find that one of its leading industries is the production of flour, and flour is placed on the free list, although the flour manufacturers must pay a duty of 10 per cent on their wheat.

Then, journeying still farther south, where the land lies open to the rays of the beautiful sun and where many counties spread their broad acres, we find that a great industry is the growing of potatoes, and now potatoes are placed on the free list.

I say, Mr. Chairman, the people of that section of the country, having every product which they raise placed on the free list, may have to look to other parts of the bill for relief. They come to the income-tax provision, and for once they smile benignly, for, God knows, they have no terrors to fear from that provision in the income tax that exempts incomes of $4,000 a year. [Laughter on the Republican side.]

But read a little further, and think of the great misery that must come to them in contemplation of the provisions of this bill—affecting, as it does, all of the things which go to produce the happiness of life or to drag it down to the depths of despair—when they find a new provision which taxes their life insurance, and there, Mr. Chairman, is added a new terror to death. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is on the amendment offered by the gentleman from New Jersey to strike out the paragraph.

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 586? If not, the next paragraph is 595.

Mr. STEVENS of Minnesota. Mr. Chairman, an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Section 595: After the word "sago" strike out the words "crude and sago flour," and insert the words "in pearl or like form."

Mr. STEVENS of Minnesota. Mr. Chairman, a few days ago, when Schedule G was under consideration, I requested information from the gentlemen of the committee, who were in charge of this bill, as to whether starch preparations, other than potato, were included within that paragraph and had a rate of half a cent a pound. I was informed that that condition was true and that competitors of potato starch had a tariff of half a cent a pound. I rather doubted it, because some of the constituents I used to have—I have none now who are interested in this subject—had always been greatly interested in the competition between sago flour, tapioca flour, and potato starch, and it is an important industry in the potato-raising districts all over the country.

In examining more closely the report of the committee and the hearings before the committee I found these facts:

First, that there is used in this country in the mechanical arts about 150,000,000 pounds of starch annually as sizing and in the manufacture of print cloths and of articles of that sort. Of this 150,000,000 pounds of starches so used about 50,000,000 pounds are of sago and tapioca flour, and so compete extensively with the potato starch. Turning to the report of the committee, paragraph 239, I find that there were imported last year 14,000,000 pounds of potato starch and 700,000 pounds of all other kinds of starch used as competitive with it in the mechanical arts; yet 50,000,000 pounds of these other kinds of starch were actually used for these purposes. I noticed from the report that it is estimated that next year there will be imported about 1,000,000 pounds of starch other than potato

starch, to be used in the arts, and 20,000,000 pounds of potato starch. Yet the hearings of the committee clearly show that more than 50,000,000 pounds of these tropical starch flours will be imported free of duty for these same purposes, as a fraud upon our people and the revenues of the Treasury. In investigating further I find there are about 72,000,000 pounds of starch imported in the form of sago and tapioca flour.

Now, the hearings show that there is no such thing imported as crude sago as described in your bill, so that the importations are almost solely of sago and tapioca flour, and of sago and tapioca pearl and flake used for foods.

Sago and tapioca pearl and flake, the materials used as food products, should be on the free list, as they have been and as everyone wants them to be, and the amendment which I submit places sago flakes and sago pearl on the free list.

But sago flour, which is used in the arts to the extent of 50,000,000 or more pounds a year, replacing potato starch and other starches made by our own people, is on the free list by the real provisions and effect of this bill. Yet it ostensibly pays a duty, which duty is never received by the Treasury, but is defrauded from the Treasury by shrewd, unscrupulous, and cunning importers.

The effect of my amendment is to preserve to the free list all of the sago and tapioca preparations which are used as foods and to place upon the dutiable list, as it evidently was intended they should be placed, sago and tapioca preparations used in the arts, which compete with potato starch made in our rural districts.

You have placed a tariff of 1 cent a pound on potato starch, reducing that rate about one-third per cent from its present rate. You have ostensibly placed a tariff of half a cent a pound on sago and tapioca flour, which competes with it.

As a matter of fact there is but very little tariff at all paid on these tropical starches in the way they are imported. They are practically admitted free. The Supreme Court of the United States, construing the law as it stands, in an opinion on that subject, held substantially that if the words "sago flour" were stricken out from the free-list provisions that sago used in the mechanical arts as it actually comes in then would pay a tariff under the provisions of the agricultural schedule. That is what is intended and should properly be done, except that in addition, as I pointed out in the discussion on the agricultural schedule, in all fairness competing tropical starches should pay the same duty as our domestic potato and corn starches.

Following that decision of the Supreme Court, I have offered an amendment and asked you to adopt it, preserving the forms and substances which are used as food; and adopting the decision of the Supreme Court I urge you to put a tariff on those tropical starches which are used in the arts, and which are intended to be used in the arts, competing with our domestic products and compelling them to bear their share of the burdens of our Government.

Remember, as my colleague, Mr. MILLER, just stated, that sago starch is the strong competitor of potato starch; that this potato starch is made in 75 or 100 small starch factories scattered throughout the country. Most of them are cooperative, owned by the farmers and business men in their localities. In every place in the North where potatoes are raised to any great extent they can not be raised profitably and successfully without a cooperative starch factory. It is in this way that the small potatoes at all times and in all crop years can be used, and in crop years when prices are low the farmers can recoup in part and use a large proportion of their great crop to good advantage and profit. Many of the starch factories do not run every year and are kept for emergencies of larger crops and low prices. They encourage the farmers in that way to take the chances of raising large crops of potatoes, which certainly cheapen our cost of living. You admit foreign starches free, discourage the making of domestic potato starches, discourage this industry in the farming districts, and you discourage the farmers from raising large crops of potatoes. This will affect the price to the consumers everywhere. It will tend to gradually increase the supply and price of potatoes and keep them on a higher scale. This would be an injury to consumers and producers alike, and should not be allowed.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. UNDERWOOD. I am sure the gentleman—because he is always well informed—will recollect the fact that this provision that he speaks of striking out is in the present law, and that sago and sago flour have always been on the free list.

Mr. STEVENS of Minnesota. Yes. I thank the gentleman for that, and I will state to him that that is one of the reasons why some of us objected to the Payne bill, because, with due deference to the other side of the Capitol, they did not treat this subject with frankness. The gentlemen in charge of the bill at the other end of the Capitol—and the debate there is placed in your hearings—informed the body at the other end of the Capitol that this very product—sago flour—would be subject to a tariff, and would be subjected to competitive conditions with potato starch.

And yet the language was so placed in the existing law that under the decision of the Supreme Court the tropical starches imported for the arts are not subject to a tariff but continued on the free list, as you are proposing to do. You are offered here the language that those in charge of the bill in the Senate stated would be placed in the law, but they did not keep faith with the Senate and place it in the law. Now, we ask you to correct the mistake which they then made, inadvertently or otherwise. You have full notice now, in view of the situation of the production and its effects, in view of the decision of the Supreme Court, in view of the hearings before your committee, that sago and tapioca flours should receive a tariff in some way, or else you will do as was done in the last bill—promise in terms the potato raisers to give their competitive tropical starches a tariff, some sort of a tax at half a cent or so a pound, but as a matter of fact, allow it to be placed on the free list. This is manifestly unfair and unjust that more than 50,000,000 pounds a year of importations made by the serf labor, the slave labor in Java and East India Islands, controlled entirely by foreign capital, will enter into free competition with the white labor of the Northern States in cooperating factories owned by the farmers in our smaller communities. That is not a competitive situation from any standpoint we point out to you. Now, you can easily and properly save a quarter of a million dollars revenue annually and in addition treat with fairness and justice the great agricultural interests of our country.

Mr. UNDERWOOD. Mr. Chairman, I will detain the committee only long enough to call attention to the fact that the importations in 1912 amounted to 8,842,000 pounds of sago, valued at $169,000. There is not a great deal of competition in this line of product, and the gentleman from Minnesota agrees with me that it has always been on the free list. We are certainly, by leaving it there, not destroying any industry, and it is not capable of furnishing much revenue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I would like to recur to paragraph 592, as the gentleman from Michigan [Mr. FORDNEY] was not in the Chamber at the time that paragraph was called.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to paragraph 592 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes; is there objection?

There was no objection.

Mr. FORDNEY. Mr. Chairman, I would like to ask the chairman why T-rails were taken from the protective list and put on the free list? In the first place, let me say that I believe the object gentlemen on that side of the House have in lowering the duty, as has frequently been stated by them, is to lower the cost of living. I would like to know whether you are lowering the cost of living here to favor the rich or the poor? You have been talking much about the poor man. I do not know of a poor man who purchases railroad iron. Steel T-rails are used by railroad companies. No poor man purchases steel rails.

The United States Steel Co., which manufactures 44 per cent of all the steel products of this country, have 225,000 men employed in their institutions. There are over 500,000 men employed in the steel mills in the United States. They are the only poor men to be affected by this change, if any are affected. I find nowhere in the handbook an account of the importations of steel rails, and it may be said that there are none. But I know that there are importations of steel rails. I know that foreign-made steel rails are sold on the Pacific coast right now for less money than American-made steel rails. One dollar per ton is the difference in price between foreign and American made steel rails of 56, 60, and 66 pounds. Foreign steel rails are sold in every principal market on the Pacific coast—Seattle, Portland, Tacoma, San Francisco—at a less price than American steel rails are sold. The freight from Pennsylvania and Illinois to the Pacific coast on steel rails to Seattle, Tacoma, Portland, and San Francisco is about $14 per ton. Cer-

tainly steel rails are a revenue producer when they are imported, and there are importations now of T rails, although none are reported in the handbook that I can find. I would like to ask the gentleman from Alabama, or any gentleman on that side, what poor men are you going to aid by putting steel rails on the free list. The only part, I wish to restate, that a poor man takes in the consumption or production of steel rails is the labor that is employed in the steel mills. Placing steel rails on the free list will in no way change the rate of fare from 3 to 2 cents or any other amount per mile that is paid when one rides on the railroad.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. CULLOP. Do not the poor buy the things that are shipped over the railroads?

Mr. FORDNEY. That is true; but when you find that freight was carried in this country last year per mile for 7.41 mills per ton per mile, how are you going to figure out any lower rate of freight by putting on the free list steel rails that pay $3.94 per gross ton?

Mr. CULLOP. If you can build railroads and keep them in repair, they can transport the freight more cheaply.

Mr. FORDNEY. Oh, but you are going to legislate directly for the poor man, are you not? You are going to lower the cost of living. You are focusing your range at a very long distance when you figure the poor man is going to get back something out of the freight.

Mr. CULLOP. The gentleman's question was what poor man would be benefited, and the gentleman also made the assertion that it was the rich who paid the 3 cents a mile.

Mr. FORDNEY. It is the rich who buy the steel rails stated. They are the ones that you are legislating for.

Mr. CULLOP. Yes; but if they get the steel rails and build the railroad more cheaply, the rates of freight will be cheaper.

Mr. FORDNEY. Oh, yes; if the rich can buy the steel rails produced by the poor man for less money, you are going to lower the cost of living and help the poor man. I am unable to figure out your calculations and your real interest in the poor man by putting steel rails on the free list. [Applause on the Republican side.]

Mr. BARTLETT. Mr. Chairman, if there is anything that ought to be on the free list by reason of a combination of manufacturers that have fixed the price from 1898, I believe it is, then this is one of those items. I made a statement upon the floor of this House on the 14th day of February, in which I called attention to the testimony given by Judge Gary, at one time the president of the Steel Corporation, and at the time the testimony was given to which I referred, the chairman of the finance committee of the Steel Corporation, in which I said that he and Mr. Farrell, now the president of that corporation, denied before the Stanley investigating committee that there was such a combination. I called attention to the fact that in the suit now pending in the court of New Jersey to dissolve the Steel Corporation as a trust, Mr. Corey, once the president of this corporation, had sworn that there was a combination, world wide in its extent, that fixed the price of steel rails, not only in this country, but elsewhere.

From the testimony given before the investigation by the Stanley committee it appeared that there was a combination in this country that kept the price of steel rails up to $28 a ton, and it also appeared from the testimony, and was admitted, that steel rails when offered to be purchased for the purpose of being shipped abroad were sold from $3 to $4 a ton less than to the home consumer. [Applause on the Democratic side.]

Mr. Chairman, they say that only the rich buy these articles. The country where I live and the country out farther west need railroad development and need the steel rails to further improve the country and to enable us to get from the thralldom under which we have served for 30 years on account of the freight rates imposed by the old railroad companies. It is for the development of our country and for the other sections that need development that we ought to be able to buy cheaper rails, and we can not do that unless this combination is in some way broken, unless we can have cheaper rails.

I shall put in the RECORD, Mr. Chairman, a letter addressed to me by Henry E. Colton, the special assistant to the Attorney General in the prosecution of this suit of the Government against the United States Steel Corporation. When I made a statement on the floor of the House on the 14th of February, in which I called attention to the testimony of Judge Gary and Mr. Farrell and Mr. Corey, I received a letter from Mr. Bolling, the attorney of the Steel Corporation, in which he challenged the correctness of my statement.

Not wishing to do any injustice to anybody, but seeking to find out whether I was right or not, I addressed a communication to this assistant attorney of the United States engaged in the prosecution of this case, and his letter in reply gives in detail the evidence of Judge Gary, the evidence of Mr. Farrell, the evidence of Mr. Corey, by which evidence the statement I made was borne out fully. Now, let us see what——

Mr. FORDNEY. Will the gentleman yield for a question?

Mr. BARTLETT. Certainly, if I have the time——

Mr. FORDNEY. If there is a combination——

Mr. BARTLETT. I have the proof of it in my hand.

Mr. FORDNEY. If there is a combination between steel-rail manufacturers in this country and in foreign countries, why do you take the duty off; who are you going to benefit?

Mr. BARTLETT. Because whenever they sell to the foreigner they sell their rails cheaper than they do to the home consumer. I have an instance of it in my own State, given by as reputable a gentleman as ever lived. He was at the same time president of a railroad in Georgia and was building a railroad in Mexico. He applied to the Steel Corporation or the seller of steel rails, specifying the number of tons of steel rails to be used in Georgia and also to be used in Mexico—the evidence has been put in this record several times—and he was offered and paid $4 a ton less for those shipped to Mexico than those used in Georgia.

Now, as a proof of that contention, Mr. Corey, in his testimony—and the pages are here cited—stated "There was an understanding with foreign manufacturers that in neutral markets of the world certain tonnages would be distributed among the producing countries."

This minute (meaning the first minute quoted above) says that after a full discussion the question was referred to Mr. Gary and Corey with power. "State whether or not you and Mr. Gary took up that matter, the question of rails to be sold in neutral markets."

"The WITNESS. I suppose that we did.

"Q. With whom?—A. With other manufacturers.

"Q. In this country or abroad?—A. Both.

"Q. Both in this country and abroad?—A. Yes.

"Q. With what manufacturers in this country did you take it up?—A. Manufacturers on the seaboard, like the Lackawanna and Pennsylvania.

* * * * * * *

"England, France, Germany, and possibly Belgium. I have forgotten."

Now, this testimony will show—I have been careful enough to give the pages, both in the testimony before the Stanley committee and the testimony before the court—and indisputably proves that the statement I made is true, that there was a combination, world-wide in its scope, that fixed the price of steel rails and has since 1898, and it is time for us to take the tariff duty off and give to the people free steel rails.

The letter is as follows:

DEPARTMENT OF JUSTICE,
ROOM F, FIFTEENTH FLOOR, ST. PAUL BUILDING,
New York City, March 25, 1913.

Hon. C. L. BARTLETT,
Committee on Appropriations, House of Representatives,
Washington, D. C.

DEAR SIR: I have your letter of March 21, 1913, inclosing a copy of Raynal C. Bolling's letter in criticism of certain remarks made by you concerning the conflict in testimony between Judge Gary and Mr. Farrell, on the one hand, and Mr. William E. Corey, on the other, in respect to foreign and domestic agreements, in violation of the Sherman Anti-trust Act, to which the United States Steel Corporation or its subsidiaries were parties.

On February 14, 1913, Sixty-second Congress, third session (CONGRESSIONAL RECORD, p. 3211), you state, in substance, that Judge Gary and Mr. Farrell testified in answer to questions put by members of the House committee that there was at no time an agreement, international in its scope, that in any way affected the prices fixed or the territory in which both foreign corporations and the Steel Corporation were to sell their products. Judge Gary gave testimony to that general effect on pages 94–95, volume 2, of the Stanley hearings. (See also pp. 226–227, Stanley hearings, to the same general effect.) Mr. Farrell gave testimony to that general effect on pages 2758–2759, etc., Stanley hearings, volume 37. There is no doubt from reading the testimony in question that Judge Gary and Mr. Farrell intended to give the congressional committee the impression that, so far as they knew, while there were agreements among foreign makers affecting prices and markets, the Steel Corporation and its subsidiaries were not a party to any such agreements and understandings.

I inclose herewith a memorandum of Mr. Corey's testimony concerning the existence of an agreement or understanding between the United States Steel Corporation and other manufacturers in the United States on the one hand and foreign manufacturers on the other hand, to the general effect that rails should not be sold in certain producing countries by the parties to said understanding or agreement other than those producing rails in said countries respectively, to wit, under the understanding the English, the German, the French, etc., were not to sell rails in the United States, since it was a rail-manufacturing country, and the rail manufacturers of the United States were not to sell in England, etc., since it was a rail-producing country, etc.; and also to the general effect "that in the neutral markets of the world certain tonnages should be distributed among the producing countries," and that in reaching said understanding Mr. Farrell met the foreign manufacturers and reported back to the United States Steel Corporation as to what was done.

I think that an examination of the inclosed memorandum concerning Mr. Corey's testimony will convince you that your remarks concerning the conflict in testimony between Judge Gary, Mr. Farrell, and Mr. Corey are in substance correct.

I do not know what techinal construction Mr. Farrell and Judge Gary may have put upon the questions addressed to them by the congressional committee, but if the testimony of Mr. Corey is true, and of

its truth I have no doubt, they find themselves in the awkward situation of having, intentionally or unintentionally, deceived the committee and the public.

The World's statement of Mr. Corey's testimony to the effect that Judge Gary knew of these pools all the time, because he (Judge Gary) attended the meetings, is in substance correct. It refers to the domestic pools, to wit, the rail, structural, and plate pools. (See Government record in Steel case, Vol. VIII, pp. 3000, 3074, 3075.) The World's statement that on the preceding day Mr. Corey said "an understanding existed between the United States Steel Corporation and manufacturers abroad not to attempt to sell in each other's territory." is also substantially correct. (See inclosed memorandum of excerpts from Mr. Corey's testimony, and Government record in the Steel case, pp. 2944 and 2945.)

Mr. Bolling quotes Mr. Corey as stating, on page 3116 of the Government record in the Steel case, that he had never admitted that there was an international pool in rails. He neglected to quote Mr. Corey as also stating—on the same page—that he had never denied the existence of such an international rail pool. Of course, this testimony of Mr. Corey is wholly immaterial, inasmuch as he had already described the international agreement or understanding and its workings, and whether it constituted a pool or whether it was an agreement in violation of the Sherman Antitrust Act is, of course, a matter for the court and not for the witness to determine. Besides the agreement which he described is clearly a violation of the Sherman Antitrust Act under the decisions. While Mr Corey does not expressly state that Judge Gary had knowledge of the foreign rail agreements, the clear inference to be drawn from his testimony is that Judge Gary, as well as Mr. Farrell and other of the principal officers of the Steel Corporation, were fully aware of the international agreement, the records of the company showing that Judge Gary and Mr. Corey were appointed on the original committee to take up the question of making some arrangement with the foreign manufacturers with respect to the selling of rails in neutral markets.

I do not think the testimony given by Mr. Corey on cross-examination modifies the testimony, which I inclose as having been given on direct examination. I will not undertake to go over the matter in detail unless you think it is worth while. I presume your only desire is to be certain that you have not done Judge Gary and Mr. Farrell an injustice. Looking at the substance, rather than mere details, I think you can rest assured that you have not.

I am sending you under separate cover a copy of Volume VIII of the record which contains Mr. Corey's testimony.

I note that Mr. Bolling says he will prove in regard to the domestic pools, to wit, structural, rail, and plate, that Mr. Corey was mistaken in regard to the statement that Judge Gary knew of the plate and structural pools.

Concerning Judge Gary's knowledge of the plate pool there would seem to be no doubt, inasmuch as at least three witnesses have testified that he was present at meetings of the plate pool long before its so-called dissolution. (See Government Record in Steel Case, Vol. VIII, p. 1337; Vol. IV, p. 1414.)

If you desire any further information in regard to this matter, I shall be glad to furnish it to you.

Respectfully,

HENRY E. COLTON,
Special Assistant to the Attorney General.

Inclosures: Memorandum of Mr. Corey's testimony.

TESTIMONY OF WILLIAM E. COREY RELATING TO THE INTERNATIONAL AGREEMENT OR UNDERSTANDING BETWEEN THE UNITED STATES STEEL CORPORATION OR ITS SUBSIDIARIES AND OTHER FOREIGN AND DOMESTIC MANUFACTURERS OF RAILS.

At page 2943 of Volume VIII of the Government's record in the Steel case Mr. Corey's attention is called to a minute of the finance committee of the United States Steel Corporation of November 1, 1904, where it is recorded:

"The president brought up the question of making some arrangement with foreign producers in regard to price of rails to be sold in neutral markets.

"After a full discussion the question was referred to Messrs. Gary and Corey, with power."

At page 2944, Volume VIII, Government's record, Mr. Corey was asked the following question:

"Q. Was there any agreement between the United States Steel Corporation and foreign makers that there were certain markets other than those that you have described where steel was manufactured that would be recognized as markets that the United States Steel Corporation might sell in without competition or certain markets that Germany might sell in without competition or that Great Britain might sell in without competition to those who were operating, if they were operating, under any understanding? (P. 2945.)

"The WITNESS. My recollection is that there was no understanding or agreement at that period.

"Q. Was there at any period?—A. At various times; yes."

* * * * * * *

"The WITNESS. Yes. At various times there were understandings with——

"Q. * * * I asked whether you had personal knowledge of it or whether it was something that came to you from some one else.

"The WITNESS. I had personal knowledge of it. (P. 2946.) * * * *There was an understanding with foreign manufacturers that in neutral markets of the world certain tonnages should be distributed among the producing countries.*"

[The witness had previously defined a neutral market as one in which rails were not manufactured.]

(Page 948, Vol. VIII.)

"Q. This minute [meaning the first minute quoted above] says that after a full discussion the question was referred to Messrs. Gary and Corey, with power. State whether or not you and Mr. Gary took up that matter—the question of rails to be sold in neutral markets?

"The WITNESS. I presume that we did.

"Q. With whom?—A. With other manufacturers.

"Q. In this country or abroad?—A. Both.

"Q. Both in this country and abroad?—A. Yes.

"Q. With what manufacturers in this country did you take it up?—A. Manufacturers on the seaboard, like the Lackawanna and Pennsylvania.

"Q. Generally, without giving the names, the manufacturers of what other countries? I mean without giving the names of the manufacturers.—A. I understand perfectly.

"Q. I do not want to burden you with the details any more than is necessary.—A. England, France, Germany, and possibly Belgium. I have forgotten." (P. 2949.)

On page 2949, Volume VIII, Government record, in answer to the question "Who?" meaning who met the foreign manufacturers, Mr. Corey answers: "Mr. Farrell."

"Q. Where did he meet them?—A. He met them abroad.

"Q. When?—A. At various times when the question was being discussed.

"Q. Were reports of that made back to the United States Steel Corporation as to what was done? I do not mean in writing, but in any way.—A. Verbal reports; yes." (P. 2949, Vol. VIII.)

On page 2950, Volume VIII, Government record, the witness testified in general concerning the time of the international agreement or understanding that it was subsequent to November 1, 1904, and that as a result of the agreement the United States Steel Corporation did not sell rails in producing countries, and that the understanding with foreign manufacturers was in existence as late as the end of the year 1910.

On page 2951, Volume VIII, the following appears:

"Q. You have stated, Mr. Corey, that under this the United States Steel Corporation was not to sell and did not sell in countries abroad where steel rails were being manufactured. State whether or not, under this arrangement, the manufacturers of these other countries refrained from selling in the United States.—A. That was my understanding. (See pp. 3036, 3122, 3124.)

"Q. As a matter of fact, was that carried out, so far as you know?—A. Generally, I believe."

In the course of Mr. Corey's examination, he stated that he was not familiar with the details of the agreement or understanding, but as to its general character he testified as above stated.

The CHAIRMAN. Debate on this paragraph is exhausted. Is there any other amendment to this paragraph?

Mr. MONDELL. Mr. Chairman, it was my understanding that amendments to these paragraphs we have reserved must all be offered before other amendments to the paragraphs of the bill can be offered.

Mr. MANN. Does the gentleman desire to offer an amendment?

Mr. MONDELL. I desire to offer an amendment to the paragraph preceding this—591.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to recur to paragraph 591 for the purpose of offering an amendment.

Mr. STEENERSON. Mr. Chairman, a parliamentary inquiry.

Mr. HARRISON of New York. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Wyoming if he will not couple with that a request that debate be limited to five minutes upon this amendment?

Mr. STEENERSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STEENERSON. I have been listening very attentively to these paragraphs and I have not heard 359 called.

Mr. MANN. They have all been read. Does the gentleman desire to offer an amendment?

Mr. STEENERSON. I gave notice I would offer a new paragraph to 359 and I have been waiting to do so.

The CHAIRMAN. The Chair will state for the information of the gentleman from Minnesota that an order was entered into in the Committee of the Whole by which the entire free list was read and the paragraphs specifically mentioned were excepted.

Mr. UNDERWOOD. Mr. Chairman, I wish to move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3321, and had directed him to report that it had come to no resolution thereon.

DEATH OF REPRESENTATIVE MARTIN OF NEW JERSEY.

Mr. KINKEAD of New Jersey. Mr. Speaker, it is with profound regret that I announce to the House the death of my distinguished colleague, the Hon. LEWIS J. MARTIN, late a Representative of the sixth district of New Jersey, who died suddenly this afternoon in the Union Station, while returning to the Capitol to attend his duties here. At a time later I will ask the House to set apart a day for memorial services on the life, character, and public services of our deceased friend. I now ask for the present consideration of the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 92.

Resolved, That the House has heard with profound sorrow of the death of Hon. LEWIS J. MARTIN, a Representative from the State of New Jersey.

Resolved, That a committee of 20 Members of the House (with such Members of the Senate as may be joined) be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the

provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

In pursuance of the resolution, the Speaker announced the following committee: Messrs. HAMILL, KINKEAD of New Jersey, SCULLY, MCCOY, TOWNSEND, TUTTLE, BAKER, EAGAN, BREMNER, WALSH, BROWNING, REILLY of Connecticut, SAMUEL W. SMITH, SLOAN, DAVIS of Minnesota, KELLEY of Michigan, GOOD, LANGLEY, LAFFERTY, and SELLS.

ADJOURNMENT.

The SPEAKER. The Clerk will report the further resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was unanimously agreed to; accordingly (at 10 o'clock and 6 minutes p. m.) the House adjourned until Tuesday, May 6, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of New York Harbor, N. Y., with a view to securing a suitable depth of channel to the navy yard (H. Doc. No. 44), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustration.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SLEMP: A bill (H. R. 4641) to establish a mine rescue station and an experiment station for analyzing and testing coals, lignite, and mineral substances at or near Norton, Va.; to the Committee on Mines and Mining.

Also, a bill (H. R. 4642) to erect a monument to commemorate the Battle of Cloyd's Farm, Pulaski County, Va.; to the Committee on the Library.

Also, a bill (H. R. 4643) to provide for the improvement of the headwaters of Big Sandy River in Virginia; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 4644) to authorize the Secretary of War to furnish the town of Wise, Va., with two condemned cannons and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 4645) providing for the use of $2,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in Virginia, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 4646) to authorize the President of the United States to appoint shorthand reporters for the circuit and district courts of the United States, to fix their duties and compensation, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 4647) for the establishment, control, operation, and maintenance of a sanitarium for disabled volunteer soldiers at New River, White Sulphur Springs, in the State of Virginia; to the Committee on Military Affairs.

Also, a bill (H. R. 4648) to divide the State of Virginia into three judicial districts, and for other purposes; to the Committee on the Judiciary.

By Mr. GUERNSEY: A bill (H. R. 4649) to provide for enlarging the United States building at Houlton, Me.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4650) changing the name of Maine Avenue; to the Committee on the District of Columbia.

Also, a bill (H. R. 4651) to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge, of Old Town, Me.; to the Committee on Public Buildings and Grounds.

By Mr. MOTT: A bill (H. R. 4652) to establish an agricultural experiment station at Lowville, Lewis County, N. Y.; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 4653) to amend sections 6, 7, and 8 of the food and drugs act, approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 4654) to provide for a struck jury in all civil actions triable by jury; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 4655) to amend section 3716 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. BLACKMON: A bill (H. R. 4656) to amend the acts to regulate commerce so as to provide that interstate railroads may grant free or reduced transportation to agents and employees of the cooperative farm demonstration work of the Department of Agriculture; to the Committee on Interstate and Foreign Commerce.

By Mr. SLEMP: A bill (H. R. 4657) to provide for the improvement of Powell River, in Virginia; to the Committee on Rivers and Harbors.

By Mr. GUERNSEY: A bill (H. R. 4658) to permit the Grand Army of the Republic to have its journal of each meeting of the national encampment and its stationery printed free of cost at the United States Government Printing Office; to the Committee on Printing.

By Mr. CLAYTON: A bill (H. R. 4659) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

Also, a bill (H. R. 4660) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. MITCHELL: Joint resolution (H. J. Res. 79) instructing representatives to the International Peace Conference; to the Committee on Foreign Affairs.

By Mr. SLEMP: A resolution (H. Res. 90) to create a committee on public highways; to the Committee on Rules.

By Mr. SMITH of New York: A resolution (H. Res. 91) amending the rules of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 4661) for the relief of Thaddeus Harris; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 4662) for the relief of Cornelia E. Laws; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 4663) granting a pension to James Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4664) for the relief of the estate of John W. McDaniel; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 4665) granting an increase of pension to Sarah A. Kimball; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 4666) granting a pension to Eva J. Clarke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4667) for the relief of Mag Brown; to the Committee on War Claims.

Also, a bill (H. R. 4668) for the relief of John Blackston; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 4669) granting a pension to Nathan F. Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4670) granting a pension to Lewis A. Coffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4671) granting an increase of pension to Charles B. Sprague; to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 4672) for the relief of Julia A. Pierce and John Pierce, heirs of John C. Pierce, deceased; to the Committee on War Claims.

By Mr. FLOOD of Virginia: A bill (H. R. 4673) for the relief of the heirs of John H. Caldwell, deceased; to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. 4674) granting an increase of pension to Orin J. Moon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4675) granting a pension to George W. Speer; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 4676) granting an increase of pension to Archibald McCleary; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 4677) granting an increase of pension to Boardman C. Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4678) granting an increase of pension to James F. Beath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4679) granting an increase of pension to George Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4680) granting an increase of pension to Samuel L. Kimball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4681) granting an increase of pension to Hiram E. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4682) granting a pension to Charles E. Sleeper; to the Committee on Pensions.

Also, a bill (H. R. 4683) granting a pension to Elvira Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4684) granting a pension to Anna J. Sampson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4685) for the relief of Lewis Myshrall; to the Committee on Military Affairs.

Also, a bill (H. R. 4686) for the relief of W. A. Brown Co.; to the Committee on Claims.

Also, a bill (H. R. 4687) for the relief of William I. Wood; to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 4688) for the reimbursement of the legal representative of James Harvey Dennis for moneys expended by the said James Harvey Dennis for the improvement of the Tennessee River; to the Committee on Appropriations.

By Mr. KEY of Ohio: A bill (H. R. 4689) granting a pension to Frank M. Freeman; to the Committee on Pensions.

Also, a bill (H. R. 4690) granting a pension to Sarah H. Deyo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4691) granting an increase of pension to Jacob Gatchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4692) granting an increase of pension to Samuel A. Needham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4693) granting an increase of pension to John T. Hatch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4694) granting an increase of pension to Henry C. Chadwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4695) granting an increase of pension to John Luty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4696) granting an increase of pension to Joseph Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4697) granting an increase of pension to Lorenzo Emmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4698) to remove the charge of desertion and grant an honorable discharge to Samuel Bordner; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 4699) granting an increase of pension to Wesley Coppock; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 4700) for the relief of the heirs of George Small, deceased; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 4701) granting an increase of pension to George W. Louthain; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 4702) granting a pension to Mary E. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4703) for the relief of Lewis Stephens; to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 4704) granting a pension to Nathan C. Castle; to the Committee on Pensions.

Also, a bill (H. R. 4705) granting a pension to Pleasant D. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 4706) granting a pension to William M. Faidley; to the Committee on Pensions.

Also, a bill (H. R. 4707) granting a pension to Dolphis A. Gilliam; to the Committee on Pensions.

Also, a bill (H. R. 4708) granting a pension to George W. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 4709) granting a pension to Boyd Suthers; to the Committee on Pensions.

Also, a bill (H. R. 4710) granting a pension to Erskine E. Teague; to the Committee on Pensions.

Also, a bill (H. R. 4711) granting a pension to F. M. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4712) granting a pension to Andrew J. Shell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4713) granting a pension to Solomon Pippin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4714) granting a pension to Victoria G. Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4715) granting a pension to Henry T. Mason; to the Committee on Invalid Pensions.

Also, a bill (H R. 4716) granting an increase of pension to Frank Brownlow; to the Committee on Pensions.

Also, a bill (H. R. 4717) granting an increase of pension to La Salle Corbell Pickett; to the Committee on Pensions.

Also, a bill (H. R. 4718) granting an increase of pension to May S. Bacon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4719) granting an increase of pension to Inez S. Bacon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4720) granting an increase of pension to Julia C. Barstow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4721) granting an increase of pension to Daniel Bice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4722) granting an increase of pension to Charles H. Bliss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4723) granting an increase of pension to Henry Dash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4724) granting an increase of pension to William Hurt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4725) granting an increase of pension to John A. Lovin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4726) granting an increase of pension to Calvin Pace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4727) granting an increase of pension to Robert W. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4728) granting an increase of pension to James Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4729) granting an increase of pension to Isaac Sloan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4730) granting an increase of pension to Alexander Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4731) granting an increase of pension to William J. Hudgens, alias Richard H. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4732) for the relief of Almareen Owens, sr.; to the Committee on Claims.

Also, a bill (H. R. 4733) for the relief of John W. Hyatt; to the Committee on Military Affairs.

Also, a bill (H. R. 4734) for the relief of John E. McDowell; to the Committee on War Claims.

Also, a bill (H. R. 4735) for the relief of W. V. B. Tilson; to the Committee on War Claims.

Also, a bill (H. R. 4736) for the relief of Swan Hamlen; to the Committee on War Claims.

Also, a bill (H. R. 4737) for the relief of the heirs of Henry Sinon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 4738) for the relief of the heirs of R. Tilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 4739) to correct the military record of William Doss, alias William D. Doss; to the Committee on Military Affairs.

Also, a bill (H. R. 4740) to correct the military record of James B. Franklin; to the Committee on Military Affairs.

Also, a bill (H. R. 4741) granting an honorable discharge to George W. Dutton; to the Committee on Military Affairs.

Also, a bill (H. R. 4742) granting an honorable discharge to J. L. M. Wilcox; to the Committee on Military Affairs.

Also, a bill (H. R. 4743) for the erection of a monument to the memory of Gen. William Campbell; to the Committee on the Library.

Also, a bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 4745) to pay Isaac W. Airey for services rendered to the United States Army during the late Civil War; to the Committee on War Claims.

Also, a bill (H. R. 4746) for the relief of Shelby Lodge, No. 162, Ancient Free and Accepted Masons, Bristol, Va.; to the Committee on War Claims.

Also, a bill (H. R. 4747) to authorize and direct the President of the United States to place upon the retired list of the United States Navy late Midshipman John Benton Ewald, with the rank of ensign; to the Committee on Naval Affairs.

Also, a bill (H. R. 4748) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Presbyterian Church of Wytheville, Va.; to the Committee on War Claims.

Also, a bill (H. R. 4749) to carry into effect the findings of the Court of Claims in case of Preston Lodge, No. 47, Ancient Free and Accepted Masons, of Jonesville, Va.; to the Committee on War Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 4750) granting an increase of pension to Albert B. Shirts; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 4751) to correct the military record of Emery Thavenet; to the Committee on Military Affairs.

By Mr. YOUNG of Michigan: A bill (H. R. 4752) granting a pension to Daniel B. Grant; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 4753) granting a pension to Albert Hahn; to the Committee on Pensions.

Also, a bill (H. R. 4754) granting an increase of pension to William H. Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4755) for the relief of Alexander W. Hoffman; to the Committee on Claims.

Also, a bill (H. R. 4756) for the relief of Sidney G. Sherwood; to the Committee on Claims.

Also, a bill (H. R. 4757) for the relief of H. G. Britting; to the Committee on Claims.

Also, a bill (H. R. 4758) granting restoration of pension to Eliza Steele, now Riehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4759) granting restoration of pension to Mary Wolbert, now Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of E. W. Grant and Don P. Bartley, of Fulton, Mo., against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Lumbermen's Club of St. Louis, Mo., protesting against the passage of any legislation to abolish the Commerce Court; to the Committee on Appropriations.

Also, petition of George W. Kavvenbrook, of New Melle, Mo., and Fred D. Stichter, of Louisiana, Mo., both protesting against the passage of legislation including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. ANDERSON: Papers to accompany bill (H. R. 4625) granting a pension to John Brin, Company G, First Battalion Minnesota Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Dr. August J. A. Kuehn, of Ridgeville Corners, and William Hertel, jr., both of Ohio, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the St. Louis Association of Credit Men, St. Louis, Mo., favoring the passage of legislation causing an immediate reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of corporations, business concerns, and citizens of Missouri, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Henry Heil Chemical Co. and the Fabricius Toy & Notion Co., of St. Louis, Mo., protesting against an assessment of a fee for protests against illegal exactions by customs officials; to the Committee on Ways and Means.

Also, petition of George M. Dinges and 27 other citizens of St. Louis, Mo., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. CARY: Petitions of citizens of Milwaukee, Wis., against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of E. B. L. Shoe Manufacturing Co., of Milwaukee, Wis., against free boots and shoes; to the Committee on Ways and Means.

Also, petition of the Wallace & Smith Co., of Milwaukee, Wis., relative to 100 per cent duty in shipping harness to Russia; to the Committee on Ways and Means.

By Mr. DALE: Petitions of Muscatine Commercial Club, of Muscatine, Iowa, against reduction of duty on pearl buttons; to the Committee on Ways and Means.

Also, petitions of D. C. Andrews & Co., of New York City, and M. B. Shantz, of Rochester, N. Y., against the reduction of duty on vegetable ivory buttons; to the Committee on Ways and Means.

Also, petition of Wm. L. Gray & Co., of New York, against placing wood alcohol on the free list; to the Committee on Ways and Means.

Also, petitions of citizens of Brooklyn, N. Y., against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of Hay Budden Manufacturing Co., of Brooklyn, N. Y., against reduction of duty on anvils; to the Committee on Ways and Means.

Also, petition of the Long Island Game Protective Association, of New York, favoring clause prohibiting importation of wild-bird feathers, etc.; to the Committee on Ways and Means.

Also, petition of Allied Printing Trades Council of New York, against change in tariff on printed matter; to the Committee on Ways and Means.

Also, petitions of citizens of the United States, against free cigars from the Philippine Islands; to the Committee on Ways and Means.

By Mr. DYER: Petitions of citizens of St. Louis, Mo., against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of citizens of West Hoboken, N. J., against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. FARR: Petition of S. Sampson, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Williard T. Johns, H. L. Harding, Willis A. Bates, and 49 other citizens of Pennsylvania, all protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. FITZGERALD: Petitions of citizens of New York, against bill allowing cigars to come into the United States free; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petitions of Cigar Makers' Unions Nos. 14, 15, 217, 227, 383, of Chicago, Ill., against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petition of citizens of the first congressional district of Vermont, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. GRIFFIN: Petitions of citizens of New York, against including mutual life insurance companies in income-tax bill; to the Committee on Ways and Means.

By Mr. HAYES: Petitions of Harry E. Hyde and 62 other voters of Marysville, Cal.; W. F. Baird and 70 other voters of Woodland, Cal.; August May and 111 other voters of Alvarado, Cal., all protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petitions of Joseph Dixon Crucible Co., Hawaiian Fertilizer Co., of San Francisco, and California Corrugated Culvert Co., of West Berkeley, Cal., against reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of Pasadena Audobon Society, of Pasadena, Cal., against importation of skins and plumage of wild birds; to the Committee on Ways and Means.

By Mr. LEVY: Petition of 70 citizens of New York, protesting against the removal of the tariff on Philippine tobacco and cigars; to the Committee on Ways and Means.

Also, petition of the Washington Millers' Association, Tacoma, Wash., asking that if the products of wheat are to be admitted free that wheat also be admitted free; to the Committee on Ways and Means.

Also, petition of C. Tennant Sons & Co. and Gravenhorst & Co., of New York, N. Y., both protesting against the assessment of any fee in relation to the filing of protests against the assessment of duties; to the Committee on Ways and Means.

Also, petition of Simon Alexander and 6 other citizens of New York, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Strich & Seidler, Wing & Son, and two other piano concerns of New York, N. Y., all protesting against the removal of ivory tusks from the free list; to the Committee on Ways and Means.

Also, petition of the Long Island Game Protective Association, New York, favoring the passage of the legislation prohibiting the importation of the feathers and plumes of wild birds for commercial use; to the Committee on Ways and Means.

By Mr. McCLELLAN: Petition of Cigar Makers' Local Union No. 84, Saugerties, N. Y., protesting against the removal of the tariff on Philippine tobacco and cigars; to the Committee on Ways and Means.

Also, petition of Lemence Du Bois, Ellenville; William M. Davis, Kingston; Miss Mary Low, Ellenville; Mrs. Charles Woodard, Catskill; and E. S. Ryder, Cobleskill, all of the State of New York, and all protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. MOTT: Petition of the Chamber of Commerce of the State of New York against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of the Washington Millers' Association, of Tacoma, Wash., against duty on wheat; to the Committee on Ways and Means.

Also, petition of the Associated Importers and Manufacturers of Human Hair, against duty on human hair; to the Committee on Ways and Means.

Also, petition of the Merchants Association of New York, N. Y., protesting against an assessment of a fee for protests against illegal exactions by customs officials; to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of nine citizens of Nevada, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., favoring the passage of legislation for an immediate reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of John P. Newell, Los Angeles, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Holly Sugar Co., Huntington Beach, Cal., the California Corrugated Culvert Co., West Berkeley, Cal., and the Robert Dollar Co., San Francisco, Cal., all protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of Henry Hauser and 810 other citizens of the following cities and towns of California: Artesia, Anaheim, Alameda, Arroyo Grande, Alvarado, Bay City, Buena Park, Chino, Betteravia, Compton, Colusa, Concord, Daly City, Downey, El Monte, Gilroy, Garden Grove, Hueneme, Hynes, Huntington Beach, Irvington, Lompoc, Los Alamitos, Long Beach, Los Angeles, Lugo, Laws, Meridian, Moss, Monterey, Marysville, Norwalk, Ontario, Oceano, Owensmouth, Oxnard, Pacific Grove, Pleasanton, Salinas, San Francisco, Santa Maria, Santa Ana, Soledad, Talbert, Van Nuys, Watsonville, Westminster, and Woodland, all protesting against placing sugar on the free list; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of citizens of the thirtieth congressional district of New York, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of sundry citizens of New York, N. Y., protesting against the removal of the tariff on Philippine tobacco and cigars; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Steubenville (Ohio) Chamber of Commerce, favoring currency-reform legislation at present session of Congress; to the Committee on Banking and Currency.

SENATE.

TUESDAY, *May 6, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring the continuance of the present Federal policy in regard to the preservation of the national forests. I ask that the resolutions be printed in the RECORD and referred to the Committee on the Conservation of National Resources.

There being no objection, the resolutions were referred to the Committee on the Conservation of National Resources and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolutions relative to the national forests.

Whereas it is for the interest of the whole people that Federal control of the national forests should be continued; and

Whereas the protection, administration, and development of the national forests involve a financial burden beyond the ability of any State to assume: Therefore be it

Resolved, That the General Court of Massachusetts urges that the policy established by the Government of the United States in regard to the Federal conservation and development of the national forests should be maintained, and that the control of the national forests should not be turned over to any State or to any individual or corporation.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officer of each branch of Congress and to each Senator and Representative from Massachusetts in Congress.

In house of representatives, adopted April 10, 1913.
In senate, adopted in concurrence April 15, 1913.
A true copy.
Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

Mr. GALLINGER presented petitions of sundry citizens of Milford, Hinsdale, Stratham, and Center Sandwich, in the State of New Hampshire, policyholders in the Mutual Life Insurance Co. of New York; of Amos S. Rundlett, of Portsmouth, N. H.; Krikor Haehannasian, of Nashua, N. H.; D. P. Kingsley, president of the New York Life Insurance Co.; John Bancroft, of Wilmington, Del.; W. T. Galliher, president of the American National Bank, of Washington, D. C.; of the Chamber of Commerce of Rochester, N. Y.; and of sundry citizens of Philadelphia, Pa., praying for the exemption of mutual life insurance companies from the operation of the proposed income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

He also presented the petition of Rev. Robert C. Falconer, of Hanover, N. H., praying for the enactment of legislation providing compensation for employees of the United States suffering injuries sustained or occupational diseases contracted in the course of their employment, which was referred to the Committee on Education and Labor.

Mr. SMITH of South Carolina presented memorials of A. F. McKissick, president and treasurer of the Grendel Mills, of Greenwood; of James D. Hammett, president and treasurer of the Orr Cotton Mills, of Anderson; of Robert Chapman, president and treasurer of the Marlboro Cotton Mills, of McColl; and of John A. Law, president and treasurer of the Saxon Mills, of Spartanburg, all in the State of South Carolina, remonstrating against any reduction in the duty on cotton, which were referred to the Committee on Finance.

Mr. CLAPP. I present a memorial from citizens of the State of Minnesota, remonstrating against the income-tax section of the pending tariff bill relating to the taxation of life insurance companies operating exclusively on the mutual plan, and I ask its reference to the Committee on Finance.

I wish to call attention to the fact that somebody is misleading the men who signed this memorial. It is a prepared form and recites that the proposed tax to be imposed upon insurance companies by the pending tariff bill is in addition to and duplication of the tax now provided by the Payne-Aldrich law as a corporation tax. Whoever prepared it certainly either did not read the pending bill or is himself guilty of a willful intention to mislead.

I wish to make this statement in connection with the memorial so that the memorialists, if they read it in the RECORD, will see that they have been misled in this matter.

The VICE PRESIDENT. The memorial will be referred to the Committee on Finance.

Mr. NORRIS presented a petition of Local Union No. 107, Farmers' Educational and Cooperative Union of America, of Crowell, Nebr., praying for a reduction in the duty on sugar, which was referred to the Committee on Finance.

Mr. WORKS presented a memorial of sundry citizens of Kaweah, Three Rivers, Exeter, Hayward, Oilfields, Visalia, and Farmersville, all in the State of California, remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on the Conservation of National Resources.

He also presented a petition of sundry citizens of Martinez and Oakland, in the State of California, praying that currants be placed on the free list, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Ventura Chamber of Commerce, of San Buenaventura, Cal., remonstrating against a reduction in the duty on citrus fruits, which was referred to the Committee on Finance.

TARIFF DUTY ON CITRUS FRUITS.

Mr. WORKS. Mr. President, I have here a letter from Charles C. Chapman, of Fullerton, Cal., giving some facts that I think are interesting and instructive on the subject of the growing of citrus fruits in California and bearing on the question of the tariff. I ask that the letter may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

FULLERTON, CAL., *April 24, 1913.*

Hon. JOHN D. WORKS, *Washington, D. C.*

MY DEAR SENATOR: I have had the privilege of reading a copy of your letter to the Citrus Protective League, bearing date of April 11. First let me say I appreciate both your position and the spirit of the letter. Your well-known disposition to treat with fairness every question I assure you I also appreciate, and all we need to ask for in behalf of the citrus industry is fair and reasonable treatment.

I know Mr. Powell is quite capable of furnishing you any data which you may desire in order to present this question to the Senate; but I want to take the liberty of emphasizing, perhaps, a few points which occur to me as important. I speak more particularly in behalf of the orange growers, not having been in recent years a lemon grower. I have, however, been induced to put out a large lemon orchard, and naturally feel deeply interested in the outcome of legislation on the lemons. I can say, however, that some years ago I had about 35 acres of lemons, and for seven or eight years I did not make one dollar off the entire acreage. The trees bore heavily; but I could not, however, seem to realize anything from them. I therefore rebudded them to oranges. A little later protection was given the industry, and those who had lemon orchards have, I understand, done very well; but this came only after a long, discouraging struggle.

The President, in his message to Congress on the tariff, said something about the chief need of the American producers, in order to compete with the world, was that they should sharpen their wits, or words to that effect. If he was to step into one of our modern packing houses, I am sure he would find a splendid display of the best inventive genius and application of mechanical forces to be found in the world. In my own packing house, used solely for packing my own fruit, I have equipment which cost between $7,000 and $8,000, and it requires more than an ordinary grade of intelligence to manipulate the various pieces of machinery. All of this equipment is that we might handle the fruit with greater care and put up a uniform package, both as regards quality and size and make it, as well, attractive to the trade.

I mention this, for many do not realize how much handling of the orange, and lemon as well, is necessary before it reaches the consumer. This is all done by well-paid labor. I should very much regret to be forced to reduce the wage of any of this help, but if we are forced to retrench by reason of having any of the markets taken from us among the first places we should go would be to the help, because this is the largest item which enters into the handling of the fruit.

The impression prevails that the citrus industry has been immensely profitable and that the growers have been making big money. That is not true. Many have done well, but no better than the farmers in many sections of the country have done. It requires active, enterprising, and intelligent direction of the business to produce even a reasonable income. Practically all of our growers have come here from the East, and the charms this country has for them has induced many to talk much, and, indeed, often "blow" about results. Everyone, as you know, catches the spirit and talks big of California, and this has given a wrong impression as to the real results of the efforts of a series of years. I am often pointed to as one of the most successful growers, but I could have made more money in other enterprises, either here or in the East, from whence I came, had I put into them as much of my life as I have into the citrus industry.

To my mind the great loss from a reduction of the tariff on oranges would be the loss, or largely so, of the New York market. This is the best orange market in the world. It sets the price for the entire country, and if the tariff was reduced so that oranges could be brought in freely that market would be continually demoralized. It would be unsettled, and therefore unprofitable, to the New York trade, and therefore to the California growers and shippers. It is really only a few of the New York dealers who want a reduction, and these, I am told, are mostly foreigners.

We are giving the consumers good fruit, well and honestly put up, and at very reasonable prices, and it is widely distributed throughout the Nation, so that every small village has fresh fruit continually; and I presume, if let alone, the increase of production, the lower transportation charges, and even still better facilities for handling the fruit will enable us to give it to the consumers at still lower prices; but if all this is disrupted the industry could not possibly go on in its splendid development as it has in the past 10 years.

Most of our growers—in fact, practically all of them—have come here from different sections of the East. Many came when well past middle life and invested their savings in the citrus business, expecting to pass the remainder of their life here in comparative comfort. It will be hard, exceedingly so, for these people to see the business in which they have invested their all demoralized. Many of these, for there are thousands of them, would not be able to survive the financial loss that this would incur.

It is difficult for us to say just how much reduction of the tariff may be made and our industry still survive, or even continue without serious demoralization and loss. None of us know just how much encouragement the importers would get from even a slight reduction. They have been making a great fight for reduction, with the evident intention of using our markets to the fullest extent if permitted. If they are encouraged to do this, in the very nature of the case it will greatly injure us. Both the home producer and the importer can not use the same markets with profit. One must be the loser and eventually driven out, and he would be the one who had put the most money in producing, handling, and transporting the fruit. Here we would be at a disadvantage, for in all three items we put in far in excess of double the amount of money that the foreigner does.

It does seem hard after so many of us have been putting in our best efforts for years, and all the money we could raise, in building up an industry which in itself has been highly beneficial to the whole country to have it ruined or greatly crippled by legislation made solely, it would seem, in the interest of the foreign producer.

The eastern manufacturers will feel the demoralization of the citrus industry, for our money has been spent freely in buying all sorts of implements and articles made there.

Pardon this long communication, but I know in what I am saying I voice the sentiment of a great many growers.

Thanking you for what you have done for us, and trusting that you will fight hard to preserve as nearly as possible the present rate on oranges, I am,

Sincerely, yours, CHARLES C. CHAPMAN.

DORA D. WALKER.

Mr. TILLMAN. On the 12th ultimo I introduced a bill (S. 750) for the relief of Dora D. Walker, which was referred to the Committee on Pensions. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 1830) granting a pension to Mary S. Bartlett (with accompanying paper); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 1831) granting a pension to Mary Kehoe; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 1832) to provide for the purchase of a site and the erection of a public building thereon at Georgetown, in the State of Delaware; to the Committee on Public Buildings and Grounds.

A bill (S. 1833) for the relief of George Hallman; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 1834) granting a pension to Lizzie M. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 1835) granting a pension to Charles F. Lane; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 1836) granting an increase of pension to Henry Marble (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 1837) granting an increase of pension to George W. Robinson; and

A bill (S. 1838) granting a pension to Ada Jernigen; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 1839) granting an increase of pension to Levin A. Harvey; to the Committee on Pensions.

THE TARIFF.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. MYERS submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTINE of New Jersey submitted an amendment proposing to repeal the clause in section 28 of the public buildings act approved March 4, 1913, providing that no person now in the employment of the Supervising Architect's Office shall be eligible to such employment, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and to be printed.

LAWS OF PORTO RICO (S. DOC. NO. 20).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying volume, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the session beginning January 13 and ending March 13, 1913.

WOODROW WILSON.

THE WHITE HOUSE, *May 6, 1913.*

COLLECTOR OF CUSTOMS, PORT OF PHILADELPHIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 76, submitted yesterday by Mr. OLIVER, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate all papers and other information in his possession or in the possession of the Treasury Department relating to the demand of the Secretary of the Treasury for the resignation of Chester W. Hill, collector of customs of the port of Philadelphia.

Mr. OLIVER. I ask for the adoption of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. BACON. Mr. President, I suggest the interpolation of the word "documentary," so as to read "documentary information."

The VICE PRESIDENT. Does the Senator from Georgia offer that as an amendment?

Mr. BACON. I am suggesting it to the author of the resolution.

Mr. OLIVER. Mr. President, I do not appreciate the importance of the suggestion. I think the Senate is entitled to all the information, whether documentary or otherwise. It is presumed, of course, that all the information will be documentary, but if the Secretary of the Treasury is in the possession of any other information, I think it is his duty to transmit it under the resolution.

Mr. BACON. As I understand the resolution, it is directed to the President of the United States.

Mr. OLIVER. It requests the President to transmit the information in his possession or in that of the Secretary of the Treasury.

Mr. BACON. I understand; but it is addressed to the President, not to the Secretary of the Treasury, and necessarily the President, in getting from the Secretary of the Treasury that which the resolution calls for, would be limited to documentary

evidence. You could not expect that the President of the United States would call the Secretary of the Treasury before him and put him under cross-examination to know everything he had heard. Yet that would be the result of such phraseology, or at least that would be implied, I should think. The Senator himself says it will be documentary. Why not make it specific to that effect?

Mr. OLIVER. The Senator said it is presumed that it will be documentary, but it is barely possible that the Secretary of the Treasury may have in his possession information other than documentary evidence. If there is anything within his knowledge or within the suspicion of the Secretary of the Treasury detrimental to this officer, we want to have it transmitted to us. It seems to me that the insertion of the word "documentary" would be a limitation upon the information that we ask for. I do not want to insert anything in the resolution that will limit the information which may come to us.

Mr. BACON. I again suggest to the Senator that the resolution is not addressed to the Secretary of the Treasury, but to the President. If the President should undertake to comply with the request of the Senate, what would be his mode of procedure? Would he call the Secretary of the Treasury before him and make him unbosom himself as to everything he had heard in regard to this official, or would he say to him, "Send me any papers which you have?" While the President would naturally limit himself to sending for papers, it seems to me that in addressing to the President of the United States a request for information which he is to secure from some one else, it ought to be of a nature which will be definite and precise, and not put upon the President of the United States the duty of having a court of inquiry, or rather an inquiry, whether a court or not, as to all that might rest within the knowledge of the Secretary of the Treasury, everything he may have heard, representations which may have been made to him, some of them possibly without any foundation. Nevertheless, it would be information.

I do not think there is any precedent for anything of this kind. In the first place, I do not recall a resolution which has ever been addressed to the President of the United States requesting him to send information which is in the possession of some one else. Therefore if we are going beyond the usual limitation it seems to me we ought to make it as definite and concise as possible. It is with that view I took the liberty of suggesting to the Senator that it would be more satisfactory to limit it.

Of course if the President of the United States sees proper to communicate anything else he can do so. I do not know whether any Senator would object to the resolution. It rests altogether within the discretion of the President, and I myself am not disposed to object. When a request is simply made for information it seems to me that the information is presumed to be of a documentary character. No information is supposed to be in the possession of a department for official action except that which is in document shape, if I understand the matter correctly.

In view of the fact that the Senator says he does not anticipate that there will be any information except that which is found in a documentary shape I trust he will consent to make that change.

Mr. OLIVER. Well, Mr. President, this resolution is addressed to the President of the United States. I am perfectly willing, so far as I am concerned, to leave it to the judgment of the eminent American who now occupies that position as to the extent or kind of information which he will transmit.

Mr. MARTIN of Virginia. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. OLIVER. I do.

Mr. MARTIN of Virginia. With the permission of the Senator, I should like to inquire if he is willing to state—and I suppose he is—for what purpose he desires this information? I myself am unable to see how it concerns the Senate to get this information. The President is certainly not answerable for exercising the functions of his office. He had a right to remove the incumbent in the position referred to without cause if he saw fit to remove him, and I do not understand the object to be attained by getting this information when it comes, whether it be documentary or otherwise. What use is to be made of it? Cui bono? I do not understand why the information should be asked.

Mr. OLIVER. Mr. President, if the Senator from Virginia wishes, I am very ready to state my purpose in asking for this information. When the present administration took office, about two months ago, it was definitely announced that the policy of the administration would be the policy which has prevailed for a generation past when one President succeeded another, to allow the incumbents of offices which had a definite term of service fixed by law to occupy those offices until the expiration of their terms, in the absence of some certain and specific reason to the contrary. Notwithstanding that declaration and the innumerable precedents for such action, the Secretary of the Treasury about a month ago demanded the resignation of Mr. Hill and a number of other officials occupying positions in the customhouse at Philadelphia, whose terms of service were fixed by law at four years and whose terms had not then and have not yet expired. Mr. Hill, to whom this resolution refers, replied to the Secretary of the Treasury, asking if there were any charges against the administration of his office and stating that, if so, he would decline to resign under such charges. The Secretary of the Treasury replied in effect that there were no charges pending against him, but that it was the desire of the present administration to have men in office who were in sympathy with the purposes and the policies of the administration; in other words, I presume, in short, to replace those officers who are not Democrats by those who are Democrats.

Mr. MARTIN of Virginia. Mr. President——

Mr. OLIVER. I decline to yield just now, Mr. President. I shall be very glad to yield to the Senator from Virginia later.

Mr. President, I offered a resolution in executive session to the same purport as this, but directed to the Secretary of the Treasury. It was objected at that time that the resolution should be addressed to the President, and the action on the resolution was delayed by what certain Senators on the other side termed "a filibuster." I said then, and I say now, that my purpose in offering the resolution in open session is to bring before the public the facts relating to this enforced resignation of an able, a capable, and an efficient public official.

If there is anything in the administration of Mr. Hill in the performance of the duties of his office that is open to criticism, I think we ought to know it. Notwithstanding the statement of the Secretary of the Treasury that no charges were pending against him, and that the only reason for demanding his resignation was that a man in sympathy with the purposes of the administration be put there, it has been charged on the floor of the House of Representatives by one of the Representatives from my State that this resignation was asked for, or that the officer was substantially removed because of frauds or undervaluations in the conduct of his office. If that is so, it should be investigated, and the information leading to the removal should be sent to the Senate so that the responsibility for the conduct of that office should be properly lodged and so that we should be advised whether or not there had been any misconduct, or whether the reason given was a mere pretext for substituting one kind of a man for another in a public office. That is the reason why I have offered this resolution. We want to know—and I think we ought to know—whether the present administration are going to respect the principle of maintaining efficient and honest public officers in their positions until the expiration of their terms, or whether they are going to indulge in sweeping removals without cause.

I yield to the Senator from Virginia, if he wishes me to do so.

Mr. MARTIN of Virginia. In the first place, I desire to make a parliamentary inquiry. Has this resolution been introduced this morning for the first time?

Mr. OLIVER. It was introduced on yesterday.

Mr. MARTIN of Virginia. Has unanimous consent been asked or given for its present consideration?

Mr. OLIVER. The resolution comes over under the rule, I will state to the Senator.

Mr. MARTIN of Virginia. I understood the Senator from Pennsylvania to say that it was offered this morning for the first time.

Mr. OLIVER. The resolution was offered on yesterday, and it comes over under the rule.

Mr. MARTIN of Virginia. Was it taken up yesterday? Is it not a different resolution?

Mr. OLIVER. I offered the resolution yesterday, and then asked for its present consideration. Objection was made; it went over under the rule; and it is now properly before the Senate for action.

Mr. MARTIN of Virginia. I ask the Senator from Pennsylvania if it is not a fact that there was a large sum of money paid into the Treasury recently because of violations of the customs laws at Philadelphia?

Mr. OLIVER. Mr. President, that is just exactly what we want to find out. If there was any wrongful settlement made, and if this collector had anything to do with it, then I will join with the Senators on the other side not only in confirming the nomination of his successor, but in visiting upon him any

punishment that ought to be visited upon him for such action. It is just such a thing as that that we want to ascertain, and this resolution calls for information relating to that and to any other wrongful thing that it is alleged he has done in the conduct of his office.

Mr. MARTIN of Virginia. I do not mean, Mr. President, to intimate that there was any wrongdoing on the part of the collector of customs at Philadelphia. It seems that no charges have been made against that collector of customs, but simply reasoning about the matter and having no information regarding it, I have concluded that if, in the execution of the duties of that office, one importer had so far violated the law that a compromise had to be made with him, and he had paid into the Treasury about $100,000 because the customs had not been properly collected when the goods were received, it was an indication of inefficiency, on account of which the President might with great propriety have removed the collector of customs.

I simply refer to this because I do not believe, and I hardly think there is a Senator on the floor who believes, that the President removed the collector of customs at Philadelphia in order to put a Democrat in his place. While I do not know what induced him to make the removal, I have no idea he was influenced by a consideration of that sort. It would be inconsistent with everything he has done or said, and so I am driven to the conclusion that he made the removal because he thought the service was not efficient, although no charges had been preferred; but that seems to me to be entirely immaterial. Whether he acted on that motive or on some other motive, he acted within the limits of his proper constitutional authority, and he had a right to make the removal without any cause whatever or to make the removal for cause which was satisfactory to him, and yet which he did not desire to allege. Every employer knows that there are occasions when removals are made, and yet the employer is unwilling to allege the cause which induced him to act. The idea I desired to express was simply that the information when obtained would be useless. The President has the constitutional power to make the removal without any cause whatever, and I do not, therefore, see what good will be accomplished or of what value the information will be to the Senate when it is furnished, if, indeed, it be furnished at all. I can not see the connection between the removal and the new appointment. The office is now vacant.

Mr. OLIVER. The office is not vacant, Mr. President. Mr. Hill is still the incumbent.

Mr. MARTIN of Virginia. I understood the Senator to say that Mr. Hill had resigned.

Mr. OLIVER. Resigned, to take effect upon the appointment and qualification of his successor.

Mr. MARTIN of Virginia. That is substantially a vacancy.

Mr. OLIVER. No; I beg pardon, Mr. President.

Mr. MARTIN of Virginia. Whether or not the office is vacant, it is within the jurisdiction and constitutional authority of the President to send another name to the Senate whenever he pleases to do so, and it has no connection with the resignation or the removal of the present incumbent.

Mr. OLIVER. Mr. President, the name of Mr. Hill's successor has already been sent in; and, while I admit that the President has the right to remove any official at any time, I do say that information regarding the manner of removal or the manner of creating the vacancy is of great importance to the Senate in considering the question of confirming his successor; and it is for the purpose of having this information considered in connection with the nomination of that successor, who has already been named, and whose nomination is now pending, that I ask for this information.

Mr. President, I do not propose to discuss this matter longer. If Senators on the other side want to take the responsibility of suppressing this thing, they can do so. I leave it to the judgment of the Senate whether or not they will ask for this information. I say it is pertinent to the case; it ought to be asked for, and it ought to be furnished; but if the Senate refuses to ask for it, or if the President refuses to furnish it, the responsibility is with the other side of the Chamber and not with this side.

Mr. HITCHCOCK. Mr. President, I desire to move an amendment to the resolution by striking out the words "and other information." It seems to me that the Senator from Pennsylvania should be willing to consent to this amendment. In view of the fact that we are admittedly establishing a precedent, we ought not to enter into a practice which is likely to lead us into embarrassment and into an impropriety of action. In calling upon the President, even by way of a request subject to the exigencies of the public interest, it seems to me improper to go further than to ask for the papers in the case.

I sympathize with the Senator's position, that the Senate, which confirmed the present incumbent, can very properly call upon the President to send to the Senate the papers in the case relating to his removal; but it seems to me that it is going too far to call for other information which might involve a communication from the President stating his reasons, or the reasons of the Secretary of the Treasury, not based upon written documents.

Mr. OLIVER. Mr. President, if the Senator will allow me, I think that it is thoroughly safeguarded by inserting the provision calling only for such information as the President may wish to send not incompatible with the public interest.

Mr. HITCHCOCK. The resolution is not so worded.

Mr. OLIVER. The President is the judge of what information he will furnish. I am perfectly willing to trust the President to give all the information in the case, and I am satisfied that he will give all the information in the case if this request is transmitted to him.

Mr. HITCHCOCK. The Senator does not phrase his resolution so as to request the President to send only such information as he may desire to send. He asks him to send all the information.

Mr. OLIVER. The resolution reads, "if not incompatible with the public interest."

Mr. HITCHCOCK. Yes; but then it may be quite possible that that would lead to a communication from the President, if he desired to be entirely frank with the Senate, which would go outside of the papers in the case. It seems to me that it is improper for the Senate to enter into such a possible controversy with the President in this case or in any other. The Senate ought to be permitted to request the transmission of the papers in the case; and if they do not justify the President in his action, it is a matter for the Senate to judge; but certainly, in establishing a precedent, we should not use indefinite language of this kind. We should call specifically for the facts in the case upon which the department acted.

Mr. OLIVER. Do I understand that the Senator offered the suggestion as an amendment?

Mr. HITCHCOCK. I offer it as an amendment.

Mr. OLIVER. I have no objection to that, Mr. President.

Mr. KERN. Mr. President, before the Senator from Pennsylvania takes his seat I should like to ask him a question. He spoke about Members on this side of the Chamber taking the responsibility of "suppressing this thing." To what thing does the Senator refer in connection with any suppression?

Mr. OLIVER. I did not catch what the Senator said.

Mr. KERN. I said that the Senator a while ago spoke about the responsibility the Members on this side would have to assume in "suppressing this thing," as he expressed it. Now, I am asking as to what thing he refers that was about to be suppressed?

Mr. OLIVER. I will leave it to the Senator to draw his own conclusion from what I said.

Mr. KERN. I speak only for myself when I say that I hope this resolution will be defeated. Neither do I desire to influence any Member on this side of the Chamber by anything I shall say. It is conceded here that the President in the removal of this official has proceeded entirely within his constitutional right. It is now proposed to inquire into—to probe—the mental processes of the President of the United States through which he reached the conclusion that this man ought to be removed. I think we are going entirely outside of our duties when we enter that field. I think the precedent to be set is a bad one. I remember that when Mr. Cleveland went out of office in 1897 and Mr. McKinley came in Democratic officeholders all over this country went down as ripened grain before the sickle. I remember that such were the wholesale removals that if the Senate had undertaken to inquire of Mr. McKinley in each instance as to his motive in the removal of Democratic officers the Senate would have had little time for anything else during the first month of his administration.

Mr. OLIVER. Mr. President, will the Senator yield to me for a moment?

Mr. KERN. Yes.

Mr. OLIVER. If the Senator will allow me, I will state that when Mr. McKinley assumed the Presidency in 1897 Mr. John R. Reed, a very eminent Democrat of the city of Philadelphia, was the incumbent of this very office, collector of the port of Philadelphia, with two years yet to serve; and he served his term out before a Republican was appointed to the place.

Mr. SMITH of Georgia. I should like to ask the Senator if Mr. Reed did not support Mr. McKinley for the Presidency?

Mr. OLIVER. I do not think he did, but I do not know anything about that. If you are going to draw the line there, however, you will have to go high up among Democratic offi-

cials to-day. I will say that to the Senator. There are a great many men high in Democratic favor to-day who did the same thing.

Mr. SMITH of Georgia. Still, Mr. President, that was a good reason why President McKinley should not have removed him. If he supported President McKinley for President, the mere fact that he had been appointed by President Cleveland was no reason why President McKinley should not have shown the appreciation of his support which he properly should have felt.

Mr. OLIVER. I will ask the Senator if he knows whether or not Mr. Reed supported Mr. McKinley?

Mr. SMITH of Georgia. Not at all. If I had, I should not have asked the Senator from Pennsylvania the question. I asked him because I did not know.

Mr. OLIVER. I do know, Mr. President, that there was strong influence brought to bear upon President McKinley to make an immediate change there, and he refused to do it, and he continued Mr. Reed in office. I do not know whether or not Mr. Reed supported Mr. Bryan, but I do know that he continued as a Democrat, and he never surrendered his Democracy. Quite a number of men did, and came back.

Mr. KERN. Mr. President——

Mr. CLARKE of Arkansas. Mr. President——

Mr. KERN. I have not yielded the floor yet, Mr. President. I was not referring to any individual instances. I had in mind officeholders in my own State who were turned out by wholesale, even though in many instances they were under the civil service. Some 20 or 25 at one time went out; and a man who was afterwards President of the United States, then a member of the Civil Service Commission, came to Indiana and refused those men a hearing, and confirmed the action of the political end of the administration in turning them out without any hearing. The Democrats "took their medicine," to use a somewhat vulgar expression, in those days. We saw there was little use in making protests, and so we yielded; and I believe, as a rule, President McKinley's appointments were confirmed without objection in this body.

If you establish this precedent now, and the minority on the other side of this Chamber undertakes to inquire into the motives of the President for the removal of Republican officeholders, there may be time for the transaction of some other business; but while I have no authority to speak for the administration, speaking for myself, if I had my way there would be so many removals in accordance with the will of the people, as registered in November last, that it would take all of the time of the Members on the other side to make inquiry as to the motives of the President in making the removals.

Mr. OLIVER. Mr. President, I am glad the Senator from Indiana has spoken, because if this resolution is voted down it will simply be a declaration to the country that no attention is to be paid to the records of men in office, but that there are to be wholesale removals simply for the purpose of substituting a man of one party for a man of another. It is all right for the Democratic Party to take that position, but we want them to appear before the country as taking that precise position, and flying in the face of a public opinion which is to the effect that faithful officers should be retained in position at least until the expiration of their terms.

That is all I have to say.

Mr. KERN. Mr. President, I have understood it to be conceded on that side that the President was proceeding within his constitutional rights; that he was exercising a power or right which the Constitution of the country devolved upon him. I think there is no reason for complaint. Besides, I believe it is generally conceded throughout the country by fair-minded Republicans that as a result of the last election the President who received such an overwhelming plurality should have men about him, conducting the administrative affairs of the Government, who are in full sympathy with him and his administration.

Mr. CLARKE of Arkansas. Mr. President, I am not prepared to commit myself to the proposition that any action that the President takes in connection with the removal and appointment of public officials is beyond inquiry by the Senate; but I see no reason for the passage of this particular resolution, unless it is intended to question the veracity of the Secretary of the Treasury when he wrote to this gentleman who was removed that he removed him for political reasons.

I think that gentleman is in possession of a communication, or can readily obtain a copy of a communication, written by the Secretary of the Treasury, in which he says there were no charges pending against the collector which went to his integrity, but that he was removed for the sole reason that it was the desire that that great branch of the public service should be in the hands of those who were in sympathy with the administration.

That communication has been read publicly, and it is known to exist; so what broader statement of the fact do you want or could you obtain, no matter how full your information might be? If that presents any issue upon which you desire to be heard, you have an authentic statement of it now from the only source that can give it. Therefore this resolution is all a work of supererogation. It accomplishes nothing.

I presume the Secretary of the Treasury would reply in response to the resolution, if communicated to him by the President, just as he replied when inquiry was made of him by the collector or his friends; so I do not see why the resolution should be passed. If you desire to ventilate that action with a view of acquainting the American people with the fact that it has been taken, you have the most authentic evidence of it now, and you have the amplest opportunity to make such comments upon it as seem to you to be proper. You do not need information from authentic sources to confirm a rumor. The Secretary of the Treasury has made that announcement over his own signature when a specific inquiry covering the point was submitted to him.

Therefore it seems to me that the resolution is utterly useless and simply encumbers the RECORD. For that reason I think it ought not to be adopted, and it ought not to be referred to a committee, but it ought to be disposed of here—not because anybody fears the result of the inquiry, but because the utmost extent to which it can go is now closed and no new information can come from prosecuting an inquiry under it.

Of course, the Secretary of the Treasury spoke by authority when he made that answer in reply to the inquiry submitted to him as to the cause of the removal of Mr. Hill. That is all you could learn as the result of the passage of this resolution. If you desire to discuss it from that standpoint, you can find the opportunity in some of the proceedings that take place here.

I should not be swift to vote against the resolution if the matter were in doubt and you wanted to bring it out in authentic form so as to make a definite issue upon it. As it is already before the Senate, however, I do not see the use of passing the resolution at all.

Mr. TOWNSEND. Mr. President, I assume that if it were simply a question as to whether or not the present incumbent of this office had been wronged there might be some doubt as to whether we ought to ask for this information. But enough has been said on the floor of the Senate to-day and the last time this matter was up to indicate that there are certain things chargeable to this office—at least, that impression has been given currency throughout the country, and especially here in Congress—that should put the Members of the Senate on guard.

I submit, Mr. President, that Senators who are called upon to confirm a nomination—to say nothing about retaining a man in office, but simply about putting a man into office—have a right to the fullest information; and it seems to me the Senate can do no less than to pass a resolution requesting the President to submit to us for our consideration the facts in this case. I think it is but fair to the incumbent and I think it is absolutely just to us that we have this information.

There are Senators here who argue that we have no right to ask for this information. I know the senior Senator from Arkansas does not agree with that proposition. We have a right to ask for anything that we need in the discharge of any duty that comes before us. It will shortly be our duty here to confirm a man appointed in place of the collector at Philadelphia. I want to know, as one, whether or not the charges intimated by the senior Senator from Virginia a moment ago and by other Senators are correct—that, notwithstanding the statement of the Secretary of the Treasury, there are matters connected with that office which we ought to know. That will have something to do with my vote in confirming the man whose name the President has presented here.

I conceive that no harm can be done, no bad precedent can be established, by asking and receiving information which we actually need. If, as the Senator from Nebraska states, there are some things in the resolution which perhaps ought not to be there, I have no objection to its being amended. But to deny us the right to receive information which it is necessary for us to have in performing a public duty seems to me to be entirely wrong. Therefore I think this resolution ought to pass.

Mr. SMITH of Georgia. Mr. President, will the Senator from Michigan yield for a question?

Mr. TOWNSEND. I will.

Mr. SMITH of Georgia. Would not the proper way and the easy way to get that information be for the committee to

which this nomination is referred to ask for the papers? Is not that the usual way with reference to nominations? Is not that constantly done—to obtain all papers in the possession of the President or the head of the department with reference to the person to be appointed and the person removed?

Mr. TOWNSEND. If this issue had not arisen, and if it had come up in the committee of itself, I presume that would have been the proper way to proceed. But the matter has been given publicity here, and Senators are contending that we have not the right to ask for this information. I do not think the Senate can afford to let the matter rest there. It seems to me we ought to proceed now with the resolution to get the information that we have asked for.

Mr. BACON. Mr. President, I think the Senator from Michigan is mistaken in his statement that any Senator here disputes the right of the Senate to ask for these papers or any other papers which may be in the possession of the departments. There is a difference, however, between the existence of the right and the exercise of the right. The existence of the right is somthing which I will go as far as the Senator from Michigan or any other Senator in defending and maintaining. I have had something to say about that in the Senate on more occasions than one. I believe the right exists in the Senate to call for any paper in the departments, and not only to call for it but to command it. But that is a very different thing, Mr. President, from the question whether it is always expedient to call for it. The right may exist, but it may be inexpedient to exercise the right.

Mr. President, this matter does not relate to the question of confirmation. If it did, it could not be discussed in open Senate here without the consent of the Senate or the order of the Senate. If, as is conceded by all, I understand—it has been decided by the Supreme Court—the President has the arbitrary right of removal, for a reason, good or bad, or for no reason, then the question as to whether he has properly exercised that right in no way relates to the question as to whether or not the person appointed to fill the office should be confirmed. The question to be decided when an officer is to be confirmed is whether or not he is worthy and well qualified for the office; whether he is a proper man for it; whether he is one to be approved by the Senate. The question as to how the office became vacant has no relation to the question as to whether or not he is a fit and proper man for that office.

When the Senator from Pennsylvania introduced his resolution, there was nothing said about the purpose——

Mr. OLIVER. Mr. President, will the Senator from Georgia allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. OLIVER. I will ask the Senator from Georgia if it is not true that last winter for nearly three months the Senators on that side of the Chamber held up the confirmation of nearly all of the appointees, because, as was alleged by them, of the manner of creating the vacancies, and the fact that in certain cases, as they alleged, vacancies were created for a political purpose, and on that account the appointees should not be confirmed?

Mr. BACON. I think the Senator is approximately correct in his statement; not exactly so, but sufficiently so for the purposes of his argument. The Senators on the other side are at perfect liberty to vote against the confirmation of anyone if in their judgment a vacancy has been improperly created. But the Senator can not mean to imply that this side of the Chamber, when it took that position, called upon the President of the United States for his reasons why such and such a thing happened; but that is practically what the Senator is proposing to do here.

If the Senator has information which satisfies him that he ought to vote against the confirmation of an officer, he is perfectly free, in the exercise of his constitutional rights, to vote that way, just as Senators on this side of the Chamber in the last session were free to exercise their right to oppose confirmations. But I repeat that the question of confirmation is not a question that can be decided by this inquiry, because it is an inquiry into something which does not have any limitations as to the right of the President.

If the law were that the President should not remove a man except for just cause, then it would be another question; but that is not the law. The law, as declared by the Supreme Court of the United States, is that the President can remove arbitrarily and without cause in the exercise of his will. If he does so in an improper manner, there is a certain method pointed out by the law by which he can be called into question for it; but there is no other method by which it can be done.

As I was about to say when the Senator interrupted me, when the Senator from Pennsylvania offered this resolution, while some of us possibly had the purpose of it in mind, it was not disclosed by him. Therefore in the exercise of a right which I think is equally unlimited—to call for papers—I was not disposed to be critical about it, and, it being left in the discretion of the President, if nothing had been said it would not have amounted to a precedent, and I was willing to let it go. But when the Senator avows in his place that the resolution has for its purpose an inquiry with regard to the creation of a vacancy to fill which an officer has been nominated for confirmation, then for us to pass this resolution is to set a precedent, and one which will return to plague us so long as the present majority shall constitute the majority, and hereafter, when in the fortunes of political warfare those who are now the minority may become the majority.

In the thousands and tens of thousands of nominations which are sent to the Senate, if this is to be established as a precedent, if this is to be recognized as a right, if this is to be recognized as an expedient thing to be done, I will not say simply as a right, it is one which can be exercised in every nomination which may hereafter be sent to the Senate.

I repeat, Mr. President, for that reason I quite agree with Senators who have gone further than I went when I first addressed the Senate upon this subject. I quite agree with them that with the purpose disclosed it is not a proper thing, it is not an expedient thing to do, while I do not dispute the fact that we have a right to do it.

Mr. CLAPP. Mr. President, if it is proper in legislative session to make the inquiry, I should like to inquire whether the appointment involved in this case has been reported by the committee to which it was referred?

Mr. OLIVER. It has not, Mr. President.

Mr. CLAPP. Then it rather strikes me for one that the committee could get these papers in the first instance, or, failing to do so, that the Senate could do it.

Mr. SMITH of Georgia. There is not, Mr. President, I think, a bit of trouble about the Senator having done what he wants done, or rather what he announces he wants done, by getting this information from the committee. That is a simple process that is always taken; and if we deviate from it now, on every occasion when there is a nomination and any information is wanted from a department we will be told that a resolution should be passed calling on the President to furnish it.

Mr. OLIVER. Mr. President, it seems to me there is a good deal of difficulty. I offered the resolution in executive session for obtaining this information and failed to obtain action. I stated then that I would offer it in open session, which I have now done. I am going to fail to obtain action on this resolution. I am not at all confident that if the resolution should be referred to the Committee on Commerce, notwithstanding the fact that I am a member of the committee, the information would be obtainable through the medium of that committee.

Before I sit down, Mr. President, I should like to have read and inserted as a part of my remarks the letter of the Secretary of the Treasury in response to Mr. Hill, stating his reason for calling for his resignation.

The VICE PRESIDENT. That may be done. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, *April 9, 1913.*

SIR: Replying to your letter of the 7th instant, there are no pending charges against you. Your resignation has been requested because, in the judgment of the department, it is essential that the officers of the port shall consist of persons who are in sympathy with the purposes and policies of the administration.

Respectfully,

(Signed) W. G. McADOO, *Secretary.*

Hon. C. W. HILL,
Collector of Customs, Philadelphia, Pa.

Mr. REED. Mr. President, what is the purpose of this resolution? It seems to me to be a curious performance, any Senator holding in his hand the written and avowed reason, which he denounces by innuendo at least as wicked, possessing this evidence——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. I do.

Mr. OLIVER. It is not the first time the Senator from Missouri has placed words in my mouth that never issued from it. I want him to be careful about the language he attributes to me.

Mr. REED. Ah, Mr. President, the Senator, occupying a delicate position, is in a very sensitive mood. I have put no words in the Senator's mouth. I have said that at least by innuendo

he has charged there is an improper motive. I reiterate it. He has in the last few moments argued that removal for political reasons is such an act as demands and challenges the attention of the country. He has called on the Senate to pass this resolution in order that that evidence of iniquity, for that must have been his meaning, or disregard of his public duty, for that must have been his meaning, should be laid bare and naked before the country, in order that the people might gaze upon it, appalled and horrified.

Now, it transpires that the evidence of that very reason which the Senator states he wants to have exposed was in his hands. Therefore he has now all he could possibly obtain if he had all the papers in the possession of the President, unless it be the fact that there was some cause other than the political cause, which has been referred to here, for the removal of this man. If there be such a cause, if there has been dereliction in duty, if there has been failure to properly conserve the interests of the country by the officer in charge of this position, then that fact would throw no light whatever upon the confirmation of the successor to this office. It would not affect the moral character of the man who has been appointed. It would not affect the question of his capacity. It would not affect the right of the President to appoint him or of the Senate to confirm him.

Therefore there could be no reason for calling for that information, and if it did come it would only come to offer a stronger reason than the one that has already been given in the letter of the Secretary of the Treasury. Manifestly, therefore, this resolution has for its object only the purpose of exposing to the country the awful crime of having removed a Republican from office just on the eve of the fact that the people of the country did their best to remove the entire party from office.

Mr. President, some comment has been made here in regard to the right of the President to remove. We are not even confronted with that question. The President has not removed this officer. He removed himself by resignation. It matters not that that resignation was requested. If he thought he was entitled to his office, if he considered that the office belonged to him as of right, he ought to have retained it and to have submitted himself to an actual removal. On the contrary, this gentleman saw fit to voluntarily resign his office, for it was voluntary when it was not compelled.

In the next place, Mr. President, I want to offer this observation: Some Senators upon the other side, the Senator from Michigan [Mr. TOWNSEND] in particular, said that if there had been anything wrong with the conduct of the office at Philadelphia that fact ought to be known to the Senate. I grant that. But is this the way to secure that information? Is this a proposition to investigate that office? Is this a resolution calling for the facts in regard to either malfeasance or misfeasance in that office or negligence in that office? It is nothing of that kind. If the Senator from Michigan desires to have light upon that, if the Senate desires light upon that, then the proper method to pursue is to offer a resolution to investigate that office. But I do not hear the Senators upon the other side asking for that sort of an investigation. The whole kernel and meat of this matter is found in the attitude of the Senator from Pennsylvania. He brought this question before the executive session, where it properly belongs, and, having failed there to carry his point, he took a change of venue to the open session, in order that there might be public discussion; and having now been gratified, I trust the resolution will be defeated.

The VICE PRESIDENT. The question is upon the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK]. The Secretary will read the amendment.

The SECRETARY. On page 1, line 3, after the word "papers," strike out the words "and other information," so as to read: "to transmit to the Senate all papers in his possession," and so forth.

The amendment was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the resolution. [Putting the question.] The noes appear to have it.

Mr. OLIVER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I will withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY] and therefore withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I will transfer that pair to the senior Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. OLIVER (when his name was called). Has the senior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The VICE PRESIDENT. He has not voted.

Mr. OLIVER. I have a pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is necessarily absent from the Senate on important public business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE], who seems not to have voted. I transfer that pair to the Senator from New York [Mr. O'GORMAN] and vote "nay."

The roll call was concluded.

Mr. ASHURST. I understand that I am recorded as having voted in the affirmative, and if it be so recorded I do not particularly appreciate the company in which my vote appears to place me.

Mr. SMOOT. I should like to ask the Senator if it is on account of the company or if he has changed his mind.

Mr. ASHURST. I should be recorded in the negative.

The VICE PRESIDENT. The Senator from Arizona is recorded in the negative.

Mr. JACKSON. I wish to inquire if the senior Senator from West Virginia [Mr. CHILTON] has voted.

The VICE PRESIDENT. He has not voted.

Mr. JACKSON. I have a general pair with that Senator, and, as he is not present, I will not vote. I would vote "yea" if the Senator from West Virginia were present.

Mr. GALLINGER. I have been requested to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired with the senior Senator from Indiana [Mr. SHIVELY], and that the junior Senator from West Virginia [Mr. GOFF] is paired with the senior Senator from Alabama [Mr. BANKHEAD]. The pair of the Senator from New Mexico [Mr. FALL] with the Senator from Arizona [Mr. SMITH] has been announced. The Senator from New Mexico is absent on important public business.

The result was announced—yeas 31, nays 42, as follows:

YEAS—31.

Brandegee	Gallinger	Norris	Stephenson
Bristow	Gronna	Oliver	Sterling
Burton	Jones	Page	Sutherland
Clark, Wyo.	Lippitt	Perkins	Townsend
Colt	Lodge	Root	Warren
Crawford	McCumber	Sherman	Weeks
Cummins	McLean	Smith, Mich.	Works
Dillingham	Nelson	Smoot	

NAYS—42.

Ashurst	Johnson, Me.	Pomerene	Stone
Bacon	Johnston, Ala.	Ransdell	Swanson
Bryan	Lane	Reed	Thomas
Clapp	Lea	Robinson	Thompson
Clarke, Ark.	Lewis	Saulsbury	Thornton
Fletcher	Martin, Va.	Shafroth	Tillman
Gore	Martine, N. J.	Sheppard	Vardaman
Hitchcock	Myers	Shields	Walsh
Hollis	Newlands	Simmons	Williams
Hughes	Overman	Smith, Ga.	
James	Owen	Smith, S. C.	

NOT VOTING—23.

Bankhead	Chamberlain	Jackson	Pittman
Borah	Chilton	Kenyon	Poindexter
Bradley	Culberson	Kern	Shively
Brady	du Pont	La Follette	Smith, Ariz.
Burleigh	Fall	O'Gorman	Smith, Md.
Catron	Goff	Penrose	

So the resolution was rejected.

ARMOR PLATE FOR VESSELS OF THE NAVY.

Mr. ASHURST. Mr. President, I submit a resolution which I ask to have read and for which I ask immediate consideration.

The Secretary read the resolution (S. Res. 78), as follows:

Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate for the dreadnought Pennsylvania; and

Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton: and

Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and

Whereas it is alleged that this action of the said firms reveals that they comprise an armor-plate trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate, at as early a date as practicable, a

report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent for the immediate consideration of the resolution.

Mr. GALLINGER. Let it go over, Mr. President. I object.

Mr. ASHURST. Mr. President, I merely wish to state that this is identical with the resolution introduced by me on the 17th of March last, which was referred to one of the committees of the Senate, but which has not yet been reported because of the great amount of work pressing upon various members of the committee. It does seem to me that this matter ought to be given attention. I hope the distinguished Senator from New Hampshire [Mr. GALLINGER] will withdraw his objection to the present consideration of the resolution. I am advised that the Secretary of the Navy is willing, as it is his duty, to send this information at the earliest possible date. Indeed, it is my understanding that the Secretary is now compiling the data demanded by this resolution. I wish the objection would be withdrawn.

Mr. GALLINGER. Mr. President, I do not feel like withdrawing my objection. There is a pretty serious allegation contained in the resolution against the retiring Secretary of the Navy which ought to be inquired into a little before we pass the resolution, and I now give notice that when the resolution properly comes before the Senate I shall move to refer it to the Committee on Naval Affairs.

The VICE PRESIDENT. Under the objection the resolution goes over.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia. Mr. President, in pursuance of the unanimous-consent agreement of the Senate, I ask that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. ASHURST. I move that the Senate proceed to the consideration of the resolution I offered, the objection to the contrary notwithstanding.

Mr. GALLINGER. Mr. President, I make the point of order that that motion has to go over under the rules of the Senate.

The VICE PRESIDENT. The Chair rules that it must go over. The Senator from Virginia [Mr. MARTIN] asks that, in pursuance of the unanimous-consent agreement of the Senate, the Senate now resume the consideration of the sundry civil appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, the pending question being on the amendment proposed by Mr. GALLINGER on page 129, line 13, to strike out all after the numerals "$300,000" down to and including the word "products," in line 24, as follows:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. OWEN. Mr. President, I wish to ask the Senate to consider at this time the resolution reported with amendments by the Committee to Audit and Control the Contingent Expenses of the Senate, authorizing the Committee on Banking and Currency to have hearings, if it be agreeable to the chairman of the Committee on Appropriations.

Mr. MARTIN of Virginia. I have no objection to having the sundry civil appropriation bill temporarily laid aside for the consideration of the resolution, if it leads to no debate.

Mr. SMOOT. Mr. President, we are proceeding under a unanimous-consent agreement, and, under the rule, that can not be done. So I object to the consideration of the resolution.

Mr. OWEN. I make no further request.

Mr. GRONNA. Mr. President, I offer a substitute for the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], which I send to the desk, and ask to have read.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 129, line 13, in lieu of the amendment proposed by Mr. GALLINGER, it is proposed to strike out all after the numerals "$300,000," and to insert:

Section 1 of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraint and monopolies," is hereby amended by adding the following proviso: "*Provided,* That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with a view of enhancing the price of agricultural or horticultural products."

Mr. GALLINGER. Mr. President, I make the point of order against the amendment that it proposes general legislation on an appropriation bill.

Mr. GRONNA. Mr. President, I trust the Senator will withhold his point of order, as I wish to make some observations on the proposed amendment.

Mr. GALLINGER. I will withhold it.

Mr. GRONNA. Mr. President, the amendment to the Sherman Antitrust Act which I have offered is identical with the one which, as was stated on the floor of the Senate yesterday, was offered by Senator Sherman when the bill which bears his name was under consideration, and which was accepted by the Senate.

I might say that the purpose of this amendment is the same as of the proviso for which it is offered as a substitute. I believe that it is preferable to action of the committee, however, for several reasons. If a law in its operation proves more far-reaching than it is believed it should be, the proper way, it appears to me, is to change the law, and not to refuse to enforce it. If the Sherman Antitrust Act has been construed so as to apply to labor unions and farmers' associations and it is believed that such organizations should be exempted from its operation, it appears to me that the proper thing to do is to amend the law so as to exempt such organizations from its operation, and not in effect to encourage violation of the law by specifically providing that funds appropriated for the enforcement of the law shall not be used in case certain classes violate the law. Any Congress has the power to repeal or amend laws enacted by former Congresses, and if Congress believes that such laws should be repealed or amended it is its duty to take such action; but if Congress does not see fit to use its power to repeal or amend such laws, I do not believe that it is justified in encouraging the violation of such laws. It may be argued that it was not the intention at the time the law was enacted to include labor unions and farmers' organizations within its scope, and that in providing that this appropriation shall not be used to prosecute such organizations we are merely insisting on the original intent of the act. It seems to be well settled, however, that the law has been construed by the courts as applying to such organizations, and if the purpose is to exempt them, the logical and proper way appears to me to be to write the exemption into the law. Let us make the law read the way we think it ought to read, prohibit the acts which we think it ought to prohibit, and then let us enforce it without fear or favor, impartially and efficiently. I believe the Sherman Antitrust Act has been one of the best laws ever placed on the statute books, and I also believe it would have proved of far greater benefit than it has if it had been rigorously enforced from the outset. I believe that many of the problems which are confronting us to-day arise from the fact that many trusts and combinations the creation of which this law was designed to prevent were left almost unmolested for a decade after the law had been enacted, with no systematic and efficient attempt to enforce its provisions.

But, returning to the proviso in this bill, I must say that I am not clear as to what effect it will have if retained in the bill. Even without this provision, there is nothing in this bill making it necessary for the Department of Justice to use money appropriated in this paragraph to prosecute the organizations which the proviso, at least apparently, aims to exempt; and, on the other hand, if the department or the President decides that certain organizations of this kind violate the law and should be prosecuted, I believe there are funds available with which such a prosecution could be carried on, even if none of the money appropriated in this paragraph can be used for such a purpose. If the Department of Justice decides that such combinations are not in violation of law, this provision is unnecessary; if, on the other hand, the Department of Justice decides that such combinations are in violation of the law and ought to be prosecuted for its violation, this provision will not save them from such prosecution. It is to be further noted that this apparent exemption from prosecution would extend only until June 30, 1914, the end of next fiscal year. Is there any reason, if these organizations ought to be exempt from prosecution under the Sherman Act, why such exemption should end with the next fiscal year? These organizations either are or are not operating in violation of the Sherman Act, and the provisions of the act either ought to apply to them or ought not to apply to them. If they are not violating the act in its present form, the provision in this bill is unnecessary; if these organizations are in violation of the act, this provision will not exempt them from prosecution. If the Sherman Act prohibits such organizations and we are satisfied that they should be exempted from

its operation, the reasonable and effective way to do it is to amend the act and not to pass this bill, containing a pretended exemption, which, at most, can last only one year.

I do not favor the practice of placing general legislation in appropriation bills, as it often results in the enactment of hasty legislation; but, as Senators know, it is often done, and in this particular instance I believe the amendment which I propose is so simple that no long consideration is necessary in order to understand its effect.

This amendment will definitely exempt these organizations from the operation of the law. The provision contained in the bill, while it apparently exempts them for one year, in reality gives no such exemption.

Mr. President, I trust the Senator from New Hampshire will withdraw his point of order and let us have a vote upon the amendment I have proposed to the amendment submitted by him.

Mr. CLAPP. Mr. President, I inquire if the amendment has been read?

The VICE PRESIDENT. It has been.

Mr. GRONNA. It has been read; but I will ask that it be again read.

Mr. CLAPP. I ask that it be again read. It escaped my attention.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. GRONNA to the amendment of Mr. GALLINGER.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Chair understand that the Senator from New Hampshire raises a point of order against the amendment?

Mr. GALLINGER. The Senator from New Hampshire does make the point of order against the amendment.

The VICE PRESIDENT. Does the Senator from California rise to the point of order?

Mr. WORKS. I do not wish to address myself to the point of order, if the Chair desires to rule upon it.

The VICE PRESIDENT. The Chair desires to rule upon the point of order, if the Senator from California will suspend for a moment. By the third clause of Rule XVI it is provided that—

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate to be decided without debate.

As this is not a question of the relevancy of the amendment to the subject matter of the bill, but as it raises the question as to whether or not it is general legislation, it is the duty of the Chair to rule without submitting the question to the Senate, and the Chair accordingly rules that the amendment is not in order.

Mr. WALSH and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. If the Senator will suspend for a moment, if there is a desire to appeal from that ruling, the Chair will be glad to have it settled. The Chair tried to construe the rule correctly.

Mr. MARTIN of Virginia. Mr. President, I am sure no one desires to appeal. It has been ruled that way universally, certainly for the last 20 years.

Mr. GRONNA. Mr. President, just one word. As the one who presented the amendment certainly I do not wish to appeal from the decision of the Chair. I know the decision is correct according to our rules, but I had hoped that the amendment would be accepted. We have heard much and there was much said on the floor of the Senate yesterday in favor of labor organizations and farmers' organizations, and I know that the particular amendment which I have offered would give permanent relief. On the other hand, the provision contained in the bill is only a makeshift.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Montana.

Mr. WALSH. Mr. President, the discussion of this measure has, to my mind, gone far beyond the limits which the amendment proposed by the Senator from New Hampshire legitimately fixes. The clause to which it is addressed offers no warrant whatever for the suggestion of connivance with crime on the part of the Congress of the United States; neither does it properly open up for inquiry at all the question of the wisdom of Congress in making the Sherman Act so comprehensive in its scope as to include labor organizations and farmers' associations. I think, Mr. President, he must go far afield indeed who finds in it any room for discussion of the views of Mr. Haywood or Mr. Ettor in relation to any of the controversies between labor and capital.

The provision of the bill that is so obnoxious to some of the distinguished Senators who have been heard in reference to it has been denounced as class legislation. Why, Mr. President, that particular part of the measure to which is attached this proviso which the amendment seeks to excise is class legislation. It singles out a particular class of crimes against the National Government and makes a special appropriation for the prosecution of them—$300,000 for the enforcement of the antitrust laws. It contemplates as well other appropriate proceedings for the suppression of the evils against which those laws were aimed, but the enforcement of the criminal laws against trusts comes within the purpose of the appropriation, if it is not its main object.

From out the long category of crimes against the United States these particular crimes are made the subject of a special provision. The violation of one particular statute is singled out and a liberal provision is made by this act for its enforcement. Are we to infer, accordingly, that the people of the United States are unconcerned about other crimes, or that they are willing to connive at their perpetration—murder, arson, and piracy? Why, no. In addition to the general provisions of the act for the pay of judges, attorneys, marshals, and other court officers, found under the head of "Judicial," page 132, et seq., a specific appropriation is made at page 128, lines 1 to 15, inclusive, of $475,000 for the detection and punishment of crime—of crime generally; of all crime. Then follows the appropriation in question of $300,000 for the enforcement of the antitrust laws.

The act makes no specific provision for prosecutions for violation of the postal laws or the pure-food law or any other criminal statutes, except perhaps those relating to the customs and the public lands. The act contemplates that the Department of Justice shall not invade the general appropriation, but that it shall have a specific and ample fund for the enforcement of this particular act. This is class legislation beyond controversy, but it is not open to criticism for that reason, and it commands universal support. Everyone approves it. And why? Because it is generally recognized—

First. That crimes and offenses against these laws have not been prosecuted in the past with the vigor that their gravity requires.

Second. That the perpetrators of them often, perhaps usually, are men of vast wealth, against whom the Government would contend but feebly if its officers were obliged to rely solely on the provision made for the enforcement of the criminal statutes generally.

Third. Because of the unusual expense that ordinarily attends prosecutions of this character.

Fourth. And more than all else, because the public suffers immediately and grievously by the acts condemned by these laws that have been habitually and boldly violated.

For these reasons, and perhaps others, this particular class of crimes is made the subject of this legislation. But within that class there is a class to which these reasons do not apply, or they apply so feebly as not to call for any special provision—namely, organizations of farmers and laborers not engaged in the doing of any act in itself unlawful but yet within the inhibition of the Sherman law as it has been construed by the courts. There is in this act no condonation of any such crime, if there be such a crime. In the Debs case the circuit court of appeals said:

> In this instance it is perhaps apparent that the original measure, as proposed in the Senate, "was directed wholly against trusts, and not at organizations of labor in any form." But it also appears that before the bill left the Senate its title had been changed and material additions made to the text; and it is worthy of note that a proviso to the effect that the act should not be construed to apply "to any arrangements, agreements, or combinations made between laborers with a view of lessening hours of labor or of increasing their wages, nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products," was not adopted. Such an amendment, doubtless, was not necessary in order to exclude agreements and arrangements of the kind mentioned.

But if by entering into an agreement or combination having in view the increasing of wages, the shortening of hours, or the bettering of conditions, and in furthering such agreement or combination, but doing no act unlawful in itself, laborers offend against the Sherman Act, or if farmers do so through their ordinary associations, this proviso expresses the idea that there is no occasion for any special appropriation to punish such infractions of the law. They, it is believed, may be safely dealt with by it in its ordinary course. And why should they not be? Why should there be a special appropriation for the prosecution

of such offenses? Are they so numerous as to require some unusual and extraordinary measure for their suppression by the action of the Government? Are the offenders so formidable as to require the employment of expensive counsel outside the regular aids to the Attorney General? Is there any great crying public demand for relief from the evils flowing from such combinations and associations? No one will assert that there is or that there is any occasion for such. It is to arm the officers of the Government in their titanic struggle with the gigantic industrial and financial monopolies of our time that this great sum of money is appropriated. The offenders of the other class may well be left to be dealt with in the ordinary way and out of the general appropriation. That is what this act means, and all it means.

In the opinion in which it was first held that the Sherman Act extended to combinations of laborers seeking to improve their condition Judge Phillips said:

> I think the congressional debates show that the statute had its origin in the evils of massed capital.

That was the original cause giving rise to the law.

Judge Morrow, in United States *v.* Cassidy (67 Fed., 698–705), said:

> The primary object of the statute was undoubtedly to prevent the destruction of legitimate and healthy competition in interstate commerce by individuals, corporations, and trusts grasping, engrossing, and monopolizing markets for commodities.

He, too, held, however, that it was eventually framed so as to embrace combinations of laborers.

But why may we not properly make special provision to attain the primary object of the law, to arrest the grasping, engrossing, and monopolizing of markets, leaving the evil, if evil it be, not specially aimed at to be corrected in the ordinary way in which the ordinary evils that afflict society are restrained and corrected by the courts?

While the act brought into being by a wise and far-seeing statesmanship was being notoriously violated by the organization of the great trusts that have braved the Nation, it was turned from its original purpose to become an instrument in the hands of the very combinations against whose existence it was leveled. Now that a better public spirit prevails, a determination to enforce the law against rich and poor alike, they would like to see the fund provided to destroy them diverted and exhausted in prosecutions directed at another class of offenders easily dealt with by the ordinary provisions of the law.

If there were no evil to correct but that flowing from associations of laborers and farmers, we all know there would be no specific provision in this bill directed at it. It would not stand out as invested with sufficient importance to justify such. On the other hand, the appropriation would be amply warranted if the act did not reach to such organizations.

The public is demanding the swift and relentless enforcement of the law against monopolizing trusts and combinations. It does not want any portion of the great fund provided for that purpose to be diverted for the purpose of prosecuting labor unions and like organizations for pretended offenses against the Sherman law.

It is asked, "What, then, are you giving these people?" meaning organized labor. We are giving them nothing. We are not professing to give them anything, and certainly not a dispensation to violate the antitrust act or any other act. We are simply declaring what is the common conviction of our people, that the exigencies of the times do not require that we make a special appropriation to prosecute them.

This measure ought to command the support of everyone professing a friendly interest in organized labor. If he harbors the belief that the act was never intended to remedy the evils arising from such, he ought to give it his very cheerful acquiescence. If he thinks the Congress deliberately framed the language of the act so as to reach the associations referred to in the provisos attacked by the amendment, he will still find it difficult to imagine why he should vote for a special appropriation to prosecute offenders falling within those classes.

The sole question presented by the amendment is as to whether the opportunity to use this special appropriation against organizations of laborers or farmers should be accorded to the Attorney General, or whether prosecutions against them, should any seem necessary, should be conducted by the aid of the general appropriation. The specific fund is meager enough, and it should be guarded against depletion or diversion to aid in prosecutions that require no special care, and in respect to which no considerable public feeling is aroused.

Mr. HOLLIS. Mr. President, this amendment is offered by my distinguished colleague from New Hampshire. I shall vote against it; and, at the suggestion of one of the older Senators on this side, I shall give my reasons, in order that it may not be understood that New Hampshire and New England are altogether deaf to the interests of the wage earner.

The proposition involves three issues:

First. Is this class legislation?

Second. Does it make any difference in the world whether it is class legislation or not?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the junior Senator from New Hampshire yield to the senior Senator from New Hampshire?

Mr. HOLLIS. With pleasure.

Mr. GALLINGER. I trust when my charming colleague reads his remarks in the RECORD to-morrow morning he will regret that he has put me in the attitude of being one New England man who is deaf to the interests of the laboring people.

Mr. HOLLIS. I am very sure my distinguished colleague will be able to take care of himself without any regrets on my part, and without any modification of what I have already said. I was elected to come to the Senate, as I believe, because I entertained the particular views that I am about to express. If they do not agree with the views of my colleague I am sorry for him; but I appreciate his perfect right to entertain his own views, and, if I misrepresent him, to set me right.

As I was about to say, the third issue involved here is one of expediency. Is it expedient to favor associations of farmers and wage earners by the passage of this bill as it stands?

I think some attention should be paid to this matter of class legislation, because I suspect there are some Members on this side of the Chamber who may lean rather against the passage of the bill as it stands, for fear that they may be legislating for a class. I have received many telegrams from manufacturers during the past week asking me to vote against this exemption, on the ground that the exemption is class legislation; and they seem to assume that if it is class legislation it ought not to pass.

I have no hesitation in meeting this issue squarely, and in stating without equivocation that this is class legislation; and I propose to show, if I can, that that is no objection whatever.

There is no provision against class legislation in the Constitution. There is no general provision of law against it. There is no general public policy which it will violate. We are constantly discriminating against certain classes and in favor of others. Our laws are full of them. For example, the tariff bill which will presently come before us is a bill which gives favors to certain classes to the detriment of the rest of the people. The income-tax provision in that bill distinguishes in favor of that class which has an income not over $4,000 and against the class which is fortunate enough to have an income of more than $4,000.

The ordinary labor laws do not apply in many cases to farmers and to household servants. The laws which limit the hours of labor apply frequently to women and children only, and to mills and factories only. The man who is fortunate enough to ride in an automobile has to observe certain rules and regulations which do not apply to men who travel in horse-drawn vehicles. Vendors of milk, vendors of spirituous liquors, vendors of gunpowder frequently have to comply with regulations that do not apply to other vendors. So we might go all down the line and find that there is class legislation in abundance, and its constitutionality is never questioned. The very statute of 1908, the Federal employers' liability law, applies only——

The VICE PRESIDENT. Will the Senator from New Hampshire suspend for a moment? The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Order of Business 10, Senate resolution 37, authorizing the appointment of a committee to make an investigation of conditions in the Paint Creek district, West Virginia.

Mr. KERN. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from New Hampshire will proceed.

Mr. HOLLIS. As I was about to say, Mr. President, the Federal employers' liability law of 1908 applies only to that class of citizens who are engaged in interstate commerce by railroad. The only constitutional provision applicable to this case is the one that all members of a class shall be treated alike. We find, then, that this is class legislation, and that the mere fact that it is class legislation is no argument against it. But I hope if Members on this side have any doubts about that they will satisfy them before they fail to vote for the passage of this law, as it is proposed, on that account.

Now, then, we come to the question, Is this an expedient law to pass? I wish to thank the distinguished Senator from Iowa

[Mr. CUMMINS] for his very handsome admission yesterday, that it was not intended to have the Sherman antitrust law apply to associations of farmers and laborers, and for his assurance that the labor men were properly justified in understanding that it did not so apply. I was not of voting age when this matter was discussed originally, but I do remember that it came with a great shock to the country when the courts decided that the Sherman antitrust law should be applied to labor unions. None but those ingenious and able trust lawyers, who had been able to save their clients from the bona fide purpose of this act, would have been able to conceive and push forward to fruition any such idea. The action of the courts in that regard falls within that class of court-made amendments that the Senator from Colorado [Mr. THOMAS] denounced so brilliantly a few days since.

My only care is to get at it as quickly as we possibly can under the rules of the Senate. The thing that I am most careful about is promptness. If I am going somewhere in an automobile and the machine will not start I will not wait a long while, but I will get out and walk; and if I get started and the machine will not work I am willing to take a horse and be towed to my destination instead of waiting all day for an expert to come and repair the machine.

I should much prefer that this wrong should be righted by direct amendment. I think that would be better; but I am going to take relief just as soon as the opportunity arises by passing the law as it stands. I say we should give to the law department our policy in this regard. They will understand our purpose to repeal this court-made amendment as soon as we can properly do so under the rules. We shall notify the law department that we are not in favor of enforcing the antitrust law even if it may technically be applied to associations of farmers and laborers. We shall let them know that they are to point their activities at the real objects which were intended when the law was passed.

It seems to me that the point raised by Senators yesterday was more acute than important. It is just that sort of conservatism that is found commonly among lawyers that has brought so many of them into disrepute with the majority of the voters of this country. It was just the opposite quality in the leader of the third party in the last campaign—his desire to go forward to his object—that commended him to so many voters who otherwise would not have supported him.

Now we come to the point that has been criticized, which is embraced in the phrase "not in itself unlawful." Every lawyer in the Senate knows and well knows that certain acts which are not unlawful in themselves become unlawful when committed in combination with others, and that the Sherman antitrust law is directed against combinations and conspiracies in restraint of interstate commerce.

A man may get the better of his competitors in a great many lawful ways by restraining the trade if he can, so long as he acts alone, but under the Sherman antitrust law these lawful acts when exercised in combination with others become unlawful, not immoral, not unlawful according to the common law, but unlawful under the terms of the antitrust act.

Take the Lawrence cases, which were referred to yesterday. Mr. Ettor and Mr. Giovannitti were indicted for bringing about the death of a woman. I believe the fatal shot was fired by some one at a striker, and an innocent bystander was killed. Mr. Ettor and Mr. Giovannitti were indicted for inciting to murder on the theory that they had advised and urged acts of violence, and that they were therefore liable for the consequences that might properly flow from those acts.

But take the case of Mr. William M. Wood, president of the American Woolen Co., one of the chief beneficiaries under the Payne-Aldrich tariff law. Mr. Wood was indicted by a Massachusetts jury for conspiring with Mr. Atteaux and Mr. Collins in taking dynamite to Lawrence in order to plant it in the residences of the strikers, so that it might be found there and they might be brought into disrepute or perhaps be punished for having it on their premises.

The prosecution, which will begin May 19, I believe, in Massachusetts against Mr. Wood is under the Massachusetts statute, and, as I understand it, if Mr. Wood had transported the dynamite to Lawrence himself instead of having somebody else to do it, then it would not have been a crime. So, under the Sherman Act it is not a crime to do many things by one's self, but when done in combination those things become unlawful.

Now, under this act the law department is left perfectly free to punish all crimes when they are crimes in and of themselves. Crimes like assault, crimes like manslaughter, if committed where they will give the Federal Government jurisdiction, will be prosecuted, and this money may be spent under the terms of this act for that purpose. But it is fair to say that very few common-law crimes do come under the jurisdiction of the Federal authorities.

One reason why I favor this law is brought out by the cases of Ettor and Giovannitti. They were arrested and imprisoned without bail until they were acquitted by a jury of their peers. The evidence was published in the newspapers. We all read it. It was flimsy in the extreme. I have no hesitation in charging that their arrest and imprisonment was brought about by the mill owners, not with any expectation of securing a conviction, but in the hope that their arrest would cow the other strikers and that their absence would break the backbone of the strike.

It is because capital has succeeded in using the police, the militia, legal process, and the courts for their own benefit that I believe the Congress should even matters so far as possible by legislation like this. It is because beneficiaries of the tariff law like Mr. Wood have undertaken to circumvent their employees by tricks and by unjust imprisonment and prosecution; it is because capital has such immense resources and such a tremendous pull or influence over public authorities that I favor laws for them which shall not apply to farmers and wage earners. They have set themselves apart as a class of gilt-edged beneficiaries, and I believe it is just to have class legislation against them as much as to have class legislation for their benefit.

I believe, as I said at the outset, that I was sent to the United States Senate by the State of New Hampshire because I hold these views on this subject, and I should fail in my duty if I did not state what I believe to be the true attitude of New Hampshire on this question.

Mr. GALLINGER. Mr. President, I am not going to do more than say a word at this time. The vigorous defense of my colleague of certain labor leaders attracted my attention. The suggestion that my colleague made, inadvertently I hope, that he wanted to go on record as one Senator from New England who had sympathy with the labor class does not apply to me. I came up through the ranks of laboring men as to some extent did my colleague, and all through my life I have had the profoundest sympathy for the men who earn their bread by the sweat of their brow. For many years I belonged to an organization of laboring men, and if I am not mistaken I am still in good standing with that organization. So it is not quite fair for any Senator expressing his own views, however radical or extreme they may be, to call in question the integrity of his associates. While I have never advertised myself as a special advocate of labor organizations and labor unions, I should be doing myself an injustice if I consented to permit any Senator to put me in the attitude of being hostile to their interests.

On yesterday I alluded to Mr. Haywood and Mr. Ettor. I had forgotten the distinguished Italian who cooperated with them, and whose name my colleague has mentioned, Mr. Giovannitti. We know what they did. We know what utterances fell from their lips on Boston Common and elsewhere. We know that they went into Lawrence for the purpose of creating strife and discord and agitation, and they accomplished it, all in the name of labor, and we know what the result has been.

Now, Mr. President, two days ago this same man Haywood, in the city of Boston, which has been called sometimes the Cradle of Liberty, exercising the privilege that he claims belongs to him to say anything that he chooses to say on public questions, uttered these words:

> It is against my ethics to enter into an agreement with the capitalist class at any time. Our motto should be to exterminate that class and "emancipate" ourselves. Our organization stands for that, and has in view a new society when all industries will be operated by the working classes and for their benefit.

Mr. President, we are a patient people. If we were not a patient people a man who uttered a statement in public that he was in favor of exterminating the capitalist classes of this country would be taken care of by the legal forces of the United States.

So I say, Mr. President, I am not opposed to the laboring men or to the cause of laboring men, but I am opposed to men like that. I hope the time will come when the Senate of the United States in its wisdom will be willing to help to enact laws that will take care of that class of men and that will prevent them from inciting the poor people whom they are haranguing from day to day to acts of violence and murder.

Mr. President, that is all I care to say now. I may have something further to say before the debate closes.

Mr. WORKS. Mr. President, I was greatly surprised and not a little concerned to hear a Member of this body declare that he is in favor of class legislation, but my mind was somewhat relieved when I heard the Senator express his peculiar views as to what constitutes class legislation. I am strongly in sympathy with labor organizations established and used for the

purpose of maintaining reasonable wages and hours of labor and for the general uplift of laboring men. But I have no sympathy with the use of that or any other organization for the commission of violence to attain their ends.

We have hundreds of these organizations in this country. I do not believe they are within the terms of the Sherman antitrust law, but those same organizations may combine and confederate together just the same as any other organization for the unlawful purpose of restraining trade. If they do, then they bring themselves within the terms of the antitrust law and should be subject to its prohibitions and its penalties.

But we are told that this proviso declares that the money shall not be expended for unlawful acts. It is not necessary that that provision should be contained in the law itself to protect against acts that are not unlawful, and certainly the Senate of the United States ought not to put itself in the position of forbidding the judicial officers of this country from prosecuting any man who commits an unlawful act in violation of the statutes of the country.

Who is to determine whether the particular act charged in a given case is unlawful or not? How is it to be determined? Necessarily, the only proper way is, if the prosecuting officer believes it to be an unlawful act, to prosecute the offender. But we say to him in advance, if this is not an unlawful act and you should prosecute it as such and the Government be defeated, then you have in violation of this statute misappropriated the funds of the Government. I say that is a cowardly thing for Congress to do.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. I yield.

Mr. HITCHCOCK. Did I understand the Senator from California to say that, in his opinion, the legal department was in such a position that it would be unable with its ordinary machinery to prosecute a man who had violated, or an association which had violated, the Sherman antitrust law?

Mr. WORKS. Not at all. I have not said anything of that kind.

Mr. HITCHCOCK. The Senator from California will realize that for many years after the Sherman antitrust law and other laws like it were placed upon the statute books, there was no special fund of this sort to make prosecutions of a criminal nature, and some civil cases were carried on by the department without using this fund at all. Some of the greatest cases from a historical standpoint were prosecuted with the ordinary machinery of the legal department; and at the present time the legal department is under no necessity to resort to this particular fund, but has abundant means of prosecuting ordinary cases that may come to its attention.

Mr. WORKS. But, Mr. President, I assume that if Congress is appropriating $300,000 for the specific purpose of prosecuting violations of this particular act, it would be upon the theory that the funds now provided for that purpose are insufficient, or else it is not necessary to make any such appropriation at all. Besides that, undoubtedly the Attorney General, with this prohibitive provision contained in the act, would take it as a direction to him not to prosecute any labor organization or farmers' organization under this particular law. Are we going to put ourselves in that position—to tie the hands of an officer whose duty it is to prosecute any offender of any statute of the United States by withholding from him the necessary funds that should be provided for that purpose? That is precisely what we are proposing to do.

The distinguished senior Senator from Iowa [Mr. CUMMINS] has declared his disagreement with my views as to the efficiency of the Sherman antitrust law. If the Senator had done me the courtesy and the honor to listen to my views on that subject as I expressed them in this Chamber yesterday, he might feel differently about it. I have never claimed that the antitrust law was not a just and righteous piece of legislation. As a declaration of right principles in the conduct of business affairs, it is a most excellent provision; as it relates to the mere question of dissolving combinations and organizations formed for the purpose of restraining trade, it is an effective remedy; but the position I took, Mr. President, was that the act did not go far enough; that it did not apply to specific acts intended to restrain trade, no matter to what extent they might go.

The Senator from Iowa gives emphasis to my objection to the statute in that respect by saying that it is quite doubtful in his mind whether physical violence used in restraint of trade would be within the statute. I am ready to go just as far as my friend from Iowa will go to make the antitrust law just as effective to prevent this kind of combination and also specific acts that are intended to interfere with trade and commerce. As I understand, the Senator from Iowa is making a study of this very question for the purpose of ascertaining what amendments to the statute may be made in order to render it more effective, and I sympathize entirely with that effort.

Mr. President, if Congress believes that the present antitrust law includes labor and farm organizations, and at the same time believes that it ought not to do so, then the proper and the just thing for us to do is to go back to that original statute and so amend it as to take them out of its provisions. No one would be more ready to do that than I if it is confined to labor organizations in the proper and legitimate sense of that term; but whenever labor organizations confederate together or conspire to do an unlawful thing in violation of this statute they ought to be prosecuted and held responsible just the same as any other organization.

So, Mr. President, I am not myself willing, however much I may sympathize with the object and purpose of labor organizations, to put myself in the attitude of inserting a provision in this appropriation bill that should, if it is a proper provision at all, be made an amendment to the original statute.

Mr. LODGE. Mr. President, I shall detain the Senate only a very few moments. I merely desire to put into the RECORD my own reasons for voting in favor of the amendment proposed by the senior Senator from New Hampshire [Mr. GALLINGER].

Those reasons are confined strictly to the character of the two provisos. Those provisos are attached to a special appropriation, which is added to the regular appropriation for the purpose of enforcing a particular law.

I am inclined to agree with the Senator from Iowa [Mr. CUMMINS] in his view that that is not a wise practice; that the general appropriation should be made sufficient to enable the Department of Justice to enforce the laws, and that it is not well to single out one for peculiar care. But this is only a repetition of what has before occurred. We have made these appropriations, special appropriations, for the enforcement of the so-called Sherman Act, and it was done by Congress with the very natural desire to show the zeal which they felt against trusts.

I once heard Mr. Speaker Reed say in the House of Representatives that the House was not what he should call a "courage center"; but when it comes to dealing with trusts, there is no doubt about the courage of Congress; they are entirely fearless; and the appropriation of this extra fund for the enforcement of the law was introduced to show, I think, not only their zeal, but the soundness of their opinions. So it is not worth while arguing for or against the merit of these extra appropriation funds to enforce particular statutes. They are there.

The objection to the provisos, to my mind, Mr. President, is not that they are class legislation in the sense in which that term has been used in this debate. The Senator from Iowa pointed out yesterday that a great deal of legislation passed by Congress was in its nature and effect class legislation, and that same proposition has been renewed to-day by the junior Senator from New Hampshire [Mr. HOLLIS] and fortified by him with a wealth of original illustration. I therefore think it is not necessary for me to point out that much of our legislation necessarily, like the pure food and drug act, in its operation falls on a particular class of the community.

The objection to these provisos, to my mind, is not that they embody a law which in its operation reaches a particular class; it is that they are intended to exempt certain persons and certain classes from the operation of a universal law as it stands on the statute book—a law that is by its wording intended to apply to everybody. The classes which are thus exempted, Mr. President, are very large, very important, very numerous. If they were not numerous, I fancy they would not be exempted. But they are given in this way a privilege which is a wholly different thing from what is ordinarily called "class legislation." This provision creates not a class, but a privileged class. It gives a certain privilege to important bodies of our fellow citizens, a privilege which the great majority of the American people do not enjoy.

Mr. President, I suppose that it is very old-fashioned in me, but I have been brought up on the idea that one of the foundation stones of the American Republic was the equality of all citizens of the Republic, of all freemen, before the law; that whatever else the Republic of the United States has done or failed to do, it has maintained that principle in intention at least. This seems to me a departure from that great principle. It is no answer to say that under this clause as it is drawn, with the phrase "provided the act is not unlawful," it would not, therefore, be efficient. Mr. President, that sort of legislation is the worst that can be put on the statute book—legislation which "keeps the word of promise to our ear and breaks it to our hope"; legislation which pretends, in answer to the

demand of a great class, by shrewdly chosen words, to grant the demand, while in reality it does not.

Nor does it make any difference, Mr. President, so far as the principle involved is concerned, that this applies only to the extent of a special appropriation which perishes at the end of the fiscal year. The principle remains; and that is, that here deliberately we place upon the statute book a provision that certain citizens of the United States—among the best that we have, men who make the backbone of the country, no doubt—that those men, if they belong to certain associations with certain objects, if they are engaged in the promotion of certain excellent purposes and causes, shall be exempt from the operation of a law to which all other American citizens are subject. The large majority of men who work with their hands, for example, are not embodied in labor unions, and to them the provisos give no privilege.

Mr. President, if the Sherman Act by a literal interpretation has been made to work hardship against classes of our community or against individuals whom it was never intended to include in its penalties, then the thing to do, as the Senator from Iowa [Mr. CUMMINS] said yesterday, is to amend the act and make it what it ought to be; but while the act stands upon the statute book universal in its language, applying, as we all have supposed, to all men alike who should violate its provisions, I say, it is a dangerous thing for us to give a privilege to any man by which he can violate a universal law with an impunity guaranteed to him by law, which his fellow citizens do not possess.

Mr. SMITH of South Carolina. Mr. President, I do not think there is any doubt that, viewing it from an abstract standpoint, there is room for argument on both sides of this question, but there is not a Senator on the floor of the Senate who is not perfectly cognizant of the fact that the Sherman antitrust law was never conceived of as a restriction against labor or against the agricultural interests. The whole agitation, as is set forth in the debates on antitrust legislation during the passage of the legislation, indicates this fact—and around that one fact circle all the arguments in favor of an antitrust law—that it was aimed at the unrestricted and unrestrained power that accompanied great aggregations of actual wealth. It was directed against a system under which a few individuals having in their possession great financial resources, holding in their hands, as it were, the very lifeblood of commerce, could at their sweet will cut the wages of those who converted the raw material into the finished product on the one side, and dictate the price to those who produced the raw material on the other side. There is not a farmer in the Senate—and I suppose there are a few here—who has labored with his own hands, who has toiled to produce that which would minister to the needs and the comforts of the people of this country of ours, who has been engaged in producing our staple products, but has felt the power of aggregate capital overriding and subverting the law of supply and demand, and reducing it not to the law of supply and demand, but to the law of money supply and "the man." There is not a man who does not understand that this legislation was aimed at these aggregations of capital which, under the peculiar genius of our Government, were left, until the antitrust law was passed, practically unrestricted.

There is a strange absurdity just here. The Senator from California [Mr. WORKS], who has just taken his seat, deplored, as other Senators have done, the fact that this is class legislation. I am a member of the Committee on Agriculture and Forestry. We are busy from the beginning of one session to the other in appropriating millions of dollars for the purpose of sending out farm demonstrators, and teaching the farmer, at the expense of the National Government, how to produce more. The cost of living has gone high because men have been induced to leave the farm and flock to the centers where these great aggregations of capital promise a man greater return for the work of his brain than on the farm. If this labor is not organized, it is left at the mercy of the man who has the organization and the capital.

I say we are spending millions of dollars to teach the farmer how to grow more, separating him as a distinct class from all other classes, and sending out these special agents for the benefit of the country. Then in the next breath we say to him: "We propose to teach you how to grow more; we propose to relieve the condition that confronts us; but, on the other hand, if you attempt to take charge of your own business, and in a legitimate way combine to get out of it that which you think your own toil is worth, you become subject to the same law that is to be applied to the man who never toiled, who does not work, but who, by inheritance or other means, has come into the possession of vast wealth which represents the accumulated toil of thousands." When the farmer asks that he may have a few more comforts by virtue of the sale of that which he has toiled to produce, we are putting him under the same law as the man who, by the unholy use of his capital, despoils the producer on the one hand and the laborer on the other.

Mr. President, I notice that Chief Justice Fuller, in giving his decision of the famous hatters' case, made use of the expression, quoting from another decision, that this law originated in an attempt on the part of Congress to regulate aggregations of capital, but that on account of their failing to incorporate in the law the very amendment which Mr. Sherman himself introduced, providing that labor and agricultural organizations should be exempt from the operations of the law, it became applicable to all organizations.

I desire to call attention now to a famous case that occurred in 1889, I believe. The farmers and the laborers of this country were the chief agitators against the oppressions of these combinations of capital. They were the ones petitioning Congress for relief. Certain individuals about this time had gotten possession of the bagging factories of this country, and in a short time after they obtained possession of them they served notice on the entire cotton-producing section of the country that they proposed to advance the price of that upon which 9,000,000 people were dependent for covering for their cotton. A few men, combining their capital, were going to extract from those who were preparing for market a great commodity, a commodity upon which the comfort and convenience of millions depended, not a reasonable profit but an unholy profit, simply because they had the wealth and power to do it. The farmers met together and combined and said they would agree not to use this bagging. They had an iron-bound oath not to use it; and the result was that they were liberated from this oppression and ruined the aggregation that had proposed to fleece them.

Take the equity that is involved in that case. A few men were combining not for the purpose of getting necessities, not for the purpose of attempting to better their conditions, that they might educate their children and make their homes a little more comfortable, but in order that they might add to their already unnecessary capital at the expense of those that were producing the wealth of the world. According to the contention of those on this floor, the application of the antitrust law should have stopped these men in their effort to resist the combination of capital that was seeking to fleece the millions engaged in the production of this great necessity. The application of that law would have resulted in each one of these farmers being liable to fine and imprisonment, while under the peculiar form in which the bagging combination was made the persons making it could have gone scot free, for the contracts were made within the State. The price which those that bought the product were forced to pay was paid in the State. It did not become an interstate transaction, because all the contracts were made and filled within the State. So that the combination which was robbing the people, which was laying this burden upon them, would have gone free, while those who were purchasing the product and shipping it to the various States under this unholy price would have been subject to prosecution under the Sherman antitrust law.

There is one other fundamental difference as I see it, and that is this: Wealth in the form of capital is actual. Wealth in the form of muscle and effort, wealth in the form of field, forest, and factory is potential. The object of our Government, as I understand it, is to encourage a diffusion of wealth that will make every man a patriotic citizen, realizing that under the law, no matter what subterfuge may be resorted to, it will be possible for him to get a just return for the labor expended. There is not a man on this floor who will dare stand up and declare that he believes the farmers of this country and the laborers of this country under the actual, practical operation of our law have gotten their just return for the vast wealth produced in this country.

Speaking about class legislation, a majority of the people in this country are engaged in doing the labor in both field and factory. It has been said here this afternoon that we are catering to those engaged in labor and in agricultural pursuits on account of their numbers rather than on account of the equity involved.

The whole thing resolves itself back into this: We as legislators should see to it that labor, the actual force that converts capital into that which we need, shall not be oppressed by capital in its aggregate form; that the farmers of this country have a right to combine for the purpose of diffusing wealth and not for the purpose of concentrating it.

It is absurd and idle to stand on this floor and argue that if the hundreds and thousands of laborers employed in a steel factory were to strike and secure a raise in their wages the result of that would be as disastrous to the people at large

as for the capitalists engaged in this industry to combine and put an unholy price upon that which labor has produced and concentrate that wealth in the pockets of a few and menace this very Government, as was done in 1907.

When wages are raised it results in a diffusion of capital and an impetus to trade. It creates with the wage earners the very means of increasing their purchases; and everyone knows that their desires are far from being fulfilled. The same is true of farm products. No man would stand and argue that actual capital, with its powerful potentiality in the hands of a few, should be treated under the same law and in the same way as the desire of those who labor and cause to be produced that which was not produced before. No man will contend that the millions of farmers and laborers in this country should be treated under the special law in reference to combinations, when the purpose of one class of men is to get the necessities of life, while the purpose of the other is to increase their millions out of the necessities of life. They lie in different fields; they are entitled to different legislation.

If we Senators, selected out of all of the millions of people in this country, are so obtuse that we can not stand in this body and draw a distinction between those who have and have more than they are entitled to and those who have not or have less than they are entitled to we are not worthy of seats in this august body. I, for one, shall vote to retain in this bill this provision just as it is, for the reason that I believe the author of it meant to say, even if it is a little awkwardly expressed, that the farmers and laborers of this country shall not, in the process of organization, be considered subject to the operation of the antitrust law, but shall be subject to the operation of other laws that pertain to violence and bloodshed and whatever else may be incident to their actions but for which nothing can be visited upon the organization.

If a lot of farmers were to organize for the purpose of raising the price of a commodity, and some one among the organization were to commit murder, the purpose for which they organized was not for murder, and the individual who committed the murder would be subject to the law that controls murder. The same is true of all other organizations. But the specious argument that because there has been violence therefore they ought to be restrained from any effort to relieve themselves from an unhappy condition is an absurdity that none of us should allow to have even serious consideration.

I, for one, heartily agree with the Senator from New Hampshire [Mr. HOLLIS] when he says, "If I am riding in an automobile and it does not show evidence of getting there I shall walk." The provision serves notice on the courts that we do mean to eliminate agricultural and labor organizations from the operation of the Sherman antitrust law, and therefore I am going to vote for it until such time as I shall have the privilege of voting for an amendment to the original law.

Mr. HUGHES. Mr. President, it seems to be fairly clear now what the supporters of the language which the senior Senator from New Hampshire [Mr. GALLINGER] desires to strike from the bill hope to accomplish.

I doubt very much if the laboring people of the United States, or many of the Senators, are aware of the position now occupied by the laboring people of the United States. There should be no question in the mind of any man as to the right of the working people throughout this country, prior to the passage of the Sherman antitrust law, to form themselves into organizations or combinations. Since the repeal of the statute by which the justices of the peace in England fixed the workingman's wages and made it a misdemeanor for a man to accept more wages than the justices fixed, it has never been suggested in any Anglo-Saxon community that working people had not the right to form themselves into combinations or organizations for the purpose of making collective bargains with reference to the rate at which they would sell their labor or the conditions under which they would work.

At the time of the passage of the Sherman antitrust law, as was clearly shown by the debates in this body, there was a great hue and cry throughout this country against certain great aggregations of capital. The Standard Oil Co. was specifically referred to in the debates in this body, and several Senators asked the author of the Sherman antitrust law the direct question of whether or not this legislation could, by any sort of forced construction, be held to apply to combinations of workingmen. The proposition was hardly treated seriously in this body, and when the Senator from Mississippi, Senator George, in order to make assurance doubly sure, offered an amendment substantially the same as the language carried by the proviso in this bill, there was not a single vote cast against it in this body.

The working people of the Nation having been reassured by the debates, and reassured by the statement of the author of the bill and by the action of its friends upon the floor, there was no comment even when that language was finally dropped at the time the bill was recommitted to the committee, stripped of that and many other amendments, some of which the author of the bill complained were plainly intended to kill his legislation.

There was no criticism of the legislation, largely because of the statements made by the author and the supporters of the bill that it was far from the mind of any Senator to attempt to prevent the laboring people of America from exercising the rights that the laboring people of every civilized country in the world were then exercising. They had that right, then, prior to the passage of this law; but, Senators, I say to you that they have not that right now. If there is one thing that stands out clearly in the decisions handed down construing the Sherman antitrust law, it is that a combination of men engaged in producing a commodity which is to become the subject of interstate commerce is in violation of that law.

I say to you that any railroad strike that may be called for any purpose is a plain violation of that law, and the men participating in it may be civilly and criminally prosecuted under its provisions. They may be prevented from formulating and presenting their demands even as an organization, without a strike or a threat to strike. Under the provisions of the law and the decisions of the courts as they stand to-day every railroad employees' organization in this land is an organization and a combination in restraint of trade.

It was never intended to give the language of the law that construction; and it was not until that construction was given to it that any attempt was made to limit and correct what nearly every man thinks is a wrong interpretation of the law. In another body, in the year 1910, this language, by way of limitation on an appropriation bill, was offered and adopted. In 1910 three times, as I recollect, this provision was submitted to this body and was here rejected. Finally, in conference, it went out. But then, as now, many gentlemen who held that they could not vote for the provision also held that it was unnecessary, and to-day the gentlemen who seek to strike the language from the bill which will prevent the Attorney General from using this particular fund to prosecute the Brotherhood of Railroad Trainmen, the firemen, or the engineers for being in a combination the object of which is to restrain trade by means of strikes say that this legislation should not be enacted, that we should not seek to bring about this change of legislation by indirect methods. Yet, when the Senator from North Dakota [Mr. GRONNA] offered an amendment which would change the substantive law, on its face an amendment to the Sherman Antitrust Act, a point of order was interposed by the Senator from New Hampshire [Mr. GALLINGER].

If the Senate desires to pass upon this change of the law, it has it in its power to do so now. But this is the treatment that laboring people have received at the hands of their alleged friends in many legislative bodies throughout the country. The point of order can be withdrawn if the Senator from New Hampshire desires to withdraw it, and if his colleagues do not interpose it again, here and now the Senate of the United States can say whether or not it desires to deal with organizations such as the Standard Oil Co. was, and other great aggregations of capital are, in the same terms and in the same manner as it deals with organizations of labor.

Senators say it is class legislation. When you give a class in this country a special interest you are bound in some way to compensate the class against which that privilege operates. You gentlemen for years have pursued a fiscal policy which enables a manufacturer in this country to sell his goods in a protected market, and your fiscal policy also permits him to buy his labor in a free-trade market, so that the laboring people of this country are ground between the upper and the nether stone.

The countries of the world are searched and scoured for men whose conditions of life, whose training, and, perhaps, lack of educational advantages make them satisfied with less than that which the American laborer demands. Hordes are brought to this country and can be seen any morning in any industrial town knocking at the factory door for an opportunity to take bread out of the mouths of American laboring people for whom you claim to be legislating. This Chamber in a week or two will be resounding with the groans and sobs of gentlemen on the other side of the aisle denouncing legislation because in taking away the privilege of some swollen tariff beneficiary you pretend to think that the American laborer is going to be injured.

When you compelled the American laboring man to sell his product in a free-trade market and to buy that which he used in

a protected market, you did it on the theory that the protected manufacturer would hand down a part of his gains; that he was simply the trustee to hand down what he received to the workingmen whom he employed.

But you never asked him to give a bond and you never asked him to carry out the trust. It became necessary for the American laboring men to form themselves into unions, combinations, or organizations in order that the laborer might present his side of the case in company with his fellows, in order that when he spoke for one he might speak for the thousands who gave him strength as they stood behind him. Yet by indirection and by an interpretation of the statute by the courts their rights and privileges are swept away like a cobweb before a blast of wind, and when we attempt in the only way we can to restore him to his former condition, gentlemen who have been voting for class legislation all their lives become horrified at the thought. It is true that it is class legislation in my judgment. It is also true, however, in my judgment, that one piece of class legislation begets another, and the class legislation that begets this is the tariff law that you passed enabling men to get more for their products than they were worth on the plea that they would hand a part of it down. It has not been handed down. So the combinations and organizations of labor are in existence, and they had their right to be in existence. That was never disputed until the passage of the Sherman antitrust law and certain court decisions under that act.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. HUGHES. I yield.

Mr. GALLINGER. The Senator has made and has repeated the point that the manufacturers refuse to hand down any part of their profits. I presume the Senator is familiar with the report of the Royal British Commission, made, I think, a year ago, in which they said, from a very exhaustive examination both in Europe and in this country, the laboring men of this country are receiving twice as much in wages as they are in Great Britain. Does not the Senator think, after all, that some part of the profits have been handed down to the laboring men in the United States?

Mr. HUGHES. I am not familiar with the figures that the Senator quotes, but in view of the privileges that the Senator's party has extended to certain favored people in this country and the control that they have given them over the prices of commodities and the necessaries of life, I should think it would be more like even-handed justice if they received four times what is received in European countries rather than two times what is received abroad. The fact remains that it will not be handed down, and it never can be handed down so long as the American workingman sells his commodity on a free basis and so long as he must buy in a protected market. The slightest thought or investigation will convince the Senator of that.

However, I desire to make my position clear with reference to this amendment. The situation I am placed in is this: I have an opportunity now to help this body to say that it is not now and never was intended to class organizations of labor with the organizations of capital at which the antitrust legislation was directed. I want to help this body to say, if I can, that when a judicial interpretation of the statute bears against the people who are the real bone and sinew of this Nation, so far as legislation can do it I am going to help to remedy that wrong.

In England some years ago when by a similar judgment of a court interpreting the common law or a statute it was held that organizations of labor going upon a strike entered into a conspiracy, that the man or men against whom they struck had been damaged, and that this organization of labor was responsible in damages, and when they were mulcted in a great sum of money, the British House of Parliament promptly met the emergency. They did not fear and they do not fear class legislation. They promptly met the emergency with a bill that exempted organized labor from such legislation, and set aside the interpretation placed upon the legislation by the court.

I ask you, Senators, if the English Government is to be any more fair, decent, and liberal in its treatment of English workingmen than the Congress of the United is to be in its treatment of American workingmen? I would be glad to vote for the amendment offered by the Senator from North Dakota, to which the Senator from New Hampshire interposed a point of order, if I could, and I point out to him the way in which he can give the Senate of the United States an opportunity to pass upon that question directly.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. HUGHES. I do.

Mr. GALLINGER. I simply availed myself of a rule—plain and unmistakable—of the Senate; and I want to say to the Senator from New Jersey that I had notice served on me from both sides of the Chamber that if I withdrew the point of order it would be renewed.

Mr. HUGHES. The Senator is only responsible for his own action. I put it to him now to see if any other Senator will renew the point of order.

Mr. GALLINGER. I quite take the responsibility. I do not shrink from it. I have no disposition to withdraw the point of order.

Mr. HUGHES. If the Senator desires to take the responsibility, there is no need to attempt to shift it to any other Senator on either side of the Chamber. It is well known, Mr. President, that a single Senator can interpose a point of order against the amendment as offered. They also know that that is the reason why the proviso appears in the shape that it does appear. As it stands now it is a limitation upon a fund, and under the rules of the Senate that is the furthest limit to which this body can go over the interposition of a point of order.

Now, I want to read for the benefit of the Senator from Massachusetts [Mr. LODGE] a statement which was made during the debates upon the Sherman antitrust law. I want to show him that the supporters of this amendment, the advocates of this language as it appears in the bill, are not all radical, are not necessarily extreme in their views. If the Senate will bear with me, I will quote from the debates in the Senate under the date of March 27, 1890:

> When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and the end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the State. It is the creation or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the Government and the character of the State itself.
>
> The maintenance of a certain standard of profit in dealing in large transactions in wheat, or cotton, or wool, is a question whether a particular merchant, or a particular class of merchants, shall make money or not, or shall deal lawfully or not, shall affect the State injuriously or not; but the question whether the standard of the laborer's wages shall be maintained or advanced, or whether the leisure for instruction, for improvement, shall be shortened or lengthened, is a question which touches the very existence and character of government of the State itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes republican government itself possible and without which the Republic can not in substance, however it may nominally do in form, continue to exist.
>
> I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

I am quoting from the speech of Senator Hoar, of Massachusetts, made in support of or at least in connection with the amendment offered by Senator George, of Mississippi, to take from without the provision of the Sherman antitrust law organizations of labor.

I have no desire to detain the Senate further. I will close by saying that I trust the time is not far distant when an opportunity will be given to the Senate to pass upon this question, not as a few lines appearing in the middle of an appropriation bill but as a substantive proposition, not limiting or tying the hands of the Attorney General in certain directions but as saying to the Nation, and to the courts particularly, that it never was intended and is not now intended to prevent organizations of laboring men from combining to do the thing that they are permitted to do in the language of the proviso.

Mr. CRAWFORD. Will the Senator before he takes his seat permit me to ask him a question?

Mr. HUGHES. Certainly.

Mr. CRAWFORD. There seems to be some difference of viewpoint among those who favor this proviso as to how far they go, and knowing that the Senator from New Jersey has given a great deal of attention to this matter and matters of this kind I should like to have his opinion.

It has been suggested in the discussion that the law would remain the same, and the general appropriation for the Department of Justice would be available for the purpose of prosecut-

ing labor organizations and farmers' organizations that were guilty of the offense this particular appropriation is prevented from being used in the prosecution of. If I understand correctly, that is the viewpoint.

Now, if that is correct, what have we here except this, that it will still be the duty of the Attorney General and the Department of Justice to prosecute labor organizations which violate the antitrust law in this particular respect; it will still be the duty of the Department of Justice, under the Attorney General, to prosecute farmers who violate the antitrust law in this particular respect; and the only modification will be that the expenses will be paid out of a general appropriation instead a part of this appropriation of $300,000 being used for that purpose. Therefore these provisos are narrowed down in effect to the simple question whether or not a part of the specific appropriation of $300,000 may or may not be used in prosecuting them as well as industrial organizations or railroad organizations or any other organizations that violate the antitrust law.

It seems to me that if that viewpoint is correct we are spending a great deal of time discussing a wider view of the case, that falls here in a very narrow compass, indeed, and will only relate to the disposition of $300,000 during one fiscal year. Does the Senator from New Jersey agree to that view?

Mr. HUGHES. I do agree with some of the suggestions made by the Senator, but, owing to the distance between us, I can not say that I followed him altogether.

Mr. CRAWFORD. I tried to make myself clear.

Mr. HUGHES. I think perhaps if I state my position the Senator will be satisfied.

Mr. CRAWFORD. Did the Senator understand my statement?

Mr. HUGHES. Not altogether; but I think the Senator will be satisfied if I state my position.

I do not attach much importance to this sum of money which is appropriated. I think it has outlived its usefulness. I always thought that it was intended originally as a sort of accelerator for the production of campaign contributions, but in these days of publicity of such gifts it has rather outlived its usefulness. I have never feared, and I do not fear now, that the present administration will use any of this particular fund, or any other fund, for the prosecution of organizations of labor. I am simply desirous of having the Senate retain this language in the bill, because to strike it out would be to say that the Senate of the United States was against differentiating between organizations of labor and organizations of capital.

Mr. CRAWFORD. I think now I understand the Senator.

Mr. President, it seems to me that we ought to deal in a straightforward, frank, and effective fashion with a question of this kind. I admit that there is an environment, there is a human equation in the labor organizations and in the struggle of its members for existence, that give it a strength of appeal that we do not find in the struggles and in the strife between great corporate industrial bodies such as we usually have in contemplation in connection with antitrust laws. I believe that there is much that deserves very careful consideration in a proposal to amend permanently and in an effective way the antitrust act as suggested in the amendment of the Senator from North Dakota [Mr. GRONNA]; but should we play with a serious question like that by admitting here that this little item of $300,000 in an appropriation bill for one fiscal year ending June 30, 1914, is to be used simply for the purpose of making a sort of general declaration in regard to which we may claim this or we may claim that? I can not believe that that is the way to deal with so important a question as this; and on that ground, and that ground only, I shall not vote in favor of the retention of these provisos in this bill.

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent that the pending bill be laid aside temporarily, and that its consideration be resumed immediately after the conclusion of the routine morning business on to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL CLERKS TO SENATORS.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of Order of Business No. 11, Senate resolution 19.

Mr. STONE. What is it?

Mr. SMOOT. A resolution that all Senators having less than three employees as chairman of committees, or otherwise, be allowed an additional employee, to be paid at the rate of $1,200 per annum from the contingent fund of the Senate until otherwise provided by law.

The VICE PRESIDENT. Is there objection?

Mr. MARTIN of Virginia. I did not hear the Senator, Mr. President. What was the proposition?

Mr. SMOOT. I moved that the Senate proceed to the consideration of Order of Business No. 11, being Senate resolution No. 19.

Mr. MARTIN of Virginia. Is that the resolution that was reported the other day from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SMOOT. It was reported from the committee on April 28, 1913.

Mr. STONE. How was it reported? What is the status of the resolution?

Mr. GALLINGER. Adversely.

Mr. SMOOT. It was reported adversely by the Senator from Mississippi [Mr. WILLIAMS] on April 28, 1913.

Mr. MARTIN of Virginia. Mr. President, the hour is quite advanced, we are tired with the work of the day, and there will be some discussion of that matter. I know, of course, there can not be discussion on a motion to proceed to its consideration——

Mr. SMOOT. I am aware of that.

Mr. MARTIN of Virginia. But there will be discussion of the resolution on its merits. So I——

Mr. SMOOT. Mr. President, I have no inclination whatever of crowding the resolution to-night. Would the Senator object to a unanimous-consent agreement that we take it up immediately after the disposal of the sundry civil appropriation bill?

Mr. MARTIN of Virginia. I do not think it is a matter that ought to be disposed of at this time by unanimous consent.

The VICE PRESIDENT. Objection is made.

EXECUTIVE SESSION.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 7, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 6, 1913.

COLLECTOR OF CUSTOMS.

Sinclair C. Townsend, of Georgia, to be collector of customs for the district of St. Marys, in the State of Georgia, in place of John M. Holzendorf, deceased.

SOLICITOR FOR THE DEPARTMENT OF COMMERCE.

Albert Lee Thurman, of Ohio, to be Solicitor for the Department of Commerce, vice Charles Earl, resigned.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Allen M. Cook to be commander in the Navy from the 13th day of February, 1913.

Lieut. (Junior Grade) Robert W. Cabaniss to be a lieutenant in the Navy from the 30th day of March, 1913.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 13th day of March, 1913:

Everett W. Gould, a citizen of New York,
Worthington S. Russell, a citizen of New York, and
Robert G. Le Conte, a citizen of Pennsylvania.

First Lieut. Walter N. Hill to be a captain in the Marine Corps from the 5th day of February, 1913.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 28th day of April, 1913:

Alfred D. La Ferté, a citizen of Michigan.
David S. D. Jessup, a citizen of New York.
Horace V. Cornett, a citizen of Virginia.
Henry C. Macatee, a citizen of the District of Columbia.

First Lieut. Epaminondas L. Bigler to be a captain in the Marine Corps from the 16th day of September, 1912.

Carpenters Robert H. Neville and Joseph F. Gallalee to be chief carpenters in the Navy from the 19th day of April, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1913.

ASSISTANT ATTORNEY GENERAL.

Samuel J. Graham to be Assistant Attorney General.

COMPTROLLER OF THE TREASURY.

George E. Downey to be Comptroller of the Treasury.

AUDITOR FOR THE WAR DEPARTMENT.

J. L. Baity to be Auditor for the War Department.

AUDITOR FOR THE NAVY DEPARTMENT.

Edward Luckow to be Auditor for the Navy Department.

AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Edward D. Hearne to be Auditor for the State and Other Departments.

APPOINTMENTS IN THE PUBLIC HEALTH SERVICE.

Carroll Fox to be surgeon.
Francis A. Carmila to be assistant surgeon.
Lionel E. Hooper to be assistant surgeon.
Luther W. Jenkins to be assistant surgeon.
Liston Paine to be assistant surgeon.
Moses V. Safford to be assistant surgeon.
Ernest W. Scott to be assistant surgeon.

APPOINTMENT IN THE ARMY.

Charles D. Daly to be first lieutenant, United States Field Artillery.

APPOINTMENTS IN THE NAVY.

DENTAL RESERVE CORPS.

Williams Donnally to be assistant dental surgeon.
George C. Kusel to be assistant dental surgeon.
Vines L. Turner to be assistant dental surgeon.

COLLECTOR OF INTERNAL REVENUE.

Henry Hayes Lewis to be collector of internal revenue for the district of Florida.

UNITED STATES DISTRICT JUDGE.

Robert W. Jennings to be United States district judge for the District of Alaska.

UNITED STATES ATTORNEYS.

Anthony van Wagenen to be United States attorney for the northern district of Iowa.

John A. Aylward to be United States attorney for the western district of Wisconsin.

UNITED STATES MARSHAL.

B. F. Sherrell to be United States marshal for the eastern district of Texas.

RECEIVER OF PUBLIC MONEYS.

John T. Hamilton to be receiver of public moneys at Miles City, Mont.

POSTMASTERS.

ARKANSAS.

William A. Bushmiaer, Alma.
Ernest J. Patton, Cabot.
G. G. Dandridge, Paris.
Louis K. Buerkle, Stuttgart.

CONNECTICUT.

John Joseph Molans, Seymour.
John J. Cassidy, Woodbury.

FLORIDA.

J. A. Williams, Alachua.
Crawford I. Henry, Apalachicola.
William Jackson, Daytona.
B. P. Morris, De Funiak Springs.
Bessie Bryan Simpson, Kissimmee.

GEORGIA.

W. F. Brown, Carrollton.
Henry M. Miller, Colquit.
Samuel B. Lewis, Fayetteville.
Charles V. Clark, Louisville.
Andrew J. Irwin, Sandersville.
Mattie E. Gunter, Social Circle.

IDAHO.

Manford W. Harland, Troy.

KANSAS.

J. H. Stanberry, Attica.
Leonard Shamleffer, Douglas.
J. W. Niehaus, Fort Leavenworth.
Gus Charles Buche, Miltonvale.
C. C. McKenzie, Morrill.
Claude Rowland, Protection.
A. B. Smith, Robinson.
A. Ellingson, Scandia.
A. F. Achenbach, Soldier.
Charles Hewitt, Wakefield.

KENTUCKY.

Charles E. Lightfoot, Cloverport.

LOUISIANA.

Cary E. Blanchard, Boyce.
Theodore Tate, Eunice.
Will A. Steidley, Kinder.
Adah Rous, Lake Providence.
Mary Hunter, Pineville.

MASSACHUSETTS.

Benjamin R. Gifford, Woods Hole.

MICHIGAN.

John C. Hoopingarner, Berrien Springs.
Leonard J. Patterson, Tawas City.

MISSISSIPPI.

C. S. Summers, Charleston.
Ollie O. Conerly, Gloster.
R. Parrish Taylor, Oakland.
Dora E. Tate, Picayune.
E. S. Chapman, Utica.

MISSOURI.

Harvey Morrow, Buffalo.
Patrick C. Gibbons, Edina.
J. Lee Johnson, Flat River.
William Warmack, Greenville.
M. W. Daugherty, Ironton.
T. B. Hardaway, Jasper.
De Witt Wagner, Memphis.
Charles C. Crickette, Queen City.
Hugh B. Ingler, Republic.
Edward T. Duval, Skidmore.
Abel F. Daily, South St. Joseph.
Meredith B. Lane, Sullivan.

NEW JERSEY.

Patrick J. Ryan, Elizabeth.

NEW YORK.

Frank D. Wade, Addison.
Henry A. Inglee, Amityville.
William F. O'Connell, Andover.
Alfred J. Kennedy, Flushing.

NORTH CAROLINA.

Russell A. Strickland, Elm City.
L. B. Hale, Fayetteville.

OHIO.

Forrest L. May, Dayton.
Elias D. Warren, Fairport Harbor.
Charles R. Gerding, Pemberville.

PENNSYLVANIA.

Cornelius Allen, Dubois.

SOUTH CAROLINA.

James R. Montgomery, Marion.

VIRGINIA.

George V. Cameron, Louisa.
Charles E. Clinedinst, New Market.
William C. Johnston, Williamsburg.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 6, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee, O God our heavenly Father, with hearts bowed in sorrow, because death, always mysterious and unbidden, has visited this congressional body and taken from its midst a Member who was peculiarly fitted by natural gifts, education, and experience to serve his people and his country. But Thou art God; Thou knowest the beginning and the end; Thou hast ordered all things, and Thou doest all things well. Comfort us, his people, the stricken wife and children, by the eternal faith revealed to the world in the life, death, and resurrection of the Christ who thus brought to light life and immortality in Thee.

Swift to its close ebbs out life's little day;
Earth's joys grow dim, its glories pass away;
Change and decay in all around I see;
O Thou who changest not, abide with me!

Amen.

The Journal of the proceedings of yesterday was read and approved.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state

of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. When the committee rose last evening there was pending a request from the gentleman from Wyoming [Mr. MONDELL] to recur to paragraph 591 for the purpose of offering an amendment. Is there objection?

Mr. MONDELL. I will say, Mr. Chairman, that my understanding was that it was not in order to offer an amendment on reaching a paragraph until the paragraph reserved had been disposed of, but in making inquiries later I was told that the amendment should have been offered at the time.

Mr. UNDERWOOD. I will say to the gentleman that the understanding was that when we passed these paragraphs they were all to be noted as we went along, and then we would not go back. But I am not going to be captious about the matter. If the gentleman desires to offer a real amendment I shall not object. I do not want to go back for the purpose of debate, the gentleman understands, but if the gentleman has a real desire to amend I shall not object.

Mr. MONDELL. It is a very desirable amendment, and I hope the gentleman will agree to it.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

At the end of line 13, page 121, add: "*Provided*, That no rags shall be imported into the United States except such as have been treated and sterilized in such manner as to remove as far as possible the danger of the introduction of contagious and infectious diseases through such importations, and the Secretary of the Treasury shall make proper rules and regulations for the purpose of carrying this provision into effect."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all pending amendments thereto be limited to eight minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this paragraph and all pending amendments thereto be limited to eight minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MONDELL. Mr. Chairman, I have offered no amendment to the rates in this bill, realizing the futility of any effort to change the rates of the bill by any amendments offered on this side. I have contented myself with voting on amendments offered on this side and in calling attention from time to time to the inconsistencies and errors in the bill.

But I now offer this amendment as an administrative provision, and I offer it hopeful that the gentleman from Alabama [Mr. UNDERWOOD], realizing the very great danger to the lives and health of our people that lies in the importation of promiscuous rags from all regions of the earth, will agree to this provision that rags, before being imported, must be cleaned and sterilized, for the purpose of preventing the introduction and spread of contagious and infectious diseases.

We have a provision in this bill which prohibits the introduction of hides of cattle until the Secretary of the Treasury is satisfied that their introduction will not bring in cattle diseases. How much more important it is to protect the health of our people, the lives of our citizens.

The present law places a duty of 10 cents a pound on rags. It is almost prohibitive. If any rags at all are now imported, they are the high-grade, clean rags, and therefore they do not present the menace to life and health that the introduction of all kinds of rags from all parts of the earth does. I hope the committee will see its way clear to accept the amendment.

During the consideration of this bill, as the Democratic car of Juggernaut has steam-rollered over the industries of my State and of the Nation generally, I may have been somewhat oversevere, possibly, in some of my criticisms. It is possible I may have said that there is not a logical provision in the bill. If I have made that statement, I desire to apologize and to point to this provision as one shining exception to the general rule of inconsistency, for I am sure that all will agree with me that a provision for free rags in a Democratic tariff bill is the very acme and pinnacle of all logic. [Applause and laughter on the Republican side.]

Mr. HARDWICK. Will the gentleman yield?

Mr. MONDELL. Free rags—rags from the harems of Turkey; rags from the slums of London; rags from the purlieus of Naples and Rome; rags from the fever, cholera, and bubonic plague infested hospitals and camps of the Balkan Peninsula; rags from everywhere; rags, the sign manual and emblem, the inevitable accompaniment, of all Democratic tariff legislation. [Laughter and applause on the Republican side.]

Mr. HARDWICK. Will the gentleman yield?

Mr. MONDELL. Now, there is more logic in this——

Mr. HARDWICK. Will the gentleman yield?

Mr. MONDELL. Mr. Chairman, I regret I have not time to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. There is more logic in this than you gentlemen on the Democratic side realize. You have claimed that in this bill you are putting necessities on the free list. Aye; necessities! Can the imagination of man conjure up anything so much of a necessity under Democratic tariff legislation as rags? [Laughter.] There may be gentlemen on this side unkind enough to say that the Lord knows there will be rags enough under our flag when this bill passes without importing them free from abroad, and I agree with them. But the gentlemen on the other side have no doubt concluded that it is proper and logical that as we transfer industries and opportunities for labor from ours to foreign shores we should allow the rags that are discarded by those whom we thus furnish labor abroad to come here to clothe unemployed and impoverished people at home. [Applause on the Republican side.]

But rags will not only be a necessity, if we are to judge by past experience. Under Democratic tariff legislation they will be all the fashion and quite the fad among many classes of our people, a necessity so universal as to be almost a luxury. In view of these facts and my desire to be entirely fair in this debate I am constrained to say that, overlooking for the moment your measureless errors, your boundless blunders, your innumerable and incomprehensible inconsistencies, one must acknowledge the marvelous sagacity and consistency you have displayed from your viewpoint in your invitation to free entry of all the unwashed rags of the world. [Applause on the Republican side.]

Mr. HAMILTON of Michigan. The band will now play a little ragtime. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, if there has been an indictment of the Republican Party in the last 20 years that has been more effective than any other indictment that has been brought it is that indictment against the Payne law that the distinguished gentleman from Wyoming [Mr. MONDELL] and some of his colleagues on that side of the House have brought against their own legislation within the last week whilst this bill has been pending on the floor. Of course, if it was not for the fact that conditions deny all the arguments that the gentleman from Wyoming has made, his speech would put the Republican Party in a very unenviable light before the country, because the gentleman can not contend that taxed rags bear less microbes or less disease than free rags. [Applause on the Democratic side.] There can be no distinction in the rag, whether it is taxed or untaxed.

Mr. MONDELL. There is no harm if the microbe remains on the other side.

Mr. HARDWICK. That is the reason they admitted them free.

Mr. UNDERWOOD. Seriously, I understand that in the importation of these rags they are largely cleaned before they come here; but if they come here otherwise than clean rags they are immediately put through a process that eliminates all dirt, all disease, and all microbes before they come in contact with anyone they might possibly hurt. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MANN. I demand a division.

The committee divided; and there were—ayes 46, noes 64.

Accordingly the amendment was rejected.

The CHAIRMAN. Are there any further amendments to this paragraph? If not, are there any amendments to paragraph 607? Are there any amendments to paragraph 608?

Mr. STEENERSON. Mr. Chairman, I have an amendment to paragraph 608.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 122, line 21, after the word "sheep," insert "marmot, wolf, raccoon, red fox, kit fox, pony, house cat, wild cat, opossum, muskrat, Japanese mink, Chinese weazel, kangaroo, hair seal, wool seal, wombat, wellaby, squirrel, black bear, brown bear, badger, civet cat, beaver, kolinski, mink, fitch, nutria, skunk, wolverine, otter, cross fox."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. STEVENS of Minnesota. I should like about three minutes.

Mr. UNDERWOOD. I will ask unanimous consent that it close in 10 minutes. I will reserve 2 minutes and give the gentleman from Minnesota [Mr. STEVENS] 3 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate upon this paragraph and all amendments thereto close in 10 minutes, 5 minutes to be yielded to the gentleman from Minnesota [Mr. STEENERSON], 3 minutes to the gentleman from Minnesota [Mr. STEVENS], and 2 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, the furs included in this amendment are the same that I sought to include in the amendment I offered last Saturday evening. They are not the most costly varieties, but such as are used by the common people.

In the debate upon that proposition the gentleman from New York [Mr. HARRISON] was kind enough to say that my argument in behalf of the people of the Northern States who have to use furs and for whom fur clothes are a necessity had moved him almost to tears. I can only hope that that generous emotion of the heart will continue so that eventually he will be converted from the fallacy upon which he started the consideration of this bill, that fur clothing was a luxury and should be taxed under Democratic principles. There are some things in his argument that deserve attention, not for the logic, but for the curious nature of the propositions advanced. The gentleman says he visited Minnesota in the summer time and he found it as hot or hotter than it was in Florida. Of course that is no proof that it is not cold in winter.

He further states that he employed a cab driver, and the cab driver took him around the city of St. Paul, pointed out the palaces upon the hills in that magnificent city, and told him that the palaces were built and occupied by men who had made their fortunes in the fur business.

Now, I never knew before—and I have listened to all the debates on both sides about the tariff commission—I never knew before the reason why the Democrats, including the gentleman from New York, opposed a tariff commission. But now I see the reason. It is so much cheaper and easier to get their information from the cab drivers of the country, and, of course, it must be very reliable. [Laughter.]

Mr. HARRISON of New York. Will the gentleman yield?

Mr. STEENERSON. No, Mr. Chairman; I decline to yield. Now, taxing raw furs must add to the cost of the fur clothing of the common people, including the farmers, lumbermen, mail carriers, and street car drivers. The gentleman's own logic must lead him to believe that it will increase the price of this necessity, or else he has departed from his own logic. Certainly he can not contend consistently that a tax on the importation of material for clothing will impoverish the rich nabob who deals in furs.

The way to reach him would be to increase the income tax, because he passes the tariff tax on to the consumer. If taking the duty off from clothing reduces the price of clothing to the poor man, for whom the gentleman professes he has such a tender feeling, of course, putting it on fur clothing, which my people wear, must increase the price of that necessity of life. But he has made an insinuation that the gentleman from Minnesota is unwittingly arguing in favor of the rich corporations in Canada, the Hudson Bay Co. and the Canadian Pacific Railway. He then turns around and accuses his own party of subserviency to foreign influence. He makes the astounding assertion that he now fears that the Canadian Pacific Railway is so powerful in this country as to compel this Government to repeal the provision for free tolls for coastwise ships in the Panama Canal. Just think of it! A Democratic President, a Democratic House, a Democratic Senate, and this rich Canadian corporation is powerful enough to compel them to repeal the law they have recently enacted. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEVENS of Minnesota. I yield the gentleman one minute more.

Mr. STEENERSON. He further states that he is opposed to the importation of all costly furs and that he wants the Married Men's Protective Association to organize a movement to prohibit all importation of such furs. That remedy is futile, because the rich women who wear those furs, that he sees on the streets of New York, go abroad every summer, and they will buy their expensive furs over there, array themselves most gorgeously, and come back; so that remedy is useless. Then, again, the women might in retaliation organize a married women's protective association, and they might curtail the expenditures of their husbands, and so there would be domestic discord and disaster throughout the country. [Laughter and applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, there are two different and very important phases of this subject of fur importations and manufacture. One of them has been discussed by my colleague, Mr. STEENERSON—that of your tariff provision making an increased price for the people who have to use the common furs as necessities of daily use in our section of the country. That was fully discussed by my colleague and myself the other evening, and I do not need to further urge that you should not increase the hardship of our common people on the cost of their daily clothing unless absolutely necessary. That you do not claim is the case.

There is another phase which has not been discussed, and I will very briefly discuss that, so you will realize the injury and injustice you are doing by the duties on raw furs in the bill to a very important national industry, employing many thousands of our citizens at good wages and under good living conditions—that is, the great injury the imposition of duties on raw furs will be to the international fur trade. The fur trade for ages has been and must necessarily be international.

Very few nations—only Russia to a small extent and one or two others—put a tariff on raw furs; they are produced everywhere in the world and bought everywhere and used in all northern climates. Some people prefer some kinds made in their own peculiar way and others prefer their own way. The result has always been that furs have always been dealt with as articles of international commerce and bought and sold as they could be to the best advantage. Your tariff on raw furs changes all that and prevents our merchants and makers freely buying abroad, using as best they can and then selling the remainder to the best advantage in some other international market. Such a change will most likely result in costing our people more, but providing them with poorer quality of garments. The Hudson Bay Co. would like nothing better than to have us put a tariff on raw furs coming into the country, because it would prevent our fur dealers from competing with them in Canada for the raw furs produced there. For instance, the fur dealers of St. Paul and New York go to the Canadian producing point in the northwestern territories in the open market and bid for the raw furs against the Hudson Bay Co. If we have a tariff here, our price can not be as high as that of the Hudson Bay Co. because we must pay a duty on them coming here and then after using what we can must sell the remainder in the open international market again in competition with that company. This must be at a loss. The result is that this fur business would be taken from the northern cities, where it has flourished for generations, and gradually transferred to the eastern Canadian market or the London market, where there is a free interchange without these burdensome taxes. This very tax may be the additional burden sufficient to destroy the industry and yield no beneficial results.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. MANN. Are the furs named in this amendment all on the free list?

Mr. STEVENS of Minnesota. All raw furs are on the free list now. The amendment I have offered, which ought to be acceptable if it is deemed absolutely necessary to have any tariff on raw furs, places all the furs used as luxuries on a dutiable list, and all others which are bought by people of moderate means on the free list. But the breaking up of this international business, which is on the same standing the world over, will prevent the United States doing its share of that business, because when we import furs for consumption, making them into garments, part of them can be used and part of them can not be used to advantage, and if the part not used always represents a large loss and can not again enter the international market with even competition with other fur markets, it must drive our people out of that business and confine them to the small local trade. This will inevitably result in costing our people far more for their garments, and such garments must necessarily be of poorer quality, because skins must be hereafter used up, whether quite suitable or not, which now can be resold elsewhere to advantage. I will append to my remarks a telegram from the fur dealers of St. Paul and Minneapolis on this subject and a statement as to the probable effect of this bill by one of the best-informed men in the country.

Hon. F. C. STEVENS, *Washington, D. C.:*

We have sent the following telegram to Chairman UNDERWOOD and request your influence to prevent this injustice to us:

We, the undersigned fur merchants and manufacturers of St. Paul and Minneapolis, desire to protest against the proposed duty on raw furs. None of the great commercial nations impose a duty on raw furs,

and there never has been a duty on this article into the United States. We have built up a large international business on the basis of free exchange of raw furs with other countries. This has existed for generations, and a duty on this legitimate article of commerce, which is imposed by none of the other countries, will prove a serious handicap to American merchants engaged in this trade. Our fur houses make large collections of raw furs in Canada and other countries, bringing them into this country and selling and exchanging them freely in the international markets. If the proposed duty becomes a law, a large portion of this business would cease. We would invite retaliation by other countries against furs collected in this country and our international business would be seriously curtailed, even if it were not destroyed. The apparent purpose of the revision of the tariff is to free American commerce and to make goods in common cheaper to our people. We protest on placing a serious handicap on our business that is contrary to the whole spirit of the proposed law. A duty levied on the theory that furs as a whole are articles of luxury would be a serious injustice to most of the fur manufacturers and dealers in this country. The largest portion of the fur skins imported into and manufactured in this market are made into articles of necessity and not of luxury. We desire to enter an emphatic protest against this duty, and respectfully request that raw furs be allowed to enter the United States as heretofore, free of duty.

Gordon & Ferguson; Joseph Ullmann; Lanpher, Skinner & Co.; McKibben, Driscoll & Dorsey; A. Albrecht & Son; D. Bergman & Co.; H. Harris Co.; E. Slawik Co.; E. Sundkvist Co.; G. H. Lugsdin Co.; T. W. Stevenson Co.; B. R. Menzel Co.; McMillan Fur Co.; Northwestern Hide & Fur Co.; Bergman Bros.; Anderson Bros.; Mack-May Co.

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NEW YORK, *April 19, 1913.*

Hon. F. C. STEVENS, *Washington, D. C.*

DEAR SIR: Referring to the courteous interview had with you this week, and pursuant to your request, I herewith respectfully submit in writing the reasons why the placing of any duty on importations of raw furs would be unfair to the United States fur merchant and ultimately to the country at large.

Before going into the details you may not take it amiss or consider it immodest if for the purpose of lending credence to my statements I should say that my firm has enjoyed an honorable existence here and abroad for nearly 60 years.

The writer has been in the fur business for over 30 years.

Further reference can readily be obtained from any reputable fur house or bank in New York or St. Paul, Minn.

In making any statements or quoting figures to you I shall lean to conservatism to the best of my knowledge.

Aside from the United States Customs Statistics, all other figures are based on estimates, as there are no other statistics obtainable in the fur line.

First. Since the establishment of this Government raw fur skins have always been free.

Second. As far as I know, raw fur skins are free in all foreign countries, for instance, Canada, England, Germany, France, Italy, Holland, Belgium, Switzerland, etc., Russia alone having a very small specific duty by weight.

Third. United States fur merchants have built up a very considerable international—exclusive of United States product—business of importing and of exporting raw furs with practically every fur-bearing country.

Fourth. The placing of any duty, no matter how small, will, in my judgment, absolutely and completely destroy this international and very formidable part of the fur trade.

Fifth. Canadian fur manufacturers purchase approximately 50 per cent of their entire supply through United States merchants. Much of this supply comes from the various European countries, while a considerable portion is Canadian-grown furs passing through the hands of the United States merchants.

Sixth. This Canadian trade or the other foreign business could not possibly be handled in bond for the following reasons:

A. Raw furs must be constantly looked after and kept clean to prevent damage by worms, etc.

B. While the above-stated reason is obviously sufficient in itself, a further valid reason is that by nature fur skins are not all of the same size, quality, or color, and therefore can not be traded in solely on description or samples nor by measurements or weights like staple goods.

C. Different countries, also different manufacturers, require different grades of skins, by which is meant dark, medium, or pale color; large, medium, or small in size; best, medium, or inferior quality. There are rich and poor countries buying according to their respective wants. There are high-class manufacturing furriers. There are manufacturers of medium or cheap furs. There are practically none using all classes. That is why the fur merchants are the distributors.

Seventh. Outside of the Hudson Bay Fur Co., the United States merchants are the largest buyers of Canadian raw furs in Canada. A duty, no matter how small, would wipe out this trade without in the least increasing the market values of the United States collection of raw furs. The reason for this is that the United States collection is many times larger than the United States consumption, hence our surplus raw fur skins would be same as heretofore.

Eighth. A duty on foreign raw furs would place the United States fur merchant in a class by himself as competitor against the balance of the world. For instance, the United States merchants importing raw fur skins from China, Japan, Australia, or any European country would not be handicapped by the amount of assessed duty in competing for foreign trade with those who own the same goods free of any duty, always keeping in mind that these raw skins can not be dealt with in bond, for the reason stated in paragraph 6.

Ninth. As stated in paragraph 5, the Canadian manufacturers are also large customers of the United States merchants for furs grown in the United States as well. Most likely the Canadian Government would retaliate with a similar duty on United States raw furs, causing a still further contraction of trade with the United States without loss to themselves, as they could supply their wants from abroad, to our detriment.

Tenth. Under the most favorable circumstances the estimated amount of revenue from raw furs, which the Ways and Means Committee put at $1,400,000, will, I believe, fall decidedly below one-half of this amount, to the detriment and destruction of the international feature of the trade which has taken the United States merchants generations to establish, for the following reasons:

A. Loss of foreign raw furs sold to Canada	$2,000,000
B. Loss of Canadian raw furs resold to Canada	1,000,000
C. Loss of other foreign trade in foreign raw furs with other countries, including export of foreign goods to country of origin	1,500,000
D. Estimated shrinkage of importations of raw skins for United States consumption on account of duty	1,500,000
Total loss	6,000,000
All importations, including hatters' furs, are, I believe, according to your statistics	14,400,000
Less hatters' furs (hares and rabbits)	2,500,000
	11,900,000
Less total shrinkage of raw fur importations	6,000,000
Will leave net importations	5,900,000

I believe my estimates are quite conservative and that with a further allowance for the return from abroad of raw furs of United States production free, will reduce the net balance very materially. The loss of added wealth to the Nation's resources by virtue of curtailed trade should several times over offset the probable revenue to be derived. In addition, the probable estimate of increased revenue from this raw-fur tax would also be very much reduced by the cost of the collection of such duty, as many very competent expert examiners or appraisers would have to be employed at all the various ports of entry along the Canadian border.

Eleventh. In compliance with your request for a list of high-priced furs, or so-called fur luxuries, I beg to mention the following:

Russian sables range in values as to quality, size, and color, $15 to $600; marten (Canadian), $5 to $40; marten (Baum), $3 to $10; marten (Stone), $3 to $8; ermine, $1 to $3; moles, 10 cents to 20 cents; lynx, $2 to $25; black foxes, $50 to $1,000; silver fox (same species as black foxes), $25 to $750; sea otter, $75 to $1,000; fisher, $5 to $60; fur seal, $15 to $50; blue fox, $10 to $75; white fox, $3 to $18; cross fox, $5 to $50; chinchilla (real), $10 to $25; chinchilla (bastard), $3 to $15; bear (Polar), $10 to $125; bear (grizzly), $5 to $50.

On account of the frequent and sometimes enormous fluctuation in values caused by supply and demand it is almost impossible for any one man to keep fully posted on all market changes and therefore easily opens the door to fraudulent declarations.

Placing my further services at your command, believe me,

Very respectfully, yours,

E. S. ULLMAN.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HARRISON of New York. Mr. Chairman, my good friend, the viking from Minnesota, is in error in supposing there is any economy in making investigations such as I made in St. Paul, as compared to the Tariff Board investigation. He never rode around in a St. Paul cab, if he thinks that is a method of economy. [Laughter.] My friend would lead us to believe that all the garments that are worn by the people of his State are made of fur, and he is solicitous because we have proposed a tax of 10 per cent on some of these luxurious furs that come from foreign countries; but the gentleman himself has voted against the Democratic propositions to lower the duties upon woolen cloths, upon woolen underclothes, upon woolen stockings, upon woolen mufflers, upon woolen clothes, every one of which articles is as essential to people living in a cold climate such as he describes his own as are these furs. The real thing that worries him is that he is afraid that some of the rich ladies of his city or of mine will go abroad and come back with garments made of chinchilla, or silver fox, Russian sable, or sea otter, and have to pay a 10 per cent ad valorem tax upon them instead of bringing them in under the free list, as they do under the present law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

Mr. MANN. Mr. Chairman, I ask to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 61, noes 80.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. STEENERSON and Mr. HARRISON of New York were named to act as tellers.

The committee again divided; and the tellers reported—ayes 63, noes 99.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 608? If not, are there any amendments to paragraph 609? If not, are there any amendments to paragraph 622? If not, are there any amendments to paragraph 628?

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment to paragraph 628.

Mr. MANN. Mr. Chairman, the call of paragraph 622 was not heard by the gentleman from Ohio [Mr. FESS], who desires to offer an amendment thereto.

The CHAIRMAN. The gentleman from Minnesota will withhold his amendment for a moment. Without objection, we will return to paragraph 622.

There was no objection.

The CHAIRMAN. The Clerk will report the paragraph.

The Clerk read as follows:

622. Swine.

Mr. FESS. Mr. Chairman, I move to strike out the paragraph.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I offer this amendment not in the hope that it will pass——

Mr. DYER. Does not the gentleman want it passed?

Mr. FESS. Yes; but I offer the amendment rather in the hope that I may have an opportunity to call attention to two features. First, to the major portion of the free list, which is placed upon the farmer rather than upon anyone else; and second, to what I regard an apparent inconsistency in the free list. In the first place, there is 34 per cent of our population engaged in agriculture. Of the 26 new paragraphs added to the free list, 20 of them are applied to the farmer. In other words, 80 per cent of this additional free list is put upon the farmer, who represents 34 per cent of our population; and when we ask why this is done the answer comes that we are legislating for the sake of the consumer and not for the sake of the producer; that we are intending to make the cost of living less, and not in the interest of the man who produces the thing upon which we live. I regard this unfair to this great element of our population. I wonder why the farmer should be thus treated. I recognize that the answer will be that he will not be harmed. I do not understand, if you are going to make the price of living less, how you can avoid reducing the price of the thing that the farmer sells.

And if you reduce the price of the product of the farm, then how is it possible that you do not affect the farmer? How does it come that it is in his interest? You go to the farmer and you say to him, "We are not going to reduce the price of the goods you sell; our legislation is in your favor." You go to the consumer and say, "We are going to reduce the price of the things you buy." To the consumer you are reducing the price; to the farmer you are keeping the price up or increasing it. Why, that sounds like a country candidate, who said:

I ain't no statesman who can talk purtection ar free trade;
My han's too stiff to hol' a pen, that's made to hol' a spade;
Them 10-foot eddicated words my tongue can't wallop roun';
But I'll make the things you sell go up an' things you buy come down.

I can't talk on the currency, nor on the revenue,
An' on the laws an' statoots I'm as ignorant as you;
An' I jest simply promise you, sure's I am Silas Brown,
I'll make the things you sell go up an' the things you buy come down.

The fairground echoed wide with cheers and loud huzzas thereat,
For who can ask a better scheme of statesmanship than that?
An' next week at the polls he beat his rival high and dry,
But things we sell continue low and things we buy are high.

As I said, 34 per cent of our people live on the farm, the producers of the country. Of the items in this free list 80 per cent are the products of the farm, including bran, broom corn, buckwheat, buckwheat flour, corn, cornmeal, flax straw, lard, leather, lumber, meats, milk and cream, oatmeal, rolled oats, potatoes, rye, rye flour, wool, and sugar in time.

This is the scheme for reducing the cost of living. You boast not only out on the hustings but here on this floor, that you are going to give to the people free bread, free meat, free lumber, free flour, free potatoes, free sugar, free wool.

When you are reminded that the farmer is the barometer of prosperity, you say we are not going to injure the farmer. If the farmer is prosperous, the country is prosperous. If he is distressed, the country is likewise distressed. What the farmer most needs after he has raised his crop is a place to sell it. This must not be in Europe but at home. The man who works at wages or on salaries in lines other than the farm, the 66 per cent of our population, constitute his market. Build up this market, and you will assist the farmer. Strike at either and you injure both.

The inconsistency of this bill is shown in an examination of this free list. The purpose of this special session, as stated by those responsible for it, is to promote foreign importations and foreign commerce. Corn is put on the free list because of the near $1,000,000,000 worth we produce. We consume all but $25,000,000 worth; that goes abroad. We import $118,000 worth of corn. Corn is made duty free because of the small amount of imports and large amount of exports. Wool goes on the free list for a different purpose. We produced $89,000,000 worth and import forty-eight million. Here the article is made duty free because of the great amount of imports and the small amount of exports. In the case of swine, we produce annually $615,000,000 worth and import only $1,744 worth. Hogs must therefore go upon the free list because of the small amount of imports.

In the case of flour we produce $551,000,000 worth and import $47,600,000 worth. Here flour must go on the free list because of the large amount of imports.

In the case of potatoes we produce $207,000,000 worth and import $1,294. Potatoes must go on the free list because we import such a negligible quantity.

In the case of lard we produce $144,000,000 worth and import $50,000,000. Here lard must go on the free list because we import so much, at least 33⅓ per cent of our consumption.

In the case of meats we produce almost $1,000,000,000 worth and import only $720,000. So meats must go on the free list because of the small amount of imports; but in the case of sugar, an article of which we could produce all we need within a short time, but of which we import at present a greater amount than we produce—sugar must go on the free list because of the large imports.

So we see how this bill is written. Sugar goes on the free list because we export so little and import so much. So it is in the case of wool. Corn must go on the free list because we export so much and import so little. So it is in the case of meats, lard, shoes, flour, and so forth. A glance at these figures taken from the handbook prepared by the Democratic committee will show the consistency of tariff making.

Article.	Production.	Imports.	Exports.
Buckwheat	$12,188,000	$6,000	$103,000
Corn	630,000,000	118,000	25,000,000
Lard	144,000,000	446	50,000,000
Leather	513,000,000	58,000	16,000,000
Meats	1,000,000,000	720,000	56,000,000
Milk	118,780,000	18,243	.....
Potatoes	207,000,000	1,294	760,000
Rye and rye flour	39,000,000	20,000	185,000
Swine	615,000,000	1,774	41,000
Tallow	23,000,000	68,000	1,778,000
Flour	551,000,000	682,000	47,000,000
Wool	89,000,000	47,687,000	10,127

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. FESS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments on paragraph 622? If not, on the next one—628?

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 628, after the word "tapioca," strike out the words "tapioca flour" and insert "in pearl or flake form."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in six minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and amendments thereto close in six minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ANDERSON. Mr. Chairman, last evening my colleague, Mr. STEVENS, offered a like amendment in connection with the paragraph upon sago. I thought he made out a perfect case for his amendment, and I believe the House thought so, but it was lightly waived aside by the gentleman from Alabama with this statement:

That the importations in 1912 amounted to 8,842,000 pounds of sago, valued at $169,000. There is not a great deal of competition in this line of product, and the gentleman from Minnesota agrees with me that it has always been on the free list. We are certainly, by leaving it there, not destroying any industry, and it is not capable of furnishing much revenue.

Mr. Chairman, that statement can not be made with reference to tapioca. The importations of that product of 1912 amounted to more than 52,000,000 pounds, and, in connection with the importation of sago, to more than 72,000,000, as the hearings show.

The products of the cassava plant are of two distinct kinds. One is a food product—tapioca, pearl or flake—which is the ordinary tapioca used in making puddings. The other is tapioca flour or starch, and it is used largely in filling and sizing cotton cloth, just as potato starch is used. The importations of tapioca flour in 1911 amounted to something over half of the total importations of tapioca, or about 26,000,000 pounds. My amendment would make this flour or starch dutiable at the same rate as potato starch, with which it comes in competition, at 1 cent a pound, leaving the tapioca flake and pearl, which is the food

product, on the free list. It would bring the Government $260,000 of revenue without increasing the price of any product to the consumer.

The gentleman from Alabama [Mr. UNDERWOOD] evidently did not know why tapioca flour was placed on the free list. I do not know, and I do not think that anyone knows. But I suspect that the reason was that the committee now and the Senate in 1909 both labored under the misapprehension that tapioca flour was a food product. It is, in fact, a starch used in filling and sizing cotton cloth, just as potato starch is used. The process by which this starch is made is exactly the same as the process by which potato starch is made. The starch is washed out of the macerated raw product by means of water filtration. The cellulose is sieved out and the starch is dried and pulverized. It now becomes the ordinary starch of commerce. The tapioca flour starch which is exported from foreign countries is made by coolie labor from the root of the cassava plant and comes into competition with potato starch, which is made in Minnesota, Michigan, and some 30 other States. In fact, 131 factories, most of them cooperative, produce 196,000,000 pounds of this starch every year.

The Supreme Court of the United States in a well-considered case has decided that tapioca flour is a starch and is not a food product, and it seems to me that the Ways and Means Committee ought to accept the amendment which I have offered. It will not interfere in any way with the free admission of tapioca that is used as a food product, and it will put the starch of tapioca and the starch of potato, which are used for exactly the same purpose, on the same footing in the law.

Mr. UNDERWOOD. Mr. Chairman, no infant industry can be destroyed by this provision in the free-list bill, because it has been on the free list all the time. The proposition of the gentleman from Minnesota [Mr. ANDERSON] makes is admittedly to protect another product by putting a competitive product on the free list, and is simply an effort to interject into this bill a protective proposition on a product that has always been on the free list.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there further amendments to be offered to paragraph 638? [After a pause.] If not, the next paragraph is 647. Is there any amendment to be offered to that?

Mr. SMITH of Minnesota. I have an amendment.

The CHAIRMAN. The Clerk will report the paragraph.

The Clerk read as follows:

647. Wheat flour and semolina: *Provided*, That wheat flour shall be subject to a duty of 10 per cent ad valorem when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on wheat flour imported from the United States.

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] offers an amendment, which the Clerk will report.

Mr. MOORE. Mr. Chairman, while we are waiting, may I ask the gentleman from Alabama a question as to paragraph 645. I would like to know whether the $100, as a limit of value of personal effects, is as it is in the existing law?

Mr. UNDERWOOD. The amount of the exemption is the same. The language of the law has been liberalized.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. SMITH].

The Clerk read as follows:

Page 127, line 20, after the word "which," insert the word "now."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto close in six minutes.

Mr. ANDERSON. Mr. Chairman, I would like to be heard for five minutes.

Mr. DAVIS of Minnesota. I would like to be heard on the paragraph.

Mr. STEVENS of Minnesota. I would like three minutes, Mr. Chairman.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the debate be limited to 20 minutes, 15 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and five minutes by myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto be limited to 20 minutes, 15 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 5 minutes by himself. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. SMITH] four minutes.

Mr. SMITH of Minnesota. Mr. Chairman, I call the attention of the House to page 350 of the CONGRESSIONAL RECORD for the purpose of reviewing some statistics printed thereon.

The paragraph under consideration contains a unique disposition of flour. In paragraph 198 of this bill wheat is on the dutiable list, and flour, by the operation of this paragraph, is on the free list.

It is quite evident that the authors of this bill intended to put wheat and flour on the free list, but why did they not do so in a direct manner?

Of what advantage will it be to the farmer to put a duty of 10 cents per bushel on wheat when you admit flour free? But the authors of this bill, by means of the countervailing clause, attempt to make it appear that there is to be a duty on flour when imported from Canada. It is self-evident that Canada will, at the first opportunity, take steps to remove herself from the operation of the countervailing clause.

It can not be said that we have no cause to fear competition from Canada merely because the amount of wheat raised there at the present time is comparatively small and the capacity of her flour mills is limited. Canada is only in her infancy as a wheat and flour producing country. We, on our part, are a Nation well advanced. Our fertile fields have been pretty well put under cultivation. But the great Canadian Northwest, stretching westward from the Great Lakes to the Rocky Mountains, a distance of 1,000 miles from east to west and extending from 600 to 800 miles north and south, is nothing more or less than a vast wheat field, and it has only been scratched here and there.

There are to-day only a million people in that territory. They are producing about 200,000,000 bushels of wheat annually, and they do not need more than 45,000,000 bushels to supply the whole Canadian market. The balance is available for export, either in the shape of flour or wheat. The present capacity of the Canadian mills is 111,000 barrels per day, and they are adding to this capacity.

Can you close your eyes to the fact that Canada is a dangerous competitor? The effect of this paragraph, unless it is amended as suggested, will be to give away a market of 95,000,000 people in exchange for a market of 8,000,000.

When you are admitting flour free, can you truthfully say to the farmers of this country, "Gentlemen, we have placed a duty of 10 cents a bushel on your wheat"? Will not the farmer readily see that the moment you admit a barrel of flour free into this country you are displacing from 4½ to 5 bushels of American wheat?

Thus you compel the farmer to sell his wheat to the American miller for the same price that the Canadian sells his wheat to the Canadian miller, or take his choice between relying upon the export market or discontinuing growing wheat.

If the Democratic Members desire to place the American farmers and millers on a competitive basis with the Canadian farmers and millers, they should adopt this amendment, which will give some force and effect to the proposed law. If they do not, they should not have voted down the amendment offered the other day to put wheat and flour on the free list.

Mr. WILLIS. Mr. Chairman, under the general leave already granted I submit for the consideration of the committee, in connection with the amendment offered by the gentleman from Minnesota [Mr. SMITH], the following editorial from the Lawrenceburg Register:

IS THE FARMER ASLEEP?

When the farmer in such great wheat-growing States as Ohio, Indiana, Illinois, Kansas, Minnesota, and the Dakotas realizes how the apparent protection of 10 cents per bushel upon foreign wheat and the admission of foreign-milled flour duty free affects the earnings of his farm, there is sure to be an outcry that will make itself unmistakably heard in Washington.

The truth is that under the present provision of the Underwood bill there will be no tax upon foreign-grown wheat. Foreign farmers, working themselves or employing labor at a mere pittance, would reap the greatest benefit from this legislation because, in effect, it allows foreign-grown wheat to enter the markets of the United States duty free, provided its products are made by foreign labor in a foreign mill.

The result will be an enormous increase in the number and grinding capacity of flour mills in Canada, Argentina, Australia, and other wheat-growing countries, and especially in Great Britain, whose flour mills, located upon the docks of her principal ports, draw wheat by water from all over the world. These mills can, for example, buy wheat in Buenos Aires, freight it by water to Liverpool or other British port, grind it into flour, ship the flour to New York or other American seaboard market, and sell the flour there at least 40 cents per barrel lower than a United States mill located, say, in New York, Philadelphia, or Baltimore could manufacture the same grade of flour from the same wheat or from wheat grown in the United States.

The Canadian millers likewise could flood the interior and seaboard markets of the United States with flour fully as much below the bare cost price of the United States miller selling in competition.

When it is realized that the average net profit of the flour mills of the United States hardly exceeds 5 cents per barrel on their annual product, the impossibility of competing with the foreign mills under the conditions which this act provides may clearly be realized.

While the immediate result will be the destruction of the American flour-milling industry, the American flour miller driven out of the markets of the United States can no longer be a buyer of wheat; therefore the ultimate and quickly following result will be to force the American farmer to sell his wheat upon the level of prices fixed by the underpaid, underfed labor of Russia, South America, India, and other countries whose standards of living are far below that of the American farmer.

Therefore the salvation of the American wheat grower depends upon the preservation of the American milling industry, which asks no favor, but simply seeks an equal opportunity with foreign millers in our own home markets.

Every farmer is vitally interested in this question, and he should therefore lose no time in communicating his views to the Congressman from his district and to the United States Senators from his State. He should arouse his neighbors to the gravity of the situation, and through his local farmers' associations or granges utter a loud and insistent protest.

The tax on foreign wheat does not help the American farmer unless there is an equal tax on the products of foreign wheat.

As the Underwood bill is now well on its way toward passage, any action to be effective must be immediate.

Farmers, awake!

Mr. GREENE of Massachusetts. Mr. Chairman, I would like to have about five minutes.

The CHAIRMAN. The time on that side on this paragraph is in the control of the gentleman from Illinois [Mr. MANN].

Mr. MANN. I regret I can not yield time to the gentleman on this paragraph. The time has already been allotted and agreed upon.

Mr. GREENE of Massachusetts. Very well.

Mr. ANDERSON. Mr. Chairman, it is rather difficult to understand the mental tight-rope walking by which the Democratic members of the Ways and Means Committee justify this paragraph. I suspect, however, that the reason for its inconsistency may be found in the hearings. An examination of the hearings relative to wheat shows that the committee had the benefit of the advice of one man. That man was Freeman Thorpe, of Hubert, Minn. I know him very well, and I presume a great many other Members of the House do. He is a very excellent gentleman, but he is not a farmer or a grain or milling expert. He is a portrait painter, and a good one. He is also postmaster of the town of Hubert. Just why these qualifications appealed to the Ways and Means Committee I am uncertain. It seems that as a result of his testimony the committee reduced wheat from 25 to 10 cents a bushel and flour to 10 per cent ad valorem with the proviso contained in the paragraph. By the same logic I presume the Democratic members of the Ways and Means Committee would have put wheat on the free list if Mr. Thorpe had happened to have been a sign painter. [Laughter on the Republican side.]

We are confronted with two propositions in justification of the paragraph placing a duty of 10 cents a bushel on wheat and the paragraph now pending. First, that the price of wheat in the United States is fixed by the price of wheat at Liverpool; and, second, that American flour is sold cheaper in Liverpool than it is in the United States. The first statement is not true and the second only partially so.

Now, Mr. Chairman, I have in my hand a list of quotations submitted by John G. McHugh, secretary of the Chamber of Commerce of Minneapolis, showing the price of wheat in Minneapolis and Liverpool on the first market days of each month from 1910 up to the present date. That table shows that on 21 days out of the 36 wheat was at a higher price in Minneapolis than it was in Liverpool, and that at times Liverpool could have exported wheat to New York and put it on the New York market cheaper than Minneapolis.

The reasons for this situation are threefold. First, the kind of hard wheat raised in the Northwest—in Minnesota, North and South Dakota—is not exported at all. In the second place, the Minneapolis and Duluth markets are cash markets, while the Liverpool market is a speculative market. The third and controlling reason is found in the difference in transportation costs. The result is that the Minneapolis market is, on the whole, the highest market in the world. The transportation feature, however, and to some extent the others, apply to most of the primary wheat markets of this country, and as a rule our wheat markets have been, in a large degree, at some seasons of the year, as regards the price within the limitation of the amount of the tariff, independent of Liverpool. What we desire to do is to retain the high level of the American market, and this can only be done by retaining a duty on both wheat and flour.

It is true that flour is sometimes sold in England cheaper than it is in the United States. This is due in part to the fact that only the cheaper grades of "straight" flour is exported and in part to the fact that the sale of flour for export does not require the maintenance of an army of salesmen. The flour is merely dumped on the dock at Liverpool. The business can be done with a bookkeeper and a bunch of telegraph blanks. Selling of flour in the United States requires an army of salesmen and a considerable office force. The difference in price here and in England is largely represented by the difference in selling cost.

Now, I want to read a short clipping from a news dispatch, dated Winnipeg, May 4, printed in the Philadelphia Ledger of May 5. It is as follows:

Banks have shut down on real estate loans, and this has caused consternation among those who have been making a living by real estate speculation and are now land poor. This has also made wholesalers and manufacturers' collections bad in the country, and the outlook for the year is none too bright. If the Wilson tariff goes through it will greatly increase trade in natural products and be a big benefit to western Canada. Many Manitoba farmers every fall have to pay a duty of 25 cents a bushel on wheat and 30 cents on barley, and make a profit by selling their grain in the United States.

With the duty reduced to 10 cents a bushel trade will expand greatly.

That is the opinion of gentlemen in Canada as to the effect of this tariff revision. I suggest that it ought to be given very careful consideration by the Ways and Means Committee and by Members on that side of the House. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

The CHAIRMAN. The gentleman from Minnesota [Mr. DAVIS] is recognized for five minutes.

Mr. DAVIS of Minnesota. Mr. Chairman, some days ago the chairman of the Ways and Means Committee introduced in the House the tariff bill (H. R. 3321) now under consideration. This, however, was not done until the Democratic Members after prolonged caucus thereon had sanctioned it in all its chief features at least. It is a well-known fact, and admitted by the Democratic leader and others who participated in that caucus, that many of the members thereof were not satisfied with many of the schedules; but as the majority rule prevailed in this caucus, the minority thereof, which was quite considerable, acquiesced therein. For some days thereafter proceedings were had thereon on the floor of the House, known as general debate. This general debate is intended to be confined to the provisions of the bill, but in many instances other subjects and matters were considered wholly apart from tariff legislation.

Mr. Chairman, I did not avail myself of the privilege of this general debate for several reasons, chief of which was that ordinarily the mere introduction of a bill is not conclusive evidence that the bill will be ultimately passed without change and amendment in some, if not many, of its details, and more especially so when the matter involved contains several hundred paragraphs and pertains to several thousand items, which this bill does. I preferred to wait until the various schedules, paragraphs, and items were considered in detail and open for amendment under what is known as the five-minute rule of the House. Proceeding under the five-minute rule, it soon became apparent that the Democratic majority, by and through its caucus action, had determined that no amendment, no matter how beneficial, no matter whether it would be for the country's good from a protective standpoint, from a free-trade standpoint, from a tariff-for-revenue standpoint, or from a competitive industrial standpoint, would be accepted at all. [Applause on the Republican side.] Day after day numerous amendments were offered, some good and some bad, from my point of view; yet in every instance and with unerring certainty, as well as with dispatch, the amendment was rejected and the monotonous words of the chairman were heard, "The noes have it, and the amendment is lost."

Finally, Mr. Chairman, the passage of this bill, so far as the House is concerned, will soon be an accomplished fact, and as nearly all of the items and paragraphs which pertain to the great producing and consuming classes of our country have been tentatively adopted by this House, I will now avail myself of the few minutes allotted to me to enter my protest against some of its provisions.

Mr. Chairman, in these few minutes I shall confine myself chiefly to that portion of the bill pertaining to the agriculturist, the great producer of the wealth which inures to the benefit and prosperity of all of our people. Involved in these paragraphs are as many hundreds of millions of dollars as I am permitted minutes in which to discuss them.

For several years I have stoutly maintained that the schedules of the Dingley bill were too high; that many of them went far beyond a protective basis, and were, in fact, prohibitive; that the same may be said of and concerning many of the schedules in the Payne-Aldrich tariff of 1909. I am a firm believer in the system of a reasonable and just protection, and that the schedules should be so adjusted, without discrimination, as applied to the farmer and the manufacturer, and in all cases having due regard to labor and the consumers generally; that wherever and whenever any industry in this country was able to fully compete with the products of other

lands the tariff should be removed. In other words, protective duties should be imposed sufficient only to protect the designated industry against ruinous competition from the hordes of cheap foreign labor; that the adjustment and readjustment of these rates should be made after careful investigation of all the facts and circumstances surrounding and involved in such industry, both in this country and abroad; and that, in the ascertainment of these facts the highest skill of men competent to do the work, and not impelled by any partisan motive, should be employed in securing these facts. To my mind it is inconceivable that any political party, for purely partisan purposes, should contend against this principle, in which the welfare of a hundred million American citizens is deeply involved.

Applying these principles to some of the schedules of the present bill, I am forced to state that the agricultural schedule and some portions of the free list do not square therewith. For example, take the paragraph relating to wheat, with the duty of 10 cents per bushel imposed by the provisions of the bill. This duty is only ostensible, for it is provided in another portion of this bill that all the bran and screenings of wheat from every country in the world shall be admitted free. It is also provided that under certain conditions flour shall be admitted free of duty. Hence, of what avail is the duty of 10 cents per bushel on wheat if all its products which are consumed by either man or beast come in free? It is contended by some, and especially by those from the nonproducing sections, or the large centers of population, that wheat and flour should all be free, and that the farmers of the United States can compete successfully with all the world. This I deny; more especially so in regard to a certain quality of wheat which we produce in the Northwest.

In several of the Northwestern States there is annually produced approximately 300,000,000 bushels of wheat of a kind and variety that is grown in no other place in the world except Canada. This grade is known as northern hard spring wheat, and of which my State of Minnesota for the past 10 years or more has produced on an average the greatest quantity of any State in the Union. Its chief marketing place is Minneapolis, where is located the principal milling industry in the United States.

Less than two years ago a thorough investigation was made by the Tariff Board that showed conclusively that the production of this grade of wheat was accomplished in Canada, in the Province of Manitoba and westward, far cheaper than the same was produced in the United States. This fact was well known to all wheat growers and millers prior to this investigation. That the quantity of this wheat produced last year in Canada was approximately 200,000,000 bushels was also well known.

It is asserted by some that Liverpool establishes the price of wheat throughout the world to all exporting countries. I shall not attempt to deny that such is the case concerning certain grades and qualities of wheat, some of which is produced in the United States, but do assert that such is not a fact concerning this northern hard spring wheat, produced in the United States. I further affirm that at no time during the last 10 or more years has any of this particular kind of wheat grown in the United States been on an export basis. I shall not encumber the RECORD with statistics on this point prior to the year 1910, for the reason that those who are interested in the subject can ascertain the proof of my statement prior to that date by examining the statistics obtained and recorded in the CONGRESSIONAL RECORD in many speeches made by Members in both branches of Congress during the time the famous, or rather infamous, so-called reciprocity treaty was under discussion. Of date May 2, of this year, Mr. John G. McHugh, secretary of the Chamber of Commerce, of Minneapolis, Minn., stated and had published in the Minneapolis Journal of that date actual figures concerning the price of this northern wheat in Minneapolis, Duluth, and Liverpool, with the approximate cost of transportation, from January 3, 1910, to December 2, 1912.

The statement follows:

[From the Minneapolis Journal, May 2, 1913.]

Relative to the pending tariff bill and its probable effect upon wheat prices, if it passes as it stands, Secretary John G. McHugh, of the chamber of commerce, has issued a statement, giving the comparative prices for Minneapolis, Duluth, and Liverpool wheat, which shows that the prices ruling in Minneapolis and Duluth are not made in Liverpool.

"Such a comparison is timely," Mr. McHugh said, "as bearing upon the question of the proposed wheat and flour schedule of the new tariff law. It is frequently argued by those supporting the tax on wheat with free flour, as set forth in the bill, that this country, being an exporter of wheat and flour, prices are therefore necessarily made in this country on an export basis, and that the miller has nothing to fear from such a tariff change.

"Figures have been published showing the comparison of Winnipeg prices on one hand with Minneapolis, Duluth, and Chicago prices on the other, and from such figures it has appeared that the Winnipeg price is commonly much below the Duluth and Minneapolis prices, and that Winnipeg therefore was inclined to be on an export basis.

"Even a hasty examination will show that Minneapolis and Duluth are not on an export basis with Liverpool, and a careful examination will show how very far this is from being true."

The table follows:

Comparative prices of wheat.

First trading day.	Minneapolis, No. 1 northern, delivered.	Duluth, No. 1 northern, track.	Liverpool. Future.	Liverpool. England, current prices.	Liverpool. United States equivalent.	Approximate cost to take wheat in store, Duluth, and deliver in store at Liverpool.
				s. d.		Cents.
1910.						
Jan. 3	113 -114	114	March	8 2⅜	117⅛	24
Feb. 1	113 -114⅛	112⅜	do	8 4	120	24
Mar. 1	114 -115⅛	115⅜	do	8 1⅜	117⅛-117⅜	24
Apr. 1	115 -116⅛	115⅜-115⅝	May	8 ⅜	115⅝-116	24
May 2	108⅜-110⅛	107⅜	do	7 2⅜	103⅛-104	18
June 1	105½-107½	104⅜-105⅜	July	6 4½	91⅜	18
July 1	113 -115	116	do	6 9½	97⅜	17
Aug. 1	117	119⅜	October	7 3½	105½-105⅝	17
Sept. 1	112⅜-113⅜	113½	do	7 6½	108⅜	19
Oct. 1	109⅜-109⅝	109½	do	7 3½	104⅜-104⅝	20
Nov. 1	101 -102	102	December	6 10½	99⅜- 99½	21
Dec. 1	105½-106	104⅜	do	6 10	98⅜	22
1911.						
Jan. 3	106½-107½	106⅜	March	7 2	103⅜-103½	24
Feb. 1	103 -104⅛	104½	do	7 ⅜	101½-101⅜	24
Mar. 1	96 - 97⅛	94⅛	do	6 9½	97⅛	24
Apr. 1	92⅜- 93⅜	93	May	6 6¼	94⅛- 94½	24
May 1	98 - 99½	99½	do	6 10⅜	99½	18
June 1	97½- 99½	98⅜	July	6 10⅜	99⅜	18
July 1	97½- 98⅜	97⅜	do	6 10⅜	99½	17
Aug. 1	103⅜-104⅜	104	October	6 10⅜	99⅜	17
Sept. 1	102½-105½	105⅜	do	7 2½	97⅜- 97⅞	19
Oct. 2	107⅜-108⅜	108½	do	7 4½	105⅛	20
Nov. 1	106 -106⅜	106⅛	December	7 4	105⅜	21
Dec. 1	102½-102⅞	101⅞	do	7 2⅜	103⅜-104	22
1912.						
Jan. 2	107⅞-108½	107	March	7 4⅜	106⅜	25
Feb. 1	106⅛	105⅜	do	7 7⅛	110⅛	25
Mar. 1	108⅛-108⅞	107⅛	do	7 11⅜	114⅜-114½	25
Apr. 1	107	107	May	7 10⅜	113⅛	25
May 1	113⅜	114⅛	do	7 11⅛	114⅜	21
June 1	112½-112⅞	113⅜	July	7 7⅛	109⅛	21
July 1	110⅜	111⅜	do	7 7⅜	110⅛	21
Aug. 1	108⅛-108⅜	106⅜	October	7 4½	106⅛-106⅛	21
Sept. 3	88⅛- 89⅛	91⅛	do	7 7½	109⅜-110	24
Oct. 1	86⅛- 88⅛	88½	do	7 8½	111	25
Nov. 1	85 - 86⅜	86⅜	December	7 7½	109½	28
Dec. 2	80⅛- 82⅜	80⅜	do	7 2⅜	103⅛-104	28

"These figures show conclusively," says the statement, "that this country is not on an export basis and that prices of wheat as fixed in Minneapolis and Duluth are certainly not on the basis of Liverpool less the freight."

From this statement it appears that at no time during these three years was this grade of wheat, with freight added, within from 10 to 20 cents per bushel of an export basis, and in some instances the price in Liverpool was lower without the freight than the Minneapolis and Duluth price. It should be borne in mind that while this northern hard wheat is daily quoted on the market at Liverpool, yet none of it is exported thereto from the United States, but is received at Liverpool from Canada, and in fact is of slightly better grade than the same kind of wheat grown in the United States.

Can it be contended that while the Minneapolis and Duluth market is far better and higher, with transportation cheaper for the Canadian wheat, than at Liverpool, that the bulk thereof will not find a market in the United States preferable to Liverpool when there is no duty to be paid? And therefore will not the American farmer be compelled to sell his wheat at a much reduced price in order to meet this competition? And in addition, be it remembered, that the American farmer raises his wheat upon higher priced land and with greater cost of production than the Canadian farmer. It would be folly to maintain otherwise.

Again, cattle and sheep are on the free list in this bill. This statement I make even though they appear in Schedule G as follows: "Cattle, 10 per cent ad valorem; sheep, 10 per cent ad valorem." Yet in the free-list paragraphs of this proposed legislation hides and all products of cattle are placed. What benefit can avail the raiser of cattle to have the live animal dutiable and all its products free?

What I have said applies with equal or greater force to sheep, for its entire carcass, including wool, is on the free list. Corn and meal products therefrom, rye and rye flour, buckwheat and buckwheat flour, and potatoes are free listed. Oats maintain a duty of 10 cents per bushel, while oatmeal and rolled oats are free. Butter and butter substitutes are reduced from 6 to 3

cents per pound in the present bill, while cream and milk are placed on the free list.

Mr. Chairman, I might extend this list of farmers' products much greater, but one thing is apparent, that the main products of the farm, namely, bread, meat, potatoes, and butter, as far as the American farmer is concerned, are upon a free-trade basis, and competition is now very strong and will rapidly increase from our energetic and thrifty neighbors on the north.

The framers of this bill contend, first, that its chief object is the raising of revenue. Surely no revenue will be derived from placing the chief articles of food that I have mentioned on the free list; second, it is contended that where the schedules are thus made free and no revenue is derived therefrom, justification is found in the alleged statement that the cost of living will be reduced. I for one am in sympathy with this contention if it should prove true. While I deplore the fact that under this bill the farmer will be obliged to sell cheaper, but concede that his loss will be somewhat extenuated if the great mass of the consuming public would be benefited thereby, yet history shows that such will not be the case. One or more illustrations concerning the reduction in the cost of living will indicate that the price which the farmer receives very seldom, if ever, affects the ultimate consumer. Quite frequently during the past 10 years the farmers of the United States have received upward of $1 a bushel for wheat and sometimes as high as $1.20 or $1.25 per bushel. Again, during that time the farmer has received as low as 70 or 75 cents per bushel for his wheat, which is about the price now. Still, during that period the consumer has paid the same price for the loaf of bread. Two or three years ago Mr. J. R. Cahill, for the labor department of the Board of Trade of London, England, came to this country to investigate the cost of living. In his report, after a thorough investigation, covering the leading cities of the United States, he states that he found the consumers in this country pay 5 cents for a 14-ounce loaf of bread, while in London a 64-ounce loaf retails for 10 cents, all being made out of American flour. Couple this statement with the fact that those prices have been maintained in both countries even when the variance in price of wheat was from 20 to 40 cents per bushel, and it will be noted that the raw material, to wit, the whole wheat, does not govern the price to the consumer. Further, let it be observed that a bushel of wheat for which the farmer receives from 70 to 75 cents per bushel on the farm will make 60 loaves of bread, and that these 60 loaves of bread cost the consumer $3; that $2 and over on each bushel of wheat more than the farmer receives is placed in the pockets of the middleman and taken from the pockets of the consumers of our country, while in London less than one-half of that amount is so demanded and received. Surely the process of grinding wheat into flour, transporting it to the baker, and by him manufactured into loaves is not of sufficient moment to warrant in exacting a toll from the consumer almost four times greater than the farmer realizes.

Once more to illustrate: The farmer receives about 30 cents a bushel for oats on the farm. Twenty-three packages of Quaker Oats are manufactured therefrom and retailed to the consumer at 10 cents per package, or $2.30. Thus $2 is received by the manufacturer and middleman, while the farmer gets 30 cents. And the process of manufacturing is neither difficult nor expensive.

In view of these facts it is certainly not very difficult to arrive at a just conclusion concerning the cause of the high cost of food to the consumer. Can it be possible, Mr. Chairman, that the framers of this bill in their eagerness to carry out the platform pledges, to reduce the cost of living, have gone at their task blindly and without sufficient investigation? Or is it possible that they have listened with too much credulity to the whisperings of fancy and have pursued with too much eagerness a phantom, called hope, and have blindly plunged into legislation that may cause, and will cause serious detriment to the honest toiling agriculturists of our country, without benefiting the laboring classes in our factories and the consumers throughout the country? [Applause on the Republican side.]

The reduction in the cost of living, in all ways, food, raiment, and shelter, is much to be desired, but I fear that mere star gazing, with simply hope as a guide, will be futile, like the weary traveler on the desert, in search of an oasis, in which to recline and refresh himself, who thinks he beholds in the far distance the welcome spot, and eventually realizes that nothing but a mirage has lured him on.

I shall not attribute to the framers of this bill intentional sectionalism, yet a careful reading of it shows that in many instances it is quite apparent. Incongruities must of necessity appear in legislation of this character, owing to the numerous items involved, as well as the diversity of conditions, and this bill is no exception to the rule. However, it does seem that a greater and more extensive search after facts and surrounding conditions would have produced a bill less incongruous and certainly less sectional. To give a few illustrations will suffice: Rice is a food product raised chiefly, if not wholly, in a few of our Southern States, and certainly has no foreign competitor greater or equal to the Northern State wheat raiser. Yet we find rice and rice flour amply protected, while all grains produced in the Northern States and the flour therefrom are free. Again, wool, a northern production, is wholly on the free list, while the hair of the goat, which is chiefly raised in Texas and one or two other Southern States, is highly protected. Cotton bagging, for the use of the southern cotton grower, was placed on the free list. Yet we find that all other bags and bagging, which the northern farmer uses in the handling and shipping of grain, is highly protected. Thus, in both of these essential articles for the welfare of the farmer the one is favored while the other is discriminated against.

I shall not pursue this line any further. There is much in this bill that is commendable, and were it segregated and an opportunity given to pass judgment upon it my vote would be affirmative. While, on the contrary, there are some schedules which are wholly at variance with justice and fair dealing, and, to my mind, very injurious to the producers, especially in the Middle West and the Northwest, and which I can not support. I am in hopes that before this bill is passed certain changes will be made by the other branch of Congress that will remedy the evils I have pointed out, and thus enable me to support the amended measure. I am now and always have been a believer in the doctrine that laws which militate against the prosperity and the well-being of our farmers and rural dwellers are pernicious, not only to them, but to the whole body of our people, and that any law that makes country life less prosperous, and thus less enjoyable, conduces to congestion in our large cities. I also believe that the slogan "Remain on the farm" will receive a staggering blow ultimately as a result of the enactment into law of the proposed legislation. Dissatisfaction, in my judgment, will result in the minds of those from whom our greatest actual wealth and prosperity emanates, and ultimately this sturdy, bold, and honest yeomanry will be, partially at least, injured or destroyed. The tillers of the soil are our country's mainstay and pride. Encourage them as well as the toilers in our factories, and this country's greatness, even beyond all past achievements, will be assured and perpetuated. Distribute legislative benefits equally and justly between these two all-important classes and the occupations of the pessimist and the iconoclast will disappear. Strike these classes down and gloom will pervade our country as a whole.

Mr. MANN. I yield the remainder of my time to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, this amendment of my colleague does not affect any local industry of my district, so I can speak disinterestedly, but it affects the milling business all over the United States, which, as my colleague [Mr. DAVIS] stated, involves more than $800,000,000 of product annually, and that necessarily concerns all of us. The reason is this: The great consuming market for the flour mills of the country is the States east of the Alleghenies. As competitors for that market under this bill will be the Canadian manufacturers from the north and the English manufacturers from across the seas. England admits our flour free, and consequently under the provisions of this bill the English millers would have the right to have their flour admitted free into this country. I know the proposition is ridiculed that British flour can compete in our eastern markets with our western flour. I add here two statements from two of the best informed millers in the country, which set forth the conditions and have not been controverted by anybody:

First, the bill does not give the American miller an equal chance in the United States markets with the British, as evidenced by the following:

No. 2.

4½ bushels Argentine wheat ground into a barrel of "straight" flour in a Liverpool mill.		4½ bushels Argentine wheat ground into a barrel of "straight" flour in a New York mill.	
4½ bushels f. o. b. ship Buenos Aires, per bushel	$0.70	4½ bushels f. o. b. ship Buenos Aires, per bushel	$0.70
Freight to Liverpool	.15	Freight to New York	.18
	.85	Duty	.10
	4½		.98
	$3.82½		4½
Freight to New York, per barrel	.15	Cost raw material barrel flour	$4.41
Cost raw material barrel flour	3.97½		

Profit of American flour mills averages about 5 cents per barrel.

NOTE.—Advantage to Liverpool mill selling in New York market, 43½ cents per barrel. Freight rates used are approximate.

Advantage of Liverpool mill selling in New York or in any competitive foreign market would be much greater than indicated, because by-products—bran, etc.—ordinarily sell $5 to $6 per ton higher in Liverpool than in New York. This reduces cost of flour 22½ to 27 cents per barrel, as the higher the offals the lower the cost of flour, and vice versa.

NOTE.—On basis 4½ bushels wheat to produce a barrel of "straight" flour, a barrel of high-grade "patent" flour—say, 75 to 80 per cent—requires 5⅜ to 5⅝ bushels wheat. Some exceptionally high grades require even more. Only high-grade flours would be imported; hence disadvantage of American miller would be correspondingly greater than on "straight" grade.

The second statement:

At the moment wheat can be transported from Argentina to Liverpool, there made into flour, and returned by sea to New York and other Atlantic ports at a transportation cost not exceeding the cost of transporting wheat from the fields of North Dakota to Minneapolis, there made into flour, and carried to New York.

LONG HAUL CHEAPER.

The present rate on wheat, Buenos Aires to Liverpool, is 21 shillings per long ton, which equals 13½ cents per bushel of 60 pounds, which equals 22½ cents per hundred. The rate from Liverpool to New York on flour is not obtainable, but will not exceed 14 cents per hundred, making a total cost of transportation, Buenos Aires to Liverpool to New York, 36½ cents.

Wheat at Souris, N. Dak., has a rate to Minneapolis of 17 cents, which, plus lake and rail rate, 23 cents on flour, makes a total of 40 cents per hundred from the wheat fields of North Dakota to New York.

It should be noted also that our railroad rates are not likely to decrease, while ocean rates to-day are at a maximum. Our ocean rates from New York to Liverpool are to-day 16 cents per hundred, while in times past we have shipped as low as 8 cents.

In the limited time at my disposal I have just two suggestions: First, under the Canadian customs law of 1906 the governor in council can suspend the Canadian flour tariff by a simple and single order for use as raw material and admit our flour free at any time. Under such an arrangement Canadian flour would be admitted free into this country at a moment's notice, and thereby you place the great milling interests of this country at the hazard of the interests and control of our competitors who had last year a crop of about 200,000,000 bushels, with a capacity for vast increase, as shown last year. The flour-milling capacity of Canada is about 111,000 barrels a day, and last year produced about 14,000,000 barrels, of which about 4,000,000 were exported. We give Canada free access to our markets for its mill stuffs of bran and screenings and practically of our flour. This inevitably fixes the prices of wheat on a lower grade in this country if our miller is to meet the Canadian and English competition. But it certainly does add to the opportunities and gains of the speculators upon the grain exchanges of the country by compelling the miller to grind his raw material within this country within the margin of 10 cents per bushel as compared with competing grains and at the same time meet the market of free flour made from the cheapest grains and to the best advantage in the world. This situation often will give the speculator a 10-cent-per-bushel holdup of the miller and farmer in order to meet this unfair competition. The only way to stop it is to make an equality of conditions for both the raw material, wheat, and its products, flour and mill stuffs.

As my colleague [Mr. DAVIS] so strongly put it, this situation created by this bill will not help the consumer one single particle. It does help the profits of the middleman, who will get the flour cheapest wherever it can be made, and he will push the flour which nets him the largest profit. That is what will disturb the milling industry and the price of wheat all over the country. Remember, the average profit in the large mill is from 5 to 10 cents a barrel, and yet that amount and five times over can be saved to the flour dealer in the Eastern States under some conditions provided by this bill by purchasing flour from Liverpool made from Argentine or Black Sea wheat and laid down with the favoring freight rates which frequently exist in ocean traffic.

Mr. UNDERWOOD. Mr. Chairman, the opposition to this proposition comes largely from the Representatives from Minnesota. I have a peculiar interest in that State, because I lived there many years, and have only the fondest recollections of it. I regret to see that the Representatives on that side of the House who come from Minnesota have no fixed convictions on this question of the tariff. As a matter of fact, I do not believe the Republican Representatives from Minnesota have ever had fixed convictions on the tariff, so far as their State is concerned.

It was only a few minutes ago that two distinguished Representatives from Minnesota wanted to put furs on the free list because their constituents used them. Now they want to put a tax on flour, that all the people of the United States consume, because their people sell it.

Now, from a local standpoint, I suppose that may be popular; but a tariff bill can never be written that way. If you want to stand for protection you have got to be willing to protect the other fellow. If you want to stand for a revision downward or a revenue tariff you have got to reduce yourself as much as you reduce the other fellow, or you can not put it through. [Applause on the Democratic side.]

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. DAVIS of Minnesota. Is there any special difference between the production of rice and wheat except the quantity of rice is less than wheat? I claim that the duty you put on rice and the products thereof is correct, and if you would do the same thing with the wheat that the northwestern farmer raises it would be all right.

Mr. UNDERWOOD. I will ask the gentleman: I assume that he stands for the Payne and Dingley bill?

Mr. DAVIS of Minnesota. I never did—either of them.

Mr. UNDERWOOD. I am glad you do not do that. We have reduced the other cereal—wheat, a commodity in your State—in the same proportion that we have reduced rice. As a matter of fact, the reduction of rice is more drastic because it is really a competitive article, and there would not be much competition on wheat if we put it on the free list.

Now, coming right down to the point involved, you are complaining because we put this flour on the free list with a countervailing duty against all the world, but effective in the only country where there can be any competition. Look at the actual facts. Under the present law, as shown by the statistics of 1912, the duty on flour is 25 per cent ad valorem. The duty on wheat, as worked out by the Treasury Department—it may not be exactly accurate, but I presume it is approximately correct—amounts to 20 per cent ad valorem. That gives a differential between the tax on flour and the tax on wheat of an equivalent ad valorem of 5 per cent.

Now, what do we do? We put a tax of 10 per cent on wheat, and because we put that tax on wheat we put a countervailing duty against Canada, your only possible competitor. The Canadian tax to-day is 17.9 per cent, in round figures 18 per cent ad valorem. Now, the tax on wheat, as shown for 1909, is an ad valorem of 20 per cent. We cut of three-fifths of the tax on flour and leave two-fifths, which would mean in these figures of ad valorem a rate of 8 per cent, or a differential of 10 per cent, which you are complaining of when you have only got a differential now of 5 per cent.

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 647? If not, the next paragraph is 648.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment to paragraph 648.

The CHAIRMAN. The Clerk will report the paragraph and the amendment of the gentleman from Iowa.

The Clerk read as follows:

648. Barbed wire, galvanized wire not larger than No. 6 and not smaller than No. 14 wire gauge of the kind commonly used for fencing purposes, galvanized wire fencing composed of wires not larger than No. 6 nor smaller than No. 14 wire gauge, and wire commonly used for baling hay or other commodities.

Amendment by Mr. GREEN of Iowa:

Page 127, amend paragraph 648, by adding thereto the following:

"That articles enumerated in this paragraph, if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to a duty of 10 per cent ad valorem."

Mr. GREEN of Iowa. Mr. Chairman, this is another of the numerous paragraphs in this bill where, taken in connection with its other provisions, a duty is levied upon the raw material and the finished product is made free. Smooth wire is dutiable under the metal schedule of the bill. When it is developed and otherwise manufactured, and more American labor is put upon it, it is made free of duty by this paragraph under consideration. The only result that this paragraph can have when enforced will be to strengthen the Steel Trust in its strangle hold on the throats of the small manufacturers, who desire to compete with it, and to offer an invitation to the small manufacturer to transfer his factory to Europe. Barbed wire is put on the free list as a bid for the farmer's vote. Will this reduce the price? I think not. The material for it must be purchased from the Steel Trust, and under this bill it can control the price.

I yield the balance of my time, three minutes, to the gentleman from New York [Mr. PLATT].

Mr. MANN. The gentleman from New York is entitled to take the floor for five minutes in his own right.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in seven minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I desire to be heard for five minutes.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask unanimous consent that debate on the paragraph and all amendments thereto close in 13 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, I simply want to call attention to this policy of putting on the free list articles made by the great international trusts. The gentleman from Alabama [Mr. UNDERWOOD] in opening the debate on this tariff bill said that articles made by the great trusts were put on the free list with the idea that some sort of competition might arise in foreign countries, but in my opinion no competition of that sort could arise unless it arises from themselves. Many cities in this country and in Europe are pulling and hauling against each other trying to get factories from each other, and under our protective tariff we do get factories even from Europe. In my own district we have three good-sized factories that came from Europe. If their products are placed on the free list, what is to prevent their moving back again? They can get cheaper labor in Europe. No one denies that. It seems to me they are given a sort of club over their own labor and they may be able to do as the International Harvester Co. threatened to do at Auburn the other day—move their machinery out and take it over to the other side. The owners of the factories do not care. They would just as soon have barbed wire, agricultural machinery, typewriters, and so forth, on the free list as not. They own factories on both sides of the ocean. The laboring men do care. It seems to me that it is a clear case of giving the great manufacturers, the great trusts, undue advantage over their own laboring men to allow them to manufacture on either side of the ocean, without the least restriction upon the importation of their goods into this country. [Applause on the Republican side.]

Mr. GREENE of Massachusetts. Mr. Chairman, I desire to read the following article from the New York Tribune of this morning:

SHUTDOWN AT FALL RIVER—530,000 SPINDLES AT IRON WORKS PLANT IDLE SATURDAY.

FALL RIVER, MASS., *May 5.*

The Fall River Iron Works Co. posted notices to-day that the seven mills of the plant would be closed Saturday for an indefinite period. No reason for the shutdown was given.

The corporation, which is owned by the American Printing Co., operates 500,000 spindles in the manufacture of cotton cloth to supply the print works. It employs 5,000 hands, with a weekly pay roll of about $35,000.

Mr. Chairman, perhaps I can explain why the mills intend to close. The mills undoubtedly close because of the lack of opportunity to sell their product. I noticed in the newspapers a few days ago a list of the reduction in sales of print cloths very largely since the 4th day of March. The entire output of this grade of goods in my own city is 275,000 pieces of 45 yards each a week, and the sales of these goods have fallen off, the first week about 75 per cent, and the sales have been reduced since down to 106,000 pieces and then to 75,000 pieces and then the sales have been reduced to 60,000 pieces a week. The reduction in these sales creates the necessity for stopping the mills. I noticed in the newspaper this morning an article stating that the President and his Secretary of Commerce were going to investigate the cases where there should be a reduction in wages throughout this country to find out whether it was claimed that the reduction was made by reason of the reduction of the tariff. The statement referring to the mills of the Fall River Iron Works Co. does not refer to a reduction of wages. It is a cutting off of the entire wage list of $35,000 per week for an indefinite period, and nobody can tell how long these mills will remain closed. It is a very serious situation, affecting as it does 5,000 employees and the families dependent upon these wage earners.

It is not only a serious situation to the parties referred to, but it will have a very depressing effect upon the business men of the city of Fall River, Mass., who will keenly feel the loss in trade which the lack of $35,000 per week in the wage list will inflict upon the community, thereby affecting its prosperity.

Mr. HARRISON of New York. Mr. Borden, the founder and chief owner of these mills, died last year and left a fortune estimated at about $10,000,000.

Mr. GREENE of Massachusetts. Yes, sir. I do not know how much money he had accumulated.

Mr. HARRISON of New York. Does the gentleman from Massachusetts make any comparison between the $8 and $9 a week of the men in those mills——

Mr. GREENE of Massachusetts. I will explain the situation. Mr. Borden was a man a little younger than I am. I knew him as a boy, and the American Printing Co., which he purchased and enlarged, absorbed the product of the mills of the Fall River Iron Works Co. The former owners had made failures in the business. He had the brains and knew how to do business successfully. He established the mills of the Fall River Iron Works Co. and made money. There is no reason in the world why his sons, who succeed him in business, should keep their mills running if the market becomes depressed and they can not sell the product. It is certainly a very unwelcome feature in business life that such manufacturing plants are compelled to close. A good and sufficient reason why they can not sell their product is, they know they are going to have competition from abroad if the Underwood tariff bill goes into effect. I was interested in reading what the newspapers had to say this morning about the President and the Secretary of Commerce.

This is not a question of cut in wages, but it is a question of destruction of wages. I also have been very much interested in a conversation which I am told by a prominent manufacturer in my city took place between himself and the Secretary of Commerce a few days since with reference to the sale of hats. He is a gentleman who is one of the largest hat manufacturers in the country and he called upon the Secretary of Commerce and talked with him in relation to the question of the foreign trade, about which Secretary Redfield talks so fluently, and the Secretary asked this gentleman why he did not exploit his foreign trade more. The gentleman said that he exploited it as far as he could. He said, "I have some trade in England, but in many other countries I am stopped by reason of the tariff imposed against American manufactured goods." The Secretary said, "Have you ever tried to exploit your industry in Bombay?"—that is a very stock phrase of my friend, the Secretary of Commerce. He said, "I have investigated that very fully, the question of trade in Bombay, and I have ascertained that all wear turbans and fezzes, which is a religious obligation, as I am informed, and if you gave them a derby hat you could not get one of them to wear it." [Laughter and applause.] There are no people, as far as I know of, in Bombay who wear any clothing of any amount [laughter and applause on the Republican side], and therefore there is not much opportunity to exploit American trade there.

The following article was published in the newspapers of the city of New Bedford, Mass., at about the same time that my Democratic colleague, representing the sixteenth district of Massachusetts, was delivering his speech upon "free wool" in the House. Is this article an echo of his address?

ONEKO MILL TO CLOSE—TARIFF CHANGES FORCE SHUTDOWN, DECLARE OWNERS OF NEW BEDFORD PLANT.

NEW BEDFORD, *May 5.*

It was announced at the office of the Oneko Woolen Co., in this city, Saturday afternoon that on account of uncertain trade conditions, particularly through the tariff situation, it had been decided to close the mills indefinitely. The Oneko mill is owned by Holden-Leonard Co., of Boston and New York. This company also operates a woolen mill at Bennington, Vt., and present plans are to ship part of the machinery from the mill in this city to the Bennington plant.

The Oneko mill is operated on men's wear, in worsteds and woolens, and on women's cloakings. Its weaving equipment consist of 68 looms. It gives employment to about 250 persons when running full, but its machinery has been gradually shut down during the past few weeks with the decline in the market call for the goods which it is equipped to make, and at present only about 125 persons are employed at the mill.

James Marshall, the superintendent in charge of the mill, said Saturday that so far as he has been informed the mill is closed indefinitely. As indicating that there is no intention to restart the plant unless conditions change, Mr. Marshall referred to the fact that some of the machinery is to be shipped out of the city. The plant is to be stopped within the next two or three weeks, and there is to be a public sale of the goods on hand.

George Leonard, of Holden-Leonard Co., who control the Oneko mill, in this city, said:

"If the woolen schedule proposed by the Democrats goes through in its present form, it will be impossible for us to operate the Oneko mill, at New Bedford. The closing of that mill at the present time is due to the falling off in business because of the conservatism of buyers in the face of the reductions in the tariff. We have land and tenements at Bennington, and so we thought it advisable to close the mill at New Bedford and concentrate our manufacturing in one of our plants, it being obviously more economical to run one mill as nearly full as possible instead of running the two mills only in part. I understand that there are two other woolen mills in New England which will close down in the near future, but which have not yet announced their intentions. I do not see how it is possible for us to run in the face of the foreign competition that would result from the proposed reduction in rates. We are in hopes that the Underwood bill may be amended in the Senate. Senators LODGE and WEEKS will make a fight, and if nothing further can be secured we want the date when the new rates are to go into effect set for six months from the time of their passage. That has been the custom in the case of previous tariff legislation."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments on paragraph 648? If not, the next paragraph is 650. Are there any amendments to paragraph 650?

Mr. LANGLEY. Mr. Chairman, I understood yesterday that some one else had reserved the right to offer an amendment to this paragraph. I was so informed by the gentleman from Alabama, and therefore I did not prepare an amendment to it.

The CHAIRMAN. It is reserved, and amendments are in order.

Mr. LANGLEY. Then, Mr. Chairman, I desire to move to strike out the paragraph.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 8 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto close in 8 minutes.

Mr. FORDNEY. I would like 2 or 3 minutes.

Mr. UNDERWOOD. I will make it 13 minutes, then; 10 minutes to be controlled by the gentleman from Illinois, and 3 minutes by myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and amendments thereto close in 13 minutes, 10 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 3 minutes by the gentleman from Alabama [Mr. UNDERWOOD]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. I yield 3 minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, before proceeding to discuss for a moment or two this paragraph, or rather my motion to strike out the paragraph, which would leave the existing law in operation, I wish to express my appreciation of the courtesy of the gentleman from Alabama, who I must say is very generous in the matter of yielding us additional time on this side of the House when we desire to discuss a matter. Of course, the time is so short we do not get a chance to say anything, but at the same time I appreciate his courtesy.

Mr. AUSTIN. I think the gentleman should also express his appreciation for the numerous amendments that he has permitted us to make to the bill.

Mr. LANGLEY. I might add, also, that he has permitted us to correct so many of the imperfections of this bill that I think he is entitled to the thanks of the Republican side of the House, and as a fellow Kentuckian, because the distinguished gentleman is a native Kentuckian, I feel very proud of the record which he has made here in charge of this bill. Of course, I know that the gentleman——

Mr. DYER. Is the gentleman going to approve of this legislation before he gets through with his speech?

Mr. LANGLEY. If my distinguished colleagues from Tennessee and Missouri will permit me to use the remaining minute that I have, I will state my position in regard to the paragraph. [Laughter.]

My judgment, Mr. Chairman, as I have said before, with regard to coal, and also with regard to lumber, is that placing these products upon the free list will injure those industries. I concede that in the matter of lumber the cost of transportation is so great that there will not be that direct competition with Kentucky lumber that there will be with lumber interests in sections of the country in closer proximity to competing lumber countries. But, Mr. Chairman, I still believe in the philosophy of Patrick Henry—that the way to judge the future is by the past. Lumber was placed on the free list once before and as a result the price of lumber in the mountains of Kentucky went down. I recall that the price of crossties went down until the industry was practically suspended. I think the same thing will result again. Perhaps it may not be so much by reason of direct competition with foreign products as from the general industrial depression which will prevail throughout the country following the enactment of the bill which strike at so many of our important industries. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, I wish to make a suggestion to my very good and very distinguished friend, the chairman of the Committee on Ways and Means, as to his reflections upon the good people of Minnesota, where he justly states resides hosts of good friends of his and where I know is a host of admirers and of good wishers for him and his work. He stated and criticized us because we of Minnesota were inconsistent in that we asked that the tariff should be reduced on furs, which we consume, and maintained on wheat and flour, which we produce and sell. It is easy to make such a criticism and contrast, but I will ask the gentleman this: When he and his committee increased the tariff on furs, did they do it for the purposes of protection for any American industry? If so, what industry, who asked for it, and what reason is given for such increase? We know of none and have so informed this House. So far in the history of the country there never has been any tariff on raw furs at all for the purpose of protection, and that is the principal complaint we have made. For many years there have been tariffs on sealskin garments and other garments fully made up which may have been originally placed for protection, but this bill seems to continue it for purposes of revenue. The gentleman from New York [Mr. HARRISON] does not seem to be aware that when the sealskin garment is brought into this country it now pays a tariff of 50 per cent on its value, and this has been the case for many years. The tariff on furs has been maintained even in the Payne-Aldrich bill, except one item, for the purposes of revenue. Now, if the gentleman from Alabama [Mr. UNDERWOOD], in criticizing us, has increased those taxes for the purposes of revenue, it is our duty to show him his error and the injustice of it. It will be a cruel and unnecessary tax on poor people unable to bear it, and it will not yield a revenue commensurate with the expense of collection and the trouble caused by it.

If the already excessive tax of 35 per cent on partially finished shapes is now increased in this bill for the purpose of protection of some American industry, and the gentleman now desires to reflect on us for that reason, I am glad to have it placed on record right now—the purpose of the increase, who seeks it, and that the committee are willing to grant increases on items already excessive for the purpose of protecting an industry. Heretofore he has maintained that this bill is for a competitive tariff, or a tariff-for-revenue bill, or anything rather than a protective measure; but for the purpose of criticizing us he has pointed out one item where his committee has increased the duties apparently for the purpose of protection. It certainly was not for revenue, since but little can come from it, even on the figuring of the committee. It is not competitive, since it will destroy competition. So it can only be protective. And if so, this gentleman has a right to be critical. But so have we in return. I am glad to point that out to the gentleman again. We do not ask for protection on our grain products. We ask only for equal and fair competitive treatment. If you put a tariff on wheat we want a fair competitive duty placed on flour, and it is for the Democratic majority to indicate which policy should be pursued. But your definition of your own measure requires this to be done. That is all we ask.

The gentleman does not seem to be informed concerning the traffic conditions between Canada and the United States and between Great Britain and the United States. He does not seem to realize that the millers in those countries under same conditions may be able to swamp our manufacturers of flour, because the long haul by rail from the wheat fields and western mills will not permit the interior millers to compete with the cheaper transportation by water from manufacturing centers where is stocked the surplus of the cheapest grains of the world. Our millers through the North and West are asking no favors or discriminations, but are complaining about being placed under conditions adverse and unfair by artificial and ill-considered legislation where they can not compete on even terms as to supplies of raw material with Canada and Great Britain, and for that reason they strenuously object, not from Minnesota alone, but from all over the country, although our millers, perhaps, have taken the burden of the contest.

But millers and producers everywhere object to the unjust and unequal conditions of this bill which prevent competition on even terms. If you do not dare to follow the suggestions of a free-market basket, as urged by your President, then place whatever tariff on wheat which you think will satisfy the farmer. But when you do, be manly and decent and realize the conditions of those who have to use it in competition with those who have access to the cheapest raw material. We have not asked that anybody's protection for furs shall be reduced. We are entirely willing that they shall simply bear the fair share of protection which they always have borne. If more protection is needed, tell us about it frankly and not criticize us for seeking to know the reasons for the burden. It is the gentleman and his committee who have lugged in the doctrine of protection when they increased the tariff on furs, and we only seek to know why they did it and they can not seem to tell. We only ask the same rule shall be applied to both furs and flour. Make both competitive, if you will, but put them on the same fair and just basis, with a supply of material as accessible to them as to those they have to meet in our markets, and then the domestic producer shall not have any discrimination against his finished product as you have provided against us

in this measure. It is this injustice against which we shall continue to protest.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman and gentlemen, in the brief time given me I want to call the attention of the Members of the House to this fact, that in this country in the packing of shingles the frame in which they are packed is 20 inches in width and adjusted to the length, whether they are 16 or 18 inch shingles. But there are 25 courses of shingles in a bunch, 4 bunches for 1,000 shingles.

British Columbian shingles have but 22 courses, 20 inches in width, and when No. 1 shingles are selling for $2.50 per thousand the difference in the real value of the shingles is 30 cents a thousand.

That is what the consumers of this country must meet in our markets, and there is not one man in a thousand who purchases shingles who knows how many courses of shingles there should be in a bunch, or how many there are in a bunch made in British Columbia or in the United States.

You have placed shingles on the free list, and you have placed the consumers at a disadvantage in bringing Canadian shingles into our markets—shingles that have three twenty-fifths less contents in a bunch, or 12 per cent less than in a thousand shingles made in the United States. It is an inconsistency or it is an oversight, and if you only knew those facts I believe you gentlemen would adjust your rate of duty so as to offset the difference, so that the consumer might know.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MANN. Mr. Chairman, in this country we participate in a good many bitter political contests, and oftentimes feeling is aroused, and personal animosity, temporarily. But it is the beauty of the American people that they put aside personal and political animosities in the meeting of man to man, and friendships are preserved across the aisle as sincerely and firmly as they are among Members on the same side of the aisle.

It gives me great pleasure to-day to call the attention of the House to the fact that 51 years ago one of the ablest men in public life first saw the light of day. I congratulate not only the Democratic Members of the House, not only the Democratic Party in the country, but I congratulate also the country itself, that during the 51 years which have elapsed since his birth there has grown into broadness and bigness the able gentleman from Alabama [Mr. UNDERWOOD], the chairman of the Committee on Ways and Means. [General and prolonged applause.]

Mr. UNDERWOOD. Mr. Chairman, I wish to assure my friend from Illinois [Mr. MANN] how sincerely I appreciate the kindly words that he has spoken in reference to myself, and I know of no better opportunity than this to say to both sides of this House, now that within an hour or less we are to complete the taxing features of this bill—the real contending portion of the bill that is in issue between the two great parties—that I thank you all, on both sides of the House, for the patience, the courtesy, and the kindness you have shown to the chairman of the Committee on Ways and Means in his efforts to put the bill through the House.

I have seen many debates in this House; I have seen many hard-fought fights, and this is the place to fight. We all believe in fighting in the open. But I do not believe, although gentlemen on that side of the House have earnestly and vigorously and forcefully contended for their views, that any great measure has ever passed this House with less personal rancor and more kindly feelings than the bill we have under consideration to-day, and I can not thank you too much for your consideration. [General applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. LANGLEY], to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there any further amendments to paragraph 650? If not, the next paragraph is No. 652, which the Clerk will report.

The Clerk read as follows:

652. Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached: *Provided*, That if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge, or license fee, or otherwise), upon printing paper, mechanicaly ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp, the amount of such export duty or other export charge shall be imposed as a duty upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government; and if any country, dependency, province, or other subdivision of government shall prohibit the exportation of printing paper, mechanically ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed a duty of $\frac{1}{10}$ of 1 cent per pound upon such chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. Mr. Chairman, this paragraph, which proposes to put wood pulp upon the free list, is one of very peculiar construction. It proposes to put mechanically ground wood pulp and chemical wood pulp on the free list, with a retaliatory clause. There is mechanical pulp and chemical pulp. Of chemical pulp there are three kinds—sulphide pulp and soda pulp, which are the two that are used in this country; and sulphate pulp, somewhat used abroad, and perhaps it will be produced in Canada.

Here is the proposition: While Canada is not mentioned, Canada is meant. If Canada puts an export duty upon print paper or mechanical wood pulp, then we will put an extra duty upon chemical wood pulp. Now, Canada produces practically no soda chemical pulp, and not a great quantity of sulphide chemical pulp. We do export considerable quantities of mechanical pulp and print paper. But why, if Canada puts an export duty upon mechanical pulp or print paper, should we add a duty to chemical pulp? Or if Canada, under this provision, prohibits the export of print paper, why should we put a duty of one-tenth of a cent per pound on chemical paper?

There is no relationship between the two. If Canada attempts to do something against print paper, then we attempt to protect chemical pulp in the United States. If Canada legislates against mechanical wood pulp, then we attempt to add protection to soda wood pulp in the United States. These articles are not in competition with each other. Mechanical wood pulp is not used for the manufacture of the same kind of paper as soda pulp, and why anybody ever worked this out or how he ever managed to conceive this scheme is beyond me. If we wish to preserve ourselves against Canadian legislation aimed at print paper or mechanical wood pulp, then we ought to put a retaliatory duty upon those articles and not upon something else. Canada is not interested to-day to any extent in the production of soda pulp, which is used ordinarily for the manufacture of book paper or higher class paper.

This print-paper proposition and pulp proposition has been before Congress now for a number of years. Up to the present time the legislation has at least sought to preserve the markets of the United States for the free entry of the raw material into the United States and to afford some basis for preventing all the manufacturing going into Canada; but under the provisions of this bill there is nothing to prevent the manufacture of print paper and mechanical wood pulp being transferred to the other side of the Canadian border, and the pretense of levying a duty of one-tenth of a cent a pound upon some other article will not have any more effect than breathing in the air. [Applause on the Republican side.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn. Are there any further amendments to be offered to paragraph 652? If not, the next paragraph is No. 653.

Mr. MANN. That is the wool paragraph. There are a lot of amendments to that.

Mr. SHARP. Mr. Chairman, an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] offers an amendment, which the Clerk will report.

Mr. UNDERWOOD. Mr. Chairman, I should like to limit debate on this wool proposition.

Mr. MANN. There are quite a number of gentlemen who wish to be heard over here.

Mr. UNDERWOOD. I do not want to cut off debate unduly.

The CHAIRMAN. The Chair suggests that the amendment of the gentleman from Ohio [Mr. SHARP] be reported.

Mr. UNDERWOOD. All right.

The Clerk read as follows:

Amend, paragraph 653, by striking out the words "wool of the sheep," in line 19.

Mr. MANN. Mr. Chairman, we would like to have half an hour over here on this side.

Mr. UNDERWOOD. There are two gentlemen on this side who desire to speak, the gentleman from Colorado [Mr. SELDOMRIDGE] and the gentleman from Ohio [Mr. SHARP]. If there is anyone else, I should like to know it. That will make 40 minutes, and I would like to reserve 10 minutes for myself. I ask unanimous consent that the debate on this amendment close in 50 minutes; that all amendments may be presented when the gentlemen speak, or by those who do not speak, and be pending on the desk, to be voted on when the debate is concluded, and that 30 minutes of the time may go to the gentleman from

Illinois [Mr. MANN], 5 minutes to the gentleman from Ohio [Mr. SHARP], 5 minutes to the gentleman from Colorado [Mr. SELDOMRIDGE], and 10 minutes to myself.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this paragraph and all amendments thereto shall close in 50 minutes, 30 minutes to be controlled by the gentleman from Illinois [Mr. MANN], 5 minutes by the gentleman from Ohio [Mr. SHARP], 5 minutes by the gentleman from Colorado [Mr. SELDOMRIDGE], 10 minutes by the gentleman from Alabama [Mr. UNDERWOOD]; that gentlemen shall have permission to offer their amendments when they speak, the amendments to be pending and voted on in their order at the conclusion of the debate. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Can a pro forma amendment be offered to the next paragraph?

Mr. UNDERWOOD. No; that has been passed.

The CHAIRMAN. The next paragraph that is open for amendment is 657. Paragraph 654 has been passed.

Mr. GREEN of Iowa. Do I understand the gentleman from Alabama that he will object to an amendment being offered to the next section?

Mr. UNDERWOOD. Yes. I would not object to an amendment being offered to the next section which is open for consideration, which is 657, works of art.

Mr. MOORE. I have an amendment to that.

The CHAIRMAN. The next paragraph that will be open for consideration, except by unanimous consent, is paragraph 657. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]?

There was no objection.

Mr. MANN. The gentleman from South Dakota [Mr. MARTIN] desires to offer an amendment and have it pending.

The CHAIRMAN. The gentleman from South Dakota offers the following amendment, which the Clerk will report, the amendment to be considered as pending.

The Clerk read as follows:

Page 129, line 19, after the word "camel," insert the words "Angora goat."

Mr. WILLIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. Are the amendments to be offered now under the agreement?

The CHAIRMAN. They can be offered at any time.

Mr. SHARP. Mr. Chairman, I have offered this amendment with the understanding that should it prevail I will ask unanimous consent to place this product on the dutiable list bearing 20 per cent ad valorem.

I listened a few moments ago to the eulogy pronounced on the majority leader of this House, Mr. UNDERWOOD, and I feel that every Member, not only on this side of the aisle but the other, concurs in its every word of praise. Such sentiments coming from a political opponent are indeed flowers that bloom over the garden wall of party politics. Let me briefly repeat the encomium given by a distinguished Member, at one time on the other side of the aisle, whose lips have long since been closed in death, my good friend, the late Representative Foster, of Vermont. In conversation with him one day I asked him what he thought of the discipline and management upon our side of the House since we had for the first time in 16 years come into power. He said: "Mr. SHARP, I think it is most admirable. You have such splendid leaders in CHAMP CLARK and OSCAR UNDERWOOD that it is difficult to see how you can be led into error. They are leaders of splendid ability and would give great credit to any political party." [Applause on the Democratic side.]

I have sometimes thought that, in a relative sense, possibly too much importance is given to the mere words of the party platform instead of considering the qualities of the officials who are to shape and give effect to those policies. Happily, the high character and abilities of those who have been intrusted to carry out the principles of the Democratic Party, from the Chief Executive on down through the line of his able assistants, augur well for a most successful administration of the Government's affairs.

All through my district in the past campaign my platform was based upon the public careers of these distinguished leaders of the Democracy. So if I differ with them to-day as to the wisdom of putting wool upon the free list I have no unkind criticism to level at their heads.

By virtue of the right generously given me, as to other Members on this side of the House by our caucus, I absolved myself from its binding effect in so far as this particular item is concerned. I think it is in no way violating the rules of the caucus—for the next day its entire work was practically made public—to state here that although a proposition to place a duty upon raw wool was defeated, yet there was still a very respectable minority in its support, respectable not only in the character and standing of the men who voted for it, coming, as they did, from every section of the country, but also respectable in numbers, for there were upward of 60 Members who voted against this item of free raw wool. I am consistent in offering this amendment, because upon two prior occasions in the last Congress I offered an amendment that would increase the Underwood duty of 20 per cent ad valorem to 30 per cent. I always thought it was rather mean and stingy of the conferees that they robbed me of the credit over in the Senate of fixing a duty at 30 per cent, when they put it at 29 per cent. I remember that when it came back and was voted upon every single Democrat upon this side of the House, with possibly one exception, voted for that compromise amendment, nay, went further and voted to put it over the President's veto.

So I do not think I go very far astray in saying to-day that while indorsing the purpose of this bill for a revision downward I would favor imposing a duty of 20 per cent ad valorem upon this article of raw wool. Such a reduction would still mean a cut of more than 60 per cent upon that product under the Payne bill. I sincerely hope that on the other side of the Capitol that august body will finally conclude that it is better policy and more in keeping with fairness to impose a compromise duty of 15 or 20 per cent on raw wool.

In the short time I have it is impossible to enumerate all the reasons why I am impelled to make this amendment. Under the Payne-Aldrich bill the average rate of protection given to manufacturers ranges from 65 to 70 per cent, and in some instances I believe the duty exceeds 90 per cent. This bill cuts that in two, and they are given an average of 35 per cent. Under the Payne-Aldrich bill we have an average rate of 42 to 45 per cent on wool, an important product of the farmer, representing the great agricultural interests. Instead of cutting that rate in two, this bill takes it entirely off. It has been said by the distinguished leader of the majority that it is not a bill ostensibly, at least, in the interest of the manufacturers, and yet I appeal to your common sense if in this particular item it is not manifestly in the interest of the manufacturers by leaving them a protective duty of 35 to 40 per cent and taking the duty entirely off from the raw wool which they buy.

From the earliest times agriculture has been encouraged by every government upon the face of the earth. Recognizing that the products which must furnish both food and clothing for man must come from the soil, many measures have been resorted to for the encouragement of husbandry. Indeed, there has never been a time in the world's history when, on account of the fast increasing population, there is more need for its better recognition.

To my mind the question of sheep raising in the United States is one of great importance. Its value is not only potential for supplying of food for our people, but also material for their clothing. In a broad sense, the development of that industry is an asset of great national value, both in times of peace and in war. The arguments adduced in favor of free lumber, free coal, and other minerals of the earth have no application when applied to the extension of that doctrine in the case of wool. In the former instances the question of the conservation of our natural resources is directly involved, and in my opinion—though in this I may differ with some of my colleagues—the chief benefit which we would derive in putting these products upon the free list will come more to the next generation as the result of that conservation than to the present. Naturally the direct result of such a policy is to diminish the constantly increasing consumption of these products of our own country by using those imported from other countries, and I believe the importation of coal and lumber from Canada would materially lengthen the life of these products in our own country.

But with the threatened extinction or material diminution of the native wool supply of our country, which has been the result of long-continued and patient cultivation, its rehabilitation would be a matter of many years. Admitting for the sake of argument that the tariff rates levied for its encouragement in the past have not materially increased its growth—a favorite argument of those who would remove the duty—it by no means follows that the wool industry would prosper the more if that duty were entirely removed.

Much as I would like to do so, time will not permit me to say more of the importance of this great industry, which is common to so many different parts of the country that it can hardly be called sectional. From the very character of the industry, carried on as it is by so many having relatively small flocks,

there never has been and never can be a combination or trust relationship between them, and this observation applies quite as well to the food product of mutton as to the wool itself.

Recognizing the sole reason for putting raw wool upon the free list as being intended by the advocates of such a policy to be in the interest of the consumer, I must confess an honest skepticism as to whether the admitted reduction in the price of this product to the woolgrower—for unless there is a reduction in such price there is no justification for the removal of the duty—will not inure wholly to the manufacturer and the middleman. Few realize that after all the entire value of all the raw wool which goes into a suit of clothes rarely exceeds 8 per cent—and it is often less than 5 per cent—of its retail price.

Mr. Chairman, there is another reason which argues very strongly in favor of this amendment.

In scanning this bill through, I doubt whether there is a single paragraph that means so much, not only in the merely political sense, but from the economical view, especially as it applies to the revenues, as this paragraph. In the last Congress both sides of this Chamber supported almost unanimously the law to impose a tax upon the incomes of corporations. It was pointed out with a great deal of satisfaction that there would eventually be an annual revenue from that source of upward of $30,000,000 to the Government. And I am very pleased to say that that prediction is liable to be realized during the coming fiscal year. There is certainly an element of justice in placing the burden of taxation in accordance with the Democratic doctrine upon the shoulders of those most able to bear it, and presumably receiving their fair share of its benefits.

But what must we say of the wisdom of this portion of the bill, at least from a revenue standpoint, when it is admitted that at least one-half of that enormous sum so received from the corporations will be deliberately thrown away by putting raw wool upon the free list? In other words, as a result of the enactment into law of the three or four lines in this paragraph, we part with $15,000,000 in annual revenue—not for this year only, but just as long as the law shall remain on the statute books. As to this particular item, it is indeed emphatically not tariff for revenue only, but free trade for the loss of revenue only——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, my objection to this paragraph is that it places wool on the free list and places the growers of wool in this country at a very great disadvantage with their foreign competitors. I have not agreed with some of my colleagues about the rates fixed in the so-called Payne amendment to the bill on wool and woolens, offered last year, which is to be offered again as an amendment to this bill, because the compensatory rates above the duty on wool, in my opinion, are lower than those in the Underwood bill, but on the entire schedule, taking the highest grades and the highest rates with the lower rates, there is not so much difference. However, in addition to the rates fixed in the Underwood bill, there is a duty on wool in the Payne bill. You wholly disregard in your bill the interests of the woolgrower. You have fairly well taken care of the manufacturer of wool.

There is no other market in the world for American-grown wool except with the woolen mills of the United States. As I stated here the other day, which is not denied, back in 1894 a gentleman from Wyoming tried to find a foreign market, and did not repeat the dose a second time, for, according to his own statement, he shipped his wool abroad at a loss. Therefore the woolgrowers in the United States are wholly dependent upon the manufacturers' success for success in their own product—wool.

To place the raw material of the woolen manufacturer upon the free list is a discrimination directly against the woolgrower, whose only market is the woolen manufacturer in this country. If wool is to be placed on the free list, I can not see the consistency of having a duty on manufactured wool to the extent that you have placed it in your bill. The gentleman from North Carolina [Mr. KITCHIN] the other day said that the duty on wool and woolens heretofore had been always written by the manufacturer, and not alone on wool, but it has been frequently stated by gentlemen on that side of the House, hastily and thoughtlessly, that the manufacturers of this country have always written the Republican tariff laws. That is unjust to the men who have taken a prominent part in writing our tariff laws. It would be unjust to make that statement about the gentlemen from the Democratic side of the House who have written this law. In fact it is incorrect, it is untruthful.

Away back in 1865 a commission was appointed to report on a wool schedule to be adopted by the Congress of the United States, and after thorough investigation by that commission the Congress of the United States accepted the report and enacted into law the rates recommended; so when the gentleman states that the Congress of the United States when controlled by the Republican Party has always listened to and fixed rates according to the dictations of manufacturers he is hasty and unguarded in his remarks.

Some gentleman a few moments ago asked a gentleman on this side of the House whether or not he stood for the rates in the Dingley and in the Payne tariff laws. That gentleman answered "No." I would have answered right to the contrary if I had been asked the question, and my reason for it is this: That never since the sun shone on the American people have we enjoyed greater prosperity and happiness or greater accumulation of wealth for all classes of our people than under those two laws.

The woolen schedules of the various revenue acts have generally been regarded as the most technical and, therefore, for those not familiar with the subject by practical experience or study, the most difficult to understand. For this reason the discussion of its provisions should be characterized by simplicity and directness. With this purpose in view, let us first lay down these fundamental propositions:

First. The chief source of revenue for the Federal Government must, under the Constitution, be the customs duties on imports.

Second. Under the existing tariff law the imports of wool and woolens have contributed to the income of the General Government during the past 10 years $323,595,507, a sum sufficient to justify the woolen schedule as a revenue producer.

Third. The present and prospective fiscal requirements of the Government are such as forbid any change which would reduce the amount of revenue derived from this source.

Fourth. It is the settled policy of the Government that the import taxes shall be so levied that, while producing required revenue, they shall also foster and develop American industry, to the end that there may be diversified employment for its citizens, thus preventing the intenser competition that would exist if labor and enterprise had to be concentrated only in those employments that could be carried on without the existence of a protective tariff; and for the further purpose of making the country independent of foreign supply for all the principal necessities of life.

Fifth. In the application of this policy it is of the first importance that the country shall insure to itself permanent domestic supplies of the staples of food and clothing; and justice requires that agriculture, the chief employment of the people, shall share in the benefits of this beneficent policy.

Sixth. Sheep husbandry, that important branch of agriculture which provides the most essential material for clothing and also supplies a factor in the food supply that is of prime value and importance, has therefore a double claim upon the fostering care of the Government.

The need of revenue for Government expenses amply justifies the duty on wool, a commodity which, in its crude state, has brought into the Treasury of the United States in a single year the great sum of $21,128,729. The wisdom of developing an ample domestic supply of wool and mutton, and the advantage to those engaged in all other occupations through the lessening competition in their own employments, of preserving and increasing the great agricultural industry of sheep husbandry, is ample justification for making the rate of that duty sufficient to effectuate those purposes. Long experience, coupled with conclusive testimony which has been abundantly produced prior to the passage of each tariff act in the past 45 years, demonstrates that those purposes can not be made effective with rates on wool less than those now in effect, and with this necessity before us, it must now be pointed out that to secure the advantages of these duties to the American woolgrowers it is necessary that their wools be manufactured in the United States. If sold elsewhere, there can only be realized the prices prevailing in the foreign markets, less the cost of transportation thereto; and if American wool could be sold in such markets, the duty on imports would be superfluous, either for revenue or for protection.

To permit the use of the wool in this country, it is therefore necessary that conditions favorable to its domestic manufacture shall exist. And owing to the low cost of labor in the woolen mills of Europe, woolen manufacturing in America is only possible if an import duty is assessed upon the product of the manufacture of wool sufficient to equalize the difference in the cost of their manufacture here and abroad.

We have now, therefore, to inquire in what these differences of cost consist and how duties must be formulated to equalize them, while at the same time producing an adequate share of the Government's needed revenue.

The chief factors which enhance the domestic cost as compared with the foreign are:

(a) The higher cost of raw material in the United States, which necessarily results from the duty imposed upon foreign wool, which duty, it must be remembered, is one of the important producers of revenue to the Government, besides, at the same time, serving to sustain and develop sheep growing in this country.

(b) The higher rates of wages of the workers in the American mills—averaging, according to Government reports, from two to four times the wages paid abroad. These higher American wages constitute the most convincing justification of the protective system of raising revenue.

(c) The larger amounts of capital required for a given plant in America, because its buildings, as well as its equipment, have been created under the American system, whereby, through the great diversity of employment made possible by the protective tariff, competition in other trades has been reduced, so that those engaged in the improvement of real estate and the erection of buildings have had their wage rates enhanced side by side with those employed in the manufacturing industries. The higher cost of machinery, which if imported from abroad has had the import duties added, or if made here has been enhanced through the cost of higher wages its makers have enjoyed in the consequence of the tariff.

These factors of increased domestic cost which we have found to be higher cost of raw material, higher wages, more expensive plants it has been the policy of this Government—a policy the approval of which has been reaffirmed by the American people times without number—to offset by raising its revenue on imports in such manner that the revenue tax imposed upon imports shall be sufficient, when added to the foreign cost of the imported article, to make up the difference with a reasonable profit, sufficient to attract capital and lead to the development of these industries in America.

In the woolen industry this is accomplished by two kinds of duties—specific, i. e., a fixed and definite rate per pound, and ad valorem, or a percentage of the foreign price.

The first, the specific duty, is known as "compensatory," i. e., it is to compensate or equalize the cost of wool in the imported goods to a parity with the cost of wool in similar goods made in America. This compensatory duty on manufactures of wool simply makes effective the duty on the unmanufactured wool. If the compensatory duty were not imposed, the duty on wool would be useless, for raw wool would not then be imported, because it would be so much more advantageous to import the wool in a manufactured form, in which condition, in the absence of compensatory duties, it would yield neither the contemplated revenue to the Government nor any protection to the woolgrower.

Let it then be clearly understood that the compensatory duties on the products of wool are duties on the wool in those products.

It is necessary now to notice a peculiarity of the raw material, wool, which differentiates it from most other commodities. When shorn from the sheep in its natural condition, it contains a large amount of grease, dirt, and impurities which must be washed or scoured out before it is in fit condition for manufacture.

This foreign matter varies in different kinds of wool, grown in different localities, from 30 to 80 per cent of its gross weight, the average being about two parts of dirt and grease to one part by weight of clean wool. If it were the common practice to remove this dirt and grease before the wool was offered for sale, so that the wool of commerce was always clean and free from grease and impurities, the determination of a rate of duty would be very simple. But such is not the case. Custom varies in this respect very greatly. Some small part of the wool product of the world is thus scoured before it is brought to the manufacturer. Some is partly cleaned by washing the sheep in streams of running water before shearing, but vastly the larger portion is marketed in its crude, unclean condition. And for this there are excellent reasons. The woolgrower has not and can not well have the large and costly machinery necessary for the thorough and proper scouring of wool. If he did, it would be idle and useless during all but the small fraction of time required to scour his annual clip and thus prove a costly charge upon his industry.

Moreover, wool scoured long in advance of its manufacture does not work so advantageously as that which is left in its natural condition until needed; so, therefore, the user of the wool will prefer for most purposes to purchase it in its natural condition, or, as technically known, "in the grease."

In view of these facts it is necessary to provide one rate of duty upon wool in the crude or unwashed condition, another for the wool that has been partly cleaned by washing on the sheep's back, and still another for that which has been fully cleaned by scouring.

The amount of grease, dirt, and so forth, contained in different grades of wool grown in different climates, upon different soils, not only varies by infinite degrees, but wool taken in different years from the same sheep will vary greatly, according as the weather conditions prior to the shearing time have been dry or rainy. It is therefore utterly impossible to classify wools for customs purposes according to the amounts of shrinkages; and it has been necessary to determine an average ratio of clean wool in the unwashed and in the washed (partly clean) condition. This has for an indefinite period been established as 1 pound of clean wool in 2 of washed wool or in 3 of unwashed wool. This ratio has been approved by repeated investigations by committees of Congress and Government commissions, and by its adoption in every tariff act of the United States that has imposed a duty on wool since 1867.

If, then, a certain rate of duty is enacted per pound on unwashed wool the approved ratio requires twice that rate on washed wool and three times that rate on scoured wool, because 3 pounds of unwashed wool grown in great abundance and accessible to foreign manufacturers, or 2 pounds of washed wool, will yield 1 pound of scoured clean wool.

But a considerable portion of the clean wool is lost in the further processes of manufacture. This consists of foreign vegetable matter, such as burrs, seeds, and so forth, which have become entangled in the fleece, together with the portion of the fiber that can not be separated from this foreign matter, and also the fibers that are too short to remain in the mass in the operation of carding, combing, spinning, and so forth, and are lost out as waste.

Further wastes are created in the subsequent operations of converting the yarn into cloth, so that from the first stage of washing or scouring there is a progressively diminished remainder of the commodity upon which the duty would have been paid had it been admitted in its original crude form. And it must be clear that with this lessening there is a proportionate enhancement of the duty charges upon the remainder.

These compensatory duties—the duties on the wool in the manufactured and partly manufactured articles—have probably been more imperfectly understood than any other provision of the various tariff acts in which they occur, and consequently have been the subject of unlimited misrepresentation and criticism by those who are unwilling or unable to devote the necessary time and intelligence to attain a proper comprehension of their purpose and operation.

Let us first see how the ratios were determined. It was by no accidental or haphazard procedure that proportions were ascertained which have for more than 40 years withstood the united efforts of foreign interests and domestic ignorance. In 1865, in accordance with the provisions of an act of Congress, a commission was appointed for the consideration of a revision of the revenue laws. This commission consisted of David A. Wells, Stephen Colwell, and S. S. Hayes.

The investigations of this commission were continued throughout a period of upward of two years, and in its consideration of the subject of the tariff rates on wool and woolens this commission arranged for conferences at which were present representatives of the woolgrowing interests and of the woolen manufacturing industry from different sections of the country.

And right here let it be understood that these conferences of delegates representing the woolgrowing and manufacturing industries were held at the instance and under the direction of a commission of the United States Government. Some gentlemen seem to be laboring under the delusion that by some sort of secret and subversive conspiracy these ratios were imposed upon a credulous and unsuspecting Congress than which nothing could be farther from the truth. The commission charged with the duty of examining the revenue laws of the Government, with a view to their revision, sought to inform itself fully upon all the technical questions involved, and in connection with its consideration of the wool tariff arranged for conferences for the discussion of that branch of the subject in all its phases. The conferences proceeded with great deliberation, lasting over a period of about six months, sessions being held in Syracuse, New York, Philadelphia, and Washington. And the mature result of all this investigation and discussion was the formulation of certain fundamental ratios as proper and equitable in the application of the wool duty to the wool in manufactured

products. The soundness of the conclusions then reached is evidenced by their indorsement in the report of the revenue commission, their approval by the then Secretary of the Treasury, the Hon. Hugh McCulloch, and their subsequent approval by the Ways and Means Committees of four Congresses, by a like number of Committees on Finance of the Senate, and by the adoption of these ratios by these four Congresses.

The authority for the statement as to the origin of the ratios is found in Revenue Commission Report, page 441, as follows:

And provided further, That the duty on wool of the first class which shall be imported washed shall be twice the amount of duty to which it would be subjected if imported unwashed; and that the duty upon wool of all classes which shall be imported scoured shall be three times the amount of the duty to which it would be subjected if imported unwashed.

Also, in the Revenue Commission Report (p. 444), relating to the equivalent of the duty on 4 pounds of unwashed wool to the compensation on 1 pound of cloth, I quote as follows:

It was the concurrent testimony of experienced manufacturers that 4 pounds of Mestiza wool, of the class coming within the prices designated and paying a duty of 3 cents per pound, are required to make a pound of finished cloth. That all doubt might be removed as to the correctness of this statement, which furnishes the most essential element for calculating the amount of duties required for woolen cloths, the committee have sought to obtain memoranda of actual experiments made without reference to any discussion of tariff questions. * * *

The report then continues with detailed statements of the data derived from practical tests upon which was based the findings of the committee, and then concludes with the statement:

The fact, then admitted, and since so fully corroborated, that 4 pounds of wool, paying a duty of 3 cents per pound, are required to make a pound of cloth, formed the basis of the tariff upon woolens in the bill of 1861. (See p. 455, Revenue Commission Report.)

Is it not an insult to the intelligence of the very large number of men of the first ability who in both branches of Congress have for many years given this subject the closest study and after the most ample investigation and discussion have approved these ratios, to insinuate at this late day that these proportions of the compensatory duties were originally adopted without a comprehending knowledge of their significance; and that at intervals, 23, 30, and 42 years later, after a rehearing of all the arguments, and with the advantage of years of practical observation of the operation of the rates, they were ignorantly reenacted.

Upon each of these later occasions the reenactment followed an experience of an intervening period during which these ratios had been temporarily abandoned with such bitterly disastrous results as to lead to their prompt reenactment.

The Democrats seem to be under the impression that those who are really technically qualified by lifelong personal relations with successful practical work of a great industry to know how that industry would be affected by proposed legislation are, by the fact of such relationship, disqualified from giving the benefit of their knowledge to those who are charged with the duty of making the laws.

To the ridiculous and illogical contention that the rates have been made by those engaged in the industries I know of no simpler nor more effective answer than that made by a witness before the House committee to a question implying a similar assumption. The reply of the witness was:

You invite us to give testimony. If you give credence to our testimony as reliable, if you act on that testimony as being that of honest men given in their best judgment, and you guide yourselves by that in your conclusion on the facts—in that sense the manufacturers assist in fixing the duty.

In this connection it is to be noted that at the time when the ratios under consideration were first adopted, worsted manufacturing had just been commenced in the United States and was of such insignificant proportions that it did not constitute a factor of any influence in the discussions then conducted. The woolen manufacturers participating in these conferences were almost exclusively interested in what is now known as carded-wool manufacturing.

These ratios, to repeat, are:

Unwashed wool, single duty.

Fleece-washed wool, double duty.

Scoured wool, triple duty.

Cloths, four times single duty.

These ratios have been in effect during most of the time since then, and in the only period when they have not been, viz, under the act of 1894, the industry suffered most serious prostration. The experience of the larger part of the intervening period of 45 years and under four different revenue acts, in which these ratios were incorporated, has demonstrated the correctness of those conclusions which at that time were approved by the woolgrowers, whose industry was intended to be thereby protected by those rates; approved by the representatives of the carded-woolen industry, which then represented 99 per cent of the woolen manufactures of the country; approved by the semi-judicial revenue commission, which investigated the subject; approved by the then Secretary of the Treasury, who indorsed the report of the commission; and approved by Congress, which, in 1867, enacted these rates into law; approved again by Congress in the reenactment of the same ratios in the laws of 1890, and yet again in 1897 and 1909. Upon each of these occasions the ratios of the compensatory duties were discussed at length by the committees of Congress, and in the sessions of the House and of the Senate. Why it is inconceivable that these rates, which have been examined, discussed, and approved by four generations of legislators, are not fundamentally right; that they are still correct is abundantly shown by voluminous evidence submitted to the Ways and Means Committee of the Sixty-first Congress, as contained in the published reports of its hearings, and later the Tariff Board's report.

It is sometimes asserted that all wool does not lose two-thirds of its weight in scouring—that it does not require 4 pounds of some kinds of unwashed wool to make 1 pound of some kinds of cloth. These assertions are not denied; they never have been denied. It is equally true that the foreign wages of labor are not in all countries uniformly less than in the United States. For instance, it is well known that the wages of woolen manufacture in England average about one-half those paid in the United States; while in Germany, due to the large percentage of female labor employed, the average for the same trades is but one-third or less than one-third of those paid in the United States. If the protective duty on manufactures of wool—the consideration of which I have not yet reached and refer to here incidentally only to illustrate this point—is made only sufficient to equalize the difference between American and British wages, it would not be sufficient to protect against the lower wages of Germany. But if it is made adequate to equalize the difference between American and German wages, it will also protect as against those of Great Britain, though it may perhaps be more than absolutely necessary for the latter purpose alone. Now, it is quite impracticable to have different rates of duty upon similar products coming from different countries, these rates being based upon the fluctuating difference between the wages of the respective countries and those of the United States. It has therefore been necessary to adopt a rate sufficient to protect against the country of the cheapest labor. This principle applied to the protection of labor is the underlying one in the compensatory duties in Schedule K.

To illustrate: It does not require 3 pounds of all kinds of wool in its natural condition to make 1 pound of scoured wool, yet wools are abundantly produced in the world which in scouring require 3 and 4 pounds to make 1 pound of scoured product, and protection for these insures the full measure of duty to growers of wools of less shrinkage when levied in this ratio; and similarly it would be utterly impossible, hopelessly impracticable, to adopt ratios in the compensatory duties on the woolen schedule that would separately meet the many variations in the shrinkage of different wools or the varying quantities of different kinds of wool and substitutes that would be necessary to make the countless kinds and varieties of cloth.

This is not a new question, nor has adequate and satisfactory answer been wanting in the past. It is a phase in the tariff that has been discussed whenever tariff legislation has been under consideration by Congress. The revenue commission, to which I have already referred, considered these aspects of the subject more than a generation ago, and in its report will be found incorporated the following views. I read from page 447:

It will be observed that no provision is made in the tariff bill proposed for the admission of the class of goods under consideration at lower duties in proportion to the diminution of the foreign cost, as provided in other portions of the bill. The minimum principle has been expressly excluded from woolen cloths for the purpose of shutting out those made of shoddy, mungo, and waste. Cloths costing less than 80 cents per pound must be made to a greater or less extent of these materials. Fabrics which the consumer can not ordinarily distinguish from cloths composed of sound wool are made containing as much as 80 per cent of these substitutes for wool. These goods, if admitted at moderate duties, would take the place of our sound cloths, and the American manufacturer would be compelled to reduce the price of his cloths by fabricating them of the same worthless material or surrender the business to the foreigner. The American manufacturer will thus have but little inducement to adulterate his cloths if so disposed. It is but justice to the American manufacturer and for the benefit of the woolgrower and consumer that equally stringent duties should exist against shoddy cloths. If cheap cloths should be admitted under low duties, this country would be inundated by the wretched fabrics of Batley, 25,000 workmen in England being employed in converting shoddy and mungo into cloths of an annual value of $30,000,000 and consuming 65,000,000 pounds of these materials—more than our whole clip of wool in 1860. American wool would have no competitor so formidable if the barriers against shoddy goods existing in high specific duties should be removed.

For the reasons so clearly stated by that commission I am unalterably opposed to the admission, free of duty, into our

markets of woolen rags of the lowest grades, gathered in foreign countries, which rags carry contagion, and when converted again into wool fiber, spun into yarns, and woven into cloth are an imposition upon the unsuspecting consumers, and should be excluded from our markets. It will be observed that under the Wilson-Gorman tariff law of 1894, which placed rags on the free list, the importation of rags during a single year reached the enormous quantity of 28,000,000 pounds, all of which at that time was converted into cloths and sold to our people as new woolen clothing—an imposition and a fraud upon its face.

The Dingley and Payne laws, which followed the act of 1894, imposed a duty of 10 cents per pound on rags, and under that rate of duty the importations receded from 28,000,000 pounds to an average of but 100,000 pounds per annum. I consider this item in the woolen schedule of greatest importance to our people and believe that such "riffraff," which is worked over into so-called new clothing, should be excluded from our markets; but our Democratic friends, in the Underwood bill now under consideration, have placed rags on the free list, and if their bill is enacted into law in its present form we may again look for a great volume of imported rags, and again the innocent purchasers will be defrauded.

The Tariff Board, in their recent report on Schedule K, state that properly verified information was obtained from 174 mills situated in 20 different States, representing over 46,000 looms, 1,900,000 producing spindles, and 109,000 employees, which, considering the number of looms and employees, comprises two-thirds of the productive capacity of the industry in the United States. The European work on wages and costs of production extended to England, France, Austria, and Belgium, and in all these countries rates, wages, output, or production per machine and per operative were secured for weavers, spinners, carders, and many others. In the revision of Schedule K it is my contention that the report of the Tariff Board should be most carefully studied. It most convincingly discloses the absolute necessity of adequate protection to the industry—the woolgrower as well as the manufacturer.

The board in part reports as follows in regard to wool costs:

The result of the raw-wool investigation establishes the fact that it costs more to grow wool in the United States than in any other country; that the merino wools required in such great volume by our mills are the most expensive of all wools produced; that the highest average cost of production of such wool in the world is in the State of Ohio and contiguous territory; and that the lowest average cost on similar wool is in Australia.

It is not possible to state in exact terms the actual cost of producing a pound of wool, considered by itself, for the simple reason that wool is but one of two products of the same operation. That is to say, flocks produce both fleeces and mutton—products entirely dissimilar in character and yet produced as the result of the same expenditure for forage and for labor. The board has deemed it best, therefore, for the purpose of this inquiry, to treat fleeces as the sole product, and charge up against their production the entire receipts from other sources. This method gives an accurate return so far as general results of flock maintenance are concerned—results which are comparable as between various sheep-growing regions.

In order that results from different sections and from different countries might be more comparable, the item of interest on investment—which varies from 4 to 6 per cent in Australia and from 8 to 10 per cent in our Western States—was left for consideration in connection with profits. For a similar reason the actual productive cost of harvested crops fed to flocks was used instead of the market value of same. On this account the expense charges shown are materially lower than those commonly quoted in the industry.

Figured in this manner, the board finds:

That after crediting the flock with receipts from all sources other than wool the latter product, in the case of fine merino wools of the United States, is going to market with an average charge against it of not less than 12 cents per pound, not including interest on the investment.

That the fine wools of the Ohio region are sold bearing an average charge for production of 19 cents per pound.

That in the States east of the Missouri River wool production is incidental to general farming. More stress is laid upon the output of mutton in some States than of wool. In such cases the receipts for the sale of sheep and lambs ordinarily covers the flock expense, leaving the wool for profit. The position of the fine-wool producer, however, not only of the Ohio region, but of the far West, is radically different. In the western part of the United States, where about two-thirds of the sheep of the country are to be found, the fine and fine medium wool carries an average charge of at least 11 cents per pound, interest not included.

That in South America the corresponding charge is between 4 and 5 cents per pound; that in New Zealand and on the favorably situated runs of Australia there is little or no cost charged against wool. So that, taking Australia as a whole, it appears that a charge of a very few cents per pound lies against the great clip of that region in the aggregate.

The board finds that in the western United States the capitalization per head of sheep, exclusive of the land values, is $5.30, and that the labor, forage, and necessary miscellaneous expenses in the Western States exceed $2 per head per annum, as against a cost, covering the same elements of expense, of less than $1 per head in Australia and about $1.15 per head in South America.

The only complaint or fault found by the Tariff Board in our present specific rates of duty on wool in the grease, which is 11 cents per pound on wools of the first class, is that the law discriminates against heavy shrinking wool. The report says that the importation of wool of the first class from South America and Australia comprises about a 50 per cent shrinking wool. It will therefore be observed that 11 cents per pound on wool shrinking 50 per cent is 22 cents per pound on the wool contents. For example, out of 100 pounds of wool in the grease there are 50 pounds of wool contents and 50 pounds of dirt, while in heavy shrinking wool, say, a 75 per cent shrinking wool, out of 100 pounds of wool in the grease there are 25 pounds of the clean or scoured wool and 75 pounds of dirt. Therefore 11 cents per pound on 75 per cent shrinking wool in the grease would amount to 44 cents per pound on the real wool contents of the fleece. The complaint against the existing law made by the board is that only light shrinking or 50 per cent shrinking wools are imported, but the report admits that there is an abundance of light shrinking wool in the world which freely comes to our markets.

The Tariff Board, in their report, show approximately 575,000,000 sheep in the world, 92,000,000 of which are found in Australia; 83,000,000 in Russia; 67,000,000 in Argentina; and 53,633,000 in the United States. This shows the United States to be the fourth nation of the world in the number of sheep. In the production of wool, however, the United States is third, as Russia produces some 90,000,000 pounds less than the United States. The following are the leading wool-producing nations: Australia, 718,000,000 pounds; Argentina, 414,000,000 pounds; United States, 328,000,000 pounds; and Russia, 238,000,000 pounds. The total wool production of the world is 3,000,000,000 pounds, 55 per cent of which is produced in the four nations above mentioned. In the year 1911 the consumption of wool in the United States, in round numbers, was 525,000,000 pounds and our imports 200,000,000 pounds. It will be observed we produce 62 per cent of our consumption and import the balance. The report of the Tariff Board shows that Australia exports some 700,000,000 pounds of wool, a quantity three and one-half times as great as our total importations, and a large portion of this 700,000,000 pounds is light shrinking wool. It is therefore evident that there is an abundant supply of wool that could be imported in the event of a wool shortage in this country.

However, the board discourages the application of an ad valorem duty for the reason that the woolgrowers and the woolen manufacturers are most in need of a high rate of protection or duty when prices are low and need protection the least when prices are high. An ad valorem duty advances with the advance of the price of the article and recedes with receding prices; whereas a specific duty recedes when the price of the article advances and increases when prices fall off.

To illustrate, I would say the present duty of 11 cents per pound on wool of the first class, when foreign wools are selling in the United States duty paid at 22 cents per pound, is 100 per cent ad valorem, or equal to the foreign value, 11 cents; for of the 22 cents per pound received by the foreigner for his wool when disposed of in our markets 11 cents per pound must be paid to the Government as duty upon the wool, and he takes home with him 11 cents per pound, which represents his net proceeds. If the price of wool was to advance to 33 cents per pound duty paid, then the duty, 11 cents per pound, would be but 50 per cent ad valorem. On the other hand, if an ad valorem duty of 50 per cent was placed upon the wool, when the foreign value is 11 cents per pound, the duty per pound would be but 5½ cents per pound, and should the wool advance in price and reach 30 cents per pound, foreign value, a 50 per cent ad valorem duty would amount to 15 cents per pound at the very time when the woolgrowers needed protection the least. In short, as stated before, an ad valorem duty would advance with an increase of prices and recede when prices go down, which is right the reverse of the operation of a specific duty. Therefore, an ad valorem duty on wool and woolens would be inadvisable, nonprotective, and more difficult of administration.

The board report contends that there are some rates in the present law on wool which are excessively high, which exclude certain particular foreign-made goods of certain grades from our markets, but the board points out that the manufacture of those grades of goods has been so stimulated in the United States on account of protection afforded that the keenest kind of competition has sprung up among our domestic manufacturers, and that the consumers are receiving the benefit of this competition, and the difference between the selling price of these goods in this country and abroad is much less than the duty.

The board shows that the cost of production in the United States is from 100 to 170 per cent higher than the cost of production in England, France, and Germany, where labor receives

less than one-half that received by American labor in the same class of work. It is a well-known fact that in most European countries competitive labor receives not more than 25 to 30 per cent of the wages paid in the United States, while in the Orient, China, and Japan such labor is paid but from 10 to 30 cents per day.

Further, the board finds that while the cost of production in the principal European countries is less than one-half the cost of production in the United States, the consumers in this country do not pay that difference in the cost of conversion with the duty added.

It seems evident that the placing of wool on the free list will result in the destruction of sheep husbandry in the United States, and I am therefore unalterably opposed to the removal of the duties on wool, and I am unalterably opposed to the crippling of American labor by placing it on a par or a level with foreign cheap labor receiving low wages, as I have mentioned before.

The Democratic Party experimented with free wool in the Wilson-Gorman bill 20 years ago. The result was disastrous, not only to the sheep husbandry of the country but to the manufacturers as well, and as this bill proposes to place wool on the free list and greatly reduce the protection given to American labor employed in our woolen mills I am opposed to it. The so-called Wilson-Gorman law of 1894 carried an ad valorem duty on manufactured woolens of from 40 to 50 per cent, while the Underwood bill would place the duties on the same class of goods at 35 per cent ad valorem. When we consider the fact that the Wilson-Gorman law proved most disastrous to the woolen industry, what may we expect from the rates now proposed, which are from 10 to 30 per cent lower than the rates of the last Democratic experiment?

Labor has nothing to sell but the sweat of the brow; labor has no income except what it receives in exchange for manual efforts. A man with employment is a valuable asset to the Nation; a man without employment is valueless to the Nation and to himself. A law that will make work for a man's hands will make work for his teeth. I condemn this bill as one that will be destructive to American industries, American labor, and American progress and continued prosperity.

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 129, line 20, after the word "animals," insert "and all articles made from such wool or hair."

Mr. SINNOTT. Mr. Chairman, the amendment which I have offered aims to place upon the free list all articles manufactured from wool. In other words, it aims to give the masses, the consumers of this country, free woolen clothing. In offering this amendment I do not offer the same in any retaliatory spirit. I do not offer it on the theory that misery loves company, nor do I offer it because I come from one of the great woolgrowing States, nor for the reason that my district is one of the largest woolgrowing districts in the Nation, nor because a great many of my constituents will be put in a hole by the adoption of a free-wool paragraph. But I offer it for the purpose of making this bill, so far as it concerns wool and woolens, a consistent and harmonious whole.

Mr. Chairman, I have repeatedly cited for the Democratic Party its tariff plank assuring the Nation that no legitimate industry would be injured by its tariff legislation; but the Democratic Party, by placing wool upon the free list, has absolutely ignored and repudiated that plank. You have promised us a square deal and no favors in your tariff legislation. I now call upon you to fulfill your promises for a square deal. If wool goes upon the free list, then a square deal demands that clothing shall be placed upon the free list.

Mr. Chairman, this bill aims to visit the iniquities of Schedule K almost solely upon the wool raiser. The wool raiser has never been the beneficiary of the so-called iniquities of Schedule K, but the manufacturer has, as has been shown repeatedly in the report of the Tariff Board. This report shows that the compensatory duty for numerous classes of goods is much in excess of the amount needed for strict compensation; that the woolen manufacturer has been purchasing imported wools at 21 cents per scoured pound, instead of 33 cents, as contemplated in Schedule K. The gentleman from Pennsylvania [Mr. MOORE] said the other day that there was invested in woolen manufactures $415,565,000. The census shows an investment of $518,000,000 in sheep raising in this Nation. One is as much deserving as the other, as is shown by Mr. Page's article which was quoted here the other day. On page 461 of the April number of the North American Review he states, referring to the woolgrowers:

> Their past history and their present character are as meritorious as those of any other class of Americans. If tariff reduction is to be effected without interfering with business, their business deserves as much consideration as any other.

Again, on page 460, this Democratic member of the Tariff Board, who has so frequently been quoted here by Democrats, says:

> It is therefore of practical importance, and it is also right, to ask who will benefit by the repeal of the wool duty. The ready answer is the consumer. And the answer is true, but not in the degree that is popularly supposed. In most fabrics the cost of the material they contain is a small part of the price the consumer pays for it. Thus the cloth in a typical man's suit that retails for $25 requires about 9½ pounds of raw wool of moderate shrinkage, and if it is of good quality the grower receives approximately $2.25 for it. The most ardent advocate of tariff reduction could not expect the removal of the duty to reduce this sum by more than the whole amount of the duty; that is, $1.05. Assuming that this occurred and that the reductions were passed along through the successive stages of trade to the ultimate consumer, then this personage could purchase a $25 suit for $24. But the assumption is violent in both its parts. The cloth maker who buys his wool at a lower price is not likely to give the whole benefit to the maker of clothing, nor he in turn to the retail merchant. And this last intermediary, knowing that his customers are verily creatures of custom, and that the ordinary purchaser of a $25 suit is little influenced by a reduction of 4 per cent, is perhaps least likely of all to change the price of his wares. Furthermore, the cloth maker would by no means save the whole nominal amount of the present duties if their removal enabled him to purchase abroad.

On another page this writer intimates that the actual duty is only one-half of the nominal duty of $1.05.

Mr. Chairman, the Tariff Board report shows the investment, expenditures, and receipts in my State on 229,000 head of sheep; that with wool selling at the rate of 14 cents a pound the profit on those sheep was about $50,000. If the price drops 4 cents a pound, the loss on running these sheep will be $15,000. There are over 2,000,000 sheep in my district. In your bill you have put wool and potatoes and, for all practical purposes, wheat, hay, and cattle on the free list or with a very small rate. In view of all this, Mr. Chairman, my farmer constituents are not going to be deterred by any sentimental ideas of benevolence or altruism from demanding a "square deal" from the gentlemen on the other side of the aisle. If free wool and free produce of the farm is forced upon us we should in justice have free clothing. Mr. Chairman, I had something to say the other day about the Oregon system, that the Republicans kept their pledges under the Oregon system. The Democrats in my State have also kept their pledges under the Oregon system. Democratic delegates were pledged to vote for Woodrow Wilson at the Baltimore convention, and they not only so voted but after a stampede was started by the State of New York for Mr. CLARK, Oregon, by calling forth a counter demonstration, stopped that stampede, and the result of the work and loyalty of the Oregon Democratic delegates in that convention was the nomination of Woodrow Wilson. He also received the electoral vote of Oregon.

Mr. Chairman, in view of the generous treatment the Democratic Party has had from the State of Oregon, in view of the fact that that Republican State has given you two Democratic Senators and has assisted very materially in the nomination and election of Woodrow Wilson, Oregon's industries have fared badly in this bill.

Mr. Chairman, the State of Oregon has a seal. The top or crest of that seal is an eagle. The old motto or slogan of the State was "Alis volat propriis"—"She flies with her own wings." Mr. Chairman, if the Democratic Party, at the dictation of President Wilson, is going to strike down the wool industry in my State and in turn refuse us free clothing, is going to put the products of the farmer on the free list, the State of Oregon, which has so favored the Democratic Party, may well ponder over those lines of Byron:

> So the struck eagle stretched upon the plain,
> No more through rolling clouds to soar again,
> Viewed his own feathers on the fatal dart,
> And winged the shaft that quivered in his heart.

[Applause on the Republican side.]

I print as a part of my remarks the following letter:

ENTERPRISE, OREG., *April 24, 1913.*

Hon. N. J. SINNOTT, M. C.,
Washington, D. C.

DEAR SIR: In reply to your inquiry about the proposed Democratic tariff bill, will state that I have heard a great deal of discussion in relation to the same. So far the only ones indorsing it are old rock-ribbed Democrats who have lifelong prejudices against anything Republican. There is about as much resentment among the ordinary Democrats as there is dissatisfaction among the Republicans over the prospect of free wool.

You will hear all kinds of expressions, and in making a general summary, I am firmly of the opinion that unless something extraordinary happens between now and the end of the present administration, President Wilson nor no other Democrat can be elected again.

Many Democrats have turned against the administration because of the advocacy of free wool, and they are outspoken in their denunciation.

Of course woolgrowing is one of the principal industries of this county, and if it is crippled or destroyed nearly every inhabitant will be affected. Every merchant, farmer, banker, lawyer, etc., is dependent to some extent upon the sheepmen. The merchant supplies his camps with merchandise, the farmer sells him hay, the banker lends him money, and nearly everybody gets some of the sheepman's money.

All have figured out that free wool will not reduce the cost of clothing to the consumer, because the amount of wool in an ordinary suit is at the most only 3 or 4 pounds.

Of course the Democrats are playing for vote of the laboring man in the eastern factories, and will not put the manufactured woolen product on the free list. They may hold that vote, but they will lose the balance of the laboring vote, especially in the West.

The only thing that will reduce the cost of clothing would be to take the tariff off the manufactured product. If they do this they will lose the eastern labor vote.

These are only a few of the things that are being discussed in this vicinity by the farmer and every other citizen. To me they indicate a growing discontent with the policies of the present administration.

Yours, truly,

CARL ROE.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend paragraph 653, on page 129, by striking out the period at the end of the word "animals," in line 21, and insert instead a colon and add thereto the following: "*Provided*, That whenever any of the foregoing articles are exported to the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned and the said fair market value thereof for home consumption, provided that the said special duty shall not exceed 15 per cent ad valorem in any case.

"'Export price' or 'selling price' or 'price at which such goods are consigned' in this paragraph shall be held to mean and include the exporter's price for the goods, exclusive of all charges thereon after their shipment from the place whence exported directly to the United States.

"The Secretary of the Treasury shall make such rules and regulations as are necessary for the carrying out of the provisions of this paragraph and for the enforcement thereof."

Mr. HARRISON of New York. Mr. Chairman, I make the point of order that this amendment is not germane to this portion of the bill. There is another portion of the bill which carries almost precisely the same language, and the gentleman's amendment would be germane at that point.

The CHAIRMAN (Mr. CRISP). The present Chairman is a temporary occupant of the chair, and if it is agreeable to both parties the amendment will be retained at the Clerk's desk with the point of order pending against it and the permanent occupant of the chair can pass upon the point of order.

Mr. SWITZER. Mr. Chairman, I desire to state, first, that I will favor the amendment to strike this paragraph from the free list and place raw wool upon the dutiable list. I favor a duty upon raw wool which will be protective, and in my judgment a protective duty at this time should not be less than 18 cents a pound on the clean content. But I have no doubt that the amendment will fail which asks for the striking of this paragraph from the free list. And as the dumping clause has been construed by an able Democrat from the State of Georgia as not applying to articles upon the free list, I therefore offer this amendment. If there is any one industry in the United States that will need the direct protection afforded by the dumping clause, as set out in section 4 of this act, upon the passage of this bill, it certainly is the wool industry of this country.

Wool has been placed upon the free list no doubt at the request of the real leader of the Democracy, our President, who has harkened to the call of Mr. Bryan, the avowed enemy of the woolgrower of this country. The argument that there will not be any great importations of wool will not down. We consume something like 500,000,000 pounds of wool yearly. We produce only in the neighborhood of 300,000,000, and necessarily our yearly importations will be in the neighborhood of 200,000,000 pounds. There have been excessive importations in the past, and removing the protective duty that is now on raw wool will certainly increase these importations enormously. The product of the American woolgrower, from something like 57,000,000 sheep, will come in direct competition with the product of the 100,000,000 sheep of Australia, the 100,000,000 sheep of South America, and the 50,000,000 of South Africa, and New Zealand and other islands. In other words, the wool product of 57,000,000 of sheep in the United States will be in direct competition with the product of the remainder of the world's herd of some 250,000,000. The cost of keeping and clipping the American sheep is $2.11 a head. In Ohio it is as high as $2.46 a head. The cost in Australia is 93 cents a head, in South America $1.15 a head. Anyone can see that the competition will be strenuous.

My Democratic friends say that they are not in favor of protection by resorting to a scheme of indirect taxation. They say they are in favor of legislation that will directly protect by providing a law that under certain conditions articles on the dutiable list will be prohibited from coming into the United States unless they pay an extra duty. Every reason that can be named for asking for such a law as this in behalf of articles upon the dutiable list certainly will apply to raw wool, which by this bill is placed on the free list. The woolgrower of this country, the American farmer, certainly will be asking soon why he is not given a square deal.

Mr. Chairman, I yield back the rest of my time.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SWITZER] has expired.

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, since I have already expressed my views upon this schedule at considerable length, I do not desire to occupy the time of the House very long this morning. I move to strike out paragraph 653, which paragraph provides that wool shall go on the free list. I am in favor of a specific duty of 18 cents per pound on the scoured wool content, in accordance with the recommendations of the Tariff Board.

The CHAIRMAN. The amendment will be considered as pending.

Mr. WILLIS. The real purpose for which I rose was to read a letter which I have received from a farmer in Ohio. I am receiving a great many letters of this kind. The farmers and laboring men of this country, the business men, the miners, and others are waking up to what is involved in this bill. The farmer understands that he has been buncoed, that his farm products and his wool are put on the free list, yet the woolen clothing he buys is protected, and this farmer friend takes his pen in hand and writes some things which I shall read before I sit down. He starts off well. He says:

Please hand this to the fellow that you think it will do the most good.

That is what I propose to undertake to-day—I shall endeavor to hand it to you. I do not know of any gentlemen that would be benefited more by the teachings of this letter than my friends across the aisle.

But before I read this letter I desire to express my admiration and sympathy for my good friend and colleague from Ohio [Mr. SHARP]. Up to the present time he has been consistent in the position which he has taken in this House relative to the tariff on wool. As he correctly stated, when the wool bill was pending two years ago he made a fight to secure a tariff on wool of 30 per cent. At that time the accepted Democratic rate on wool was an ad valorem of 20 per cent, but my colleague from Ohio consistently and properly said that that was not an equitable measure of protection, and he made a fight here in favor of his amendment; he makes a fight to-day in favor of an amendment which would do the farmers and woolgrowers of the country at least a little good, and I compliment him upon his consistency and upon his courage. But I am constrained to invite his attention to the deplorable fact that the people who were in control of the Democratic Party two years ago are not now in control.

At that time the element that was in control was the more conservative element of the Democratic Party, that actually meant it when it said that the rates should be revised downward carefully and consistently. Why, those of us who were here in August, 1911, surely can not have forgotten the amazing spectacle that was then presented in the discussion of the wool tariff. I remember that I saw every gentleman upon that side of the House cheering like mad. I saw my friend from Alabama [Mr. HEFLIN], who for long years has been their recognized cheer leader—and he does his work splendidly—I saw him pounding his desk top until there were great holes beaten into it [laughter] as he cheered, and as his fellow Democrats cheered the denunciation that was heaped upon the devoted head of a certain distinguished gentleman from Nebraska by the Democratic leader, the distinguished chairman of the Committee on Ways and Means, the gentleman from Alabama [Mr. UNDERWOOD]; and I regret very much that he is not here in his seat at this moment.

A MEMBER. He is here.

Mr. WILLIS. I have before me the CONGRESSIONAL RECORD of August 7, 1911. There are a lot of interesting things in that edition. On page 3511 I quote a sentence or two from an article that was written by Hon. William Jennings Bryan. Therein he says:

Some of the Democrats thought Mr. Bryan did Mr. UNDERWOOD an injustice when he charged him with being tainted with protection. What do these Democrats think now, since Mr. UNDERWOOD has put himself at the head of the opposition to Speaker CLARK'S tariff-reduction program?

I am reading further from the article of Mr. Bryan:

The tariff on wool was the camel's nose. The animal is trying to enter the tent.

At that time the chairman of the committee [Mr. UNDERWOOD] was advocating a duty on wool of 20 per cent ad valorem. He now puts wool on the free list, according to the terms of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. That is too bad. I will have to extend my remarks in the RECORD. [Applause on the Republican side.]

Mr. PAYNE. Mr. Chairman, I yield the gentleman another minute.

The CHAIRMAN. The gentleman from Ohio is recognized for one minute.

Mr. WILLIS. I thank the gentleman. Then on the next page—3512—the gentleman from Alabama [Mr. UNDERWOOD], after having been received with tumultuous Democratic applause, proceeded to denounce the gentleman from Nebraska, Mr. Bryan, in the most caustic terms, while every Democrat on that side cheered the gentleman from Alabama to the echo. And, remember, that was before the Democratic national convention at Baltimore, when it was discovered that Mr. Bryan was the whole Democratic Party; before the convention at Baltimore, where Mr. Bryan trampled ruthlessly over the mangled political remains of the able and courteous gentleman from Alabama [Mr. UNDERWOOD], and where, by insinuation, innuendo, and misrepresentation the distinguished and beloved Speaker of this House [Mr. CLARK] was deprived of the nomination for the Presidency through one of the most flagrant political wrongs ever committed in the history of this or any other country. It was before all that. But the gentleman from Alabama [Mr. UNDERWOOD] in his speech said:

Mr. Speaker, the gentleman from Nebraska, Mr. Bryan, did not think I was "protectionizing" the Democratic Party when I brought in the free-list bill, when I entered upon the program that the Democrats of that committee outlined. Not until I differed with him on the woolen schedule did he have one word of criticism, so far as my conduct was concerned. [Applause on the Democratic side.] I have not a sheep in my district. There are few in Alabama; there is not a woolen mill in Alabama that I know of. I had to write a woolen schedule that would protect the revenues of this Government, and because I did so and did not obey the command of the gentleman from Nebraska, Mr. Bryan [cries of "Good!" "Good!"], he is endeavoring to try and make the country believe that I am not an honest Democrat in favor of an honest revenue tariff.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. The gentleman from Alabama said he did not obey the commands of Mr. Bryan then. Is he obeying the commands of Mr. Bryan now, when he is putting wool on the free list? [Prolonged applause on the Republican side.]

The letter, which I read in part, is as follows:

BELLE CENTER, OHIO, *May 2, 1913.*

Hon. FRANK B. WILLIS,
Washington, D. C.

DEAR FRIEND: Please hand this to the fellow you think it will do the most good.

We who are engaged in the sheep and wool business in a limited way feel we should have the same consideration as our brother farmers, the sugar growers, have had. Work for at least a 25 per cent ad valorem or give us the same chance to adjust our business as you have the sugar growers. Now, for example as to what this tariff tinkering is doing for us sheep fellows: Two months ago sheep were selling for from $6 to $6.50 per head; to-day they can be bought for from $4.50 to $5. Last year we got from 20 to 25 cents per pound for wool; this year from 14 to 16 cents per pound. Is it any wonder we are asking for a little protection or three years' time to get out of the business, as the sugar growers have?

Thanking you in advance, I remain, as ever,

J. F. CARMEAN.

Mr. PAYNE. Mr. Chairman, before I yield further time, I think there is a gentleman on the other side who had some time reserved.

The CHAIRMAN. The gentleman from Colorado [Mr. SELDOMRIDGE] is recognized for five minutes.

Mr. SELDOMRIDGE. Mr. Chairman, I rise to speak on this question for the reason that I possess a certain amount of personal knowledge connected with the condition of the wool-growing industry in the West. My father was engaged in this industry for over 11 years, and I am familiar with conditions that surround the industry so far as Colorado is concerned.

I think, Mr. Chairman, that every careful student of conditions affecting this industry must realize the fact that it is on the wane in this country. In the States west of the Missouri River there are to-day 2,785,000 fewer sheep than there were 9 years ago, and there are conditions affecting the further development of the industry which did not obtain 15 or 20 years ago. The homesteader is rapidly coming into the West. All the available land subject to cultivation is being taken up. The range devoted to sheep raising is being rapidly curtailed, and those who are engaged in the business are obliged each year to see their expenses increase for the maintenance of pasturage, for the employment of labor, and for the purchase of feed and fodder to supply their sheep during the winter months. I contend that if we will analyze closely the conditions affecting the industry, we must recognize the fact that it is not growing as it should have grown if the tariff has been its beneficent friend as is asserted here. In Wyoming there are 200,000 less sheep than in 1909; in Colorado 100,000 less; in New Mexico 350,000 less.

But, Mr. Chairman, let me call the attention of the committee to the fact that the woolgrower of the West will not materially suffer from putting wool upon the free list. The great impetus which has been given to the growing of sheep for mutton has largely eclipsed any value which may reside in the production of wool, and to-day we find all of the men and companies engaged in this business in the West enjoying prosperity and receiving large returns upon their investments. The industry in my judgment can not show to this House any justification for the imposition of a duty upon wool.

The fact is evident, Mr. Chairman, from a study of these conditions, and the further fact that the importations of wool have been rapidly increasing, that the production of wool is not keeping pace with the needs of American manufacture. Why, then, should we place a burden upon the consumer of woolen cloth and clothing in this country in order to maintain an industry which does not need any protection, which is already receiving large returns upon its investment, and the growth of which will be in no way retarded by the taking away of this duty? The only danger which threatens the industry, in my opinion, is that danger which comes from the restriction and limitation of the grazing territory.

Our friends from Ohio, of course, speak very earnestly and urgently about the effect of the tariff upon the growing of sheep in their part of the country, because the woolgrower in Ohio and in the Middle West has not, in my judgment, given his attention so thoroughly and completely to the development of a sheep which will be valuable for its food products as they have to the production of a small-bodied sheep which will produce a greater amount of wool.

Mr. SHARP. Will the gentleman yield?

Mr. SELDOMRIDGE. I can not yield. The western grower has realized the value of producing an animal of large carcass, of sturdy frame, and strength to resist the storms that sweep over the western prairies, and to-day western sheep are commanding in the markets of Chicago and Kansas City a larger price than the sheep from the Eastern States. We are not only doing that, Mr. Chairman, but we are producing a different grade of wool from that produced several years ago, when the growth of sheep was confined entirely to the merino strain. To-day we are producing a coarse-grained wool, which is much in demand in the eastern markets for its valuable manufacturing qualities.

Mr. Chairman, I desire to submit to the committee some figures I have secured which show the tremendous growth of the sheep industry of this country in connection with the slaughtering of sheep for mutton.

Thirty years ago there passed through the Chicago stockyards 336,000 sheep, 1,344,000 cattle, and 7,050,000 hogs; in 1910 there were 5,250,000 sheep, a little over 3,000,000 cattle, and about 5,500,000 hogs that were marketed, showing conclusively the increased value of mutton production in this country. In this connection I desire to read a letter which I have received from the Department of Commerce, in which the statement is made that the value of sheep slaughtered in the United States in 1909 amounted to $59,924,931.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, April 28, 1913.

Hon. HARRY H. SELDOMRIDGE,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your verbal request of the 24th instant I inclose herewith tables showing number of sheep of shearing age and the production of wool, by States, during the 10 years from 1903 to 1912, inclusive.

I am not aware of any statistics with respect to the number of sheep slaughtered except for census years, and even the figures of the

Census Bureau relate only to sheep slaughtered by slaughtering and meat-packing establishments, of which its figures for the last three censuses of manufactures are as follows:

Sheep slaughtered.

	Number.	Value.
1899	9,110,172	$36,859,832
1904	10,875,339	44,359,804
1909	12,255,501	59,924,931

Very truly, yours,

A. H. BALDWIN,
Chief of Bureau.

Can anyone claim, in view of these figures, that the industry must be protected in order to compensate the farmer for his labor and for the use of his land?

There was an interesting article published in the April number of the North American Review by Mr. Thomas W. Page, a former member of the Tariff Board, appointed by ex-President Taft. Surely our Republican friends must be willing to accept the conclusions which Mr. Page arrives at from his investigation of the condition of the sheep industry in this country, as he considers the subject from a nonpartisan point of view and without any political prejudice. He shows conclusively, in my judgment, that woolgrowing can never regain its former position of importance in the West; that the advance in settlement and the development of agriculture is rapidly reducing the grazing area of our plains; that there is increasing difficulty in securing extensive tracts for pasturage, and that our sheep owners are frequently obliged to transport by rail their flocks from one range to another at great expense, when formerly they could graze their sheep for vast distances in moving from summer to winter range. He further states that the yearly cost of maintaining a sheep in the Rocky Mountain region is about $2.11 per head; that in 1910 the receipts averaged $2.56 per head, and of this amount $1.17 represented the wool value. If the sheep industry is to be developed in the West to a larger extent than heretofore, in my judgment the Government will be obliged to inaugurate a large and extensive leasing system, withdrawing large areas of land from entry for agricultural purposes.

Mr. Page describes very clearly the condition of the business in Ohio, Michigan, and Middle Western States. The figures which he gives in connection with the handling of flocks in Michigan demonstrate conclusively that the Michigan woolgrower is not realizing anything like the return from his investment that he should have enjoyed under high Republican protection for the last 15 years. Michigan flocks are largely made up of a strain of the merino grades and the merino mixed with the long-fibered delaine. Flocks in which this mixed strain appears average, for a year, $2.78 per head expense for maintenance. In 1910 a sheep of this strain brought the owner an income of $1.46 for wool and $2.92 for mutton, or $4.38 for the whole, yielding a profit of $1.60 per head. The merino flocks cost, per head, about $2.44 for maintenance and return $1.88 for wool and $1.07 for mutton, making a total of $2.95 for the whole yield per head, showing a profit of only $0.51. These figures demonstrate conclusively, to my mind, that the western and middle western sheep growers must give their attention more closely to the development of a sheep which will be of increasing value for mutton purposes and having the wool yield as a by-product.

There is also another significant fact in connection with this industry, which shows that the sheep grower is becoming more interested in the mutton product than in the wool product, and this is shown by the fact that there is an increasing demand for lambs for feeding purposes from the large flocks of the West. The farmers of the West, particularly from my State, Colorado, are realizing the increasing value of lambs fattened in the late winter and early spring months. With the large crops of alfalfa and the nearness of our feeding grounds to the great cornfields of Kansas and Nebraska, there is a great incentive to the enlargement and development of this industry. Colorado lambs have sold at prices never dreamed of on the Chicago market, and there is no reason to expect that there will be an overproduction in the supply.

When flock owners are willing to part with their lambs to the extent that has prevailed in our section of the country, it proves clearly, to my mind, that the matter of the price of wool is of very little concern and can affect the industry only in an incidental manner.

There is no reason for the statement of our Republican friends that the industry in the Middle West will be seriously affected by free wool. On the contrary, I believe that when the sheep owner in that section of the country realizes the possibilities of large returns from the mutton product, that he will more and more turn his attention to this phase of the business and his profits will be much larger than at the present time.

There is also good reason to accept the prediction that the price of wool will not materially decrease, even under the removal of the tariff duty, as the world consumption is increasing at an enormous rate and there is not a corresponding increase in production. The people are demanding better clothes, and there is an increasing demand for legislation which will require the using of pure materials in the manufacture of cloth. While the removal of this duty may not have very much effect on the price of cloth, we do expect that the clothing which we buy will be made of better cloth, and the purchaser will receive more for his money in the quality of his goods than in any material reduction in price.

Notwithstanding the high protective tariff our domestic production of raw wool in 1912 only exceeded our imports by a little over a hundred million pounds, showing that the American manufacturer has been obliged to pay the high duty in order to secure sufficient wool to supply the needs of the country.

There is an ever-decreasing production of wool per capita in this country, and the Department of Commerce figures show that there are to-day 803,000 less sheep in the country than there were in 1903.

So, Mr. Chairman, I do not see how any student of this question can fail to realize the injustice of retaining a duty on raw wool.

I append, as a portion of my remarks, the following tables, which I have received from the Department of Commerce, which show the number of sheep of shearing age in the United States on April 1 of the years 1903 and 1912; the production of wool, washed and unwashed, for the same years; and the value of the wool production for the same years:

Value of scoured-wool product.

States.	1903	1912
Maine	$347,760	$277,313
New Hampshire	82,026	59,116
Vermont	201,600	164,025
Massachusetts	44,213	43,355
Rhode Island	8,709	9,048
Connecticut	37,800	26,783
New York	1,008,000	1,014,000
New Jersey	35,616	26,255
Pennsylvania	1,297,440	1,171,989
Delaware	8,190	7,865
Maryland	111,300	216,545
West Virginia	856,454	920,920
Kentucky	742,140	1,190,354
Ohio	3,134,208	4,647,375
Michigan	2,229,500	2,737,800
Indiana	1,121,250	1,510,080
Illinois	831,600	1,231,555
Wisconsin	1,135,750	1,227,798
Minnesota	491,232	804,938
Iowa	955,500	1,611,090
Missouri	840,938	2,164,388
Virginia	408,038	725,760
North Carolina	199,752	156,600
South Carolina	48,720	31,320
Georgia	239,400	198,253
Florida	92,568	95,713
Alabama	186,480	115,863
Mississippi	224,112	171,563
Louisiana	134,478	160,125
Arkansas	155,904	117,600
Tennessee	311,850	604,200
Kansas	193,545	314,213
Nebraska	341,550	381,216
South Dakota	764,400	694,474
North Dakota	605,150	399,000
Montana	5,547,780	6,870,970
Wyoming	4,500,160	5,945,940
Idaho	2,716,560	3,188,803
Washington	699,720	624,960
Oregon	2,418,000	3,342,498
California	1,885,000	2,199,120
Nevada	620,256	1,181,565
Utah	2,282,175	2,182,950
Colorado	1,292,850	1,485,792
Arizona	709,459	1,103,691
New Mexico	2,925,000	3,694,600
Texas	1,497,600	1,763,580
Oklahoma	51,840	70,785
Total	46,573,573	58,883,251
Pulled wool	12,203,800	16,936,000
Total product	58,777,373	75,819,215

Production of wool, washed and unwashed.

States.	1903	1912
	Pounds.	*Pounds.*
Maine	1,380,000	937,500
New Hampshire	390,600	214,500
Vermont	960,000	607,500
Massachusetts	191,400	143,750
Rhode Island	35,750	30,000
Connecticut	150,000	85,500
New York	4,200,000	3,750,000
New Jersey	160,000	91,800
Pennsylvania	5,100,000	4,095,000
Delaware	39,000	26,500
Maryland	500,000	729,600
West Virginia	2,517,500	3,162,500
Kentucky	2,850,000	3,565,000
Ohio	12,320,000	16,875,000
Michigan	9,100,000	10,125,000
Indiana	4,875,000	5,280,000
Illinois	3,850,000	4,556,250
Wisconsin	4,875,000	4,290,000
Minnesota	2,280,000	3,037,500
Iowa	3,900,000	5,737,500
Missouri	3,737,500	7,425,000
Virginia	1,462,500	2,025,000
North Carolina	850,000	562,500
South Carolina	200,000	108,000
Georgia	950,000	656,250
Florida	380,000	308,750
Alabama	740,000	373,750
Mississippi	920,000	562,500
Louisiana	573,500	525,000
Arkansas	640,000	400,000
Tennessee	1,237,500	1,900,000
Kansas	1,275,000	1,575,000
Nebraska	2,250,000	1,760,000
South Dakota	3,900,000	3,206,250
North Dakota	3,087,500	1,750,000
Montana	30,600,000	31,175,000
Wyoming	28,700,000	32,175,000
Idaho	16,800,000	15,540,000
Washington	4,760,000	3,600,000
Oregon	15,500,000	18,275,000
California	11,781,250	11,900,000
Nevada	3,976,000	5,775,000
Utah	12,937,500	11,550,000
Colorado	8,450,000	8,040,000
Arizona	4,387,500	5,695,000
New Mexico	16,250,000	18,850,000
Texas	9,000,000	9,100,000
Oklahoma	360,000	390,000
Total	245,450,000	262,543,400
Pulled wool	42,000,000	41,500,000
Total products	287,450,000	304,043,400

Number of sheep of shearing age on Apr. 1.

States.	1903	1912
	Number.	*Number.*
Maine	230,000	150,000
New Hampshire	63,000	33,000
Vermont	160,000	90,000
Massachusetts	33,000	23,000
Rhode Island	6,500	5,000
Connecticut	30,000	15,000
New York	700,000	625,000
New Jersey	32,000	17,000
Pennsylvania	850,000	650,000
Delaware	6,500	5,000
Maryland	100,000	128,000
West Virginia	475,000	575,000
Kentucky	600,000	775,000
Ohio	2,200,000	2,700,000
Michigan	1,400,000	1,500,000
Indiana	750,000	825,000
Illinois	550,000	675,000
Wisconsin	750,000	650,000
Minnesota	350,000	450,000
Iowa	600,000	850,000
Missouri	575,000	1,100,000
Virginia	325,000	450,000
North Carolina	205,000	150,000
South Carolina	50,000	30,000
Georgia	250,000	175,000
Florida	100,000	95,000
Alabama	200,000	115,000
Mississippi	230,000	150,000
Louisiana	155,000	140,000
Arkansas	160,000	100,000
Tennessee	275,000	475,000
Kansas	170,000	225,000
Nebraska	300,000	275,000
South Dakota	600,000	475,000
North Dakota	475,000	250,000
Montana	5,100,000	4,300,000
Wyoming	4,100,000	3,900,000
Idaho	2,400,000	2,100,000
Washington	560,000	400,000
Oregon	2,000,000	2,150,000
California	1,625,000	1,700,000
Nevada	568,000	825,000
Utah	2,250,000	1,750,000
Colorado	1,300,000	1,200,000
Arizona	675,000	850,000
New Mexico	3,250,000	2,900,000
Texas	1,440,000	1,400,000
Oklahoma	60,000	60,000
Total	39,284,000	38,481,000

Mr. PAYNE. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I have taken up the time of the committee on various occasions at some length in the discussion of the question of sheep and wool, and I would not impose upon the patience of the committee further at this time if it were not for the very great importance of the wool and sheep industry not only to the people whom I represent but to the country at large.

The gentleman from Colorado [Mr. SELDOMRIDGE], who just took his seat, has suggested that, at any rate, this is a waning industry. His philosophy is, I suppose, "it is going down the hill anyway; let us give it a kick." That seems to be one of the theories on which this bill has been drafted. If you have an industry that is not doing very well, just put it out of business. On the other hand, if we have an industry that is doing well, your theory is that it is getting altogether too saucy. Just kick it around a little, and have it understand that the Democratic Party does not propose to have any industry growing too vigorously, becoming too important in this country of ours. So they catch them a-comin' and a-goin'.

Now, it is my opinion, from a considerable study of the wool business—and I never grew very much wool or raised very many sheep, but I have made a study of the industry—it is my opinion that no great nation, situated as we are, can be permanently as prosperous as it ought to be without a wool and a sheep industry.

Gentlemen believe in free wool because they say they want to make clothing cheaper. Yet they insist, on the other hand, that it is not going to reduce the returns of the sheep grower. Now, one of those propositions or the other may be true. They both can not be true. The fact is, I think, that neither one of them is true. Free wool will not materially or appreciably reduce the cost of woolen cloth or woolen goods in this country. On the other hand, free wool will very greatly injure the wool-growing industry.

That may sound paradoxical, but it is absolutely clear to one who understands the condition of the business. With the opportunity of the free importation of wool the price of wool will be reduced in this country enough that, with the exception of the neighborhood of the great markets, where large mutton sheep may be successfully grown, the industry will be very greatly depressed, and the number of sheep in the country will be largely reduced. But the reduction in the cost of wool in woolen garments would be so infinitesimal that no final or ultimate consumer, with the largest magnifying glass he can obtain for the purpose of finding the reduction of the cost of living you are promising him, will ever be able to find it. You can destroy the wool industry, and you will destroy or very greatly diminish it under free wool, without helping any American citizen in the cost of his clothing to an extent that will be appreciable.

My good friend from Colorado [Mr. SELDOMRIDGE] says that if we can not grow sheep of the merino strain, let us grow the mutton sheep. As a matter of fact, the gentleman ought to know—he says he understands the business—that in the range country, with unfenced pastures, we can get only so far from the merino strain until we get a sheep that is not gregarious, that will not herd successfully in large flocks in the open.

Furthermore, the sheep of merino or part merino blood is more hardy and adapts itself better to range conditions than any other sheep. If this were not true, however, it is very doubtful if in the range country a big sheep of the very coarse wool varieties could be grown more profitably than sheep of some merino blood, and for many reasons which I have not the time to state. It will, in my opinion, be a sorry day for the country when we do not have a large sheep and wool industry. I do hope, for the sake of the woolgrowers, that the present shortage and consequent high prices abroad will keep prices up even under free trade, but eventually we must suffer greatly in the industry under free wool and free mutton.

Mr. HARRISON of New York. Mr. Chairman, we have been greatly edified by the speeches of the gentleman from Ohio [Mr. WILLIS] and the gentleman from Wyoming [Mr. MONDELL]. The gentleman from Ohio [Mr. WILLIS], with his stentorian voice, has probably in recent campaigns against Democratic tariff reductions fairly scared the sheep of his district to death; that is probably one of the contributing causes of the diminishing sheep herds in the State of Ohio. My friend from Wyoming does not speak quite so loud, but even more to the point. He is afraid, or at least he says he fears, that free wool is going to destroy the industry of raising sheep in the United States. The gentleman from Illinois [Mr. MANN], after listening to my remarks the other day—and he is one of the most intelligent men in this assemblage or any other—actually professed to be-

lieve that I admitted the same thing, that free wool will destroy the industry of raising sheep in the United States. Of course, the whole burden of my argument was to the contrary, and I know the gentleman from Wyoming in his heart of hearts agrees with me.

Mr. MONDELL. Do not let the gentleman lay any such flattering unction to his soul.

Mr. HARRISON of New York. The trouble with the gentleman from Wyoming is that he is afraid that free wool will not hurt the sheep raisers of his State, and then where will the protective argument be? [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield?

Mr. HARRISON of New York. Yes.

Mr. MANN. I do not know whether I misapprehend what the gentleman from New York said, but I am quite sure that the gentleman from New York misapprehended what I said.

Mr. HARRISON of New York. That may be true. I consider that the argument made a few minutes ago by the gentleman from Colorado [Mr. SELDOMRIDGE] presented the case clearly. Thirty years ago there were more sheep in the United States than there are to-day, and the protective tariff has not kept the flocks of sheep in our country from greatly diminishing in the last 30 years.

Mr. FOWLER. Will the gentleman yield?

Mr. HARRISON of New York. I decline to yield to the gentleman. Mr. Chairman, the protective tariff did not keep the sheep in Massachusetts; the protective tariff did not keep the sheep in New York; it did not keep the sheep in Pennsylvania; it did not keep the sheep in Ohio. There are less than 3,000,000 sheep in Ohio to-day, and 30 years ago there were over 5,000,000 sheep in Ohio. The fact is that the farms have so increased in value through higher forms of agriculture that they have driven the sheep out to the semiarid lands in the Rocky Mountains.

I believe I said the other day that sheep raising for mutton would keep the sheep herds alive in the United States. So far as growing sheep for wool is concerned, I think it is an economic crime to tax the people of the United States on their woolen clothes and blankets for the sake of keeping a fictitious protection on the remaining sheep in our country.

Gentlemen are arguing that because we put wool on the free list we ought to put woolen clothes on the free list. The Democratic Party, gentlemen, did not build up the protective system, but it is taking it down. We have reduced raw wool from 45 per cent to the free list, and we have reduced woolen clothing from an average of 94 per cent to 35 per cent, a much greater proportionate reduction than we made on raw wool.

I do not like tariffs. I believe they are a burden upon the public. I think they are an injustice to the people of our country, and I think they are a wrong to the manufacturers as well. But we can not put all of the articles carried in the tariff on the free list at once. My contention is that we have made a deeper cut in woolen goods than we have in wool, and I believe that the gentlemen who are moving, as did the gentleman from Oregon [Mr. SINNOTT], to put woolen clothes on the free list are actuated by a spirit of pique or irritation because our party has put wool on the free list. I believe, as I said the other day, that free wool is the greatest achievement of the present tariff bill I think so not only for economic reasons, but because I believe it spells the doom of the system of protection in the United States. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I reserved a little time for the purpose of calling attention to a letter which is among the thousands of letters that I have received protesting against the features of this bill from the enacting clause to the end of it. It comes from the Texas Sheep and Goat Raisers' Association, and is signed by the officers of that association. They give the information that a large majority of them are lifelong Democrats. They say they have all been engaged in the shep-raising industry, but some of them say they have not for the past few years, intimating they quit about the time Prof. Wilson's free-wool bill came out in 1894. They say that under the present pasturage system, if they could have assurances of protective tariff remaining on wool and no agitation—intimating from the Democratic Party—about free wool, they could raise and support 40,000,000 sheep in the State of Texas. I do not suppose these people know anything about it. They are Democrats. They have been there in the sheep business all of their lives up to a few years ago, when they were driven out, and still I suppose their information is not worth anything to the other side of the House. They are not confined exclusively to goats, and not being so confined, those gentlemen over there would not take their opinion on the subject of wool. I shall print the letter in the RECORD as a part of my remarks without any further reference to its contents, but I want all of you gentlemen to look for it in the RECORD, and to read it, for it is worth while. It gives opinions and the facts from men who know about the business, and who are so disinterested that they have voted the Democratic ticket all of their lives.

I want to correct one or two mistakes that my friend from Alabama [Mr. UNDERWOOD] made the other day about the wool proposition which I introduced. He says that because there is a greater duty on the wool content in clothes than there is on wool in the grease, that that duty goes to the benefit of the manufacturer. I do not believe my friend from Alabama really means it. If he does, I feel sorry for him. I feel sorry for him anyway if he said it and did not mean it.

Mr. UNDERWOOD. If the gentleman had read the RECORD he would see that I did not say that.

Mr. PAYNE. In either horn of the dilemma I feel sorry for him. He knows that the difference in duty put on wool in the grease and upon the wool in the garment is because it takes more wool to produce a pound in the garment than it does to produce a pound of the wool content in the grease, and if he will examine the Tariff Board report—if he will read something besides the title-page and look over the first page—he will find this problem is carefully worked out. The Tariff Board not only shows the amount of wool it takes for a pound of wool in the finished garment, or in a yard of cloth, or in any quantity of cloth, but it shows what becomes of the waste and what is the value of the waste; and from the facts and figures given in the report we are able to say exactly what will compensate for the duty on the wool. There is not a penny of concealed duty in this whole schedule which I presented which will go at all to the benefit of the manufacturer. The only protection the manufacturer gets in it is the ad valorem duties, that are carefully worked out with each process of manufacturing from beginning to end, and which on the lower grades are lower than those put in the bill reported by the gentleman from Alabama.

The CHAIRMAN. The time of the gentleman from New York has expired.

The letter referred to is as follows:

TEXAS SHEEP & GOAT RAISERS' ASSOCIATION,
San Antonio, Tex., April 9, 1913.

Hon. SERENO E. PAYNE,
Member of the Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR SIR: We have read a considerable portion of the arguments made before your committee on 27th and 28th of January (hearings on Schedule K, wool and manufactures of wool) in favor of free wool, or in support of a 20 per cent ad valorem rate of import duty on wool. And while we accord to the witnesses entire sincerity in their beliefs in the opinions they expressed and assertions they made to your committee bearing on the sheep industry, relative to the needs of the industry, the cause of the increase and decrease of the sheep stock of the United States during the last past 50 years, it causes us very great regret to know that gentlemen who occupied most time discussing the subject made numerous assertions to your committee that compel us to believe that their knowledge of the business of sheep raising in the trans-Mississippi States is wholly superficial, and that their statements and assertions concerning the business are erroneous, misleading, and valueless to your committee in forming its conclusions as to the recommendations it should make to Congress concerning the wool-growing industry. Speaking to you as members of the executive committee of the Texas Sheep & Goat Raisers' Association, each of us having had from 25 to 45 years' practical personal knowledge of the business of sheep raising in Texas in no small way, and having a superficial knowledge of the business throughout the United States, and some of us not having owned a sheep in the past several years, and our committee being composed of Democrats and Republicans of lifelong political affiliation, the majority of this committee being of lifelong Democratic political affiliation, each and all having only a desire for the welfare of our country as a whole, and all concurring in the views herein expressed, we have to advise you that any serious departure by Congress from the conclusions compelled to be drawn from the report of the Tariff Board as to the rate of import duty that should be levied on wool in order to something near equal the difference between the cost of producing wool in this country and in competing countries will have a disastrous effect upon the sheep industry in Texas and of the United States as a whole.

Replying to the inquiry as to the cause of the failure of the farmers and ranchmen to maintain the 47,274,000 sheep in the country in 1893, we have to advise you that the recommendation made by President Cleveland in May, 1893, that raw material, which was considered as embracing wool, be put in the free list, and enacting the Wilson tariff law in 1894, admitting wool free of import duty, caused the business of wool growing to become so unprofitable that the sheep stock were sent to the slaughterhouses and neglected to such an extent that the Democratic Secretary of Agriculture, Mr. Morton, reported the country as possessing only 36,819,000 sheep on January 1, 1897. During the free wool years, 1895 and 1896, the records show that wool sold in the producing markets for about or less than one-half the prices obtained for the same class of wool during several years last preceding the adoption of the free-wool policy. It is unnecessary to recite here the ruinously low prices for which choice flocks of sheep were sold during the free-wool years by reason of the disastrously low prices of wool, and the bankrupt condition to which a large percentage of former owners were reduced. The hereabove stated statistical facts, with the natural inferences to be drawn therefrom, supply all necessary evidence as to that feature of the case.

The 23 per cent decrease of the sheep stock during the application of the free-wool policy, as shown by the above statistical statements, which decrease occurred most largely in some of the best breeding districts, Texas, for example, decreasing her stock by more than 38 per cent, as shown by our State comptroller's reports, left the country at the close of the free-wool policy with her numbers of female sheep so

depleted that it has been impossible for the farmers and ranchmen to supply the demands of the people of the United States for mutton and make more than temporary increase of the depleted numbers. While Government reports show an increase of the 36,819,000 at close of the free-wool policy in 1897 to 39,852,967 sheep of shearing age in 1900, the latter number being the census report, the census report of 1910 shows 39,644,046 sheep of shearing age. The decrease that has occurred in recent years comes of the increased slaughter of sheep for domestic consumption, and especially the increased consumption of lambs of 3 to 6 months of age.

Our country possesses all the conditions requisite to enable it to successfully sustain such number of sheep as would be necessary to supply all the clothing wool required by treble the present population. Texas alone has the capacity to successfully sustain, under the pasture system which she is now adopting, thirty to forty million sheep, and in our opinion would, in reasonable length of time, come to possess that number, if assured of an import duty on wool something near equal in amount to the difference between the cost of production in the United States and in competing countries. In addition to producing such necessary supply of clothing wool, a stock of sheep of such numbers would be of inestimable value as a necessary aid to maintaining the fertility of the soil of the farms of our country.

The striking off of the present 1½ cents per pound import duty on fresh meat, admitting mutton from Argentina, New Zealand, and Australia free, would also have a severely detrimental effect on the sheep industry, as it is from the sale of mutton, in addition to the fleece, that the farmer and ranchman is enabled to remain in the business of sheep raising, receiving only small compensation for his labor and money invested in same.

The frequent recurrence of the agitation of a free-wool policy deters tens and tens of thousands of farmers and ranchmen from engaging at growing sheep. The sheep industry is conducted on such small margin of profit that any serious decrease of the amount of import duty levied on wool that the Tariff Board's report shows should be levied to equal the difference in cost of production here, and in competing countries will affect the industry disastrously, particularly the merino flocks of the trans-Mississippi country, and especially the flocks located in the semiarid Southwest, and cause the present rate of decrease of the sheep stock to be rapidly increased, causing a still greater shortage in the necessary meat supply of our country, especially of mutton, which is the healthiest meat, and equally as nutritious as beef.

We further wish to call your attention to the exhibit on page 4071, in part No. 20, entitled "Number of sheep in Australia, 1891 to date," which shows the fact, astounding to the unacquainted, that the sheep-stock of Australia, the greatest wool-growing country of the world, decreased from 106,421,068 in 1891, to 72,040,211 in 1901, and from 72,040,211 in 1901, to 53,668,347 in 1902. While the report does not show that the disastrous decrease was caused almost wholly by death from starvation, caused by drought, nevertheless drought was the cause. The facts shown in that statement, showing the sudden decrease in the sheep stock of Australia, should be sufficient to warn Congress and the people as a whole of the danger from allowing the United States to fail to become self-supplying of her necessary quantity of clothing wool.

We earnestly solicit your influence to defeat any proposition by Congress looking to a serious departure from the convictions herein expressed.

Respectfully submitted.

CHAS. SCHIEMER,
President Texas Sheep & Goat Raisers' Association.
ALFRED GILES, *Secretary.*
B. L. CROUCH,
JAMES MCLYMONT,
GEO. RICHARDSON,
Executive Committee.

Mr. UNDERWOOD. Mr. Chairman, my friend from New York [Mr. PAYNE] can not understand that he talks in the language of protection while I talk in the language of taxes. I had the Tariff Board's report before me the other day, and referred to the provision to which he referred when the matter was under discussion. I said that his rate made the relative taxes as high as ours does, and it does, practically. Whether he has given it for protection or some other cause is a mere incident to the man who has to pay the tax.

In his bill, by reason of the increased rate he places on wool, the tax rises to about the same amount as that in ours, when the value of the raw wool is excluded. Now, it is not necessary to discuss the question of free wool or taxed wool. The Republican Party is in favor of taxed wool; the Democratic Party has declared itself in favor of free wool. The issue is clear. Some gentlemen have criticized me personally because I brought in a taxed-wool bill last year and am standing for a free-wool bill this year. As I said the other day, when I brought into the House a bill levying a tax of 20 per cent on raw wool, it was done for no reason except to get revenue. We did not have the right at that time to levy an income tax. Conditions have changed, and we have the right to-day to exercise the privilege of levying these taxes wherever we think they will bear most lightly on the consumer. The gentleman from New York has introduced a bill that taxes wool. We have introduced a bill with free wool. Our relative rates on the manufactured article are not far apart. On the average, the rates of the gentleman from New York are higher than ours, but when he adds the compensatory duty for taxed wool he about doubles our rate. I think—I am speaking from memory—that his tax on woolen clothes is something like 70 per cent; ours, 35 per cent. Now, no one can deny that the consuming public must pay that difference, and yet it does not benefit the manufacturing people. They are not interested in it. The only issue is whether it is necessary to place that great tax on the American people to preserve the sheep industry in America.

Now, the gentleman says he has letters from sheep growers that say it is necessary. Why, I could take him to my office and show him many letters that I have received from people in the sheep industry who say it is not necessary. So there you are. You can take either side and either witness you want, but I will place on the stand a witness that the world knows about and one that you can not deny. No one can deny that there is a great sheep industry in the British Isles. No one can deny that there is free wool in England. No one will deny that the competition in the English markets is and always will be greater than in American markets, because the great steamship lines carrying transportation go directly from Argentina and Australia into their ports and do not come as a rule directly into ours. So there are cheaper freight rates on wool from Australia and the Argentine going to the English markets than to the American markets. Land is many times higher in England and Scotland than it is in this country, and yet under those circumstances the sheep industry of Great Britain has not only prospered but grown and flourished. Now, I admit that there are some parts of the far West where they probably can not grow sheep for mutton, but I also point to the fact that in that portion of the far West the Tariff Board report shows that in many of those States the cost of raising these same sheep is as low as it is in Argentina and in Australia.

Mr. MONDELL. Will the gentleman name those States?

Mr. UNDERWOOD. I will put it in the RECORD, it is not in Wyoming. I notice by the report that in Wyoming it costs nearly double what it does in your neighboring States. Now, I do not know whether that is caused——

Mr. MONDELL. I think the gentleman is mistaken.

Mr. UNDERWOOD. Well, that is what the report says. I pointed out here last year that it costs a great deal more in Wyoming than in Nevada or Washington. Now, whether the report was doctored or whether there are bad business methods in Wyoming I do not know, but I do know in many of these Western States the Tariff Board report shows that the actual cost of raising sheep is as low as it is in the competitive countries. The Tariff Board report shows that the State of Washington has no net charge against wool, the cost of production being met by receipts from other sources. The net charge per pound against wool shown for Nevada was 4$\frac{1}{10}$ cents and that of Wyoming 12$\frac{4}{10}$ cents. In Australia the cost was "a few cents a pound" and in South America "4 to 5 cents."

Mr. MONDELL. Will the gentleman yield right there?

Mr. UNDERWOOD. I can not yield. I have only five minutes.

Mr. MONDELL. I trust the gentleman will yield.

Mr. UNDERWOOD. I do not wish to be impolite, but I will have to conclude.

Now, when you eliminate that western country, where I contend and believe earnestly they can preserve these flocks for wool purposes as well as they can in the Argentine—and when you come down to the middle western country, where they have a market for their mutton, there is no question but that the industry can thrive as well as that of Great Britain. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment——

Mr. GARDNER. Mr. Chairman, is there a point of order pending from the gentleman from New York against the amendment of the gentleman from Ohio [Mr. SWITZER]?

Mr. HARRISON of New York. I desire to withdraw the point of order, inasmuch as the substance is covered in another part of the bill. We might as well vote on the amendment.

The CHAIRMAN. The point of order is withdrawn on the amendment offered by the gentleman from Ohio [Mr. SWITZER]. In the natural order, amendments to perfect the paragraphs are in order before amendments to strike out the paragraphs. The first question is on the amendment proposed by the gentleman from South Dakota [Mr. MARTIN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next question is on the amendment proposed by the gentleman from Oregon [Mr. SINNOTT].

Mr. GOULDEN. May we have that reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oregon.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next question is on the amendment proposed by the gentleman from Ohio [Mr. SWITZER].

Mr. MANN. Mr. Chairman, I would like to have that amendment again reported, if I may.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. MANN. If the gentleman will pardon, I would suggest that the amendment be modified to read "paragraph" where it now reads "section."

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to modify the amendment as stated.

Mr. SWITZER. I will accept the suggestion.

The CHAIRMAN. The gentleman from Ohio [Mr. SWITZER] asks unanimous consent to modify the amendment, so that it will read "paragraph" at all places where the word "section" appears. Is there objection? [After a pause.] The Chair hears none.

The question is on the amendment as modified.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 53, noes 145.

So the amendment was rejected.

The CHAIRMAN. The next question is on the amendment proposed by the gentleman from Ohio [Mr. SHARP.]

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment proposed by the gentleman from Ohio [Mr. WILLIS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there further amendments to paragraph 653? If not, the next paragraph open for amendment is paragraph No. 657.

Mr. MOORE. I think there is some mistake here, Mr. Chairman. I made a reservation on paragraph 654 the other day, but apparently it has not been recorded.

Mr. MANN. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] desires to offer an amendment to paragraph 654, and he states he gave the number to me the other day, but I did not get it.

Mr. UNDERWOOD. I would like to ask the gentleman what the amendment is.

Mr. MOORE. I want to strike out the paragraph. That, I think, is the easiest way of getting at it.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the gentleman may have the opportunity to offer his amendment to strike out this paragraph, and that debate on the paragraph and all amendments thereto be limited to 10 minutes, the gentleman to control 5 minutes and I to control 5.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Pennsylvania [Mr. MOORE] may have permission——

Mr. MOORE. Mr. Chairman——

Mr. UNDERWOOD. I was opening up this paragraph by unanimous consent for the benefit of the gentleman from Pennsylvania [Mr. MOORE]. I do not want to get into a controversy about time with other gentlemen on that side.

Mr. MOORE. Mr. Chairman, there is some error about it, because the gentleman from Illinois [Mr. MANN] evidently did not get this paragraph on his list.

Mr. UNDERWOOD. I do not object to the gentleman from Pennsylvania having his opportunity.

Mr. MOORE. The gentleman from Iowa [Mr. GREEN] wants an opportunity to speak.

Mr. UNDERWOOD. If it is just an opportunity to debate that he desires, there will be a chance for him on the next paragraph.

Mr. GREEN of Iowa. Then I will wait until the next paragraph.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the gentleman from Pennsylvania [Mr. MOORE] be permitted to offer an amendment to strike out paragraph 654, and that the debate thereon be limited to 10 minutes, 5 minutes of that time to be controlled by the gentleman from Pennsylvania [Mr. MOORE] and 5 minutes by the gentleman from Alabama [Mr. UNDERWOOD]. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 129, lines 22 to 26, inclusive, by striking out the paragraph, which reads:

"654. Wool wastes: All noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and all other wastes not specially provided for in this section."

Mr. MOORE. Mr. Chairman, under the existing law most of the articles enumerated in this paragraph were made dutiable. They included wool wastes, noils, shoddies, mungo, flocks, wool extract, and carbonized wool and carbonized noils. I emphasize the words "shoddies" and "mungo." They were made dutiable under the Payne law, although they had been partially free under the Wilson tariff law. In 1896, when the Wilson tariff law was in operation, these articles came in to the extent of 7,000,000 pounds, and if they had been left dutiable under the McKinley rates they would have paid a duty of $90,000. Under the Payne law the quantity of imports was considerably reduced, so that the duties collected were only about $8,800.

I call attention to this paragraph and move to strike it out for the purpose of discussing its effect upon the users of woolen clothing. As I understand it, most of the objections to the woolen industry in the United States arise from differences of opinion between various members of the trade. The worsted industry is presumed to be the industry which develops a pure woolen garment. Woolens and woolen fabrics which come under the denomination of "woolens" are those which are made of mixed materials.

Now, when the consumer buys a garment he ought to know whether it is all wool or whether it is mixed wool and something else. Under the existing law the consumer has a measure of protection in the duties that are levied upon imports of wool and upon rags and shoddies and these waste parts of wool and substitutes for wool that were worked up in this country as woolen manufactures.

It is reported in one of the papers this morning that it has been discovered that certain articles of wool and silk have been weighted down, and that the public has received what is substantially spurious material. People naturally complain if they are deceived by a retail dealer or by a wholesale dealer, and the consumer has the right to complain against the man who does him an injustice. But as the result of some of the "tricks of the trade," as they be called, general complaint is raised against the tariff barrier which protects the consumer himself against just such spurious commodities and wastes and shoddies as these to which I refer.

The lowering of the tariff wall against shoddies, against wastes, against rags must mean that an increased quantity of shoddies and rags and wastes will be available for those who desire to make them up with other materials and sell them to the public as pure woolens.

If an amendment were permissible to this paragraph, even though I have moved to strike it out, I might offer one that would provide that the Secretary of the Treasury should list these various imports so that those wastes and those rags and those shoddies which are intended to be used for manufacturing clothing might be distinguished from those other shoddies and wools and lower grades of materials that come into the country very largely for the manufacture of carpets and other articles than clothing. But I presume the committee would not accept any amendment, even though it were offered in the very best of faith on this question.

I call attention, however, to the opening that has been given here to those who want to put spurious goods upon the market. The opportunity is here given to those of you who want the consumers to receive garments cheaper than they have been receiving them heretofore, to protect them against a poorer quality. It may come to pass that we shall have to brand the goods that are sold hereafter as imported products, in order to save the consuming public from imposition.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next paragraph is 657. Are there any amendments?

Mr. MOORE. I made a reservation on 655.

The CHAIRMAN. The Chair has not that marked, nor is it on any list that has been furnished to the Chair.

Mr. MOORE. "Works of art."

The CHAIRMAN. Paragraph 657 begins with the words "works of art."

Mr MOORE. And to 659.

Mr. MANN. If the gentleman has actual amendments, I think there is no difficulty about it.

The CHAIRMAN. All paragraphs from 655 to 659, inclusive, begin with the words "works of art."

Mr. MOORE. If 657 was given as the one against which I made the reservation, that is a mistake. Mine were 655 and 659.

Mr. UNDERWOOD. Paragraphs 657 and 659 have been reserved.

Mr. MOORE. I might transfer this to 659.

The CHAIRMAN. The Chair has no record of any reservation on 657.

Mr. MOORE. If unanimous consent can be given for me to offer this to 655, it will settle the question very quickly.

Mr. UNDERWOOD. Very well. I will not object, but I ask to limit the time for debate to five minutes.

The CHAIRMAN. Unanimous consent is asked to offer an amendment to 655, and that debate be limited to five minutes. Is there objection?

There was no objection.

Mr. MOORE Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out paragraph 655.

Mr. MOORE. Mr. Chairman, with reference to the paragraph on which discussion was closed a moment ago because of the lack of time, I wish to add this, that I was leading up to the opening of the ports to various kinds of material, not only works of art, but shoddy and rags that come in to be used in the manufacture of clothing in this country. Such material as ought to go into the manufacture of carpet and baser materials does sometimes and will now unquestionably in very many instances enter into the manufacture of clothing for the poor, who will probably be called upon to pay the same old price which they have paid heretofore for better goods.

But with regard to works of art, I desire to say that here is an instance where it may be fair to differ from the provisions of the Payne law. I do not know how many of the gentlemen upon the other side, representing "the downtrodden" of the land, are interested in the works of art such as are provided for in these several provisions of the bill. I do not want to find fault with those who put the provision into the Payne law; they doubtless meant well, but when the provision was originally made it appeared that the desire was to admit to this country works of art which were productions of the "Old Masters," such as of course we did not have in this country, that might not only ornament the walls of our art galleries, but might be an inspiration and an education to the people generally. During the first year of this free "works of art" provision about $550,000 worth of works of art were admitted, but the importations grew so rapidly that during the operation of the Payne law fully $75,000,000 worth of them came into the country. I am quite sure they did not go upon the walls of the two-story houses. I am quite sure all of them did not find their way into art galleries nor into scientific nor educational institutions, but I am quite sure that the $75,000,000 that went out of the country to buy these so-called old masters and to pay foreign artists and picture brokers was a displacement of just that amount of money that might have been spent in the United States.

And in reference to this line of argument I want to say that during the last year of the Payne law, when the free list was running fairly free to those who have wanted to avail themselves of it, more than $881,000,000 worth of foreign material came into the United States, and that by the same token $881,000,000 good American dollars went out of the United States and was spent in foreign lands. During the operation of this free-list provision of the existing law, from the time it was enacted down to the close of 1912, more than $3,000,000,000 of American money went out of this country for the purchase of goods abroad.

But if these possible loopholes exist in the present law, it must be observed that the present bill extends the free list greatly. It proposes to put certain raw materials upon the dutiable list and thus penalizes the producer in this country, while it proposes to raise more revenue by reducing the duties upon manufactured articles and works of art. And an extended free list will thus take out of this country American money that ought to have been spent here. The bill proposes to do this in larger volume than it has ever been done before. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next paragraph is 657. Is there any amendment to that?

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent to close debate in 15 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to close the debate on this paragraph and all amendments thereto in 15 minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, as we draw near the close of the portion of this bill relating to tariff duties, it becomes highly important that we shall consider the amount of importations that will be increased by its enactment. It is a singular feature that, as the debate on this bill has progressed, not one of the gentlemen who have had it in charge has been willing to state on this floor the extent to which it is expected American goods will be displaced by those imported from foreign countries under its provisions.

It is true there is a report presented along with the bill, and on page 35 we find some estimates given as to what they expect the additional importations will be, but this table is entirely worthless for that purpose.

When, two years ago, they introduced in the House a wool bill providing for a duty of 20 per cent on raw wool, at that time they estimated the additional importations of raw wool at $19,000,000. Just before this session, when it was expected that the rate in this bill would be 15 per cent on raw wool, they issued a handbook with the estimate contained in it that the additional importations of raw wool would amount to $27,000,000. And now in the table they have here in the report presented with this bill, which provides for raw wool, they estimate practically no increase in importations of raw wool. Mr. Chairman, this is simply absurd.

The amount of wool imported last year was about $33,000,000. Two years ago it was $47,000,000 in value, and it is only something like thirty-three millions that they estimate will be imported under this bill, now that it is put upon the free list.

The total amount of additional importations of all kinds, as near as I can gather from the table, and as estimated therefrom by the gentleman from Tennessee [Mr. AUSTIN], is about $185,000,000; an amount, however, that is far too low. I think anyone would be safe in estimating it at $250,000,000 instead of the amount stated in the table. At this time I wish to congratulate my friends on the other side and the people of this country in general upon one further branch of their program. It is currently reported that the President of the United States and some one or more of the Ways and Means Committee have in mind—as they begin to see and to be aware of the terrible effect upon our industries of the staggering blow they propose to administer by the bill—have now in view some kind of a change in our currency laws in order to prevent the panic which they expect will arise as the result of its enactment. I think it is very well that the gentlemen should prepare something of this kind.

Why, Mr. Chairman, the addition of seventy millions of goods imported from abroad under the sundry list—will that tend to produce a panic? That will help, unquestionably. Will the addition of twenty-six millions under the metal schedule assist in producing a panic? Will the $6,500,000 more on the earthen and glass ware schedule help to produce a panic? Will the nineteen millions added under the chemical schedule help to produce a panic? Will the $4,000,000 more under the pulp importations help to produce a panic? Will the $10,000,000 under the silk schedule help to produce a panic? Will the $50,000,000 increase under the wool schedule help to produce a panic, the $12,000,000 under the cotton schedule, and the $11,000,000 under the agricultural products—will they all help to produce a panic, with the $6,000,000 under the sugar clause besides? These are their own figures, taken from their report. The figures are far too small, but even these taken together are enough to blight our industries, destroy credit of our merchants, and inevitably bring the panic on which they themselves are getting ready to meet and which they must meet. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. AUSTIN. Mr. Chairman, I send to the Clerk's desk to have read resolutions unanimously passed by the Passaic (N. J.) Board of Trade on April 23, 1913, and sent to the President of the United States and the Senators and Congressmen from that State. I will state that Passaic was carried in the last election by President Wilson.

The Clerk read as follows:

Whereas the city of Passaic, N. J., is a manufacturing city, with woolen, cotton, handkerchief, chemical, metal, and paper industries, representing an aggregate investment of $50,000,000 and giving employment to 20,000 men and women, with an annual pay roll of $10,000,000, and furnishing trade and livelihood to a total population of 60,000, most of whom are absolutely dependent upon the prosperity of the industries mentioned; and

Whereas the above-mentioned industries have forwarded to the Senate and House of Representatives of the United States briefs setting forth the fact that the proposed changes in the tariff affecting these industries will inflict serious injury upon them, and through them upon their workers and the numerous tradespeople, mechanics, and other workers dependent directly and indirectly upon them for their living; and

Whereas the Board of Trade of Passaic, representing all the interests of that city, has carefully examined the briefs submitted by the various industries and found them correct in every particular, does unqualifiedly state that the prosperity of Passaic is vitally connected with a proper adjustment of those schedules of the proposed tariff bill which affect the industries of the city; and

Whereas the harm caused by insufficient tariff rates in depriving many of the city's workers of employment will be greatly aggravated by the fact that many of these workers have purchased their own homes and are gradually paying for them and are entirely dependent upon the prosperity of the local industries: Now, therefore, be it

Resolved, That this board does hereby unanimously and emphatically indorse the aforesaid briefs submitted by the industries of Passaic, copies of which are attached hereto, and urges upon its Senators and Representatives the necessity and obligation of presenting to their respective bodies with all the force and eloquence at their command the needs of the city's several industries and the interests of its workers, as set forth in the briefs submitted; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Finance Committee of the Senate, and the Ways and Means Committee of the House, as well as to each Senator and Representative of the State of New Jersey.

C. F. H. JOHNSON, *President*.

Attest:

R. E. LENT, *Secretary*.

Mr. PETERS. Mr. Chairman, the committee has added a new section to the present law to admit free to this country works of art. Prior to the act of 1909 works of art were admitted on a duty of 20 per cent. In the Payne law there was an exemption made which provided that works of art over 20 years of age should be admitted free. In the Wilson bill art was on the free list. The section which we have added here, section 655, is a new section, and it provides that works of art and certain sculptures may come in free. Schools, libraries, and churches will benefit greatly by this change in the law which will permit the free admission of paintings and sculpture. American art does not need protection against what is bad, and it should not ask protection from what is good. It is the duty of the Government to encourage art, not to tax it. Ours is almost the only civilized country which taxes art, which is invariably encouraged. A regard for education should prevent a tax on knowledge. At present only the old masters and works of art that are over 20 years of age are free. These works of art are the most expensive and high priced, and it is to extend the power to purchase to the persons of lesser means that all art is admitted free. It is in accord with Democratic principles to allow foreign works of art to come in free. All art should be stimulated and improved by the provisions of this bill. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, will the gentleman yield?

Mr. PETERS. Yes.

Mr. PAYNE. Mr. Chairman, I want to say to the gentleman in 1890 in the Fifty-first Congress I had the honor of being a member of the Committee on Ways and Means. I there advocated this same proposition which the gentleman has put in this bill, of putting works of art on the free list. The result was that a majority of the Republicans on that committee, including the honored chairman, Maj. McKinley, were in favor of the proposition, and we put it into the bill as it went to the House. It was afterwards eliminated by the Senate, and in order to get an agreement, we left it out.

Mr. PETERS. We welcome the gentleman to our point of view.

Mr. PAYNE. On the contrary, I welcome the gentleman to my point of view. [Laughter.]

Mr. TOWNER. Mr. Chairman, before we pass from this section, I would like to ask the gentleman from Massachusetts whether the American Institute of Artists has not protested against the passage of this section, and have they not frequently done so in their resolutions?

Mr. PETERS. Mr. Chairman, I think the American artists as a whole are rather anxious to have foreign works of art come in to be used for educational purposes in this country. I am not aware of any American association of artists having protested.

Mr. TOWNER. I think the gentleman is correct in this, that American artists are not opposed by any means to the introduction of real works of art, but it occurs to me that the language of this section is such that it would permit in competition the things that are sold in the picture stores that could by no stretch of the imagination be considered works of art. Those things ought not to be permitted into this country because they depreciate the work of our artists and discourage them.

Mr. PETERS. Not at all. It is so worded as not to admit commercial art free. Printing from plates or blocks or engraved by mechanical process. The American artists should not be protected from what is good, and should not need protection against the bad.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. Are there further amendments to paragraph 657? If not, the next paragraph open is 659.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry. The Chair has stated that 659 is the next paragraph. I am quite sure I made a reservation of 658.

Mr. MANN. The gentleman did not; but if he desires to offer an amendment, I do not think there will be objection.

The CHAIRMAN. The Chair will state that paragraph 658 is not on any list which has been furnished to the Chair.

Mr. MANN. Has the gentleman an amendment to offer to 658?

Mr. MOORE. Yes. At the time these numbers were taken there was confusion, and I suspect that the gentleman from Illinois did not get all of the numbers.

Mr. MANN. Mr. Chairman, I think I got all of the numbers which the gentleman gave, but there is no objection to the gentleman having an opportunity to offer an amendment.

Mr. UNDERWOOD. Mr. Chairman, if the gentleman from Pennsylvania desires to offer an amendment, I ask unanimous consent that he may be permitted to do so, and that debate on the paragraph and all amendments thereto shall be concluded in five minutes.

The CHAIRMAN. The Chair desires to state, in justice to the Chair and to those at the desk, that three lists were made at the time this unanimous consent was being granted. A list was made by the gentleman from Illinois [Mr. MANN], a list was made by a gentleman at the desk at which the chairman of the committee, Mr. UNDERWOOD, sits, and a list was made here. Those three lists were carefully compared and the bill marked and furnished to the Chair from those lists, and all paragraphs that were included in any of those lists were sent to the Chair. The gentleman from Alabama asks unanimous consent that the gentleman from Pennsylvania be permitted to offer an amendment to paragraph 658, and that general debate on the paragraph and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 132, line 12, after the word "institution," strike out the word "including" and insert the word "excepting."

Mr. MOORE. Mr. Chairman, the offering of this amendment in relation to stained or painted window glass or stained or painted glass windows answers the question which has been just raised as to whether American artists or artisans are interested in this sort of production. There are American workmen who make stained or painted window glass or stained or painted glass windows who come in direct competition with these manufacturers of "old masters" on the other side. I think any man who has been on the other side once is aware of the fact that a great many "old masters" and a great deal of "Dresden ware" and a great deal of "Parian ware" and pottery and porcelain are stuck upon Americans at very large prices. They would come in under just such a paragraph as this, and they take out good American money that has been earned in the United States by the sweat of some one's brow. It is good money that goes across the seas, and it brings back stuff that may be genuine or that may be spurious. There is so much Parian ware, so much pottery, so much porcelain, that the wonder is where it all came from and where the "old masters" existed who produced it. It is a fact also that certain stained-glass windows have been coming into the United States, and they have been brought in here upon the pretense they were for religious purposes, but in bringing them in we have deprived American workmen of the chance to make such articles. I deny that there are not artists in the United States capable of doing such art work as the United States requires. I do not deny that there are certain Titians and other antiques which command a high price; but the rich only are able to buy them. I contend that if a man has made a million dollars or a hundred million dollars in the United States, and then takes it over to the galleries of Venice or Rome or Paris or London or to private dealers in those places, it is not unfair they should pay a duty upon these "old masters" they bring into the United States. Are you ready or is the committee ready to assert that these "old masters" are all for use for educational purposes, that they all go to public libraries, that they all go into institutions where the plain people can see them and use them; or is it not a fact that the only men who bring these "old masters" into the United States are the men who are amply able to pay for them, and are not the men who earn their daily wage making stained-glass windows or painting pictures to sell in the United States? In the interest of the labor employed in making stained-glass windows in the United States I hope the amendment will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Are there further amendments on paragraph 658? If not, the next paragraph is 659.

The Clerk read as follows:

659. Works of art (except rugs and carpets), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced more than 100 years prior to the date of importation, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe.

Mr. DONOVAN. Mr. Chairman, I desire to make the usual motion to strike out the last word, and I wish to call attention to the fact that the gentleman from Illinois [Mr. MANN], by the RECORD of this morning, appears to have asked a question. I did not understand that I had left it unanswered. I will answer the question now. The question was, whether I would vote for a tariff board to pass upon matters of this character, and so forth. I will say that if it came up in that shape I would vote against it for this reason: I believe that the Representatives should be as near to the people and as responsive to their will and as close to them as you can get them. I would vote to recall Congressmen and for the right to recall within 30 days. Now, just a word in regard to what has taken place here covering this bill.

I wish to say that the committee has given the boot and shoe industry better conditions than it had before under the Payne Act. When you take into consideration the lower duties of the 30 different articles, they are better off financially than they were with the 10 per cent duty under the Payne-Aldrich Act. And seemingly many articles in the bill have been treated as carefully and as painstakingly as the boot and shoe industry.

But for some reason important industries have been disregarded and do not appear to have been given that intelligent treatment that other articles have. Now, the cotton schedule, for reasons that I can not explain and seemingly the committee can not explain, has been most brutally treated in the opinion of the one who now has the floor. When you take the greatest industry possibly in this country, with one exception, seemingly with only a horizontal reduction, without going into the matter of the cost of labor in Europe or the cost of material or the reason why they can send upward of $60,000,000 of products into this country, and we should then reduce them 21 per cent flat, I can not understand.

Again, I hold in my hand here a dispatch from a constituent of mine, or one of his establishments, relative to another product that has been taken care of, I think, unintelligently—I will not say viciously. The gentleman who had it in charge I do not see present. It has reference to one of the ferro alloys—ferromanganeses. I will say at the outset that this dispatch is from the Crane Valve Co., and Mr. Crane was the largest contributor to the Wilson presidential campaign fund in the last election. [Applause on the Republican side.] Of course, the distinguished chairman of the Ways and Means Committee may say to this establishment the same as he says to everyone else who happens to oppose him or his bill, that they belong on the other side. I believe the President is about to send the head of this establishment, Mr. Crane, a Republican, from this country as ambassador to the Russian Government.

Possibly the President will think as to this great contributor and his interests that the proposed tariff will not affect any honest business, and maybe that hand that comes, as it did in the matter of the sugar schedule, bringing relief and free sugar to the people, may right what they claim is an injustice to a great industry that must buy its materials right. Referring to ferromanganese, the dispatch says:

We hope you will use your influence to make such changes in the new bill as will prevent a higher duty than $2.50 a ton.

For reasons that time only will explain, the committee has made that duty $9 or $10 a ton.

The CHAIRMAN. The time of the gentleman has expired. Are there any further amendments to the paragraph?

Mr. MILLER. Mr. Chairman, I simply would like the floor in order to ask the gentleman from Connecticut [Mr. DONOVAN] a question, if he would kindly answer.

Mr. DONOVAN. Yes, sir.

Mr. MILLER. What is the name of the gentleman who sent the telegram? I did not catch it.

Mr. DONOVAN. It is sent by the Crane Valve Co., of Bridgeport, Conn. Mr. Crane of the concern is the gentleman who was the largest contributor to the Democratic campaign. I will give you his language exactly, although probably I am imposing upon the House. He says:

Such an advance would be disastrous to the independent steel companies and savors very strongly of a Steel Trust scheme to put the independents out of business.

That is signed by the Crane Valve Co., and Mr. Crane is the man who is going to be sent as an ambassador to Russia.

Mr. MILLER. May I ask the gentleman one more question in my time?

Mr. DONOVAN. Delighted.

Mr. MILLER. Is it anticipated by the present administration that this gentleman being put out of business and his factory closed down and his employees out of work, he will have sufficient leisure so that the best compensation to give him is to send him as ambassador to Russia, where he can spend his leisure time?

Mr. DONOVAN. I would suggest that the gentleman, when he gets on his knees this evening, commune with the Divine Being. He might be able to answer him. [Loud laughter.]

Mr. UNDERWOOD. Mr. Chairman, I believe that completes the reading of the section. If so, I move to close debate on the paragraph.

Mr. MANN. Wait a moment. Do not move to close debate.

Mr. UNDERWOOD. I thought they were through.

Mr. MANN. We may have some amendments to come in section 1.

Mr. UNDERWOOD. I will tell you my purpose in rising was to ask unanimous consent to change the numbers. On account of one paragraph being stricken out of the bill, it is necessary to renumber the paragraphs in section 1. I desire to ask unanimous consent that the Clerk may renumber the paragraphs.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the Clerk may have permission to renumber the paragraphs in section 1 of the bill. Is there objection?

Mr. MANN. I shall not object, Mr. Chairman, although under all the parliamentary practice that is the duty of the Clerk now.

The CHAIRMAN. Is there objection?

Mr. MOORE. Reserving the right to object, I would like to ask the gentleman from Alabama before the question is acted upon if he has accepted any amendment to this bill from the Republican side?

Mr. UNDERWOOD. I have not; the House has not.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Without objection, the pro forma amendment to paragraph 659 will be withdrawn. Are there further amendments to paragraph 659?

Mr. PAYNE. Mr. Chairman, I offer an amendment, to come in as a separate paragraph after section 1.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] offers an amendment to come in as a separate paragraph at the close of section 1, and the Clerk will report it.

The Clerk read as follows:

Mr. PAYNE offers the following as a new paragraph to section 1:

"That a commission is hereby created, to be known as the Tariff Commission, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1913, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the commission to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said commission shall be members of the same political party. Three members of said commission shall constitute a quorum. The chairman of said commission shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The commission shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

"That the principal office of said commission shall be in the city of Washington. The commission, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the commission may determine. All the expenses of the commission, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the commission. Should said commission require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"That it shall be the duty of said commission to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said commission shall also make investigation of any such subject whenever directed by either House of Congress.

"That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to

any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in negotiating trade agreements with foreign nations and other administrative provisions of the customs laws, the commission shall, from time to time, make report, as the President shall direct.

"That for the purposes of this act said commission shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the commission may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

"That in any investigation authorized by this act the commission may obtain such evidence or information as it may deem advisable, for its confidential use, and in case the evidence or information is so obtained, said commission shall not be required to divulge the names of persons furnishing such evidence or information: *Provided*, That no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public in such manner as to be available for the use of any business competitor or rival.

"That said commission shall make reports to Congress of its investigations, including an annual report and such special reports as the President or either House of Congress may direct. Said reports shall be printed as public documents. Ten thousand copies of the annual report shall be published and ready for distribution on the first Monday of December of each year.

"That upon the taking effect of this act there shall be transferred to the Tariff Commission hereby created all such property and equipment, books, and papers as were possessed or used by the body heretofore known as the 'Tariff Board,' in connection with the subjects for which the Tariff Commission is hereby created."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York [Mr. PAYNE] upon the ground that it is not germane to the bill and not germane to the section to which it is offered as an amendment.

My position in that matter, Mr. Chairman, is this: This is a section of a bill relating to the customs taxes of the United States. The balance of the bill, except so far as the income-tax feature is concerned, relates to those portions of our taxing law. The purpose of the amendment, as I heard it read, is not the purpose of levying taxes or assessing taxes, but its purpose is the ascertainment of information—information that may or may not be pertinent to the subject matter under consideration in this bill. But assuming, for the sake of the argument, that it is germane to this bill, it is the establishment of an organization in the Government purely for the purpose of obtaining information, and as I understand the bill proposed as a new paragraph by the gentleman from New York [Mr. PAYNE], from hearing it read, it does not vest in these commissioners or in this board any power whatever to regulate tax rates. I think that is correct, if I heard it aright.

Mr. PAYNE. Certainly; it does not give them any power to fix rates.

Mr. UNDERWOOD. Therefore I can see no more germaneness in this proposition to the subject matter of this bill than there would be if a certain gentleman were to offer an amendment to increase the number of clerks on the Ways and Means Committee, or if some one were to offer an amendment to create a bureau of statistics in the Treasury Department. Information would not only be obtained in this way, but there are a number of other bureaus in the Government that could furnish information along the same lines that it is proposed for this board to gather; and if you were to open the door to a bill of this kind as an amendment to the pending measure, you would have an interminable number of amendments that would be offered about subject matters that have not been considered by the committee.

Of course, I recognize the fact that the committee could have authorized a proposition of this kind; but the purpose of the rule providing that amendments that are not germane to a bill are not in order is to protect the House against ill-considered amendments. The theory of the government of this House is that the legislation coming before the House before it is considered on the floor shall be carefully considered by one of the committees of this House, perfected, and presented to the House in perfected form. This is a matter of much importance. It requires careful consideration. It has not received consideration by one of the authorized committees of the House, and therefore I do not think it is proper to bring it up at this time and force it on the House for consideration when its details have not been properly thrashed out before a committee of the House. Therefore I insist on the point of order.

Mr. MURDOCK. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MURDOCK. It is my purpose to offer another tariff commission provision to the administrative features of the act. I do not think that the gentleman's point of order, as he applies it to this commission, will apply in that case.

Mr. UNDERWOOD. If it is for a tariff commission, I am inclined to think the point of order would apply at any portion of the bill; but of course I can not speak as to the gentleman's amendment until I have heard it read. I think it would apply to any portion of the bill.

Mr. AUSTIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AUSTIN. I wish to know whether it would be in order, before the point of order is passed upon, to offer an amendment to this new paragraph submitted by the gentleman from New York and have it considered in connection with the original proposition?

The CHAIRMAN. It would not, except by unanimous consent.

Mr. PAYNE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] desire to be heard on the point of order?

Mr. PAYNE. It is true, Mr. Chairman, that the general purposes of this bill are to fix rates and provide revenue upon various articles imported into the United States, but that does not cover the whole scope and object of the bill. For instance, there is a paragraph in the bill that authorizes and requires the President to report to Congress whether the amount of any article imported into the United States in any one year does not exceed 5 per cent of the consumption in the United States. In case it does not, he is to report that fact to Congress. So that the bill goes further than to fix rates. It puts into the hands of an executive officer of the Government the power to make this inquiry, and requires him to report to Congress if he finds the fact that the imports do not exceed 5 per cent of the consumption or production in the United States of any article at any time.

So the bill goes much further than fixing rates and raising revenue and providing for the proper administration of the law in the collection of those taxes. It authorizes an executive officer to make this very inquiry that I am seeking to make in this amendment, in order that the report may furnish a basis to Congress for action.

The paragraph in the bill that authorizes the President to make this inquiry and report does not say what Congress shall do. Neither does this amendment which I offer. The President is to transmit that information to Congress, ostensibly for some purpose. Possibly we might infer from the debates, from the remarks of gentlemen upon the other side, that if it was found that the imports of any article did not exceed 5 per cent of the product in the United States they would take that fact into consideration in fixing rates. If the bill provides that in a single instance, or for a single purpose, or in reference to a single fact, such information shall be obtained, and the information comes to the Congress of the United States after that inquiry has been made, it opens the door, if it was not opened before, for any amendment of this kind and for the appointing of a commission to make these inquiries.

The CHAIRMAN. Will the gentleman from New York permit the Chair to make an inquiry?

Mr. PAYNE. Certainly.

The CHAIRMAN. Does the gentleman from New York make no distinction between a revenue bill and an appropriation bill in regard to the principles which he has laid down?

Mr. PAYNE. I think the rule makes a distinction, if I am correct about it, between an appropriation bill and other bills.

The CHAIRMAN. It is undeniably true that if there be a provision in an appropriation bill which is subject to a point of order under the rule, and it passes without the point of order being made, then an amendment itself not in order may be offered to that proposition; but is that true of a revenue bill?

Mr. PAYNE. That grows out of the fact that the rules provide that in an appropriation bill there shall be no new legislation. If new legislation comes from the committee, and no point of order is made against it, of course any germane amendment to that is in order. We get rid of the rule to that extent, because the Appropriations Committee have reported a bill in that shape, and the Committee of the Whole have accepted it, and no one has raised a point of order on the original proposition.

I would not say that the two cases were parallel. There is no rule that there shall not be legislation in a revenue bill. In fact, the whole of a revenue bill is legislation from beginning to end. And so legislation that is germane to the object of the bill, the raising of revenue, is proper and appropriate legislation.

I could not raise any point of order successfully against any provision in this bill, no matter how much it lacked germaneness, but I am not seeking to put in a proposition that is not germane to the object of the bill, but one that is in accordance with it and is in aid of it, namely, the fixing of proper duties to raise revenue. It seems to me that anything is proper as an amendment that helps to carry out that object or tends to that object.

The question of these rates is the bill is something to review, subject to finding of facts to be reported to Congress. It was perfectly proper for gentlemen to put into their bill a proposition that the President should find these facts if they thought they were germane and would aid them in the future in amending the legislation. But it is just as proper for me to offer this general proposition for the Tariff Board to examine into all these questions of raising revenue, and it is perfectly germane, it seems to me.

Mr. MANN. Mr. Chairman, the pending bill is entitled "A bill to reduce tariff duties and to provide revenue for the Government, and for other purposes." It includes many schedules of tariff rates on articles imported into the United States, and it includes a long list upon the free list where there are no tariff duties to be collected; it includes a provision for the levying and collecting of the income tax, and it includes two sections which are administrative in their character.

It would not be denied, I think, that any proposition relating to the subject of the tariff would be in order unless specially excluded by a rule of the House. The rule of the House on this subject, which was adopted at the beginning of the last session of Congress, provided in paragraph 3, Rule XXI, as follows:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill, nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The gentleman from Alabama in making the point of order suggested that perhaps this amendment might be subject to a point of order because of the place where it is offered in the bill. It is not an amendment to any item in the bill, I ask the Chair to note. It is an amendment to the bill itself. It does not come within the provision that the amendment must be germane to the item of the bill to which it is offered, because it is not offered to any item in the bill. It is not offered as an amendment to any paragraph but as an independent paragraph, and the only question the Chair has to determine is whether it is germane to the subject matter.

Let us see what it does. It provides for the creation of a tariff commission. For what? To investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of what? Of tariff legislation.

Section 4 of the bill provides that to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country, and so forth, the President may require the commission to make investigation. What is the subject matter of the bill? The subject matter of the bill covers the whole scope of tariff legislation. There is no article which can be brought into the United States from any source which is not covered by the provisions in the tariff bill.

This bill covers everything in the way of tariff legislation, and every article which can be imported into the country is covered by the terms of the pending bill.

Not only that, but in the beginning of section 4 of the bill it is provided in Paragraph A:

That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce.

The pending bill therefore not only covers all there is concerning the tariff duties, all of the free list, but also authorizes the President to negotiate trade agreements with foreign nations in reference to future expansion of trade and commerce. That covers the whole scope of possibility in regard to future trade and commerce and tariff regulations. Not only that, but on page 216 of the bill it is provided:

S. That the President shall cause to be ascertained each year the amount of imports and exports of the articles enumerated in the various paragraphs in section 1 of this act and cause an estimate to be made of the amount of the domestic production and consumption of said articles, and where it is ascertained that the imports under any paragraph amount to less than 5 per cent of the domestic consumption of the articles enumerated he shall advise the Congress as to the facts and his conclusions by special message.

Therefore, the bill covers not only all import duties upon all classes of articles which will be brought into the United States, but covers the entire free list, and authorizes the President, in addition, to authorize trade conventions, and then authorizes and directs the President to ascertain the amount of the domestic production and consumption of every article named in the dutiable list or the free list. It covers the whole scope. It not only fixes the duties to be paid, not only provides for the free list that is given, not only provides for trade conventions to be negotiated in reference to future trade and commerce, but directs the President to find the amount of production and consumption of every article referred to in section 1. Will anyone say, can it be contended, that a provision authorizing the President to name a commission which shall—

investigate the cost of production of all of the articles which may be the subject of tariff legislation—

is not germane to a provision directing the President to ascertain the amount of production and consumption?

Paragraph S on page 216 directs the President to—

cause an estimate to be made of the amount of the domestic production and consumption of said articles.

Can it be contended that it is not germane to add a provision that the President—

in ascertaining these facts shall also ascertain the cost of production of these articles?

That is the provision in the amendment offered by the gentleman from New York. Can it be contended that it is not also germane to provide—

that the President in securing information as to the amount of production and consumption shall also secure information as to the effect of tariff rates, restrictions, exactions, and regulations imposed by any foreign country?

If we direct the President to enter into trade conventions with foreign countries, are we not authorized to let the President name a commission which in aiding him in negotiating these trade conventions shall ascertain what rates, restrictions, exactions, or regulations are imposed by a foreign country upon importations from this country?

Mr. Chairman, I have great regard for the Chairman of the Committee of the Whole, as I have great regard for the gentleman from Alabama [Mr. UNDERWOOD]. I have given some attention to parliamentary law and practice in this House. It is seldom that I express a personal opinion like this, but I do not see how anyone can honestly pretend that this amendment for a tariff commission is not germane to the provisions of this bill. If the political conditions are so strenuous upon the other side of the aisle that they dare not take a vote on the tariff commission, then I have no criticism to make if through some method they prevent it from coming before the House; but it will be the effort of men who are afraid and not of men who have nerve to meet the situation. I have always been willing to vote on any proposition which could be presented to the House. I admire the man who is bold enough to take his political life in his hand and not be afraid to vote, and I had hoped that the other side of the House would not be afraid to vote upon a proposition creating a tariff commission. You have repeatedly declared that you were against it. Why should the point of order be made at all upon this proposition? The gentleman from Alabama, who holds the other side of the House in the small of his hand, has repeatedly declared that he has recanted since he favored the creation of a tariff commission, and that he now stands solidly against it. Why should he make a point of order? Has the time come when he is afraid that the solid phalanx on the other side of the House would break in the middle? I do not know whether the solid phalanx on the other side of the House would break in the middle, but if you think you can prevent our taking to the country the question of the scientific making of a tariff bill you are mistaken.

We may not have the opportunity to break your solid phalanx in this Congress, but you prevent a vote on this question in this Congress and we will show you a majority in the next Congress. [Applause on the Republican side.]

Mr. MURDOCK. Mr. Chairman, if the point of order is not sustained I propose to offer an amendment to the motion of the gentleman from New York, and if the point of order is sustained I propose to offer a proposition for a tariff commission as an amendment to the administrative features of the bill, where I hope it will be held to be germane. Now, I am aware of the fact that the rule as to the germaneness of motions in this body is constantly narrowing, largely by reason of the fact that most of the time the House is busy with the consideration of appropriation bills, where the rule is strictly interpreted. The precedents have conformed largely to the necessities of consideration of appropriation bills. The last time that a tariff commission was offered, I think, as an amendment in this House was when an appropriation bill was pending. On May 23, 1910, the gentleman from Illinois [Mr. MANN] was in the chair, and a point of order was made by the gentleman from New York [Mr. FITZGERALD] against a tariff-commission bill which had been offered to the appropriation bill, and after

long argument—argument which consumed the greater part of the day—the point of order made by Mr. FITZGERALD was sustained by the gentleman from Illinois [Mr. MANN] on the ground that it was new legislation, as I remember it. That was on an amendment to an appropriation bill. When it comes to the matter of an amendment to a revenue measure the rule of germaneness is quite different. The rule reads as follows:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill.

The subject matter of this tariff bill has wide latitude. The bill has a dutiable list, it has a free list, it has an income-tax feature, and, in addition, a long list of administrative provisions. Some of those provisions have latitude in themselves of an exceptional nature. The first paragraph in section 4, Paragraph A, says:

A. That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce.

But the bill goes even further than that in its latitude, as I wish to point out to the Chairman. Paragraph R of the same section provides that the President of the United States shall have a survey of the selling price of goods abroad. It is in this language:

R. That whenever articles are exported to the United States of a class or kind made or produced in the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall, in addition to the duties otherwise established, be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned, and the said fair market value thereof for home consumption, provided that the said special duty shall not exceed 15 per cent ad valorem in any case and that goods whereon the duties otherwise established are equal to 50 per cent ad valorem shall be exempt from such special duty.

Now, Mr. Chairman, the bill goes even further than that in its latitude. It provides, for instance, a certain regulation as to the duties to be levied, dependent on the way in which the goods are transported to the country, whether in foreign or American bottoms, and it seems to me that the wide range of the subject matter of the bill is such that under the rule which I have recited the amendment offered by the gentleman from New York [Mr. PAYNE] is in order. If it is not in order at the point at which it is offered it certainly must be in order in the paragraphs in the administrative section of the bill which I have cited. I want to say, Mr. Chairman, from my own viewpoint, that I do not believe that the commission proposed by the gentleman from New York, if it should be held in order and if it should be enacted by the Congress of the United States, would be an effective and an efficient commission. I do not believe that the proposal of the gentleman empowers the commission to get all the facts. I do believe that the commission proposed in the amendment which I shall offer at another place in this bill will be efficient; that it has teeth; that it has the power fully defined to adduce all the facts needed and lay a basis for the only just revision of the tariff this country can have.

Mr. HARDWICK. Mr. Chairman, it seems to me that under two rules of the House this amendment is clearly not in order. Clause 7 of Rule XVI provides that a subject different from that under consideration may not be introduced under color of amendment. I wish to refer the Chairman to two precedents that seem to me to be in order on this point:

On December 31, 1827, Mr. Rollin C. Mallary, of Vermont, presented this resolution from the Committee on Manufactures:

"*Resolved*, That the Committee on Manufactures be invested with the power to send for persons and papers."

It was explained that the committee wished this power in order to acquire information to be used in framing a tariff bill. Mr. Andrew Steward, of Pennsylvania, proposed an amendment to strike out all after the word "Resolved" and insert:

"That it is expedient to amend the existing tariff laws by increasing the duties on the following importations—raw wool and woolens, bar iron," etc.

Mr. John Floyd, of Virginia, made a point of order against the amendment.

The Speaker (Mr. Andrew Stevenson, of Virginia) decided that the amendment was not in order, inasmuch as the proposition was on a subject different from that under consideration, and consequently inadmissible, under color of amendment, by the rules and practice of the House.

Now, one other precedent. I refer you now to a decision made in 1880 by Representative Carlisle, of Kentucky, who was then presiding as Chairman of the Whole House:

On March 17, 1880, the House was considering "a bill making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes," when Mr. Otho R. Singleton, of Mississippi, offered an amendment for the purpose of repealing the law making the Public Printer an officer appointed by the President, making the Public Printer an elective officer of the House of Representatives, etc.

Mr. John A. McMahon, of Ohio, made a point of order against the amendment.

After debate the Chairman ruled.

I am not going to read all of it. It is found in Hinds' Precedents, volume 5, page 422. Among other things, the Chairman said:

It will be observed that each of these rules admitted amendments introducing new motions or propositions, if they were not offered as substitutes for the motion or proposition under debate. But in March, 1822, the House changed the rule of 1789 so as to make it read as follows:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

And in this form the rule has stood ever since, and now constitutes a part of the seventh clause of Rule XVI in the recent revision. The rule does not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose—

That was just as the gentleman from Alabama [Mr. UNDERWOOD] called attention to in the beginning—

But after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise.

Also, again, the Chairman, Mr. Carlisle, said this:

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration within the meaning of the rule; and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

Mr. Chairman Carlisle continues:

It neither increases nor diminishes the amount proposed to be appropriated by the bill; nor does it in any manner affect the expenditure of the money proposed to be appropriated by the bill.

So I make the same point, Mr. Chairman, that this proposed amendment in no way affects the revenue to be raised by this bill. Not only that, Mr. Chairman, but it seems to me the strongest of all reasons that can be given under the more recent rule we have adopted. Clause 3 of Rule XXI provides no amendment shall be offered which is not germane to the subject matter in the bill. And that is quite different from the subject matter of the bill; and yet gentlemen have used the terms indiscriminately so far during this discussion.

Now, what was the subject matter in the bill?

Section 1 of the tariff bill imposes duties and prescribes the free list, section 2 contains the income-tax provisions, and sections 3 and 4 are the administrative sections. But, Mr. Chairman, I do say this, in the administration provisions in this bill you will find nowhere any subject matter, in any one of them, to which the provisions embraced in the motion submitted by the gentleman from New York are germane. Let us see. There are three substantive propositions, as I understand it, that are embraced in the motion of the gentleman from New York [Mr. PAYNE]. This commission that he proposes is to do what? First, it is to investigate the cost of production of all articles affected by the tariff.

I wish to inquire of the gentleman from New York [Mr. PAYNE] and of the gentleman from Illinois [Mr. MANN] to what provision in the pending bill is that germane? We have conferred no such authority on our President in this bill or on anyone else.

Second. The second substantive proposition carried in the gentleman's motion is that a tariff board shall investigate with special reference to the prices paid domestic and foreign labor. To what proposition of our bill is that germane, I again inquire of the gentleman from New York [Mr. PAYNE] and the gentleman from Illinois [Mr. MANN]?

The third proposition is that the Tariff Board provided for in this amendment shall investigate foreign tariffs and determine their effects. To what proposition in this bill is that germane?

So that, Mr. Chairman, even under clause 7 of Rule XVI, fairly construed, and even construed with liberality, it seems to me the weight of authority is that this amendment would not be in order, because it is really a different subject matter that is introduced by it.

But when you consider the modification of the rules of this House that was established by the third clause of Rule XXI, adopted at the beginning of the last Congress, it seems to me there is no doubt that this amendment is clearly out of order, because you can take the three substantive propositions that are carried in the gentleman's motion—first, to investigate the difference in the cost of production at home and abroad, and there is no proposition in our bill, administrative or otherwise, to which it fairly relates; and, second, the same thing can be said about the difference in the cost of labor; and, third, the same thing also can be said about the effects of foreign tariffs—so that I say there is no one of the three substantive propositions carried in the motion of the gentleman from New

York [Mr. PAYNE] that is germane to anything in this bill, and I therefore think that the point of order against the gentleman's motion ought to be sustained.

Mr. GARDNER. Mr. Chairman, the only question here is whether this amendment is germane to any part of the tariff bill. The gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] have fairly pointed out the provisions under which the President is directed to ascertain information. This amendment is germane to those provisions. Even if no such clauses were included, this amendment would be germane to any bill raising revenue, under the interpretation which this House has given more than once to the meaning of those words, "raising revenue."

The question of the meaning of the words "raising revenue" does not happen to have come up, so far as I know, in this particular form, but it has come up—in fact, I raised it myself—in connection with a question of privilege. The gentleman from New York [Mr. PAYNE] a number of years ago claimed the right to bring before the House as a matter of privilege a bill consolidating customs districts throughout the country. I raised the point of order that the question was not a matter of privilege, because, as I held, a bill for the consolidation of customs districts is not a bill raising revenue.

I also raised another point of order, which was sustained; but as to my point of order that a bill consolidating customs districts was not a bill raising revenue, I was overruled by Mr. Speaker Cannon on the 12th day of February, 1906. You will find the decision recorded on page 2453 of the CONGRESSIONAL RECORD, a copy of which I have sent up to the Chair.

If the Chair will observe, at the bottom of the first column, on page 2453, at the place where I have marked the book, the gentleman from New York [Mr. PAYNE] moved that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill to provide for the consolidation and reorganization of customs-collection districts. Against this motion I raised the two points of order of which I have spoken.

Now, if the Chair will turn to the bottom of page 2454, he will find the ruling of Mr. Speaker Cannon:

> The SPEAKER The Chair is ready to rule, unless the gentleman desires to address the Chair further. The Chair would be ready to follow, touching the first point of order made by the gentleman from Massachusetts [Mr. GARDNER], the ruling by Mr. Speaker Reed, in which ruling the Chair concurs. Even without that ruling the Chair would be inclined to hold that this bill under the rule was privileged.

Now, what is the ruling of Mr. Speaker Reed, to which Mr. Speaker Cannon referred? If the Chair will turn back to page 2453 and look near the bottom of the second column he will find that—

> On May 4, 1898, Mr. Charles H. Grosvenor, of Ohio, called up as a privileged matter the joint resolution (H. Res. 27) to repeal the joint resolution in reference to the free zone on the frontier of Mexico, the subject involved being the transportation of dutiable goods and its relation to smuggling.
> Mr. Samuel W. T. Lanham, of Texas, made the point of order that this was not a bill "raising revenue."

The Chair, who at that time was Mr. Speaker Reed, ruled, as the Chair will find by turning to page 2454, at the top of the first column, as follows:

> So it seems to the Chair that, this being a measure relating to the revenues and the collection of the revenues, and without determining whether it increases or decreases the revenue, it is a matter that comes strictly within the rules and can be considered under the rules.
> The Chair therefore overrules the question of order raised by the gentleman from Texas.

Now, of course those were not exactly parallel cases. In this instance it is not a question of privilege. It is a question of germaneness. What I wish to point out to the Chair is that these rulings indicate the practice of this House in the interpretation of the meaning of the words "bill raising revenue," and for that reason I ask the attention of the Chair to these rulings.

The CHAIRMAN. If this came in as an independent bill, reported from the Ways and Means Committee, would it, in the opinion of the gentleman, be privileged?

Mr. GARDNER. Unquestionably.

Mr. SHERLEY. If the Chair will permit—not to cover ground already covered, but to answer the gentleman from Massachusetts—the contention of the gentleman, boiled down, is that whatever would have been a proper matter for the Committee on Ways and Means to report as privileged would be germane to this bill, because this matter is privileged and properly comes from the Ways and Means Committee.

Mr. GARDNER. The gentleman ought not to put into my mouth such a non sequitur as that.

Mr. SHERLEY. The gentleman from Massachusetts did not put it that baldly, because that would have destroyed the gentleman's argument; but the effect of his statement is that the Chair held once that a bill undertaking to consolidate certain customs districts was a privileged bill, that could be reported from the Ways and Means Committee, and therefore that it would be germane to a revenue bill; but the proposition with which the Chair is confronted is whether such a bill as the present one having been reported, there is anything in it to which this proposed amendment can be held to be germane. It is not a question as to whether this particular Tariff Board amendment would be a matter proper to be referred to the Committee on Ways and Means, and reported by it, and which, being reported by it, would be privileged, but it is whether there is anything in this bill raising revenue which makes this amendment germane to it.

Now, I submit to the Chair that nothing has been advanced by the other side to show that the matter is germane to the bill. It does not affect the raising of revenue as applied in this bill. It does not affect rates at all. It simply provides for the creation of a board which shall have certain defined duties. And, by the way, in passing, it does not enlarge in the slightest the power that now exists to ascertain everything that is desired in this particular, because the Bureau of Foreign and Domestic Commerce created last year by a Democratic House has all the power that is given in this bill, in language as explicit as that contained in this amendment. Now, it would be very much more appropriate to amend that law than to add it to this particular revenue bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. MANN Is there any provision under which the Bureau of Foreign and Domestic Commerce can subpœna witnesses and take their testimony under oath?

Mr. SHERLEY. I do not think there is any doubt that the bureau has ample power to make such investigations and reports as are necessary to advise Congress or the President fully on tariff matters.

Mr. MANN. I notice that the gentleman did not answer the question.

Mr. SHERLEY. Well, the gentleman asked a question that is not necessarily germane. I have the provision that transfers the duties of the old bureau to the Bureau of Foreign and Domestic Commerce. I am not prepared to say offhand whether that bureau would have the right to subpœna witnesses or not, but I am prepared to say that in several respects the language of this law creating the Bureau of Foreign and Domestic Commerce makes a more complete bureau for the investigation of tariff matters than the proposed amendment of the gentleman from New York.

Mr. MANN. Surely the gentleman does not say that seriously.

Mr. SHERLEY. It is not only said seriously, but I think it is demonstrably accurate.

The law creating the Bureau of Foreign and Domestic Commerce is found in Public Act, No. 299, approved August 23, 1912, and is as follows:

> The Bureau of Manufactures and the Bureau of Statistics, both of the Department of Commerce and Labor, are hereby consolidated into one bureau to be known as the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Manufactures and the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.
> Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.
> Bureau of Foreign and Domestic Commerce: Chief of bureau, $4,000; assistant chiefs of bureau, 1 at $3,000, 1 at $2,750; Chief of Division of Consular Reports, $2,500; chief clerk, $2,250; stenographer to chief of the bureau, $1,600; clerks—7 of class 4, 5 of class 3, 1 at $1,500, 11 of class 2, 14 of class 1, 17 at $1,000 each, 11 at $900 each; messenger; 5 assistant messengers; 4 laborers; laborer, $480; in all, $104,860.
> To enable the Bureau of Foreign and Domestic Commerce to collate and publish the tariffs of foreign countries in the English language, with the equivalents in currency, weights, and measures of the United States of all such foreign terms used in said tariffs, and to furnish information to Congress and the Executive relative to customs laws and regulations of foreign countries, and the purchase of books and periodicals, $10,000.

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

Mr. GARDNER. The gentleman from Kentucky is mistaken in supposing that I cited only one case. I cited the free-zone case in Mexico, and I cited the case of the consolidation of the customhouses and districts. In both cases the Committee on Ways and Means claimed privilege for their bills under section 56 of Rule XI, which gives the Committee on Ways and Means the right to report at any time "on bills raising revenue."

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. GARDNER. Yes.

Mr. SHERLEY. Suppose there was a bill reported out by the Ways and Means Committee that dealt with internal revenue alone and only one subject of internal revenue; does the gentleman think it would be in order to offer as an amendment to that a reciprocity agreement touching customs duties with Canada?

Mr. GARDNER. Probably not. Now, Mr. Chairman, in the two cases which I cited privilege was claimed under that provision of the rules which gives the Committee on Ways and Means the right to report at any time "on bills raising revenue." There is nothing else under the sun for which the Committee on Ways and Means may claim privilege except bills raising revenue. Such being the case, the question has arisen, What is the meaning which the House gives to the words "bills raising revenue"? Twice it has been decided distinctly that the words "bills raising revenue" must be construed in the broadest possible way.

Mr. FITZGERALD. Mr. Chairman, I believe the committee is indebted to the gentleman from Massachusetts for raising an issue which simplifies the determination of this question. My understanding of the contention of the gentleman from Massachusetts is that the criterion in this instance is as to whether a particular bill is privileged under the rule giving the committee the right to report bills affecting the revenue. That rule has been very broadly construed in sustaining the power of the Committee on Ways and Means, and I take it that the contention of the gentleman from Massachusetts is that to a bill raising revenue, reported from the Committee on Ways and Means, which is a privileged matter, any amendment which, if proposed as an independent measure, would be privileged as a separate measure if reported from the Committee on Ways and Means, would be in order as an amendment to this bill.

The gentleman from Massachusetts has not been as frank in calling attention to the precedents on this occasion as he usually is. Under paragraph 56 of Rule XI, section 772 of the digest, where the authorities are collated, there is an authority to which the gentleman has failed to call attention.

The digest sets forth:

The privilege of the Committee on Ways and Means to report bills raising revenue is broadly construed to cover bills relating to the revenue, but a bill providing for a tariff commission and a declaratory resolution on a subject relating to the revenue were held not to be within the privilege.

Hinds' Precedents, volume 4, section 4626, presents this very case, where a bill had been reported from the Committee on Ways and Means providing for a tariff commission, and it was held not to be a revenue bill within the meaning of the rule making revenue bills privileged.

4626. A bill providing for a tariff commission was held not to be a revenue bill within the meaning of the rule giving such bills privilege. On March 7, 1882, the House being in Committee of the Whole House on the state of the Union, Mr. John A. Kasson, of Iowa, moved that the committee proceed to the consideration of the bill (H. R. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue law, which had been reported from the Committee on Ways and Means.

Mr. Edward K. Valentine, of Nebraska, made the point of order that this bill might not be taken up out of order, since it was neither a revenue bill nor an appropriation bill nor a bill for the improvement of rivers and harbors.

At that time, Mr. Chairman, under the rules of the House the practice was instead of moving to go into Committee of the Whole House on the state of the Union to consider some particular bill to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider bills on the Union or the Private Calendar, and then by motion a bill was selected for consideration. If it were a privileged bill, it could be taken up out of order, thus putting it in the same category as under our present practice, where the motion is to go into Committee of the Whole House on the state of the Union to consider revenue bills as privileged matter.

After debate, the Chairman ruled—

The Chair finds on inspection of the bill, in the first instance, that it provides for a commission called "the Tariff Commission"; that in the second section it gives the number of such commissioners, provides for their salaries, and the payment of such officers and assistants as may be provided. In the third section the duty of such commission is prescribed. It is to take into consideration and thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff; and for the purpose of fully examining the matters which may come before it, such commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable. The fourth section provides that the commission shall make to Congress final report of the result of its investigation at certain times prescribed in the bill.

It is apparent that the bill was very similar in its chief characteristics to the proposed amendment of the gentleman from New York [Mr. PAYNE].

The Chair finds in the memoranda of the bill it was introduced and referred to the Committee on Ways and Means January 9, 1882, and on February 8, 1882, was reported back with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Reference has been made in the course of the debate to a certain clause of the rules in order to assist a proper decision. Rule XI provides:

"All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating to the revenue and the bonded debt of the United States, to the Committee on Ways and Means."

Under clause 4 of the same rule committees are given leave to report at any time on matters therein stated. The Committee on Ways and Means is authorized to report on bills raising revenue.

The single question the Chair is called on to decide is this: Is the present bill one entitled to precedence under clause 4 of Rule XXIII in its consideration before the Committee of the Whole? If it is entitled to such precedence, it is entitled because of the language of the rule, and that language is "bills for raising revenue."

The Chair would suggest no light is thrown on the subject, in his judgment, by the citation of Rule XI, regulating the submission of certain matters to the committee. Nor, again, is any help derived by the rule which relates to the report of the committee. Plainly the consideration of those is quite immaterial at the present moment.

Is this a bill for raising revenue? It is a bill to instruct a commission to investigate the various great interests of the country and to report the result of these investigations to Congress.

It will be noticed the language of the fourth clause is not bills relating to revenue; it will be noticed it is not subjects relating to revenue; nor is it revenue bills, but bills for raising revenue. In other words, to carry out the provisions and power expressed in the Constitution authorizing Congress to lay and collect taxes, duties, and imposts. The Chair understands the words "bills raising revenue" to mean bills laying taxes, authorizing duties and imposts within the provisions of the Constitution; and the Chair believes that that is the proper construction of this rule.

The question is one simply of the precedence of business. The other questions which have been alluded to as of great importance, the problem whether or not in certain stages of consideration amendments might be offered, are not material to that discussion of consideration. It is sufficient to decide those when they are reached.

Then the Chair, citing some other matters which are not quite material, sustained the point of order, and ruled that the bill had not precedence under the rules at that time.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. The gentleman has omitted to read the second footnote to that case on page 956. Will the gentleman be kind enough to read that or allow me to read it?

Mr. FITZGERALD. Mr. Chairman, I called attention to it. It says:

See section 4020 for the form of rules, etc.

I called attention at the outset of my statement to the fact that procedure at that time was different under the rules than the existing procedure. At that time the motion was to go into the Committee of the Whole House on the state of the Union for the purpose of considering bills on the Union Calendar. When the committee was formed, bills which were then privileged, because the committee had the right to report at any time, could be taken up out of order on the calendar. The practice now is different in that under our present rules and practice the motion is made at the outset that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering a designated bill, and the bill must be of the privileged character in order to permit the motion to prevail against objection.

If the gentleman from Alabama at any time on any day after the Journal has been approved submitted a motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering a bill to create a tariff commission, if the point of order were interposed that it was not a privileged motion, there can be no doubt in the mind of the Chair that the Chair would hold the motion could not prevail, but must be declared out of order. The whole argument of the gentleman from Massachusetts [Mr. GARDNER] was to the effect that this proposed amendment was in order because it was germane under the rule, it being a matter over which the Committee on Ways and Means had jurisdiction, and that it would be privileged because it came within the rulings describing bills as bills raising revenue. If the gentleman's contention can not be sustained, then the entire argument must fall.

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. GARDNER. Will not the gentleman admit he has been discussing a case decided by Chairman Robinson under another form of the rule and overruled by two Speakers of the House, as the footnotes clearly indicate?

Mr. FITZGERALD. The footnotes in the volume of Hinds' Precedents which I have do not so indicate.

Mr. GARDNER. Will the gentleman admit that he has been reading the ruling of Chairman Robinson, and that it was overruled by Mr. Speaker Reed and Mr. Speaker Cannon?

Mr. FITZGERALD. Oh, no.

Mr. GARDNER. That is the ruling before the rule was changed——

Mr. FITZGERALD. I make no such statement. If the ruling has been substantially overruled by Mr. Speaker Reed and Mr. Speaker Cannon, the very distinguished gentleman who prepared this digest, and who was Mr. Reed's parliamentary clerk and admired as a parliamentarian above all men who had ever served in Congress and for whose decisions he had a particularly high regard, would have clearly indicated in the notes that this decision was no longer considered as binding, but had been overruled by Mr. Speaker Reed; but there is no such note, there is no such indication.

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. Just let me finish this statement, because I wish it complete. If the gentleman from Maine, who prepared——

Mr. GARDNER. Just a moment——

Mr. FITZGERALD (continuing). If Mr. HINDS, who prepared the Precedents, which are so valuable, had any suspicion that this ruling was not a precedent to be followed, he would not have taken a page and a half in setting forth in fine type the reasoning of Mr. Robinson, the chairman of the committee, who made this decision.

Mr. GARDNER. Will the gentleman yield to me for one question?

Mr. FITZGERALD. Yes; I yield.

Mr. GARDNER. What is the meaning of this sentence in Mr. HINDS's footnotes: "It is now the usage under the rule to move to take up any bill"?

Mr. FITZGERALD. I supposed the gentleman from Massachusetts was more familiar with the rules than he indicates, but perhaps it is necessary even to remind him of what the practice is. Under the rules to-day, Mr. Chairman, there is what is known as the morning hour, not very frequently taken advantage of, but nevertheless there is a morning hour under the rule. When the committees are called, for one hour, any bill upon the House Calendar, at the direction of the committee reporting it, can be called up for consideration. At the expiration of one hour from the time the call of committees has commenced any Member, if he be authorized by a committee to do so, can take a Member off the floor and submit a motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of some particular bill upon the Union Calendar. In 1882, if I recall what the practice was at that time, although I have not refreshed my memory recently, instead of submitting a motion to consider a particular bill the motion in order was to resolve the House into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar. Under our present practice one amendment is in order to a motion; that is, to take up a particular bill and substitute another. If my memory be inaccurate, I am quite sure the gentleman from Massachusetts and his collaborator, the gentleman from Maine, who prepared these precedents, will correct me, and I shall wait a moment to give them that opportunity. If not, I shall proceed further. While I have not read the rules which were in force in 1882 for some time, yet——

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. MANN. The motions which the gentleman made attracted our attention, but we could not hear what the gentleman said.

Mr. FITZGERALD. I will repeat it. Under our present practice—and I invite the attention of the gentlemen from New England, so that I may not be compelled to make this statement a third time; I invite the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Maine [Mr. HINDS] to give attention to this statement, so I may pass beyond this point in the argument—under our rules at the present time there is a morning hour.

Mr. GARDNER. Will the gentleman yield? I heard the gentleman's previous explanation.

Mr. FITZGERALD. Well, the gentleman from Illinois, the leader of the distinguished gentleman from Massachusetts, called my attention to the fact he could not hear.

Mr. GARDNER. I will answer, if the gentleman wishes me, now.

Mr. FITZGERALD. The gentleman called my attention to the fact that my statement had not been heard by the gentleman.

Mr. GARDNER. I heard the whole dissertation on the morning hour and on the motion to go into the Committee of the Whole House on the state of the Union, which follows it under the order of business. The subject has nothing to do with the footnote. The gentleman knows that any bill on the Union Calendar may be reached under the next order of business after the morning hour. He knows that the footnote can not possibly have any reference to that circumstance.

Mr. FITZGERALD. The gentleman's illuminating explanation has not satisfied me and has not demonstrated that my statement of the practice now and in 1882 is incorrect.

The CHAIRMAN. The Chair will suggest to the gentleman from New York that his opinion is that the question of whether or not the matter is privileged——

Mr. FITZGERALD. That is quite true, Mr. Chairman. It is not. But it has a very important bearing on the question as to whether this amendment is germane. It was to that point that I was coming. Because if the contention of the gentleman from Massachusetts can not be sustained the entire argument of the gentlemen on that side must fall. Under decisions, entirely new subject matter, although it may have some relation to matters in the bill, can not be admitted as an amendment on the theory that it is germane.

One valuable test to ascertain whether this proposed amendment is germane to the subject matter in the bill is this test as to whether if it were contained in a separate bill and reported from the Committee on Ways and Means it would be privileged, because the Committee on Ways and Means could only report such matters as privileged under the rule as relate to the revenue. As it has been held that a bill creating a tariff commission is not privileged, it must be a matter distinct from the subject matter of a revenue bill. It seems to me, Mr. Chairman, in view of the difficulty at times of determining what is the subject matter of a bill, and how some matters relating to one another may still not be germane, that here is a test for the pending question that clearly demonstrates that this particular provision can not be held to be germane to subject matter in this bill.

Mr. COOPER. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. FITZGERALD. I will.

Mr. COOPER. The gentleman says that the proposed amendment is not germane to the subject matter in the bill or of the bill. Now, I ask the gentleman this question: The bill has more than one purpose, has it not? The title says the bill is a bill "To reduce tariff duties." That is one purpose. It further says that it is a bill "To provide revenue." That is another purpose. And then, that it is a bill "For other purposes."

Mr. FITZGERALD. Well, specify them.

Mr. COOPER. One of them, these other purposes, is distinctly specified in paragraph A, on page 195. I ask the gentleman from New York if that is not true. Paragraph A, on page 195 of the bill, provides for something entirely distinct from the reduction of revenue rates or the providing of revenue.

Mr. FITZGERALD. That may be——

Mr. COOPER. Please permit me to ask a question. That paragraph expressly authorizes and empowers the President of the United States to negotiate trade agreements with a view to increasing importations into this country and to extending our exports to foreign countries, and with a view to mutual concessions looking to freer trade and further reciprocal expansion of trade. That is the language of the bill. Now, I ask the gentleman from New York [Mr. FITZGERALD] if that paragraph does not involve inquiry for the ascertainment of facts, which inquiry it is impossible for the President himself to conduct, and, that being so, does not the amendment of the gentleman from New York [Mr. PAYNE] simply provide the machinery necessary to ascertain the facts, the effect of rates abroad, the effect of the exactions of foreign laws, the effect of foreign export duties and bounties, and of any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, in order to enable the President properly to execute this provision authorizing him to negotiate reciprocal trade agreements with a view to extending our trade? It simply provides the machinery absolutely necessary for the ascertainment of the facts, without which it will be impossible for the President successfully to negotiate reciprocal trade agreements.

Mr. FITZGERALD. Whatever opinion the gentleman may have as to whether this amendment provides the machinery to

enable that to be done, it does not itself make a provision to provide a tariff commission or provide the machinery to carry out the purposes of the bill germane under the rule. For instance, I call the gentleman's attention to this reference in the digest:

Subjects are not necessarily germane because they are related. Thus the following have been held not to be germane:
To a proposition relating to the terms of Senators, an amendment changing the manner of election.

That merely provided the machinery for the election of the Senators whose terms were changed, but it was not sufficient to make the provision germane, and it was not held to be in order. And so in this instance, merely because some machinery is needed to enable the President to discharge duties imposed upon him, it does not necessarily mean that legislation providing the machinery is germane to the legislation imposing the duties.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LENROOT. Mr. Chairman, I do not believe that it is necessary for the Chair to decide the issue raised between the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from New York [Mr. FITZGERALD]. I do not believe that the Chair in passing upon this question will consider the question whether this amendment is offered at the proper place or not, but he will decide whether it is proper at any place in the bill.

Now, Mr. Chairman, there are two purposes in the amendment offered by the gentleman from New York [Mr. PAYNE], one looking to the readjustment of import duties in the future and the other to aid the President in the administration of this very law.

Now, with reference to the first—and my colleague from Wisconsin [Mr. COOPER] has called the attention of the House to section 4—I will ask the Chair to turn to that section, paragraph A.

The CHAIRMAN. What page?

Mr. LENROOT. Page 195. It reads:

That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country—

And so forth. Now let me stop right there for a moment. This amendment looks toward a future adjustment of tariff duties. This very bill now under consideration before the committee also has opened the same door, because it looks toward a future adjustment of tariff duties. This bill as it is framed at present proposes doing it in a certain way, to wit, by empowering the President to negotiate trade agreements with foreign nations. And then it provides that when those treaties have been negotiated they shall be submitted to Congress, to the House as well as to the Senate, for ratification.

Now, Mr. Chairman, supposing this amendment offered by the gentleman from New York [Mr. PAYNE] was offered to paragraph A, so that it would read: "That for the purpose of readjusting the present duties on importations into the United States, and at the same time to encourage the export trade of this country, the President shall" do these things "and also a tariff commission shall be created," just as is proposed by the gentleman from New York.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. LENROOT. Certainly.

Mr. HARDWICK. The Tariff Commission, according to the gentleman's amendment, is to do three things, which are entirely different from that provided for in the section of the bill which the gentleman refers to.

Mr. LENROOT. We shall see about that. The gentleman says it is to do three things. There are only two, as a matter of fact, first, to ascertain the cost of production, and, second, to aid the President, and they are strictly germane to the provisions of the bill. Now, those all tend either to the administration of the law or to a future adjustment of tariff duties, just as you provide in the beginning of paragraph A.

But aside from that, Mr. Chairman, let us consider its germaneness with reference to the language of section A, empowering the President to negotiate treaties with other countries. What is the information that the amendment offered by the gentleman from New York proposes to secure? Information as to differences in cost of production, differences in wages, differences in prices. Will the Chair rule that that information is not of value to the President of the United States; is not of value to the Congress of the United States when those treaties shall be prepared by the President and returned to the Congress for ratification?

Of course, I appreciate the fact that one side of this House does not believe, or at least some of the time does not believe [laughter on the Republican side], that costs of production have anything to do with a treaty or with a tariff duty, and yet, of course, the Chair would not rule it out upon that question, knowing that one great school of political thought does believe that the cost of production was a very material element in the fixing of import duties.

Now, with reference to the amendment itself—and I shall be very brief—there are but two sections in the amendment for the Chair to consider in this connection, and they are sections III and IV.

Section 3 empowers the commission to make this investigation of cost of production, and so forth, for what purpose? For such facts as—

may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws.

What law? This bill, soon to become a law, that is now under consideration. And is it not a germane proposition to provide, as a part of the administrative features of the law, another body of experts to aid the President in administering this law?

And in order to show that he will need information of this kind, let me call the attention of the Chair to section 4:

That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in negotiating trade agreements with foreign nations and other administrative provisions of the customs laws, the commission shall, from time to time, make report, as the President shall direct.

Now, you have a section in the administrative part of this bill which provides that if any foreign country shall grant a bounty upon articles exported to the United States there shall be added to the rates you have proposed in this bill to the import duties the amount of that bounty. And is it not going to be necessary for the President to get that information? And in this amendment that the gentleman from New York offers it is expressly provided that this proposed tariff commission shall, for the purpose of assisting the President of the United States, secure this information.

Further on you have another section, known as the dumping clause, that has already been referred to, that where articles are sold or invoiced at a less price here than they are commonly sold for abroad there shall be an added duty imposed on those articles. It will be necessary for the President of the United States to get that information.

And so all of the information that is sought to be secured through the medium of a tariff commission is information that is proper and necessary under the terms of this bill, and the Chair can well throw aside any question of whether this would under some circumstances be privileged or not, because, it seems to me, the Chair must find that the language in the administrative features of this bill is such as absolutely to make this amendment germane.

Mr. HARDWICK. Suppose out of a good many propositions embraced in the motion of the gentleman from New York [Mr. PAYNE] one, and one only, might be considered germane. Could that be coupled up with a lot of other things that would be held not germane and the amendment of the gentleman from New York be held in order?

Mr. LENROOT. I admit that it could not; and I have tried to show that every particle of investigation that the Tariff Commission is directed to make is proper and necessary under the various sections of this bill. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, we all differ on many questions, and after listening for many years to arguments on points of order I recognize the fact that gentlemen can differ further on what is germane to a bill than on any other subject. But it does not seem to me there can be the question of a doubt that this proposition is not germane to this bill.

A few minutes ago the gentleman from Massachusetts [Mr. GARDNER] said that a revenue bill was one which raised money. As a matter of fact, the language of the rule is that bills affecting the revenue are privileged in the House. Now, there can be no question under that rule that this amendment does not affect revenue. It may affect the information of a body of men who intend to write a bill that affects revenue, but in itself it has no clause whatever that affects the purpose of this bill. Now, gentlemen seek to hang the germaneness of this bill on the proposition that we have directed the President of the United States to inform the Congress as to certain facts in reference to the importation of goods into this country. That does not make this proposition germane to it. This House

within a year has established the machinery of government by which the President of the United States can assemble the facts desired; and through that machinery, already established, can give the Congress not only the information that we call for in this bill, but can give Congress all the information called for in this so-called Tariff Board amendment. The Bureau of Foreign and Domestic Commerce was builded for that purpose.

The gentleman from Illinois [Mr. MANN] says that I have recanted. No man in this House ever asserted more positively than I have asserted before and reiterate now, that I desire that this House and the Ways and Means Committee shall be given all information. But I know from past experience that these tariff commissions are junketing boards; that they are places in which high favorites may draw royal salaries. We have created for the purpose of administration of this act a bureau of the Government that will be effective and can be effective.

Now, Mr. Chairman, there is about as much logic in saying that because we have called for a report by the President, or called for a consideration of the dumping clause in this bill, where there is other machinery of the Government to ascertain the facts, that this board is germane to this bill because it might produce machinery on which these facts should be ascertained as it is to say that a bill reorganizing the entire judicial system of the United States is germane to this revenue bill.

Why, there is clause after clause in the administration features of this bill that says that the circuit court and the district court of the United States shall have jurisdiction over certain offenses, and that they are authorized to punish people for violating the terms of this law. You can say with just as much logic and just as much force that the machinery of the courts of this land is to-day ineffective to carry out the provisions of this bill, and therefore it is in order and germane to bring before this House an amendment that would revise our entire judicial system. Why not do so? If the only peg you have to hang this contention on is that you need, according to your views, a better piece of machinery to ascertain the facts than you have to-day, why can not you contend just as legitimately that you need a better piece of machinery to punish crime than you have to-day?

Mr. GARDNER. Mr. Chairman, I call the attention of the Chair to the fact that section 56, Rule XI, gives to the Committee on Ways and Means the privilege to report at any time "on bills raising revenue." I hope the gentleman from Alabama, who has contradicted me, will insert in the RECORD the provision of the rule which I understood him to say gives the committee the privilege to report at any time on bills affecting the revenue.

The CHAIRMAN. The bill being considered by the committee is H. R. 3321, entitled "A bill to reduce tariff duties and to provide revenue for the Government, and for other purposes." The subject of the bill is presumed to be and is in fact stated very fully in the title. The gentleman from New York [Mr. PAYNE] has proposed as a new paragraph an amendment at the end of section 1 to create a tariff commission. The gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that the amendment proposed by the gentleman from New York [Mr. PAYNE] is not in order, because it is not germane to the bill under the rules of the House.

Under general parliamentary law, as the Chair remembers the history of it, such an amendment would unquestionably be in order, and if it be not in order now it is because of the rules of the House which have been adopted for its guidance.

Section 7 of Rule XVI is an old rule in this House, having been in operation, if the Chair remembers correctly, since 1822. That part of it which seems to be germane to this discussion now is:

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

At the beginning of the last Congress an additional rule was placed in the rules of the House, which reads:

> No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill, nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The last paragraph which the Chair read admittedly would have no application to the particular case now under consideration before the committee. But the language of the first part of this clause 3, Rule XXI—"no amendment shall be in order to any bill affecting revenue which is not germane to the subject matter of the bill"—evidently was intended to still further restrict the policy contained in clause 7 of Rule XVI. Now, it is admitted by all that the Committee on Ways and Means, as, indeed, I think, every other committee in the House except the Committee on Appropriations, can bring in as a substantive part of a bill legislative matters that would not be in order if offered as an amendment from the floor of the House. Such clauses will not for such reason be subject to a point of order when brought in as a substantive part of the bill.

So that question of whether this would be in order, if it had been brought in as a substantive part of the bill, need not be passed upon by the Chair. Neither does the Chair think that the question of whether it would be a privileged matter as suggested by the gentleman from Massachusetts [Mr. GARDNER] is of consequence in this decision. However that may be, the question, after all, whether the matter is privileged or nonprivileged, is, Is it germane; is the proposed amendment obnoxious to clause 7 of Rule XVI, and to clause 3 of Rule XXI?

The Chair has examined this amendment with considerable care, and has sought as best he could to apply it to the bill under consideration before the committee, the purpose of which is expressed in the title. The Chair does not believe that in its spirit and intention, as fairly to be deduced from the language of the amendment proposed, it is the purpose of the amendment to bring about legislation which is germane to the matter contained in the bill under consideration, and the Chair, therefore, sustains the point of order.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the committee. The Chair will ask the gentleman from Missouri [Mr. RUSSELL] to take the chair.

Mr. MANN. Mr. Chairman, to save the Chair any embarrassment I will ask for tellers.

Tellers were ordered, and Mr. MANN and Mr. UNDERWOOD were named to act as tellers.

The committee divided; and there were—ayes 164, noes 87.

So the committee determined that the decision of the Chair should stand as the decision of the committee.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, as a new paragraph, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, by adding a new paragraph following the word "Zaffer," in line 27, page 132, as follows:

"661. The provisions of the dutiable list and the free list of this section shall constitute the minimum tariff of the United States.

"(a) That from and after the 31st day of March, 1914, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the rates of duty prescribed by the schedules and paragraphs of the dutiable list herein, and in addition thereto 25 per cent ad valorem; which rates shall constitute the maximum tariff of the United States: *Provided*, That whenever, after the 31st day of March, 1914, and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the Government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, thereupon and thereafter, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and 90 days thereafter the provisions of the maximum tariff shall be applied to the importation of articles from such country. Whenever the provisions of the maximum tariff of the United States shall be applicable to articles imported from any foreign country they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise.

* * * * * * *

"(b) That the President shall have power and it shall be his duty to give notice, within 10 days after the passage of this act, to all foreign countries with which commercial agreements in conformity with the authority granted by section 3 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, have been or shall have been entered into, of the intention of the United States to terminate such agreement at a time specified in such notice, which time shall in no

case, except as hereinafter provided, be longer than the period of time specified in such agreements, respectively, for notice for their termination; and upon the expiration of the periods when such notice of termination shall become effective the suspension of duties provided for in such agreements shall be revoked, and thereafter importations from said countries shall be subject to no other conditions or rates of duty than those prescribed by this act and such other acts of Congress as may be continued in force: *Provided*, That until the expiration of the period when the notice of intention to terminate hereinbefore provided for shall have become effective, or until such date prior thereto as the high contracting parties may by mutual consent select, the terms of said commercial agreements shall remain in force: *And provided further*, That in the case of those commercial agreements or arrangements which contain no stipulations in regard to their termination by diplomatic action, the President is authorized to give to the Governments concerned a notice of termination of six months, which notice shall date from April 30, 1914."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, this is an amendment providing that the maximum and minimum feature shall be applied to the present tariff bill.

There are at present three tariff systems used by the principal nations of the world. The single or unchanging system, which is called the autonomous system, is that adopted by Great Britain. It is appropriate to a country whose tariff is purely fiscal, and it is not adapted to change by negotiation. It is best adapted to a nation which places duties on but a few articles and has no favors to ask and no concessions to offer.

A second plan is the general or "conventional" system. This is a tariff system where rates are established upon a large proportion of imports. Upon this basis special negotiations are entered into with individual nations, by which concessions or reductions are granted in return for like favors. This, in effect, makes all tariff rates subject to separate treaty agreement.

A third method is the maximum and minimum provision, such as I have provided for in this amendment. By this system two rates are established, and the minimum or lesser rates are granted only upon grant of like minimum rates or equivalent concessions.

It is evident that the first system is not adapted to the present bill or to our situation as regards the importation of foreign goods. It is appropriate only where few articles are on the dutiable list, and we have thousands. Such a system is suitable where revenue only is considered, and where tariff rates are placed on a few articles, generally used, but not produced in the importing country. In such case the amount of imports and their cost do not affect domestic production. It is admitted that the present bill is not such as would make this system applicable, and no one suggests the adoption of such a system at present.

There is a provision in the bill which is an attempt to provide for the general or conventional system. But it is a weak and ineffectual attempt. In this provision the President is authorized to negotiate trade agreements with foreign nations, provided such agreements shall be submitted to Congress for ratification. But such power already exists without this provision. Under it President Roosevelt negotiated our present Cuban treaty. Under it President Taft negotiated the ill-fated Canadian reciprocity agreement.

In order to be effective under a system where individual tariff agreements must be made with each Government, power should be lodged in some executive department to negotiate such treaties and make such changes. This we are unwilling to do. The Congress will not relinquish its power to control this great source of revenue, and would have no constitutional power to do so if it desired. With our present system we are almost necessarily precluded from individual trade agreements or reciprocity treaties with every nation from which we receive imports. To place ourselves at their mercy unless such agreements are made is certainly not wise.

It would appear almost self-evident that the system best adapted to our condition is the maximum and minimum system. It is the simplest, subject to the least friction, not open to misconception, not subject to "most favored nation" objections, is more stable and uniform in operation, is most easily administered and most generally understood. Besides it has been tried and has been found not only successful, but notably and exceptionally so.

In its report the Committee on Ways and Means asserts that the maximum and minimum provisions of the Payne law "have not been productive of any effective expansion of our foreign trade and commerce." This is so far from being true as to be ridiculous. Under the provisions of the Payne law passed in 1909 foreign nations were given until March 31, 1910, to grant to the United States their minimum rates or equivalent concessions in order to obtain our minimum rates. Before that date all the principal nations of the world availed themselves of that privilege. As a consequence we obtained for the first time in our history the best rates and terms from all the great nations. It is true that some countries which had before exacted unjust terms in their commercial intercourse with us yielded with reluctance. France did not send her acceptance until March 29, two days only before the time expired. But there was not the slightest friction or difficulty. We treated all alike, and only demanded what others required.

Since this provision went into operation we have enjoyed the largest and most profitable foreign trade the country has ever known. We have increased our exports from $1,663,000,000 in 1909 to $2,204,000,000 in 1912, an increase of $541,000,000. During the same period our imports increased $341,000,000. By this it appears that we not only increased our foreign trade under its provisions more than ever before known, but we increased our sales over and above our purchases $200,000,000. A system under which such results can be achieved ought not lightly to be abandoned.

One wonders why so necessary a measure of self-preservation and defense is omitted. There is, there can be but one answer. It was a Republican measure and it was in the Payne bill. Discard it notwithstanding it had worked such wonderful results; discard it even if its beneficent provisions had given us a better trade position than we had ever before secured; discard it even if it leaves us helpless to our commercial rivals. Can this be considered statesmanship or is it merely petty envy, pique, and resentment?

The report says that the maximum and minimum provision is an attempt to "expand our commerce by force"; that it is a "stand and deliver policy." How absurd is such a contention! Is it an exercise of force to say to a nation, "We will grant our lowest rates if in return we receive yours?" Is it an unjust condition to impose when we say, "You can not receive our best terms until we receive yours?"

The committee declares that the only way to expand our foreign trade "along rational lines is through mutual concessions." That is just what the maximum and minimum provision enables us to do. But our only chance for "mutual concession" under the proposed law will be to still further reduce rates which the sponsors of the bill declare are already as low as they dare make them. If after the passage of this bill France shall again seek to impose her maximum rates against our commerce, what can we do? Protest? We did that before and without avail. Grant her still further reductions from the rates fixed in the present bill? Then every nation with a "most favored nation" clause in its treaty, and nearly every one contains such clause, will demand like reductions. In this condition we shall be at the mercy of our eager and strenuous rivals, begging favors where experience has taught us no favors will be granted. In what a humiliating condition this will place us! At the last we shall be compelled to adopt this provision, for it will be our only measure of protection. How much better to do it now.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 62, noes 107.

So the amendment was rejected.

Mr. SWITZER. Mr. Chairman, I desire to offer an amendment to the schedule.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, by inserting a new paragraph at the end of said schedule, as follows:

"661. That whenever any articles named in this schedule are exported to the United States of a class or kind made or produced in the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned and the said fair market value thereof for home consumption: *Provided*, That the said special duty shall not exceed 15 per cent ad valorem in any case.

"'Export price' or 'selling price' or 'price at which such goods are consigned' in this section shall be held to mean and include the exporter's price for the goods, exclusive of all charges thereon after their shipment from the place whence exported directly to the United States.

"The Secretary of the Treasury shall make such rules and regulations as are necessary for the carrying out of the provisions of this section and for the enforcement thereof."

Mr. UNDERWOOD. Mr. Chairman, I desire to make a point of order. The point of order I make is that this amendment

affects the free list instead of the tax list. It is only a change of what is in the bill. Now, the point of order is that it is not germane, or not germane here, as it is in another section of the bill, and therefore under the rule is not germane to this portion of the bill. I do not mean to say the gentleman can not make his amendment, but I mean this is the wrong place at which to make that amendment.

Mr. MANN. No; Mr. Chairman, the present dumping clause in the bill was stated by one of the distinguished members of the Ways and Means Committee on the Democratic side the other day to apply only to the dutiable list.

Mr. UNDERWOOD. Rather than take up the time, if there is any dispute about it, as it is already in the bill, I withdraw the point of order and ask unanimous consent that debate on the amendment be limited to five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the amendment and all amendments thereto be closed in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SWITZER. Mr. Chairman, this amendment I have just proposed is of a more general character than the amendments I have previously offered. The dumping clause provided in the bill in section 4 applies only to articles upon the dutiable list and to articles produced in this country. Now, I see no reason why, in order to treat everybody fairly, to be just to those whose products are upon the free list produced in this country, they should not have the same protection by the same sort of a law as the individual whose products are upon the dutiable list. I rather think there is more reason why a person should be protected whose products are upon the free list, for many of the industries the products of which are upon the dutiable list are carried in this bill under a protective duty. They all have recourse to this dumping clause. I can see very readily why it does not matter whether we have a dumping clause which applies to many articles on the free list, such as coffee, rubber, spices, tea, and a good many things of that kind we do not produce in this country, but take the matter of corn, potatoes, wool, sugar in three years from now, shingles, lumber, coal, iron ore, boots and shoes, and a good many of the products of the forest, and a majority of the products of the farms of this country placed by this bill upon the free list I can not for the life of me figure out any valid reason why the producer of those articles should not have the same protection afforded by this dumping clause that has been inserted here for the protection solely of those whose products are on the dutiable list. I do not think that I have anything further to state in support of the proposed amendment. This follows along the same line of argument I have here suggested on the leather paragraph and on the free-wool paragraph, except that it will apply to all articles produced in this country that are on the free list. My amendment will give the producers of such articles the same protection which the pending measure proposes to give to the producers of commodities carried on the dutiable list.

Justice certainly demands that the potato raiser, the boot and shoe manufacturer, the coal operator, the miller, the woolgrower, and the farmer should enjoy as full protection against excessive importations of like articles produced by them which are procured by the importer at a lower price than the articles usually sell for in the country from which they are exported as our Democratic friends are giving the rice grower and other special interests favored by this bill by placing their products on the dutiable list.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SWITZER].

The question was taken, and the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, we are about to start the reading of the portion of the bill relating to the income tax. I would like to see if I can make an arrangement about the reading of the sections, in order to save time. I would like to ask unanimous consent that the income-tax portion of the bill, section 2, may be read through for committee amendments, that at this time gentlemen may indicate the sections to which they wish to offer amendments, and after we have read through the section we will come back to those sections where amendments are proposed to be offered and dispose of them, without any agreement as to limitation of time right now.

Mr. MURDOCK. We have a number of amendments. We will be very glad to designate them.

Mr. MANN. Will the gentleman state them?

Mr. MURDOCK. A, B, and G.

Mr. STAFFORD. I wish to offer an amendment wherever fire insurance is stated, in order to include life insurance.

Mr. MANN. I have A, B, C, and G.

Mr. ANDERSON. I would like to inquire whether the whole of section G will be included as one paragraph, or whether the paragraphs under G will be considered as separate paragraphs?

Mr. MANN. On what page is that?

Mr. ANDERSON. On page 146. I desire to offer an amendment to the paragraph commencing with the word "Second," on page 146.

Mr. MANN. I take it that would be treated as a separate paragraph.

Mr. ANDERSON. I have two amendments which I would like to offer to that section.

Mr. MURDOCK. We have amendments to the first and second sections of G.

Mr. MANN. We have G, and that would cover everything.

Mr. DILLON. I want to offer one after D.

Mr. MANN. I have D. I have A, B, C, D, G.

Mr. HULINGS. I would like to offer one to the second paragraph of G.

Mr. MANN. That is all in.

Mr. STAFFORD. I would like to offer one on page 154.

Mr. MANN. That is in G. Is there any other? I have A, B, C, D, E, and G.

Mr. MOORE. Does this arrangement contemplate any general debate?

Mr. UNDERWOOD. It contemplates taking them up under the five-minute rule, as in the previous schedule. When we get into the paragraphs we may ask unanimous consent for a limitation on each paragraph, but it is not involved here. Mr. Chairman, I now renew my request for unanimous consent that Section II, relating to the income tax, be read through for committee amendments, and when it is finished return to paragraphs A, B, C, D, E, and G for such amendments as Members of the House may desire to offer.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that Section II of the bill be read for committee amendments; that at the conclusion of the reading of the section the committee will return to the consideration of paragraphs A, B, C, D, E, and G for the offering of amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

SECTION II.

A. That there shall be levied, assessed, and paid annually upon the entire net income arising or accruing from all sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad, and to every person residing in the United States, though not a citizen thereof, and by every citizen of Porto Rico and by every citizen of the Philippine Islands, a tax of 1 per cent per annum upon such income over and above $4,000; and a like tax shall be assessed, levied, and paid annually upon the entire net income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

Mr. HULL. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN (Mr. BYRNS of Tennessee). The gentleman from Tennessee [Mr. HULL] offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 133, line 6, after the word "and," by striking out the word "by" and inserting the word "to."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. HULL].

The question was taken, and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I desire to offer the following additional amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 133, line 7, after the word "and," by striking out the words "by every citizen."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. HULL].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

B. That, subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any lawful business carried on for gain or profit, or gains or profits and income derived from any source whatever, including the income from but not the value of property acquired by bequest, devise, or descent: *Provided*, That the proceeds of life insurance policies paid upon the death of the person insured shall not be included as income.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 135, lines 1 and 2, by striking out the words "shall not be included as income" and inserting in lieu thereof the words "or payments paid by or credited to the insured, on life insurance, endowment, or annuity contracts, upon the return thereof to the insured at the maturity of the term mentioned in the contract, shall not be included as income."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That in computing net income there shall be allowed as deductions the necessary expenses actually incurred in carrying on any business, not including personal, living, or family expenses; all interest accrued and payable within the year by a taxable person on indebtedness; all National, State, county, school, and municipal taxes accrued within the year, not including those assessed against local benefits or taxes levied hereunder; losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; debts actually ascertained to be worthless and charged off during the year; also a reasonable allowance for the exhaustion, wear and tear of property arising out of its use or employment in the business, but no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made; no deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate; the amount of income received or payable from any source at which the tax upon such income, which is or will become due, under the provisions of this section, has been withheld for payment at the source in the manner hereinafter provided, shall be deducted; but in all cases where the tax upon the annual gains, profits, and incomes of a person is required to be withheld and paid at the source as hereinafter provided, if such annual income except that derived from interest on corporate or United States indebtedness does not exceed the rate of $4,000 per annum, or if the same is uncertain, indefinite, or irregular in the amount or time during which it shall have accrued, and is not fixed or determinable, the same shall be included in estimating net annual income to be embraced in a personal return; also the amount received as dividends upon the stock, or from the net earnings of any corporation, joint-stock company, association, or insurance company which is taxable upon its net income as hereinafter provided shall be deducted. The net income from property owned and business carried on in the United States by persons residing elsewhere shall be computed upon the basis prescribed in this paragraph and that part of paragraph G of this section relating to the computation of the net income of corporations, joint-stock and insurance companies, organized, created, or existing under the laws of foreign countries, in so far as applicable.

Mr. HULL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. HULL].

The Clerk read as follows:

Amend, page 135, line 3, by inserting after the word "income" the words "for the purposes of the normal tax."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I desire to offer an additional amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. HULL].

The Clerk read as follows:

Amend, page 135, line 10, by striking out the words "or taxes levied hereunder."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. HULL].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

C. That in computing net income under this section there shall be excluded the interest upon the obligations of a State or any political subdivision thereof, and upon the obligations of the United States the principal and interest of which are now exempt by law from Federal taxation; also the compensation of the present President of the United States during the term for which he has been elected, and of the judges of the supreme and inferior courts of the United States now in office, and the compensation of all officers and employees of a State or any political subdivision thereof.

Mr. HULL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. HULL].

The Clerk read as follows:

Amend, page 136, line 25, by inserting after the words "United States" the words "or its possessions."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

D. That there shall be deducted from the amount of the net income of each of such persons, ascertained as provided herein, the sum of $4,000: *Provided*, That only one deduction of $4,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or husband and wife, but if the wife is living permanently apart from her husband she may be taxed independently; but guardians shall be allowed to make deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family and have joint property interests the aggregate deduction in their favor shall not exceed $4,000, and said tax shall be computed upon the remainder of said net income of such person for the year ending December 31, 1913, and for each calendar year thereafter; and on or before the 1st day of March, 1914, and the 1st day of March in each year thereafter, a true and accurate return, under oath or affirmation, shall be made by each person of lawful age, except as hereinafter provided, subject to the tax imposed by this section, and having a net income of $3,500 for the taxable year, to the collector of internal revenue for the district in which such person resides or has his principal place of business, or, in the case of a person residing in a foreign country, in the place where his principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income from all separate sources and from the total thereof, deducting the aggregate items or expenses and allowance herein authorized; guardians, trustees, executors, administrators, agents, receivers, conservators, and all persons, corporations, or associations acting in any fiduciary capacity, shall make and render a return of the net income of the person for whom they act, subject to this tax, coming into their custody or control and management, and be subject to all the provisions of this section which apply to individuals; and also all persons, firms, companies, copartnerships, corporations, joint-stock companies or associations, and insurance companies, except as hereinafter provided, in whatever capacity acting, having the control, receipt, disposal, or payment of fixed or determinable annual gains, profits, and income of another person subject to tax, shall in behalf of such person make and render a return, as aforesaid, but separate and distinct, of the portion of the income of each person from which the normal tax has been thus withheld, and containing also the name and address of such person: *Provided*, That in either case above mentioned no return of income not exceeding $3,500 shall be required: *Provided further*, That persons liable only for the normal income tax, on their own account or in behalf of another, shall not be required to make return of the income derived from dividends on the capital stock or from the net earnings of corporations, joint-stock companies or associations, and insurance companies taxable upon their net income as hereinafter provided; and the collector or deputy collector shall require every list to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated: *Provided*, That no such increase shall be made except after due notice to such party and upon proof of the amount understated; or if the list or return of any person shall have been increased by the collector, such person may be permitted to prove the amount liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector. If dissatisfied with the decision of the collector, such person may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish sworn testimony of witnesses to prove any relevant facts.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 138, line 3, by adding, after the figures "$3,500," the words "or over."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 139, line 6, by adding, after the word "person," the words "or stating that the name and address, or the address, as the case may be, are unknown."

The amendment was agreed to.

The Clerk read as follows:

E. That all assessments shall be made and all persons shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said assessments shall be paid on or before the 30th day of June, except in cases of refusal or neglect to make such return and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such person or persons immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the 30th day of June in any year, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same became due, except from the estates of insane, deceased, or insolvent persons.

All persons, firms, copartnerships, companies, corporations, joint-stock companies or associations, and insurance companies, in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, agents, receivers, conservators, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensation, remuneration, emoluments, or other fixed or determinable annual gains, profits, and income of another person, exceeding $4,000 for any taxable year, other than dividends on capital stock, or from the net earnings of corporations and joint-stock companies or associations subject to like tax, who are required to make and render a return in behalf of another, as provided herein, to the collector of his, her, or its district, are hereby authorized and required to deduct and withhold from such annual gains, profits, and income such sum as will be sufficient to pay the normal tax imposed thereon by this section, and shall pay to the officer of the United States Government authorized to receive the same; and they are each hereby made personally liable for such tax. In all cases where the

income tax of a person is withheld and deducted and paid or to be paid at the source, as aforesaid, such person shall not receive the benefit of the exemption of $4,000 allowed herein unless he shall, not less than 30 days prior to the day on which the return of his income is due, file with the person who is required to withhold and pay tax for him an affidavit claiming the benefit of such exemption; nor shall any person under the foregoing conditions be allowed the benefit of any deduction provided for in subsection B of this section unless he shall, not less than 30 days prior to the day on which the return of his income is due, file with the person who is required to withhold and pay tax for *him* a true and correct return of his annual gains, profits, and income from all other sources, and also the deductions asked for, and the showing thus made shall then become a part of the return to be made in his behalf by the person required to withhold and pay the tax, or such person may likewise make application for deductions to the collector of the district in which return is made or to be made for him: *Provided*, That the amount of the normal tax herein imposed shall be deducted and withheld from fixed and determinable annual gains, profits, and income derived from interest upon bonds, mortgages, or other indebtedness of corporations, joint-stock companies or associations, insurance companies, and also of the United States Government not now exempt from taxation, whether payable annually or at shorter or longer periods, although such interest does not amount to $4,000, in the same manner and subject to the same provisions of this section requiring the tax to be withheld at the source and deducted from annual income; and likewise the amount of such tax shall be deducted and withheld from coupons, checks, or bills of exchange for or in payment of interest upon bonds of foreign countries and upon foreign mortgages or like obligations (not payable in the United States), and also from coupons, checks, or bills of exchange for or in payment of any dividends upon the stock or interest upon the obligations of foreign corporations, associations, and insurance companies engaged in business in foreign countries; and the tax in each case shall be withheld and deducted for and in behalf of any person, firm, corporation, or association subject to the tax herein imposed, although such interest, dividends, or other compensation does not exceed $4,000, by any banker or person who shall sell or otherwise realize coupons, checks, or bills of exchange drawn or made in payment of any such interest or dividends (not payable in the United States), and any person who shall obtain payment (not in the United States), in behalf of another of such dividends and interest by means of coupons, checks, or bills of exchange, and also any dealer in such coupons who shall purchase the same for any such dividends or interest (not payable in the United States), otherwise than from a banker or another dealer in such coupons; but in each case the benefit of the exemption and the deduction allowable under this section may be had by complying with the foregoing provisions of this paragraph.

Nothing in this section shall be construed to release a taxable person from liability for income tax.

The tax herein imposed upon annual gains, profits, and income not falling under the foregoing and not returned and paid by virtue of the foregoing shall be assessed by personal return. Any person for whom return has been made and the tax paid, or to be paid as aforesaid, shall not be required to make a return unless such person has other net income, but only one deduction of $4,000 shall be made in the case of any such person.

Mr. HULL. I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 141, line 25, by adding, after the word "herein," the words "except by an application for refund of the tax."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 142, line 8, by adding, before the word "file," the word "either."

The amendment was agreed to.

Mr. HULL. I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 142, line 18, by adding, after the word "herein," the word "before."

The amendment was agreed to.

Mr. HULL. I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 142, line 25, by striking out, after the figures "$4,000," the words "in the same manner and."

The amendment was agreed to.

Mr. HULL. I desire to offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 143, line 1, amend by striking out, after the word "the," the word "same."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 143, lines 13 and 14, by striking out the words "firm, corporation, or association."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 143, line 14, by adding, after the word "herein," the word "before."

The amendment was agreed to.

The Clerk read as follows:

G. That the normal tax hereinbefore imposed upon individuals likewise shall be levied, assessed, and paid annually upon the entire net income arising or accruing from all sources during the preceding calendar year to every corporation, joint-stock company or association, and every insurance company, organized in the United States, no matter how created or organized, but not including partnerships; but if organized, authorized, or existing under the laws of any foreign country, upon the amount of net income arising or accruing by it from business transacted and capital invested within the United States during such year: *Provided, however*, That nothing in this section shall apply to labor, agricultural, or horticultural organizations, or to mutual savings banks not having a capital stock represented by shares, or to fraternal beneficiary societies, orders, or associations operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members, nor to domestic building and loan associations, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual.

Second. Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint-stock company or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses paid within the year out of income in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any; and in the case of mines an allowance for depletion of ores and all other natural deposits on the basis of their actual original cost in cash or the equivalent of cash; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends or return of premium payments paid within the year on policy and annuity contracts: *Provided further*, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policy holders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses; (third) interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year: *Provided*, That in the case of bonds or other indebtedness, which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed shall be allowed; and in the case of a bank, banking association, or trust company, interest paid within the year on deposits; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory, or Government of any foreign country, as a condition to carry on business therein, not including the tax imposed by this section: *Provided*, That in the case of a corporation, joint-stock company or association, or insurance company, organized, authorized, or existing under the laws of any foreign country, such net income shall be ascertained by deducting from the gross amount of its income received within the year from business transacted and capital invested within the United States, (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any, and in the case of mines an allowance for depletion of ores and all other natural deposits on the basis of their actual original cost in cash or the equivalent of cash; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends or return of premium payments paid within the year on policy and annuity contracts: *Provided further*, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses; (third) interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year which the gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States: *Provided*, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed shall be allowed; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof as a condition to carry on business therein, not including the tax imposed by this section. In the case of assessment insurance companies the actual deposit of sums with State or Territorial officers, pursuant to law, as additions to guarantee or reserve funds shall be treated as being payments required by law to reserve funds.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 145, line 22, by inserting, after the word "associations," the words "nor to cemetery companies."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 147, line 3, by adding, after the word "expenses," the words "and reinsurance reserves."

Mr. STAFFORD. Mr. Chairman, will the Clerk kindly report that amendment again?

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Do I understand that under the rule under which we are proceeding it is permissible to inquire of the gentleman offering amendments for an explanation of them?

Mr. MANN. Why, certainly.

Mr. HULL. I will say to the gentleman that the first language here was intended to meet that requirement which many of the States impose on the companies with respect to keeping a reinsurance reserve fund. The language in the bill as it stands now is not comprehensive enough to embrace the real purpose of it as to mutual fire insurance companies.

Mr. STAFFORD. May I ask the gentleman to explain the amendment, which is very sweeping in character, that he offered to page 135, at the end of line 2, which relates to exemptions of certain dividends of life insurance companies?

Mr. HULL. Instead of being a sweeping amendment, it is the contrary. Quite a number of gentlemen preferred to have a declaratory clause inserted there, and that was done. Under all constructions of laws of this character, and especially where gifts, bequests, and devises are not made income, the return of insurance investments is held not to be taxable income. The proceeds of life insurance policies paid to some third person on the death of the insured is not considered taxable, and still less would any return of the investment to the person during lifetime be considered taxable income. But it was desired by a number of gentlemen that a declaratory provision to that effect, that the return of the investment made in insurance during life for business or other purposes under the terms of which the assured receives back the amount invested, or a portion at different times, should be declared not to be taxable income.

Mr. STAFFORD. As I understand the amendment, it refers only to the returns in the so-called tontine policies, and not to the returns that insurance companies make annually in dividends when the policy holder pays the premium.

Mr. HULL. It has reference to the return at any time or times of any portion of the investment made by a person in insurance. The gentleman has got on another question, which will arise more directly later on, and explanations will be more apparent at that time.

Mr. STAFFORD. Very well. The amendment we are now discussing is a clause the end of which limits it to the payment of dividends and policies, or payments made at the maturity of the term mentioned in the contract.

Mr. HULL. Different insurance companies during past years have had different terms to express or define the investment which people make, and the amounts returned have been called tontine payments, and also distributions, and also accumulations, and terms of that character. It is largely the same class of business, and this provision merely declares what the law has always been—that no part of the principal returned to the investor during life in connection with these transactions is considered a taxable income.

Mr. COOPER. Will the gentleman yield?

Mr. HULL. Yes.

Mr. COOPER. I would like to have this made clear to me. Suppose an insurance company sends to me a notice that the premium on my policy is $100; that the dividends are $20. In making the income-tax return would that $20 be taxed as a part of the income?

Mr. HULL. We will reach that provision of the bill in a few moments, to which I propose to offer an amendment, and then I can make myself better understood.

Mr. STAFFORD. Will the gentleman kindly take that up and explain it when the amendment is offered?

Mr. HULL. I will.

Mr. BARKLEY. Will the gentleman yield?

Mr. HULL. Yes.

Mr. BARKLEY. Suppose that a policy is taken out and the premiums paid for a period, and then the policy has a certain cash-surrender value in tontines or endowment. The man may surrender his policy and take endowment. Now, is that cash-surrender value taxable as income?

Mr. HULL. No part of the principal invested in insurance which comes back to the insured during life is considered taxable income any more than the return of money which he might have loaned to another or a deposit that he might have made in the bank.

Mr. BARKLEY. The surrender cash value would be considered a part of the principal?

Mr. HULL. If it is in fact a part of the principal. I take it that most people who enter into these insurance transactions under the terms of which they expect to secure returns during their life expect certain gains, and to realize on them, but I take it they would not as a rule enter into them under any other circumstances. When these gains come back to the person who takes out the insurance, unless the insurance company has paid the 1 per cent on its earnings out of which the dividends are declared, then he would pay the tax as one pays a tax on interest on the money he loaned.

Mr. BARKLEY. In the transaction under discussion the amount received in return is usually less than has been paid previously, and of course there could be no gain except the protection the insured had while the policy was in force.

Mr. HULL. Then there would be no tax.

Mr. HINEBAUGH. Mr. Chairman, I desire to ask the gentleman a question. I am contemplating offering an amendment, and it may be covered by the amendment which the gentleman has just offered. The amendment I contemplate is to strike out, in line 25, page 134, after the word "policies" and at the top of page 135, line 1, the words:

Paid upon the death of the person insured.

So that if that amendment were adopted the proviso would read:

Provided, That the proceeds of life insurance policies shall not be included as incomes.

I would ask the gentleman if his amendment practically in effect would amount to the same?

Mr. HULL. Mr. Chairman, the amendment which was adopted includes the proceeds of life-insurance policies paid on the death of the person insured, and also includes the return of any and all sums which a person invests in insurance and receives back at one time or at periodical times during his life, as distinguished from any actual gains or profits which he derives out of the investment.

Mr. HINEBAUGH. It would not be exactly the same in effect then.

The CHAIRMAN. The time of the gentleman has expired. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 147, lines 17 and 18, by striking out the words "not including the tax imposed by this section" and inserting a colon after the word "therein."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HULL. I also offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 148, line 14, by striking out the words "or return of premium payments."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I also offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 148, line 23, by adding, after the word "expenses," the words "and reinsurance reserves."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I also offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 149, lines 14 and 15, by striking out the words "not including the tax imposed by this section" and inserting a period after the word "therein."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amend, page 146, line 20, by striking out the words "or return of premium payments."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Third. The tax herein imposed shall be computed upon its entire net income for the year ending December 31, 1913, and for each calendar year thereafter: *Provided, however,* That any corporation, joint-stock company or association, or insurance company subject to this tax may designate the last day of any month in the year as the day of the closing of its fiscal year and shall be entitled to have the tax payable by it computed upon the basis of the net income ascertained as herein provided for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis of the net income for the calendar year preceding the date of assessment; and it shall give notice of the day it has thus designated as the closing of its fiscal year to the collector of the district in which its principal business office is located at any time not less than 30 days prior to the date upon which its annual return shall be filed. All corporations, joint-stock companies or associations, and insurance companies subject to the tax herein imposed, computing taxes upon the income of the calendar year, shall, on or before the 1st day of March, 1914, and the 1st day of March in each year thereafter, and all corporations, joint-stock companies or associations, and insurance companies, computing taxes upon the income of a fiscal year which it may designate in the manner hereinbefore provided, shall render a like return within 60 days after the close of its said fiscal year, and within 60 days after the close of its fiscal year in each year thereafter, or in the case of a corporation, joint-stock company or association, or insurance company, organized or existing under the laws of a foreign country, in the place where its principal business is located within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, shall render a true and accurate return under oath or affirmation of its president, vice president, or other principal officer, and its treasurer or assistant treasurer, to the collector of internal revenue for the district in which it has its principal place of business, setting forth (first) the total amount of its paid-up capital stock outstanding, or if no capital stock, its capital employed in business, at the close of the year; (second) the total amount of its bonded and other indebtedness at the close of the year; (third) the gross amount of its income, received during such year from all sources, and if organized under the laws of a foreign country the gross amount of its income received within the year from business transacted and capital invested within the United States; (fourth) the total amount of all its ordinary and necessary expenses paid out of earnings in the maintenance and operation of the business and properties of such corporation, joint-stock company or association, or insurance company within the year, stating separately all rentals or other payments required to be made as a condition to the continued use or possession of property, and if organized under the laws of a foreign country the amount so paid in the maintenance and operation of its business within the United States; (fifth) the total amount of all losses actually sustained during the year and not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends or return of premium payments paid within the year on policy and annuity contracts: *Provided further,* That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policy holders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses; and in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, all losses actually sustained by it during the year in business conducted by it within the United States, not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends or return of premium payments paid within the year on policy and annuity contracts: *Provided further,* That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policy holders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses; (sixth) the amount of interest accrued and paid within the year on its bonded or other indebtedness not exceeding its paid-up capital stock, outstanding at the close of the year, or if no capital stock, the amount of interest paid within the year on an amount of indebtedness not exceeding the amount of capital employed in the business at the close of the year, and in the case of a bank, banking association, or trust company, stating separately all interest paid by it within the year on deposits; or in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded or other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, or if no capital stock, the amount of capital employed in the business at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States; (seventh) the amount paid by it within the year for taxes imposed under the authority of the United States not including the tax imposed by this act and separately the amount so paid by it for taxes imposed by the Government of any foreign country as a condition to carrying on business therein; (eighth) the net income of such corporation, joint-stock company or association, or insurance company, after making the deductions in this subsection authorized. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue.

All assessments shall be made and the several corporations, joint-stock companies or associations, and insurance companies shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said assessments shall be paid on or before the 30th day of June: *Provided,* That every corporation, joint-stock company or association, and insurance company, computing taxes upon the income of the fiscal year which it may designate in the manner hereinbefore provided, shall pay the taxes due under its assessment within 120 days after the date upon which it is required to file its list or return of income for assessment; except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within 3 years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint-stock company or association, or insurance company immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the 30th day of June in any year, or after 120 days from the date on which the return of income is required to be made by the taxpayer, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due.

Mr. HULL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 152, lines 5 and 6, by striking out the words "or return of premium payments."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 152, line 14, by adding after the word "expenses" the words "and reinsurance reserves."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 152, line 23, by striking out the words "or return of premium payments."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HULL. Mr. Chairman, in response to the gentleman from Wisconsin [Mr. STAFFORD], I merely wish to say that the language of the bill as it is now places in the alternative dividends or return of premium payments. It is the contention of a number of attorneys and officials of different insurance companies with whom I have talked that this, in legal effect as well as in substance, from their standpoint, is the same as the present law. In other words, until the time of the enactment of the corporation-tax law few, if any, people perhaps had ever heard the phrase "return of premium payments" used in this connection.

It was called a dividend out of the surplus or profits. After this law was enacted the contention was soon offered by a number of companies adverse to paying any portion of this tax that the term "dividends" simply meant return of premium payments or savings; that either one could be used as an alternative expression or as a synonymous expression. I do not desire to consume time now to go into this matter at any length, except to say that the sole purpose and effect of this bill from the beginning has only been to reenact the present corporation-tax law in so far as the insurance provision is concerned, and that means a tax of 1 per cent upon the net profits of insurance corporations. Now, in order that not only the legal effect of the present law, but the language as well, may continue in the proposed law, the pending amendment is offered. We reduced it to a mixed question of law and fact as to what these dividends contain, and not solely a question of law, if the contention of gentlemen representing the insurance companies is correct, and that being so, if they return actual premium overcharges at any time by this method to the policyholders the fact would be disclosed and no tax would accrue. If, on the contrary, these dividends embrace actual profits that have accumulated there in connection with deferred dividends and in other respects to which I might call attention, then the tax would fasten on it and they would pay 1 per cent, as all other corporations.

Mr. STAFFORD. Will the gentleman kindly explain why he exempts mutual fire insurance companies by giving them the privilege of making returns for premium payments, and not mutual life insurance companies which are organized in the same manner?

Mr. HULL. On account of the hazards of the business, the mutual fire insurance companies, which are expressly referred to, pay in as premiums from 10 to 20 times the amount of the estimated loss for the coming year.

Mr. STAFFORD. Is it not a fact that in mutual life insurance companies, carried on absolutely for the benefit of the members, the premiums are larger than necessary and that the dividend payments should be returned the same way?

Mr. HULL. I have just explained, and if I go into the matter extensively it is rather a long story.

Mr. STAFFORD. From the gentleman's statement it is only a question of degree. The gentleman states, in the case of mutual fire insurance companies, the premiums are very large, to carry to some unexpected losses; but the same principle applies in the case of mutual life insurance companies.

Mr. HULL. So far as mutual life insurance companies are concerned, as I understand it, they impose a premium of about 30 per cent in excess of what they can expend for all purposes. That premium goes into the hopper and out of the manipulation of their business affairs there is derived a profit from, in the main, three sources. That is excess of interest which according to the estimate to their policy holders they can only realize from 3 to 3½ per cent on money loaned, when in fact, they realize from 5, 6, up to 7 per cent. That is one of the sources of profit accumulations. Another is the savings in the way of managing and conducting the business, the estimate for which is much in excess of what is actually expended. Another is the large excess in the mortuary fund. They estimate that the total loss will amount to much more than it actually does. The result is that they get a large saving there. Now, quite a number of these items are accumulated by the company in connection with deferred dividends, and so forth. For instance in relation to an endowment policy, as I understand it, and the gentleman knows I am not an expert in this business and very few people are——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCOY. Mr. Chairman, I should like to ask unanimous consent to have inserted in the RECORD at this place a decision rendered by the United States District Court for the District of New Jersey construing the provisions of the corporation-tax law on these points which are now under discussion. The gentleman from Tennessee [Mr. HULL] on May 1 inserted in the RECORD an opinion of Mr. Cabell, the Commissioner of Internal Revenue, which held that some of these return dividends and other return payments were taxable under the corporation-tax law. The district court of New Jersey held otherwise, and that decision was upheld by the United States circuit court of appeals. I think it would be of some advantage to have these two opinions in the RECORD, and I therefore ask unanimous consent to have them incorporated at this point.

The CHAIRMAN. The gentleman from New Jersey [Mr. McCOY] asks unanimous consent to place in the RECORD the decisions to which he has referred. Is there objection? [After a pause.] The Chair hears none.

Mr. McCOY. If the Chair will permit me, I will say that only part of the opinion refers to these particular points, and it is only that part of the opinion that I will put in. No appeal has been taken from the decision of the circuit court of appeals. It is now too late to appeal. There are no conflicting decisions, so that this case establishes the law.

The following are the decisions referred to:

United States District Court for the District of New Jersey.

The Mutual Benefit Life Insurance Co. *v.* Herman C. H. Herold, collector of internal revenue, etc.

Judge Cross, district judge, after discussing other points, said:

Four points have been raised and argued by counsel:

First, whether certain so-called dividends are or are not "income" "received" within the meaning of the statute;

Second, whether certain so-called "supplementary policy contracts" should be represented in the reserve funds;

Third, whether for the purpose of taxation the corporation's statement should be made on a "cash" or on a "revenue" basis; and

Lastly, whether expenditures for replacing furniture, etc., should be considered as an investment or an expense.

These questions, of which the first is the most important, will be considered in the order named. Before proceeding, however, to determine whether "income" "received" includes not only cash receipts, but also deductions from renewal premiums allowed on account of overpayments of previous years, it seems both advisable and necessary to quote at some length from the statement of facts:

Paragraph 4 thereof, after describing the three methods employed in mutual life insurance of securing from members contributions to meet losses, proceeds as follows:

"The level premium plan is the one in general use by all insurance companies, including plaintiff. Under this plan the maximum annual contribution which any member can be called upon to pay is uniform throughout the life of the policy. The member pays during his early years a sum in excess of the current cost of his insurance. This excess is applied to the creation of a reserve or self-insurance fund, which serves to maintain the insurance in the later years, when the stipulated level premium would be insufficient to meet the current cost of insurance on the mutual premium plan.

"Whether a mutual company be conducted on the assessment plan, the natural premium plan, or the level premium plan, the member receives his insurance at cost. The assessment company collects its premiums after the death has actually occurred, and the cost is thereby ascertained. The mutual level premium company collects its estimated premiums in advance and adjusts the actual cost afterwards.

"The calculation of premium rates for life insurance involves, first, the adoption of a table of mortality, showing the probable death rate for each age of life; second, the adoption of an assumed rate of interest such as the company may safely expect to realize upon its invested assets during the lifetime of the policy. These two factors determine what is technically known as the net or mathematical premiums, which are the sums sufficient and necessary to pay all outstanding policies as they become claims, provided deaths occur exactly in accordance with the table of mortality and the rate of interest earned on the investment of such premiums is exactly equal to the rate assumed. To the net or mathematical premiums there is added a sum technically known as 'loading,' for the purpose of meeting the expense of conducting the business, as well as any unforeseen contingencies, such as an abnormal death rate due to war or pestilence. The net or mathematical premiums, increased by the 'loading,' constitutes the premium rates stipulated in the policies of insurance.

"Premium rates so computed are, in the experience of life insurance companies, generally found to be in excess of their requirements. In a mutual company such excess constitutes its margin of safety, and must be liberal. Such a company has no capital stock and must rely entirely upon its premiums to meet unusual contingencies. They must be sufficiently large to assure the company's ability to pay its claims as they accrue beyond peradventure. Their policies may run for a period of 50 years, or even 75 years, and the stipulated premium can not be increased after the policy is issued. In computing their rates the companies use, therefore, a table of mortality showing an admittedly higher death rate than that which will probably be realized. The assumed rate of interest on investments is also lower than that which the company expects to realize. The provision for expenses and contingencies is greater than would ordinarily be required. Mutual companies have these three margins of safety and, normally, each assumption is in excess of what is actually required. They result in excess or redundant premiums.

According to the practice of the plaintiff, at the end of each year the excess of income over disbursements is ascertained, and after setting aside so much of said excess as is required for the increase in policy reserves and other liabilities, the balance is added to the dividend fund. Each policy holder's share in this fund is then ascertained, and before his next premium falls due he is advised of the amount thereof and that the company will accept in full settlement of such premium the difference between the premium written in his policy and the amount standing to his credit in the dividend fund, which has arisen out of previous premium payments. The policy holder may, if he desires, withdraw his share of the dividend fund in cash, or this share is paid to him if he discontinues his policy, or is paid in addition to the amount insured if the policy becomes a death claim. The fund is available for emergencies; but unless so used by the company it is not depleted from year to year except by such actual cash payments as are made from it, as above mentioned.

The method of calculating premiums and ascertaining and disposing of the excess described in this and the two preceding paragraphs is practiced not only by the plaintiff, but by other mutual life insurances companies generally.

"Plaintiff permits the policy holder to pay the full stipulated premium instead of the difference between the stipulated premium and the amount standing to his credit in the dividend fund. In such cases the difference between the amount so paid and the sum required to continue the policy in force is used by the plaintiff, either in the purchase of additional insurance or to shorten the endowment or premium-paying period, as the insured elects * * *."

From the foregoing it appears that whereas in a mutual company insurance is effected at cost, it is essential, in order to constitute a margin of safety, that its premium rates should be larger than it might reasonably be expected would be required to carry the insurance. To effect this purpose a table of mortality is used which shows an admittedly higher death rate than that which will probably prevail, while the assumed rate of interest on its investments is made lower than it is expected will be realized, and the provision for contingencies and expenses is made greater than would ordinarily be necessary. This course is adopted for the reason that a mutual company, having no capital stock, is compelled to rely upon its premiums to meet unexpected losses and contingencies. Paragraph 7 of the statement of facts shows clearly how the dividend fund is created. Each policyholder may, at his option withdraw his dividend—that is, his share of such fund—in cash or have it applied in reduction of the subsequent year's premium, or to purchase additional insurance, or to accelerate the payment period. Such option is conferred by the following or a similar clause, which appears in all of the outstanding policies of the company:

"After this policy shall have been in force one year each year's premium subsequently paid shall be subject to reduction by such dividend as may be apportioned by the directors. Dividends thus created will be applied either in reduction of premium or upon the addition or accelerative endowment plan or paid in cash, at the option of the insured."

The policyholder, therefore, although he has paid more at the beginning of the year than was necessary to provide for the cost of carrying his insurance, will, nevertheless, at the end of the year, when such cost has been actually ascertained, receive the benefit of the overcharge by way of a so-called dividend. Thus the policyholder receives his insurance at cost, while at the same time the stability and solvency of the company have been reasonably and properly guarded and maintained. In all cases where the policyholders, in the exercise of their option during the years 1909 and 1910, in question, withdraw their dividends in cash the amount thereof was included in the plaintiff's statement, and the tax thereon imposed by the Government was paid. The Government claims, however, that where the dividends to the policyholders are not withdrawn in cash, but, pursuant to the option allowed them, have been applied in one or other of the ways above mentioned, they are to be regarded as cash dividends paid by the company, upon which the Government is entitled to impose, as it did impose, the tax in question.

The true situation, however, is this: The policy is issued at a fixed premium, as determined by the company's table of rates; that stipulated premium can not be increased, but may be lessened annually by so much as the experience of the preceding year has determined it to have been greater than the cost of carrying the insurance, and the difference between the amount of the stipulated premium and the cost of carrying the risk constitutes the so-called dividend. This difference, however, is not in any real sense a dividend. The term as used is technical and well understood in insurance circles, and as so understood has a widely different signification from that ordinarily attached to the word "dividend." It operates, as already stated, merely to abate or reduce the stipulated premium called for by the contract of insurance, to the extent and for the reason that it has been determined by experience that the policyholder paid for his insurance during the preceding year more than it actually cost the company to carry the risk. This excess payment represents not profits or receipts but an overpayment—an overpayment because, being entitled to his insurance at cost and having paid more than cost, he is equitably entitled to have such excess applied for his benefit. It makes no difference what this excess is called; the question is, What does it represent? Does it in anywise or to any extent repre-

sent earnings or profits received by the company so as to constitute it a part of its income, or does it merely represent an overpayment? Under the terms of his policy the policyholder may, at his option, withdraw such excess in cash and thereby impart to it a quasi appearance of profits, but its character is not thereby changed.

In that case, however, he would, if he desired to continue his policy, be required to pay the full premium as therein stipulated, whereas if he desired such premium reduced to what experience had shown was the actual cost of his insurance, he could have the excess over such cost applied in reduction of the stipulated premium and pay only the cost price for the ensuing year; and assuming that the cost price as determined by the experience of the first year remained the same for 5, 10, 15, or other number of years, that original excess payment would serve to carry his insurance at cost during all of the succeeding years. The following extract from the brief of counsel for the complainant fully and clearly illustrates the point:

"It appears that if the company issues a policy with a premium of, say, $100, and it is found at the end of the year that the payment of that sum at the beginning of the year was $10 in excess of the actual cost of the insurance, the company holds this amount in a 'dividend' fund and collects from the policyholder in full settlement of the second year's premium, $90. At the end of the second year it might be found that this payment of $90 was $2 in excess of the cost of the insurance during the second year, so that the company would hold $12 which had been paid in excess of the cost of the first and second years' insurance. The insured would then pay $88 as a premium for the third year. If during the third year the death rate among the company's members should increase abnormally, so that the company would be required to use $4 of the $12 standing to the policyholder's credit in the dividend fund, leaving $8 therein, it would be necessary for the insured to pay $92 in settlement of the premium for the fourth year's insurance. The amounts returned for taxation would be $100 the first year, $90 the second year, $88 the third year, and $92 the fourth year. Instead of paying $92 the fourth year, the policyholder might pay $100, and in this case $92 would be applied to continue the original policy in force and $8 would be used to buy additional insurance or to shorten the premium-paying term, in which case $100 would be returned for taxation. The several amounts of $10, $12, and $8 represent the so-called dividends or amounts standing to the credit of the policyholder in the dividend fund, which, unless withdrawn in cash by the policyholder, are paid by the company, in addition to the amount insured, when the policy becomes payable as a claim."

From the foregoing it appears that what the company receives in cash and all that it so receives where the dividend is applied in abatement of renewal premiums is the difference between the stipulated premium and the so-called dividend. In such cases the dividends are not sums paid to the policyholder and by him returned in cash. They are not "income" "received." The policyholder has not paid the premium stipulated in his policy, but a premium reduced by his share of a fund ascertained by the directors composed of excess premiums. This seems to be the view which has been uniformly taken by the courts, in so far as their decisions have been brought to my attention. In Mutual Benefit Life Insurance Co. *v.* Commonwealth (128 Ky., 374) the supreme court of that State so held, as will appear from the following extract taken from a somewhat lengthy opinion:

"It is clearly shown by the evidence, and conceded by counsel for the State, that the reports as made by the appellant company embrace all first, or original premiums—the premiums receipted for on the face of the policies—and also the subsequent, or renewal premiums, except to the extent that such renewal premiums were reduced by what is termed 'Dividends.' It is the contention of the appellee that such renewal premiums should have been reported without such reduction or abatement, as having been reduced by the company 'in cash or otherwise'; while the appellant company contends that the reduction from the nominal, or stated, premium as made was a contract right of the policy holder, and constituted no premium or part of the premium received by the company 'in cash or otherwise.' And these opposing contentions present the question in this case. * * *

"The present statute reads. * * * 'All premiums receipted for on the face of the policy for original insurance and all renewal premiums received in cash or otherwise in this State or out of this State on business done in this State during the year ending the 30th day of June last preceding.' * * *

"The appellant, every year before a premium falls due, determines how much of the stipulated premium it will exact from the insured. The diminution, whether it be called a 'dividend' or 'surplus' goes in the abatement of the renewal premium, and the insured pays only the difference. The insurance company, therefore, received not the full renewal premium, but the difference between the stipulated premium and this dividend or portion of surplus. All that the insurance company receives in cash or otherwise is this difference. * * *

"The Commonwealth is claiming to tax the appellant upon money which it never received at all. The appellant says that it is only required to pay upon money which it receives in cash or otherwise, except that it admits that it is bound to pay the full tax on the original premium receipted for on the face of the policy without regard to whether it in fact received such premium or not. The answer sets out the course of business of the appellant and shows what money it has received and what money it has not received, and shows that the difference between it and the Commonwealth is that the Commonwealth is attempting to charge it for the full amount of premium stipulated for in the face of the policy although it does not exact and has not the right to exact such full amount, being required to give to the policy holder the advantage of the dividend or surplus, or whatever it may be called, in the diminution of the nominal premium." * * *

"Now, the truth is, that this overpayment (called dividend) is not a dividend in any sense of the term; nor is the failure of the company to collect the full amount of the premium in after years a credit in any sense of the term. A sum of money applied as a credit can never be used for the same purpose again."

"If I owe A $50 and he owes me five notes of $150 each, when I credit him on the first note with the $50 I owe him, he can not require me to credit the same sum on the remaining four notes as they fall due. But that is just what the State is insisting on being done in this case. The policyholder makes the overpayment of premium technically called 'loading' and the company holds this sum and calls it a 'dividend,' and the State says that this is a crediting of the same sum on each of the after accruing premiums, and should be considered as so much collected each year by the company and as having been paid 'otherwise' than as cash.

"In order to bring the matter before our minds distinctly, let us assume that in 1900 A takes out a policy in the appellant company in which the stipulated premium is $150 per annum; that of this sum $100 would be sufficient to carry the risk in ordinary times, and that $50 is what is called 'loading,' collected in order to meet the contingencies of the future. Now, in 1900 the policyholder pays the full amount of the premium, $150. After that the company says to him, 'You need only pay $100 per annum, and as long as the $50 of overpayment you made in 1900 remains unexhausted, your annual premiums will be really $100, instead of $150, as stated in the policy.' The account in five years would be stated as follows:

1900, beginning of the insurance period, premium paid	$150.00
1901, beginning of the insurance period, premium paid	100.00
1902, beginning of the insurance period, premium paid	100.00
1903, beginning of the insurance period, premium paid	100.00
1904, beginning of the insurance period, premium paid	100.00
1905, beginning of the insurance period, premium paid	100.00
Total	650.00

"Obviously the total amount of money paid by the policyholder and received by the insurance company is $650, and it has received no more, either in cash or otherwise; and on the sum so received it is conceded that appellant has paid the tax due.

"If we look only at the method of bookkeeping of the appellant and have regard only to the terms it uses, there is much in the appearance of the case thus presented to warrant the position of the Commonwealth as to its rights to tax the so-called 'dividends' said to be annually credited on the premiums due from policyholders, but the law looks below the mere appearance of things and has regard to the reality; and thus looking, it sees that the appellant misuses the terms 'dividend' and 'credit,' and, as shown above, pays no dividend and allows no credit, but that, in reality, all that it does is to collect on the first premium a sum sufficient to meet the contingencies of any given year of the future, and then abstains from collecting any further overpayment while the first remains on hand."

The opinion in the foregoing case has incorporated in it, somewhat at length, an opinion by the appellate branch of the Court of Common Pleas of Pennsylvania, in Commonwealth *v.* Penn Mutual Life Insurance Co. (1 Dauphin Co. Rep., 233) from which the following extracts have been taken:

"But we think the so-called 'dividends to policyholders' are not 'net earnings or income' and do not represent such earnings, and that defendant is not liable to tax in respect to them. Notwithstanding the mass of testimony and exhibits on this point, including the ingenious questions of the able counsel on either side, followed by answers from the officers of the company, called as witnesses, not always as clear or intelligent as might have been expected, the facts are few and simple, as we have found them above. It is strenuously contended by the able special counsel for the Commonwealth that because these abatements are entered on the books of the company as 'dividends to policyholders' or 'surplus to policyholders,' they therefore represent net earnings or income, and furnish a measure of the liability of the company to taxation. Whatever these statements may be called, they are in reality what we have stated in the finding of facts. The amounts they represent are mere negative quantities, abstract statements not of what is, or is to be received or to 'come in,' but what is not to be received. The calculations are made for the express purpose of determining how much of the amount which the company might receive shall not be received, and one of the items which make up the apparent amount upon the basis of which this calculation is made is the sum which was abated and not received during the preceding year. In short, the whole proceeding is merely a method by which the books of the company are made to show what would be the actual gross debtor and creditor accounts of the company if the whole amount of the premiums was collected and a part was afterwards returned to the policyholders, while in fact it is neither collected nor returned. * * * It is a fallacy to suppose that the real nature of the transaction is that the policyholder pays his whole stipulated premium and receives his share of the dividend or distribution of surplus."

In State of Minnesota *v.* Mutual Benefit Life Insurance Co., decided December 15, 1909, in the district court of the second judicial district of that State (opinion not reported), it appears that a State statute required insurance companies to pay annually a tax equal to 2 per cent of all premiums received by them or their agents in that State, in cash or otherwise, during the preceding calendar year. The claim was there made by the State that the defendant company should pay "the tax on an amount represented by the maximum premiums called for in the policy, covering not only the amount the policyholder pays each year in cash, but also including any amount the policyholder receives credit for on such premium in the form of a dividend. In short, the State claims the insurance company in effect receives the maximum premium in cash in this State in such year, although but part is paid by the insured in cash and the balance is in the form of a credit given by the company on account of a dividend allowed. In disallowing the State's claim the court in its opinion says:

"The dividend declared in any year is applied in reduction of the next maturing premium on the policy of the insured. It follows that where a dividend has been apportioned and applied to the reduction of the premium named in the contract the policyholder pays to the company and the latter receives in cash only the difference between the maximum premium and the amount of the dividend, and these dividends, as the facts disclose, represent a surplus arising out of premiums previously paid, upon which the defendant company had already paid the State its 2 per cent tax. The word 'premium' as used in this statute is subject to the limitations expressed in the words which follow and, in a measure, control its use, to wit: 'Received in this State in cash or other obligations.'

"The statute apparently does not require the company to pay the 2 per cent tax on the full amount of premium named in its policies in this State. If so, the law would have so stated. On the contrary, the language is '2 per cent on all premiums received in cash and other obligations in this State.'"

In Fuller *v.* Metropolitan Life Insurance Co. of New York (Conn.; 41 Atl. Rep., 4) the court said:

"It (net premium) is the sum paid yearly by each to furnish the stipulated protection for all. But the policyholders must pay not only for the cost of insurance, but also for the expense of management; so to the net premium is added a sum deemed sufficient to pay expenses and provide for contingencies, which is called the 'loading.' In this way the policyholders pay the sum necessary for the cost of insurance and expense of management. The amount of the net premium is calculated upon the basis of certain tables of mortality and upon the assumption that the company will receive a certain rate of interest upon all its assets, and the amount of the loading is calculated upon a certain assumed rate of expense. Now, it may happen that the rate of

mortality experienced by the company is less and the rate of interest actually received is greater than that assumed, and that the ratio of actual expense is less. In such case the company has in reserve more than enough, with the anticipated annual premiums, to provide for future cost of insurance and management. It has a sum which is not needed for the purpose for which it was paid. This sum is called 'profits.' It is, in fact, a surplus resulting from overpayments by policyholders. This surplus is derived from money paid by the insured and received by the company for a particular purpose, i. e., providing for cost of insurance expense of management. If not needed for that purpose, it should, in equity, be returned to the policyholders. They do not, however, own it or have any legal control over its distribution. Part of it, indeed, is derived from contributions of policyholders who are dead; but the equity is recognized, and it is the duty of the company, when a surplus is ascertained, to return such portion as it does not deem proper to keep as a guaranty fund to the existing policyholders in equitable (i. e., as nearly as practicable) proportion to their overpayments or contributions. Such return of overpayments, whether in cash or by application on future premiums, or by increase of the amount insured, is a dividend. This is the meaning of 'dividend,' and the only meaning it has or can have in connection with mutual insurance."

"In New York Life Insurance Co. *v.* Styles (59 L. J. Q. B., 291; L. R. 14 App. Cas., 381 (1889)) it was held as follows:

"That the surplus premium income of a mutual insurance company derived from and annually returned to participating policy holders, is not assessable to income tax as profits or gains arising from any profession, trade, or vocation exercised in the United Kingdom."

In the opinions of Lords Herschel and MacNaghten the following passages appear:

"Lord Herschel: 'In the case before us certain persons have associated themselves together for the purpose of mutual assurance—that is to say, they contribute annually to a common fund, out of which payments are to be made in the event of death to the representatives of the persons thus associated together. Those persons are alone the owners of the common fund, and they, and they alone, are entitled to the management of it. It is only in respect of his membership that any person is entitled to be assured a payment upon death. * * *

"'Can it be said that the persons who are thus associated together for the purpose of mutual insurance carry on a trade or vocation from which profits or gains accrue, to them? I can not think so. I am aware that the surplus income with which we are concerned is called "profits" in the documents of the appellants. But both the learned lords who formed the majority in Last's case (1) repudiated the idea that because moneys, which were not in fact profits are erroneously so called, this would make them "profits" within the meaning of the income-tax acts. I entirely concur. We must look to see whether they are really so or not. Persons who agree to contribute to a common fund for mutual insurance certainly would not in ordinary parlance be regarded as carrying on a trade or vocation for the purpose of earning profit. Let us see how the so-called profit arises. It is due to the premiums which the members are required to pay, being in excess of what is necessary to provide for the requisite payments to be made upon the deaths of members, and not being, as the case states they were intended to be, commensurate therewith. This may result either from the contributions having, owing to an erroneous estimate or overcaution, been originally fixed at a higher rate than was necessary, or from the death rate being lower than was anticipated. Can it be properly said that, under these circumstances, the association of mutual insurers has earned a profit? The members contribute for a common object to a fund which is their common property; it turns out that they have contributed more than is needed, and therefore more than ought to have been contributed by them for this object; and accordingly their next contribution is reduced by an amount equal to their proportion of this excess. I am at a loss to see how this can be considered as a "profit" arising or accruing to them from a trade or vocation which they carry on. It is true the alternative is allowed them of leaving the excess in the common fund, and so increasing their representatives' claim upon it in case of death, but I can not think that this makes any difference. Mr. Bremner truly pointed out that if these so-called bonuses were to be regarded as representing profits, it followed that if the premiums were trebled the profits would be increased in proportion.'"

"Lord MacNaghten.—'Certain persons agree to insure their lives among themselves, on the principle of mutual insurance. They take care to admit none but healthy lives. They contribute according to rates fixed by approved tables, and they invite other persons to come in and join them by insuring their lives on similar terms. The rates fixed by the tables are taken as being sufficient to provide for expenses, to meet liabilities, and to leave a margin for contingencies. What is to become of the surplus if everything goes right? The practice is to take an account every year of assets and liabilities and to give the insured the benefit of the surplus, either by way of reduction of premium or by way of addition to the sum insured. It can make no difference in principle whether the surplus is so applied or paid back in hard cash. In either case, it is nothing but the return of so much of the amount contributed as may be in excess of the amount really required. I do not understand how this excess can be regarded from any point of view, or for any purpose, as gain or profit earned by the contributors. I do not understand how persons contributing to a common fund in pursuance of a scheme for their mutual benefit—having no dealings or relations with any outside body—can be said to have made a profit when they find that they have overcharged themselves, and that some portion of their contributions may be safely refunded. If a profit can be made in that way, there is a field for profitable enterprise, capable, I suppose, of indefinite expansion.'"

In Tenant *v.* Smith (61 L. J. P. C., 11; 1892, A. C. 150), a case which arose under the English income-tax act, Lord MacNaghten said:

"It is a tax on income in the proper sense of the word. It is a tax on what comes in—on actual receipts * * * not on what saves his pocket, but on what goes into his pocket."

Gresham Life Assurance Society *v.* Bishop (71 L. J. K. B., 618; A. C. 287) was also a case growing out of a provision of the English income-tax act, to the effect that "the duty to be charged in respect" of interest arising from foreign securities "shall be computed on a sum not less than the full amount of the sums which have been or will be received in Great Britain in the current year without any deduction or abatement."

It was held that the tax was to be assessed on the amount of such interest as was actually received in that country during the year and not on the amount constructively received in yearly accounts of profit and loss.

The above cases furnish a clear exposition of the nature and character of the dividends considered in this case.

Not only is their reasoning inherently persuasive, but their authority is enhanced by the fact that there are no conflicting decisions, or at least none have been brought to the court's attention. Counsel for the Government denies not so much their intrinsic weight as their relevancy, claiming that the act under consideration has abrogated or nullified them. In other words, it is contended that by the express language of the act no dividends declared by life insurance companies can, in the ascertainment of their net income, be deducted from their gross income. No distinction between dividends is admitted, no matter how, for what purpose, or from what fund declared, or whether paid or unpaid, all are alike, and all must be taxed because they represent income "received." If, however, as contended, Congress had in mind the cases above cited, and intended by the clause of the act in question to overrule them, it can hardly be urged that it used very clear or apt language to express its intention. On the contrary, it would appear from its language, that it intended to give those cases its approval, and adopt and continue the distinction thereby created. In seeking to ascertain the intention of Congress, it seems but reasonable to assume, in the absence of anything to the contrary, that it used the word "dividends," as applied to insurance companies, in the sense it had long and generally borne in insurance matters, which sense had moreover been confirmed by repeated judicial decisions. The term should, in other words, be given what might not inappropriately be called its trade signification. (Hedden *v.* Richard, 149 U. S., 346.) Hence, when it refers to dividends "paid" it means dividends paid, and not an application of excess premium payments in abatement or reduction of subsequent premiums. The word "paid," as used by Congress, is highly significant. It clearly shows that it had cash payments in mind. Not only does this appear from its inherent meaning, but by its use in other clauses of the section providing for deductions from gross income. The expression "gross income," as used in the act, means gross cash receipts and the deductions which were directed to be made therefrom, in order to ascertain net "income received," were deductions of cash expenditures. The principle of cash receipts and cash expenditures underlies the structure of the entire section. To hold that "paid" has a different meaning when applied to dividends from that given it in several clauses of the immediate context would be unwarranted. It should be held to mean dividends which have been paid in cash during the year and repaid to the company as premiums. Counsel for the complainant, speaking of such dividends well say, "unless so received and paid back to the company, they do not constitute 'income received,' the question of income is to be determined, not by what the parties might do, but by what they do do." If, therefore, a policyholder, by the express provision of his policy, elects to have a previous overpayment of premium applied in reduction of a succeeding stipulated premium, what he pays, and all that he pays or can be required to pay, is the reduced premium, and that is all that the company received by way of income and all it is liable to be taxed for. Such a construction of the act in nowise contravenes its purpose, which was to subject to taxation cash dividends, which, as statistics show, form a very large item in insurance business. Since, then, there is subject matter which the clause of the act plainly embraces, there is neither reason nor propriety in broadening its scope by construction so as to make it include that which by strong implication, at least, it excludes. To do so would be violative of one of the chief rules of construction applicable to acts concerning taxation.

Before leaving this branch of the case, it seems proper to say that dividends of the kind under consideration should not be confused with dividends declared in the case of a full-paid participating policy wherein the policy holder has no further premium payments to make. Such payments having been duly met, the policy has become at once a contract of insurance and of investment. The holder participates in the profits and income of the invested funds of the company. His case is, therefore, radically different from that of a policy holder whose dividend represents merely the excess cost of his insurance; which excess, at his request, and pursuant to the terms of his policy, has been applied in abatement or reduction of a future premium. But it may be urged that the fund for which the so-called dividends are declared on mutual policies is likewise largely derived from interest on the company's investments, and that this shows that in a real sense such dividends are after all declared from the earnings, profits, or income of the company. This proposition might be entitled to weight were it not for the fact that in so far as the fund from which such dividends are declared is produced from interest on the company's invested funds, it has already been subjected to and has paid taxes under the act in question.

Furthermore, while, perhaps, not illegal, it is in a sense unfair, and therefore presumably contrary to the intention of Congress, as between a mutual company and a stock company, to tax the dividends in question as income received. The policy holder in a stock company pays a uniform and fixed premium each year, the premium in his case is not "loaded," but is presumed to represent cost as nearly as may be, for the reason that the stability of his policy is assured by the stock of the company, and not, as in the mutual plan, by premium payments avowedly in excess of the cost of the insurance. It would seem to be fair and equitable, therefore, between the two classes of companies, to tax them upon the premiums actually paid them by their policy holders and not to tax one class upon premium payments actually received and the other upon payments which at the utmost are only "constructively received."

My conclusion, therefore, is that by the clause in question Congress did not overrule the authorities above cited, but on the contrary crystallized them into statute law, and by so doing, exempted from taxation dividends of the character in controversy.

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In the United States Circuit Court of Appeals, for the third circuit.

(October term, 1912. No. 1693.)

Herman C. H. Herold, collector, *v.* Mutual Benefit Life Insurance Co., plaintiff below.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF NEW JERSEY.

Before Gray, Buffington, and McPherson, circuit judges.

Per CURIAM:

Certain taxes for 1909 and 1910 were levied against the insurance company by two supplementary assessments under the act of 1909. The company paid under protest, and afterwards recovered judgment against the collector for practically the whole amount levied. Several questions were raised and decided below, but in this court only one

question needs attention: Does the act tax the so-called "dividends" awarded annually to policy holders? The answer must be in the negative, unless such "dividends" form a part of the company's "net income * * * received by it * * * during such year." If they do not arise from income received during the tax year, but from income received during a previous year, Congress has not taxed them; or perhaps it is more correct to say, Congress has not taxed them more than once. Concededly, they have been taxed once with the other net income of the particular year during which the company actually received them in cash; if, therefore, they are to be taxed more than once, it is well settled that the language imposing such an exceptional burden should be clear and unambiguous. But we need not discuss the subject; that duty has been performed by Judge Cross with such fullness and ability that we can not do better than adopt his opinion. The case in the district court is reported in 198 Federal, at page 199, and the discussion we refer to extends from page 200 to page 212, inclusive. But we do not adopt what is said on page 212 concerning dividends on full-paid participating policies, nor what is said on the same page concerning stock companies; not because we wish to suggest disapproval, but merely because no opinion about these matters is called for now, as they do not seem to be directly involved.

The judgment is affirmed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. HULL].

The question was taken, and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 153, line 7, by adding, after the word "expenses," the words "and reinsurance reserves."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I also offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 154, line 3, by striking out the words: "Not including the tax imposed by this act."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GOULDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 99. An act to fix the times and places of holding district court for the district of Arizona.

The message also announced that the Senate had agreed to the following resolution with an amendment, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 7.

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 additional copies of the report of the Ways and Means Committee on H. R. 3321—15,000 copies for the use of the House of Representatives, to be apportioned as follows: Two thousand to the Committee on Ways and Means, 1,000 to the House document room, 12,000 to the House folding room; and 5,000 for the use of the Senate.

THE TARIFF.

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of section II.

Mr. UNDERWOOD. Mr. Chairman——

Mr. MANN. Mr. Chairman——

Mr. UNDERWOOD. Does the gentleman desire to offer an amendment?

Mr. MANN. Mr. Chairman, at the request of the Commissioner from the Philippine Islands [Mr. QUEZON] I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 133, line 7, after the words "Porto Rico," strike out "and of the Philippine Islands."

Mr. QUEZON. Mr. Chairman, as a matter of principle I believe in an income tax. I believe that government should be supported by those benefited by it in proportion to the wealth of the beneficiaries; but I also believe that the people alone who pay the taxes have the right to levy them, and for this reason I am opposed to have the Congress of the United States levy any tax to be paid by the Filipino people.

The purpose of the amendment, which at my request has been introduced by the gentleman from Illinois [Mr. MANN], is to exclude the Philippine Islands from the provisions of section 2 of this bill. I understand it to be the reason of the Ways and Means Committee for imposing upon the Filipino people the income tax the fact that the Philippine Government will suffer a loss of about ₱500,000 through the abolition of the export tax provided for elsewhere in this bill. But, Mr. Chairman, while it is true that there will be this loss of revenue, there is no need for creating new taxes, inasmuch as the Philippine Government has a surplus of more than ₱500,000 of revenues over its ordinary expenditures, according to the report of the auditor of the Philippine Islands of 1911, which I hold in my hand. On page 17 of this report the following figures are given: Total ordinary income for the year, ₱25,445,520.45; total expenses, ₱19,580,651.17; excess of ordinary revenue income over expenses, ₱5,864,869.28. Besides the report of the collector of customs for 1912 shows a constant increase in customs revenues since 1909, the increase during the fiscal year 1912 as compared with 1911 being ₱1,337,674.90. This increase alone is more than the total export tax, which was in 1912 ₱1,069,690.04.

It is evident from what I have said that the Philippine Government can get along very well without the export tax, and therefore the loss of this revenue does not require the creation of a new tax.

But this is not the main reason for my objection to the extension to the Philippines of the income tax. My main reason, Mr. Chairman, is that it is un-Democratic. If it is necessary that there should be levied new taxes in the Philippine Islands, the Philippine Legislature and not Congress should levy those taxes. What is the use of having a Philippine Legislature if Congress is going to levy the taxes to be paid by the Filipino people? We have learned from you that taxation without representation is tyranny, and in this case we are taxed by a legislative body wherein we have no representation. Only through the courtesy of the gentleman from Illinois [Mr. MANN] I had the opportunity of having my amendment submitted to the committee, and through the courtesy of the House I can discuss it. But in my own right I can say and do nothing on this floor; and, at any rate, I can not vote.

Mr. UNDERWOOD. Mr. Chairman, the reason for levying this income tax on the wealth of the Philippine Islands is this: The present law levies an export tax, which falls on the industry of the Philippine Islands and upon their productive capacity. It is a burden on the small farmer who raises tobacco and hemp and is an injury to the industrial development of the Philippine Islands. This bill repeals the law which authorizes an export tax in the Philippine Islands.

As the Commissioner representing the Philippine Islands [Mr. QUEZON] states, it will reduce their revenues about half a million dollars. I consulted Gen. McIntyre, the head of the Insular Bureau, and the Secretary of War about this proposition for the purpose of trying to find out whether we could repeal the export tax. They said, after investigation, that we could certainly do so if we would extend the provisions of this income-tax bill to the Philippine Islands for the benefit of the Philippine Islands treasury.

You understand this provision does not tax the Philippine Islands for the benefit of our Government, but levies a tax upon the wealth of the Philippine Islands for the benefit of their Government in the same way that we levy it upon our own people. In other words, the effect of this bill is to untax the poor farmer in the Philippine Islands whose export of hemp and tobacco and other products are taxed when he sends them out of the country, and the burden of this income tax falls upon the wealth of the Philippine Islands. I was advised by the Insular Bureau that although this proposition had been considered by their local legislature, and while this Government had advised them to pass a law of this kind, up to the present time they had either failed or refused to do so.

Mr. QUEZON. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. QUEZON. There was no reason for passing any bill, because the export tax on hemp was still on the statute books. So where was the wisdom of levying new taxes on the Filipinos when we had sufficient revenues on hand? But now we are ready to do it.

Mr. UNDERWOOD. We have now repealed the export tax and we are levying upon the wealth of the Filipinos, for their own benefit, a tax which we think is just for our own people. I think this insures a tax on wealth there which they do not now have. I think it thoroughly just, and I think it should remain in the bill.

Mr. MOORE. Mr. Chairman, will the gentleman explain why Hawaii is left out of the bill—so long as he is speaking on this subject?

Mr. UNDERWOOD. Hawaii is in the bill. Hawaii is a Territory of the United States, and therefore it comes under the title of United States. Of course the tax in the Philippine Islands goes to the treasury of the Philippine Islands.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having resumed the chair, a message from the President, in writing, was

communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

April 25, 1913:

H. J. Res. 62. Joint resolution making an appropriation for defraying the expenses of the committees of the Senate and House of Representatives authorized to attend and represent the Senate and House at the unveiling and dedication of the memorial to Thomas Jefferson at St. Louis, Mo.

May 1, 1913:

H. R. 2973. An act making appropriations for certain expenses incident to the first session of the Sixty-third Congress, and for other purposes.

THE TARIFF.

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN] in behalf of the Resident Commissioner representing the Philippine Islands [Mr. QUEZON].

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, at the request of the representative of the Philippine Islands [Mr. QUEZON] I offer a further amendment.

The CHAIRMAN. The Clerk will report the further amendment offered by the gentleman from Illinois [Mr. MANN] in behalf of the representative of the Philippine Islands [Mr. QUEZON].

The Clerk read as follows:

Amend, page 133, line 7, after the word "and," by striking out the word "of" and inserting in lieu thereof the following: "to every person residing in."

Mr. QUEZON. After my first amendment has been voted down I hope that this one will be adopted. I am not sure that the wording of the amendment expresses entirely my purpose. I shall explain to the committee what I want and let you gentlemen do the rest.

The paragraph as it stands levies taxes on the citizens of the Philippine Islands alone, so that no foreigner will bear the burden of this taxation. This is not fair. Foreigners residing in the Philippines receive as much protection and benefit from the Philippine Government as the Filipinos, if not more. Again, the property owned, and every business, trade, or profession carried on in the Philippines by persons residing elsewhere is not taxed. There is no reason on earth for this exemption. I hope the law will be so worded as to impose the tax on every person residing in the Philippines and on every property, business, trade, or profession carried on there by persons residing outside the islands.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN], in behalf of the Resident Commissioner from the Philippine Islands [Mr. QUEZON].

Mr. MANN. Mr. Chairman, I understand the committee offered an amendment, in line 7, striking out the words "by every citizen." Is that correct, changing the word "by," in line 6 of page 133, to the word "to"? That would still leave the law applicable only to every citizen of Porto Rico and the Philippine Islands. Plainly that would not cover a rich Chinese merchant in the Philippine Islands or a rich English merchant or a rich Japanese merchant in the Philippine Islands. I apprehend it was not the intention of the gentleman from Tennessee [Mr. HULL], if the law is to be applied to the Philippine Islands, to omit the very people who make the money over there in trade and who have the money. Does not the gentleman from Alabama [Mr. UNDERWOOD] believe himself that this amendment ought to prevail?

Mr. UNDERWOOD. I will say to the gentleman that I think the amendment is worthy of consideration, and I will ask unanimous consent that it be passed over for the present with the privilege of coming back to it.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the amendment proposed by the gentleman from Illinois [Mr. MANN], in behalf of the Resident Commissioner from the Philippine Islands [Mr. QUEZON], may be passed over for the present and recurred to later. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3321—the tariff bill—and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ANTHONY, for 10 days, on account of a death in his family.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. WILSON of New York, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 22260, Sixty-second Congress, granting a pension to Lydia Norton, no adverse report having been made thereon.

The SPEAKER. The Clerk will read the following personal request.

The Clerk read as follows:

Mr. Cox asks leave to withdraw the evidence in H. R. 28498, Sixty-second Congress, third session (Jack Merssner).

The evidence in H. R. 5191, Sixty-second Congress, first session (Abraham Crist).

The evidence in H. R. 16879, Sixty-second Congress, second session (Martha Fitzpatrick).

The evidence in H. R. 18351, Sixty-second Congress, second session (Cornelius W. Morrison).

The SPEAKER. If there be no objection, these requests will be granted.

Mr. MANN. Are those cases in which there are no adverse reports?

The SPEAKER. It does not state. Those requests will be laid aside.

LEGISLATIVE ACTS OF PORTO RICO (S. DOC. NO. 20).

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the session beginning January 13 and ending March 13, 1913.

WOODROW WILSON.

THE WHITE HOUSE, *May 6, 1913.*

The SPEAKER. This message will be printed and referred to the Committee on Insular Affairs, and the accompanying documents will remain in the archives of the House.

REPORT ON THE TARIFF BILL.

Mr. UNDERWOOD. Mr. Speaker, I ask the Chair to lay before the House the concurrent resolution in reference to printing additional copies of the report of the Ways and Means Committee on the tariff bill (H. R. 3321).

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 7) for the printing of 20,000 additional copies of the report of the Ways and Means Committee on H. R. 3321, with a Senate amendment thereto.

The Senate amendment was read, as follows:

Line 7, after "Senate," insert:

"To be apportioned as follows: Two thousand to the Committee on Finance, 1,000 to the Senate document room, and 2,000 to the Senate folding room."

Mr. UNDERWOOD. I move to concur in the Senate amendment.

The motion was agreed to.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 7.45 o'clock p. m.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p. m.) the House took a recess until 7 o'clock and 45 minutes p. m.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

Mr. COPLEY. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 133, line 8, strike out everything in subsection A after the word "Islands" and insert in lieu thereof "a tax of 2 per cent per annum upon such income over and above $5,000; and a like tax shall be assessed, levied, and paid annually upon the entire net income from all property owned, and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

"In addition to the income tax provided under this section (herein referred to as the normal income tax) there shall be levied, assessed, and collected upon the net income of every individual an additional income tax (herein referred to as the additional tax) of 1 per cent per annum upon the amount by which the total net income exceeds $10,000 and does not exceed $15,000, and an additional income tax of 2 per cent per annum upon the amount by which the total net income exceeds $15,000 and does not exceed $20,000, and an additional income tax of 3 per cent per annum upon the amount by which the total net income exceeds $20,000 and does not exceed $25,000, and an additional income tax of 4 per cent per annum upon the amount by which the total net income exceeds $25,000 and does not exceed $30,000, and an additional income tax of 5 per cent per annum upon the amount by which the total net income exceeds $30,000 and does not exceed $35,000, and an additional income tax of 6 per cent per annum upon the amount by which the total net income exceeds $35,000 and does not exceed $40,000, and an additional income tax of 7 per cent per annum upon the amount by which the total net income exceeds $40,000 and does not exceed $45,000, and an additional income tax of 8 per cent per annum upon the amount by which the total net income exceeds $45,000 and does not exceed $50,000, and an additional income tax of 9 per cent per annum upon the amount by which the total net income exceeds $50,000 and does not exceed $55,000, and an additional income tax of 10 per cent per annum upon the amount by which the total net income exceeds $55,000 and does not exceed $60,000, and an additional income tax of 11 per cent per annum upon the amount by which the total net income exceeds $60,000 and does not exceed $65,000, and an additional income tax of 12 per cent per annum upon the amount by which the total net income exceeds $65,000 and does not exceed $70,000, and an additional income tax of 13 per cent per annum upon the amount by which the total net income exceeds $70,000 and does not exceed $75,000, and an additional income tax of 14 per cent per annum upon the amount by which the total net income exceeds $75,000 and does not exceed $80,000, and an additional income tax of 15 per cent per annum upon the amount by which the total net income exceeds $80,000 and does not exceed $85,000, and an additional income tax of 16 per cent per annum upon the amount by which the total net income exceeds $85,000 and does not exceed $90,000, and an additional income tax of 17 per cent per annum upon the amount by which the total net income exceeds $90,000 and does not exceed $95,000, and an additional income tax of 18 per cent per annum upon the amount by which the total net income exceeds $95,000 and does not exceed $100,000, and an additional income tax of 23 per cent per annum upon the amount by which the total net income exceeds $100,000 and does not exceed $200,000, and an additional income tax of 28 per cent per annum upon the amount by which the total net income exceeds $200,000 and does not exceed $300,000, and an additional income tax of 33 per cent per annum upon the amount by which the total net income exceeds $300,000 and does not exceed $400,000, and an additional income tax of 38 per cent per annum upon the amount by which the total net income exceeds $400,000 and does not exceed $500,000, and an additional income tax of 43 per cent per annum upon the amount by which the total net income exceeds $500,000 and does not exceed $600,000, and an additional income tax of 48 per cent per annum upon the amount by which the total net income exceeds $600,000 and does not exceed $700,000, and an additional income tax of 53 per cent per annum upon the amount by which the total net income exceeds $700,000 and does not exceed $800,000, and an additional income tax of 58 per cent per annum upon the amount by which the total net income exceeds $800,000 and does not exceed $900,000, and an additional income tax of 63 per cent per annum upon the amount by which the total net income exceeds $900,000 and does not exceed $1,000,000, and an additional income tax of 68 per cent per annum upon the amount by which the total net income exceeds $1,000,000. All the provisions of this section relating to individuals who are to be chargeable with the normal income tax, so far as they are applicable, shall apply to the levy, assessment, and collection of the additional tax imposed under this section. Every person subject to this additional tax shall, for the purpose of its assessment and collection, make a personal return of his total net income from all sources, corporate or otherwise, for the preceding calendar year."

Mr. COPLEY. Mr. Chairman, under this proposed amendment a man having an income of $5,000 or less would pay no tax. If his income was $10,000, he would pay $100. If his income was $25,000, he would pay $700. If it was $50,000, he would pay $2,700. If it was $75,000 a year, he would pay $5,950. If it was $100,000, he would pay $10,450. If it was $1,000,000 he would pay $415,450.

Mr. Chairman, I have introduced this amendment for several reasons, the principal one being that I believe it to be the best way of equalizing the opportunities which society in this country offers to certain men in securing more than their fair share of the benefits derived from the labors of other men. If there is one tax which bears lightly on the shoulders of the individual paying it, it is that which is paid out of a surplus income. It galls no shoulders, though it will probably gall some hearts. No man can seriously question that any tax paid under the graduated schedule proposed in this amendment would come out of a surplus income after allowing its recipient a sufficient amount to provide for his family and himself in a dignified manner.

There are two standpoints of justice from which we might look at this question: One, the material; the other, the moral.

From the material standpoint a government is established for the purpose of insuring, as far as possible, safety to life and safety to property—the enjoyment of an income. The life which is sought to be protected is of equal value to the different individuals, the richest and the poorest alike. The property which is protected, particularly that represented by an income, is not of equal value to the rich and the poor, nor is it in a ratio of their respective incomes. In one instance a meager living with nothing left over; in the other, all the comforts as well as the necessities and an enormous surplus besides.

What is the ratio between a surplus income of many millions of dollars a year and a surplus income of nothing, and what is the Government asking of each?

From the moral standpoint, is the possessor of the brain power sufficient to amass an enormous fortune entitled to all its benefits, or does he owe some duty to society?

The per capita wealth in this country, about $1,500, is the highest of any country in the world; and, bear in mind, this represents the labors of man not from the Declaration of Independence, not from the first settling of this country, not from the beginning of the Christian era, but from the beginning of time, the labors of man coupled with opportunities presented to them in this country. This same per capita means for every man, woman, and child. It would amount to about $7,500 for each adult man. A man, therefore, who has accumulated $1,000,000 in his lifetime has appropriated to himself the entire earnings of 133 men; not for one generation, but since human beings began to accumulate wealth on this footstool. Society, therefore, in this country has offered the individual these opportunities, and society is entitled to some of their earnings.

Take the richest man in America, probably John D. Rockefeller. His wealth is variously estimated from five hundred to one thousand millions of dollars, which means that from 66,000 to 133,000 men have been at work accumulating property for him since the time when human beings first evolved sufficiently to appreciate the value of property.

I am taking Mr. Rockefeller merely as a type. He could not possibly have created this wealth by the labor of his own hand or brain alone. It required, in addition, the conditions of society which allowed him private ownership of oil lands and oil wells, which allowed him practically whatever margin he could get on refining his product and also whatever margin for distribution he might take. Now, Mr. Chairman, we need the brain power of the great captains of industry working for the benefit of all our people, and we need the stimulus which self-interest furnishes to them.

I believe in exempting moderate incomes. It is not the income of $5,000 a year that is a menace to the institutions of this country, and I do not believe there is a single one of our self-made captains of industry who would not have subscribed to the graduated income tax proposed in this amendment when he began the process of gathering his fortune. I have no authority to speak for the gentleman whose name I have used in this illustration, but I do believe when he entered the oil business he would have been willing to guarantee to work just as hard as he has done, denying himself everything he has denied himself, with a prospect of a fortune of a few million dollars instead of several hundreds of millions.

Why, wealth is a relative matter at best. Each man is prompted by a most healthful impulse. He wants to see the helpless members of his family, for whose helplessness he is primarily responsible, cared for as well as the helpless members of his neighbor's family. We do not want to discourage this principle, but if one man has the vision and the energy and the application that allows him to amass a swollen fortune, provided his neighbors are treated in exactly the same manner, he will work just as hard as if there were no such provision as this.

If this amendment should be adopted, and I venture the prediction that within 10 years some such law will be written on the statute books of this country by the American Congress, I would then suggest that a good part of it be turned back to the various States from which it is collected, to be used by them in lightening the burdens of taxation of the poor and less fortunate people, and not as alms and charity but as equalizing the burdens. The child of a Rockefeller and the child of the humblest workman are alike an asset to this country. Every enlightened State has compulsory school laws, but, unfortunately, not all of them furnish free textbooks, and where a poor man has a large family and is compelled to send his children to school they add a burden which is not equalized by a man with an income so large that he has a surplus after providing for his family. And yet the value of these children as estimated by the State is in direct ratio to their numbers.

With such an enormous income as this would give it would be possible for the various States and the Federal Government to prosecute their researches along the lines of health, sanitary science, medicine. In other words, it would be a question not of charity but of justice. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. COPLEY].

The question was taken, and the amendment was rejected.

Mr. GILLETT. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 133, line 8, after the word "islands," insert "a tax of one-half of 1 per cent per annum upon such income over and above $1,000 up to $4,000, and"

Mr. GILLETT. Mr. Chairman, the purpose of this amendment is to reach that class who are exempted by the present bill who have an income over $1,000 and less than $4,000 a year, and have them pay an income tax of one-half of 1 per cent. Unquestionably a majority of the people of this country are exempted by the $4,000 limit now in the bill. I have no question but that a great majority of our people have no hope of ever having an income of $4,000 a year, and would be very glad, if they were assured of that income, to give much more than 1 per cent of it to the Government in the shape of an income tax. My main purpose, however, in suggesting this is not because I think those below $4,000 necessarily ought to pay an income tax. I appreciate that there should be a difference between the rich and the poor in the per cent of the tax and that the weight upon the poor should be made very light. But there is another effect which can be reached by an income tax. The main reason that I offer this amendment is that I think it would be an antidote to what is one of the most alarming diseases which we all recognize here to-day in Congress—the disease of extravagance. I think everyone will admit that in the last few years the tendency of national expenditure has been constantly increasing to an extent which the great mass of the people do not trouble themselves about and do not appreciate, and I can see no brake for the constant progress of that expenditure except some such provision as this.

The great mass of the people of the country do not appreciate that they are paying the expenses. They look upon the National Government as a great reservoir of wealth, from which they extract as much as they can for their district or for their enterprises without any cost to them; and in recent years there has been a prodigious increase of Federal activities. Most of us probably approve of that increase. It is doing much for the country in every way, but it is costing money. It is making a constant necessary increase in our expenses, and it is changing the attitude of the people toward the Federal Government so that they are constantly demanding more and are reckless of expense. To-day every Congressman has a call from his home constituency to get all of the money that he can out of the Treasury for his district. His people do not pay much attention to what he votes for other districts. They do not care how much logrolling he does, how willing he is to pledge his vote to some reckless extravagance in some other portion of the country; so long as he gets what they want for their own district they are satisfied. We have upon us a constant pressure for expenditure, and no matter how economical we may be at heart, few of us are Spartan enough to stand up and resist this pressure.

It seems to me that an amendment like this which says that a man who gets an income over $1,000 shall pay one-half of 1 per cent tax would bring home to the people the fact that they are paying the bills as they really are. The tax would be very small, only 50 cents on an income of $1,000 and $5 on an income of $2,000. If the Government were expensive, if the administration were extravagant, their little tax of $1 or $5 would be increased. If the Government were economical their income tax would decrease so that all the time they would have a little feeling in their pockets as to whether the Government was economical or extravagant.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. AUSTIN. Does the gentleman not think it would defeat every Member who would vote for this amendment if the fact were known at home?

Mr. GILLETT. No; I do not. I do not believe the people are so unthinking and selfish. I am willing to take the risk at any rate, and this question, perhaps, illustrates the impulse which we all have. We are all afraid to do anything which we think may hurt us at home, regardless of whether we think it is right and best for the country or not.

I believe it would be extremely desirable to make every citizen of the United States have some constant pressure telling him whether the Government was economical or whether the Government was extravagant, and that is the reason I advocate this amendment. I do not suppose under the caucus rules it is very likely to be adopted, but I do hope it will produce some effect upon the minds of gentlemen and set them thinking whether it is not necessary for us to do something to check this constant growth of Federal expense and the constant pressure on Members of Congress to vote large appropriations and bring back some inducement and reward and popularity for being economical.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. Mr. Chairman, as a new Member of this great body I of course feel that I should have regard to some extent for the long-established custom of this House, which in a measure demands that discussions of questions shall be left in the main to the more mature Members from the standpoint of service, but on the other hand, I feel that as a representative and commissioned spokesman of more than 200,000 citizens of the fourth congressional district of Texas I should be allowed to break in a measure whatever of this custom remains, and exercise my constitutional right to speak my sentiments on this floor and refuse to be relegated to that lockjawed ostracism to some extent typical of the dead past.

This Congress has been called in extraordinary session for the purpose of handling an extraordinary situation. It has been assembled to revise the tariff and to provide revenue for the support and maintenance of the Government. The question of levying and collecting taxes to defray the expenses of Government is to my mind one of the greatest, if not the greatest, and most serious that has ever confronted a people of any Government or that confronts us at this hour. To levy taxes so that they will bear equally and equitably on all property in all sections, and so that the greatest burden will fall on those most able to pay is the true doctrine advocated and adhered to by the Democratic Party since its coming into existence. Entering upon this great task we are met by a condition the most extraordinary in the annals of our time. The Democratic Party must and has set itself to the task of taking a system that has grown up under the most indefensible system that the world has ever known—that of a tariff levied not for revenue but for protection—and with a determination to relieve the people of unjust burdens, yet to provide revenue for the Government. The system of protective tariff built up under the Republican misrule has worked to make the rich richer and the poor poorer. The protective tariff has been justly called the mother of trusts. It takes from the pockets of those least able to pay and puts it into the pockets of those most able to pay. The two great parties in the long past took distinct positions upon the tariff question—the Democratic Party of the masses on the one side and the Republican Party of the classes on the other side; the Democratic position being that the only reason on earth for the levy and collection of a tariff tax at all is for the purpose of raising money to defray the expenses of the Government, and that whatever protection came to any industry from this tax was only an incident and arising out of the system, and no reason for the tax.

The Republican doctrine being that the real reason for the levy and collection of a tariff tax was to protect American industries from competition, and that the raising of revenue to support the Government was only an incident coming from the system. A system that would build around this Government a tariff wall so high that the factories of other countries could not pay import duty, come into this country and sell in competition with American trade, leaving the American industries absolutely without competition and leave them to fatten on the American consumer. The Republican doctrine is a prohibitive tariff; the Democratic doctrine is one "for revenue only," and levied high enough to raise money to defray the expenses of the Government, yet low enough that the factories of other lands can manufacture their goods, pay the import duties, and sell in competition with American trade to the benefit of every American consumer. The country has carried the prohibitive tariff of Republicanism until the American consumer is stooped and weary of his all too heavy load. They have therefore turned them out of the high places of power and called the party of Jefferson and Jackson again to power. That party that in the older days guided this ship of state so long and so well. The Democratic Party was called to power on a platform of great principles.

The Baltimore convention that placed the banner of this great party in the hands of the clean and matchless Woodrow Wilson was a convention made up of real human beings. Men who came from every walk of life, and who were fresh from the people, who knew their hopes and their aspirations, their wants, and their sufferings. They placed at the head of the party and as spokesman for the party a man whom they believe had the great heart and mind that he could interpret the inarticulate longings of suffering humanity. By an electoral vote unprecedented in the history of the Republic, this leader was called to the highest station in the gift of men the world over. In conformity with his and his party's pledges to reduce

the tariff at once and downward, he called this Congress in extra session. Not only is the Democratic Party to be congratulated, but the whole of the country on the fact that in carrying out the pledges made to the people, that in Congress they have the stainless, able, and peerless OSCAR UNDERWOOD as majority leader and chairman of the powerful Committee on Ways and Means. To my mind this committee has given to the country the best, fairest, and justest tariff bill ever written and a law the operation of which will lift much of the load from the bending backs of the taxpayers of the country.

When the history of this era is written impartially the name of the gentleman from Alabama [Mr. UNDERWOOD] will shine resplendent, and the great debt of gratitude they owe him will never be paid, as was said the other day by the gentleman from Pennsylvania [Mr. PALMER], until he is called to the Presidency of the United States, the only office in the Republic carrying greater responsibilities, or with greater opportunity for great public service, than the chairmanship of the great committee which he now holds.

The gentlemen on the other side of the Chamber, our Republican friends, who by reason of their broken pledges and unkept promises to the American people have been reduced to a mere handful, are to-day standing for nothing, reduced to an opposition party only, are very solicitous that the present bill will bring on hard times and panics. A panic may come at any time, but it is my deliberate judgment that this bill will be no more responsible for any panic that should come than it was the cause of the panic of 1907, which came not after a reduction of the tariff, but came amid the prosperous times of protection about which our Republican friends talk so much. The Republicans talk about the hard deal the producer is getting in this bill. I would call their attention to the fact that when they were in power they put hides of the producer on the free list, but they were too good to the rich manufacturer to put the shoes that he manufactures and sells on the free list. This Democratic tariff bill leaves hides on the free list and also puts shoes that the American consumer must buy to protect the feet of himself and his children on the free list. The Republican Party was willing, according to their argument, to do an injustice to the producer of hides, but was not willing to make a corresponding reduction in the shoes for the consumer. This eternal Republican solicitation for the American manufacturer makes me tired. Willing and anxious to take that small rich class under its protecting wing, but unwilling at all times to heed the great chorus of sad cries ever coming from the large yet poor class, the American consumer.

This tariff bill goes on in its reduction of taxes on the necessaries of life. Follow the long line of reductions made. On all classes of woolen goods the Republican protective tariff is reduced from an average of 92 per cent to a Democratic revenue tariff averaging 35 per cent. Notice a few articles, for instance:

Woolen dress goods, from 99.70 to 35 per cent.
Ready-made woolen goods, from 79.56 to 35 per cent.
Flannels for underwear, from 93.29 to 25 and 35 per cent.
Woolen blankets, from 72.69 to 25 per cent.
Cotton underwear, from 60.27 to 25 per cent.
Stockings, hose, and half hose, from 75.38 to 50 per cent.
Shirts, collars, and cuffs, from 64.03 to 25 per cent.
Ready-made wearing apparel, from 50 to 30 per cent.
Handkerchiefs and mufflers, from 59.27 to 30 per cent.
Cotton thread, from 31.54 to 19.29 per cent.
Gloves, from 44.15 to 31.77 per cent.
Anvils of iron and steel, from 32.11 to 15 per cent.
Bolts, from 20.59 to 15 per cent.
Chains of all kinds, from 46.59 to 20 per cent.
Pocket knives, from 77.68 to 40 per cent.
Scissors and shears, from 53.77 to 30 per cent.
Table and butcher knives, forks, etc., from 41.98 to 27 per cent.
Files, etc., from 60.47 to 25 per cent.
Tinware from 45 to 25 per cent.
House or cabinet furniture of wood, from 35 to 15 per cent.
Sugar, from 48.54 to 36.25 per cent.
Red lead, from 60.35 to 25 per cent.
White lead, from 38.01 to 25 per cent.
Castile soap, from 16.20 to 10 per cent.
All bricks, from 30.23 to 10.28 per cent.
China, crockery ware, from 55 per cent to 35 and 50 per cent.
Wire rope and strand, from 49.84 to 30 per cent.
Common window glass, from 46.38 to 28.20 per cent.

With these reductions made, this bill goes on and puts the following articles that the farmer and laboring man must use totally on the free list. I quote that part of the bill.

Agricultural implements: Plows, tooth and disc harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horse-rakes, cultivators, threshing machines and cotton gins, wagons and carts, and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

These great reductions have been made by this Democratic tariff bill with the assurance to the American people that further reductions will be made as soon as the revenues of the country will justify.

The Sixty-second Congress, being a Democratic Congress, submitted an amendment to the Federal Constitution calling for an income tax, an income tax being one of the cardinal principles of the Democratic Party, one it had long contended for—our position having always been that the tariff is a tax and that the burdens should fall heaviest on those men and industries most able to pay. I quote from paragraph A of section II of the bill, as follows:

A. That there shall be levied, assessed, and paid annually upon the entire income received from all sources in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and by every person residing in the United States, though not a citizen thereof, a tax of 1 per cent per annum upon the amount so received over and above $4,000; and a like tax shall be assessed, levied, and paid annually upon the entire net income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

In addition to the income tax provided under this section (herein referred to as the normal income tax) there shall be levied, assessed, and collected upon the net income of every individual an additional income tax (herein referred to as the additional tax) of 1 per cent per annum upon the amount by which the total net income exceeds $20,000 and does not exceed $50,000, and 2 per cent per annum upon the amount by which the total net income exceeds $50,000 and does not exceed $100,000, and 3 per cent per annum upon the amount by which the total net income exceeds $100,000.

This provision holds that a man whose income is $4,000 per annum shall pay 1 per cent per annum as a direct tax to the Government, and as his income mounts into the thousands he shall pay more, which is nothing but just and right. This tax is calculated to reach 425,000 in all and bring into the Treasury revenues amounting to not less than $70,000,000. This section is true to the Democratic doctrine that wealth and not consumption should pay the greater amount of revenue to support the Government. Under the old system of levying tax on articles of common use the poor man with a large family to feed and clothe was compelled to pay more tax to the Government than the rich man with a small family.

Our Republican friends, in their effort to prejudice the producing class against this bill, tell him that he will be compelled to sell his products cheaper. We deny this as a general proposition, and in those few cases where he does we will point him to the other side of the question and demonstrate to him that the articles which he must buy under the provisions of this bill will be materially reduced. The articles that the farmer must buy have all been placed on the free list or materially reduced. Again demonstrating the justness of this bill and pointing to the time in the near future when all of the necessaries of life will be placed on the free list. In their effort to prejudice the farmers of the country against this bill our Republican friends will find that they are dealing with a thinking and intelligent class, who can not be easily fooled by the trickery of the political orator.

They talk about the farmer. What consideration have they shown him? Of course they are quite willing to give the farmer a tariff on his products, the price of which is fixed in the markets of the world and which no tax can change, if they can by this fool him into standing for a protected market for the manufacturers who have for generations stood behind a protective-tariff wall of robbery and fattened their already swollen purse with more ill-gotten gain wrung from horny hands of the toiling masses that have forever been ground under the heel of taxation with a relentless tread.

Mr. Chairman, I am one of those Democrats who believe that the only reason for the levy of a tariff is to raise revenue to defray the expenses of the Government, and when the time comes that money to defray the expenses of the Government can be raised from the income tax and other legitimate sources of direct taxation, that the tariff should be entirely removed and that free trade should come in its stead. And along this line I advocate a Federal inheritance tax. To me this is a just tax and easy to pay. When a man by inheritance comes into a large fortune out of no effort on his own part and only by accident of birth, accumulated by his ancestry under a Government which protected him in his property rights, I believe he should be willing to pay some of it as a tribute to the agency that protected his ancestry in the accumulation.

When this tax on a reasonable percentage basis is levied, it will bring large sums into the Treasury which as the years go by will increase as swollen fortunes are broken up, and again the tariff tax can be lowered to the benefit of every American consumer.

Mr. Chairman, the Republicans in this House quote, it seems with a great deal of pleasure, that part of the Baltimore platform which says that the tariff shall be lowered, but that it shall not be lowered suddenly and to such a great extent that any legitimate industry shall be harmed. They loudly acclaim that this bill is not drawn true to that promise, in that they say it will put some industries out of business. I for one Demo-

crat on this floor do not believe that any industry is a legitimate one that can not live without a protective-tariff wall built around it. In line with what the President said in his message to the Congress I believe in matching the genius of the American citizen against the genius of the world, and I have confidence enough in the ability and skill of the American manufacturer to believe that he can go into the manufacturing business with the skilled labor of American workmen, produce his wares, and compete with other countries for the trade of the world. The man who says that he can not do this is paying his country and the ability of the manufacturers of his country a poor compliment indeed.

Mr. Chairman, the Republican minority in this House, or I suppose I should say the two minorities in this House—one being what little remains of that great party of Lincoln and McKinley and the other the dumb, driven, blind followers of the "Terrible Teddy"—have tried to play on the prejudices of the new Members of this body by telling them that the appointment of the committees were deliberately held up until the tariff bill was disposed of, and have held this as a club over their heads in order to make them be subservient to the Committee on Ways and Means and force them through fear of ostracism to vote for this bill as the committee wanted it. This is a childish bit of horseplay and a miserable appeal to the prejudice. This bill was submitted to the Democratic caucus, and there every Democrat had a chance to have his say and to offer his amendment to the bill. We settled our party differences in that caucus and have come into this House and before the country with a united front, and this seems to pain our Republican brethren keenly, for they know that every amendment that they offer will be met with a solid Democratic majority and sent to the scrap heap, where it will justly repose. As I said in the outset, the Democratic Party was called into power and took the reins of government on a great platform of principles which they should and are going to carry out, and speaking as a new Member whom our Republican friends would try to prejudice, I say that it is more important that these pledges be carried out and the party's honor held stainless than that I or any other new Member ever get on a committee. This is my answer to the drowning minorities that are grabbing at every passing straw.

Mr. Chairman, I came to this body a few weeks ago with childlike enthusiasm and confidence. It has always been my ambition since childhood to live such a life that one day my fellow citizens would call me to membership in this popular branch of the greatest lawmaking body in the world. Out of their confidence and partiality they have done this. It is now my sole purpose here to help enact such wise and just laws that our common country will by virtue of these laws be a happier and a more prosperous country. I have always dreamed of a country which I believe this should be and will be, and that is one in which the citizenship is an educated and patriotic people, not swayed by passion and prejudice, and a country that shall know no East, no West, no North, no South, but inhabited by a people liberty loving, patriotic, happy, and prosperous, with its lawmakers having no other purpose than to write such just laws as shall in the years to come be of service to human kind yet unborn. [Applause.]

Mr. FOSTER. Mr. Chairman, the amendment offered by the gentleman from Massachusetts is one I do not believe this House is ready to support. It is a well-known fact that in this country of ours the man of small means usually pays all the taxes that he ought to pay upon property that he owns, and this idea that you can stop expenses, stop extravagances, as the gentleman from Massachusetts puts it, by levying an additional tax upon the man of small income seems to me to be incorrect. I believe that every man in this country ought to pay taxes according to the property that he owns, and usually you will find that throughout the country the man who has little property usually pays his just share of taxes. He is compelled to do it. The little property he may have is in sight when the assessor comes around and is easily gotten at, and he has to pay on all he owns. The amount may be small in comparison with what some others pay in the community, but it is on all his property.

Mr. STAFFORD. Will the gentleman yield? Does the gentleman believe that it is a proper income tax to exempt a man who may have property worth $100,000 drawing 4 per cent income and not pay taxes under the provisions of the pending bill?

Mr. FOSTER. I judge, under this bill, if he draws 4 per cent upon the $100,000 capital, he will not pay an income tax; but there is little likelihood of many cases of that kind coming to the surface in the country.

Mr. STAFFORD. If it were $3,900, he would not.

Mr. FOSTER. The gentleman might find instances where this law would not be able to reach everybody. And that is another illustration, I will say to my friend from Wisconsin—another illustration that sometimes these men who have the great fortunes escape taxation. You can not reach all of them; but this bill places the limit at $4,000, and it is going to reach a great many of them.

Mr. STAFFORD. It will reach only 1 per cent of the population of this country. Many men of wealth—men owning $100,000, $50,000, or $75,000—will escape any taxation whatsoever.

Mr. FOSTER. Well, I will say to the gentleman from Wisconsin, I have no doubt when this bill becomes a law that a great many men who are not paying as much taxes as they ought to now will pay more than they have been paying in the past. This does reach a class of men who can afford to pay it, but the amendment offered by the gentleman from Massachusetts takes from the man who is drawing $1,000 an additional tax that he must pay, and he is paying, possibly, upon the full valuation of all that he has in the world, because those people usually pay it on the property that they own, and the idea of placing an additional burden upon him does not commend itself to me. The man whose income is $1,000 must support his family, educate his children, and, if possible, lay up something for a time when he can not earn anything.

Mr. BARTON. Will the gentleman yield?

Mr. FOSTER. In a moment. There may come a time, I will say to my friend from Wisconsin, when the Government would want to place this additional tax upon the man of small income in some great emergency, when the Government requires more money than it is able to raise with the present system of taxation, and in that case I am satisfied that the man of small means would be willing to pay his just portion. Those people are patriotic and do not want to escape the taxation that is imposed upon them. It should be the policy of every citizen to pay his just portion of taxes for the support of his Government, and no patriotic citizen ought to object. A great trouble has been in our present system that those of great wealth have escaped this burden. It is difficult in every State to pass laws so that those persons who own vast amounts of property must pay their just taxes. Corporations are continually evading their just part of taxation for the support of the Government. The man with a farm, whether large or small, can not hide his property. The person with a home, it may be all he has, must pay his part; it is just and right he should do so, but at the same time those who have been enjoying the blessings of special laws that have enabled them to take from the man of small means a part of his earnings in the way of tariff taxes now levied for the support of the Government on this excessive income ought to be compelled to pay more. This law will in my judgment prove beneficial in our system of taxation and I hope will cause the burden of taxation to fall most heavily on those who are best able to bear it.

Mr. STAFFORD. Will the gentleman yield? I think we are in harmony as to the principle.

Mr. BARTON. On the theory of your argument, which I think you believe honestly, I would ask you what objection you would urge against the amendment introduced by the gentleman from Illinois [Mr. COPLEY]?

Mr. FOSTER. I have not studied that amendment sufficiently to give an answer that would possibly be what ought to be given on a great question of this kind. I will say in regard to beginning the income tax, this new system of taxation, I believe the committee has arrived at the proper rate. And I will say to the gentleman that in the future these rates may have to be changed and the amount of income which is now exempted may have to be changed. And so, if it has to be done, there is plenty of time to do it. We are starting out on a new system of taxation, one that we never had in this country, and many whom we hope to reach are those who possibly have never paid their fair share of taxes before.

The man of family, whose income is small, has usually paid a consumption tax in the way of tariff, and has contributed his fair share of taxes to the Government, and now, if his small income is again taxed, it is more than he should be expected to bear at this time, and so I shall vote against the amendment of the gentleman from Wisconsin, and hope that it will be defeated.

Mr. FOWLER. Mr. Chairman, I am bitterly opposed to the amendment offered by the gentleman from Massachusetts [Mr. GILLETT]. The poor people of this country for more than a hundred years have been bearing the burdens of taxation. A revenue tariff is the most unfair method of raising money to defray the expenses of government, and when levied upon the

necessaries of life its burdens fall most heavily upon the laboring people. To-day the section hand pays more to defray the expenses of this Government than John D. Rockefeller or Andrew Carnegie. Under the unwise system of a high protective tariff, as advocated by the Republican Party, the burdens of the poor have been increased by levying a complicated system of specific and ad valorem rates. As an example, under the Payne law you place on the poor man's stocking costing not more than a dollar per dozen a rate of 93 per cent, and on the rich man's stocking costing more than $5 per dozen you place a rate of 55 per cent. It is so unequal in its terms that no man can justify or defend such a system. President Taft, in his message to Congress submitting the report of the Tariff Commission on wool and woolens, declared that the present law placed a tariff of 150 per cent to more than 200 per cent on the coarser wooolen cloths, a prohibitive rate, affording a complete monopoly, at the same time less than one-half of these rates are laid upon the finer woolen fabrics. What is true in these examples is largely true in all the rates in the Payne law.

The man who is the most able to pay has escaped the burden of high taxation, and the man who is the least able to pay is carrying its greatest burden. A tariff tax carries with it burdens and benefits. Only those who have property on which a tariff can be laid can ever hope to share in the benefits. So the producer of the raw material and the producer of the finished product are the only classes who can hope to share in the benefits of such taxation. But the toiling millions, constituting more than three-fourths of the population of this country, bear the great burdens of taxation, and yet they never have had an opportunity to share in the benefits of such taxation. The income tax stands out like a great emancipator, with a proclamation to the world declaring that the time has come when the unequal burdens of taxation shall no longer rest upon the shoulders of the laboring classes of this country, but that, instead thereof, these burdens shall be placed where they properly belong—upon the backs of the rich. The cross upon which the income of labor is being crucified by a protective tariff shall be torn down, and instead thereof a righteous income tax shall be inaugurated, placing an equitable portion of the burdens of taxation upon the men of this country who own property, which must be defended by the strong arm of this country. The tax dodger must uncover his hidden wealth to the tax collector. Mr. Chairman, there has never been known to man a fairer system of raising a revenue than that of an income tax, and I hail the sixteenth amendment as a harbinger of good to the American people, a relief to those who have been bearing the burdens in the past, with the hope that they may reap the benefits and fruits of their own toil. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment may close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate upon the pending amendment may close in 10 minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. Mr. Chairman, I do not think I shall talk to the amendment exactly, but it strikes me that if this section of the tariff bill should become a law it would be unconstitutional, because it provides that the tax shall begin on the 1st of last January, a month prior to the time of the adoption of the sixteenth amendment just referred to by my colleague. This bill provides that the mutual insurance companies shall pay taxes as other corporations do.

It provides, too, that the individual who owns a policy in an insurance company shall be required to pay the tax upon the premium which he pays every year. It also provides, if I interpret the language of the law correctly, that he shall also be obliged to pay a tax upon the dividends which are deducted from his premium every year.

This law, too, provides, if it should become a law, that if any man owns a piece of property which he rents to another he may be obliged to allow the person to whom he rents his property to pay the income tax out of the rent, or if he should desire to be exempted from that condition, under the provisions of this law he would be required to make a statement to the individual who rented his property by disclosing his income from every source, and he must be able to show to the lessee of his property that his total income is less than $4,000 a year.

It seems to me that that is rather reaching out a good ways to compel the owner of a piece of property to make a statement under oath to the man who rents his property as to just what sources of revenue he has from every other line of endeavor. I think that if this law should be enacted and enforced in this particular it would be found to be very unpopular.

There is one other condition of the law which I think ought to be improved by amendment. It is that owners of bonds issued by corporations, no matter how small the amount of the holding may be, may have the income tax deducted from the interest on their bond holdings. Now, this would be no hardship on the holder of a large number of bonds, because it would come entirely within the law. But this law proposes to exempt from taxation incomes amounting to $4,000 per annum; and I undertake to say that investigation would disclose the fact that nine-tenths of all the bond holdings in this country are in the possession of widows and orphans, any one of whom may not own more than from one to five thousand dollars, and this interest in their one to five thousand dollars of bond holdings may be their total revenue. And if it should happen that the interest on $5,000 of bonds amounted to $250 per annum, and the tax on that $250 per annum was collected at the source, and this $250 was the only income that the widow or the orphan had, this bill would require the person having not to exceed this $250 income to pay this income tax.

A remedy to be applied by the owner of these bonds, to be sure, is provided in this bill. What is it? It provides that if any owner of bonds having an income of less than $4,000 wishes to avail himself of the exemptions from the tax, he must make a sworn statement of the total income which he has, and if his income is shown to be less than $4,000, of course the exemption would be made, but it would cost as much to make the statement as to pay the tax—an unjust requirement. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PALMER. Mr. Chairman, the committee's bill exempts from taxation all incomes under $4,000 per annum. As I understand the amendment offered by the gentleman from Massachusetts [Mr. GILLETT], it provides for a tax of one-half of 1 per cent on all incomes from $1,000 to $4,000 per annum.

It seems to me that there are at least two very good and sufficient reasons why the amendment of the gentleman from Massachusetts should not prevail. The first may be said to be, in a sense, a political reason, and the second an economic or social reason. And it seems to me that when the Representatives of a great people are undertaking to write a tax law, based upon an entirely new principle of taxation, it is entirely proper that we should consider the political reasons as affecting the terms of the bill, because if we believe in this new system of taxation, as it seems to me the country has shown it does, we ought not to put anything into the law which would endanger its permanency as a part of our fiscal system. And I venture the assertion that if Congress at the first opportunity which it has had of levying a direct tax upon the people without apportionment should levy a tax which would fall upon every citizen of the land, that tax would not stay upon the statute books longer than the first election which followed the first call of the tax collector. The people would be perfectly justified in repudiating it.

And the reason for it is as intimated in the argument of the gentleman from Illinois [Mr. FOWLER]. Under the indirect taxes which the people have been paying heretofore, which have been largely consumption taxes—because the poor consume out of all proportion to their income of what the rich consume as to their income—the men of small means and of small incomes have been paying an extraordinarily large share of the taxes to support the Government.

And if this direct tax should now be added to the burden which they must carry and should be made general upon all persons having incomes of more than $1,000, they would rise up in their wrath and write this law off the statute book as promptly as we have written it on. And they ought to do so. The present consumption taxes bear most heavily upon the poor; it is right that the income tax should bear most heavily upon the rich.

The second reason that appeals to me is this, that in levying this direct tax upon incomes we ought to rise above the point where the consumption taxes now bear out of all proportion to the incomes, and we ought to leave free and untaxed as a part of the income of every American citizen a sufficient amount to rear and support his family according to the American standard and to educate his children in the best manner which the educational system of the country affords. I think it safe to say that no man with the average American family of five children can support that family according to the proper American standard and send his children through the high schools and colleges of the land who does not have a gross income of $4,000 per annum. Out of that sum must be paid

living expenses, interest on debts and other obligations, improvements to the home, education of children through colleges and universities, many comforts and some luxuries which Americans demand. And if you would not tax education, if you would not retard the development of our people up to the standard at which Americans ought to live, and if you would not doubly tax the poor upon whom these consumption taxes are now levied, you must make this exemption at about the sum of $4,000. Why, the exemption is less than it was in the Wilson law, because while that law exempted incomes under $4,000 it also exempted living expenses, and the average American man whose income is $4,000 will spend at least $3,000 in maintaining his family and his home; so that this tax would be a tax upon a net income of something like $1,000, while under the Wilson law the exemption really amounted to something like $7,000.

Now, the argument suggested by the question of the gentleman from Wisconsin [Mr. STAFFORD] is a good one as far as it goes, that the man who has $100,000 of property invested at 4 per cent would not pay any tax, and he is a pretty rich man, and he ought to pay a tax. The trouble with it is that if we were by this tax simply going after idle wealth the argument of the gentleman would be sound.

Mr. ANDERSON. Will the gentleman yield right there?

Mr. PALMER. I am afraid I can not. But we include not only idle wealth in this taxation, but we necessarily include industry and the doing of business, and this tax is levied upon the man whose gross income is $4,000; it includes not only interest upon moneys invested but actual earnings as well; and the man is rare in this country whose income from idle capital is $4,000 or less and who has no other income besides.

Mr. STAFFORD. There are many instances of that kind in Wisconsin, I will say to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be read again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. KELLY of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 134, line 1, by striking out the figure "3" and substituting therefor the figure "8."

Mr. KELLY of Pennsylvania. Mr. Chairman, the purpose of the amendment is similar to that of the amendment offered by the gentleman from Illinois a moment or two ago, in which he had the tabulated statistics giving the different figures under his own particular calculations. The purpose of this is to carry out a little further the idea of the committee on the income-tax provision and make this 9 per cent on incomes over $100,000, which is just. I feel, however, that, whether accepted or not, the income tax in its entirety is a matter that deals with the greatest question which must be settled by this lawmaking body. That is the question brought out here to-night and coming up all through the debate—the problem of privilege against the people.

As far as I am concerned, I was pledged when I went before the people to an income tax. I supported it on principle, because I believe it is the most just tax that can be devised; that it will take the burden off the shoulders of those who in the past have been carrying the burden and who are the least able to bear it.

I am pledged on this subject and I am in favor of this income tax, because there is the same proposition running through it as through the necessary reduction of the excessive tariff as evidenced by the present conditions due to the present schedules. I have been attacked a number of times from different sources on my attitude, and I want to read the plank in my platform that I put out several months before I was nominated. This platform was published in papers hostile to myself and was made the basis of attack in numerous editorials. After declaring for the Tariff Commission as the only real solution of this problem, I made the following declaration regarding the present situation:

I believe that the present excessive tariff on many products is simply the privilege unjustly acquired by corporations of taxing the people. The original intention of protecting infant industries has been lost sight of and it has become a tool to increase the cost of living. I do not believe that government can hand out golden gifts to manufacturers and still be just to the consumer. I am opposed to the doctrine that government has a moral right to take from the mass and bestow upon the individual without regard to the common welfare. Any tariff measure which would mean the greatest good to the greatest number would receive my support. I would endeavor in every measure to ascertain whether it would promote the public welfare, weaken special privilege, and help to give every man a fair and square chance before supporting it. If it had such aims I should feel it my duty to favor it, regardless of the party proposing or attacking it.

[Applause.]

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. KELLY of Pennsylvania. No; I can not yield. I have not time.

Mr. Chairman, the debate which has occupied the House for many days has witnessed much of conflicting opinions and also of glittering generalities and petty partisanship.

Speeches have been made containing quibbles and juggles, false pretenses, appeals to short-sighted selfishness, and blind sentiment, and they have come from both sides of this House.

I believe that after the speechmaking is done, every man who votes upon this measure must face the issue squarely. The final vote is "Yes" or "No"; it is either for or against this measure as it stands.

I have taken the position that the tariff question will never be settled right until the services of a nonpartisan, unbiased commission of experts are at the disposal of Congress. I have declared that a haphazard revision will not prove satisfactory to the country for any length of time, and that any measure so framed must of necessity be more or less of a leap in the dark.

But, however much I believe that only in a competent tariff commission will this vexing problem of America be finally settled, I have never advocated a continuance of present conditions. The present measure is no more haphazard than the Payne law, and the results of the Payne law are before us in concrete evidence. It has put such unjustifiable burdens upon the people of the Nation that immediate action is necessary, and it will be impossible for any measure to work out more injustice than the situation to-day contains.

I consider that a vote cast here by a Representative of the people is right only if it would advance the general welfare as the deciding vote. I hold that I can not hide behind a refusal to vote on either side of the question, nor behind the plea that the Democratic majority should assume responsibility for this measure and its possible failure, on the ground of partisanship.

I believe that this bill is more just than the present law to the people of the Nation, that as a whole it will improve conditions and bring more of justice and less of oppression to the common man. I believe it is a fulfillment of the pledge of an immediate revision of the tariff downward. It contains mistakes of judgment, but the people of this country will forgive those mistakes where they will not forgive a pledge breaker. The Representative, be he Progressive, Democrat, or Republican, who breaks his pledges to the people is due for a scourging from an outraged and indignant public.

The American people are patient, but they are asking for deeds, not quibbles and pretexts. The day of blind party regularity is passed, and a vote here must stand or fall on its merits. [Applause.]

It seems to me that when poverty, industrial bondage, and the injustice and viciousness which follow them are the result of certain conditions it becomes the sacred duty of not only every Representative but every citizen to demand that such unjust conditions be changed and the causes which produced them removed, regardless of those who oppose such action or against whose individual interests it may operate. The fact that this law may prove harmful to protected interests can hardly outweigh the fact that the present Payne law is harmful to the people. There is more harm in waiting than in acting, and if there is any doubt I am willing to give the people the benefit of the doubt.

I described in the general debate on this bill the conditions in the great industrial districts of this Nation. No one can deny that excessively high tariffs have helped to enable great corporations to put wages down and prices up, and thus reap a far too wide margin of profit. It is dishonest and dangerous to perpetuate such conditions, and, as far as I am concerned, I can not but add my vote to any effort to change those conditions and to prevent the continuance of oppression and injustice through legislative wrong.

I would not think of attempting to outlaw all the forces which make for inequality of wealth in this Nation. Wealth and poverty are reached by many paths, and both may be the result of honesty and fraud, genius and greed, vice and virtue, energy and trickery, violation and upholding of law.

If we attempted to control all human enterprise and human relations in arbitrary fashion, every man would wear the shackles of coercion, and liberty would be a forgotten name. But I do believe in the principle, and I shall endeavor to vote, as a Member of this House, for any measure which will advance the principle that ruthless strength and cunning shall not over-

ride the weak, that concentrated wealth shall not strangle justice, that neither unjust riches nor enforced poverty shall find harbor in this Nation through legislation. [Applause.]

And I am convinced that right there is the dividing line on all vital issues in this Nation to-day. On one side are the privileged few, who have lost every feeling of brotherhood with their fellows and are willing to crush countless human beings into ignorance and want in order to maintain their own unjust advantages. On the other side are the masses of the people who, in the very degree by which these privileged few prey and prosper, are robbed of their fair share of life's opportunities and happiness.

That is the great question before the Nation to-day—"Shall this be a government for all the people, of all the people, and by all the people, or a government of the people, by privilege, for a few?" It is a question which must be settled and settled here. No new lands beckon the American lovers of liberty to-day to come and work out old problems under new conditions. There is no new country where the oppressed may seek refuge. For the first time in history men are compelled to settle their problems with finality face to face.

And the final answer to the question will come with the decision as to whether the people of America are to rule or be ruled. Because I believe that this tariff measure, in spite of the method of its making and its defects in specific details, against which I have spoken and voted, will, as a whole, decrease the power of privilege and enlarge the opportunities for the many, I must of necessity vote for it.

Its income-tax provision alone would cover a multitude of sins. It will, for the first time in the history of this Nation compel the possessors of swollen fortunes to pay the tax they should have paid long ago. It will shift part of the burden of taxation from the bending shoulders of the poor to those who have profited from governmental favoritism. It simply demands that the multimillionaire shall do what the poor man has always done, and it is just and right in its demand. [Applause.]

This bill is, to my mind, an honest attempt to carry out the pledge for an immediate revision of the tariff downward. A still further pledge has been made by the Progressive Party, and it, too, will be carried out in the future. It is that the tariff must be revised scientifically through the assistance of a tariff commission of trained experts, a system which will make it possible to fix tariff rates as national and not as party measures.

Under such a system we may have our giant industry without the blighting and dwarfing of the industrious; we may have our commercial splendor without our shame, prosperity without oppression, tariff legislation without the stain of lawlessness, statesmanship without the brand of treason, while kings of American finance shall no longer trample upon the keepers of American faith.

Because I believe with President Hayes that "he best serves his party who serves his country best," and in view of the pledges I have given the people, I can not do else than support the bill as a whole and stand responsible to the people for my action. [Applause on the Democratic side.]

Mr. MURRAY of Oklahoma. Mr. Chairman, every man is an integral part of civilization and of society; he has equal obligations with his fellows, and is an equal expense to the Government so far as his right to life, liberty, and the pursuit of happiness. Beyond this a man may have either a family or property to protect, or both. When he is called upon to protect his family or his property, he is called upon for extra expense for this extra protection to support the Government. For the past half century we have taxed the millions of American families rather than the surplus property of the portions made by the few under favoritism of government. Surplus wealth requires extra protection, and in this bill we have a clause we call the income tax, based upon a graduated scale as to the different rates; and I may say that this proper graduation will depend largely upon experiment. We do not say that we are wholly right in detail of this provision. The man who claims that claims something which he knows is not true, and the great American people do not expect us to be perfect. They do expect us to do something. They will excuse a mistake, honestly made; but they will not excuse the attempt of those who would destroy an effort to tax the surplus wealth of the country which has gone untaxed so far as it has been used for support of the Federal Government.

There are those who would say that we should begin at $1,000 in lieu of $4,000. They forget the principle upon which this tax is founded, and that is that every man who is making no more than a living should not be taxed upon living earnings, but should be taxed upon the surplus that he makes over and above that amount necessary for good living. We also recognize that there are different grades of living, and we start out with the assumption that $4,000 will reach the highest grade of living, and starting there we tax all of the surplus wealth that tends to pile up gigantic fortunes which have so beset and threatened the existence of our civilization by creating social extremes. The purpose of this tax is nothing more than to levy a tribute upon that surplus wealth which requires extra expense, and in doing so it is nothing more than meting out even-handed justice. The American people will so pronounce and approve it.

Again, even though we should start out at $1,000 as the basis of a highest grade of living, it would not be practicable for the reason that it would necessitate a vast deal more of collecting agents, and that would take up that extra amount of revenue obtained by taxing earnings between $1,000 and $4,000. If we were in a State, as, say, in the State of Oklahoma, where we have such tax, and we should proceed to levy an income tax, with a tax collector in every county in the State, we could then start at any rate, but since it must require extra officials for the Federal Government anyway, the people do not ask that we provide a surplus number of public officials who would be required by the extra amount between $1,000 and $4,000 merely for the sake of taxing all incomes.

I want to say, Mr. Chairman, that of all the provisions in this bill—while I admit there may be some errors and there might be some change, especially with reference to insurance policies, to my thinking, ought to be changed, so wholesome a public policy is insurance—of all the provisions of this bill this one will meet the hearty approval of the great American citizenship. I want to say now to those who would contest it that you will contest in vain. Any man or any party who would oppose this just tax will, as he or it ought, go down to defeat. [Applause on the Democratic side.] I want to predict now that we are just entering upon a policy for the support of this Government which, in a very few years, will be the only method of taxation for the support of the American Republic, and the days for protective-tariff favoritism will be over. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KELLY].

The question was taken, and the amendment was rejected.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 134, line 1, after the figures "$100,000" by striking out the numeral "3" and inserting in lieu thereof the numeral "6".

Mr. MURDOCK. Mr. Chairman, no tax in its collection is popular, and the income tax will not be popular in some quarters. This tax comes in response to a generation-old, determined demand upon the part of the people who would like to see the hardship of the levy of taxes borne by those best able to bear it. There remains and there will remain a great doubt among the people, however, that when the very rich are taxed either they evade in part the taxation or that they pass it on for the people to pay.

And the great problem remains—the increasing accumulations of the rich. In spite of all our laws in regard to taxation, in spite of all the tariff theories we have, of this variety and that, in spite of all the decrees of dissolution by the courts, in spite of our efforts to conserve national resources or to prevent discrimination in transportation, the very rich of this country succeed in doing one thing. They continue to grow richer. In different degres and among all of us the supreme quandary of our hour is the vast increasing accumulation of wealth in the hands of the few.

Mr. MOORE. Mr. Chairman——

Mr. MURDOCK. I can not yield, I will say to the gentleman from Pennsylvania. We have before us an omnibus tariff measure. It has been framed by the gentleman from Alabama [Mr. UNDERWOOD] and his colleagues. Its main proposition is a device whereby they propose to lower rates and let in foreign importations and so accomplish the regulation of domestic commerce. But neither the gentleman from Alabama nor any of his colleagues has explained to us wherein their device will control the volume of importations into this country after they have lowered the duties; and in every point where the duties have been lowered to a point that will permit a flood of importations, who in America will feel it first? The large interests, the rich factors that control in commerce? No. The first to feel the force and burden of a flood of foreign importations will be the small producer, the man who is at best having a hard struggle.

The Steel Trust has nothing to fear from a reduction of duties; the great combinations in other lines are not fearing

for themselves a reduction in the tariff. They control, many of them, through international combinations. It is the small producer who will be first to suffer. I do not think that all of us realize at all times how vast the force of wealth now is in the hands of the larger factors in industry. The gentleman from Georgia [Mr. CRISP] gave here the other night a list of men and estates in this country, and he pointed out in a table that there were 29 individuals and estates in America who have among them the vast sum of $3,000,000,000, and he gave figures to show that these men and these estates, less than 30, had an income of something like $170,000,000 a year. Now this income tax, which I favor and which I had hoped would be brought in for a separate vote, proposes to reach some of these larger incomes. I do not believe that it reaches the larger incomes with as heavy a per cent of tax as it should reach them, and for that reason I have offered this amendment, increasing the amount of the tax on incomes above $100,000 from 3 per cent to 6 per cent. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. Mr. Chairman, when I went before the voters in the campaign last fall I made the declaration, repeating it over and over, that should I be elected I would make a conscientious endeavor to learn how the people of my district would desire me to vote on important legislation affecting their interest, which might come up in this body, and would then vote that way.

I made that declaration in every good faith. I desire no greater tribute when I shall conclude my service in this House than that the people of my district may say of me, "He made a practice of ascertaining how the people of this district desired him to vote on even the simplest piece of legislation, and then voted that way."

In line with the preelection understanding between the voters and myself it is my intention to cast my vote as the Representative of the fourteenth Illinois district for the income-tax provision of the pending bill.

I believe in all sincerity, Mr. Chairman, that in so doing I am carrying out the desire not only of the Democrats of my district, but of 90 per cent of the rank and file of Republicans, Progressives, Socialists, and Prohibitionists.

I have made as extended inquiries as anyone could make, and I believe that 90 per cent of the people of the whole United States, regardless of their politics, race, religion, color, or creed are heartily in favor of an income tax which proposes a tax on wealth in lieu of the present system, which provides for the raising of revenue by taxing exclusively the clothes on a man's back, and the other things that people must wear, eat, and use in order to live.

Not only the poor man, from whose bending back some of the burden of taxation is to be lifted by means of this bill, favors the measure. I am in a position to say that many fair-minded men of wealth residing in my own district, men who will be required to pay a considerable tax on their incomes by virtue of the income-tax provision of this bill, have written me in most favorable tone of the measure, declaring that the proposition that a man should be taxed according to his ability to pay and according to the benefits and privileges he receives under the Government is fair and just.

I am not prejudiced against wealth. Any man who has honestly acquired wealth shows but an evidence of his industry, intelligence, and skill, and deserves the respect of all. But I do contend that men possessing wealth should pay, and are able to pay, more taxes than their less fortunate brothers who own only the clothes upon their backs, and possibly their household furniture, and whose weekly wage is scarcely enough to enable them to provide for their families from week to week, let alone to lay anything by for a rainy day.

Mr. Chairman, the income tax is part of the Democratic plan to reduce the ever-increasing cost of living in this country. It means the carrying out of the program promised in the preelection campaign last fall, namely, to take some of the tax off the necessaries of life, such as sugar, woolens, cottons, beef, and lumber, and to make up for the loss of revenue thus sustained by the Government by placing a tax upon incomes. It is estimated the income tax will raise approximately $100,000,000, and that this amount of taxation will be taken off of the vital necessaries of life.

But, Mr. Chairman, to tax wealth and incomes, according to the standpatters and protectionists, is class legislation. The fact is, however, that the present system of taxing the necessaries of life while permitting wealth to go untaxed is class legislation of the grossest sort. Is it not passing strange that those who complain of an income tax as class legislation were never heard to complain of the existing class legislation which taxes the hats, coats, and shirts of the masses almost 71 per cent, while not requiring men like Rockefeller, Carnegie, and other millionaires to pay a single penny of taxation on their swollen personal fortunes to the National Government?

The masses of the people produce the wealth, and by legislative advantage a few get possession of it, and now these few object to the transfer to wealth of even a portion of the taxation being exacted from the masses on such articles as woolens, cottons, sugar, beef, and lumber.

The income tax is a recognition of the demand of the masses for a square deal in taxation, which they are not now receiving in either State or Federal taxation. Under the fiscal systems in vogue in most of the States the wealthy and powerful classes find ways to evade taxation, and are constantly succeeding, in one way or another, in shifting the chief weight of taxation from those most able to bear it to the shoulders of those weaker, poorer, and less able to protect themselves. The report of the New York special tax commission reported the conclusion that the richer a person grows the less he pays in relation to his property or income, and that personal property largely escapes taxation for either local or State purposes. The State tax commission of Massachusetts estimates the value of personal property in that State properly subject to taxation at over $5,600,000,000, of which less than one-fifth is taxed. The mayor of Philadelphia recently stated in the press that the undervaluation of property in that city is more than three hundred millions. Such conditions seem to be the rule in nearly every locality and in every State.

The small property owner can not hide his property nor shift his tax burdens, as can the rich and powerful, but must bear the crushing weight of not only that portion of taxes that is rightfully his but also much of the burden that should be carried by the rich.

So much for the chances of the small taxpayer in matters of State and local taxation. But the worst is yet to come. What about Federal taxation? In the raising of revenue to run the National Government, wealth is not asked to contribute anything whatever. Practically the entire expenses of the Government are met with funds raised by taxing the things the people eat, wear, and use.

One afternoon, several years ago, I sat in the office of United States Senator MOSES E. CLAPP, of Minnesota, interviewing him on the subject of taxation, for a newspaper article. He had told me that in State taxation the poor man, and the man of moderate means, was everywhere paying taxes for the rich.

"What about our national fiscal system?" I asked.

He replied by turning in his chair and pointing out of the window to the marble wall of the capitol across the courtyard.

"Do you see that wall yonder?" he asked. "Which stone is bearing the greater weight, the one at the bottom or the one at the top?" "Well," he continued, "that is the way it is under our present fiscal system. Those at the bottom are standing the burden of the weight of taxation. What we need in this country is an income tax."

Under the present fiscal system a millionaire pays no more tax toward running the National Government than the poor man with a large family. This seems almost unbelievable, but it is true and will not be denied here or elsewhere.

Why, then, it may be asked, have the people been willing to wait so long for an income tax? This is a question I can not answer. My own explanation of the tardiness of an income tax upon the statutes would be that it is because the average man of this Nation has not been aware until recently of the true state of affairs. The majority of persons have been under the erroneous impression that some portion of the taxes they have been paying to the local tax collector each year have gone to defray the expenses of the National Government, to help maintain the Army and Navy, pay the great army of Uncle Sam's employees, and maintain the various departments of the Government.

The money paid to local tax collectors, however, goes exclusively for the maintenance of the township, city, county, or State in which it is paid, and not a single penny of this money comes to the National Government.

Where, then, does the $1,000,000,000 which is necessary to meet the annual expenses of the General Government come from? It is not picked up out of the streets. No; it comes from the pockets of the masses of the people and is taken from them when they do not know it. That is, the people pay their national tax in the form of artificial prices for the things they eat, wear, and use. In other words, the Government raises $312,000,000 annually through a tariff tax, which is laid on nearly every article of common use.

With the exception of the amount raised through the recently passed corporation tax, the balance of the $1,000,000,000 expended annually by the Government comes from an internal-

revenue tax, which, like the tariff tax, is on consumption, and falls no heavier, if as heavy, on the rich than on the poor.

In order to make it perfectly plain how it happens that a man with a large family working on a section of a railroad is actually paying more toward running the National Government than a millionaire bachelor who is too proud to marry and raise children, I will cite one illustration out of a multitude which could be given.

The Payne-Aldrich tariff tax on sugar is approximately 2 cents a pound. Every time the American housewife buys a pound of sugar that is in reality worth but 4 cents she pays 6 cents for it, not knowing that the sugar is worth but 4 cents and that she is paying 2 cents as a tax to the National Government.

That the price of an article is enhanced by the amount of the tariff tax is evidenced by the fact that in England, where there is no 2-cent tax on sugar, the average wholesale price of sugar the year around is approximately 2 cents (the amount of the Payne-Aldrich tax) less than in the United States.

The average tax on all articles under the Payne-Aldrich law is approximately 40 per cent. Nearly everything one must buy at the grocery, the hardware store, and the dry goods store carries a tariff tax, which means that the local merchant acts in the capacity of tax collector for Uncle Sam without being paid for it, and he is as unconscious of the fact as are his customers that in making purchases they are paying taxes.

To show, finally, that under the present fiscal system the millionaire bachelor does not contribute as much toward maintaining the National Government as the average workingman with a family it is necessary but to point out that the millionaire does not eat as much sugar as the entire family of the workingman, and, as the tax is wholly on consumption, it is obvious that the workingman with a family buys more pounds of sugar in a year, contributing his 2-cent sugar tax to the Government a greater number of times than the millionaire, and thus actually paying a larger tax than the millionaire.

This illustration need not be confined to the purchase of sugar, for it applies with equal aptness to any protected article, and there are 4,100 items in the Payne-Aldrich law.

The Payne-Aldrich law, however, taxes neither wealth nor income. A man may have a million dollars in gold and he is not asked to contribute anything whatever to the National Government, but if he is hungry or cold and must buy food or clothing to satisfy his needs he must pay a tax of more than 40 per cent.

I submit that wealth and incomes should properly be the first things to be taxed. The pending income-tax provision will tax them.

It is argued by some that an income tax is "premature, experimental, socialistic legislation."

The answer is that 52 nations and states levy a tax on incomes, and that the United States is practically the only one of the great nations of the earth in which wealth is permitted to go untaxed, so far as the General Government is concerned.

One of the beneficial effects that may be expected from an income tax is that under the present indirect system of tariff taxation the people do not realize that they are contributing the vast sums of money expended by the Federal Government; but when you have a direct system of taxation, and the tax collector goes to those who have to pay under this law and demands of them the amount due the Government, the result is they will realize that they are paying the money that runs this Government, and they will demand of their representatives economy in the administration of public affairs.

It is estimated that, exclusive of the corporation tax, the income tax will yield revenue for the first year under the operation of the bill as follows:

Incomes, amount.	Number of incomes.	Tax rate.	Revenue.
$4,000 to $5,000	126,000	1 per cent	$630,000
$5,000 to $10,000	178,000	.....do	5,340,000
$10,000 to $15,000	53,000	.....do	4,240,000
$15,000 to $20,000	24,500	.....do	3,185,000
$20,000 to $25,000	10,500	1 and 2 per cent	2,100,000
$25,000 to $50,000	21,000	.....do	9,660,000
$50,000 to $100,000	8,500	1, 2, and 3 per cent	11,560,000
$100,000 to $250,000	2,500	1, 2, 3, and 4 per cent	11,650,000
$250,000 to $500,000	550	.....do	6,743,000
$500,000 to $1,000,000	350	.....do	9,191,000
Over $1,000,000	100	.....do	5,826,000
Total	425,000		70,125,000

NOTE.—$4,000 is exempted in all incomes.

Including the tax on the incomes of corporations, the measure will yield in excess of $100,000,000.

Under the income-tax provision those having an income of more than $4,000 must pay a tax of 1 per cent on his income in excess of the exempted $4,000. For instance, a man having an income of $4,100, would pay a tax of $1; a man having an income of $5,000, would pay a tax of $10; $10,000, $60; $100,000, $2,260; $1,000,000, $38,260.

The estimates of the Ways and Means Committee show vividly how wealth has concentrated in this country. Although incomes as low as $4,100 per year will be subject to taxation, yet less than 1 per cent of our total population is affected by the bill.

Under the provisions of this bill, John D. Rockefeller, having an estimated capital of $500,000,000, and an estimated annual income of $50,000,000, will be required to pay an annual tax to the Government of $2,000,000. This is $2,000,000 more than he has ever paid before, because he has been in the habit of paying little, if any more, than the humblest citizen of the land. Other of the great millionaires will be affected as follows:

	Capital.	Income.	Tax.
Andrew Carnegie	$300,000,000	$15,000,000	$600,000
William Rockefeller	200,000,000	20,000,000	800,000
Estate of Marshall Field	120,000,000	6,000,000	240,000
George F. Baker	100,000,000	5,000,000	200,000
Henry Phipps	100,000,000	5,000,000	200,000
Henry C. Frick	100,000,000	5,000,000	200,000
William A. Clark	80,000,000	4,000,000	160,000
Estate of J. P. Morgan	75,000,000	7,500,000	300,000
Estate of E. H. Harriman	68,000,000	3,400,000	146,000
Estate of Russell Sage	64,000,000	3,200,000	128,000
W. K. Vanderbilt	50,000,000	2,500,000	100,000
Estate of John S. Kennedy	65,000,000	3,250,000	130,000
Estate of John J. Astor	70,000,000	3,500,000	140,000
W. W. Astor	70,000,000	3,500,000	140,000
J. J. Hill	70,000,000	3,500,000	140,000
Isaac Stephenson	74,000,000	3,700,000	148,000
Jay Gould estate	70,000,000	3,500,000	140,000
Mrs. Hetty Green	60,000,000	3,000,000	120,000
Estate of Cornelius Vanderbilt	50,000,000	2,500,000	100,000
Estate of William Weightman	50,000,000	2,500,000	100,000
Estate of Ogden Goelet	60,000,000	3,000,000	120,000
W. H. Moore	50,000,000	2,500,000	100,000
Arthur C. James	50,000,000	2,500,000	100,000
Estate of Robert Goelet	60,000,000	3,000,000	120,000
Guggenheim estate	50,000,000	2,500,000	100,000
Thomas F. Ryan	50,000,000	2,500,000	100,000
Edward Morris	45,000,000	2,250,000	90,000
J. O. Armour	45,000,000	2,250,000	90,000

In the $25,000,000 to $35,000,000 class, yielding incomes of $1,250,000 to $1,750,000 and taxes of $50,000 to $70,000, are James Stillman, J. H. Schiff, Charles M. Pratt, J. H. Flagler, Quincy A. Shaw, E. T. Bedford, E. T. Stotesbury, John Claflin, Henry Walters, E. C. Converse, Clarence H. Mackay, Nathaniel Thayer, W. H. Moore, and the estates of H. H. Rogers, Robert Winsor, George Smith, W. B. Leeds, W. Scully, John Arbuckle, J. Crosby Brown, John F. Dryden, W. L. Elkins, and O. H. Payne.

The gentleman from Tennessee [Mr. HULL] deserves the thanks of the country for the able and conscientious manner in which he has worked out the many perplexing details of this income-tax provision. I have sat here for days and heard him eloquently defend the principle that men should be taxed by governments in accordance with their ability to pay instead of because of their necessity to eat and to wear clothing. The effective manner in which he met the fire of questions by those who would tear down and destroy the measure convinced me of his expertness on this subject and that the bill is framed to stand the tests of the courts.

I believe that the income-tax provision of the tariff bill as it now stands, after having been amended by this House just before recess, is the fairest, sanest, and most progressive measure ever presented to Congress with the hope of passing.

Mr. Chairman, I do not believe it is just that the men who own 90 per cent of the wealth of this country should bear but 10 per cent of the burden of taxation. If Members agree with me that such a condition is unjust, then I submit the income tax is a move in the right direction to remedy it. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. MURDOCK].

The question was taken, and the amendment was rejected.

Mr. BRITTEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 133, section 2, paragraph A, line 9, by inserting after the amount of $4,000, the following:

"excepting when applying to a married man supporting a wife, when the amount of exemption shall be $6,000, and excepting the additional exemption in amount $500 for each and every child being supported by a mother or father."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

Mr. LANGLEY. I would like to be heard on the amendment. If you would make it 10 minutes I would be obliged to you.

Mr. UNDERWOOD. I will make it 10 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this amendment close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Chairman, during the consideration of this bill it has occurred to me as a new Member that the arguments of the gentlemen on the other side of the House have been confined almost entirely and exclusively to the fact that it was drawn, not as a protective measure, but was drawn in the interests of the consumer—in other words, the little fellow, the poor man. So, if the gentlemen on the other side of the House for the time being will look upon me as a Democrat and look upon my amendment with favor, I will be very much obliged to them. [Applause.]

This amendment is intended to lift the burden in part from the shoulders of the married man. [Applause.] And I know whereof I speak. [Laughter.] This amendment, if permitted to be adopted by the distinguished gentleman from Alabama [Mr. UNDERWOOD], will be the means of exempting an additional $2,000 from the $4,000 which is already exempted for a married man who is supporting a wife. [Laughter.]

Mr. Chairman, it occurs to me that there are many married men who are not supporting wives. [Laughter.]

Mr. BORCHERS. Will the gentleman submit to a question?

Mr. BRITTEN. In one moment, please, and I will be glad to do so.

Mr. BORCHERS. I would just like to ask him——

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] declines to yield.

Mr. BRITTEN. This amendment, Mr. Chairman, also exempts from taxation an additional amount of $500 for each and every child that is being supported by a mother or a father. [Applause.]

Mr. Chairman, I am glad to see that my amendment is receiving such devout consideration. I hope the gentlemen on the other side will permit this amendment to be read into the bill, because it is really entitled to a lot of consideration. The district which I represent in Chicago is composed almost entirely of little property owners, laboring men—Germans and Swedes in particular. These people do not believe in race suicide, as does my friend from Kansas [Mr. MURDOCK]. [Laughter.]

Mr. MURDOCK. Will the gentleman yield? [Laughter.]

Mr. BRITTEN. Mr. Chairman, I will yield to the gentleman after my five minutes have expired.

For that reason, Mr. Chairman and gentlemen, I sincerely hope that you will give this amendment your thoughtful consideration, at least.

While I am on my feet I would like to call attention to another section of this bill which, according to my interpretation, will create a deficit of approximately $65,000,000, which deficit it is intended to care for by this income-tax section of the bill.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. I will in a few moments.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. BRITTEN. Mr. Chairman, I would like to ask the chairman of the Committee on Ways and Means if in the consideration of this bill any attention was given to the financing of this $65,000,000, should it be found later on that this section of the bill is not a valid one? My impression is that to tax one man on his income 1 per cent and to tax his neighbor on the left 2 per cent on his income, and his neighbor on the right 3 per cent on his income will be found to be class legislation and unconstitutional, and therefore, before the vote is taken on this particular amendment, I would like to ask the chairman of the Committee on Ways and Means if consideration was given to the financing of this deficit if that section should be declared invalid in the courts?

Mr. UNDERWOOD. I will say to the gentleman that there is no doubt in the minds of the committee as to the constitutionality of a graduated income tax. But if it should fail it might cause a loss of approximately $20,000,000 that would otherwise be raised, and there is sufficient revenue in the Treasury at this time to take care of it, and then it would only be necessary to increase the normal income tax about a quarter of 1 per cent to cover the difference. But I do not have any apprehension about the constitutionality of the graduated income tax.

Mr. PAYNE. The gentleman need not worry over that, I will suggest, because they retain the provision for the issuing of bonds in case they are needed. [Laughter on the Republican side.]

Mr. BRITTEN. Mr. Chairman, I urge the adoption of my amendment. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LANGLEY. Mr. Chairman, I entered the Chamber just as the gentleman from Illinois [Mr. BRITTEN] was explaining his amendment. I am not quite certain that I caught the exact purport of it, but I understood him to say that it was designed to help relieve some of the burden of an income tax upon married men who are supporting their wives—excuse me, I mean their wife. [Laughter.]

If that, Mr. Chairman, is the purpose of the amendment, then I am opposed to it, because women are so much better than men, that a man who has the privilege and the honor of supporting a wife ought to be willing to bear any reasonable additional burden that the Underwood bill may impose upon him. [Laughter and applause.] And, so far as I am personally concerned, I am also heartily in favor of any burden that the bill may impose upon married men who are not supporting their wives. [Applause.]

Mr. AUSTIN. Mr. Chairman, may I ask if this is in return for the amendments which the gentleman from Alabama [Mr. UNDERWOOD] permitted the gentleman to write into this bill? [Laughter.]

Mr. LANGLEY. Mr. Chairman, I did not quite catch what the gentleman from Tennessee [Mr. AUSTIN] said, but he has been heard so abundantly on this bill and these amendments, while I have had but few hearings, that I hope he will not interrupt me further. [Laughter.]

I hope also, Mr. Chairman, that I may be permitted to depart a little from the strict line of this discussion and touch on a topic which under the rules might not be entirely germane to this amendment, and I will agree to make this my valedictory, so far as this debate is concerned. [Laughter.] This afternoon the gentleman from Illinois [Mr. MANN] paid a very beautiful and a most deserved tribute to the distinguished chairman of the Ways and Means Committee, Mr. UNDERWOOD. I most heartily agree with all that he said concerning that distinguished gentleman. I do not agree with his bill, except the income-tax provision, but personally I take off my hat to the amiable and courteous gentleman whose skilled leadership has guided his party in this battle.

I want to say, further, that I have had now a number of years' service in this great body, and I also had the pleasure and the honor of the personal acquaintance of a great many of its Members before that period of service began, and during all that period I have formed the acquaintance and the friendship of many men on both sides of the House, and that acquaintance and friendship have left upon me an impression that I shall never forget and memories that I shall cherish to the end of my days. I have learned to appreciate, aside from and above partisanship, the high character and ability and patriotism of the membership of this body.

The gentleman from Illinois [Mr. MANN] stated that 51 years ago a distinguished Democrat [Mr. UNDERWOOD] first saw the light of day. Thirty-seven years ago another distinguished Democrat first saw the light of day, and that gentleman is also a Member of this body. I feel that I am privileged as a southerner, as a Republican, and as a citizen of a neighboring State to say a word in praise of that gentleman. I am sure that Members on both sides of the Chamber will agree with me when I say that we have never had to preside over the Committee of the Whole House on the state of the Union under such circumstances as these and during such a sharply contested debate as this has been a man who has been more courteous, more impartial, nor one who has presided with more dignity and more intelligence and fairness than the distinguished gentleman [Mr. GARRETT of Tennessee] who is now presiding over this committee. [Prolonged applause.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. If there is no objection, I should like to have my amendment reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read, as follows:

Amend, page 133, section 2, paragraph A, line 9, by inserting, after the amount "$4,000." the following: "excepting when applying to a married man supporting a wife, when the amount of exemption shall be $6,000, and excepting the additional exemption in amount $500 for each and every child being supported by a mother or father."

The amendment was rejected.

Mr. LA FOLLETTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 134, at the end of line 11, add the following:

"'Every citizen,' 'every individual,' and 'every person' heretofore and hereafter referred to in this act shall apply only to male citizens in all States where equal-suffrage rights have not been granted. In States where equal-suffrage rights have been granted the words 'every citizen,' 'every individual,' and 'every person' shall refer to men and women alike."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent——

Mr. HEFLIN. I should like to have five minutes. [Applause.]

Mr. FALCONER. I should like two minutes.

Mr. UNDERWOOD. Will not the next paragraph do as well?

Mr. FALCONER. I prefer to speak on this paragraph.

Mr. UNDERWOOD. All right, make it 12 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and all amendments thereto close in 12 minutes, 5 minutes to go to the gentleman from Washington [Mr. LA FOLLETTE], 5 minutes to the gentleman from Alabama [Mr. HEFLIN], and 2 minutes to the gentleman from Washington [Mr. FALCONER]. Is there objection?

There was no objection.

Mr. LA FOLLETTE. Mr. Chairman, one hundred and thirty-seven years ago our forefathers living along the Atlantic coast in the territory familiarly known as the thirteen Colonies rebelled against the mother country and commenced that memorable struggle which resulted in the independence of these States. In their bill of grievances against the parent country the most potent and vital ones were taxation without representation and punishment for violation of laws in whose enactment this country had no part or say. They considered those things wrong then; we should consider them wrong now. In the ensuing years this Government, born of that struggle, has collected the revenues necessary for its maintenance by imposing tariffs on imports and by levying internal-revenue taxes, and has only resorted to direct taxation once in our history, that being an income tax levied as an emergency measure in time of war. This tax, while not questioned as a war measure, was a little later on declared unconstitutional as a peace measure; and it is only now, after a favorable decision by the various States, that such a measure shall be constitutional, and that a law is to be enacted putting a direct tax on certain of our citizens. It therefore is in order that we as a Nation shall be consistent, and as a Government shall not commit the injustice against which we fought in 1776, that I appeal to you to make this exception in favor of the women of the country dwelling in those States that have not conferred on womankind the right of suffrage. This exception would not apply to Wyoming, Colorado, Utah, Idaho, California, Oregon, Kansas, Arizona, and my own State of Washington.

These great Western States, having recognized the injustice imposed on the better half of our citizens, granted their women unqualified suffrage, made them equal electors of those Commonwealths.

Mr. Chairman, it is no surprise to those who have visited them to know that the first to see the injustice and to right the long-standing wrong imposed on womanhood were the people residing in the great States I have mentioned. If all our men could have lived in those States, gazed upon their noble ranges of mountains, many of which individually raise their snow-white domes toward heaven in dazzling purity, a perpetual invitation and inspiration to man to be likewise clean and noble, with love for the right, the beautiful, the true; if they had there lived, they would have been equally generous. If all men could breathe the rarified air of those mountains, those vast plains, and wooded dells, it would be easier for them to appreciate the right, detect the wrong, and stand for true equality.

If they could have traveled through those States of "magnificent distances," watched the development and subjection of their wonderful resources, and witnessed how nobly, earnestly, and faithfully the women did their part in that titanic struggle, enduring with the male of their species all the hardships and privations incident to pioneer life and subjugation of undeveloped nature, bravely, cheerfully, uncomplainingly, an inspiration and benediction to her own loved ones and all who met her.

If all mankind could grasp and realize these things all would have an enlarged horizon and clearer perception of the eternal fitness of things, and simple justice toward womankind would be easy of accomplishment. If the gentlemen within this Chamber had all been blessed with these experiences it would be easier for them to see the incongruity of this taxation of our unfranchised citizens by a Nation that went to war over the question of taxation without representation and against punishment by arbitrary, unauthorized, nonparticipating laws.

Mr. Chairman, I hear gentlemen exclaim against suffrage on the ground that it would degrade and lower womanly standards to participate in government; that they would lose to some extent those gentle attributes of femininity that are now their grace and charm; would become mannish, domineering, and coarse, should they receive the full rights of citizenship. There are none who know the weaknesses of such contentions as do those gentlemen who come from suffrage States, and they also recognize that the desire to hold womankind in subjection does not arise from man's higher or refined sensibilities but rather from his baser nature and from those characteristics that lead to tyranny. The same instincts which impel the uncivilized American Indian or the Moro head-hunters of our Philippine possessions to force onto their womankind all the sordid labor and menial tasks while their lazy lords take their ease as gallant protectors are underlying these objections.

Mr. Chairman, man, jealous of his imagined superiority of vision and almost infinite wisdom, selfishly fears a loss of personal caste should womankind be granted equal suffrage rights with himself, and it is a fact that woman stand but slight chance of receiving substantial justice until her lord and master can lose sight of the personal equation that warps his judgment and distorts his mental vision.

Mr. Chairman, I sincerely hope a majority of those present are not suffering from jaundiced perspective and will vote for this most just and worthy amendment.

Mr. Chairman, I sincerely favor an income tax, and regret that this tariff bill is so unequally balanced and so unjust to the interests of the people of not only my own State but to the entire United States that I will be compelled to vote against the measure as a whole. [Applause.]

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, the gentleman from Washington [Mr. LA FOLLETTE] has injected into this debate the question of woman suffrage. When we are undertaking to tax the surplus wealth of the country, and to make the men who have been wringing millions from the toiling masses through the obnoxious tariff law written by the gentleman's party, he undertakes to sidestep and speak through this feminine voice in the interest of woman suffrage. [Laughter.] What are we coming to in this country?

God of our fathers, be with us yet.

[Applause.]

I do not believe that there is a red-blooded man in the world who in his heart really believes in woman suffrage. [Applause.] I think that every man who favors it ought to be made to wear a dress. [Laughter.] Talk about taxation without representation! Do you say that the young man who is of age does not represent his mother? Do you say that the young man who pledges at the altar to love, cherish, and protect his wife does not represent her and his children when he votes? When the Christ of God came into this world to die for the sins of humanity, did he not die for all, males and females? What sort of foolish stuff are you trying to inject into this tariff debate? [Applause and laughter.] Taxation without representation! Are you represented when the babe is nursing at the mother's breast? Taxation without representation! Is not the mother representing you? [Laughter.]

Mr. Chairman, I have not the time to pay any more attention to that just now, but at some time in the near future I propose to speak upon the subject of woman suffrage, and I shall call attention to a few things.

Let me assure you to-night, gentlemen, that the women of this country do not want woman suffrage. [Applause.] A vast majority of the good wives, mothers, and daughters do not want woman suffrage. When the wife and mother look after the home and rear their children in the way that God would have them reared, they have done enough in this world, and they are performing the highest and best service that womankind can perform [applause]; but when a woman mounts a dry-goods box in the street and speaks to the rabble, she lowers herself, and men lose that high order of respect that men cherish for lovely, gentle women. [Applause.] But, Mr. Chairman, I am not going to discuss that subject now, but I want to say a word about the income tax. When Christ was here He demanded more of the man with 5 talents than He did of the man with 2. Let the taxpayer pay according to his ability to pay. Here we have men who accumulate their millions in a few years under your tariff-tax system. A poor man with five children pays more tariff tax than Rockefeller or Carnegie. Yet you have permitted this great wrong and we propose to make them pay their fair share of the burdens of taxation. We will reach by

the income tax wealth that has never paid a tax. You can not dodge it by talking about woman suffrage and hiding behind petticoats in this debate. [Laughter.]

We have trusts of every character. They say they have a chicken-food trust and they whitewash sawdust and feed it to the chickens. It is said that out in Oklahoma a gentleman fed his hens this whitewashed sawdust and he put a setting of 13 eggs under a hen and when she hatched them 12 of them were woodpeckers and the thirteenth one had a wooden leg. [Laughter and applause.] There are trusts and monopolies of every kind, and these little feminine fellows are crawling around here talking about woman suffrage. [Laughter.] I have seen them here in this Capitol. The suffragette and a little henpecked fellow crawling along beside her; that is her husband. [Laughter and applause.] She is a suffragette and he is a mortal suffering yet. [Laughter and applause.] I believe that is about all I have time to say to-night. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was lost.

Mr. FALCONER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 134, line 1, strike out the figure "3" and insert the figure "5."

Mr. FALCONER. Mr. Chairman, we have just had something of a talk on the subject of woman suffrage by the gentleman from Alabama [Mr. HEFLIN]. Now, I will say in starting that I did not hear the amendment of my colleague from Washington, but I want to observe that the mental operation of the average woman in the State of Washington, as compared to the ossified brain operation of the gentleman from Alabama [Mr. HEFLIN], would make him look like a mangy kitten in a tiger fight. [Laughter.] The average woman in the State of Washington knows more about social economics and political economy in one minute than the gentleman from Alabama has demonstrated to the Members of this House that he knows in five minutes. [Laughter.]

Now, the gentleman from Pennsylvania [Mr. PALMER] a few moments ago made the statement that no man in this country could properly support a family on less than $4,000 a year. If that be true, the average workman in the United States is unfortunate, for he does not have 25 per cent of that amount with which to educate and take care of his family, because the average workingman, the producer, in the United States makes less than $700 a year.

I have offered this amendment, Mr. Chairman, making it 5 per cent on an income of $100,000, with the idea that the man who has $100,000 income ought to share the greatest burden and responsibility of supporting the Government, and because a man can not legitimately spend $100,000 a year.

I wish we had an opportunity in this bill to vote for the income tax. I believe in a graduated income tax, the greater the income the greater the tax; but the gentlemen who have the affairs of this House in hand in the parliamentary procedure are going to insist that we vote on this bill in toto.

I wish we might have a chance to vote on the income tax separately. Under the circumstances the gentleman from Alabama will not get a proper expression of the Members on both sides of the House unless he gives all an opportunity to vote independently on the income tax. Many Members are not going to be able to demonstrate how they really stand on the income tax unless this item is separated from the tariff bill.

The CHAIRMAN (Mr. BARTLETT). The question is on the amendment offered by the gentleman from Washington [Mr. FALCONER].

The question was taken, and the amendment was lost.

The CHAIRMAN. Are there any amendments to paragraph B, the next paragraph which is open for amendment?

Mr. SCOTT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 134, line 17, after the word "sales," insert the word "of," and after the word "property," in line 20, insert the following: "*Provided*, That such real estate shall have been purchased during the preceding calendar year."

Mr. SCOTT. Mr. Chairman, I offer this amendment for the purpose of making this paragraph, as I believe, conform to the understanding that the American people have had for many years of the term "income." I believe we have in all of the attempted legislation on the subject recognized that the expression "income" referred to an annual income. And it is very clear when we read this section as it is drawn that that part of it which refers to profits growing out of the sale of real estate, and possibly personal property also, does not alone embrace the annual income from such transactions. For instance, let us assume that a citizen has a piece of real estate worth $50,000 or $75,000. He sells that piece of real estate for its market value, and it transpires that he had purchased it 10 years before at a valuation of $10,000 or $15,000. The accumulated increment of these years is taxed in this bill as the income of the current year. It may be said that the law would not receive that construction at the hands of the courts or at the hands of the officials of the Government. But as I understand it we have already a precedent in that respect. This bill as it stands to-day is practically the same as the income-tax law of 1862. That law received the construction of the governmental officials almost immediately after its passage. It was construed to include the increased value of the real estate regardless of when purchased. Congress two years later, when that matter had been brought to the attention of the people, amended the law. Again, in the income-tax law of 1894 a limitation of two years was fixed.

This will very seriously affect owners of real estate in my section of the country. A very large proportion of my constituents and the constituents of others who come from the Middle West own very valuable farms, and a large percentage of them have owned those farms all the way from 5 to 15 and 20 years. It will be a very unfair burden and an unequal distribution of taxation to impose upon the sales of those farms, or city property, for that matter, an excise of 1 or 2 per cent in many cases. I say 2 per cent, because the sales of property would often amount to more than $20,000—indeed, than $50,000—in which case the purchase price at once becomes subject to the excise of the additional tax. For these reasons, Mr. Chairman, I believe this section ought to be modified; it ought to be put in accord with the true idea of an income tax, and with the idea that has prevailed in this country ever since 1864. [Applause.]

The CHAIRMAN (Mr. BARTLETT). The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, line 1, page 135, by inserting after the word "insured" the following:

"Or amounts paid to the assured or his assigns in fulfillment or settlement of his policy contract."

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman if he was in at the time the committee amendment was adopted?

Mr. STAFFORD. I have the committee amendment before me, but I do not believe it is provided for in that amendment.

Mr. UNDERWOOD. I think this covers that subject.

Mr. STAFFORD. Mr. Chairman, the amendment offered this afternoon by the gentleman from Tennessee [Mr. HULL] limits the payments which will be exempted to those made by or credited to the assured on life insurance policies upon the return thereof to the assured at the maturity of the term mentioned in the contract. The provision as carried in the bill exempts the proceeds of life insurance policies paid upon the death of the assured, but there is no provision in either the bill as it reads or in the amendment that was adopted this afternoon that extends to the amount paid to the assured during his life or to his assigns upon a cancellation of the policy. For instance, a man has a 20-year-payment policy, or a 20-year endowment, or any other period, and wishes to have it cancelled before the term. No provision has been made to exempt the amount that is paid to the assured, yet we have the principle as carried in the bill exempting the amount paid to the beneficiary on his death. Carrying out the logic of the bill, I think there is no reason why the amount that may be paid upon cancellation before the time expires should be considered as the income of the assured or to whom it may be paid.

Mr. HULL. Mr. Chairman, it is impossible to enact laws that will keep up with all the changing methods of doing insurance business. The suggestion of the gentleman from Wisconsin [Mr. STAFFORD] is that there is some particular method, among many others, of conducting insurance business in this country at this particular time which we should regard by writing into this permanent law a provision that would specially apply to it. Now, the amendment that was offered and adopted by the committee this evening embraced not only the principle as to the return of any portion of an investment in any insurance by an individual, but it specified a number of those methods of conducting insurance business; and I take it if we should try ever so hard, unless we had among the membership of the House an actuary or some other individual who had had very extensive experience in the transaction of insurance business, we would

not then be able to cover all insurance methods used in the conduct of their business.

Mr. STAFFORD. Will the gentleman yield?

Mr. HULL. Yes.

Mr. STAFFORD. Will not the gentleman admit the amendment proposed and adopted this afternoon provides only for those payments that are made to the assured at the maturity of the term mentioned in the contract—that is the exact phraseology of the amendment—and does not provide for hundreds of thousands of instances where persons cancel their contract of insurance before the expiration of the time limit of the contract? Now, the only purpose of the amendment I offer is to carry out the very logic of the principle of the amendment offered by the gentleman and extend it to those cases where the policies are canceled before the termination of the term.

Mr. HULL. As I said, it is impossible to designate and write into law every particular method of doing insurance business in this country.

Mr. STAFFORD. But the gentleman's amendment does not provide at all for those cases where the policy is canceled before the termination of the period.

Mr. HULL. There is no adjudication here or in any other country that would make any of this taxable income. We are simply writing in a little declaratory provision in order to satisfy some gentlemen, and we have designated a number of these particular modes of return made to the insurer when he invests in insurance during his life, and I am satisfied that the principle is well embraced in the amendment offered and adopted this afternoon.

Mr. STAFFORD. The gentleman admits that under his amendment adopted this afternoon there is no provision made whatsoever for exempting these payments made in settlement of a policy.

Mr. HULL. Oh, I dare say that if we had an insurance man in here he could suggest probably half a dozen other methods by which they conduct business with their policy holders.

Mr. STAFFORD. But the gentleman must recognize there are thousands of instances where policies are terminated by the insurer before the termination of the term, and it is just those instances I am trying to provide for and to carry out the logical exemption the gentleman has provided for in his amendment.

Mr. LENROOT. Mr. Chairman, I would like to ask the gentleman one or two questions. Of course the gentleman is aware every life insurance company has a cash surrender value to their policies, by which the policies may be surrendered by a cash amount paid to the assured. Now, is it true the committee amendment this afternoon does not exempt the amount paid upon the surrender of policies?

Mr. HULL. As I said to the gentleman, there is no exemption involved. If insurance was not mentioned by this taxable provision, they would be as well off as they are with the reservations made.

Mr. LENROOT. But the bill itself makes a proviso that the proceeds of policies in certain cases shall be exempt. Of course the gentleman is well familiar with the rule of construction that such a provision may give it an entirely different construction than if it had been omitted entirely.

Mr. HULL. I wish to say to the gentleman that, speaking individually, I have tried to confer with a number of insurance gentlemen, attorneys, and officers of insurance companies, and made every possible effort to understand the insurance language, terms, and so forth, and to embrace in an amendment a provision broad enough to cover every principle as to payments made back to the policyholders, and while sometimes each insurance man would have a new and different suggestion, yet I am satisfied the principle contained in the amendment which has been adopted by the committee will satisfy the wishes of any reasonable insurance man.

Mr. LENROOT. The gentleman himself seems to think there may be some doubt about it. Why not, in order to clear the doubt, accept the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. HULL. I am frank to say that in talking with some insurance men I get quite confused with their definitions of a number of these insurance terms, and I am unable to find many of these gentlemen who agree in every respect in their definition of these terms referred to. And I am slow to adopt a suggestion of terms unless a gentleman presents himself as an expert, with the knowledge of the full signification of the expression he undertakes to write into the law.

Mr. LENROOT. Mr. Chairman, has my time expired?

The CHAIRMAN (Mr. BARTLETT). The time of the gentleman from Tennessee [Mr. HULL] has expired.

Mr. LENROOT. Mr. Chairman, I would like to be recognized in my own right.

It does not require an insurance expert to decide the question of whether a cash-surrender value of a life insurance policy should be regarded as income and taxable under this bill. The law, so far as I know, of every State regulating life insurance provides that there shall be cash-surrender values of policies, and to tax as income the cash-surrender value of an insurance policy is exactly like taxing, not the income upon deposits in a bank, but taxing the deposits themselves.

Mr. MADDEN. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. MADDEN. Suppose the premium was $500 on a 10-year tontine policy and the cash surrender of that policy at the end of that 10 years was $5,000; if he paid the tax on the $500 annual premium, ought he to be compelled also to pay the tax on the surrender value of the policy? Would not that be paying the tax twice?

Mr. LENROOT. He ought not in any event to be compelled to pay a tax on the surrender value, because he is getting back his capital, his principal, that he has paid into the company, and he is not getting gains, profits, or income, but merely getting his money back.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I only rise to state what the committee's position is in this matter. As the bill now stands, there is no tax levied on the principal that is paid into an insurance company. There is a tax on the net income. The way we look at the proposition is this: Under the present law the net incomes of these corporations, whether they be insurance companies or not, are taxed 1 per cent. Under the clause of this bill the net incomes of these corporations, whether they are insurance companies or not, will be taxed 1 per cent. Now, there will be no tax whatever on the policy when it is paid on its termination, whether it expires on the death of a person or whether it is a tontine policy and expires before the death of the insured. But in the meantime there is a tax of 1 per cent on the net profits of the corporation, just as they are paid to-day under existing law.

Mr. MADDEN. Will the gentleman let me ask him a question?

The CHAIRMAN. Will the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I will yield.

Mr. MADDEN. Does this bill provide for the payment of the tax on the annual premiums paid by the policy holder?

Mr. UNDERWOOD. If they are net profits. I am not going into the question of what they are. We are going to leave that for the Treasury Department and the courts to determine.

If they are net profits on the net profits or so much of them as are net profits, the tax will rest. If they are simply a return of the principal, the tax will not rest upon them.

Mr. MADDEN. The gentleman evidently did not understand my question. I asked him if he understands the bill to provide that the individual policy holder is required to pay the income tax on the amount of his annual premium?

Mr. UNDERWOOD. No.

Mr. MADDEN. Is he allowed to deduct it from his gross receipts?

Mr. UNDERWOOD. He has nothing to do with it.

Mr. MADDEN. His own gross income—he is not allowed to deduct?

Mr. UNDERWOOD. Certainly not.

Mr. MADDEN. Then he pays the tax on it?

Mr. UNDERWOOD. No; no more than he pays the tax if he buys a house. That is gross income.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. UNDERWOOD. Yes.

Mr. GOULDEN. I think the amendment proposed does not cover these cases. If a man has an insurance policy and runs along and keeps up the payments for a number of years, for, say, 10 or 15, then decides not to carry it any longer and to take the cash, in a case of that kind I would like to know if this amendment provides for a deduction on that?

Mr. UNDERWOOD. The amendment which has been offered exempts the return of the principal under the circumstances the gentleman has named.

Mr. GOULDEN. There is the principal alone involved in this. It is simply the surrender value. It is the principal or the amount that has been paid in, because the charge that is made for carrying the risk is more than the return premium in this case.

Mr. UNDERWOOD. If the gentleman will allow me to finish, I will explain.

Mr. GOULDEN. Very well.

Mr. UNDERWOOD. When that policy is returned there may be a portion of it that is principal and a portion of it that is profit, and probably there is. Under that contract they will return the principal and they will return some of the profit. Now, the principal returned under the amendment that we adopted this afternoon will not be taxed, but if there is profit returned it will be taxed.

Now that is all there is to it, and the amendment was framed to cover that.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. UNDERWOOD. Yes.

Mr. LENROOT. Will not the company have already paid a tax on that profit?

Mr. UNDERWOOD. No.

Mr. LENROOT. The company has paid it, and must the insured also pay it?

Mr. UNDERWOOD. The insured pays on the profit he makes, just as you would pay on the profit you make.

Now, if the gentleman will allow me, I can not finish an argument in five minutes if some one else is speaking in my time. Let me give an example. If the gentleman should buy a farm or a storehouse, and he could make profits on that storehouse for a period of 10 years, say, under this bill if those profits amount to more than his exemptions he will pay the tax on it during that time—all his profits above the exemptions. Now, if at the end of 10 years the gentleman should sell his storehouse for twice as much as he paid for it, he will not pay a tax on the original principal that he invested in that storehouse, but he will pay a tax on the increased price he may receive for it, or for the profit he may sell it for, if it is profit.

Now, in the case of a life insurance policy, it is the same as an investment in a house. The corporation, instead of the insured person, will be taxed on its net profits during the period the insurance runs, and at the termination of the period the insured will not pay a tax on his capital, but will pay a tax on the return of his profits, just as the man would pay a tax by the increased value of his storehouse in the case I cited. The two propositions are just the same.

Now, there is only one thing involved in this case. These great insurance companies are trying to get this Congress to untax them. They are eleemosynary institutions. I have nothing to say against them, but you have the choice whether you will invest your money in a home for your family, or in a storehouse, to furnish an income for your family and save it for the future, or whether you will invest it in a life insurance policy. You may invest it in a railroad company and get stock, and you do that in order to save it for yourself and your family. You may conclude that you are not as capable of handling your money as one of these great insurance companies is, and you send around and invest your capital in a policy. The only difference in the investment is that one is called a share of stock and the other is called a policy. You invest it for the purpose of profit in the policy, as you would in the stock.

The CHAIRMAN (Mr. BARTLETT). The time of the gentleman has expired

Mr. TREADWAY. May I ask the gentleman a question?

The CHAIRMAN. The gentleman's time has expired.

Mr. UNDERWOOD. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. ROGERS. I have an amendment.

Mr. MANN. Is this paragraph B?

Mr. UNDERWOOD. Yes.

Mr. GOULDEN. I want five minutes.

Mr. UNDERWOOD. Then I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I should like to ask the gentleman from Alabama for a little further explanation of his definition. I understood him to say at the beginning of his remarks that there would be no tax on an insurance policy on termination of the contract.

Mr. UNDERWOOD. I did not say exactly that.

Mr. TREADWAY. I thought those were the words that the gentleman used.

Mr. UNDERWOOD. No; I said there would be no tax paid on the principal that was paid back to the insured at the termination of the contract, but that there would be a tax on the profits.

Mr. TREADWAY. Yes; I understood that; but you did use the expression "on the termination of the contract." Now, I would like to go a little further as to the meaning of "termination of the contract." For instance, if you have a 20-year endowment policy and, as the gentleman from Wisconsin [Mr. STAFFORD] is suggesting, you desire to surrender it and get the cash surrender value, do you consider that as the termination of the contract?

Mr. UNDERWOOD. Unquestionably.

Mr. TREADWAY. In other words, if the policy had run 15 years and you took the cash surrender value, there would be no tax on the principal of that policy at the end of the 15 years?

Mr. UNDERWOOD. Unquestionably there would not be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was rejected.

Mr. ROGERS. Mr. Chairman, I offer an amendment and ask to have it read.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 135, line 14, after the word "year," insert "gifts to any corporation or association organized and operated exclusively for religious, charitable, benevolent, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual."

Mr. ROGERS. Mr. Chairman, this paragraph, beginning on page 135 and running to the end of page 136, already includes many provisions for deductions which are to be made in ascertaining the definition of the term "net income," such as taxes, losses sustained in business and not compensated for, debts charged off during the year, and so on.

Now, I submit the amendment just read in the belief that there ought also to be a deduction for gifts made by individuals during the year to charitable, benevolent, and religious societies. I have adopted substantially the language in this regard which is used in the act itself, at the bottom of page 145 and the top of page 146, whereby are exempted the incomes of religious, charitable, and educational corporations, no part of the net income of which inures to the benefit of any private stockholder or individual.

Now, Mr. Chairman, it seems to me that it is desirable that there should be no curtailment imposed by this act upon the benevolent members of the community. If a man wants to make a gift to charity, he ought to be encouraged so to do and not discouraged. He ought to be urged to make such a gift rather than be penalized for doing so. This amendment that I have offered takes care of that situation and provides that in determining the deductions from net income there shall be included as a deduction gifts honestly made to these various benevolent corporations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word. I understood the gentleman from Alabama to give an assurance that the clause on page 134, line 25, providing for life insurance policies, that cash-surrender values on these policies that were carried up to their maturity or surrender were taken care of by an amendment this afternoon. I would like to have the gentleman give us some specific information on that point.

Mr. UNDERWOOD. There is no tax upon a policy paid on the death of the person.

Mr. GOULDEN. I understand that.

Mr. UNDERWOOD. Now, as to the tontine policies——

Mr. GOULDEN. There are no tontine policies now.

Mr. UNDERWOOD. Well, of the endowment-plan policies. Whenever the policy terminates, by reason of the contract, either at the end of the period or sooner, at the end of the contract, the principal that is paid will not be taxed, but the profits will be taxed.

Mr. GOULDEN. I want to say that there are no profits in that case.

Mr. UNDERWOOD. Then there is no tax. I do not know whether there are any profits or not.

Mr. GOULDEN. There are absolutely none.

Mr. UNDERWOOD. I do not raise that question. If there are none, then there will be no tax, but that is for the court to determine.

Mr. GOULDEN. The gentleman added that life insurance policies were the same as any other investment. That is an error into which many people fall and is a common mistake. A life insurance policy is taken by the average man for the sup-

port of his dependent ones and not as an investment. There are comparatively few endowment policies issued to-day, but policies are taken on limited life, 10, 15, or 20 years, and primarily for the protection of the wife and children and not as an investment. It is a different proposition entirely.

Now, I want to say that in my judgment, based on years of experience in the business, that the mutual companies should have been exempted wholly, just as the mutual savings banks. I notice that the committee took care, when pressure was brought to bear on them, that the mutual savings banks, such as we have in the State of New York, without a dollar of capital invested, under the control of members, deposits running up into the hundreds of millions of dollars, were exempt. Mutual fire insurance companies and building and loan associations are also exempt. I may say that this is proper, and I indorse it. Why should not you exempt the mutual life insurance companies absolutely under the control of the policy holders—not one dollar of capital stock, not one dollar of profit, as that term is understood? Now, what is sometimes called dividends are paid out of three different things.

First, the saving in expenses over that which was expected to be necessary to conduct the business; secondly, the saving in mortality. Under the American experience table a certain amount of money is calculated for death losses each and every year. That amount is never reached. In a majority of companies the average is less than 80 per cent, so that there is another saving of 20 per cent. The third is that of the higher rate of interest than that calculated for by the various companies and State departments. There are the three items which are purely savings, not a dollar of profit. The great trouble with the average man not familiar with this subject is to draw a line between profits and savings. The man who has, we will say, a $10,000 policy of insurance, and who pays a premium of $300, receives an abatement beginning with the second year and continuing in each year thereafter through the life of the policy. We will say, as an illustration that it amounts to $50. That $50 is called profits by the framers of this bill. It is nothing of the kind. It is made up of those three items and belongs to the policy holder, and will be deducted from his subsequent premium abatements.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE. Mr. Chairman, I move to strike out the last two words. I would like to have the attention of the gentleman from New York [Mr. GOULDEN]. The gentleman was speaking a moment ago of what is known as mutual life insurance companies. I think every Member has been pressed into the service in this regard, and that most of us understand that the argument is that the mutual life insurance company is made up of members of a company who are not stockholders in any sense of the word, but who operate on a mutual plan.

Mr. GOULDEN. Absolutely.

Mr. MOORE. That is to say, they are in effect the owners of the property. The gentleman from Alabama [Mr. UNDERWOOD] a moment ago indicated that the question of the exemption of these companies, as mutual fire insurance companies are exempted, as building and loan associations are exempted, would depend upon the determination by the Treasury Department of the question whether or not there was a profit after the payment of the premium. I want to ask the gentleman if he understands if there is any profit in the transaction which means that the premiums are paid up to a point and that they are then returned to the policy holder in the form of a paid-up policy—whether he regards it, or whether it is regarded generally, as a profit at all or if it is not simply a return of the money a man puts in.

Mr. GOULDEN. Absolutely; and it is on all fours with the mutual savings banks, mutual fire insurance companies, and building and loan associations. These mutual companies are absolutely owned and controlled by the policy holders. There is not a dollar of capital stock in 90 per cent of the companies. They carry policies on millions of our citizens, who will be called upon to pay this tax annually.

Mr. MOORE. Is such a position as this possible—and this is based on the position taken by the gentleman from Alabama? Is it possible that there would be put into these mutual companies, say, $900 by any one policy holder, and that he would get back $1,000?

Mr. GOULDEN. On an endowment policy, yes; on a limited life policy, no.

Mr. MOORE. Would that be regarded as a profit or a return of the money each year?

Mr. GOULDEN. It would be a return each year in the way of an abatement. Under the laws of New York no tontine policies are admissible. Abatement must be declared annually, and the policy holder can elect either to take that in an abatement of his premium, or reduction of his premium, or he can let it stand, to be payable at his death; but in no sense is it a profit.

Mr. MOORE. As I understand the gentleman from Alabama, if it shall be ascertained by the Treasury Department in its investigation after this bill has become a law that a policy holder had paid into a mutual company $900 and had received back $1,000, in that event he would be taxed for the additional $100.

Mr. GOULDEN. That is the intention.

Mr. MOORE. The gentleman says that is not a profit?

Mr. GOULDEN. It is not.

Mr. MOORE. Is it not a fact that these mutual companies which are not composed of stockholders have their net earnings taxed by the various States?

Mr. GOULDEN. It is.

Mr. MOORE. Is it not also a fact that these same mutual companies, made up of individuals who are endeavoring to lay away something for the rainy day for their wives and children who are left behind, have their earnings also covered by the corporation tax?

Mr. GOULDEN. That is true.

Mr. MOORE. So they are taxed in two ways.

Mr. GOULDEN. Yes.

Mr. MOORE. Now, it is proposed to tax them a third time, and that tax will fall upon 5,000,000 or 6,000,000 people in the land.

Mr. GOULDEN. Yes; and I am inclined to think they will be heard from in the next election.

Mr. MARTIN. Mr. Chairman, I move to strike out from the committee amendment in this paragraph the words "at the maturity of the term mentioned in the contract." And I would like to ask the Chair how much time remains?

The CHAIRMAN. One minute.

Mr. MARTIN. Mr. Chairman, it seems quite remarkable that the gentleman from Alabama [Mr. UNDERWOOD] should have deceived himself as to the true status of this particular piece of legislation. Here this paragraph provides for a tax on incomes, and then there is a proviso added to except proceeds from life insurance policies paid upon the death of the insured. The committee amendment also excepts the proceeds of life insurance policies paid upon the surrender of the policy at the maturity of the period fixed in the contract. Now, if the policy is surrendered in a less time or before the time fixed in the contract, the proceeds would not be excepted. If these words, "at the maturity of the term mentioned in the contract," were stricken out of the committee amendment, then the exception would apply to proceeds of policies surrendered at any time, whether before or at the time provided for maturity of the contract. Clearly, as it is now, that would not be excepted.

The CHAIRMAN. The gentleman's time has expired. The question is upon the amendment offered by the gentleman from South Dakota, which the Clerk will report.

The Clerk read as follows:

Strike out the committee amendment, on page 135, the words "at the maturity of the term mentioned in the contract."

Mr. MARTIN. Mr. Chairman, I call for a reading of the language before the motion to strike out, and then the reading as amended by striking out.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to have the committee amendment reported as it will read as amended.

Mr. MARTIN. I ask that the committee amendment be reported in the form as it is now written and then with the language that is proposed to be stricken out.

The CHAIRMAN. That is what the Chair stated. The Clerk will report the committee amendment if there is no objection.

The Clerk read as follows:

Page 135, lines 1 and 2, strike out the words "shall not be included as income," and insert in lieu thereof the words "or payments made by or credited to the insured on life insurance, endowment, or annuity contracts upon the return thereof to the insured at the maturity of the term mentioned in the contract shall not be included as income."

Amendment to the committee amendment. Strike out the words "at the maturity of the term mentioned in the contract," so that it will read as amended, "upon the return thereof to the insured shall not be included as income."

The question was taken, and the Chairman announced the noes appeared to have it.

Upon a division (demanded by Mr. MARTIN and Mr. MADDEN) there were—ayes 62, noes 84.

So the amendment was rejected.

The CHAIRMAN. If there be no other amendments offered to section B, amendments are in order to section C.

Mr. CALDER. Mr. Chairman, I offer an amendment to section C.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 137, strike out all after the word "office," in line 5, and all of line 6.

Mr. CALDER. Mr. Chairman, Article XVI of the Constitution, the income-tax provision, states that "Congress shall have the power to lay and collect taxes on incomes from whatever source derived." My amendment, if agreed to, Mr. Chairman, will take away the exemption of city, State, and county officials.

I have inquired, Mr. Chairman, from the members of the Ways and Means Committee why the compensation of officers and employees of a State or political subdivision are to be exempt from the income tax, and I have been informed by some that it was because of the fact that to do so would render the act unconstitutional. Now, I have investigated that very carefully. I have looked up the decisions, and I have inquired carefully after reading into these decisions the language of the present income-tax article, and I am sure my amendment, if adopted, would not render the bill unconstitutional. The former governor of New York State, at the present time one of the Associate Justices of the Supreme Court, the Hon. Charles E. Hughes, in a message to the Legislature of New York on January 5, 1910, gave it clearly as his opinion that if the income-tax amendment was added to the Constitution it would be possible to tax not only the income of the officials in the several States but the income derived from State bonds.

I do not advocate the taxing of the interest on our bonds, but I do advocate the taxing of the incomes of city, State, and county officials. It has been argued, too, by some members of the Ways and Means Committee that we ought not to tax the agency of the State. That may be good enough, but when you stop to consider that you are going to tax the manufacturer, and the merchant, and the storekeeper, and the professional man, and the salaried man, from whatever source his income is derived, I think it is pretty far-fetched to say that the man who is elected or appointed to public office ought not to be taxed on his income. I find in some States men are appointed to high public offices which pay a compensation exceeding $15,000, and in some of these cases after a period of time they retire and draw a pension, sometimes equal to their entire salary, and these men usually go on for all time without having their income derived from this particular source taxed, while every other man, who must labor and earn his money from the risk of business, must pay a tax upon his income.

I am quite surprised that the Democratic Ways and Means Committee has seen fit to exempt these officials.

Now, Mr. Chairman, we have heard a great deal of discussion on this tariff measure, and particularly the income-tax provision, and I venture the statement that very few men in this committee have carefully examined all of the provisions of the income-tax part of the act, because if they had they would see that there are many things in it which are going to work a great hardship upon the people. The method of collecting the taxes, the necessity of disclosing the private business of people to the community, is one of them. No man objects to disclosing his private business to the Government, but in this provision referred to by my friend from Illinois [Mr. MADDEN] this evening, he said the landlord, in order to obtain an exemption from the rent he receives from his tenant where the rent exceeds $4,000 per annum, must file with the tenant a statement of his income from every source whatever. That is only one of the absurd things of this provision.

I want to take the time of the committee for a moment before my time expires to refer to some remarks made by the gentleman from Kansas [Mr. MURDOCK]. He said, if I remember correctly, that the rich were getting richer and the poor were getting poorer. I want to say that there never has been a time in the history of this country when there was greater opportunity for the man at the bottom to get up than there is now. There never was a time when it was easier for him to save money. I was looking up the record the other day, and I find that in the savings banks of New York 15 years ago there was on deposit $560,000,000 of the workingman's money, and on the 1st of January, 1913, there was on deposit $1,200,000,000—double the amount in 15 years—and this same conditions exists throughout the country.

In a recent report of the labor commissioner of New York State it was shown that for the year 1912 less people were unemployed in that State than ever before in its history. I repeat there has never been a period in the history of the country when the people enjoyed such unexampled prosperity as during the past 15 years.

I hope, Mr. Chairman, that my amendment will prevail. I insist that it is class distinction to exempt these local officials from the operation of this law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I would like to call the attention of the gentleman from Tennessee [Mr. HULL] to another question in regard to this. The section exempts from the operation of the income tax the judges of the Supreme and inferior courts of the United States now in office. I take it that those judges who are now retired are not now in office, but I apprehend that the same constitutional provision which causes the insertion of this provision in the bill would apply to the judges who are now on the retired list?

Mr. HULL. I scarcely think so, because the constitutional provision about which any possible question could arise merely prohibits the diminishment of salary of a Federal judge during his term of office.

Mr. MANN. Very true, but these judges who were retired are retired in accordance with that provision of the Constitution which provides that they shall hold office for life, and that their compensation shall not be diminished.

I call the matter to the attention of the gentlemen, because I am inclined to think that the same exemption would have to apply to these judges.

Mr. HULL Mr. Chairman, I do not construe this provision as the gentleman from Illinois [Mr. MANN] indicates is his disposition to construe it. These Federal judges are permitted to retire when they reach a certain age, and they are allowed a certain compensation afterwards, and during the period of their retirement they are not to be considered as in office, and they perform no official function, and in no view of the matter can I see how this tax would fail to apply to them. They would not be considered officials.

Now, Mr. Chairman, I desire to allude to the remarks of the gentleman from New York [Mr. CALDER]——

Mr. BORLAND. Mr. Chairman, will the gentleman yield to me just for a moment on that point?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. HULL. I hope the gentleman from Missouri will pardon me.

Mr. BORLAND. I just wanted to make the suggestion to the gentleman that the auditor has just decided that question in the case of Senator GOFF, of West Virginia. The auditor has decided that as a judge on the retired list he is still in the service of the United States, and therefore he approved the payment of both salaries to him—that of a Federal judge and that of Senator.

Mr. HULL. Mr. Chairman, the gentleman from New York [Mr. CALDER] makes an unintentional, I hope, but very unfair, allusion to the effect of the operation of the proposed tax. Some persons who evidently are against this method of taxation, and who are seeking to discredit the proposed tax, have systematically circulated the report and the suggestion that under some provision in this bill the taxpayers are required to disclose their private affairs to other individual citizens.

There is not now and there never has been any provision in this bill that requires any taxpayer to disclose any portion of his affairs to any other citizen. The taxpayer has the amplest and the fullest opportunity in every instance to make his return to the district collector. If he prefers, as a matter of convenience under certain circumstances, he may make a partial return to the person who withholds his tax upon his principal income for him, but that is purely optional.

Now, the gentleman from New York [Mr. CALDER] seems to be very much afraid that the very idea of publicity would be offensive. I find that even in his State the tax returns which the people of New York are required to make to the State as to their property for taxation involve real publicity. I will read the language:

Notice of the completion of the assessment rolls must be conspicuously posted in three or more public places, and a copy left in a specified place where it may be seen and examined by any person until the third Tuesday of August following.

Now, I do not know, but I suppose that this is still the law in New York. These New York tax returns are far more complicated than the returns that will be made by individuals under the proposed measure. And yet gentlemen, including my friend from New York [Mr. CALDER]—and I must believe that he was misled by some one—persistently circulate the impression that somewhere in this bill there is a provision that requires a taxpayer to disclose his private affairs to another taxpayer, when there is absolutely no foundation for such an inference or such a charge. [Applause on the Democratic side.]

Mr. LOGUE. Mr. Chairman, I think it is well at this time to call attention to section B. While what this section means

will be the subject of determination by judicial authority, still it is not amiss at this time to consider what it is thought to be by the committee who have had it in charge.

The act provides for a tax upon annual incomes. Therefore it is presumed to be a tax upon annual profits or increase or gain. Commencing at line 12 of page 134, section B provides at about line 15 and following that "personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales or dealings in property, whether real or personal," producing income, shall be taxed.

I have addressed myself to some of the members of the committee and asked whether it was contemplated by that provision to tax the increment of a property sold during the year, although bought years ago. To illustrate, if a property was bought 30 years ago at $10,000 and it sells to-day at $100,000, is a tax, at whatever percentage is laid down, to be levied on the difference in value between what the property was worth 30 years ago and what it was sold at to-day? The answer to that question was that it is.

I can not conceive that in any way at all to be an annual income or profit deriving annually. It can be shown and borne out that there are many properties purchased years ago that people have struggled with where the taxation of the increment made to-day as the profit of a single year would, in my judgment, be unreasonable.

Where shall we fix the profit of 1913? Shall we go back to the period of 1912? No; in the views of the committee you go back to a period of perhaps 30 or 35 years, and the difference between what the property was worth at the time of the last purchase and what it was worth up to the time at which it is sold is to be looked upon as a profit accruing within a twelvemonth, and that profit is accordingly to be assessed and taxed upon.

This would not be equitable and would not be within the spirit of an income tax, which is an annual tax on profits arising within a year. The section should be so worded that there could be no doubt, and that increment of real estate of many years is not the subject of taxation as profit of a particular year, and made clear that what is intended is the purchase and sale of a property within a year, which results in a profit, making that profit one that comes within the liability of a tax.

If that is the intention, I believe it would be well to have it clearly defined and stated; but I had gathered the meaning to be that "sales or dealings in property" would mean that where a person had purchased within a year and sold within that year there was clearly a yearly profit, and that would be a proper subject of taxation; but to run back for a period of 25 years to the last purchase and tax a man in any one year for the entire increment of 25 years I do not think is fair. I do not think it is the thought of the majority of the House. I do not think it is equitable, and I do not think it will meet with the hearty approval of people who may perhaps have struggled along with real estate for many years.

Mr. UNDERWOOD. I ask unanimous consent that all debate on this paragraph and all amendments thereto be limited to five minutes.

Mr. GRAHAM of Pennsylvania. I desire to offer an amendment.

Mr. GRAHAM of Illinois. I also would like five minutes.

Mr. FITZGERALD. I should like a little time.

Mr. UNDERWOOD. I will make it 20 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, in order to get the attention of the gentleman from Tennessee [Mr. HULL], I move to amend line 5, page 137, by inserting the word "also" after the word "and" and before the word "the" in the middle of the line.

The language there seems to me very confusing, and I am unable to determine whether the words in lines 5 and 6—

And the compensation of all officers and employees of a State or any political subdivision thereof—

Apply to those officials now in office or those to come into office in the future. At the top of that page the word "also" is used as a conjunction, to show that the President of the United States during the present term, and the judges of the Supreme and Superior Courts during the terms which they are now serving, are exempt. Then follows the clause to which I refer—

And the compensation of all officers and employees of a State or any political subdivision thereof.

It is not clear to me whether that clause as it now stands does not exempt State officers for all time. By the insertion of the word "also" it would connect it with the exception which precedes and would make it perfectly clear that all those officers now in office are exempt. Is it the intention to exempt them always, or only those now in office?

Mr. HULL. The purpose of that language is to exempt the salaries of officials of States and their subdivisions from this tax.

Mr. GRAHAM of Illinois. Why?

Mr. HULL. In view of the long line of court decisions to the effect that the Government has no more power to tax the instrumentalities of a State than a State has to tax the instrumentalities of the National Government. Now, while individually speaking, I, as well as each Member here, has his opinion as to what might or might not be done in that respect at this time, still it was not the desire of those who have been taking the most interest in this measure to inject any more constitutional questions or controversies into the bill, especially for the sake of only a few thousand dollars in taxes, and it would only add a few thousand dollars if that clause was included.

Mr. GRAHAM of Illinois. In view of that purpose on the part of the committee, I call the gentleman's attention to the question whether that language is sufficiently clear in expressing the thought of the committee, or whether it does not still leave one in doubt as to whether only those in office at the time the law goes into effect are exempted.

Mr. HULL. I do not think there is any reasonable ground to put that construction on it, if the gentleman asks my individual opinion.

Mr. GRAHAM of Illinois. That is what I wanted. I am willing to abide by the gentleman's judgment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. GRAHAM]

Mr. GRAHAM of Illinois. I ask leave to withdraw the amendment. I offered it only for the purpose of getting information from the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Illinois withdraws his amendment.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I understood there were five minutes reserved for me. I think that was the stipulation that was made. I move to strike out the last word.

The CHAIRMAN. Will the gentleman pardon the Chair a moment? The attention of the Chair was diverted. The amendment offered by the gentleman from New York [Mr. CALDER] is pending and has not been voted upon. The question is upon that amendment.

Mr. LOBECK. Will the gentleman yield for a question?

Mr. HULL. Yes.

Mr. LOBECK. Does this exempt for instance the salaries of city officials?

Mr. HULL. Yes.

Mr. LOBECK. And of county officials?

Mr. HULL. Yes; they are officials of political subdivisions of a State. It would exempt any official in any office, I think, in a State.

Mr. LOBECK. It would not exempt Representatives or Senators, would it?

Mr. HULL. They are not officers of a State. Besides they are covered elsewhere in the bill.

Mr. FITZGERALD. Mr. Chairman, my colleague [Mr. CALDER] offered an amendment which is pending to tax the compensation of officials of State, county, and municipal governments. When the present member of the Supreme Court, Justice Hughes, was governor of the State of New York he sent a message to the legislature of the State urging the legislature to reject the then pending amendment to the Constitution permitting the imposition of a tax upon incomes, because, in his opinion, under the peculiar wording of the amendment, it permitted the tax to be levied upon salaries of State, county, and municipal officers and also upon the incomes from State, county, and municipal bonds.

He set forth in very emphatic language the serious objections to giving the Federal Government such power. Later that speech was replied to in the Senate by the Senator from Idaho [Mr. BORAH] in which, in a very elaborate argument, he pointed out that the Supreme Court had construed the previous amendments to the Constitution and had always construed them in view of the previous decisions of the court, and expressed the opinion that certain decisions of the Supreme Court were to the effect that, unless the proposed amendment of the Constitution then pending clearly and explicitly gave to the Federal Government the right to tax incomes derived from instrumentalities of State government and the income from bonds of State, county, and municipalities, in his opinion such a construction would not be placed on the amendment which has been ratified.

Subsequently, the people of the State of New York elected a Democratic legislature, and it was a Democratic legislature in the State of New York that ratified the income-tax amendment to the Constitution after the Republicans had had an opportunity and failed to do so.

I realize that there is considerable difference of opinion between men qualified to pass upon the question as to whether the Federal Government has at the present time the right to include salaries received by officials of State, county, and municipalities as income to be subjected to such tax.

Beyond the question of expediency, or the desirability of lodging any such power in the Federal Government, there is an important consideration which the committee can not waive at this time. It would be most unwise with those sharp differences of opinion among competent lawyers to attempt to incorporate into this bill any provision that might be of doubtful constitutionality. The income tax levied in this bill should be certain in its authority that it will not be possible to delay its collection by the incorporation of provisions that might give occasion to prolonged litigation. For that reason I shall not support the amendment.

There is one thing else I wish to suggest. There seems to be an opinion quite prevalent throughout the country that under the terms of the bill the compensation of Members of Congress is exempt from the tax levied by the bill. Any one who has examined the bill knows that that is not the fact. I read within a day or two an editorial in a very prominent paper in which it was intimated that perhaps the attitude of the House on this matter might be affected by the fact that the income or compensation of Members of Congress would not be affected by the bill.

It should be made clear that under the bill, as it now stands, the salaries of Members of Congress, if it be their net income, would be taxed 1 per cent on $3,500, the excess above $4,000.

Mr. MADDEN. Members of Congress are not considered officers of the Government, and consequently they would be taxed under this bill.

Mr. FITZGERALD. Members of Congress have been in several decisions, if I remember correctly, held to be a part of the Government of the United States. They are neither State officers nor officers of the Federal Government. There is no question but that their income is subject to the tax levied in this bill. It only excepts officers of States, counties, and municipalities; it does not except Members of Congress.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, much of that upon which I desire to get information has been answered by the last speaker, the gentleman from New York [Mr. FITZGERALD], and it will be unnecessary for me at this time to advert to that. I would like the attention of the gentleman from Tennessee [Mr. HULL], who has had charge of the income-tax provision of the bill. I would ask him whether there has been any judicial interpretation of the provisions of the Constitution of the United States under which it is proposed in this bill to exempt the present President of the United States and the judges of the Supreme Court and inferior courts of the United States from the payment of an income tax?

Mr. HULL. Mr. Chairman, during the Civil War the Chief Justice of the Supreme Court of the United States filed a written opinion with the Treasury Department to the effect that by reason of the constitutional provision which prohibited the diminishing of the salaries of the judges of the Supreme Court during their terms of office they were not subject to the tax. That applied equally to the members of the Supreme Court and of the inferior courts of the United States. Following the war the Attorney General of the United States, Mr. Hoar, filed a written opinion to the same effect. In the individual opinions of the members of the Supreme Court rendered in the Pollock case in 1895 a number of the judges gave this as their view, but there has never been a majority opinion of any kind upon the question. It was not necessary to pass on it in the Pollock case.

Mr. MANN. They did not collect the income tax from them?

Mr. HULL. The tax was never collected by the Government from these officials during their respective terms of office, as I recall. It applies to their successors.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, Mr. Lincoln paid a tax, and in one of his letters speaks of the fact of paying an income tax upon his salary as President of the United States. That is my firm memory now.

Mr. HULL. Mr. Chairman, as I stated, Chief Justice Taney early in the war filed his statement declining to pay the tax. Following the war the Attorney General rendered his opinion to the same effect. Of course, I do not recall who paid the tax, voluntarily or otherwise, during the war.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, it was my impression that there was no adjudication of this question, and it seems to me that it is clear that the Congress of the United States has power to impose an income tax and affect even these gentlemen. I would like to see the question raised and tested, because this classification is not an agreeable one. I, therefore, present the following amendment to this section.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. MANN. The Calder amendment has not been disposed of.

The CHAIRMAN. That is true. The recollection of the Chair is that under the order made by unanimous consent amendments may be offered at any time.

Mr. MANN. That is true.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania [Mr. GRAHAM].

The Clerk read as follows:

Page 137, line 1, after the word "taxation" strike out the words "Also the compensation of the present President of the United States during the term for which he has been elected and of the judges of the Supreme Court and inferior courts of the United States now in office, and the compensation of all officers and employees of a State or any political subdivision thereof."

Mr. AUSTIN. Mr. Chairman, I have also an amendment which I desire to offer, which I send to the desk.

The Clerk read as follows:

Page 137, line 6, after the word "thereof," strike out the period, insert a comma, and add the following:

"And of honorably discharged soldiers, sailors, and marines who served in the United States and Confederate Armies 1861–1864 and the War with Spain."

Mr. MOORE. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 136, lines 23 and 24, after the word "excluded," strike out the words "Upon the obligations of a State or any political subdivision thereof and."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New York [Mr. CALDER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. GRAHAM].

The amendment was rejected.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Tennessee [Mr. AUSTIN].

The amendment was rejected.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

Mr. MOORE. Does the arrangement preclude discussion at this time?

The CHAIRMAN. It does.

Mr. MANN. Mr. Chairman, I offer an amendment to strike out lines 1, 2, and 3, page 137, as follows:

Also the compensation of the President of the United States during the term for which he has been elected.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 137, lines 1, 2, and 3, strike out the following words:

"Also the compensation of the President of the United States during the term for which he has been elected."

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 52, noes 72.

So the amendment was rejected.

The CHAIRMAN. Paragraph D is open for amendment. Are there any amendments to paragraph D?

Mr. DILLON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 137, line 16, after the word "ward," strike out the balance of line 16, all of lines 17 and 18, and the figures "$4,000" in line 19.

Mr. DILLON. Mr. Chairman, my motion seeks to eliminate the following language:

Except that in case where two or more wards are comprised in one family and have joint property interests the aggregate deduction in their favor shall not exceed $4,000.

I favor the income-tax schedule and offer this motion, not for the purpose of destroying the effect of the schedule, but to assist in making it effective.

Every law should be fair and just and should not discriminate among people of the same class. This exemption violates every rule of equality. For instance, one child under guardianship is entitled to an exemption of $4,000. Two children under guardianship must join together in their exemption, and thus would each have an exemption of $2,000. Five children under guardianship must join together and have an exemption of $800 each.

Not only does this provision discriminate in reference to the exemption, but it also discriminates in reference to the taxes.

For instance, one ward under a guardianship with a net income of $4,000 pays no tax, while two wards with an income of $4,000 each pay $40 tax, while three wards with an income of $4,000 each pay $80 tax, and five wards under guardianship with an income of $4,000 each must pay $160 tax. This law compels them, because they are under guardianship, to join together in one exemption while the law allows you and I full exemption.

The Supreme Courts of Minnesota and Wisconsin have held that the exemption clause in the inheritance tax law must be uniform and affect all citizens alike, and because the exemption discriminated among the owners of property the inheritance tax laws of those States were held unconstitutional.

Under this unfair provision, if there be more than one child under guardianship and the property be owned jointly, they must join in one exemption, but if the children owned the property individually they would have full individual exemption. If the ward owns individual property he gets the full exemption, but if he owns property jointly with his brothers and sisters he gets only part of an exemption. When the ward is under 21 years of age, if he has brothers and sisters, he only gets a part of an exemption, and when he reaches 21 years of age he gets a full exemption.

You exempt yourselves on your joint and individual properties, but you deny the same right to these minors. I submit that this provision is unfair and unjust, and in my humble judgment can not be sustained by any court.

I was in hopes that this tax measure would be considered schedule by schedule, so that each schedule might stand or fall upon its own merits, and thus avoid all logrolling methods. We as lawmakers ought to place patriotism above politics and pass an honest judgment on each and every schedule.

I would like to support the income-tax schedule, because it casts the burden of taxation upon those who are able to pay it. Likewise I would like to support the provision for free lumber, because our forests have been depleted. I am convinced that this bill is not in the interest of the farmers, the laboring men, and the factories of this country, and that the bad features of the bill outweigh those of the good therein contained.

Mr. UNDERWOOD. Mr. Chairman, I would like to have a vote on this amendment, so that we can rise, unless some gentleman wishes to discuss this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. DILLON].

Mr. UNDERWOOD. I merely wanted to dispose of the present amendment, not the paragraph.

Mr. MANN. Let us dispose of the paragraph, if there are no amendments to it. Are there any other amendments to paragraph D?

The CHAIRMAN. The question is on the amendment of the gentleman from South Dakota [Mr. DILLON].

The question was taken, and the amendment was rejected.

Mr. UNDERWOOD. If there are no other amendments, we will pass to paragraph E.

The CHAIRMAN. Are there no amendments to paragraph D? [After a pause.] If not, we will pass to paragraph E.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. COX. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COX. I rise for the purpose of asking unanimous consent to withdraw from the files of the House, without leaving copies, papers in the case of H. R. 28498, H. R. 5191, H. R. 16879, H. R. 18351, Sixty-second Congress, no adverse report having been made thereon.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p. m.) the House adjourned until Wednesday, May 7, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of St. Francis River, Ark., from its mouth to Madison, and the L'Auguille River, from its junction with the St. Francis to Marianna, for the purpose of ascertaining the feasibility and cost of providing permanent navigation thereon (H. Doc. No. 45), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FLOOD of Virginia: A bill (H. R. 4760) for the erection of a monument to the memory of Gen. George Rogers Clark; to the Committee on the Library.

By Mr. COX: A bill (H. R. 4761) to pay the wives and children a part of the salary of enlisted men in the Army and Navy, etc.; to the Committee on Military Affairs.

By Mr. FREAR: A bill (H. R. 4762) to amend the general pension act of May 11, 1912, as amended by act approved March 4, 1913; to the Committee on Pensions.

By Mr. NELSON: A bill (H. R. 4763) to extend to certain publications the privileges of second-class matter as to admission to the mails; to the Committee on the Post Office and Post Roads.

By Mr. MURRAY of Massachusetts: A bill (H. R. 4764) to authorize, empower, and direct the Secretary of Commerce to construct certain tidal indicators in Boston Harbor, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: A bill (H. R. 4765) to amend and reenact an act of Congress entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and acts of which said act is amendatory; to the Committee on Interstate and Foreign Commerce.

By Mr. BATHRICK: A bill (H. R. 4811) to institute a system of lending money to farmers on agricultural lands; to the Committee on Ways and Means.

By Mr. HAWLEY: A bill (H. R. 4812) to create a revenue fund in the Crater Lake National Park; to the Committee on the Public Lands.

By Mr. MURDOCK: A bill (H. R. 4813) to create a tariff commission; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 4825) opening the surplus and unallotted lands in the Colorado River Indian Reservation to settlement and entry under the provisions of the Carey land acts, and for other purposes; to the Committee on Indian Affairs.

By Mr. BRITTEN: Resolution (H. Res. 93) requesting the Committee on the Judiciary to present to the House of Representatives a resolution directing the Department of State and the Attorney General to take necessary steps toward a judicial test of the California alien land law; to the Committee on the Judiciary.

By Mr. BATHRICK: Resolution (H. Res. 94) creating a standing committee of the House to be known as the committee on buying and selling; to the Committee on Rules.

By Mr. GARDNER: Memorial of the General Court of Massachusetts, relative to national forests; to the Committee on Agriculture.

By Mr. HAYES: Memorial of the Legislature of California, favoring appropriation for the protection of orchards from frosts; to the Committee on Agriculture.

By Mr. MURRAY of Massachusetts: Memorial of the Legislature of Massachusetts, opposing State control of national forests; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 4766) for the relief of Edwin F. Chamberlin; to the Committee on Military Affairs.

Also, a bill (H. R. 4767) for the relief of Loyal F. Russell; to the Committee on Military Affairs.

By Mr. ANTHONY: A bill (H. R. 4768) admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON: A bill (H. R. 4769) granting a pension to Thomas F. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4770) for the relief of Frances C. Hoffman; to the Committee on Claims.

Also, a bill (H. R. 4771) for the relief of the estate of Robert Pruitt, deceased; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 4772) to amend the military record of Richard Parke; to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 4773) granting a pension to Cornelius W. Morrison; to the Committee on Pensions.

Also, a bill (H. R. 4774) granting an increase of pension to Jack Meissner; to the Committee on Pensions.

Also, a bill (H. R. 4775) granting an increase of pension to Lewis R. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4776) granting a pension to Martha Fitzpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4777) granting an increase of pension to Thomas J. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4778) granting an increase of pension to Williams H. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4779) granting an increase of pension to Abraham Crist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4780) for the relief of the estate of Louise Muelchi; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 4781) for the relief of Francis Geenty; to the Committee on War Claims.

By Mr. KEY of Ohio: A bill (H. R. 4782) granting a pension to Alexander Bradley; to the Committee on Pensions.

Also, a bill (H. R. 4783) granting a pension to Barbara Heider-Bauman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4784) granting an increase of pension to Simon E. De Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4785) granting an increase of pension to Joseph N. Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4786) granting an increase of pension to Edmond R. Ash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4787) granting an increase of pension to Andrew J. Thomasson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4788) granting an increase of pension to Jacob Krieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4789) granting an increase of pension to Eliza J. Barnd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4790) granting an increase of pension to William A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4791) granting an increase of pension to George Mundary; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 4792) granting an increase of pension to Sarah P. Deem; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4793) for the relief of John H. Gatts; to the Committee on Claims.

By Mr. NELSON: A bill (H. R. 4794) granting an increase of pension to James B. Martin; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 4795) granting a pension to Catherine Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4796) granting a pension to Margaret W. Nichol; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 4797) granting an increase of pension to Levi Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4798) granting an increase of pension to James A. Carter; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 4799) granting a pension to Edward F. Denny; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 4800) granting an increase of pension to Helen T. Byard; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 4801) granting a pension to Maurice Luby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4802) granting a pension to Augusta Wassom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4803) granting an increase of pension to William H. Leavitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4804) to correct the military record of Charles D. Pillar; to the Committee on Military Affairs.

Also, a bill (H. R. 4805) to correct the military record of Silas Overmire; to the Committee on Military Affairs.

Also, a bill (H. R. 4806) to remove the charge of desertion from the military record of William Alonzo Williams; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 4807) granting a pension to Benjamin A. Lester; to the Committee on Pensions.

Also, a bill (H. R. 4808) for the relief of W. R. McGuire; to the Committee on War Claims.

By Mr. TRIBBLE: A bill (H. R. 4809) granting a pension to May Thornton; to the Committee on Pensions.

By Mr. WINSLOW: A bill (H. R. 4810) for the relief of David Snow; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 4814) granting a pension to Minnie Nordyke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4815) granting a pension to Hannah Leverton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4816) granting a pension to Amanda Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4817) for the relief of James G. Work; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 4818) granting an increase of pension to Benjamin O. Getter; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 4819) granting a pension to Mary A. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4820) granting an increase of pension to Mary Ella Fales; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4821) granting an increase of pension to Sarah J. Millikin; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 4822) granting a pension to Elizabeth J. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4823) granting an increase of pension to George H. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4824) granting an increase of pension to John H. Narmon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of I. H. Manntel, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also (by request), petition of the Richmond Chamber of Commerce, of Richmond, Va., against reorganization of the customs service; to the Committee on Ways and Means.

Also (by request), petition of R. D. Meyers, of St. Louis, Mo., against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. AINEY: Petition of sundry citizens of the fourteenth congressional district of Pennsylvania, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the directors of the Provident Life & Trust Co., of Philadelphia, Pa., suggesting amendments to the income-tax bill relative to mutual life insurance companies; to the Committee on Ways and Means.

By Mr. BELL of California: Petition of Mr. J. E. Heath, of Norwalk, and 117 other beet growers, farmers, and other citizens of the following towns in the State of California: Anaheim, Chino, Colusa, Concord, Downey, Garden Grove, Huntington Beach, Los Angeles, Norwalk, Ontario, Santa Ana, San Francisco, and West Berkeley; and also from the following firms and companies: Joseph Dixon Crucible Co.; San Francisco Labor Council; Hawaiian Fertilizer Co., of San Francisco; the Holly Sugar Co., of Huntington Beach; and the California Corrugated Culvert Co., of West Berkeley, Cal., protesting against the proposed reduction in the tariff on sugar; to the Committee on Ways and Means.

By Mr. CARY: Petition of the Richmond Chamber of Commerce, of Richmond, Va., against reorganization of the customs service; to the Committee on Ways and Means.

Also, petition of Mary A. Shea, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. DALE: Petition of Hogan & Son., of New York City, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of the Loose-Wiles Biscuit Co., of New York City, N. Y., against importation of biscuits free of duty; to the Committee on Ways and Means.

Also, petition of the Men's League for Woman Suffrage, of Kings County, N. Y., relative to investigation of insufficient police protection for the parade of March 3 in Washington; to the Committee on the District of Columbia.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., against reorganization of the customs service; to the Committee on Ways and Means.

By Mr. DYER: Petitions of sundry citizens of St. Louis, Mo., against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petitions of G. M. Dinges and H. A. Schmidt, of St. Louis, Mo., against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of the Business Men's League of St. Louis, Mo., against the clause in the sundry civil bill forbidding certain money to be spent in the prosecution of labor or farmers' organizations; to the Committee on the Judiciary.

By Mr. GARDNER: Petition of the Turners Falls Board of Trade, against reduction of the duty on paper and placing newsprint paper on the free list; to the Committee on Ways and Means.

By Mr. GOULDEN: Petitions of sundry citizens of Philadelphia and New York, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petitions of sundry citizens of Vermont, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of 80 citizens of Lancaster County, Pa., protesting against that feature of the income-tax provision of the tariff bill which relates to life insurance companies; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of August Schiek and 25 others, of Wells, Minn., protesting against provisions of income tax relating to taxation of life insurance companies; to the Committee on Ways and Means.

By Mr. HAYES: Petitions of sundry citizens of California, against the reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petitions of sundry citizens of California, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. HOUSTON: Affidavit to accompany bill for Edmund Judkins; to the Committee on Military Affairs.

Also, affidavit to accompany bill (H. R. 2372) for Albert G. Jenkins; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: Memorial of the Commercial Club of Morrill, Nebr., in behalf of the sugar-beet industry; to the Committee on Ways and Means.

By Mr. LEVY: Petitions of sundry citizens of New York against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Loose-Wiles Biscuit Co., of New York City, N. Y., against reduction of the duty on biscuits; to the Committee on Ways and Means.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., against reorganization of the Customs Service; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: Petitions of A. Knowles, Julius Berendun, Leopold Oppenheimer, George H. Janssen, Philip Taussig, Albert Taussig, and F. Wohlander, of San Francisco, Cal., against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. O'BRIEN: Petition of Percy F. Hogan and John R. Hogan, New York, N. Y.; Henry F. Meyer, Clarence Marshall, Charles R. Kurka, Darwin P. Kingsley, and Bernard Greenberg, of Brooklyn, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the legislative committee of the Cigar Makers' International Union of America, Washington, D. C., protesting against the removal of the duty on Philippine tobacco and cigars; to the Committee on Ways and Means.

Also, petition of the Long Island Game Protective Association, New York, favoring the passage of legislation prohibiting the importation of feathers and plumes of wild birds for commercial use; to the Committee on Ways and Means.

By Mr. PLUMLEY: Petitions of A. C. Mason, Carroll Huntington, and W. B. Keyes, of Vermont, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of the Bellows Falls and North Walpole Merchants' Association, of Vermont and New Hampshire, against removing the duty on paper; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of sundry business concerns and citizens of New Haven, Conn., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of Philemon L. Hawley, of Newark, N. J., against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of D. J. Wood, of Fairbury, Nebr., favoring the passage of legislation exempting railway mail clerks from working on Sundays; to the Committee on the Post Office and Post Roads.

Also, petition of G. E. Aldrich and 16 others, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of D. J. Wood, of Fairbury, Nebr., relative to Sunday closing of post offices; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Nebraska, against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of T. H. Lee and 40 other citizens of the second congressional district of Michigan, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of the D. M. Sechler Implement & Carriage Co. and the Deere & Mansur Co., Moline, Ill., against placing agricultural implements on the free list; to the Committee on Ways and Means.

Also, petition of C. A. Banister, treasurer Moline Plow Co., Moline, Ill., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the members of the National Association of Cotton Manufacturers, protesting against the proposed changes in the rates in the tariff bill relative to cotton manufactures; to the Committee on Ways and Means.

Also, petition of H. W. Sanford, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Peter Lerner, New York, N. Y., protesting against the removal of the duty on Philippine tobacco and cigars; to the Committee on Ways and Means.

Also, petition of the Washington Millers' Association, Tacoma, Wash., asking that an equal tariff be placed on wheat and its products; to the Committee on Ways and Means.

Also, petition of sundry citizens of Shelby, N. C., protesting against a further reduction of the tariff on monasite; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petitions of sundry citizens of Brooklyn, N. Y., against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Men's League for Woman Suffrage of Kings County, N. Y., relative to investigation of insufficient police protection for the suffrage parade in Washington March 3; to the Committee on the District of Columbia.

Also, petition of the Chamber of Commerce of the State of New York, favoring putting a clause in the income-tax bill providing for collection of tax directly from individuals; to the Committee on Ways and Means.

Also, petition of the North American Brewing Co., of Brooklyn, N. Y., favoring removal of the tariff on barley and malt; to the Committee on Ways and Means.

Also, petition of John F. Thompson, of New York, against placing Bibles on the free list; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *May 7, 1913.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

VISITORS TO THE NAVAL ACADEMY.

The VICE PRESIDENT appointed Mr. SMITH of Maryland and Mr. PAGE members of the Board of Visitors on the part of the Senate to attend the next annual examination of midshipmen at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

ALLEGED SLAVERY IN THE PHILIPPINE ISLANDS (S. DOC. NO. 22).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, stating, in response to a resolution of the 1st instant, that there is not in the War Department to the knowledge of the Secretary of War or of the head of the bureau having charge of insular affairs a record regarding any facts bearing directly or indirectly upon the truth of the charge publicly made that human slavery exists at this time in the Philippine Islands and that human beings are bought and sold in such islands as chattels, which was referred to the Committee on the Philippines and ordered to be printed.

VALORIZATION OF COFFEE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Attorney General, transmitting certain reports, correspondence, and so forth, from the Department of Justice in response to a resolution of the Senate of April 21, 1913, pertaining to the importation of coffee.

Mr. NORRIS. I ask that the letter of the Attorney General be read.

The VICE PRESIDENT. The Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 6, 1913.

To the PRESIDENT OF THE SENATE.

SIR: Pursuant to the request of the Senate contained in resolution adopted April 21, 1913, I have the honor to transmit herewith the following papers:

1. A copy of the pleadings filed, including (a) the Government's petition; (b) the affidavit of defendant, Herman Sielcken, in opposition to the continuance of the temporary restraining order; (c) answer of the New York Dock Co., made party as bailee; (d) demurrer of defendant, Sielcken; (e) galley proof of brief prepared in opposition to the demurrer.

2. The answer to No. 4 of the resolution comprehends (a) section C of the files, containing the reports and memoranda of the special assistant attorney in the matter; (b) section D of the files, being special agent's reports touching particular points of investigation.

3. In answer to No. 6, which (except the pleadings already listed) includes or answers Nos. 1, 2, 3, and 5. The following are all the material and relevant file numbers, omitting the correspondence between the Department of State and Department of Justice:

No. 52. Letter of instruction, May 21, 1912, to United States attorney, New York.

No. 55. Letter, May 22, 1912, United States attorney, New York, stating time

No. 60. Letter, May 27, 1912, of Attorney General to Senator LODGE, giving information.

No. 73. Letter, June 3, 1912, Attorney General to the President, giving information.

No. 77. Letters and telegrams, June 8, 9, and 10, 1912, Sielcken to Kennedy and return, proposing settlement, and letter Solicitor General, suggesting acceptable term of settlement.

No. 78. Letter June 11, 1912, Kennedy to Solicitor General, with three telegrams, Sielcken to Kennedy attached, touching proposed settlement.

No. 79. Letter June 7, 1912, Solicitor General, transmitting letter and telegram of Sielcken to Kennedy.

No. 81. Letter July 5, 1912, Solicitor General to United States attorney, New York, to withhold action pending possible settlement.

No. 82. Letters July 5, 8, 9, 1912, Solicitor General transmitting letter from and to Kennedy.

No. 88. The demurrer, filed August 5, 1912, of Sielcken to petition.

No. 88½. Letter August 17, 1912, of Kennedy to Attorney General, discussing proposed settlement.

No. 101. Memorandum September 16, 1912, of Attorney General for Mr. Chantland, directing preparation of brief and investigation of evidence against Sielcken, with view to criminal action.

No. 110. October 25 and November 6, letter of United States attorney, New York, advising settling of the date for argument of demurrer, and letter of Attorney General asking deferment until conference with Secretary of State to ascertain status of pending settlement negotiations.

No. 115. November 9, 1912, letter of Attorney General to Mr. Chantland, directing no further proceedings until reply from State Department.

No. 120. November 25, letter of Attorney General to the President, conveying information.

No. 125. November 29, memorandum for Attorney General calling attention to syndicate of insiders for bidding in valorization coffee at sale.

No. 181. March 7, 1913, (a) letter of United States attorney, New York, to Attorney General, inclosing copy of letter from Sherman & Sterling, attorneys for Sielcken, requesting dismissal; (b) March 15, 1913, answer of Assistant to Attorney General, Mr. Fowler, to said letter.

No. 186½. April 16, statement of the Attorney General as to dismissal of the case.

No. 187. April 19, letter of United States attorney, New York, to Attorney General advising that suit will be dismissed as per directions.

These are all the material papers on file in the department relating to the subject matter of the resolution, except the correspondence between this department and the State Department, and by direction of the President I beg to say that in my opinion it is not compatible with the public interest to transmit to the Senate copies of said correspondence.

With but few exceptions the papers transmitted are the originals and not copies, and I respectfully request that when they shall have served all purposes desired by the Senate they be returned to the department.

Very respectfully,

J. C. MCREYNOLDS,
Attorney General.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state it.

Mr. NORRIS. Would it be in order at this time for me to ask that the letter of the Attorney General and the accompanying documents lie on the table until to-morrow, so that I may have an opportunity of examining them and then be permitted to offer some observations if upon examination I shall desire to do so?

The VICE PRESIDENT. It is in order.

Mr. NORRIS. I make that request, then, Mr. President.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Nebraska?

Mr. ROOT. May I inquire whether the documents are voluminous or bulky, so that it would be inconvenient to print them?

The VICE PRESIDENT. The Senator from New York must determine for himself whether they are voluminous or not. The Secretary will show him the package.

Mr. ROOT. I should be very glad to have them printed.

Mr. NORRIS. Mr. President, when I have examined them it is my intention, if I find what I think I will, to ask at least that some of them be printed.

But, Mr. President, while we are on the question now, will it be in order to-morrow or at the next meeting of the Senate, at this time or at the close of morning business, for me to address the Senate on this subject, if I find upon examination that I shall desire to submit any observations?

The VICE PRESIDENT. The Senator refers to the present session?

Mr. NORRIS. No; I mean with reference to the session to-morrow, or, at least, the first session after to-day, whether it be to-morrow or within a day or two.

The VICE PRESIDENT. The Chair will state that the Senator will have a right to address the Senate whenever he can get the recognition of the Chair.

Mr. NORRIS. The proposition I submit to the Chair is, whether it would be in order prior to the conclusion of the morning business?

The VICE PRESIDENT. It is proper for the Senator to give notice that he will address the Senate at any particular time upon the question, but, of course, his notice must give way to anything that has precedence or that it has been agreed by the Senate shall take precedence.

Mr. NORRIS. That I understand, of course. I give notice, then, that to-morrow, immediately after the reading of the Journal, or as soon thereafter as I can get the recognition of the Chair, I shall offer some observations on the subject under consideration.

The VICE PRESIDENT. The communication and accompanying papers will lie on the table until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to House concurrent resolution 7, authorizing the printing of 20,000 additional copies of the report of the Ways and Means Committee on House bill 3321, to reduce tariff duties and provide revenue for the Government, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented petitions of sundry citizens of Kimball, Alpine, Barry, Kyle, and Cuthand, all in the State of Texas, praying for a reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. NELSON presented resolutions adopted by the city council of Two Harbors, Minn., favoring an investigation into the existence of combinations in restraint of trade with reference to the wholesale and retail sale and distribution of anthracite and bituminous coal, which were referred to the Committee on Interstate Commerce.

Mr. JACKSON presented a telegram in the nature of a memorial from the Board of Trade of Baltimore, Md., and a telegram in the nature of a memorial from the Lumber Exchange of Baltimore, Md., remonstrating against the adoption of the so-called restriction clause in the sundry civil appropriation bill, preventing the use of money to prosecute labor organizations for violation of the Sherman antitrust law, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. BURTON presented a memorial of sundry citizens of Cincinnati, Norwood, Mount Auburn, Evanston, and Hyde Park, all in the State of Ohio, remonstrating against a reduction in the duty on lithographic products, which was referred to the Committee on Finance.

Mr. WEEKS presented a resolution adopted by the Board of Trade of Turner Falls, Mass., remonstrating against placing news print paper on the free list, which was referred to the Committee on Finance.

Mr. McLEAN presented petitions of sundry citizens of New Haven, Waterbury, Bridgeport, and New Britain, all in the State of Connecticut, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. LODGE presented the petition of Leonard W. Cain and 24 other citizens of Weymouth, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented the memorial of Lewis R. Sullivan, a member of the Legislature of Massachusetts, and 128 delegates

of the Central Labor Union of Boston, Mass., remonstrating against the importation, free of duty, of cigars from the Philippine Islands, which was referred to the Committee on Finance.

Mr. CLAPP presented petitions of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for a reduction in the duty on sugar, which was referred to the Committee on Finance.

He also presented resolutions adopted by the City Council of Two Harbors, Minn., favoring an investigation into the existence of combinations in restraint of trade with reference to the wholesale and retail sale and distribution of anthracite and bituminous coal, which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented petitions from John W. Hamer, of Beverly, N. J.; Robert L. Mishler, of Lansdowne, Pa.; Lewis Dexter, of Manchester, N. H.; Ida F. Wallace, of Nashua, N. H.; Mitchell & Thomas, of Wilmington, Del.; John G. McQuilken and Fred L. Clark, of Concord, N. H.; E. Eldridge Pennock, Walter A. Bailey, Robert Dornan, John F. Buchanon, and R. C. Williams, jr., of Philadelphia, Pa., praying for the exemption of mutual life insurance companies from the operation of the proposed income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

Mr. FLETCHER presented a petition of sundry citizens of Miami, Fla., praying for the enactment of legislation to prevent the sale of opium and cocaine except for medicinal purposes, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the State Horticultural Society of Florida, remonstrating against the removal of the duty on oranges and grapefruit, which was referred to the Committee on Finance.

He also presented the petition of W. C. Temple, of Tampa, Fla., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Trade of Tampa, Fla., favoring the enactment of legislation relative to the manufacture of cigars of imported tobaccos in bonded warehouses, which was referred to the Committee on Finance.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

Mr. GRONNA. I have a telegram in the nature of a petition from John P. White, president, and Edwin Perry, secretary, of the international executive board of the United Mine Workers of America, which I ask may be read.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

[Telegram.]

INDIANAPOLIS, IND., *May 3, 1913.*

ASLE J. GRONNA,
Senate Chamber, Washington, D. C.:

At a meeting of the international executive board of the United Mine Workers of America, held in Indianapolis Saturday, May 3, 1913, the following resolution was unanimously adopted:

Whereas a resolution, introduced by Hon. JOHN W. KERN, providing for an investigation of conditions in the West Virginia coal fields is now pending in the United States Senate; and

Whereas such an investigation, if made, will disclose conditions of peonage, if they exist, and make public the facts regarding the illegal exercise of power by the military authorities, as has been publicly charged: Therefore be it

Resolved, That we favor and welcome this proposed investigation. Let the facts be known; give the public the truth; and to that end we respectfully urge the support of each Senator in the adoption of this resolution.

JOHN P. WHITE, *President.*
EDWIN PERRY, *Secretary.*

DISTRIBUTION OF IMMIGRANTS (S. DOC. NO. 21).

Mr. FLETCHER. Mr. President, I have received through the mails a pamphlet entitled "Schemes to Distribute Immigrants," by Samuel Gompers. It is a very interesting and instructive paper, and, I think, worthy of publication as a public document. I ask that it be printed as a document.

Mr. SMOOT. I did not hear the request of the Senator as to the paper.

Mr. FLETCHER. It is a pamphlet entitled, "Schemes to Distribute Immigrants," by Samuel Gompers.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 1840) to reopen the rolls of the Choctaw-Chickasaw Tribe, and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830; to the Committee on Indian Affairs.

By Mr. JACKSON:

A bill (S. 1842) for the relief of Frank M. Travers; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 1843) granting an increase of pension to James R. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 1844) for the relief of Sardine G. Williams and others; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 1845) granting an increase of pension to Irvine Carman; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 1846) granting an increase of pension to William Lawson;

A bill (S. 1847) granting an increase of pension to Seymour Norman; and

A bill (S. 1848) granting an increase of pension to Reuben B. Taylor; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 1849) granting an increase of pension to Alexander Cowan; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 1850) granting a pension to Birdie McMains (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 1851) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 1852) granting an increase of pension to Martha E. Pinks (with accompanying papers); and

A bill (S. 1853) granting an increase of pension to Herman H. Hamilton (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 1854) for the relief of Nelson D. Dillon (with accompanying papers); to the Committee on Claims.

By Mr. OWEN:

A bill (S. 1855) granting a pension to Theodore S. Hook (with accompanying papers); and

A bill (S. 1856) granting an increase of pension to Thomas F. Gardner (with accompanying papers); to the Committee on Pensions.

INTERVENTION IN CUBAN AFFAIRS.

Mr. BACON. Mr. President, I introduce a bill authorizing the President of the United States to use the Army and Navy of the United States for the maintenance of government in Cuba adequate for the protection of life, property, and individual liberty, and for other purposes. Before the reference of the bill I desire to say one word.

The bill (S. 1841) authorizing the President of the United States to use the Army and Navy of the United States for the maintenance of government in Cuba adequate for the protection of life, property, and individual liberty, and for other purposes, was read twice by its title.

Mr. BACON. Mr. President, this identical bill was introduced by me in the last Congress but never acted upon. At the time of its introduction there were some troubles in Cuba which caused some talk in the press and otherwise of possible intervention, and it was thought by myself and others that it was very important that the conditions which should justify intervention and the purposes which should influence intervention should be prescribed by law.

We have, in what is known as the Platt amendement, not only a right but a duty under certain circumstances which would involve intervention on the part of the United States. We have exercised that right in the past. I am one of those who think that it was then exercised in an unfortunate manner and with an unfortunate effect.

There is nothing now calling for intervention, and I would not wish the introduction of this bill to be construed as a recognition of the fact that there is anything at present in the existing conditions calling for intervention. But we never know

when those conditions will again appear, and now, when there is nothing which could influence the action of the Congress as to the particular method which should be prescribed and the particular conditions which should be recognized as justifying intervention, I think it important that this matter should be settled.

The great and important feature, Mr. President, which it is sought by this bill to accomplish is that intervention shall hereafter be for the purpose of sustaining the authorities in Cuba and not for the purpose of displacing any existing authority in Cuba. That was the unfortunate feature in the former intervention, which might be repeated in the absence of some specific requirement of law. It is with that particularly in view that I again introduce this bill, in order that there may be defined by law what shall be the authority of the President in making an intervention, and when those circumstances exist which will justify it under that law what shall be the purpose and the particular method pursued in such intervention.

I thought it proper that I should make this statement now in order that the introduction of the bill might not be construed into any recognition of existing conditions calling for intervention. There is nothing of that kind in contemplation.

The VICE PRESIDENT. The bill will be referred to the Committee on Foreign Relations.

THE TARIFF.

Mr. GRONNA submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. JACKSON submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $1,800 to provide water for the irrigable lands of the Yakima Indian Reservation, State of Washington, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. JONES. Mr. President, I desire to present a notice of a proposed amendment to the rules of the Senate. I do not know whether or not the notice should be read to the Senate under the rules. I rather think it should be read.

Mr. CLARKE of Arkansas. Let it be read.

The VICE PRESIDENT. The Secretary will read the notice.

The SECRETARY. The Senator from Washington [Mr. JONES] gives notice that he intends to propose the following amendment to the standing rules of the Senate:

Amend, paragraph 2 of Rule VII, by striking out, in the third line thereof, the words "after the morning hour may" and inserting the word "shall."

The VICE PRESIDENT. The notice will lie over.

ARMOR PLATE FOR VESSELS OF THE NAVY.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 78, submitted by Mr. ASHURST, as follows:

Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate for the dreadnought Pennsylvania; and

Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton; and

Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and

Whereas it is alleged that this action of the said firms reveals that they comprise an armor-plate trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate, at as early a date as practicable, a report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

Mr. ASHURST. Mr. President, the senior Senator from New Hampshire [Mr. GALLINGER] interposed some objection to this resolution on yesterday. I am loath to have it taken up in his absence; but I desire to press the resolution at the earliest possible moment.

The VICE PRESIDENT. Does the Senator from Arizona desire the resolution to lie on the table, subject to his call?

Mr. SMOOT. Mr. President, in the absence of the senior Senator from New Hampshire, I would ask the Senator from Arizona to allow the resolution to go over for to-day, although I have not been asked by the Senator from New Hampshire to make the request. In his absence, however, I think it is the proper thing to do, if the Senator from Arizona has no objection.

Mr. ASHURST. Is the Senator from Utah able to state whether or not the Senator from New Hampshire will be in the Senate to-day?

Mr. SMOOT. I think, Mr. President, he will be; but I will say one thing about the senior Senator from New Hampshire, and that is that he is generally in his seat all of the time.

Mr. ASHURST. I know that to be true.

Mr. SMOOT. I can not say where the Senator from New Hampshire is at this particular time, but I believe that the Senator from Arizona feels that it would hardly be proper to bring up the resolution in his absence.

Mr. ASHURST. That is the very reason I made the observation that I would not call up the resolution in the absence of the Senator from New Hampshire.

The VICE PRESIDENT. The Chair will suggest that the resolution lie on the table, subject to the call of the Senator from Arizona.

Mr. ASHURST. I would like to state that as soon as the senior Senator from New Hampshire returns to the Chamber I shall make an effort to call up the resolution.

The VICE PRESIDENT. Morning business is closed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia. Mr. President, in pursuance of the unanimous-consent agreement of yesterday, I ask that the Senate resume the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, the pending question being on the amendment proposed by Mr. GALLINGER on page 129, line 13, to strike out all after the numerals "$300,000" down to and including the word "products," in line 24, as follows:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. NORRIS. Mr. President, while the particular question involved in the pending amendment has been before Congress several times, I have always been otherwise engaged and have never been able to give it the consideration that I think it deserves until within the last two or three days, when I have, to the best of my ability, examined somewhat into the question. After such examination I have come to the conclusion that I am opposed to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] and in favor of the provision of the bill as it came from the other House.

Mr. President, the discussion so far has led into channels that seem to me do not directly apply to the amendment that is now before the Senate. So far as I have been able to find, there has never been under this provision of the antitrust law a criminal prosecution brought by the Government against a combination of laborers or of farmers. If I am in error, I should be glad to be set right by any Senator who knows of any such case.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. I think the Senator from Nebraska is mistaken in his statement. I believe that a farm organization in the State of Kentucky was proceeded against by the Attorney General for combining to enhance the price of their product.

Mr. NORRIS. Mr. President, I ought to have said, perhaps, to have been more explicit, that I did not believe there was a case, and was unable to find a case, where the United States Government had proceeded in a criminal action, or even in a civil action, against combinations of this kind, unless it was a case where some illegal act, or an attempt to commit an illegal act, was charged. I presume that would be true of the case in Kentucky. While I am not familiar with it and did not look it up in particular, yet I think if we would examine the case to which the Senator from North Dakota has referred we should find that allegations were made there, perhaps established—I do not remember what became of the case—that crimes were committed and that violence did take place, so that there would be no application of the provision of the bill now under consideration.

The Senator from Idaho [Mr. BORAH] the other day delivered a very able address on this subject, and referred to some cases. He referred to the famous Danbury Hatters' case, for instance; and yet that was a civil suit, Mr. President. The United States did not commence that suit or prosecute it, but a similar suit could be prosecuted just the same if we passed the bill as it came from the House as though we adopted the amendment striking out the two provisos in accordance with the motion of the Senator from New Hampshire. That case, therefore, can have no application. It applies to a state or condition of affairs that will not be affected by the provisions of this bill, regardless of what may become of the amendment offered by the Senator from New Hampshire.

The Senator from Idaho also referred to a case in the Fifty-fourth Federal Reporter. While the Senator did not cite the case, I presume it was the case in which the United States Government commenced a suit against an organization of laborers known, I believe, as the Workingmen's Amalgamated Council, of New Orleans. In the bill in that case it was alleged that violence was not only threatened, but that violence had taken place; and, I take it, that means that an unlawful act had not only been threatened but that unlawful acts had been committed. The court in rendering the decision in that case found both of those allegations true; that is, that there had not only been a threatened violence, but that violence had actually taken place. It seems to me, therefore, Mr. President, that the discussion of this question is almost entirely of an academic nature. So far as this amendment is concerned, I do not believe it will make a particle of difference with the administration of that law or the expenditure of that money, whether the motion is voted up or is voted down.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. Certainly.

Mr. SUTHERLAND. I understood the Senator a moment ago to say that, in his opinion, there had been no criminal prosecutions of labor organizations or of farmers' organizations for violations of the statute.

Mr. NORRIS. I ought to have modified that, I will say to the Senator, by saying unless an unlawful act had been charged.

Mr. SUTHERLAND. I do not recall the exact proceedings in the case or the exact allegations that were made, but the Cassidy case, which arose in California, was a criminal prosecution—the case of the United States against Cassidy.

Mr. NORRIS. Was that a criminal prosecution, I will ask the Senator?

Mr. SUTHERLAND. It was.

Mr. NORRIS. Then there were alleged in that case, were there not, acts that in themselves were unlawful?

Mr. SUTHERLAND. I say I do not recall what the exact allegations were. The defendants in that case were indicted for a violation of the antitrust act. They were members of a labor organization.

Mr. NORRIS. As I have said, Mr. President, in the limited time that I have been looking up the question I have not found any cases wherein there was a criminal prosecution by the United States Government unless an unlawful act was charged. I mean act made unlawful by general law. I have not said that there have not been such cases. I am open to conviction, and if any Senator knows of any case in the past where a prosecution has been commenced where no act in itself illegal was charged, I should be glad to have him cite the case. The case which the Senator from Utah cites may be one of those, although he himself is unable to say that it is so.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. CUMMINS. Some time ago there were indictments found in the district court of the United States in Florida charging certain laboring men with no other offense than that of concerting together for the purpose of declaring a strike. Those indictments were put before the Committee on Interstate Commerce during a series of hearings held by that committee last year and the year before. I was astonished, of course, to learn that any officer of the Government considered that the antitrust law could be so interpreted as to cover a combination or an agreement between laboring men peacefully to quit the employment in which they were engaged. I do not know what has become of those cases. I have not followed them, and have no information with respect to them. I only know that the mere fact that an officer of the Government believed that such a combination was a violation of the law ought to have led the Congress of the United States to an amendment of the law, making it absolutely certain that laboring men may peacefully agree with each other that they will quit a common employment. That is one case.

Mr. NORRIS. I will ask the Senator if he knows whether in those indictments there was any illegal or unlawful act charged or alleged?

Mr. CUMMINS. It was charged that the act itself of combining or agreeing to quit a common employment was an unlawful act. The indictment charged nothing more than a concert of action among the employees leading to a strike.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I should like first to say a word in reference to what the Senator from Iowa [Mr. CUMMINS] has just said.

Mr. CUMMINS. I want to add one thing——

Mr. HITCHCOCK. Mr. President, I ask for order, and ask that Senators speak a little louder.

Mr. CUMMINS. I do not believe in any such interpretation of the law; but if anybody believes in it, the law ought to be amended so as to leave it without any uncertainty whatever. But I may say to the Senator from Nebraska that the clause in this bill which relates to farmers or agricultural unions is not qualified by the phrase to which he is giving a good deal of emphasis.

Mr. NORRIS. I understand that it is not qualified in that way. Now, I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the Senator made a statement a moment ago with which I think I am in entire accord, if I understood him correctly, and that was that, even if these provisos should prevail, it would not in any wise embarrass the enforcement of the Sherman antitrust law.

Mr. NORRIS. I agree with that; and I think I said that in substance.

Mr. BORAH. Then, as a matter of fact, the other statement of the Senator is entirely correct. It is purely an academic discussion, is it not?

Mr. NORRIS. I think, to a great extent—and that is what I was going to show when I was interrupted by the Senator—it is an academic discussion.

Mr. BORAH. Then, let me ask the Senator what, in his opinion, is the object to be attained by passing the provisos?

Mr. NORRIS. Mr. President, in the course of my remarks I will, I think, answer the Senator's question. At the present time I want to refer to what the Senator from Iowa said and say that he has perhaps given an illustration which only adds, in my judgment, to the necessity and the advisability of amending the Sherman antitrust law.

Now, I want to consider, first, the bill as it comes to us from the House. The particular paragraph to which the amendment of the Senator from New Hampshire applies reads, so far as it applies to this question, as follows:

> For the enforcement of antitrust laws, $300,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

The motion of the Senator from New Hampshire is to strike out those two provisos. In that connection I want to read the first section of the Sherman Antitrust Act. It is as follows:

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

If these provisos should be retained in the bill, Mr. President, the effect would be to prohibit the use by the Department of Justice of any portion of the $300,000 for the purpose of prosecuting combinations such as are named in the two provisos. As I have said, the history of the past shows that very few, if any, prosecutions on the part of the Government have ever taken place against those kinds of combinations. It is alleged here in the Senate, and no doubt it is true, that if the amendment succeeds, and these provisos are stricken out of the bill, the present administration will not use any of the money, even though it has the authority to do so, to prosecute combinations such as are named in the two provisos. Then we must remember, also, that the Sherman antitrust law, in other sections, and other trust acts that we have, give rights to individuals to proceed under their terms. This proviso in no way affects any of them. As I said, the famous Danbury Hatters' case could not be affected in any way, whether this provision is left in or is stricken out of the bill. No other civil suit that has ever been commenced anywhere in the United States, or that could be commenced under this provision of the Sherman law, could be in any way affected, whether this amendment is adopted or whether it is rejected.

After all, I believe, as I said, that while the discussion is mostly academic and can have no practical effect as far as concerns the administration of the law during the life of this appropriation act, upon whether or not there shall be prosecutions of these classes of combinations, yet it is an attempt, futile though it may be, to some extent at least, to differentiate between good trusts and bad trusts. However we may disagree upon what is a good trust or what is a bad trust, that question, I think everyone will admit, is one of great importance, and one that ought to be considered and decided by Congress.

It may be that Congress will be able to reach a solution of the problem by which it will determine what trusts are good and what are bad. In the last Congress a great many bills were introduced on the subject. A very comprehensive one was introduced by the Senator from Wisconsin [Mr. LA FOLLETTE]. This question has been discussed for several years. It has been the subject of presidential messages. I believe that, as defined by the section which I have read of the Sherman antitrust act, there are many combinations now, and others contemplated by farmers and fruit growers, that are in violation of the law.

I believe that there is an organization of fruit growers in California that has done a great deal of good for the fruit growers of California and for those who consume fruit as well. Yet, as I understand, they are acting in violation of this statute as construed by the courts of our country. I understand that that association gathers together the fruit raised by the members of the association in California, and ships it to various parts of the United States. For instance, they will ship a carload of oranges to St. Louis. If, before the car arrives in St. Louis, they discover that other oranges have been shipped into St. Louis, and there are too many there for the market, and there is a scarcity of oranges in some other place, like Omaha or Chicago, they will by wire divert the car and send it to the place where there is more demand for the particular fruit which they are shipping. They have been doing this for years.

No one, I think, will deny that if this combination goes no further, while it will produce beneficial results to the shippers of the fruit, it is likewise a good thing for the country. If all those who had oranges to sell should ship them into Omaha, Nebr., on the same day, oranges in Omaha perhaps would go down in price; they would perhaps rot, because the people there would be unable to consume them; while at the same time in Chicago, Philadelphia, or New York there might be a scarcity of the fruit and nobody but a millionaire would be able to have an orange on his table. And yet the work of this organization is, I believe, illegal under the terms of the law I have quoted.

Mr. BORAH. Mr. President, will the Senator yield to me for a question?

Mr. NORRIS. I yield to the Senator.

Mr. BORAH. Suppose this orange combination, so far as it has gone, is to be considered a good trust, and therefore entitled to the beneficent protection of the Government; but suppose it were strong enough to say, "We will ship no oranges to Omaha or to Chicago until the price reaches a certain point." It would be a very difficult matter for the Government to mark the transition period, in that instance, from a good trust to a bad trust.

Mr. NORRIS. Yes.

Mr. BORAH. It seems to me, with all due respect to that argument, that you are coming to the proposition which perhaps is one which we will all have to arrive at after a while, namely, to permit these combinations and trusts to exist as a whole, and then have some bureau at Washington to supervise them and see that they do not do us too much harm.

Mr. NORRIS. Mr. President, I shall not undertake now to answer the question suggested by the Senator from Idaho. I shall not undertake now to decide between what shall be considered good trusts and what shall be considered bad trusts. As I said, I admit that it is a great question that we can not decide to-day or to-morrow or while we are considering this bill, but it is something that we shall have to meet. At the present time, however, so far as I know, no charge has been made against this particular association or any association similar to it that it is undertaking to do anything like what is suggested by the Senator from Idaho. If it did, and were able to accomplish what it undertook in that direction, there is no question but that it ought to be prosecuted. There is not any doubt of it.

At the present time there is on the way to Europe a large delegation of American citizens, going there for the purpose of studying the rural credit system of Europe. That is a question to which I have given considerable attention. At the last session of Congress I introduced a joint resolution providing for the appointment by the President of a commission to go over to Europe and study their farm credit system, with a view of adopting it, with such modifications as may be necessary, in our own country. This body passed a resolution on the same subject, unanimously, as I understand. It went over to the House, and during the closing days of the session, having failed to get any action on my resolution, I appeared before the Agricultural Committee of the House and plead with them to report out the resolution without amendment in order that we might pass it before we adjourned. It was not passed, but the agitation and the discussion of the subject resulted in sending, in part by the States and partly by private subscription, a large delegation over to Europe for the purpose of studying that question. The very object of it all is to bring about a means by which the farmers of our country could combine in order to better their condition.

I have believed that such combination was not only desirable, but almost necessary. I have seen the farmers of this country who were raising wheat, for instance, compelled to sell their wheat the minute they harvested it, in order to meet their obligations. They were not able to borrow money at a rate of interest that they considered it would be advisable for them to pay and hold their wheat. There is not any doubt but that if all the farmers of the country were not compelled to sell immediately after harvest we would have an equalization of the price that would run through the year, and the prices of staple products would not vary nearly so much, would not go up and down, as they do now. There would be almost a standard price for them, running from one end of the year to the other.

I believe everybody admits that it would be desirable if we could approach such a condition. Yet, in the face of the section of the Sherman Antitrust Act that I have just read, every such combination would be illegal, and every man engaged in it would be liable to criminal punishment.

I believe it has been universally conceded everywhere, and particularly within the last day or two in this Chamber, that it is perfectly proper for laboring men to combine and to organize. Almost all of the Senators who have spoken on this question have said they believed in organized labor. But suppose an organization of railroad men should undertake to strike, as they have in the past. There is a question pending now between the railroads and some of their men in regard to higher wages. Every such organization, unless it were confined entirely to some little railroad within the limits of a State, would have to do with interstate commerce; and every man who engaged in such a strike, everyone who had anything to do with it, would be liable to punishment under the section of the Sherman Antitrust Act that I have just read.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. I desire to call the Senator's attention to the fact that the United States courts have universally decided, where the question has come up, that laboring men have a right to organize, that they have a right to engage in strikes, and that they have a right by peaceable means to urge others to abstain from working—in other words, to abstain from becoming strike breakers. There has never been anything in the decisions of our courts to the contrary. The law has never been interpreted by any of our judges to mean that labor organizations of any kind are in themselves illegal. It is only when labor organizations have resorted to criminal methods, to violence, to lawlessness, resulting in interference with interstate commerce, that they have been held to be illegal. They have

never been held to be illegal in themselves, nor is there anything in the law that makes them illegal.

Mr. NORRIS. If the Senator's statement is correct, it is certainly, as I look at it, a very good argument why we ought to vote against the amendment offered by the Senator from New Hampshire [Mr. GALLINGER]. If the Senator's statement is correct, the bill as it came from the House can do absolutely no harm to anyone, because it is expressly stated that this relief from prosecution exists only when no unlawful act has been committed, where men are pursuing a lawful and legitimate course.

Mr. SUTHERLAND. Mr. President——

Mr. NORRIS. I should like to proceed just a little further before the Senator interrupts me.

I believe, however, that the case I have already referred to, cited by the Senator from Idaho [Mr. BORAH], and the case cited by the Senator from Iowa [Mr. CUMMINS], show conclusively that the Senator from Minnesota [Mr. NELSON] is wrong in his conception of the law. I think it is generally conceded now by those who have studied the legal phase of the matter that if an organization of railroad men, for instance, agrees to strike, and the railroad is engaged in interstate commerce, there can be but one result as far as interference with interstate traffic is concerned. It must follow that they do by their action interfere with and restrain interstate traffic, and that, according to the definition of the Sherman antitrust act, is what constitutes a trust that is illegal.

I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I understood the Senator to say that this proviso would be applicable only to cases where the act or acts were themselves unlawful.

Mr. NORRIS. That is true of the proviso applying to laboring men. The proviso applying to farmers does not contain that provision.

Mr. SUTHERLAND. Yes; I understand that. The provision reads:

> That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor—

As I understand, that is one proposition, and a complete proposition. Then it proceeds:

> Or for any act done in furtherance thereof, not in itself unlawful.

So, as it seems to me, in that aspect—and I ask the Senator's view of it—it first provides that the money shall not be used in the prosecution of any organization or individual for entering into any combination or agreement which has in view these objects; second, that it shall not be used for the prosecution of any act which may be done in furtherance thereof if the act itself is not unlawful.

The point to which I desire to invite the Senator's attention is this—and it will be necessary to read the provision again in order to make my point clear:

> That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor—

Would not that apply to an agreement or to a combination which was criminal in itself and contemplated the use of criminal means, provided the combination or agreement had in view the increasing of wages, the shortening of hours, and so on? There is nothing in the language which limits that part of the section to combinations or agreements which are themselves lawful. The only test is, Is it a combination or agreement which has in view the increasing of wages, shortening of hours, and so on? If so, then it is excluded from the operations of this appropriation.

Mr. NORRIS. I catch the point the Senator makes. While I have the greatest respect for any construction the Senator might place upon language, I do not believe this language will bear the construction he places upon it.

I can not conceive, Mr. President, of an organization such as he suggests, having for its object something criminal, carrying out that object without doing anything in furtherance thereof that is unlawful. In other words, if the organization to which the Senator refers has for its object a criminal purpose, as he suggests, how can we conceive of that purpose being carried out without doing anything in carrying it out except that which is lawful and right? It seems to me that to carry out that kind of an agreement they must necessarily be guilty of criminal acts such as are defined in this provision.

Mr. GALLINGER. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. I am much interested in the Senator's discussion of the question. I regret that I was unavoidably detained from hearing all that the Senator has said. Did I understand the Senator to say the courts have decided that labor organizations in themselves are illegal and in contravention of the Sherman antitrust law?

Mr. NORRIS. I think so, if they are engaged in the restraint of interstate commerce.

Mr. GALLINGER. If the Senator will permit me, I should like to read just a few lines from what I think might be called the most recent case, that of Gompers against The Bucks Stove & Range Co., which, it seems to me, so far as the opinion of the Supreme Court is concerned, does not quite agree with the contention of the Senator.

Mr. NORRIS. I will say to the Senator that I am somewhat familiar with the case. It is one of the cases in which the United States Government is not a party. It is a civil suit. It can not be affected by the Senator's amendment whether we adopt it or whether we reject it.

Mr. GALLINGER. I will say to the Senator that I was not discussing that phase of the question. I was simply trying to establish the fact that the Supreme Court of the United States has specifically said that while a boycott may be illegal, laboring men have an undoubted right to form combinations, and that the court recognizes such combinations as being legal combinations unless they violate the law by some procedure on their part.

Mr. NORRIS. There is not any doubt but that they have a right under the law to organize, and they have a right to strike; but if in the organization or in the strike or in carrying out any of the purposes of the organization they restrain interstate commerce they have violated the first section of the antitrust act.

Mr. GALLINGER. I think I will agree with the Senator in that proposition. The only point I wanted to clear up——

Mr. NORRIS. I think that is as far as I have gone. That is my idea of the law.

Mr. GALLINGER. The only point I wanted to clear up was that the court in that famous case decided clearly and unmistakably that laboring men have a right to organize and form combinations for legal purposes.

Mr. NORRIS. I am not contending to the contrary, and I do not think anyone does, so far as I know.

Mr. President, one would think on reading the debate which has taken place here that those of us who are opposed to this amendment and in favor of the bill as it came from the House are in favor of, at least to some extent, lawlessness and of permission being granted to one class of people to commit unlawful and criminal acts. I do not want to be, and no one can put me, in that class. I do not believe that what the Senator from New Hampshire, for instance, said about Haywood and Ettor has anything to do with this question. I am not one who has any sympathy for Haywood or Ettor, or the things, as I understand it, that they stand for. Anything that we may do here upon this amendment can not affect that question, as I understand it. I do not doubt but what many times in a strike things have been done that were wrong; that some things, perhaps, have occurred which ought to have been enjoined or which ought to have been punished. This bill will not prohibit the punishment of any illegal acts.

I do believe, however, that from the time the Sherman Act was passed down to within a few years ago it has been the general idea that it did not apply to farmers' organizations or to organizations of laboring men, and yet I am willing to admit that if it were possible to so form a combination of all or nearly all of the farmers in this country as to control the price of products that are used in commerce, that are used by the people generally for food, it would be a combination that would be as damaging and as heartless and as cruel as anything that the human mind could think of.

If I thought there was any danger or indication that in either one of these directions there would come about such an organization or such a condition, I would certainly be just as anxious to punish them as I would be to punish those great aggregations of wealth that have in the past formed combinations which have been detrimental to society, combinations which were the very reason for the enactment of the Sherman antitrust law.

It was, Mr. President, an attempt to protect the weak and the ordinary citizen against the combinations of wealth and capital, knowing its danger, knowing the possibilities that could come, and which had commenced to come, at the time of the enactment of the Sherman law, and it was to meet that condition that our fathers before us enacted the Sherman antitrust law. They did not think then, and I do not believe anyone seriously thinks now, that there was any indication of organizations of laboring men or of farmers that could do the harm or injustice that can be done and that has been done in the past by combinations of great wealth.

It may be that in the future we will have to meet conditions that are not before us now. At least we have not solved the

great trust question, and when we come to solve it, if we ever do solve it in some way, we will have to define by statute the particular trusts that we want to prohibit and the particular trusts that we want to permit. Many bills have been introduced attempting to do this. At the present time, however, even though there may be doubt, I conceive it to be my duty, at least, to resolve that doubt in favor of those men and those organizations that, at least as far as I am able to see now, are not attempting to violate the law but are attempting to accomplish good for all humanity.

Mr. CLAPP. Before the Senator takes his seat—I was necessarily called out of the Chamber for a moment and it may be that the Senator covered the point, but I should like to know his view upon the concrete question, whether the proviso in the sundry civil bill, if passed, would exempt the labor unions from any legal consequence that now exists by virtue of the language of the Sherman antitrust law as amended in construction by the courts? Do I make the question plain?

Mr. NORRIS. The Senator makes his point clear, I think. In answer to the Senator I will say that if it would relieve anybody or anything, I think myself the relief would be very slight. I regard this legislation more as an expression of the legislative opinion as to what ought to be the law. I do not believe, as I said, I think, before the Senator came into the Chamber, that whether we amend the bill or whether we pass it without the amendment of the Senator from New Hampshire, as far as any practical effect is concerned, there will be any difference during the year that this appropriation act has legal effect.

Mr. CLAPP. That is my view of the proviso, that it does not change the Sherman antitrust law as it is now upon the statutes, as interpreted by the courts.

Mr. STERLING. Mr. President, I regret to find myself at issue with the Senator from Nebraska [Mr. NORRIS] on this proposition, a Senator with whom I have found myself so much in accord on general propositions. But, Mr. President, it seems to me that a pertinent inquiry here is, What is the Sherman Act and the scope and meaning of the provisions of the Sherman Act, not the scope and meaning as determined by judicial legislation, as some would have it, but the scope and meaning of that act as determined by proper judicial interpretation and judicial definition? What under such interpretation does the act do or accomplish? The immediate question here is as to whether we shall exempt two classes of individuals from the provisions of a law appropriating $300,000 for prosecutions under the antitrust law.

So, what is this antitrust law? We all recall some of the decisions of the Supreme Court of the United States which seemed to adopt the literal interpretation and include within its every provision, combination, or agreement which in any manner or for any purpose was in restraint of trade. These literal interpretations are found in the Trans-Missouri Freight Association case and they are found in the Joint Traffic case, there being in each of those two great cases, however, four dissenting opinions to the view of the majority in regard to the literal construction to be put upon that act.

Later, however, we have the decision of the Northern Securities Co. case. At that time, by reason of the specially concurring opinion of Justice Brewer in that case, there were five to four of the Supreme Court justices holding to the opinion that the reasonable restraint of trade is what is meant by the Sherman antitrust law.

Mr. President, I simply wish to read here that part of Justice Brewer's decision bearing upon the particular point.

Instead of holding—

He says—

Instead of holding that the antitrust act included all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were unreasonable restraints of interstate commerce, and as such within the scope of the act. The act, as appears from its title, was leveled at only "unlawful restraints and monopolies." Congress did not intend to reach and destroy those minor contracts in partial restraint of trade which the long course of decisions at common law had affirmed were reasonable and ought to be upheld. The purpose, rather, was to place a statutory prohibition * * * upon those contracts which were in direct restraint of trade, unreasonable, and against public policy. (193 U. S., 197, 361.)

Notwithstanding the literal construction put upon the terms of this act up until this time, the court found itself obliged to exempt a large number of classes of contracts and combinations from the operation of the law, holding that they were simply in reasonable restraint of trade, that they were necessary, and that contracts of that kind were legal.

Now, I refer briefly to some of the agreements which in the various cases, either by dictum or by direct decision upon the point involved, have been held to be exempt from the operation of the Sherman law.

Agreements by a vendor or lessor of property or business with his vendee or lessee not to engage again in such business within a specified time and within a particular locality. These technical common-law contracts in restraint of trade were valid at common law if reasonable, and the same rule has been applied under this statute. (Cincinnati Packet Co. *v.* Bay, 200 U. S., 179; dictum in Addyston Pipe Case, 85 Fed., 271, 281.)

Now, coming to some such associations as mentioned by the Senator from Nebraska, these were exempted: Associations or agreements between private persons or corporations and those engaged in private service to secure stable and uniform rates for service and otherwise regulate the same. And such are grain, fruit, real estate, and stock exchanges. They may directly affect competition between the members, but they are lawful if their provisions are fair and reasonable, as held in United States *v.* Hopkins (171 U. S., 578) and United States *v.* Anderson (171 U. S., 604).

Agreements between manufacturers or producers and a distributor or distributors by which each agrees to deal exclusively with the other in the sale and purchase of particular commodities. (Dictum in Joint Traffic case, 171 U. S., 505, 567.) And there is the dictum in the Joint Traffic case, found in One hundred and seventy-first United States, to the effect that agreements between manufacturers or producers and a distributor or distributors by which each agrees to deal exclusively with the other in the sale and purchase of particular commodities, is not within the prohibition of the law.

And then, of course, the union, under contract, of individual competitors in business by the formation of a partnership or a corporation; or of competing corporations by a consolidation of them; or of competing properties by their purchase by one competitor or by a new corporation—there being in such case an actual change in the ownership of the formerly competing properties—these all are lawful business transactions, and the fact that they affect competition does not vitiate them. This was laid down in the Traffic and Northern Securities opinions, though the precise question was not involved.

Now, then, a further class of cases are agreements by which competitors in production—manufacture, live stock, fruit, grain, or tobacco—employ the same sales or commission agent.

And finally, come the agreements, through associations of workmen, tradesmen, or merchants for the regulation and improvement of the relations between their members without any agreement as to prices or territory or compensation, such as the wholesale and retail drug, grocery, and other trade associations and labor unions and federations. Their right to exist for the purposes named has been sustained again and again.

Now, Mr. President, my position simply is this, that the Sherman antitrust law as it is, not as it is by judicial legislation, but as it is by true and proper judicial interpretation to-day, is the very best shield and protection of the laboring man and of the farmer.

I want to call attention now to a few of the statements made by Justice White in the Freight Association case in his dissenting opinion, showing the reasonableness of the "rule of reason," which he afterwards so thoroughly applied in the Standard Oil and the Tobacco Trust cases. Among other things he says:

Progress and not reaction was the purpose of the act of Congress. The construction now given the act disregards the whole current of judicial authority and tests the right to contract by the conceptions of that right entertained at the time of the yearbooks instead of by the light of reason and the necessity of modern society. To do this violates, as I see it, the plainest conception of public policy, for, as said by Sir G. Jessel, master of the rolls, in Printing, etc., Co. *v.* Sampson (L. R., 19, Eq., 462), "if there is one thing which more than another public policy requires, it is that men of full age and competent understanding shall have the utmost liberty of contracting, and their contracts when entered into freely and voluntarily shall be held sacred and shall be enforced by courts of justice."

The remedy intended to be accomplished by the act of Congress was to shield against the danger of contract or combination by the few against the interest of the many and to the detriment of freedom. The construction now given, I think, strikes down the interest of the many to the advantage and benefit of the few. It has been held in a case involving a combination among workingmen that such combinations are embraced in the act of Congress in question, and this view was not doubted by this court. (In re Debs, 64 Fed. Rep., 724, 745–755; 158 U. S., 564.)

Further, as to the interpretation to be put upon this statute, Justice White said:

The interpretation of the statute, therefore, which holds that reasonable agreements are within its purview, makes it embrace every peaceable organization or combination of the laborer to benefit his condition either by obtaining an increase of wages or diminution of the hours of labor.

How pertinent to the very issue involved in these proposed provisos to this law. Criticizing the construction put upon it by the majority, he further says:

It follows that the construction which reads the rule of reason out of the statute embraces within its inhibition every contract or com-

bination by which workingmen seek to peaceably better their condition. It is, therefore, as I see it, absolutely true to say that the construction now adopted which works out such results not only frustrates the plain purpose intended to be accomplished by Congress but also makes the statute tend to an end never contemplated and against the accomplishment of which its provisions were enacted.

Then, Mr. President, there are the great Standard Oil and Tobacco Trust cases, in which the rule of reason long contended for at last triumphed, in which the Sherman antitrust law was thus properly interpreted to suit the modern conditions and modern industrial development. Permit me to say that these successive interpretations of the Constitution which Senators have now and then been pleased to term "judicial legislation" have been interpretations analogous to the common law itself, to suit new exigencies, new conditions, and the developments of our modern society. Conditions hardly realized at the time of the enactment of the Sherman antitrust law have grown up since then and have called for the application of the Sherman antitrust law to such new conditions. Instead of the Sherman antitrust law, as it reads, being a sword to be used against the laboring man or against the farmer, it is, as I say, his shield and protection. It is only the unreasonable restraint, the unreasonable obstruction of trade against which the Sherman antitrust law is aimed. It is a narrow and technical construction, as I view it, Mr. President, which says that under this provision there may be prosecutions under the general law and that there simply can not be any of this $300,000 used for the purposes of prosecutions of the kind named in the bill. That is a narrow construction. What do we do when we put that into this law? We do something more than enact the law. We declare a policy, for it will be interpreted by the Nation that this is a new policy we have now entered upon. It will be so interpreted, or it is likely to be so interpreted, by the prosecuting authorities of the Nation, and the inquiry will be: Did not Congress intend to say by the enactment of these provisos that there shall be no prosecutions directed against organizations of labor or against organizations of farmers whatever their purpose or whatever their conduct? That will be the danger. If there was ever confusion and uncertainty in the interpretation of the Sherman antitrust law, or under it, we shall have "confusion worse confounded" when it comes to the interpretation of the language of these provisos.

What of the acts that shall themselves be deemed unlawful or which are "in themselves unlawful"? What are the "reasonable prices" for which the farmer may combine under this law? Various questions of construction, various questions of doubt and uncertainty will arise. I say, Mr. President, that I think we can ill afford now to change the Sherman antitrust law, protection and shield, as it is, to the farmer and to the laborer, protecting them in every laudable, lawful, reasonable enterprise, to promote their best interests, to secure better prices, to secure shorter hours, and to secure the increase of wages. All these are protected, and that is all that any class of individuals or any class of society should have a right to demand under the law.

Mr. SHERMAN. Mr. President, I offer an amendment to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The VICE PRESIDENT. The amendment proposed by the Senator from Illinois to the amendment of the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to amend the amendment offered by Mr. GALLINGER by adding the following:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement or for any action otherwise lawful having in view the increasing of wages, shortening of hours, or bettering the sanitation, safety, or other condition of labor, without violence or interference with the lawful rights of another: *And provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to, and for the purpose to, obtain and maintain a fair and reasonable price for their products.

Mr. SHERMAN. Mr. President, I do not care to go into a discussion of this question at this time at any great length. There is a difference of opinion on the respective sides of the aisle as to what a labor union or an organization of agriculturists or farmers may properly do. There seems to be a pretty clear understanding among the laymen, but as usual the lawyers can not understand it. I have an idea, Mr. President, that the layman has the correct idea of this when it is practically applied. It does not take a professional man to understand what is a lawful act; it takes a pair of litigants and a court to find that out. At this time there is a well-defined status of farmers' or horticulturists' associations and of unionized labor in this country. That is true of the decisions both of State courts and of Federal courts generally throughout this country. I believe, as some Senators have already said, and especially one Senator, labor organizations may now lawfully combine for the purpose of increasing wages, of shortening their hours, and of bettering their sanitary condition, or to safeguard their surroundings. I do not believe that any just prosecution, either civil or criminal, can be had under existing law of an organization designed for those proper purposes.

Outside of two or three areas from which Senators come, I doubt very much whether there is any greater controversy or more dispute in the whirlpool of industrial trouble than there is in the city of Chicago. I have been entirely familiar with the course of labor legislation, so called, and of the difficulties that have occurred between the employer and the employee for the last 14 years in that particular jurisdiction, both in State and Federal litigation and legislation.

I do not believe that any labor organization can complain of this amendment. I do not believe they will do so. I am quite certain that for any lawful purpose any labor union ought to combine, and it may do so under the provisions of this amendment to the amendment. It expressly reserves the right to organize for lawful purposes. Those lawful purposes may be those that are not embraced in either civil or criminal prosecutions. I understand that a civil prosecution would be unlawful—that is, a prosecution in a civil sense that may involve a penalty or for debt or the collection of damages on judgment by execution. A labor union, whatever its purpose may be, if it conducts itself along lawful lines will not be prosecuted under this amendment.

I believe the laboring men have a right to organize, and I myself would not vote for nor support any amendment to any existing law or any pending bill that would deny to them that right. If they have the right to organize for lawful purposes, this amendment protects that right. That lawful purpose may be carried out without either civil or criminal liability if not within the prohibition of the statute. If it is lawful so far as civil liability is concerned, they may organize for shortening the hours of labor, for raising wages, for improving the sanitary condition and the safety under which the employee performs his service. For those lawful purposes—and I do not understand they are prohibited by the Sherman antitrust law as it is now interpreted and applied by the courts and by the departments of justice either in State or in Federal jurisdiction—with that limitation, I am perfectly willing that organized labor in whatever form shall continue to have that right.

There is a difference of opinion here, as I have suggested—and it is only that difference that prompted me to make these observations—there is a difference of opinion as to what a labor organization may lawfully do. I understand, within the limitations stated, that they may lawfully combine to shorten their hours; I am in favor of that; they may combine to increase their wages; I am in favor of that; they may combine to better their sanitary condition as to light, air, and freedom from dangerous gases, dust, or anything incident to the numerous forms of risk arising from modern industrial efforts; I am in favor of that; they may combine for the purpose of securing more adequate factory inspection, in order that machinery driven by powerful and dangerous agencies may be safeguarded, in order that life and limb may no longer be exposed to what is sometimes called the "assumed hazards of the business." I am in favor of that within all lawful limits. Where they may combine for that purpose, I will not by any effort of mine take away from them that right. If they go beyond that, if they seek a right by secondary boycotts, which are quite well known, and insist upon the right to trespass upon private property to reach their ends and intrude upon the private possessions of others, I do not concede they have that right, but public places and public highways are open to pickets as to others.

If they go further—as is frequently unfortunately the case, out of which arises a considerable prejudice in matters of this kind—if, unfortunately, they go further and undertake by physical violence to gain the honorable ends I favor, then they are within the inhibition of the law, and ought to be within its prohibition. If they go beyond the immediate organization or action that demands an increase of wages, the shortening of hours, improved sanitary conditions, and the safeguarding of the machinery or conditions under which they work, so that they embrace within the area of their operation not only a State, but the entire country, and affect every employer who may be situated in a like manner, although no controversy exists as to him, that becomes a secondary boycott; it is an interference with the rights of others; and it is covered by this amendment. All who serve a common employer may quit singly or all together, at pleasure, with or without cause.

Within the lawful limits, Mr. President, of labor to organize itself to conduct its operation for these necessary ends, I have

always, within the limits of my official conduct, met them on common ground, and we have adjusted our difficulties, if any existed, without serious dispute. I have no fear of any reasonable labor representative in the country where I must submit myself to their jurisdiction and to their efforts for or against me at the polls. They have a sense of justice and fairness, and to it I appeal. I myself, Mr. President, would rather never hold a seat in this Senate beyond the two fleeting years that I shall have it than to act contrary to my better instincts and vote to encourage the rampant lawlessness that is now abroad in this country.

I have no fear of any reasonable man representing organized labor in this country. I have met them in their local unions; I have met them in conventions; I have met them in legislative committees; I have met them on labor days, and elsewhere when these questions were up for general discussion, and, within the limits that they may lawfully engage in raising their wages, in shortening their hours, and bettering their condition, I favored then and I favor now anything that may be done along those lines. If any part is to be used of this $300,000 in order to prosecute with a view to destroying the right of laboring men to organize, I am against it. If any of it is to be used to prosecute a union for quitting work, either one member of the union alone or in concerted action all the members of that particular organization in the employment in question, I oppose such prosecution. That is their right.

There can be no order from any judicial tribunal, no injunction, no judgment, no sort of an award by any arbitral tribunal that will enforce upon one or more members of any organized body the duty of continuing in any fixed line of service. That is the limitation. If it goes beyond that, there is no right either to trespass on private property, to invade civil rights, or to indulge in acts of physical violence.

In order that this difference of opinion that appears to exist among my professional brethren may be given a line of cleavage and a distinct division; in order that we may discriminate, taking what the unions may lawfully do at this time, putting it on one side, and separating it entirely from what is civilly or criminally prohibited on the other side; in order that that line may be drawn, and that I may understand how I will eventually vote on this question, I have offered my amendment to the amendment of the Senator from New Hampshire [Mr. GALLINGER].

Mr. WALSH. Mr. President, before the Senator takes his seat I should like to ask him a question. I understood the Senator to say, in the course of his remarks, that the amendment offered by him recognizes no right in the laboring man which he does not possess under existing law. Am I correct in that?

Mr. SHERMAN. Yes; my amendment is simply designed to preserve all the rights he has to organize, to increase his wages, to shorten his hours, and to improve or safeguard his sanitary conditions.

Mr. WALSH. I understood the Senator to say that he may have some other rights, but he undoubtedly has all these embraced in the amendment.

Mr. SHERMAN. The object of my amendment is that every lawful right that a union has under existing laws shall be preserved.

Mr. WALSH. I take it, from the Senator's remarks, that he is in accord with the general sentiment of the proviso now incorporated in the bill?

Mr. SHERMAN. No, sir; from a statement to be hereafter made, if the Senator will pardon me. I shall be glad to yield to him in a moment.

Mr. WALSH. I should like to ask the Senator, then, to make clear what there is in the language of the section as it appears in the bill which differentiates it from the amendment offered by him.

Mr. SHERMAN. I have offered my amendment because, judging from the discussion developed here in the last two days, it does not appear, from reading the decisions of courts or from listening to the opinions of my professional brethren, that any of them are in entire accord as to the lawful rights of unions at this time.

Mr. WALSH. Then, I simply desire to inquire of the Senator, in view of the fact that this bill comes from the other House, having already received its approbation, and that this feature is the only one that is under discussion in this body, whether he regards the distinction between his amendment and the proviso as it stands of sufficient importance in the present case to justify an amendment of the bill and the resulting necessity of a ratification by the other House?

Mr. SHERMAN. It causes little delay. It is with a view, Mr. President, of drawing the line sharply, in order that prosecutions may not be had hereafter against an organization which is simply endeavoring to shorten hours or increase wages. The opinion has been expressed here quite freely within the last two days that that kind of an organization was within the prohibition of the Sherman antitrust law. If that is so, I want to remove it by some proper amendment, although if I had my choice I should, in the first instance, prefer to vote directly for the amendment of the act itself, without going about it in this evasive way.

I do not believe the general statutes of the country ought to be amended by indirection. The better way would be to attack the act directly, or to seek to amend it directly, whichever is the proper course. In that event there could be no misunderstanding. But as to this proviso, I wish to go on record here as favoring the protection of any organization of employees in this country in the right to organize to shorten their hours, to increase their wages, and to better or safeguard the sanitary and other conditions under which they perform their service.

It has been stated here that some, or possibly all, of these things come within the express prohibition of the first section of the antitrust act. If that is so, I think it ought to be relaxed. I believe the industrial development of the country would justify a relaxation. It was generally supposed in the initial stages of the consideration of this law, which I do not wish to consider at all now, that it did not include combinations of this kind. Afterwards, beginning about 1901, it was supposed that it did. The construction placed upon the act later by courts seemed to include organizations for the purpose of raising wages, putting them on exactly the same basis with manufacturers who combine to raise the price of a finished commodity. Such of the courts as take that view of the law put their decision upon exactly the same ground as combining to raise the price of a commodity. In that event these organizations would now be within section 1 of the act. If that is true, I think it ought to be relaxed.

I do not believe any organization ought to be prosecuted that has in view any one of these three laudable purposes, or all of them. There is a limitation beyond which they ought not to go and can not go. Beyond that they interfere with the civil rights of others. Beyond that, if they undertake to exercise physical violence, it may ripen into criminal conduct that ought to be prohibited.

As I see this amendment—and I drew it for that purpose only—its object is that this line of division may be ascertained, and that it may be finally declared by the Senate in its consideration of this matter that unions may lawfully engage in carrying out any one of these three purposes.

The VICE PRESIDENT. The question is upon the motion of the Senator from Illinois [Mr. SHERMAN] to amend the language of the bill which the Senator from New Hampshire [Mr. GALLINGER] has moved to strike out.

Mr. GALLINGER. Mr. President, I assume that the amendment proposed by the Senator from Illinois is an amendment to the text of the bill.

Mr. BRANDEGEE. No; it is an amendment to the amendment of the Senator from New Hampshire.

Mr. GALLINGER. No; it would not be an amendment to my amendment, but an amendment to the text of the bill. The Chair has stated it accurately, I think. A motion to strike out can be suspended pending the desire of the friends of the measure to amend the text, and that is what the Senator from Illinois purposes to do. The motion to strike out will still remain, subject to future action, after the motion of the Senator has been acted upon.

The VICE PRESIDENT. That is the understanding of the Chair.

Mr. MARTIN of Virginia. Mr. President, I should like to have the amendment to the amendment read.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In lieu of the words proposed to be stricken out by the Senator from New Hampshire [Mr. GALLINGER], it is proposed to insert the following:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement or for any action otherwise lawful having in view the increasing of wages, shortening of hours, or bettering the sanitation, safety, or other condition of labor, without violence or interference with the lawful rights of another: *And provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. MARTIN of Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Norris	Smith, Md.
Borah	Hitchcock	O'Gorman	Smith, Mich.
Brandegee	Hollis	Oliver	Smith, S. C.
Bristow	James	Overman	Smoot
Bryan	Johnson, Me.	Page	Stephenson
Burton	Johnston, Ala.	Perkins	Sutherland
Clapp	Jones	Pomerene	Swanson
Clark, Wyo.	Kern	Robinson	Thomas
Clarke, Ark.	La Follette	Root	Vardaman
Colt	Lane	Saulsbury	Walsh
Cummins	Lea	Shafroth	Weeks
Dillingham	Lippitt	Sheppard	Williams
du Pont	McCumber	Sherman	Works
Fletcher	McLean	Shields	
Gallinger	Martin, Va.	Simmons	
Goff	Martine, N. J.	Smith, Ga.	

Mr. GALLINGER. I have been requested to announce that the Senator from New Mexico [Mr. FALL] has been called away from the city on important business, and that he is paired with the Senator from Arizona [Mr. SMITH].

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH] is absent from the Chamber on important business, as has been announced, and that he is paired with the Senator from New Mexico [Mr. FALL].

Mr. KERN. My colleague [Mr. SHIVELY] is absent from the city on important business. He is paired with the Senator from Maine [Mr. BURLEIGH].

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present.

Mr. ROOT. Mr. President, the pending question has been so fully and fairly discussed that I shall not detain the Senate by making any argument upon it further than to explain the position which I feel bound to take.

I am in favor of the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] to strike out the provisos to the appropriation for the enforcement of antitrust laws and opposed to those provisos.

The junior Senator from New Jersey [Mr. HUGHES] yesterday, with a frankness which is commendable, stated what I am sure we will all agree to, that there is in fact no danger of the Attorney General or any officer of the Department of Justice bringing prosecutions during the year for which this appropriation extends against either of the classes of citizens referred to in the provisos. Other Senators have in a different form expressed the same idea. I think it is well understood, and it has been repeatedly declared, that there is no practical occasion for these provisos. Nothing will be done or omitted with the provisos in the bill different from what would be done or omitted with the provisos out of the bill.

The sole practical effect, then, of including these provisos is a declaration on the part of the Congress of the United States, and it is because I think that declaration will be injurious, because I think it will tend to lessen respect for law, the willingness of our people to obey the law, and the just confidence of our people in the fairness and impartiality of the Congress which makes the laws, that I think we ought to omit the provisos. Let me state what it seems to me they accomplish.

The VICE PRESIDENT. Will the Senator from New York suspend for one moment? The morning hour has expired, and the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Order of Business 10, Senate resolution 37, authorizing the appointment of a committee to make investigations of the conditions in the Paint Creek district, W. Va.

Mr. KERN. I ask that the unfinished business be temporarily laid aside, Mr. President.

The VICE PRESIDENT. If there is no objection, that action will be taken. The Chair hears none, and the Senator from New York will proceed.

Mr. ROOT. Twenty-three years ago Congress provided in the Sherman Act by section 1 that—

> Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

These provisos do not undertake to amend or change the Sherman Act. They leave the form of any contract, combination, or conspiracy in restraint of trade still illegal. They leave every person who engages in such a contract, combination, or conspiracy a criminal. What they undertake to do is to say that certain classes of the people of the United States may commit such criminal acts and shall not be prosecuted while certain other classes who commit the same criminal acts shall be prosecuted and punished.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. ROOT. Certainly.

Mr. CLAPP. Did not the Senator perhaps inadvertently misstate it and intend to say that the provisos mean that this particular fund shall not be used in those prosecutions?

Mr. ROOT. No, Mr. President, that limitation, as the Senator from New Jersey stated the other day, was designed to avoid a point of order against general legislation upon an appropriation bill, and the provision was put in the form of a limitation upon the appropriation so that it could not be put out by the point of order. But the real meaning of it is that the Congress of the United States gives notice to the Executive that a laboring man who commits the crime described in the Sherman Act or the producer of agricultural products who commits the crime described in the Sherman Act shall not be prosecuted. The people of the country do not refine and distinguish on particular forms of language. That is the broad and unmistakable meaning of Congress in its declaration.

Sir, it may be that the Sherman Act should be modified, that the principle which is declared there should be restated more carefully and less generally, so that some things included in it now should no longer be included. But, Mr. President, it is now the law. The question presented to this Congress is whether we shall issue to the people of the country a declaration that we are in favor of permitting some people to violate the law with impunity and punishing with fine and imprisonment other men who violate the same law.

We declared in the Sherman Act the principle of freedom of trade. We adopted that as the test to determine whether combinations and agreements were lawful or unlawful. That is still the test. That principle is still embodied in the law, and who shall say, so long as it is the test, so long as it is embodied in the law, that any part of the people of the United States shall be approved in disregarding it and violating it?

These provisos assume the commission of the offense. The Sherman Act says:

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce—

Shall be illegal. The proviso says that—

> No part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages—

And so forth.

The further proviso says that no part—

> Shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

That is to say, sir, although these two classes of American citizens enter into contract or combination or conspiracy in restraint of trade and commerce which is declared to be illegal, nevertheless they shall not be prosecuted. It is immunity for illegal contracts that these provisos give, and nothing else. It is immunity against punishment for the commission of a crime under the laws of the United States that these provisos give, and nothing else.

So, sir, whatever might be wise in treating the terms of the Sherman Act, whether it should be modified or not, it seems to me that we are doing a wrong to our country, that we are doing a wrong to the laws of our country, that we are doing a wrong to the ideal of justice which, thank God, still remains in the minds of the people of our country, to say, while this law stands upon the statute books, that some may disregard it and others shall regard it.

The Senator from Nebraska [Mr. NORRIS], in his very admirable and fair statement upon the other side of this question this morning, described the situation which would exist in the case of the fruit growers of California if they found it desirable, or when they do find it desirable, to combine to regulate their shipments of fruits to one market or the other, so that there shall not be an oversupply. No one can fail to see, sir, that what he said had great reason in it. But, Mr. President, does not that same reason apply to other producers? This country is covered all over by hundreds of thousands of small producers, small manufacturers, whose success in their business depends upon not having an oversupply of the articles they produce.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. Certainly.

Mr. WORKS. I was unfortunate enough to be out of the Chamber when reference was made to what is called the combination of the fruit growers of California. If the Senator will allow——

Mr. ROOT. Certainly.

Mr. WORKS. I should like to say that there is no combination among the fruit growers of California to control the prices or even to control the places to which the fruit is to be shipped. It is only a mutual organization, and it is always left entirely to the shipper or owner of the fruit to determine the price at which his fruit shall be sold and the market in which it shall be sold.

I only say this in justice to the fruit growers of California, because I do not believe they have in any sense brought themselves within the terms of the antitrust law.

Mr. ROOT. I wish to say to the Senator from California I made no statement regarding the fruit growers of California. I was commenting upon some remarks made by the Senator from Nebraska [Mr. NORRIS] which were rather hypothetical, indicating that the interests of the fruit growers of California did require that they should have the authority, the power, the right to divert their shipments to one point or to another.

Mr. WORKS. I did not understand that the Senator from New York was in any way criticizing the organization of the fruit growers of California. I only referred to it in this connection because I did not have the opportunity to do so when the Senator from Nebraska had spoken.

Mr. ROOT. Mr. President, let me return to my proposition that there are hundreds of thousands of American citizens who are engaged in a small way in producing a vast variety of articles by processes of manufacture, and whose success in business depends upon not having an overproduction of those articles. Now, what are they to say and what are they to feel if the Congress of the United States says that the producers of citrus fruits shall be at liberty to violate the Sherman Act if they see fit, but these manufacturers shall not be at liberty to do so?

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. Certainly.

Mr. WORKS. I should say, Mr. President, that if the Congress of the United States should say that to the fruit growers of California, it would be a reflection upon the fruit growers of my State.

Mr. ROOT. I should hope, Mr. President, that the fruit growers of California would resent the gift of the right to violate the law, and I do not believe, sir, that the farmers of the United States anywhere desire such permission. But, sir, that is what this proviso does. It retains the restrictions of the Sherman Act for the multitude of small manufacturers and it takes off the restrictions of the Sherman Act from the multitude of agricultural producers.

We all know, sir, that combinations among manufacturers and traders have been productive of more evil than combinations among any other classes or kinds of our people, but we know, too, that it is quite possible for combinations among farmers to pass the limit of the real evil at which the Sherman Act was aimed. We know it is quite possible for combinations among laborers to pass the limit of the real evil at which the Sherman Act was aimed. And are we to say that there shall be no limit to the violations of law which shall go unpunished on the part of these two classes of American citizens?

Mr. President, the real power which enforces law is not the power of the Attorney General or the district attorney or the marshal. It is the power of public opinion. The reason why the enforcement of the Sherman Act has been progressively more and more effective is that the public opinion has grown up to the legislation. The reason why it was possible to secure judgments against the great combinations in tobacco and oil, when a few years before it was recognized as impossible, is that public opinion has grown up to the statute. Without it you can not enforce any law. Without it you can not get juries to convict or grand juries to indict.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Will the Senator from New York yield to the Senator from Nebraska?

Mr. ROOT. Certainly.

Mr. NORRIS. I agree most heartily with what the Senator has just said, but I was attempting to show that there have been instances where with a great deal of ability and considerable reason men have wanted to have laws made that would give exceptions to certain industries. I should like to call the Senator's attention to the fact that several years ago when we were engaged in the passage of the last amendment to the interstate-commerce act the President had introduced a bill which gave to the railroads under certain conditions, with the consent of the court that was provided for in the bill, the right to combine contrary to the Sherman antitrust law, and that for a while that particular provision was left in the bill. It was introduced, as I understand it, at the suggestion and approval of the President.

I am not speaking of it in criticism of the men who favored it, but simply to give the Senator an illustration that this is not the only instance. There are, perhaps, several others which might occur to the minds of those who have studied the question somewhat. It is not the only instance where exceptions to laws have been deemed necessary for the proper carrying out of the real purposes of the law.

Mr. ROOT. Mr. President, I am not arguing against exceptions to laws. The instance which the Senator from Nebraska mentions was an instance of a clause in an act which amended the interstate-commerce law, and which provided that railroads over whose rates the Interstate Commerce Commission had authority given to it might make agreements regarding those rates with the approval of the Interstate Commerce Commission.

Mr. NORRIS. Mr. President, I did not have reference to the same law the Senator now speaks of. I had reference to that provision of the law which permitted railroads to combine, and which to that extent, as far as the railroads were concerned, repealed the Sherman Antitrust Act.

Mr. ROOT. There may have been such a provision at some time in the bill. I never heard of any provision recommended by any President that railroads should be at liberty to combine except under the approval of the Interstate Commerce Commission.

Mr. NORRIS. I may be mistaken, but, as I remember it now, the approval for this combination was to be secured from the Interstate Commerce Court. It may have been the Interstate Commerce Commission.

Mr. ROOT. It was the Interstate Commerce Commission.

Mr. NORRIS. I have forgotten now. It was one or the other.

Mr. CLAPP. The Senator from New York, I think, will recall that the provision relating to rates was subject to the approval of the commission, and that the provision relating to the consolidation of railroads was subject to the approval of the court, as proposed in the bill of 1910.

Mr. ROOT. That is a matter of detail I do not recall. It was to substitute a regulative action for complete prohibition.

Mr. BACON. Possibly the Senator will recall the fact that that bill was generally known as an administration bill. It was brought in here and generally stated and conceded to have been drawn in the Executive department, and to have been sent and introduced at its instance. If I recollect aright—the Senator from Iowa [Mr. CUMMINS], who was very active in that debate, will correct me if I am wrong—it contained a provision which permitted any railroad to combine or acquire control of any other railroad if it had 50 per cent of its stock. Am I not correct in that?

Mr. CUMMINS. There was such a provision in the act as originally introduced.

Mr. BACON. That would be a combination of the worst sort.

Mr. CUMMINS. I am very glad to say, however, that that attempted exception from the operation of a general law was——

Mr. BACON. Defeated.

Mr. CUMMINS. Defeated——

Mr. BACON. In this Chamber.

Mr. CUMMINS. As every such exception ought to be.

Mr. ROOT. Now, Mr. President, if there is no other discussion of other proposed legislation, let me go back to the producer of agricultural products who is to be allowed to violate the Sherman Antitrust Act with impunity in order to prevent overproduction or a glut in the market, and the multitude of small manufacturers who are to be punished if they undertake to do the same thing. Granting that in regard to all classes it is possible not only for such well-intended and perhaps excusable attempts to be made, but also for wicked attempts at monopoly and prevention of competition to be made, some things may be done by members of all the producing classes of our country which we would not wish to prevent and which are prevented by the Sherman antitrust law; some things may be done by the members of all the producing classes of our country that we would wish to prevent, and which are prevented by the Sherman antitrust law; but as to the classes named in this proviso, immunity is given both for the things we do not care to prevent and for the things that ought to be prevented.

Let me ask you, sir, how will this present itself to the multitude of our citizens not included in these exempted classes? Where will be the willingness to abide by the law; where will be the confidence in the justice of the law; where will be the sense of obligation to the law because it is law on the part of

these multitudes of American citizens who find themselves constrained against doing what is necessary for the protection of their livelihood and other classes permitted to violate the law for the same purpose? How can we fail to create a sense of injustice; how can we fail to create opposition to the law, to create a feeling that it is right for men themselves to assert and to exercise the same freedom that is given to their neighbors?

I can conceive of no more injurious blow to this great statute—for it is a great statute, which has declared the rule of freedom in trade, the rule of free competition as the rule of conduct for all people for the past 23 years—I can conceive of no more fatal blow to the enforcement of that statute than a law which exempts approximately half the people of the United States from responsibility for obedience to it; for you can not enforce a law, sir, which is not an equal law for all the people of our land; you can not get juries to indict and to convict one man for doing what is permitted to his neighbor under the same law. You can restate your principle, you can make a different law, but it should be stated, so that whatever act violates the principle embodied in the law shall be illegal. If we attempt to retain the principle, to retain the declaration of illegality, and exempt a part of our people from responsibility for obeying the law, we bring the law into necessary contempt and make it impossible to enforce it; and, Mr. President, it is not this law alone but it is all law. We have a responsibility, not to the laboring man alone, not to the farmer alone; we have a responsibility to the peace and order of our country. We, the makers of law for a hundred million people, have a responsibility to maintain that respect for law, that reverence for law, that confidence in the justice of our country which was handed down by our predecessors. Because I believe that to enact these exemptions would be to sap the foundations of that confidence in the justice and impartiality of our law, I am opposed to the exemptions and am in favor of the motion to strike out made by the Senator from New Hampshire [Mr. GALLINGER].

Mr. THOMAS. Mr. President, I have listened to this debate with a great deal of interest and have derived much instruction from it. Whatever the result of the motion under consideration may be, the discussion has certainly been most beneficial, because it has served, among other things, to again focus public attention upon the great question which must be the subject of legislation by this Congress. It brings again conspicuously to the front another phase of one of the most prominent, if not the most celebrated, statutes ever enacted by this body.

I took occasion during last month to make it the subject of discussion from another standpoint, and what I said then and the conclusions which I then drew have been emphasized in this debate to such an extent that I indulge the hope that this law will be so amended as to become an efficient weapon in the hands both of the courts and of the executive departments for the correction of the great industrial evils and abuses of the day.

The Senator from New York [Mr. ROOT] has very truly said that the purpose of this statute was to prescribe a rule of universal application from which no class or condition was excepted, with freedom of trade as its cardinal principle and purpose. He has also, in my opinion, conclusively demonstrated the injury that will be inflicted upon the law itself, and perhaps upon public opinion, by legislation which limits the operation of that statute to a portion only of the people. I fully concur in that conclusion, but possibly for reasons which are to some extent different in their character and in their origin.

I fully agree, too, Mr. President, that the great conserving force of society, without which all statutes are practically innocuous, is a healthy and powerful public opinion, without which laws themselves are of no importance, because opposed to the general trend of popular judgment.

Mr. President, there is, however, a cause for all these things, and there is a reason why this bill comes to us with a proposal to limit the application of one of these appropriations in a certain direction. I think it can be found in the fact that this law as administered has not been a law of universal application. I believe that as individual controversies have arisen demanding adjudication and receiving it through the construction of a statute which is so plain that he who runs may read, it has long been so administered as to have been justly condemned by public opinion because not of universal application, for there have been distinctions declared, first here and then there, limiting and controlling the practical application of the law to individual cases, until the time arrived when a word was written into the statute that, to my mind, has done it far more injury in public estimation than all such amendments as the one which is now under consideration can inflict upon it. Because it has been so construed, because it has so been applied, because it has thereby become a rule of application to be determined in each individual case, instead of a law of universal application, it is not strange that those to whom it has been generally applied should feel justified in coming to the Congress of the United States and demanding that, since certain industries have been exempted from the operation of this law by judicial construction, others should be exempted from its operation by legislative enactment; and the one seems to me to be quite as consistent, certainly as lawful, as the other. In other words, the precedents which have been set by the courts in the application of this statute to existing conditions are being availed of, and their injustice has been made the basis of asking exceptions to be prescribed in other directions.

But I contended the other day, Mr President, as I shall always assert, that where a statute is perfectly plain, needing no construction whatever for the purpose of determining what it means, no construction can be made of it without doing violence to its purposes and its objects, and that when its construction is carried to the extent of interpolation a power is exercised which can not be justified; a power which can only be exercised by the legislative authority proceeding along constitutional lines and by constitutional methods. So believing, it is impossible, Mr President, for me to be consistent without also denying the right of Congress, as the distinguished Senator from New York has so clearly pointed out, of leaving the law in its pristine condition and at the same time by collateral legislation seeking to make its provisions innocuous and inoperative as to certain classes of the people.

I have no doubt in the world, Mr President, that when this statute was enacted everyone was justified in drawing the conclusion that it did not and was not designed to comprise within its terms the organizations which are interested in this proviso; and yet, to my mind, it is somewhat remarkable that this is so, for its language admits of no other than the interpretation which the courts have applied to it; and however much we may disagree with judicial opinions, however much we may protest against their injustice, they are binding upon us all, the high and the low, the rich and the poor, until they shall have been changed by succeeding opinions or by properly enacted legislation. It is therefore the law, as judicially construed, that these organizations are included within the phraseology of the antitrust act, in consequence of which indirect attempts to exempt them seem to me to be almost beyond the power of Congress.

I welcomed the proposed amendment of the Senator from North Dakota [Mr. GRONNA] notwithstanding my repugnance to legislation of that character, by which I mean legislation foreign to the purpose of a bill but introduced within the body of it as a so-called rider. I regretted to see any point of order raised against it, for however much it may conflict with the scientific principles of legislation it is something that is frequently done in Congress, there being nothing in the Constitution to limit legislation to the title of a measure or a bill. I believe that that amendment would have been a solution of this entire difficulty; in addition to which it would have comprised a legislative statement of what the law was intended to have been and of what, in my judgment, it ought to be; but that we can not consider now, although we should consider and enact it, in my judgment, before this session adjourns or at the next session, if possible.

Mr. President, this proviso, if I may call it thus, is one which seems to me to be subject to all the criticisms that have been made against it or to most of them at least. It was well said by the Senator from Massachusetts [Mr. LODGE] that one of its vices consisted in the fact that it created exemptions from the general operation of a statute. A fair analogy would be to suppose that in the agricultural appropriation bill some appropriation of a general character should be accompanied by a provision exempting the State of Colorado or of Louisiana or of New York from its operations. It seeks, in other words, to place an exemption or a limitation by exemption from the operation of a statute in favor of a particular class, thereby accomplishing by indirection what may not be accomplished directly. Apart from its inherent objectionable character, such a proviso may constitute a precedent that will be productive of a great deal of future mischief.

The trouble with a precedent that is wrong is the evil it subsequently produces, because it is followed and followed again, until by custom it becomes an established rule of authority or principle of conduct; and if we can write an exception of this sort in the law then we can write exceptions exempting other classes or portions of other classes from the operation of a general law with the same impunity and with the added force given to it by our action on this occasion. If we can write this exemption into the law we can write others as well.

Now, let us see. Suppose that, instead of reading as it does, this exemption should provide "that no part of this money shall be expended in the prosecution of the International Harvester Co.," or some other of the great combinations of the country; suppose it should provide that all of this money should be used exclusively for the prosecution of violations of the statute by labor and farming organizations, and for none others. A cry of protest would go up at once from one end of this country to the other against making such exemptions in the law, and justly so, because they would be opposed to every principle of equity and of justice. In what respect does the proposed one differ in principle?

We on this side of the Chamber may not always be in the majority. A party may come into power which may displace both of those which at present occupy the seats in this Chamber; it may represent a conservative condition consequent upon the swinging of the pendulum to the other extreme. Can the agencies and the enginery of this law be utilized for the purpose of carrying out and effectuating the purposes which they represent? Why not? Can they not do what we are doing? Shall we supply them with a precedent, Mr. President, which will justify, at least by imitation, repetitions of the same vicious principle in legislation? We may condemn it; we ought to condemn it; we would condemn it; but, notwithstanding that fact, we would be justly charged with having begun this course of legislation by the enactment of the measure now being considered.

Those, Mr. President, who know anything about me generally complain that I am rather too radical than otherwise in my views upon political, industrial, and economic questions. It is not necessary, therefore, for me to express any opinions upon existing industrial and economic conditions in this connection, except to say that I am ready to go as far as any man, consistently with my oath of office, in making organizations of men and women—and I believe that women have the same rights politically, and ought to have them, as men in this country of universal suffrage—I am ready to go as far as anyone in protecting them in every legitimate purpose for which organization can be utilized, but I speak in their behalf when I say here and now that, in my judgment, the incorporation of a measure like this in its reactionary effect and in the possible consequences which it may have upon the future, far outweighs any immediate benefit or advantage that can be obtained by virtue of it.

I do not believe that such an organization, designed to accomplish a lawful purpose, can or ought to be within the purview of the Sherman Act; but under the law as it has been construed these organizations, although lawful per se, are within the purview of the statute. They are not exempt from the operations of the law, and it is unwise to exempt them by processes like this. It should be done by direct legislation upon the subject.

There are some criticisms of the phraseology of the proposed statute to which I wish to refer for a moment. To my mind there is nothing ambiguous about either of the provisos. Their meaning is clear. They evidently were very carefully drawn. I think it has been stated in debate that they have been in bills of similar character heretofore. I know we enacted such a measure at the last Congress without any question arising, in this Chamber at least, so far as I am able to remember, with reference to either of these provisos. Speaking for myself, I believe the measure passed during the closing hours of the last session of Congress, at a time when it was difficult, if not impossible, to give close and careful attention to its phraseology.

The first proviso is—

> That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful.

Who is to determine the question of the lawfulness or unlawfulness of a given act? If you exclude it from the domain of judicial controversy, if it can not be the subject of investigation in the courts, does it not become impossible to determine the illegality or legality of an act or to punish the one and allow the other to go unpunished? Suppose the officers of justice begin a proceeding against a labor union upon the theory, however well founded, that its act is unlawful and the decision of the courts is to the contrary. It seems to me the conclusion is inevitable that the officers of justice have thereby violated this provision. On the other hand, if they fail to prosecute a given case founded on an act which public opinion condemns as unlawful and meriting punishment, they will be justly condemned for failing to perform their duty under their oaths of office. Apart from this resulting embarrassment, all actions which might otherwise come within the purview of the statute, whether lawful or unlawful, are exempt from its operations.

That, to my mind, constitutes perhaps the most serious objection that can be urged against the wording of the proviso. It is quite as though the last clause had been entirely eliminated from the body of the section.

I intended to use a memorandum, which I see I have mislaid, for the purpose of illustrating the proposition that many violations of this antitrust act are committed with absolute impunity by those against whom it unquestionably applies. No proceedings under the statute are so much as commenced against them, to say nothing about their subsequent prosecution. They are given immunity as though there were no restrictions such as are embodied in the Sherman Act, in consequence of which combinations of men feel justified and ought to feel justified in asking for similar immunity through such legislation as is here contemplated.

I have found the document to which I referred, Mr. President, which presents a striking example of the character of conduct which I have just outlined. It is that sort of conduct which is justly creating a public opinion strong enough to justify not only the enactment of legislation of this sort here proposed, but legislation of a far more drastic character.

I hold in my hand part of a newspaper bearing date the 6th of May, 1913, published in the city of Troy, N. Y. I received it from an unknown correspondent this morning, probably sent to me because I am a member of the Senate Finance Committee. It refers to the action of certain manufacturers in the city of Troy consequent upon the pendency of the Underwood bill and comprises, among other things, a circular just issued by these manufacturers to their workmen, which I will read for the information of the Senate.

The circular is dated on the 5th day of May, or day before yesterday:

> The Underwood tariff bill providing a rate of 25 per cent ad valorem on cotton collars, 30 per cent on linen collars and on shirts, will probably pass the House of Representatives without amendment within a very few days. The bill will then go to the Senate, where there is some chance of its being amended.
>
> You can greatly assist in the effort to have this bill amended by writing two letters, one to Hon. JAMES A. O'GORMAN, United States Senator, Washington, D. C., the other to Hon. ELIHU ROOT, United States Senator, Washington, D. C., stating that you depend on this industry for your living and that you do not approve of a rate of duty that will put your work into competition with the cheap labor of Europe and Japan. Urge the Senators to use all their influence to have the rates on collars and shirts raised to 40 per cent ad valorem.
>
> Your letters, when written, may be left at the office for mailing.
>
> Postage paid, I presume.
>
> This is signed by the United Shirt & Collar Co.

Simultaneously with the issuance of this circular to the employees this company cut their wages, the two movements being inaugurated together and having for their common object the intimidation of the Congress of the United States by holding over the heads of its Members the threat of bankruptcy and ruin to favored industries; utilizing the power of employment as a club for compelling those dependent upon these organizations to comply with a command—for such is this circular—and by force of numbers to seek not only to influence but to control the votes of the Senators of the United States from the great State of New York upon the subject of tariff revision.

This article goes on to say that the employees, resenting these tactics, not only refused to obey the mandate of the circular, but would not submit to the reduction of wages so evidently intended for their coercion.

This conduct of the United Shirt Co., Mr. President, is not only a conspiracy in restraint of trade, it is a crime, both at common law and under the statutes. I contend that under the provisions of the Sherman antitrust law the United Shirt & Collar Co. is subject to prosecution and ought to be proceeded against for the issuance of this circular, accompanied by a reduction of wages, in order to make its mandate effectual. If that is not a conspiracy in restraint of trade plus a conspiracy to intimidate national legislators, what is it? And when things of this sort are done with perfect impunity, is it surprising that the laborers of the country should insist upon exemption from the operations of a law designed to be universal, but not so operating because of repeated construction given to it by the Supreme Court of the United States?

Mr. President, this is only the beginning of the campaign that is to be waged through these conspiracies, to be repeated time and again, against the representatives of the people, whereby they are to be intimidated and thwarted from carrying out the pledges they have made to the consumers of this great Republic and which they must recognize and fully perform.

Until such conduct and such tactics are punished, and punished rigorously, they will continue. Until such conduct and such tactics are punished, and punished rigorously, the unions

of the country will continue to knock at the doors of Congress and ask for exemptions from the operations of the same statutes, such as are embodied in this particular proviso.

Suppose these employees of the shirt and collar company go upon a strike because of this cut in wages, as they threaten to do. Suppose the unions picket these establishments after a strike is declared. Suppose, as a result of it, violence occurs. They will doubtless be proceeded against at once as combinations in restraint of trade, and which actually engaged in restraining trade. Yet the employer which has driven them to those conditions enjoys immunity through its exemption made in practice, at least, in the application and enforcement of the statute.

Unless these conditions are abandoned, unless they are properly punished, the exemptions here demanded will ultimately be granted, and ought to be granted, in extenso, since if exemptions are to be made for the great and the powerful, either through the construction of a statute needing none, or through the inaction of the properly constituted authorities failing to recognize these infractions and proceeding against them, we must expect—because it is nothing more than just and right—that the oppressed should rebel against the application of the statute to them, armed as they are and always will be with the fact, historic in character and subject to proof at all times from the CONGRESSIONAL RECORD, that the act was never intended, was never designed, to apply to combinations such as those to which they belong.

Mr. President, let us act as we should with reference to this particular measure. Let us see to it that the law is enforced as written and against all men until it is changed. I think it was President Grant who said that the best method of relieving a people of the effects of a bad law is to rigorously and unsparingly enforce it. It is better, in other words, so far as ultimate results are concerned, that no exceptions be made in the application of a statute to existing conditions. If it embodies a vicious principle public opinion will ultimately become sufficiently aroused to sweep it aside. Such a course is far preferable to one which makes exceptions and exemptions which necessarily create class conditions in the country.

Mr. SHAFROTH. Mr. President, as a member of the Committee on Appropriations, I desire to say a few words with respect to the provision of the bill, in the interest of getting the measure passed.

We have had a very learned discussion upon the antitrust law. We have heard a great many things stated with respect to this proviso which I do not think the language warrants, and I do not think the inferences drawn therefrom have any foundation whatever. Senators have proceeded to construct a man of straw and then to tear him to pieces. In this discussion they have lost sight of one important fact.

Senators have been discussing this proposition as if there were no moneys in the United States Treasury for the prosecution of persons guilty of violation of law except that which is appropriated by this section. That is not true. Hundreds of thousands of dollars are appropriated in the general appropriation bill for the prosecution of every offense under the laws of the United States. On the preceding page of this bill there is an appropriation of $475,000 to be expended in the detection and prosecution of crimes under the direction of the Attorney General. Large appropriations are also made for the regular force of the Attorney General's office and for district attorneys throughout the country. Consequently, when they try to limit this section simply to saying that certain persons will not be or could not be prosecuted, it seems to me it is a violation of the very language that is contained in the section.

In the first place, nearly every Senator who has spoken has said that he is in favor of exempting these labor organizations and farmers' combinations from the operations of the Sherman Antitrust Act, but that he does not wish to do it indirectly. In other words, if they were exemptions, it would simply carry out and further Senators' own ideas as to what the law should be, namely, that a combination having in view the increasing of wages of laborers and an association of farmers for the obtaining of fair and reasonable prices for their products should not of themselves alone constitute a violation of any law. I can not understand how Senators can consistently say they are in favor of such organizations being exempted from the operations of the Sherman Act, and yet at the same time say that they do not believe in the passage of a declaration to the same effect as to an appropriation for one year.

What is the provision which is under discussion here? Its language is plain. It reads as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000: *Provided, however*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

It is an appropriation of $300,000. Suppose Congress wanted to prosecute specially one of the big trusts of the country—the Tobacco Trust, or the Union Pacific Railroad, or any of the combinations that are supposed to be violating the Sherman antitrust law. It would be perfectly proper, in the sundry civil bill, to appropriate $300,000 for that purpose, provided there was no express limitation upon prosecution of other offenders. Other offenders would be prosecuted under the other general appropriations for the prosecution of crime.

That seems to me to have been ignored in the discussion of this question. The theory has been indulged in that this appropriation of $300,000 is all that can be spent in the prosecution of any person guilty of an offense against the Sherman antitrust law; but that is not true. That assumption is not correct.

Suppose an individual wishes to file a complaint against the Tobacco Trust or against some individual of the Tobacco Trust for violation of this law. He can present the same to the United States district attorney, who, free of cost, will prepare the case and prosecute the same to the end. If any person wants to prosecute a labor or farmers' organization, he can do it just as well whether this $300,000 item is in this act or not.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. SHAFROTH. I do.

Mr. WORKS. The Senator from Colorado has stated broadly that there are ample funds otherwise provided for prosecuting every offender under this statute. I should like to ask him if he knows, then, why this specific appropriation of $300,000 is made?

Mr. SHAFROTH. I do not know what guided the person who wrote this particular clause. It may be, as public sentiment has been somewhat aroused by reason of combinations of these great interests, that he wanted a special examination into the books or into the conduct of the persons who were in certain combinations in restraint of trade. It may be that the author of the provision had in mind one particular case. I do not know; I can not tell; but when we consider the fact that these great combinations, by their intricate systems of bookkeeping, can conceal their actions in restraint of trade it will take a large amount of money to bring to light such violations of the law.

That being the case, it is proper, if any have violated the law, to single them out and provide adequate appropriations for their prosecution. It seems to me it is a perfectly proper appropriation. You can not prosecute a combination without having a full investigation.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. In just a moment I will yield.

As to labor organizations, you can still prosecute them in the ordinary course at little expense. No intricate examinations are necessary to expose concealed violations. You can bring your action before the district attorney where the act is committed. Consequently this section does not in any manner limit the right or power of any citizen of the United States or of the United States itself, to prosecute any person under the Sherman antitrust law.

I now yield to the Senator from Utah.

Mr. SMOOT. Mr. President, from the statement made by the Senator, I judge that he is of the opinion that this appropriation of $300,000 is made for a particular class of prosecutions.

Mr. SHAFROTH. No; I said I had no idea what was the intention of the person who drew it.

Mr. SMOOT. The Senator said it was a proper appropriation, as I understood, and I took it to mean that the department had asked for this appropriation for a certain purpose.

Mr. SHAFROTH. Oh, no; I disclaim any knowledge of that kind. I have no idea whether——

Mr. SMOOT. I wanted to know whether the Senator did have any such idea or any such information.

Mr. SHAFROTH. No, sir; I have none whatever. All I know is that this bill was presented to the Committee on Appropriations of the Senate in this form.

Mr. SMOOT. The Senator from Wisconsin [Mr. LA FOLLETTE] tells me that the Senator from Colorado said he did not know who drew the provision, who offered it, or why. The amount contained in this item is appropriated upon an estimate of the department, and that is why the appropriation is made. It was estimated for by the department, and a request was made by the department for the appropriation to be used for the

prosecution of such cases in the department, but the proviso that was put here was never suggested by the department. That is what I wanted to bring to the Senator's attention.

Mr. SHAFROTH. I do not know whether it was or not. All I know is that it came over from the House with this proviso in it. We talked about the matter in the committee and said that it had been thoroughly discussed in the previous session, and that we ought to put this bill through as nearly as we could in the exact form in which it came from the House.

Mr. GALLINGER. Mr. President, the Senator does not mean to intimate that that conclusion was concurred in by all the members of the committee?

Mr. SHAFROTH. Oh, no; I meant by the majority of the committee.

Mr. GALLINGER. There was a very sharp division.

Mr. SHAFROTH. Yes; there was a division; although there was very little discussion with relation to it. It seems to me, from the wording of this provision, that there is nothing in it that can be construed as prohibiting the prosecution, under the Sherman Antitrust Act, of labor organizations or of any other combinations.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado further yield to the Senator from New Hampshire?

Mr. SHAFROTH. Yes, sir.

Mr. GALLINGER. If that be so, Mr. President, what is the object or purpose or meaning of it? Why have it in the statute at all?

Mr. SHAFROTH. Any Senator can take a clause in an appropriation bill and write another clause that will be a little different from it; but if we are going to dispute whether my language or your language shall prevail, we never can agree upon measures.

Here is an amendment which has been presented by the Senator from Illinois [Mr. SHERMAN]. That amendment, in my judgment, is of almost identically the same force as the clause which is in the bill. I do not see any distinction. I understood him to say that he himself did not think that the difference was sufficiently great to send the bill back to the House of Representatives for concurrence in it.

Senators seem to forget that the limitation, even if this be considered a limitation, is controlled by the words "not in itself unlawful." That makes the appropriation available for any crime committed in furtherance of the combination. Nearly every Senator has admitted that the Sherman Act ought to be amended by exempting the combinations of laborers and of farmers. If the proviso is simply an expression of the opinion of Congress as to the matter, what harm can arise in expressing it? This provision as it stands, having passed the House and received the approval of the Committee on Appropriations, in my judgment should be approved by the Senate.

Mr. MARTIN of Virginia. Mr. President, I shall add a very few words to what has been said in respect to this provision. The provision is in accordance with a very common practice. Congress has a perfect right, when it makes an appropriation, to limit the uses of the appropriation, and that is all that has been done in this case. In addition to the amounts appropriated for the Department of Justice in all its ramifications of business, the bill proposes to appropriate a specific sum of $300,000 for the enforcement of the antitrust law. In giving this additional sum to the Department of Justice for this specific purpose it provides that it must not be used for prosecutions in certain cases. It is a little extraordinary that almost every Senator who has spoken on this subject has stated that he is opposed to prosecutions in the cases as to which the use of this fund is forbidden. They think that the Sherman antitrust law ought to be amended so as to prevent prosecutions against labor unions and farmers' unions. There are not more than one or two exceptions to that proposition. The Senator from New Hampshire [Mr. GALLINGER] I do not think expressed himself. I do not know whether he thinks that the labor unions ought to be prosecuted or not. He did not express himself on that point.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I have no concealment about it.

Mr. MARTIN of Virginia. I had no idea of that; the Senator is always frank, but he has not expressed himself on the subject.

Mr. GALLINGER. I think if a labor union or a farmers' organization commit a crime against any law they ought to be prosecuted as well as other people and other organizations. That is my view.

Mr. MARTIN of Virginia. But the Senator has not answered the question. Does he think the law ought to be so framed as to permit labor unions to be prosecuted for a combination?

Mr. GALLINGER. I think the law ought to stand precisely as it is.

Mr. MARTIN of Virginia. That is exactly what I suspected.

Mr. GALLINGER. I think the decision of the Supreme Court in the case of Gompers versus the Buck's Stove & Range Co. specifically declares that principle, and I will before the discussion closes read an extract from that decision which I think covers the case absolutely. I think they have no right to complain of the existing status so far as the courts are concerned.

Mr. MARTIN of Virginia. The courts have not been complained of to-day by anyone, so far as I have heard. I do not question the soundness of the decision which the court made. But if I thought it was unsound I am too devoted to the law and to law and order, which has been so much commented on by the Senator from New York [Mr. ROOT]—I am too devoted, I say, to the decisions of the courts to come here in rebellion against them, except to legislate to correct them when I think the decisions have settled the law in a manner not promotive of the public welfare.

The law stands to-day—and should be respected to-day—as including the labor unions and the farmers' unions. That is what the Supreme Court has construed the law to mean, and I think that interpretation ought to be respected by the people until Congress changes that law. I am in favor of Congress changing that law. But the Senator from New Hampshire, as I now understand him, does not think Congress ought to change that law, but should make permanent the law as interpreted by the Supreme Court. Perhaps, though I can not state it definitely, the Senator from New York concurs in that same position. I do not know that he stated it distinctly, but he left me under the impression that he occupies that position. I do not think any other Senator who has addressed the Senate on this question has declared in favor of the permanent continuation of the antitrust law as construed by the Supreme Court, making that law include labor unions and farmers' unions.

But while insisting that that law was not according to the purposes and the intent of the legislative body, that it was not intended to include organizations of the farmers and laborers, I say with those two exceptions all the Senators who have spoken have advocated a change in the law. I can understand the logic of the Senator from New Hampshire and the Senator from New York, who desire to strike those two provisos out of the bill. It is because they think the Sherman law ought to be applied to labor unions and to farmers' unions. That is logical; it is clear; but I have not been able, Mr. President, exactly to appreciate the position of Senators who say they do not believe that the law ought to be made applicable to labor unions and farmers' unions and yet want to strike this provision out of the bill.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I yield.

Mr. WORKS. I think I should not allow the statement of the Senator from Virginia to pass as applying to all the Senators except those named, in view of my own convictions with respect to this matter. I do not believe, as I stated before, that the Sherman antitrust law as it stands to-day applies to labor unions or farmers' unions in the ordinary sense of that term and for the legitimate purposes for which they are usually organized. On the other hand, organizations of that kind may form such combinations as are distinctly unlawful, and I am not ready to allow my own language to be so construed as to excuse that sort of a combination. Neither do I think the Senator from Virginia will go to that extent. If the farmers' unions or the labor unions commit unlawful acts within the provisions of the Sherman antitrust law, they should be held responsible just the same as other organizations.

Mr. MARTIN of Virginia. I understand, then, that the Senator from California thinks the Sherman law should stand exactly as it is; that it ought not to be amended, and its enforcement ought not to be mitigated or interfered with.

Mr. WORKS. Mr. President, if the antitrust law can be so construed as to include labor unions or farmers' unions in the ordinary sense of that term, then it should be amended.

Mr. MARTIN of Virginia. Mr. President, the Senator from California does not speak with his usual clearness in that reply. He has an "if" to it. If I understood him incorrectly he can correct me, but I understood him in his explanation first made to say that he wanted the antitrust law, sometimes called the Sherman Act, to remain unamended as it is.

Mr. WORKS. Mr. President, I made no such statement.

Mr. MARTIN of Virginia. Then I ask the Senator, does he want to have it amended?

Mr. WORKS. I want to have it amended if it can carry any such construction as some Senators seek to place upon it; but that is not my construction.

Mr. MARTIN of Virginia. The Senator from California reminds me of a man engaged in a campaign in my State who was asked if he was for a certain measure. He said, "I am for it if it is right, and I am against it if it is wrong." That is all I can gather from the Senator from California by the several explanations of his attitude toward this bill. I do not know now, after his explanation three times made, whether he thinks the Sherman antitrust law ought to stand as it is or whether it ought to be amended or mitigated.

Mr. WORKS. Mr. President, I do not want to be held responsible for the want of understanding of the Senator from Virginia.

Mr. MARTIN of Virginia. It would be a great responsibility, Mr. President, and one I am sure much greater than the Senator from California could safely undertake to carry. But there are others in the Senate, and I do think some of them have some little power of understanding. I am sure that none of them understand what is the Senator's attitude about the amendment of the Sherman law. I understand English and I can understand a straightforward statement when it is made, but I have not had a clear or straightforward one from the Senator from California. He has evaded this question, and he has not stated, and I believe he is afraid to state, whether he wants the Sherman law to stand as it is or whether he wants to have it amended in any particular. He has not told the Senate, and I ask him now to tell the Senate or admit that he is afraid to tell the Senate.

Mr. WORKS. Mr. President, I do not see any occasion for any feeling with respect to this matter. I am somewhat astonished at the Senator from Virginia. I am not often accused of not having the courage of my convictions, and I am not afraid to express my views upon this or any other legislation, let it be what it may. My views have been clearly stated with respect to this matter, and if the Senator from Virginia does not understand it that is his misfortune.

Mr. MARTIN of Virginia. Mr. President, I again ask the Senator from California the question that I have put to him time and again. He speaks the English tongue, and if he has an opinion upon this subject and is not afraid to express it, I ask him to answer this question: Do you favor leaving the Sherman antitrust law as it is or do you think it ought to be amended or mitigated in its application to labor unions and farmers' unions?

Mr. WORKS. I stated very distinctly, Mr. President, that, as I construe the Sherman antitrust law, it does not need amendment, and I do not believe it should be amended. If it can be properly construed, as some Senators here claim it should be, then I insist that it should be amended. My position is this, and I think any intelligent man can understand it: If the antitrust law can be so construed as to include labor organizations established for the purpose I have already mentioned, then I think it is unjust and should be amended. My own conviction about it is that it does not cover that sort of an organization; and if not, it does not need to be amended.

Mr. MARTIN of Virginia. There are so many qualifications in the language used by the Senator from California that I think it is fair to say that he has reached the conclusion that the law ought not to be amended in any particular, but that it ought to stay like it is.

Mr. President, I say I am not able to understand the attitude of Senators who think the Sherman antitrust law ought not to apply to labor unions and farmers' unions, who think that that law ought to be amended so as to show clearly that it was not intended to apply and shall not apply to those organizations, and yet know that under the construction of the courts it is now applicable to those organizations can vote against these provisos in the bill.

Now, let us notice those provisos very briefly, for I have occupied a good deal of time in trying with my dull comprehension to take in the profound ideas of the Senator from California. If it took a good deal of my time I could not help it. I am dull, I suppose; but still I plodded and plodded and pounded and pounded until it was beaten into my dull brain. I can now come back and see what this provision is. What is it? There is an appropriation of $300,000 to be used for the enforcement of the antitrust law, but no part of this $300,000 "shall be spent in the prosecution of any organization or individual for entering into any combination or agreement"—now, note for what. This money can not be spent to prosecute any organization or combination of individuals "having in view the increasing of wages."

Now, I ask you, Do you want the laborers of the country who enter into combinations for increasing their wages to be prosecuted under the Sherman law? It is plain and it is simple. If you want the labor unions of this country prosecuted in case they form an organization for the purpose of raising wages, then you ought to vote for the amendment offered by the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, can the Senator cite a case where they have ever been prosecuted for attempting to raise their wages?

Mr. MARTIN of Virginia. I do not recall one.

Mr. GALLINGER. No; the Senator can not, and if the Senator lives to be older than I am he will not find one.

Mr. MARTIN of Virginia. I will not, if I can prevent it, for I will put it in the law that it shall not be done.

Mr. HUGHES. Mr. President, I will say to the Senator from Virginia——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. MARTIN of Virginia. I yield to the Senator from New Jersey.

Mr. HUGHES. I will state to the Senator that if he will call at the Department of Justice, he will obtain the information he desires. I do not recall the names of the cases now, but as I recollect it, up to the time that provision was offered originally, the whole of the criminal prosecutions under the Sherman antitrust law were brought against organizations of labor.

Mr. MARTIN of Virginia. My impression was that there had been such cases; but I could not name them and I did not undertake to do it.

Mr. GALLINGER. If such things have happened the data ought not to be in the hands of the Attorney General, it ought to be in the court records. I say that no such case has ever been tried.

Mr. HUGHES. The Senator is mistaken. I got the record myself for the purpose of debate on this provision in another body. It was sent to me by the Department of Justice. One of the cases, I remember, was a New Orleans case, the case of some dock laborers who were prosecuted for entering into a combination and conspiracy in restraint of trade because they went on a strike for the purpose of raising their wages or shortening their hours. As to those details my recollection does not serve me.

Mr. NORRIS. If the Senator will allow me, I will state that that is the case in Fifty-fourth Federal Reporter, page 994—the case of the United States against the Workingmen's Amalgamated Council of New Orleans.

Mr. HUGHES. I hope the Senator from New Hampshire is now satisfied.

Mr. GALLINGER. But the Senator from New Hampshire is not satisfied.

Mr. HUGHES. I trust the Senator will be.

Mr. GALLINGER. Was not that a case where a labor union undertook to prevent non-labor-union men from getting employment, and did not the court decide that they had no right to do that thing?

Mr. HUGHES. If the Senator from Virginia will permit me——

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. HUGHES. I will state that in the decision of the court in the Danbury hatters' case the court laid down the doctrine that the provision of this law is broader than the provision of the common law with reference to combinations in restraint of trade, and that actions and conduct such as would have been permitted at common law are prohibited by this act. Yet the common law, I will say to the Senator, in his own State and in every State where the common law obtains, such a combination or agreement between two or more persons is a conspiracy and a crime, and wherever the statute has not intervened to change the common law in that respect it is the law of the land to-day.

Mr. GALLINGER. The Senator rapidly got away from that famous New Orleans case. I repeat that no such case has ever been tried and adjudicated in the courts of the United States where the contention has been that the laborers have not a right to combine to increase their wages.

Mr. HUGHES. I think if the Senator will look at the case which the Senator from Nebraska has given us the citation of, he will find that it is the case I was referring to, and that this prosecution was brought because there was a combination, agreement, and conspiracy to quit work simultaneously.

Mr. NELSON. If the Senator from Virginia will allow me——

Mr. MARTIN of Virginia. I yield to the Senator from Minnesota.

Mr. NELSON. The case referred to, the United States versus The Workingmen's Amalgamated Council of New Orleans, was not a criminal prosecution. There was no indictment. It was simply a suit to restrain the defendant, a combination of work-

ingmen, from interfering with interstate and foreign commerce in violation of the antitrust law. It was simply a case to restrain them from interfering with other people who wanted to engage in that work. It was no criminal prosecution.

Mr. HUGHES. I will say to the Senator that could not have been the case to which I referred, because according to the information given to me by the Department of Justice it was a criminal prosecution. I called on the department myself when the same statement was made in another body, and they informed me that it was a criminal prosecution.

Mr. MARTIN of Virginia. Mr. President, according to the Senator from New Hampshire——

Mr. NORRIS. Will the Senator yield to me just a moment?

Mr. MARTIN of Virginia. Certainly.

Mr. NORRIS. It may be that I misled the Senator from New Jersey. I understood the question was whether it was a case commenced by the Government. I did not intend to say that the case I cited was a criminal case. The Senator from Minnesota [Mr. NELSON] has given it correctly. It was to settle a case commenced, however, by the United States Government against this association of organized labor.

Mr. HUGHES. If the Senator from Virginia will permit me, I will state that I have had my recollection refreshed as to another case, the case against certain tobacco men in the State of Kentucky, falling under the second proviso in the statute. They were not only indicted, but convicted, and owing to the standing of the men, as the court put it, they were simply fined, although it was the intention to send them to jail.

Mr. MARTIN of Virginia. Mr. President, I was under the impression, and I still am, that there have been numerous cases against farmers and against labor organizations under this law. But the Senator from New Hampshire insists that there have been none. If there have been none, then we may reasonably conclude there will be no occasion for any, and no harm whatever will result by saying that the department shall not use this money to prosecute them.

Mr. GALLINGER. If the Senator will permit me, no harm would be done if we inserted the Ten Commandments in this law. It would not do a bit of harm and it might do some people good; but it is unnecessary.

Mr. MARTIN of Virginia. It would not be at all appropriate or germane, and would perhaps be somewhat sacrilegious. It would be objectionable on many scores. But surely if there are to be no violations of this law by labor unions and farmers' unions no harm will result by incorporating this provision that the money shall not be used to prosecute them.

But, Mr. President, the question is raised that they can be prosecuted. It is contended by Senators on the floor in the present debate that they are amenable to the provisions of this law and might be prosecuted for the very things that are mentioned here and provided against. The question up to each Senator is, Does he want to have the farmers' unions and labor unions prosecuted for doing the things that are mentioned in this proposed statute? I do not think they ought to be prosecuted in case they do these things.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. MARTIN of Virginia. I do.

Mr. CUMMINS. If the Senator from Virginia believes what he has just said, and I have no doubt he does, why does he not attach this proviso to the entire appropriation for the maintenance of the Department of Justice, so that no moneys appropriated out of the Treasury of the United States can be used for any such purposes?

Mr. MARTIN of Virginia. Mr. President, I can answer that much more easily than my friend the Senator from California was able to answer the question propounded to him. I would rather have half a loaf than no bread at all. I do not believe it is practicable at this time and in this bill to get any better measure of relief than the bill contains as it came to us from the House. If I thought I could get a fuller measure of relief I would take the whole loaf. I am in favor of making the law of this land so that the Sherman antitrust law shall not be made applicable to labor unions or farmers' unions. That is where I stand.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I do.

Mr. SUTHERLAND. I should like to ask the Senator from Virginia whether in his judgment any labor union or farmers' organization which actually violates the antitrust law may be prosecuted, notwithstanding the limitation upon this appropriation of $300,000?

Mr. MARTIN of Virginia. Technically, no doubt it can be done; but with this bill in the face of the Department of Justice it will not be done unless there is some act unlawful in itself; and if there is an act unlawful in itself they can not only be prosecuted outside of this law but with this $300,000.

Mr. SUTHERLAND. Does the Senator from Virginia think that this constitutes a direction to the Attorney General not to prosecute such cases?

Mr. MARTIN of Virginia. I do not go that far, but I say it shows so distinctly a purpose on the part of Congress that it shall not be done that I do not believe it will be done unless the acts complained of are unlawful in themselves.

Mr. SUTHERLAND. Does the Senator think that the passage of this proviso is declaratory of the intention on the part of Congress that these organizations should not be prosecuted if they actually do violate the antitrust act?

Mr. MARTIN of Virginia. I think it goes this far, that Congress thinks, and the Department of Justice ought to think, that there is an abundant field for their efforts against the enormous violations of law that are being perpetrated by the combinations of capital in this country to occupy their time and talent and consume this $300,000, and they can devote themselves to that enormous work before they get down to quibbling about supposed violations of this law by the labor unions and the farmers' unions. It distinctly shows a purpose on the part of Congress to direct the attention of the department to plain and big violations of the law, and indicates a desire that they shall forego pursuing these labor organizations and farmer organizations, and it indicates that it should not be done at all unless there is some act unlawful in itself.

Mr. SUTHERLAND. Mr. President, I am afraid the Senator from Virginia, in his answer to my question, is doing precisely what he accused the Senator from California [Mr. WORKS] of doing a moment ago—not giving a very straight answer to the question which I asked.

Mr. MARTIN of Virginia. I will not accuse the Senator from Utah of any lack of understanding, but I regret I did not make myself clear, and I will now endeavor to do so.

Mr. SUTHERLAND. I do not charge the Senator from Virginia with any lack of understanding; I think he does understand the question I put; but what I say is that his answer is not quite a categorical answer to the question I put. Let me repeat it. Is the position of the Senator from Virginia that by this proviso, which limits the appropriation of $300,000, Congress thereby declares its intention that labor organizations and farmers' organizations which actually do violate the antitrust law shall not be prosecuted?

Mr. MARTIN of Virginia. This proposed amendment does not take away from the Department of Justice the power to prosecute the labor organizations and farmers' unions with the other funds and with the regular staff of the department if violations of the law occur. They have a perfect right to do it, and it is their duty to do it; but I say that when the Department of Justice see that the chief objective point of Congress is combinations of capital, I do not think it is likely that they will bestow much care or attention on these minor organizations until they suppress the great combinations of capital. I do not say that it is an instruction to the Attorney General; it is not. I do not say it takes away from him his power, for it does not. It simply forbids him to use this particular money and leaves him free to use any other money appropriated for the Department of Justice for the purpose of prosecuting acts which he considers in violation of the antitrust law.

Mr. SUTHERLAND. And is not intended to constrain him in any other way.

Mr. MARTIN of Virginia. It is intended simply to express the opinion of Congress that the great point, and the point that calls for its special consideration and its specific appropriation, is the combinations of capital, but it does not intend to take away from him any power that he has under any other law of this country.

Mr. SUTHERLAND. Let me ask the Senator another question, if he will permit me. Does the Senator himself think that if a labor organization or a farmers' organization actually violates the terms of the antitrust act, such an organization ought to be prosecuted?

Mr. MARTIN of Virginia. I do, except in so far as this bill changes the law. This bill is intended to change the law so far as the use of this appropriation is concerned; but as to any other appropriation it is the duty of the Attorney General to prosecute all violations of law.

Mr. SUTHERLAND. Then, does the Senator think that the Attorney General ought to utilize other appropriations to prosecute such cases as I have described?

Mr. MARTIN of Virginia. I think he ought; but he ought to use a discriminating judgment and first go after the most guilty and the big fish before he goes to catching minnows.

Mr. SUTHERLAND. But the Senator thinks he ought to go after them all?

Mr. MARTIN of Virginia. I do, for every violation of law. He has sworn to do that; but he ought, in carrying that out, to take them in the order of their evil doing, and if he will do that he will get as old as Methuselah before he gets through with the big ones and reaches the minnows.

The provision is:

That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages—

If you do not want them prosecuted for doing that, you ought to vote against the amendment and vote for this bill. It will not do to say that you are going to wait until the Sherman law is amended. If you want to stop these prosecutions for these particular things, it seems logical for you to stand by this bill. If a combination is made for the purpose of "shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful," they are to be exempted from prosecution. Do you want them prosecuted when they have not done any act in itself unlawful, simply because they are getting together and trying to lessen the hours of labor and to better their condition in life? If you want to say to labor unions, "You shall not combine for the purpose of lessening the hours of labor and bettering your condition in life," if you say you are not willing for them to do that, even though they do nothing unlawful in itself, then you ought to vote for the amendment of the Senator from New Hampshire.

I want them to have the privilege to lessen the hours of labor and to better their condition in life, provided they do not do an unlawful act. Is that any great generosity? Do you want to deny that to these men, on whom more depends than on all the capital in the world? You may destroy the capital, and labor will make more capital; but if you destroy the labor your capital will never be added to nor will it be of any value.

I say I want these laboring men to have the privilege, under the law, of combining in organizations for the purpose of lessening their hours of labor and for the purpose of bettering their condition in life, provided they do not do anything unlawful in itself. I want them to have that privilege; and for that reason I shall vote against the amendment offered by the Senator from New Hampshire and shall vote for the bill as it came from the other House.

The Senator from New York [Mr. ROOT] thinks this proviso will interfere with law and order. All the sophistry, all the ingenuity, and all the ability of the learned Senator from New York and of the other learned Senators who have engaged in this debate will never convince the people of this country that law and order will be interfered with by doing justice to the laborers and the farmers of the United States. If you want disorder and lawlessness, treat them with injustice; deny them a fair and equal opportunity in the battle of life. Then you may have some disorder. I hope they will submit to any law that is passed, and I will go further and say I believe they will; but I say the tendency to disorder comes from the unjust and cruel exactions of the laws of the country.

The Senator from Colorado [Mr. THOMAS] read from some newspaper and showed that the combinations of capital were being used so unjustly, so harshly, so violently, and so in violation of the antitrust laws as to strike terror among the laborers in some shirt factory, I believe it was. Yet, after showing that the combinations of capital were destroying human rights and trampling on human life, he winds up his speech by saying that we must not allow these poor laborers—who have not got three days' ration ahead—to combine without doing anything unlawful and to combine peacefully and lawfully to get some redress from the tyranny and the cruelty practiced upon them.

So far as I am concerned, Mr. President, I want to give them the right to combine and the right to protect themselves from the tyranny and the cruelty of such capitalists as those in control of the shirt factory the Senator alluded to; and I think the Department of Justice will have ample occupation if it will devote its energies first to the punishment of these aggregations of capital which have been so well described by the Senator from Colorado. I say surely the laws should protect them from these cruelties and discriminations and that violence, and ought, at least, to permit them, so long as they do not violate the law by doing any act in itself unlawful, to combine for self-protection against such cruelty as that.

I think, Mr. President, that the law and order of this country is more in danger from the unjust encroachments of capital than it is from the unjust acts of the laboring man. He has shown a great deal of forbearance; he has not always been blameless—and who of us has been blameless at all times? But, I say, we must treat the laborers and the farmers of this country justly and generously if we want them to respect the law and to observe order in our country.

Mr. President, this bill came from the other House as a completed piece of legislation enacted at the last session of Congress. On account of these two provisos it was then vetoed by the President. When it came to a vote in the House the vote was 264 for it—264 votes for these particular specific provisos. They were the only points in issue. There were 264 votes against 48. There were only 48 votes against these provisos in the other House. The majority of the Republicans in the House of Representatives voted for these provisions. Their party associates in the Senate will have to go on record a little later, and I hope that there will be as much of human kindness, of generosity, of fairness, and of justice to these laboring men shown by their votes as was shown by the votes of the Republicans in the other House.

I believe, Mr. President, that until the Sherman law can be amended as I want it amended, and as I will vote to amend it, this is the best provision we can make; it is the only legislation practicable now, and I sincerely hope that the Senators on both sides of the Chamber—and I do not want to make any political argument or any political point; I have no doubt every Senator will vote according to his convictions, as he ought to do, and, if he does not think this is right, of course he will not vote for it—I say, Mr. President, I hope it will be the pleasure of the Republicans of the Senate, as well as of the Democrats of the Senate, to vote down all amendments offered to this provision and to pass the bill with these two provisos in it, thus doing justice to the laboring men and to the farmers, just as the bill came to us from the other House. If they will do that, in a very few days the bill will be a law and the laboring men and the farmers will have reasonable protection, if not full and adequate protection, until the Sherman law can be amended.

Mr. WORKS. Mr. President, I seem to have said something, innocently and unintentionally, that gave offense to the Senator from Virginia. If I did so, it was not intended, and I desire to enter my apology if anything I said could have been so construed.

Mr. SUTHERLAND. Mr. President, I desire to say only a few words with reference to this question. It does not seem to me that the history of the antitrust law is of any particular consequence in this discussion.

Mr. MARTIN of Virginia. Will the Senator from Utah yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SUTHERLAND. Certainly.

Mr. MARTIN of Virginia. I was diverted and did not hear fully what the Senator from California [Mr. WORKS] said, but I am informed of what he said, and I want to assure him, and to assure the Senate, that while my earnestness of manner might lead to the impression that I had some feeling about this matter, I had none at all. I had no sort of idea that the Senator had said anything with any intention of wounding me in any sense, for he did not, and I certainly did not intend to wound him in any sense. I want that to be clearly understood, for my manner is sometimes so earnest that I am misunderstood.

Mr. SUTHERLAND. I am glad to yield for these peaceful and delightful amenities.

I was just saying when the Senator from Virginia interrupted me that it did not seem to me that the history of the Sherman Antitrust Act, or, rather, the history which led up to the passage of that act, is of any particular consequence in this discussion. Some Senators have insisted that it was the intention of Congress in passing that act to exempt labor organizations and farmers' organizations from its operation. I do not think it was. The situation at that time was that the bill was introduced by Senator Sherman, and in the course of the discussion of it an amendment was proposed which in terms excepted these organizations from the operation of the law.

The day after that amendment was introduced it was passed without any particular debate upon it. That was while the bill was pending as in Committee of the Whole. Other amendments were adopted. Finally, when the bill was reported to the Senate it had grown, as I remember, from an original proposition of 3 sections to one of 17 sections. A great many of the amendments which had been made were very strongly antagonized. In the discussion which ensued in the Senate itself they were again objected to, and among the amendments which were objected to, and quite strenuously objected to, was this particular one exempting labor organizations and farmers' organizations

from the effect of the bill. As a matter of fact, that bill was never voted upon in the Senate at all. Therefore the amendment which had been put upon the bill as in Committee of the Whole never was adopted in the Senate, but pending the disposition of the bill in the Senate it was referred to the Judiciary Committee, it having originally come from the Finance Committee of the Senate, with directions to the Judiciary Committee to report within 20 days. Within that time a report was made, which proposed in place of the bill which had been referred to the Judiciary Committee a substitute which was, I believe, in the precise words in which the Sherman Antitrust Act now appears in the statutes. In the meantime the proposition to exempt labor unions and farmers' unions had entirely dropped out of consideration. It does not appear to have been suggested any more. The bill was drawn in such comprehensive terms and the law itself was passed in such comprehensive terms that it seems to me no one can doubt that it includes labor organizations and farmers' organizations within its terms, precisely as it includes other organizations and individuals. The language is as comprehensive as it is possible for language to be. Every contract or combination in the form of a trust or otherwise, or conspiracy in restrain of trade, is declared to be illegal.

It would make no difference what the secret intention of some particular Senator might have been or what the secret view of some particular Senator might have been as to the construction of that language; indeed, it would make no difference what the intention or the view of every Senator and of every Member of the other House might have been with reference to the construction of the language. The language speaks for itself. We do not make laws by what we intend to do, but we make laws by what we actually put into the statute. If the rule were otherwise, there would be no certainty in the law. We must not only intend to declare a particular thing, but we must actually declare in specific words what we mean in order that the law may carry out our intentions.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. I yield to the Senator.

Mr. REED. Does the Senator from Utah mean to make the statement so broad as to say that in construing a law a court does not look at the legislative intent at all?

Mr. SUTHERLAND. Oh, no. I have not intimated any such thing. The court always looks to the legislative intent, but it gathers the legislative intent from the language of the statute, unless the language is of doubtful meaning.

Mr. REED. Just one further question. Does it not gather the legislative intent also from the circumstances under which the statute was passed——

Mr. SUTHERLAND. Undoubtedly it may——

Mr. REED. And from the wrongs it was designed to remedy?

Mr. SUTHERLAND. The court may consider the circumstances under which the legislation was passed, the mischief which was to be remedied, and the history which led up to the passage of the law. All of those things may be considered. Undoubtedly that is so; but the court has no business to consider what was the secret intent of the legislature in passing a law unless that intent is expressed in the language of the act. So that I say it makes no difference what assurances might have been given by individual members of this body or of the other body to labor organizations as to what was meant by this law; the law must speak for itself; and I for one have not the slightest doubt that the interpretation which has been put upon it by the various courts of the country has been a correct interpretation. It was construed within a year or two after its adoption as applying to labor organizations, and it has been continuously so interpreted by the district courts, by the circuit courts, by the circuit courts of appeal, and by the Supreme Court of the United States. So that, as it seems to me, there can be no longer any doubt that the Sherman antitrust law applies to labor organizations and to farmers' organizations just as it applies to other organizations. I do not mean by that to say——

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. In a moment. I do not mean by that to say that an organization of labor is itself a violation of that law, because it is not. I only mean to say that when these organizations, lawful in themselves, having a perfect right to organize for the purpose of increasing wages, of bringing about a better condition of labor, and all that sort of thing, do things which are in violation of the antitrust law, then they are subject to its provisions the same as other organizations that may do things which are opposed to the law are subject to it. I now yield to the Senator.

Mr. WORKS. The Senator has just answered the very question that I was going to put to him—whether a mere organization was in itself a violation of the law or whether it was some act done by that organization in restraint of trade?

Mr. SUTHERLAND. Certainly the latter only, Mr. President.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. Will the Senator yield there for a question?

Mr. SUTHERLAND. I yield first to the Senator from Iowa.

Mr. CUMMINS. I should like to ask the Senator from Utah to be entirely explicit on this point, as I have no doubt he has considered it: A combination of manufacturers—we will say of manufacturers of iron and steel—brought together for the express purpose of increasing the price of the product which the various members manufacture and sell would be an illegal combination, would it not, even though it never had attempted to increase the price? It could be proceeded against by the Government before it had entered upon the business for which it was created, could it not?

Mr. SUTHERLAND. If it had actually entered into an agreement which, if carried out, would amount to a restraint of trade, it would be an illegal agreement.

Mr. CUMMINS. I am asking the Senator from Utah whether, in his opinion, that would not be an illegal agreement because it would be an agreement in restraint of trade and commerce?

Mr. SUTHERLAND. I think it would.

Mr. CUMMINS. Now, what is the difference between an agreement of that kind and an agreement between workingmen having for its object the increase of their wages?

Mr. SUTHERLAND. The essential difference, as it appeals to me, is that wages are not a matter of commerce.

Mr. CUMMINS. Precisely; it is not a matter of trade; and that is the reason that when the bill came from the Judiciary Committee using the phrase "in restraint of trade," the amendment proposed by the then distinguished Senator from Mississippi, Mr. George, was not offered to the bill. The bill as it was originally offered by the then Senator from Ohio, Mr. Sherman, in its three sections—and it had but three sections—contained a prohibition, not against the restraint of trade, but against the suppression of competition; and it was well understood that a prohibition against the interference with competition would apply to an agreement among laboring men that had for its object the increase of wages; but when that was changed to the phrase now in the statute, I think most of the men who were concerned in it honestly believed that it would not apply to a combination of men having for their object the increase of wages. I hope the Senator from Utah will have gathered that conclusion from the history of the legislation.

Mr. SUTHERLAND. Mr. President, I think the confusion under which some people have labored—at least they have so labored in my judgment—arises from not distinguishing between a combination to increase wages per se and a combination to do something else. A body of workingmen no doubt have a right to enter into an agreement or to enter into a combination or to organize for the purpose of increasing their wages or bettering their condition, and, in so far as the agreement is for that purpose, it is not subject to the provisions of the antitrust law; but that same body of men may restrain trade by doing something else. If their combination indirectly has the effect of operating in restraint of trade, still it is not subject to the provisions of the antitrust law, but if several of these organizations, legitimately gotten together for these legitimate purposes, should afterwards combine for the purpose of restraining trade among the States they would be subject to prosecution under this law, precisely as would anybody else. The thing which the Sherman antitrust law is aimed at is not capital; it is not labor; it is not farmers' organizations. The thing which the Sherman antitrust law is aimed at is the restraint of trade. The restraint of trade among the several States of the Union is regarded as an evil which ought to be punished by law, and it is no less an evil if brought about by a number of organizations of workingmen than if done by a number of organizations of capital.

We are not punishing under the antitrust law capitalists because they are capitalists, or because they are engaged in business to make money out of business, or to increase their profits in their business; but we are punishing them because they restrain trade. So, in the same way, we do not undertake to punish organizations of laborers because they are organizations of laborers, or because they are undertaking to increase their wages or to better their conditions, but only when and only because they engage in such combinations and conspiracies,

if they ever do, as to result in restraint of trade. Then it is just as much a violation of the Serman Antitrust Act as if it were done by anybody else.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. Yes; I yield to the Senator.

Mr. STONE. The Senator speaks of industrial controversies being in restraint of trade. If any act done by a manufacturing corporation, a mining corporation, a transportation corporation, or by anybody else, is done to restrain or to interfere with interstate commerce, I can understand how an act of that kind might be made amenable to the antitrust law, and forbidden by judicial inhibition in the form of injunction or some other form.

But take the condition prevailing to-day at Paterson, N. J. There is a concrete case. I know very little about it. I have no definite information to warrant me in expressing an opinion as to the merits or demerits of the contention upon the one side or the other. But here is a fierce controversy between employers in silk manufacture and the men and women whom they engage to carry on that industry. It concerns wages; it concerns hours of work; it concerns labor conditions. The working men and women may be in the wrong. As to that I do not express an opinion. The manufacturers say they are. I know not. But is that a movement in restraint of trade that would come under the antitrust laws? Can the Federal court issue a mandatory injunction against these people and command them to disperse and cease the efforts they are making?

Mr. SUTHERLAND. If I understand the statement made by the Senator from Missouri, I should say certainly not. A body of workingmen, whether they are in a labor organization or outside of a labor organization, have a perfect right to quit work. They have a right to quit work for the purpose of bringing about an increase in their wages. They have a perfect right to induce other people to quit work to bring about the same result. If their quitting work, and if their inducing other people to quit work, has the effect of curtailing trade, still it is not a combination, or an agreement, or a conspiracy in restraint of trade, because it only effects that result indirectly. But if they enter into a combination for the purpose of preventing trade among the States, so far as the antitrust act is concerned, if that is their purpose and they enter into arrangements in such a way as to be reasonably calculated to effect that purpose, that would amount to a restraint of trade.

Mr. STONE. The Senator is just as nebulous and indefinite and impossible of understanding as all others are when they undertake to say just what they mean by labor organizations that are fighting for better terms and conditions being in restraint of trade.

Mr. SUTHERLAND. I think perhaps either the mind of the Senator from Missouri or my own mind is in a nebulous condition; but there might be a difference of opinion as to which mind it is.

Mr. STONE. Then it does not make much difference.

Mr. CUMMINS. I am very sure the mind of the Senator from Utah is not in a nebulous condition, because I am about to appeal to him, believing it to be very clear. He has just reached the very point that gives rise to all this trouble. Every man who knows anything about this controversy knows that this provision is intended to prevent prosecutions for what is known as the secondary boycott. I am one of those who do not believe that a secondary boycott is within the terms of the antitrust law, notwithstanding the decisions of the courts upon that subject.

But I desire to put this question to the Senator. He has said that laboring men may meet together and combine, or in concert may leave their employment, in order to coerce their employer to pay more wages. I agree with the Senator about that; and, so far as I know, the courts of the country have not declared that such an agreement is a violation of the law.

Suppose that is unsuccessful; and, to put a concrete case, and one that takes us at once into interstate commerce, suppose the employees of the American Sugar Refining Co. were to leave the employment of that company because they thought they were not receiving sufficient pay; we will assume they left peaceably; but that influence was not sufficient. Then the orders to which they belong meet and say: "These men have a just complaint against that company; we agree among each other that we will not buy sugar manufactured by the American Sugar Refining Co. from any grocery store in the country." Any man has a right to do that individually and for himself, but to do it individually and for himself is to be ineffectual. To be effectual it must be a concerted movement among those who are interested. Does the Senator from Utah believe that for a thousand or ten thousand persons, who are thus interested, to agree amongst each other "We will not buy from any store any sugar manufactured by that particular company," constitutes a restraint of trade among the States? That is the real question that we have here. That is the reason I think the antitrust law ought to be amended, and I shall presently offer the Senate an opportunity to amend it, rather than to degrade the law by directing our Department of Justice not to enforce the law as it is.

Mr. SUTHERLAND. Mr. President, the Senator from Iowa has stated substantially the Danbury hatters' case.

Mr. CUMMINS. I have stated substantially the Danbury hatters' case, with one exception, although I do not think it is material. In that case the agreement was that the members of the order would not buy hats made by those concerns, and that they would not buy anything from any store that handled the goods made by the Danbury manufacturers.

Mr. SUTHERLAND. In other words, in the Danbury hatters' case the various constituent organizations of the American Federation of Labor entered into a scheme by which they were to prevent people dealing in hats in various States from buying hats from the association against which the strike was directed; and that scheme was so extensive in its operations, as I remember, that it included practically the entire membership of the American Federation of Labor, something over 1,700,000 men.

Mr. CUMMINS. Oh, I do not think so.

Mr. SUTHERLAND. The direct thing they were undertaking to accomplish there was to prevent the goods of that man being sold, and therefore to prevent their being circulated in interstate commerce. I think it was a perfectly clear case of a violation of the Sherman Antitrust Act.

Mr. CUMMINS. On the contrary, I do not think it was a violation at all. I think it was a restraint upon a trader, but not a restraint upon trade.

Mr. SUTHERLAND. Of course the Senator and I differ about that.

Mr. CUMMINS. I know there are different views about that; and the Senator from Utah has on his side the decision of the Supreme Court of the United States. I bow to that decision and yield implicit obedience to it. But the fact that that is the law of the land makes me very anxious to see a modification of the law through legislation.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SUTHERLAND. If the Senator will pardon me just one moment, I will yield to him.

The Senator from Iowa spoke about these various acts upon the part of the individuals being lawful in themselves. That is true. It is perfectly legal for an individual to refuse to trade with another, with or without reason. It is perfectly legal for a hundred individuals to decline to do that. But it is illegal for the hundred individuals to combine and conspire together to prevent other people from trading with that man.

Mr. CUMMINS. Mr. President, I expressed no opinion upon the general law of conspiracy. My opinion was confined to a statement of the belief that such a combination was not a combination in restraint of trade or commerce among the States.

Mr. SUTHERLAND. I now yield to the Senator from Nebraska.

Mr. NORRIS. I interrupted the Senator from Utah primarily for the purpose of saying, as one who favors this bill, that I can not agree to the statement of the Senator from Iowa that those who favor the bill and oppose this motion to strike out these provisions do so because they want to make legal the secondary boycott. I understood the Senator from Iowa to state that that was the purpose of those who were in favor of the bill.

Mr. CUMMINS. Oh, no; I did not. I stated that the real controversy here was as to whether a secondary boycott, carried on in the way I suggested, ought to constitute a restraint of trade or commerce. That is the real issue.

Mr. NORRIS. Mr. President, with the permission of the Senator from Utah, I should like to suggest to the Senator from Iowa that the illustration he has given to the Senator from Utah and the illustration of the Danbury Hat case which the Senator from Utah has given are not affected in any way by the particular amendment now pending before the Senate. That was a civil case to which the United States Government was not a party, and in which under no circumstances could the use of this money, appropriated here, be brought in question.

Mr. CUMMINS. Mr. President, in my opinion the Senator from Nebraska is mistaken about that. I say it with all deference. The facts that supported the civil case in what is known as the Danbury hatters' controversy would have sus-

tained a criminal prosecution. If those facts constituted a violation of the law, the men who were guilty of the acts could have been convicted criminally.

Mr. NORRIS. That may be.

Mr. CUMMINS. It seemed to me the Senator from Nebraska this morning gave altogether too limited scope to the word "prosecution." I think this proviso relates to a civil prosecution just as fully as to a criminal prosecution.

Mr. NORRIS. I do, too; but——

Mr. SUTHERLAND. Mr. President, I must decline to yield to permit these two Senators to fight out their differences. I am perfectly willing to yield to either Senator if he desires to ask me anything.

The VICE PRESIDENT. The Senator from Utah declines to yield.

Mr. CUMMINS. I beg the Senator's pardon. I ought not to have done that.

Mr. REED. Mr. President, as the Senator is at a pause in his speech, I should like to ask him if he will not give us his views as to what a labor organization may do that is not in restraint of trade and what it may not do.

Mr. SUTHERLAND. Mr. President, I have tried to do that. I had no intention of entering upon a general discussion of that subject. I have already stated that a labor organization has a perfect right to be organized, in the first place; it has a right to strike; it has a right to advise its members to quit work in order to increase their wages; its members have a right to appeal to other men to stop work or to refrain from going to work. All of those things it has a perfect right to do.

Mr. REED. But, as I understand the Senator, its members have not a right to agree among themselves not to purchase certain goods?

Mr. SUTHERLAND. Mr. President, I should not like to answer that question as it is put. It is pretty difficult to tell whether or not a particular arrangement goes to the extent of being in restraint of trade. That must depend upon a variety of circumstances. If it amounts only to an indirect restraint, of course it is not within the terms of the law. I do not care to go into a discussion of the matter any further than I have done, because it would lead me entirely afield from what I had intended to say.

Mr. REED. I had hoped we might get some kind of a definition, because I have heard it said here for three or four days now that some of the Senators want labor organizations to have broad rights, do not want to interfere with them, but want the Sherman law to apply to them. Just how far they want it to apply would be an interesting question. I thought perhaps the Senator would be willing to tell us.

Mr. SUTHERLAND. There are many things in the law upon which it is very unsafe to venture definitions. The Supreme Court of the United States for more than a hundred years has been dealing with the phrase in the Constitution "due process of law," and yet it has repeatedly said that it would not undertake to define it. It would only take the cases as they arose, and proceed to arrive at its meaning by a process of exclusion and inclusion. The antitrust law is couched in general terms, and I should not undertake to make a comprehensive definition that would include all restraint of trade, or restraint of trade upon the part of labor organizations, or anybody else, and I do not think any court has undertaken to do it.

All that I intended to say about this subject when I rose—I have been led away from my original intention—was that this law is to be enforced impersonally. It is not concerned with the individuals or with the character of the individuals. It is concerned only with the quality of the acts which the individuals perform. If those individuals or those organizations, no matter what they may be, do such acts as amount to a restraint of interstate commerce they are amenable to the provisions of this law.

It is a little difficult for me to understand exactly the position of the various advocates of this provision with reference to its meaning. Some of the Senators insist, if I understand them, that the effect of it will be, if adopted, to prevent the prosecution of these labor organizations at all. Others of them seem to think that the only effect of the legislation is to carve an exception out of this one appropriation of $300,000, so that the Attorney General will be forbidden to resort to that $300,000 to prosecute these cases, but that it will be entirely open to him to utilize any other appropriation for the purpose of prosecuting labor organizations that may violate this law.

If the first of these gentlemen are right about it—namely, that so far as these organizations are concerned it amounts to a repeal pro tanto of the Sherman antitrust law—then I think it is vicious, as being ingrafted upon an appropriation bill. Even if we were warranted in making that sort of a change in the law, it ought to be done directly; it ought to be done after thorough consideration; and it ought to be done by an amendment to that law. If the other view which Senators entertain is correct—namely, that the only effect of the provision is to carve out of this appropriation this one exception, or these two exceptions, with reference to labor organizations and farmers' organizations—it is a perfectly silly proposition, because it accomplishes nothing. If Senators are correct about that, what they are doing to these labor organizations is simply handing them a gold brick, because certainly the labor organizations of the country understand that something more than these Senators concede with reference to this proviso is intended to be accomplished.

I think the provision is not so innocent as it may appear to be upon its face:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor.

The provision is complete down to that point. What is it that the Attorney General is forbidden to prosecute so far as this appropriation is concerned? He is forbidden to prosecute any organization for entering into any combinaton—mind you, *any* combination or agreement. There is no limitation upon it. It is not a combination or agreement of some specific character, not a combination or agreement lawful in itself, reasonable, not to be carried out by criminal methods, by the use of force, or in any other improper way; but any combination or agreement whatsoever. This is the limitation upon it:

Having in view the increasing of wages.

Why, a criminal agreement—an agreement to be carried out by force—may have in view the increasing of wages; and that is the only limitation. If it has in view that purpose, then it becomes, under the language of this proviso, not subject to be prosecuted.

The next proviso is:

That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. BACON. Mr. President, before the Senator passes to the second proviso, I ask why the Senator omitted to read the balance of the first proviso?

Mr. SUTHERLAND. I had no purpose in doing it. I will read it.

Mr. BACON. That is followed by the words "not in itself unlawful."

Mr. SUTHERLAND. Yes—

Or for any act done in furtherance thereof, not in itself unlawful.

The phrase "not in itself unlawful" manifestly and evidently qualifies only the phrase "or for any act done in furtherance thereof." It does not qualify the preceding language in any way whatsoever. The proviso, first of all, forbids a prosecution of any organization or individual for entering into any combination or agreement, no matter what its character may be. Then, further, in addition to that, it forbids the prosecution of any act done in furtherance of that combination not in itself unlawful—that is, any act not in itself unlawful.

Mr. BACON. But why do not the words "not in itself unlawful" limit the words "combination or agreement," as well as the word "act"? If the Senator were on the bench, I do not think he would ever decide that as a judge.

Mr. SUTHERLAND. Because the first part of the proviso is complete in itself, and the clear grammatical construction of it is that the qualifying phrase refers to its immediate antecedent only.

Mr. BACON. Oh, no.

Mr. SUTHERLAND. The Senator is welcome to his opinion about it. If it applies to the whole thing, the proposition becomes mere silly twaddle, amounting to nothing, because under the law as it now exists no organization can be prosecuted for doing a lawful thing. What sense is there in saying in a statute of this character that no man or organization shall be prosecuted for entering into a lawful combination or a lawful agreement?

Mr. BACON. Mr. President, I am sure the Senator is too skilled in the construction of language to come to that conclusion, if he were himself sitting upon the bench with an open mind and an unbiased disposition. All that means, as I presume has been pointed sufficiently clearly already in this debate, is an act which would be unlawful even if there were no antitrust act. That is what that means when it says "not in itself unlawful." It does not limit it to acts which are against the antitrust act, but when it says "not in itself unlawful" it means an act which, while it may be unlawful under the anti-

trust act, would not in the absence of the antitrust act be itself unlawful.

Mr. SUTHERLAND. Mr. President, is a combination or an agreement in violation of the antitrust act not a combination or agreement in itself unlawful?

Mr. BACON. Not necessarily so. There are certain acts or combinations which are condemned by the common law, which would be unlawful even if there were no antitrust act. Forestalling is an old, well-known offense against law.

Mr. SUTHERLAND. Is it not unlawful to violate a statute?

Mr. BACON. Mr. President, that is arguing in a circle. I think it is the finest illustration of an argument in a circle that I have ever come in personal contact with.

Mr. SUTHERLAND. The Senator seems to make it necessary that I should repeat the proposition in other terms.

Mr. BACON. I think it necessary for the Senator to argue in that way to get around that proposition.

Mr. SUTHERLAND. Of course, if a combination or agreement is in violation of the antitrust law it is a combination or agreement unlawful in itself. It seems to me there can not be the slightest doubt about that, and if we are——

Mr. BACON. Mr. President, I would nominate and elect the Senator as the prince of casuists upon that proposition.

Mr. SUTHERLAND. I did not understand the Senator.

Mr. BACON. I simply meant to compliment the Senator's intellectual activity by saying that upon the proposition just announced by him I would nominate him and elect him as the prince of casuists.

Mr. SUTHERLAND. If the Senator were not so good a lawyer I would not be so astonished that he could come to the conclusion that an agreement which was in specific violation of a statute law was not an agreement which in itself was unlawful. It seems to me that there can not be a plainer proposition than that.

Mr. BACON. It seems to me, Mr. President, there can not be a plainer proposition than this: That when that language is used it meant the antitrust law non obstante, if the act itself in the absence of that law would be unlawful, then this provision does not apply to it, but if in the absence of that law the act of itself would be unlawful without reference to the antitrust law, then this provision will not apply.

Mr. SUTHERLAND. The Senator interprets this language as though it read "any combination or agreement not in itself unlawful."

Mr. BACON. Undoubtedly.

Mr. SUTHERLAND. Now, if he says that does not include a combination or agreement which is in violation of the antitrust law, then the converse of that necessarily follows, that a combination or agreement which is in violation of the antitrust law is in itself lawful.

Mr. BACON. No; the Senator is wrong. Now, Mr. President——

Mr. SUTHERLAND. It must be either in itself lawful or unlawful. Which position does the Senator take?

Mr. BACON. Possibly, Mr. President, in my poverty of language I can make myself understood by an illustration. Under the antitrust law as construed by the Supreme Court of the United States such a combination as that given by the Senator from Iowa as an illustration would be an unlawful combination of parties agreeing among themselves, a thousand of them, that they would not patronize a certain house which sold a certain class of goods. That, under the antitrust law, would be unlawful; it would not be an act unlawful of itself, but unlawful simply under that act.

Now, the other illustration is this: If parties agree to enter into combinations to forestall the market, they are by such an agreement committing what would be, if there were no antitrust law, an offense under the common law. There is the illustration. There are two offenses under the antitrust law, one of them not in itself unlawful—that is, not unlawful in the absence of the antitrust law. The other one is unlawful under the antitrust law as well as unlawful in itself.

I think those are concrete illustrations of what is meant by the language of this law. It does seem to me so very clear, at least it is to my mind, that I must admire the agility and mental activity of one who can draw and recognize a legitimate distinction between the two, and, in other words, he does not recognize the fact that the expression "not unlawful in itself" necessarily relates to that which would be unlawful in the absence of the antitrust law, or, as suggested to me by the Senator from Mississippi [Mr. WILLIAMS], varying the language but conveying the same idea, a matter in itself per se criminal.

Mr. SUTHERLAND. Mr. President, when the language is applied to "any act done in furtherance thereof not in itself unlawful," it is perfectly understandable that it must be an act which standing alone that is, dissociated from the agreement or combination which it was intended to further, is not unlawful. When we apply the same language to a combination or agreement, which is the peculiar language of the antitrust act itself, and then qualify it by saying "not of itself unlawful," of course the language must be construed to mean not unlawful within the meaning of any statute or in any other way. A combination is in itself unlawful or an agreement is in itself unlawful which comes within the inhibitions of the antitrust act.

However, the Senator and I never could agree upon the matter, and I think it is probably useless to pursue it further.

Mr. President, just a word with reference to the second proviso, and then I am through. The second proviso is—

> That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

If the producers of farm products or an association of farmers cooperate and organize in such a way as to bring about a restraint of trade under the terms of the antitrust act, should they not be prosecuted precisely the same as if it were a combination of lumber dealers? Is there anything sacred in the calling of a farmer? Is it any more sacred to be a farmer than it is to be a lumber dealer or to be anything else?

Again, we must pay attention to the quality of the act which these men perform. If the farmers' organization actually do such things as amount to a restraint of trade within the meaning of this act they ought to be prosecuted, and it is wholly indefensible to talk about excluding them from the operation of the law.

If it were suggested here to rewrite this proviso so as to read "that no part of the appropriation shall be expended for the prosecution of producers of lumber who cooperate and organize in an effort to obtain and maintain a fair and reasonable price for their products," there is not a man in the Senate who would think for one moment of voting for it. Yet it is just as wrong for the farmer to violate the antitrust law as it is for the lumber dealer.

Mr. President, if this provision accomplishes anything at all, it simply amounts to a declaration on the part of Congress that a law which now includes within its terms certain organizations and certain individuals ought not to be enforced as to those organizations and individuals. It is not within the province of this legislative body to declare that a law still upon the statute books, unrepealed and unamended, ought not to be enforced. The Constitution of the United States in express words provides that the President shall take care that the laws shall be faithfully executed. That means all the laws. It then becomes the sworn and solemn duty of the Attorney General of the United States, as one of the arms of the President of the United States, to execute this law against anybody who violates it, no matter who he may be, just as he executes every other law against everybody irrespective of personality. Congress therefore will have declared, if it shall have declared anything, that the Attorney General of the United States ought not to perform a duty which the Constitution itself imperatively enjoins.

Mr. CUMMINS. Mr. President, I do not rise to continue the debate upon the amendment now before the Senate. I have a word, and only a word, to say with regard to a motion which I shall present in a moment.

It is obvious that a great majority of the Senate believe that the antitrust law should be modified with regard to its application to labor unions and farmers' organizations. Probably not all those of us who believe in some modification are united with regard to the character of the modification; but now is the time, the best time I have ever seen since my membership in the Senate began, to modify the antitrust law so as to do justice to labor unions and to farmers' organizations. It is the psychological moment, and if we allow it to pass we will be neglecting our duty.

It is very hard to challenge the attention of the Senate to these things; and inasmuch as this appropriation bill will not go into effect until the 1st day of July, as its appropriations will not be available until then, I move that the further consideration of the bill be postponed until May 17, and that the Committee on Interstate Commerce be directed to make a report to the Senate not later than Wednesday, May 14, whether the organizations and unions mentioned in the pending amendment to the bill under consideration should be excepted in whole or in part from the operation of the statute commonly known as the antitrust law; and if the report of said committee shall be in favor of such exception, it is further directed to accompany the report with a bill to accomplish the purpose.

Mr. President, by proceeding in this way and holding in abeyance this bill, with the provision or amendment now under discussion, we can before the time fixed in my motion, if we are

sincere, and I doubt not that we are, pass such a modification of the antitrust law as will do long-delayed justice to the organizations that are named in the provision under consideration.

Upon this motion, whenever it shall reach a vote, I ask for the yeas and nays.

Mr. MARTIN of Virginia. Mr. President, I am exceedingly sorry that such a motion should have been brought in here at this time. I can conceive of no reason whatever for postponing an appropriation bill to await the passage of another law, which law can be passed just as well after the appropriation bill pending becomes a law as before.

Mr. CUMMINS. But, Mr. President, it will not be.

Mr. MARTIN of Virginia. It will not be?

Mr. CUMMINS. There is nothing in the world that will so effectually insure the passage of such a law as the Senator from Virginia and myself want passed as the presence of the appropriation bill now before us.

Mr. BACON. Mr. President——

Mr. MARTIN of Virginia. I have not yielded the floor. Mr. President, the Senator from Iowa knows that the committees in the House have not been appointed, and there is no sort of possibility even of their being appointed within the time mentioned in his motion.

Mr. CUMMINS. No, Mr. President; they will not be; and if we can pass a bill modifying the antitrust law next week, the committees in the House will be appointed very shortly, I understand, after the disposition of the tariff bill, and while we are considering the tariff bill the House can deal with the measure which we ought to pass next week.

Mr. GALLINGER. Mr. President——

Mr. MARTIN of Virginia. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will ask the Senator from Virginia whether he has any knowledge concerning the intention of the House to take a recess after they pass the tariff bill.

Mr. MARTIN of Virginia. I will say to the Senator from New Hampshire I have no authentic information on that subject. I know it is under consideration, but the conclusion that will be reached I, of course, can not predict.

Mr. GALLINGER. Of course the Senator can not tell.

Mr. MARTIN of Virginia. There is in contemplation a purpose to take a recess of about 30 days. But whether they take a recess or not, I have no idea that the committees of the House will be appointed and that the House will be ready to proceed with the legislation which the Senator from Iowa, as well as myself, desires to see.

I want to call the attention of the Senate to the fact that in this appropriation bill there are $14,000,000 appropriated for public buildings which are under construction, and which money is to be available immediately, not the 1st of July. It was made available immediately because there is urgent need for it, in order that these public buildings may be proceeded with.

Mr. CUMMINS. There is an item of that kind; but I remind the Senator from Virginia this motion only postpones the bill until a week from Saturday. There will be no harm to come to the general public if those appropriations are not made available before that time. The Senator from Virginia knows that we have now the chance, so far as the Senate is concerned, to modify the antitrust law, and it may not come again for a long, long time.

Mr. MARTIN of Virginia. It is not a matter of knowledge, it is a matter of opinion with either of us; but I have not the slightest idea that it is possible to accomplish the legislation desired by the Senator from Iowa in the time which he mentions.

Mr. WILLIAMS. Mr. President——

Mr. MARTIN of Virginia. I do not yield to the Senator from Mississippi.

Mr. WILLIAMS. I thought the Senator had finished. I saw the Senator from Georgia [Mr. BACON] rising, and I concluded that the Senator had finished.

Mr. MARTIN of Virginia. It is not from any indisposition to yield to a Senator, but I know what the Senator from Mississippi wants to have the Senate do.

Mr. WILLIAMS. I did not ask the Senator to yield to me. I thought the Senator had completed his remarks, and I addressed the Chair.

Mr. MARTIN of Virginia. I had not.

Mr. WILLIAMS. I wish to attract the attention of the Chair as soon as the Senator is through.

Mr. MARTIN of Virginia. The Senator from Mississippi, if I am not mistaken, wants to move an adjournment of the Senate, and I am exceedingly anxious that we shall finish the consideration of this bill before we adjourn. I may be mistaken, but I was under the impression that if the Senator from Mississippi got the floor he would move to adjourn. Quite a large number of Senators have agreed with me that it is very desirable to sit awhile longer, with the hope that this bill may be finally disposed of. But I will be through in a few minutes, and then of course the Senator can make the motion and the Senate can act upon it.

Besides the $14,000,000 for public buildings there are $10,000,000 appropriated by the bill for river and harbor work, and that also has been made available immediately. While the appropriations for the other items of the bill are not available until the 1st of July, these two items are made immediately available because of the urgent necessity to continue pending work at once.

I do not believe that we can accomplish the legislation in the time mentioned, and it can be done just as well after the sundry civil bill is enacted into law as it can before. I can hardly think that the idea of the Senator from Iowa is to hold up the bill as a coercive measure to bring about the legislation which he desires.

Mr. CUMMINS. No, Mr. President; I do not mean as a coercive influence, but I mean as a persuasive influence.

Mr. MARTIN of Virginia. Well, Mr. President, I think that all the persuasive force that can be brought to bear can be brought to bear just as well after the passage of the bill as before; and I hope the motion will not prevail.

Mr. WILLIAMS. Mr. President, it is now 20 minutes after 5 o'clock. There is nothing remarkable or out of the ordinary going on in the Senate. This body ought to have some sort of an agreed time at which to adjourn. In the other wing of the Capitol they ordinarily adjourn at 5 o'clock. I think the Senate will work better if it has regular hours. We go on here every day—and when there is something extraordinary claiming our attention we ought to go on; if there is a party clash which must be fought out, or something of that sort—but just to let the ordinary run of business one day complete itself at 5 o'clock, and then another day at 7 o'clock, to the disorganization of the households of all of us, so that a Senator does not know at what time he may have his dinner, is carrying it a bit too far. If we remain here until a certain hour—5 o'clock or half past 5 o'clock—then we ought to adjourn.

Mr. GALLINGER. Mr. President——

Mr. WILLIAMS. I am going to give notice now that hereafter, when the hour of half past 5 o'clock has been reached, unless something extraordinary is going on in the Senate, if nobody else moves to adjourn, I shall. I now yield to the Senator from New Hampshire for a moment.

Mr. GALLINGER. Before the Senator from Mississippi makes the motion to adjourn, Mr. President, I desire to ask unanimous consent to have inserted in the RECORD a carefully prepared chronology of the Sherman Act. I think it will be found to be accurate, and I think it will be of some interest to Senators.

Mr. WILLIAMS. Does the Senator from New Hampshire desire that it shall be read?

Mr. GALLINGER. I simply want it inserted in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none; and it is agreed to.

The matter referred to is as follows:

CHRONOLOGY OF SHERMAN ACT.

S. 3445, original bill by Senator Sherman, Fiftieth Congress, first session, August 14, 1888.

Referred to Committee on Finance. Reported January 25, 1889. Debated January 28. Never again called up.

Second Sherman bill, out of which grew debate leading to formulation of existing law.

Senate bill 1, introduced by Senator Sherman December 4, 1889, first day first session Fifty-first Congress.

Referred to Finance Committee. Reported January 14 with amendments. Debated, re-referred to committee, amended, reported, and further debated.

Final debate begins in Senate March 18, 1890.

From March 18 to 26, inclusive, bill was debated in Senate as in Committee of the Whole, various amendments being adopted, until, on March 27, the bill had grown from original 3 sections to 17.

March 25, motion to refer the bill to the Judiciary Committee defeated.

March 26, motion to recommit to the Committee on Finance defeated.

March 27, bill referred to Judiciary Committee with instructions to report within 20 days.

April 2, bill reported by Judiciary Committee, striking out all after enacting clause and substituting identical form of present law.

April 8, bill passed the Senate with one dissenting vote—Blodgett, of New Jersey.

April 25, referred to Judiciary Committee of the House.

May 1, reported by the Judiciary Committee of the House; passed with so-called Bland amendment.

Referred to Judiciary Committee of the Senate May 12 with an amendment to the House amendment.

May 13 to 16, debated in the Senate.

June 11 and 12, conference report debated in the House and rejected.

June 16, debated in the Senate.

June 20, conference report debated in both Houses and each receded from respective amendments.

June 20, passed both Houses.

LABOR AMENDMENTS.

March 24, 1890, Senators Teller, George, and Hiscock pointed out that bill will apply to labor organizations.

March 25, Senator Morgan pointed out that such a measure should apply to labor combinations.

March 25, Senator Sherman, in Committee of the Whole, proposed amendment drawn by Senator George, as follows:

"*Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages, nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products."

March 25, Senator Aldrich proposed an amendment defining acts and agreements of labor organizations in these words:

"That this act shall not be construed to apply to or to declare unlawful combinations or associations made with a view, or which tend by means other than a reduction of the wages of labor, to lessen the cost of production or to reduce the price of any of the necessaries of life, nor to the combinations or associations made with a view or which tend to increase the earnings of persons engaged in any useful employment."

March 26, Senator Sherman opposed the Aldrich amendment, declaring:

"In my judgment this amendment practically fritters away the substantial elements of the whole bill."

March 26, Sherman amendment agreed to without debate in Committee of the Whole.

March 27, the Senate considered all amendments made in Committee of the Whole and debate evidences plainly that many amendments agreed to in Committee of the Whole were objectionable, and Senator Edmunds points out that as the bill is now reported back to the Senate from Committee of the Whole, saying—

"Every part of this whole thing, text and amendments—it does not make the least difference which—is open to motions to strike out and insert and every other available motion. Therefore no Senator can be gotten into a trap, as it might be called, or be misled in respect of losing any right to propose to change the bill, to leave something out, or put something in anywhere in it from top to bottom: * * *.

March 27. On this date Senator Edmunds sharply opposes the proposal to exempt labor combinations from the bill, and debates with Senators Hoar and George, Senator Hoar making extended argument and Senator George interposing various questions. After Senator Edmunds's concluding speech the question of exempting labor combinations is not again raised.

It is to be observed that Senator Sherman's amendment exempting labor combinations, agreed to in Committee of the Whole, was never adopted by the Senate.

Amendment exempting labor organizations adopted by House June 2, 1900, and failing in Senate.

June 2, 1900, House adopted following amendment to section 7, Sherman Act:

"That nothing in this act shall be so construed as to apply to labor unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

Amendment referred to Senate Committee on the Judiciary.

February 21, 1901, Senate considered motion to relieve Senate Committee on Judiciary from further consideration of amendments to Sherman Act.

Senator Hoar, debating this proposal, made the following statement February 21, 1901:

"There is a further provision that no labor organization or association shall be liable under the act to which this is an addition. I gave, as chairman of the committee, several full hearings to the representatives of the labor organizations of the country who were interested in promoting this legislation and also to the representatives of that great organization, the Brotherhood of Locomotive Engineers, and they agreed with me, all of them, that these objections were well taken and that the legislation ought not to pass."

Senator Hoar then proposed the following amendment as a substitute:

"SEC. 4. That nothing in said act shall be so construed as to apply to any action or combination, otherwise lawful, of trade unions or other labor organizations, so far as such action or combination shall be for the purpose of regulating wages, hours of labor, or other conditions under which labor is performed, without violence or interfering with the lawful rights of any person."

Senator Spooner, in debate February 21, 1901, made the following remarkable statement about action on labor amendment in Senate Judiciary Committee:

"This bill passed the House. After it was reported by the Senator from Massachusetts to the committee, with every clause of it stricken out which came from the House, except the proposed amendment as to labor organizations, we had three meetings of that committee devoted to no other subject, at which we talked over as lawyers do and as lawyers should, the constitutional phases of this legislation frankly and fairly; and I have not heard any man, with perhaps one exception, in that committee express his approval of this bill—only one."

Senator Edmunds's statement of the purpose of the Sherman Act in Chicago Inter-Ocean, November 21, 1892:

"It is intended to, and I think it will, cover every form of combination that seeks in any way to interfere with and restrain free competition, whether it be capital in the form of trusts, combinations, railroad pools, or agreements, or labor through the form of boycotting organizations that say a man shall not earn his bread unless he joins this or that society. Both are wrong, both are crimes, and indictable under the antitrust law."

The first application of the Sherman Act to a labor combination appearing in the courts was in the following year in the case of United States *v.* Workmen's Amalgamated Council of New Orleans (Circuit Court, Eastern Dist., 54 Fed., 994, Mar. 25, 1893).

Membership Judiciary Committee of Senate, 1890: Edmunds (chairman), Ingalls, Hoar, Wilson of Iowa, Evarts, Pugh, Coke, Vest, George.

Following history of the authorship of each section of Sherman Act given by Senator Edmunds, North American Review, December, 1911:

First section, Edmunds, except words "in the form of trust or otherwise," by Senator Evarts.

Second section, Edmunds.

Third section, Edmunds.

Fourth section, George, rewritten from Senator Sherman's original draft.

Fifth section, Edmunds.

Sixth section, Edmunds.

Seventh section, Hoar, rewritten from Senator Sherman's original draft.

Eighth section, Ingalls.

(See hearings Committee on Interstate Commerce, U. S. Senate, 62d Cong., S. Res. 98, vol. 2, p. 2424.)

Mr. WILLIAMS. I move that the Senate do now adjourn until 12 o'clock noon to-morrow.

The VICE PRESIDENT. The Senator from Mississippi moves that the Senate adjourn. [Puting the question.] By the sound the noes appear to prevail, and the motion to adjourn is not agreed to.

Mr. WILLIAMS. I call for a division upon the motion.

The question being put, there were, on a division—ayes 17, noes 26.

Mr. WILLIAMS. Did a quorum vote, Mr. President?

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

Mr. WILLIAMS. I ask for the yeas and nays on the motion.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. STONE. What is this roll call for?

The VICE PRESIDENT. To disclose whether or not there is a quorum present. The vote on a division disclosed that there was not.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Norris	Smith, Mich.
Bacon	James	O'Gorman	Smith, S. C.
Borah	Johnson, Me.	Oliver	Smoot
Brandegee	Johnston, Ala.	Overman	Stephenson
Bristow	Jones	Page	Sterling
Bryan	Kern	Perkins	Stone
Clapp	La Follette	Pomerene	Sutherland
Clarke, Ark.	Lane	Ransdell	Swanson
Colt	Lea	Reed	Thomas
Crawford	Lewis	Robinson	Thornton
Cummins	Lippitt	Root	Tillman
Dillingham	Lodge	Saulsbury	Townsend
du Pont	McCumber	Shafroth	Vardaman
Fletcher	McLean	Sheppard	Walsh
Gallinger	Martin, Va.	Sherman	Warren
Goff	Martine, N. J.	Shields	Weeks
Gronna	Myers	Smith, Ga.	Williams
Hollis	Newlands	Smith, Md.	Works

The VICE PRESIDENT. Seventy-four Senators have answered to their names. There is a quorum present.

Mr. WILLIAMS. I ask for the yeas and nays upon the motion to adjourn.

[A message was received from the House of Representatives, which appears in the proceedings following the executive session.]

The VICE PRESIDENT. Will the Senator from Mississippi delay for one moment that motion, so that the Chair may lay before the Senate resolutions with reference to the death of the late Representative MARTIN of New Jersey?

Mr. WILLIAMS. I will withhold my motion long enough for that.

The VICE PRESIDENT. The Secretary will read the message.

The Secretary read as follows:

In the House of Representatives, May 5, 1913——

Mr. HUGHES. I ask the Senator from Mississippi to withhold his demand for the yeas and nays until I can submit a resolution.

Mr. WILLIAMS. I withhold the demand for the yeas and nays long enough for that. I understand it is a matter of privilege.

Mr. CLARKE of Arkansas. I object. I call for the regular order.

Mr. GALLINGER. Do I understand that the message has been laid down from the House of Representatives?

The VICE PRESIDENT. It has been.

Mr. GALLINGER. It has not been read.

Mr. CLARKE of Arkansas. I object to it for the present.

SEVERAL SENATORS. Regular order!

Mr. WILLIAMS. I yielded for that purpose.

Mr. BACON. The Senator could not yield for that purpose.

Mr. WILLIAMS. I have the floor, and I yielded for that purpose.

Mr. SMOOT. Mr. President, as I understand, the message from the House is handed down by the Chair. The Chair can withhold it if he so desires; and, of course, the Senator from Mississippi has the floor.

Mr. WILLIAMS. This is the announcement of the death of a colleague in the other House, and, knowing what it was, I yielded for the purpose of having it submitted to the Senate and acted upon.

Mr. SMOOT. Does the Senator from Mississippi claim that the Vice President can not withdraw it after having presented it to the Senate?

Mr. WILLIAMS. I suppose that the ordinary motion that the Senate do now adjourn out of respect to the memory of the deceased Representative is a part of the motion.

Mr. SMOOT. There is no doubt of it.

Mr. WILLIAMS. Then it will take the place of my motion, of course.

Mr. HUGHES. I have not yet sent the resolution to the Secretary's desk. The resolution is on my desk, and I simply give notice that before the adjournment of the Senate I shall ask leave to submit it.

Mr. GALLINGER. A parliamentary inquiry, Mr. President. Is this a message from the House of Representatives?

The VICE PRESIDENT. It is a message from the House of Representatives.

Mr. GALLINGER. The rule is clear, then, that it shall be laid down by the Chair, and that, upon the demand of a Senator, it shall be so laid down.

The VICE PRESIDENT. It has already been laid down, and the Chair has no intention of withdrawing it. The Secretary will read it.

The Secretary read the message from the House of Representatives communicating to the Senate intelligence of the death of Hon. LEWIS J. MARTIN, late a Representative from the State of New Jersey.

The VICE PRESIDENT. The Senator from Mississippi [Mr. WILLIAMS] has called for the yeas and nays on the motion to adjourn. Is the demand seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KERN (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "nay."

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]; but, observing the way in which most of the Senators on the other side of the Chamber are voting, I take it for granted that if present he would vote against adjournment, and I therefore take the liberty of voting. I vote "nay."

Mr. STONE (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK] and therefore withhold my vote.

The roll call was concluded.

Mr. CLAPP. Mr. President, I was out of the Chamber——

Mr. OLIVER. I call for the regular order.

The VICE PRESIDENT. The regular order is the call of the absentees.

Mr. CLAPP. I rose to the roll call.

Mr. OLIVER. Mr. President, the rule provides that the names of absentees shall be called immediately upon the conclusion of the roll call, as I understand.

The VICE PRESIDENT. The Secretary will call the names of the absentees.

The Secretary called the names of Senators absent or not voting.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is necessarily absent from the Chamber on important public business. He is paired with the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

The Secretary concluded the calling of the names of Senators not recorded.

Mr. CLAPP (after having voted in the affirmative). I was out of the Chamber when the roll call commenced and desire to vote "nay" instead of "yea."

Mr. MARTINE of New Jersey. I desire to announce the pair between the Senator from West Virginia [Mr. CHILTON] and the Senator from Maryland [Mr. JACKSON].

Mr. GALLINGER. Mr. President, the Senator from Arizona [Mr. ASHURST] has announced the pair between his colleague [Mr. SMITH of Arizona] and the Senator from New Mexico [Mr. FALL]. I desire to add to that announcement that the Senator from New Mexico [Mr. FALL] is absent from the city on important business. I also desire to announce the pair of the Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY], and the pair of the Senator from New Mexico [Mr. CATRON] with the Senator from Alabama [Mr. BANKHEAD].

Mr. DU PONT (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I desire to withdraw my vote.

The result was announced—yeas 20, nays 53, as follows:

YEAS—20.

Borah	Cummins	McLean	Thomas
Brandegee	Dillingham	Nelson	Townsend
Bristow	Jones	Norris	Weeks
Burton	Lane	Sherman	Williams
Crawford	Lippitt	Sterling	Works

NAYS—53.

Ashurst	Johnson, Me.	Overman	Smith, Mich.
Bacon	Johnston, Ala.	Page	Smith, S. C.
Bryan	Kern	Perkins	Smoot
Clapp	La Follette	Pomerene	Stephenson
Clarke, Ark.	Lea	Ransdell	Sutherland
Colt	Lewis	Robinson	Swanson
Fletcher	Lodge	Root	Thompson
Gallinger	McCumber	Saulsbury	Thornton
Goff	Martin, Va.	Shafroth	Tillman
Gore	Martine, N. J.	Sheppard	Vardaman
Hitchcock	Myers	Shields	Walsh
Hollis	Newlands	Simmons	
Hughes	O'Gorman	Smith, Ga.	
James	Oliver	Smith, Md.	

NOT VOTING—23.

Bankhead	Chilton	Jackson	Reed
Bradley	Clark, Wyo.	Kenyon	Shively
Brady	Culberson	Owen	Smith, Ariz.
Burleigh	du Pont	Penrose	Stone
Catron	Fall	Pittman	Warren
Chamberlain	Gronna	Poindexter	

So the Senate refused to adjourn.

The VICE PRESIDENT. The question is upon the motion of the Senator from Iowa [Mr. CUMMINS] to postpone until May 17 the further consideration of the bill, with certain instructions to the Committee on Interstate Commerce.

Mr. GALLINGER. Mr. President——

Mr. MARTIN of Virginia. I move that the motion of the Senator from Iowa be laid on the table.

Mr. CUMMINS. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will read the motion which it is proposed to lay on the table.

Mr. GALLINGER. Forgetting for the moment that the Senator from Iowa had made that motion, I rose a moment ago to say that while I had intended to occupy the attention of the Senate for a few minutes in the further discussion of my amendment, if we could get a vote on the matter this evening I should be very glad to relieve the Senate from the necessity of listening to me. I hope we will get that vote after the present motion is disposed of.

The SECRETARY. The Senator from Iowa [Mr. CUMMINS] moves that the further consideration of this bill be postponed until May 17, and that the Committee on Interstate Commerce be directed to make a report to the Senate not later than Wednesday, May 14, whether the organizations and unions mentioned in the pending amendment to the bill under consideration should be excepted, in whole or in part, from the operation of the statute commonly known as the antitrust law; and if the report of said committee shall be in favor of such exception it is further directed to accompany the report with a bill to accomplish the purpose.

The VICE PRESIDENT. The question is, Shall this motion lie on the table? Upon that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Owing to the general pair which I have with the senior Senator from South Carolina [Mr. TILLMAN], who is absent from the Chamber, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, and I do not know how he would vote if present, I will withhold my own vote.

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

Mr. OLIVER (when his name was called). I again announce my general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. Not knowing how he would vote upon this question, I withhold my vote.

Mr. REED (when Mr. STONE's name was called). My colleague [Mr. STONE] has just been called from the Chamber by a matter of very great importance. He is necessarily absent. He is paired with the senior Senator from Wyoming [Mr. CLARK].

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]; but having good reason to believe that if he were

present he would vote the same way I do, I will take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. MCLEAN. I wish to announce that the senior Senator from Kentucky [Mr. BRADLEY] is unavoidably absent. He is paired with the junior Senator from Indiana [Mr. KERN].

Mr. CUMMINS. I desire to announce that my colleague [Mr. KENYON] is absent from the city. He is paired with the junior Senator from Nevada [Mr. PITTMAN]. If he were present and at liberty to vote, he would vote "nay."

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is necessarily absent from the Chamber on important business.

The result was announced—yeas 43, nays 31, as follows:

YEAS—43.

Ashurst	Johnson, Me.	Overman	Smith, Md.
Bacon	Johnston, Ala.	Pomerene	Smith, S. C.
Bryan	Kern	Ransdell	Swanson
Clarke, Ark.	Lane	Reed	Thomas
Fletcher	Lea	Robinson	Thompson
Gallinger	Lewis	Saulsbury	Thornton
Gore	Martin, Va.	Shafroth	Tillman
Hitchcock	Martine, N. J.	Sheppard	Vardaman
Hollis	Myers	Shields	Walsh
Hughes	Newlands	Simmons	Williams
James	O'Gorman	Smith, Ga.	

NAYS—31.

Borah	Dillingham	McLean	Smoot
Brandegee	Goff	Nelson	Stephenson
Bristow	Gronna	Norris	Sterling
Burton	Jones	Page	Sutherland
Clapp	La Follette	Perkins	Townsend
Colt	Lippitt	Root	Weeks
Crawford	Lodge	Sherman	Works
Cummins	McCumber	Smith, Mich.	

NOT VOTING—22.

Bankhead	Chilton	Kenyon	Shively
Bradley	Clark, Wyo.	Oliver	Smith, Ariz.
Brady	Culberson	Owen	Stone
Burleigh	du Pont	Penrose	Warren
Catron	Fall	Pittman	
Chamberlain	Jackson	Poindexter	

So Mr. CUMMINS's motion was laid on the table.

The VICE PRESIDENT. The question is upon the amendment offered by the Senator from Illinois [Mr. SHERMAN] to the part proposed to be stricken out on motion of the Senator from New Hampshire [Mr. GALLINGER]. The Secretary will read the amendment.

Mr. GALLINGER. The yeas and nays have not been ordered upon that, Mr. President.

Mr. CRAWFORD. I ask for the reading of that amendment again. I did not have a chance to follow it closely.

The VICE PRESIDENT. The Chair was about to ask the Secretary to read it, so that Senators might vote intelligently.

The SECRETARY. In lieu of the matter proposed to be stricken out by the Senator from New Hampshire [Mr. GALLINGER], the Senator from Illinois [Mr. SHERMAN] proposes to insert the following proviso:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement or for any action otherwise lawful having in view the increasing of wages, shortening of hours, or bettering the sanitation, safety, or other condition of labor, without violence or interference with the lawful rights of another: *And provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. REED. Mr. President, I shall not detain the Senate; but before I vote on this proposition I desire to make a statement.

I am in favor of all of the clause which it is proposed to strike out except the last two lines. I do not believe it is wise or prudent ever, directly or indirectly, to sanction the fixing of the price of any commodity by and through a combination. If I thought that any practical harm would come from the clause which by indirection sanctions combinations among farmers for the purpose of fixing prices, if I did not consider that possibility so remote as to be substantially beyond danger, I should not support this measure in its present form. But, believing that there is no real danger of that character, and being generally in favor of the policy which is indicated by this proviso, disagreeing almost entirely with the arguments which have been adduced by Senators who are advocating the motion to strike out, I shall support the bill in its present form. But I do not want to vote without expressing my dissent from any doctrine which at any time, by direction or indirection, sanctions any combination to fix the prices of commodities, however remote the possibility of harm or danger may be. Because of the length of the debate on this bill and the manifest desire of the Senate to dispose of it to-night I refrain from further remarks as well as from presenting an amendment I had intended offering.

The VICE PRESIDENT. The question is upon the amendment of the Senator from Illinois [Mr. SHERMAN].

The amendment was rejected.

The VICE PRESIDENT. The question now recurs upon the motion of the Senator from New Hampshire [Mr. GALLINGER] to strike out the proviso in the original bill.

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote. I vote "yea."

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). I desire to announce that my colleague [Mr. KENYON] is paired with the junior Senator from Nevada [Mr. PITTMAN]. My colleague has authorized me to state that if he were present he would vote "yea" upon this amendment.

Mr. OLIVER (when his name was called). On account of my general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] I will withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE], which prevents me from voting. Were he present, I should vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who I notice is absent from the Chamber. If he were present and I were permitted to vote, I would vote "yea."

Mr. KERN. I desire to announce that my colleague [Mr. SHIVELY] is absent from the city on important business. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement will stand for the day.

Mr. REED. I make the same announcement in reference to the absence of my colleague [Mr. STONE] and with reference to his pair which I made a few moments ago, and I will let the announcement stand for the day.

Mr. GALLINGER. I was requested to announce that the Senator from Wyoming [Mr. CLARK] is paired with the Senator from Missouri [Mr. STONE]. The Senator from Wyoming requested me to state if he were present and could vote he would vote "yea" on this proposition.

Mr. MCLEAN. I wish to announce that the senior Senator from Kentucky [Mr. BRADLEY] is unavoidably absent and is paired with the junior Senator from Indiana [Mr. KERN].

Mr. WILLIAMS. I wish to transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oregon [Mr. LANE] and vote. I vote "nay."

The result was announced—yeas 32, nays 41, as follows:

YEAS—32.

Borah	du Pont	Nelson	Stephenson
Brandegee	Gallinger	Page	Sterling
Bristow	Goff	Perkins	Sutherland
Burton	Gronna	Pomerene	Thomas
Clapp	Lippitt	Root	Townsend
Colt	Lodge	Sherman	Warren
Crawford	McCumber	Smith, Mich.	Weeks
Cummins	McLean	Smoot	Works

NAYS—41.

Ashurst	Johnston, Ala.	O'Gorman	Smith, Md.
Bacon	Jones	Overman	Smith, S. C.
Bryan	Kern	Ransdell	Swanson
Clarke, Ark.	La Follette	Reed	Thompson
Fletcher	Lea	Robinson	Thornton
Gore	Lewis	Saulsbury	Vardaman
Hitchcock	Martin, Va.	Shafroth	Walsh
Hollis	Martine, N. J.	Sheppard	Williams
Hughes	Myers	Shields	
James	Newlands	Simmons	
Johnson, Me.	Norris	Smith, Ga.	

NOT VOTING—23.

Bankhead	Chilton	Kenyon	Poindexter
Bradley	Clark, Wyo.	Lane	Shively
Brady	Culberson	Oliver	Smith, Ariz.
Burleigh	Dillingham	Owen	Stone
Catron	Fall	Penrose	Tillman
Chamberlain	Jackson	Pittman	

So Mr. GALLINGER's amendment was rejected.

Mr. WILLIAMS. I wish to call up the amendment I gave notice of some time ago, and which is now pending. I wish to address myself to it for a moment.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 70, after line 13, insert the following as a new paragraph:

For placing the Government approach roadway to the Vicksburg National Cemetery, Vicksburg, Miss., in a state of permanent repair, $10,000.

Mr. WILLIAMS. Mr. President, in explanation of the amendment I desire to read a letter addressed to me dated March 28, 1913, and signed by Gen. Aleshire, of the Quartermaster Corps of the United States Army.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE QUARTERMASTER CORPS,
Washington, March 28, 1913.

Hon. JOHN SHARP WILLIAMS,
United States Senate, Washington, D. C.

MY DEAR SIR: 1. On September 20, 1912, your private secretary left in this office a transcript from the records of the meeting of the board of supervisors of Warren County, Miss., held at Vicksburg on September 6, at which meeting it was ordered that you be requested to take up with the proper authorities the matter of the condition of the Government approach roadway to the Vicksburg (Miss.) National Cemetery for the purpose of having it put in good condition; and in office letter of that date you were informed that a special estimate would be submitted to Congress for placing this roadway in permanent repair.

2. As stated in the hearing on the sundry civil appropriation bill before the House Committee on Appropriations (p. 504) the original estimate as submitted for repairing this roadway was for $5,000, but subsequent damage rendered it necessary to send a superintendent of construction of this corps to Vicksburg for the preparation of plans and specifications to place the roadway in first-class permanent condition. His estimate called for approximately $14,000, but was reduced in this office to $10,000 and a supplemental estimate for the additional $5,000 required was submitted to Congress.

3. I have the honor to inform you that on examination of the sundry civil bill which passed the last session of Congress, but which was vetoed by President Taft, it is found that this item was omitted. Unless favorable action is taken on this estimate when the sundry civil bill for fiscal year 1914 is again taken up by Congress, it will be necessary to limit the expenditures for repairs on the roadway during that fiscal year to those of a temporary nature, as the annual appropriation of $12,000, "repairing roads to national cemeteries"—which is the only one available for such purpose—are the only funds provided for the care and maintenance of the 19 Government approach roadways to national cemeteries covering a total of approximately 15 miles.

Very respectfully,

J. B. ALESHIRE,
Chief Quartermaster Corps, United States Army.

Before the House committee, when this matter was up, Gen. Aleshire testified as follows:

The CHAIRMAN. National Cemetery, Vicksburg, Miss., for repairs to the Government roadway to the Vicksburg National Cemetery, $5,000.

Gen. ALESHIRE. The $5,000 estimate was based upon the condition of the road last summer when the estimates were made, and late in the fall report was received that the road had been further damaged by reason of rains and high water. Then we sent an engineer down there and went over the case again, and his estimate as brought in was for fourteen thousand and odd dollars, and that was revised again, and now the estimate is $10,000. The condition is this, Mr. Chairman, the road has sunk in places like that [indicating on map]. This was the natural grade of the road, and they propose to put a culvert there, as I understand it.

The CHAIRMAN. Is this road much traveled?

Gen. ALESHIRE. Yes, sir; there is a street car track along by it.

The CHAIRMAN. What do they pay toward maintaining it?

Gen. ALESHIRE. I do not think they pay anything.

The CHAIRMAN. Why should they not pay something?

Gen. ALESHIRE. At the time we made the estimate for this road they were washed out more than we were. They keep their roadbed and 4 feet on either side of it in repair. There is only a section of the road that they really parallel, and then they leave it and go across the fields. We do not have any trouble with the part they parallel. These red lines here [indicating] indicate where the culverts are to go across the road.

Now, Mr. President, in some manner, when the matter was being considered in the House, that item for $5,000 was not raised to $10,000, but the entire item was omitted, and upon that Gen. Aleshire called my attention to it in the letter which I have read. This is eminently an appropriation which ought to have been made, and I had hoped very much to have an opportunity to present it to the Senate at a time when the Senate was not on an empty stomach and when it had not been kept in session so long when everybody was impatient of every possible amendment that could be offered to the bill. But I am compelled to do my duty by my constituents and in accordance with my own sense of what is right by addressing myself to it even at this time of day and under these circumstances. I have therefore sought to explain it to the Senate as well as I could in the disorder which always accompanies the close of a session when men are fatigued and impatient of any further consideration or discussion.

Mr. MARTIN of Virginia. Mr. President, I might raise the point of order, I think, against this item. It has not been estimated for in the technical sense. This is a mere letter from the Chief of the Quartermaster Corps.

Mr. WILLIAMS. The Senator is mistaken.

Mr. MARTIN of Virginia. Oh, it is signed.

Mr. WILLIAMS. But there it is. The $5,000 estimate was based upon the condition of the road last summer, and then he says in his letter to me that he submitted a supplemental estimate to make it $10,000.

Mr. MARTIN of Virginia. Certainly; there was $5,000 estimated, and the amendment is for $10,000.

Mr. WILLIAMS. And the supplemental estimate, is for $10,000.

Mr. MARTIN of Virginia. The supplemental estimate would have to come from the department, and not from the chief of the Quartermaster Corps.

Mr. WILLIAMS. It came from him. He says in his letter he sent it in.

Mr. MARTIN of Virginia. It is not here. We have nothing but the letter from the chief of the Quartermaster Corps.

Mr. WILLIAMS. But I have a letter from the chief of the Quartermaster Corps saying that he sent in the supplemental estimate.

Mr. MARTIN of Virginia. We have not seen it. It has not reached Congress.

Mr. WILLIAMS. Here is what he said. I take it for granted he is telling the truth. He says, referring to the expert:

His estimate called for approximately $14,000, but was reduced in this office to $10,000, and a supplemental estimate for the additional $5,000 required was submitted to Congress.

It got lost in the shuffle somehow, and the entire item got lost—the original appropriation of $5,000 as well as the supplemental appropriation of $5,000.

Mr. MARTIN of Virginia. The supplemental estimate is not here, but I am not going to make the point of order against the amendment and I am not going to detain the Senate. I am just going to say that I have explained as fully as I am capable of explaining what I consider the unwisdom of amending this bill. It is a completed piece of legislation which has been agreed to, and if the Senate is going to open it now to amendment, it will have to open it for all. It is no hardship on the Senators who feel that their items have been omitted to wait until next December. I would consider it exceedingly unfortunate to have the bill opened for amendment now, and I hope the amendment will be voted down.

Mr. WARREN. Mr. President, I agree perfectly with the chairman of the committee. I should be glad to see the subject matter of the amendment agreed to, but at another time and on another bill. I understand that we are to have a deficiency bill at the present session. I hope the pending bill will receive no further amendment and that it will be speedily passed.

Mr. WILLIAMS. Mr. President, I do not desire to detain the Senate, but, as I understand it, there is no objection to this amendment in the world except that the chairman of the Committee on Appropriations thinks that no amendment at all ought to be made.

Mr. MARTIN of Virginia. If the Senator will permit me, it is not the chairman of the Committee on Appropriations, but it was a vote of the Committee on Appropriations instructing me to take that position in the Senate, which I have done in accordance with its instructions.

Mr. WILLIAMS. Then I will say that, in the opinion of the committee, no amendment ought to be made; in other words, that a committee of the Senate is to bind the Senate not to amend the bill because in its estimation it is inopportune to offer any amendment of any description, so that an amendment can not be considered upon its own merits, but must be considered in accordance with the ipse dixit of the committee before the bill is brought to the Senate.

Mr. BORAH. Mr. President, I will say to the Senator from Mississippi that when the tariff bill gets in we will join him in his fight.

Mr. WILLIAMS. When the tariff bill gets here, I imagine that every Senator will be permitted to offer amendments to it, and the amendments will be considered. The only trouble is there will be too many of them; that is all.

Mr. CLARKE of Arkansas. They will be promptly voted down.

Mr. WILLIAMS. We will vote each one down on its merits, too.

Mr. MARTIN of Virginia. I want to say just one word. Of course, the Senator from Mississippi can not mean what he says. A committee is bound to give the Senate its judgment; it is not hampering the vote or the course or the purpose of any Senator, but it is the duty of the committee to which this bill was referred to report its views; and we have done that for the consideration of the Senate. In the consideration of the bill every Senator will, of course, vote according to his judgment as to what will best promote the public welfare.

Mr. WILLIAMS. I have not meant to impugn the committee nor to attack it. I meant merely to narrate a historical fact, to wit, that the committee, by its own ipse dixit, before the bill came before the Senate, said that all amendments regardless of their merit should be voted down; that is all. I am not impugning the committee; that may be the height of wisdom, I do not know; but I had a right, of course, to refer to a fact historically related by the chairman of the committee.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi [Mr. WILLIAMS].

The amendment was rejected.

Mr. SMOOT. Mr. President, on page 169 of the bill there is a provision for the expenses of compiling, preparing, and indexing an edition of the Congressional Directory for the first session of the Sixty-third Congress, to be immediately available. On March 17 of this year the Senate passed a resolution appropriating $800 for that same purpose. Now, I am informed by a Member of the other House that that resolution has not yet passed that body. Therefore I shall not ask that an amendment be made in the appropriation bill, but I shall ask that Senate resolution No. 3, passed by the Senate on March 17, 1913, be recalled from the other House.

The VICE PRESIDENT. Is there objection? [A pause.] There being none, that order will be made.

Mr. SMOOT subsequently said: Mr. President, a moment ago I asked that the Senate recall a certain resolution from the House; but I find that it is a Senate resolution and was amended in the Senate by a proviso which reads as follows:

That the House of Representatives shall pay one-half of the said sum.

Of course, the resolution should have been further amended so as to make it a concurrent resolution, but that was not done. Therefore the resolution was not sent to the House. I move that the vote by which the resolution was ordered recalled from the House be reconsidered.

The VICE PRESIDENT. Without objection, that action will be taken.

Mr. SMOOT. I now move that the Senate resolution be indefinitely postponed.

The motion was agreed to.

Mr. LODGE. Mr. President, encouraged by the fate of the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], I desire to offer an amendment, on page 181, line 1, to strike out the words "or private," so that it will read:

Including the construction in the United States in Government yards.

When the bill passed the Senate at the last session it carried an amendment on this subject, which read as follows:

Including the construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal and a speed of at least 14 knots per hour, two colliers, to cost not exceeding $1,000,000 each.

As I remember, when that amendment was reported from the committee it contained the words "or by purchase," and those words were stricken out in the Senate. The amendment was adopted by the Senate as I have read it, limiting the construction to Government yards. When the bill reappeared from conference the House had agreed to the Senate amendment, but had inserted in it the words "or private yards."

Mr. President, of course, on the conference report, when it came back from the other House in the last day of the last session, there was no possibility of discussing any amendment or any change that had been made in an amendment in conference. The purpose of the Senate was to confine the construction to the Government yards.

I myself have always believed in giving most of the new building work to the private yards, as all the repair work goes to the Government yards; but it is to my mind extremely important that the Government yards, on which we must depend in order to keep prices in the private yards within bounds, should not be allowed to lose their organization and be to a certain extent crippled by not having the work kept up there. As it is now, when a battleship is ordered built in a Government yard, it can be built in only one yard, and that is the Brooklyn yard. There are other great yards thoroughly equipped for general building; but the effect of not having any work at Norfolk, at Boston, at Philadelphia, and at Mare Island is that men are laid off and taken on, and laid off and taken on again. The Government expenses are very much increased by that continual shifting of force, and the efficiency of the yards is thereby impaired.

Of late years the cost in the Government yards has been very greatly reduced. I was informed by the last Secretary of the Navy, the predecessor of the present Secretary of the Navy, before he retired, that these two boats could be built in the Government yards as cheaply as in private yards, and that it would be a very great advantage to the yards to have them built in two Government yards. I think it is therefore very desirable that these should go to Government yards. It can not make any increase in the cost, because the cost is fixed in the bill. There is competition amongst the yards themselves. Each yard is required to send in its estimate, and the yard that sends in the lowest estimate gets the work. I do think in present conditions it is very important that the Government yards should be kept in the highest state of efficiency, and that it is only fair to the working force in those yards to keep them in reasonably steady employment. The adoption of the amendment will not add to the Government expense, and it is for these reasons, Mr. President, that I have ventured to offer it.

Mr. MARTIN of Virginia. Mr. President, I am in accord with the Senator from Massachusetts in respect to furnishing a reasonable quantity of work to the Government navy yards. They have not by any means been neglected, and on proper occasion I certainly should not oppose a liberal recognition of them. I do not think, though, that the Senator from Massachusetts will get for the Boston yard any of this work.

Mr. LODGE. I assure the Senator that I certainly do not expect to get a ship sent to the Boston yard under this administration. It never occurred to me that it would go there; but I do think it possible that one may be sent to Norfolk, and that it is not impossible that one may be sent to Philadelphia. I am speaking for the navy yards generally, for a general policy. There are three or four yards in which I should like to see these boats built. Such requests as I have had in regard to the matter have not come from the Boston yard or from any particular yard. The subject was very largely discussed in the American Federationist in an article by Mr. Gompers—a very good article, too—taking up the question of the cost of these vessels, which drew my attention to it. I do not recall that I have had any requests about these colliers from the Boston yard or from any particular yard.

Mr. MARTIN of Virginia. Although the Senator from Massachusetts thinks that the work would probably come to a yard in my State, I want the bill to stay as it is. For the reasons which I have already given I do not want to see this bill amended. I think it is unwise to amend it, and I hope the Senate will treat it with the same generosity, liberality, and good sense that it treated the amendment offered by the Senator from Mississippi [Mr. WILLIAMS]. I hope the amendment will be voted down.

Mr. WILLIAMS. I hope that the bill will be regarded as sacred. Having been so regarded in one instance, I think it is but right that no profane feet should defile its sanctuary. [Laughter.]

Mr. LODGE. The Senator from Mississippi probably did not hear me when I began my remarks. I said I was so much encouraged by the kindly attention given to his amendment that I ventured to offer mine.

Mr. WILLIAMS. I have been so much discouraged by it that I have retreated bodily.

Mr. GALLINGER. Mr. President, I was somewhat surprised that the Senator from Massachusetts should say he did not expect a ship to be sent to the Charlestown yard during the present administration. I expect that at least one, and perhaps more, will be sent to the Portsmouth yard, a yard which the Senator from Massachusetts forgot to mention in his enumeration of the navy yards.

Mr. President, Portsmouth has made a bid on one of these colliers, and I am of opinion that if that is a lower bid than the other yards will make, we will build one of these ships in New Hampshire. I hope so at any rate.

Mr. MARTIN of Virginia. We want competition.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE].

The amendment was rejected.

Mr. MARTINE of New Jersey. Mr. President, I desire to offer an amendment. After line 10, on page 58, I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 58, after line 10, it is proposed to insert:

And provided further, That the clause in section 28, public building act, approved March 4, 1913, reading as follows: "And no person now in the employment of the Supervising Architect's Office shall be eligible to such employment," is hereby repealed.

Mr. MARTIN of Virginia. I make the point of order against that amendment that it has not been estimated for.

Mr. CLARKE of Arkansas. And it is general legislation.

Mr. MARTIN of Virginia. Yes; and it is also general legislation.

The VICE PRESIDENT. The point of order is sustained.

Mr. McCUMBER. I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 176, line 2, it is proposed to strike out "$4,500" and insert in lieu thereof "$6,500"; and, in line 3, after the word "blanks," to insert "and for printing a report of the proceedings of the National Convention of State Railway Commissioners."

Mr. McCUMBER. Mr. President, there is an item in the bill of $4,500 for printing the blanks which are sent out by the Interstate Commerce Commission to each of the railroad commissions of the several States, so that uniform blanks may be used and the reports may be uniform in all respects. I understand that $4,500 will probably pay for merely the bare printing of the blanks. They are sent out in book form. I have one book here [exhibiting]. It is the one which is sent to Alabama, and contains 123 pages, which means 123 separate blanks. If they were printed by the States, it would involve an expenditure of about $2,000 per State.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. I wish to add that it would only require $6,500 for the Government to print the entire number for the several States and also to print in addition thereto——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi.

Mr. WILLIAMS. I have succeeded in my object. I wanted to make a point of order that the Senate was in such disorder that nobody could possibly hear; but the loudness of my voice in addressing the Chair has finally brought about order.

Mr. McCUMBER. I knew that, Mr. President, but I did not assume that it would make much difference in the final result.

As I was saying, there are about 123 separate blanks in each one of these books. The amendment that I have offered provides $2,000 in addition to the amount which has been allowed by the committee. That will also print the proceedings of the annual convention of the State railway commissions of the several States. The material which they furnish for the benefit of the Interstate Commerce Commission is so important, so material, and so valuable, not only to the commission, but also to Congress, that I am asking for the $2,000 so that their report may be published in connection with this printing.

Mr. MARTIN of Virginia. Mr. President, I rise to make the point of order against the amendment that it has not been estimated for. I will say, in that connection, to the Senator that there will be a deficiency bill along very soon, to be sent over from the other House.

Mr. McCUMBER. On the contrary, Mr. President, I understand it has been estimated for, so I think the Senator is mistaken. The committee allowed the $4,500, but did not allow the other $2,000 which was requested.

Mr. MARTIN of Virginia. No estimate has been sent to the committee; we have no estimate for it at all.

The VICE PRESIDENT. The point of order is sustained.

Mr. MYERS. Mr. President, I offer an amendment to which a like point of order can not be made, I believe. I move that the bill be amended, in line 12, on page 120, by striking out the figures "$100,000" and inserting in lieu thereof "$188,000." It is an appropriation to build roads and bridges in the Glacier National Park in Montana.

That park has been established by the Federal Government. There is no use of having parks unless you have them so improved that people can travel in them over roads and bridges. The Department of the Interior, in a very conservative manner and on a very economical basis, figuring on the least dollar that would possibly answer the purpose, estimated that $188,000 was necessary for this purpose.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Montana [Mr. MYERS].

The amendment was rejected.

Mr. ASHURST. On page 143, line 14, if an amendment has not heretofore been adopted to correct what appears to be an error, according to my mind, I move to strike out the word "Secretary" and to insert the word "Secretaries."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 143, line 14, before the words "of Commerce and Labor," it is proposed to strike out the word "Secretary" and to insert the word "Secretaries."

Mr. WARREN. Mr. President, that is entirely unnecessary——

Mr. MARTIN of Virginia. It is entirely unnecessary.

Mr. WARREN. Because the appropriation bill which was passed the other day——

Mr. ASHURST. I withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 176, line 3, after the word "blanks," it is proposed to strike out the period and insert in lieu thereof a comma and add the following: "and $2,000 to print the proceedings of the annual convention of the National Association of Railway Commissioners," so as to read:

For the Interstate Commerce Commission, $100,000, of which sum $4,500 shall be available to print and furnish to the States report-form blanks and $2,000 to print the proceedings of the annual convention of the National Association of Railway Commissioners.

Mr. CUMMINS. Mr. President, if I may say a word before the Senator from Virginia rises, this amendment is very much like the one just offered by the Senator from North Dakota [Mr. McCUMBER]. The difference is that in his amendment the $4,500 was raised to $6,500. This leaves the amount mentioned in the bill untouched, but provides that $2,000 of the $100,000 can be used to print the proceedings of the national convention of the State railway commissioners.

It is impossible for me to conceive of $2,000 spent more wisely or profitably than for printing the report of the proceedings of this national association of State authorities, and I very much hope that the Senator from Virginia will not raise the point of order, although I will say in advance that the point of order would not be well taken. This amendment does not increase the appropriation, and the rule invoked by the Senator from Virginia against the amendment proposed by the Senator from North Dakota applies only when the proposition is to increase the appropriation.

Mr. MARTIN of Virginia. I do make the point of order. It is using money for a purpose that has not been reported to the Congress as necessary. There is no estimate made for any money for that purpose, either to be taken out of the Treasury or to be taken from this appropriation.

In addition to that—though I think that ought to satisfy the Senator from Iowa—Mr. Marble, of the Interstate Commerce Commission, said as follows at the House hearing in reference to this printing:

Undoubtedly it will continue to be printed, even if it is not printed by the commission—that is to say, by the members of this association—and the Interstate Commerce Commission will be called upon to make up their quota of this expense.

That shows that it is entirely unnecessary; but if there is any occasion for an appropriation, when the general deficiency bill comes along it will be provided for.

Mr. CUMMINS. May I say a word on the point of order? I have more interest in the integrity of the rule than I have in the particular amendment involved.

The rule suggested by the Senator from Virginia applies only when it is sought to increase an appropriation. This amendment does not increase the appropriation, but directs the use of a portion of the appropriation in a certain way.

Mr. McCUMBER. Mr. President, I desire to correct the statement of the Senator from Iowa that the amendment which I offered increased the appropriation.

Mr. CUMMINS. I did not say so, Mr. President.

Mr. McCUMBER. It was in effect exactly the same. It provided for $6,500 instead of $4,500; and then it provided, in addition, that $2,000 of the $6,500 should be used for the purpose of defraying the expense of publishing the report of the commission. So the effect of it was exactly the same.

Mr. CUMMINS. Yes; the effect was precisely the same. But I did not say what the Senator from North Dakota understood me as saying. I said that the difference was that his amendment increased the $4,500 to $6,500. I did not say that it increased the appropriation of $100,000. I hope the Senator from North Dakota will remember that I said that.

Mr. McCUMBER. But the two are in that respect exactly the same.

The VICE PRESIDENT. Will the Senator from Virginia restate his point of order?

Mr. MARTIN of Virginia. My point of order is that there is no estimate of any sum for this purpose, and it is appropriating money to a purpose which has not been estimated for at all, though it does take it out of money already appropriated for another purpose.

The VICE PRESIDENT. May the Chair inquire whether there was an estimate from the Interstate Commerce Commission?

Mr. MARTIN of Virginia. None at all. There was no estimate for the use of the money of the Government for this purpose. There was no estimate at all.

The VICE PRESIDENT. May the Chair inquire whether there was an estimate for anything?

Mr. MARTIN of Virginia. None for this purpose.

The VICE PRESIDENT. For any use of the Interstate Commerce Commission?

Mr. MARTIN of Virginia. Oh, there was a great deal of money appropriated for the Interstate Commerce Commission; but this is for publishing the reports of an association of State commissions. They ought to pay for their own reports, anyway; but certainly there is no estimate whatever here showing that this amount of money belonging to the Government ought to be used for this purpose.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADJOURNMENT UNTIL FRIDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Friday next, at 2 o'clock p. m.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened.

DEATH OF REPRESENTATIVE LEWIS J. MARTIN, OF NEW JERSEY.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. LEWIS J. MARTIN, late a Representative from the State of New Jersey, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. HAMILL, Mr. KINKEAD of New Jersey, Mr. SCULLY, Mr. MCCOY, Mr. TOWNSEND, Mr. TUTTLE, Mr. BAKER, Mr. EAGAN, Mr. BREMNER, Mr. WALSH, Mr. BROWNING, Mr. REILLY of Connecticut, Mr. SAMUEL W. SMITH, Mr. SLOAN, Mr. DAVIS of Minnesota, Mr. KELLEY of Michigan, Mr. GOOD, Mr. LANGLEY, Mr. LAFFERTY, and Mr. SELLS as the committee on the part of the House to attend the funeral.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives which will be read.

The Secretary read the resolutions (H. Res. 92), as follows:

IN THE HOUSE OF RERESENTATIVES OF THE UNITED STATES,
May 5, 1913.

Resolved, That the House has heard with profound sorrow of the death of Hon. LEWIS J. MARTIN, a Representative from the State of New Jersey.

Resolved, That a committee of 20 Members of the House (with such Members of the Senate as may be joined) be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. HUGHES. Mr. President, I offer the resolutions which I send to the desk and ask that they be read.

The resolutions (S. Res. 79) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. LEWIS J. MARTIN, late a Representative from the State of New Jersey.

Resolved, That a committee of seven Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. MARTIN, at Newton, N. J.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

The VICE PRESIDENT appointed Mr. HUGHES, Mr. MARTINE of New Jersey, Mr. CUMMINS, Mr. TOWNSEND, Mr. HITCHCOCK, Mr. REED, and Mr. CLARKE of Arkansas as the committee on the part of the Senate under the second resolution.

Mr. MARTINE of New Jersey. Mr. President, I move as a further mark of respect to the memory of the deceased that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 6 o'clock and 50 minutes p. m.) the Senate adjourned until Friday, May 9, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 7, 1913.

COLLECTORS OF CUSTOMS.

Frederick C. Peters, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Edward W. Durant, jr., whose term of office expired by limitation April 18, 1913.

James C. Congdon, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina, in place of Isaiah J. McCottrie, whose term of office expired by limitation May 31, 1912.

John Purroy Mitchell, of New York, to be collector of customs for the district of New York, in the State of New York, in place of William Loeb, jr., resigned.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. James Albert Alger to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 12, 1912, in place of First Lieut. Frederick Chamberlayne Billard, promoted.

Third Lieut. William Kirk Scammell to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 12, 1912, in place of Second Lieut. James Albert Alger, promoted.

First Lieut. of Engineers Charles Francis Nash to be senior engineer in the Revenue-Cutter Service of the United States, to rank as such from April 23, 1913, in place of Senior Engineer Charles Warren Munroe, retired.

Second Lieut. of Engineers California Charles McMillan to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1912, in place of First Lieut. of Engineers Herbert Winfield Spear.

Second Lieut. of Engineers William Lindsay Maxwell to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 23, 1913, in place of First Lieut. of Engineers Charles Francis Nash, promoted.

Third Lieut. of Engineers Charles Edward Sugden to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1912, in place of Second Lieut. of Engineers California Charles McMillan, promoted.

AMBASSADOR.

George W. Guthrie, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States of America to Japan, vice Larz Anderson, resigned.

COMMISSIONER OF PENSIONS.

Gaylord M. Saltzgaber, of Van Wert, Ohio, to be Commissioner of Pensions, vice James L. Davenport.

REGISTER OF THE LAND OFFICE.

Richard Strobach, of North Yakima, Wash., to be register of the land office at North Yakima, vice Harry Y. Saint, term expired.

COLLECTOR OF INTERNAL REVENUE.

Ben Marshall, of Kentucky, to be collector of internal revenue for the seventh district of Kentucky, in place of Timothy A. Field, resigned.

POSTMASTERS.

ALABAMA.

Charles S. McDowell to be postmaster at Eufaula, Ala., in place of George W. Russell. Incumbent's commission expired January 11, 1913.

O. M. Reynolds to be postmaster at Anniston, Ala., in place of Charles R. Barker. Incumbent's commission expired March 27, 1912.

Oscar Sheffield to be postmaster at Pine Hill, Ala. Office became presidential January 1, 1912.

ARKANSAS.

H. B. Ingram to be postmaster at Conway, Ark., in place of Owen J. Owen, jr., deceased.

T. L. Pound to be postmaster at Danville, Ark. Office became presidential January 1, 1913.

A. J. Stephens to be postmaster at Morrillton, Ark., in place of George H. Taylor, resigned.

W. F. Turner to be postmaster at Atkins, Ark., in place of James F. Burrus. Incumbent's commission expired December 17, 1912.

CALIFORNIA.

Alice T. Durnin to be postmaster at Colfax, Cal., in place of John L. Butler. Incumbent's commission expired January 28, 1913.

Joseph M. Hackett to be postmaster at Rocklin, Cal., in place of Lena O. Gregory, resigned.

Charles Whited to be postmaster at Willits, Cal., in place of Eli H. Wells. Incumbent's commission expired February 18, 1913.

COLORADO.

M. M. Sutley to be postmaster at Center, Colo., in place of Theodore E. Ickes, resigned.

CONNECTICUT.

John L. Eliot to be postmaster at Clinton, Conn., in place of William H. Kelsey. Incumbent's commission expired December 14, 1912.

George F. Hammill to be postmaster at Georgetown, Conn., in place of Charles H. Taylor. Incumbent's commission expired December 14, 1912.

DELAWARE.

William Brockson to be postmaster at Middletown, Del., in place of John A. Jolls, deceased.

E. Pierce Ellis to be postmaster at Laurel, Del., in place of Frank F. Davis. Incumbent's commission expired December 16, 1912.

John B. Mustard to be postmaster at Milton, Del., in place of John R. Black. Incumbent's commission expired December 17, 1912.

Orlando W. Short to be postmaster at Seaford, Del., in place of Irwin M. Chipman. Incumbent's commission expired January 18, 1913.

GEORGIA.

B. T. Baker to be postmaster at Woodbury, Ga., in place of Mary E. Hinton. Incumbent's commission expired February 27, 1912.

Mary P. Dixon to be postmaster at West Point, Ga., in place of Mary P. Dixon. Incumbent's commission expired January 27, 1913.

Mrs. H. W. J. Ham to be postmaster at Gainesville, Ga., in place of Helen D. Longstreet. Incumbent's commission expired December 8, 1912.

Ada Winslow to be postmaster at Manchester, Ga. Office became presidential January 1, 1911.

ILLINOIS.

D. M. Fullmer to be postmaster at New Athens, Ill., in place of Jacob H. Koch. Incumbent's commission expired January 28, 1913.

Robert E. Gamble to be postmaster at Kirkwood, Ill., in place of John Holliday. Incumbent's commission expired December 14, 1912.

W. D. Hall to be postmaster at Port Byron, Ill., in place of John McCauly, resigned.

W. H. Harkrader to be postmaster at Hamilton, Ill., in place of F. E. Herold. Incumbent's commission expired February 9, 1913.

Claude Shaffner to be postmaster at Dallas City, Ill., in place of Wallace Diver. Incumbent's commission expired January 26, 1913.

INDIANA.

James W. Carroll to be postmaster at Otterbein, Ind., in place of John C. Bartindale. Incumbent's commission expired February 1, 1913.

Robert F. Dobbins to be postmaster at Wolcott, Ind., in place of John R. Nordyke. Incumbent's commission expired January 13, 1913.

Levi A. Eaton to be postmaster at Wanatah, Ind., in place of Hattie Yarger. Incumbent's commission expired January 14, 1913.

Daniel Gantz to be postmaster at Odon, Ind., in place of Harry H. Crooke, resigned.

E. R. Niccum to be postmaster at Swayzee, Ind., in place of Isaac F. Lawshe. Incumbent's commission expired February 11, 1913.

Hume L. Sammons to be postmaster at Kentland, Ind., in place of Richard C. McCain. Incumbent's commission expired April 22, 1912.

IOWA.

George W. Bensler to be postmaster at Delta, Iowa, in place of Samuel G. Wilson, removed.

Carl Bentson to be postmaster at Jewell, Iowa, in place of Frederick N. Taylor. Incumbent's commission expired April 13, 1912.

Fred Biermann to be postmaster at Decorah, Iowa, in place of Joseph J. Marsh. Incumbent's commission expired January 26, 1913.

J. B. Conley to be postmaster at Lake Mills, Iowa, in place of Martin A. Aasgaard, resigned.

Arthur Goshorn to be postmaster at Winterset, Iowa, in place of W. H. Vance. Incumbent's commission expired December 14, 1912.

Christian Konrad to be postmaster at Lacona, Iowa, in place of James W. Thorn. Incumbent's commission expired January 11, 1913.

Edward E. Swank to be postmaster at Richland, Iowa, in place of Fred J. Fearis. Incumbent's commission expired December 14, 1912.

William Wallace Finn to be postmaster at Wesley, Iowa, in place of Olie H. Anderson. Incumbent's commission expired January 11, 1913.

KANSAS.

Alfred D. Carpenter to be postmaster at Oswego, Kans., in place of Robert H. Montgomery. Incumbent's commission expired April 1, 1913.

Madison D. Gallogly to be postmaster at Hoxie, Kans., in place of Charles T. Dallam. Incumbent's commission expired March 31, 1912.

John McKee to be postmaster at Clay Center, Kans., in place of Harry C. Achenbach. Incumbent's commission expired December 18, 1911.

Joseph Pelishek to be postmaster at Wilson, Kans., in place of James M. Brown. Incumbent's commission expired February 9, 1913.

E. L. Pepper to be postmaster at Conway Springs, Kans., in place of Joel J. Booth, resigned.

James A. Thompson to be postmaster at White Water, Kans. Office became presidential October 1, 1912.

KENTUCKY.

Robert I. Blagg to be postmaster at Benton, Ky., in place of W. S. Griffith, resigned.

Sandy P. Cooke to be postmaster at Smiths Grove, Ky., in place of William J. Wade. Incumbent's commission expired January 14, 1913.

Coney Kitchen Lewis to be postmaster at Grayson, Ky., in place of John D. Littlejohn. Incumbent's commission expired December 14, 1912.

Morgan Kuykendall to be postmaster at Kevil, Ky. Office became presidential January 1, 1913.

William G. O'Hara to be postmaster at Williamstown, Ky., in place of John W. Shields. Incumbent's commission expired December 14, 1912.

LOUISIANA.

Rene L. Derouen to be postmaster at Ville Platte, La. Office became presidential April 1, 1913.

George A. Payne to be postmaster at Winnfield, La., in place of Edward Eagles. Incumbent's commission expired May 14, 1912.

Augustus P. Windham to be postmaster at Merryville, La. Office became presidential October 1, 1912.

MASSACHUSETTS.

Henry E. Madden to be postmaster at West Medway, Mass., in place of Daniel S. Woodman, deceased.

MISSOURI.

J. W. Allen to be postmaster at Mountain Grove, Mo., in place of John W. Key. Incumbent's commission expired December 14, 1912.

Harlie F. Clark to be postmaster at Harrisonville, Mo., in place of Charles L. Harris. Incumbent's commission expired March 20, 1912.

De Coursey D. Hitt to be postmaster at Rockville, Mo. Office became presidential October 1, 1912.

J. Walter Hogan to be postmaster at Willow Springs, Mo., in place of Charles Ferguson, resigned.

Benjamin R. Lingle to be postmaster at Warsaw, Mo., in place of Warren T. Myers. Incumbent's commission expired January 14, 1913.

Richard B. Wilson to be postmaster at Montrose, Mo., in place of Charles M. Clark. Incumbent's commission expired February 9, 1913.

MONTANA.

Charles L. Beers to be postmaster at Judith Gap, Mont. Office became presidential October 1, 1912.

Mordena C. Busey to be postmaster at Eureka, Mont., in place of Emma Dimmick. Incumbent's commission expired January 11, 1913.

Grant Robinson to be postmaster at Lewistown, Mont., in place of Albert Pfaus. Incumbent's commission expired January 11, 1913.

Thomas H. Rush to be postmaster at Wibaux, Mont., in place of Walter E. Williamson. Incumbent's commission expired February 20, 1913.

Henry H. Smith to be postmaster at Joliet, Mont. Office became presidential October 1, 1912.

J. A. Wright to be postmaster at Chester, Mont. Office became presidential April 1, 1911.

NEVADA.

Jennie R. Backus to be postmaster at Golconda, Nev., in place of Mary E. Langwith, resigned.

J. R. Foreman to be postmaster at National, Nev., in place of Joseph M. Lyon, resigned.

NEW JERSEY.

Walter M. Miller to be postmaster at Netcong, N. J., in place of Abram J. Drake. Incumbent's commission expired January 28, 1912.

NEW YORK.

Charles J. Beams to be postmaster at Oneonta, N. Y., in place of Charles F. Shelland. Incumbent's commission expired January 14, 1912.

George L. Brown to be postmaster at Elizabethtown, N. Y., in place of Harry H. Nichols, deceased.

William H. Harding to be postmaster at Roscoe, N. Y., in place of Marshall H. Dean, resigned.

Herbert McMullen to be postmaster at Marlboro, N. Y., in place of James A. Johnston. Incumbent's commission expired April 10, 1913.

Morris J. O'Neill to be postmaster at Centerville Station, N. Y., in place of Lee V. Gardner. Incumbent's commission expired December 16, 1912.

NORTH CAROLINA.

J. D. Bivins to be postmaster at Albemarle, N. C., in place of Albert R. Kirk, resigned.

Richard A. Bruton to be postmaster at Mount Gilead, N. C. Office became presidential January 1, 1912.

James Gordon Hackett to be postmaster at Northwilkesboro, N. C., in place of J. Walter Jones. Incumbent's commission expired January 13, 1913.

Virgil D. Guire to be postmaster at Lenoir, N. C., in place of W. Eugene Miller. Incumbent's commission expired December 17, 1911.

E. E. Hunt, sr., to be postmaster at Mocksville, N. C., in place of Benjamin O. Morris. Incumbent's commission expired December 17, 1912.

R. B. Terry to be postmaster at Hamlet, N. C., in place of Elisha C. Terry. Incumbent's commission expired January 28, 1912.

David J. Whichard to be postmaster at Greenville, N. C., in place of Roy C. Flanagan, resigned.

F. M. Williams to be postmaster at Newton, N. C., in place of Walter H. Everhart. Incumbent's commission expired February 10, 1912.

NORTH DAKOTA.

William Strehlow to be postmaster at Casselton, N. Dak., in place of Anna Callahan, resigned.

OHIO.

O. S. Earnest to be postmaster at Plymouth, Ohio, in place of Samuel E. Nimmons, resigned.

John W. Sanford to be postmaster at Clarington, Ohio, in place of Samuel F. Rose. Incumbent's commission expired January 20, 1913.

OREGON.

E. E. Bragg to be postmaster at La Grande, Oreg., in place of George M. Richey. Incumbent's commission expired January 6, 1913.

C. W. Brown to be postmaster at Canyon City, Oreg., in place of Ella V. Powers. Incumbent's commission expired January 20, 1913.

William A. Elder to be postmaster at Stayton, Oreg. Office became presidential January 1, 1912.

H. Y. Kirkpatrick to be postmaster at Lebanon, Oreg., in place of William M. Brown. Incumbent's commission expired January 20, 1913.

H. E. Mahoney to be postmaster at Oakland, Oreg., in place of William C. Underwood. Incumbent's commission expired March 2, 1913.

Ira C. Mehrling to be postmaster at Falls City, Oreg., in place of John E. Beezley. Incumbent's commission expired January 20, 1913.

Ada H. Studer to be postmaster at Sumpter, Oreg., in place of Harvey S. Buck, removed.

Herman Wise to be postmaster at Astoria, Oreg., in place of Frank J. Carney. Incumbent's commission expired January 26, 1913.

PENNSYLVANIA.

Eugene L. Aldrich to be postmaster at New Milford, Pa., in place of Frank M. Butterfield. Incumbent's commission expired February 9, 1913.

Patrick F. Campbell to be postmaster at Portage, Pa., in place of Joseph C. Lauffer. Incumbent's commission expired January 29, 1911.

J. B. Esch to be postmaster at Spangler, Pa., in place of Eliza Mitchell. Incumbent's commission expired December 11, 1911.

Matthew C. Fox, jr., to be postmaster at Media, Pa., in place of Harry J. Makiver, resigned.

Ellsworth F. Giles to be postmaster at Altoona, Pa., in place of George Fox. Incumbent's commission expired March 2, 1913.

H. D. Jackson to be postmaster at Freedom, Pa., in place of Arthur H. Rider. Incumbent's commission expired April 8, 1913.

Henry J. Lemon to be postmaster at Port Allegany, Pa., in place of Joseph B. Colcord. Incumbent's commission expired January 13, 1913.

John H. Mitchell to be postmaster at Newtown, Pa., in place of George W. De Coursey. Incumbent's commission expired January 25, 1913.

Russell T. Mogle to be postmaster at Rossiter, Pa., in place of Thomas F. Bourke. Incumbent's commission expired April 5, 1913.

Roy R. Rowles to be postmaster at Philipsburg, Pa., in place of John Gowland. Incumbent's commission expired January 12, 1913.

Marion S. Schoch to be postmaster at Selinsgrove, Pa., in place of George C. Wagenseller. Incumbent's commission expired January 29, 1911.

A. R. Traugh to be postmaster at Hollidaysburg, Pa., in place of Frank J. Over. Incumbent's commission expired March 2, 1913.

Oscar F. Weiand to be postmaster at Perkasie, Pa., in place of Henry G. Moyer. Incumbent's commission expired January 14, 1913.

RHODE ISLAND.

James Brennan to be postmaster at River Point, R. I., in place of Edward W. Jones. Incumbent's commission expired December 14, 1912.

SOUTH CAROLINA.

W. Clarence Clinkscales to be postmaster at Belton, S. C., in place of W. Clarence Clinkscales. Incumbent's commission expired December 16, 1912.

Francis B. Gaffney to be postmaster at Gaffney, S. C., in place of Thomas Hester. Incumbent's commission expired January 22, 1913.

James F. Hunter to be postmaster at Lancaster, S. C., in place of James F. Hunter. Incumbent's commission expired April 8, 1913.

Leila Jackson Huntley to be postmaster at Cheraw, S. C., in place of Leila Jackson Huntley. Incumbent's commission expired December 16, 1912.

Arthur G. King to be postmaster at Easley, S. C., in place of Alonzo T. Folger, resigned.

John T. Lawrence to be postmaster at Seneca, S. C., in place of James G. Harper, resigned.

Rachael H. Minshall to be postmaster at Abbeville, S. C., in place of Frederic Minshall, deceased.

E. D. Raney to be postmaster at Beaufort, S. C., in place of George A. Reed. Incumbent's commission expired April 29, 1912.

SOUTH DAKOTA.

William Brady to be postmaster at Beresford, S. Dak., in place of Charles A. Ramsdell, deceased.

Dennis Foley to be postmaster at Menno, S. Dak. Office became presidential January 1, 1912.

George C. Knickerbocker to be postmaster at Eureka, S. Dak., in place of Philip Schamber, resigned.

Matthew F. Ryan to be postmaster at Mobridge, S. Dak., in place of John G. Vawter, resigned.

W. R. Veitch to be postmaster at Groton, S. Dak., in place of John G. Ropes, removed.

TENNESSEE.

Eugene Blakemore to be postmaster at Shelbyville, Tenn., in place of Leonidas T. Reagor. Incumbent's commission expired January 31, 1912.

TEXAS.

H. L. Brooks to be postmaster at Pearsall, Tex., in place of Lora L. Rowell. Incumbent's commission expired January 11, 1913.

W. G. Carpenter to be postmaster at Kerrville, Tex., in place of Charles Real. Incumbent's commission expired January 27, 1913.

M. A. Chancey to be postmaster at Hondo, Tex., in place of Joseph Fohn. Incumbent's commission expired March 29, 1913.

Calvin C. Davis to be postmaster at Iowa Park, Tex., in place of William L. Yanger, deceased.

E. F. English to be postmaster at Cameron, Tex., in place of Thomas A. Pope. Incumbent's commission expired December 16, 1912.

J. T. Fulcher to be postmaster at Thorndale, Tex., in place of Gerhard Dube. Incumbent's commission expired April 2, 1912.

Marvin P. Gillis to be postmaster at Kosse, Tex., in place of Albert S. Jones. Incumbent's commission expired December 16, 1912.

J. S. J. Gober to be postmaster at Sanger, Tex., in place of Howell D. Greene. Incumbent's commission expired April 2, 1912.

Laura V. Hamner to be postmaster at Claude, Tex., in place of David C. Dodge. Incumbent's commission expired December 16, 1912.

W. J. Harkey to be postmaster at Palmer, Tex. Office became presidential October 1, 1912.

S. R. Haynes to be postmaster at De Leon, Tex., in place of Clarence R. Redden. Incumbent's commission expired April 2, 1912.

M. J. Kivlin to be postmaster at Kingsville, Tex., in place of J. S. House. Incumbent's commission expired December 16, 1912.

E. T. Oliver to be postmaster at Caldwell, Tex., in place of Edmund A. Potts. Incumbent's commission expired December 16, 1911.

Bessie Peterson to be postmaster at Port Lavaca, Tex., in place of Charles Rubert. Incumbent's commission expired December 16, 1911.

Charles C. Porter to be postmaster at Meridian, Tex., in place of John Harvey. Incumbent's commission expired April 28, 1912.

S. A. Roberts to be postmaster at Blooming Grove, Tex., in place of Alva P. Langston. Incumbent's commission expired February 11, 1913.

John A. Shapard to be postmaster at Rockdale, Tex., in place of Ben Lowenstein. Incumbent's commission expired January 14, 1913.

W. B. Smith to be postmaster at Shamrock, Tex., in place of Hugh E. Exum. Incumbent's commission expired March 1, 1913.

G. P. Tarrant to be postmaster at Aransas Pass, Tex. Office became presidential April 1, 1910.

VERMONT.

Alton G. Baird to be postmaster at Orleans, Vt., in place of Henry S. Webster. Incumbent's commission expired January 11, 1913.

James McGovern to be postmaster at North Bennington, Vt., in place of Heman I. Spafford. Incumbent's commission expired May 19, 1912.

Patrick H. Thompson to be postmaster at Arlington, Vt., in place of Edward C. Woodworth. Incumbent's commission expired January 22, 1913.

VIRGINIA.

S. L. Cecil to be postmaster at Pennington Gap, Va., in place of M. L. Slemp. Incumbent's commission expired January 11, 1913.

Leslie F. Ferguson to be postmaster at Appomattox, Va., in place of Robert Irby. Incumbent's commission expired April 5, 1913.

E. M. Morrison to be postmaster at Smithfield, Va., in place of Benjamin P. Gay. Incumbent's commission expired March 11, 1912.

H. I. Tuggle to be postmaster at Martinsville, Va., in place of Charles P. Smith. Incumbent's commission expired February 5, 1910.

WEST VIRGINIA.

Herbert T. Davis to be postmaster at West Union, W. Va., in place of William R. Brown. Incumbent's commission expired February 18, 1913.

Fred F. Jasper to be postmaster at Glen Jean, W. Va., in place of Edgar C. James, resigned.

David W. McConaughey to be postmaster at Cameron, W. Va., in place of Robert B. Watson. Incumbent's commission expired January 23, 1910.

WISCONSIN.

Albert J. Hemmy to be postmaster at Hartford, Wis., in place of Irving L. Bonniwell. Incumbent's commission expired April 24, 1912.

Frank J. Maher to be postmaster at Omro, Wis., in place of Oliver W. Babcock. Incumbent's commission expired January 22, 1913.

E. R. Peck to be postmaster at Bangor, Wis., in place of James Carr. Incumbent's commission expired January 12, 1913.

George H. Schmidt to be postmaster at Kewaskum, Wis., in place of August G. Koch, deceased.

John Vander Linden to be postmaster at West De Pere, Wis., in place of Wallace S. Hager. Incumbent's commission expired December 11, 1911.

WYOMING.

Malcolm R. Merrill to be postmaster at Wheatland, Wyo., in place of Frederick E. Davis. Incumbent's commission expired December 17, 1912.

George Whittaker to be postmaster at Yellowstone Park, Wyo., in place of Alexander Lyall, resigned.

WITHDRAWALS.

Executive nominations withdrawn from the Senate May 7, 1913.

POSTMASTERS.

GEORGIA.

B. F. Baker to be postmaster at Woodbury, in the State of Georgia.

INDIANA.

Daniel Ganz to be postmaster at Odon, in the State of Indiana.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 7, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that apart from Thee we can not exist, for in Thee we live and move and have our being. Every breath we breathe is a new birth; every thought, uttered or unexpressed, a token of Thy care; every act a sufferance of Thy will. Help us, therefore, assiduously to follow the laws of health as we know them and keep ourselves free from the contamination of sin, that we may think clearly, act wisely with Thee, through Thee, to the larger life and possibilities in Christ Jesus, the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3321—the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. When the House adjourned last evening paragraph E was pending. Are there amendments to paragraph E?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 141, line 3, after the word "acting," strike out the word "including" and insert the word "excluding."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, we have had a wide range of debate with reference to the bill now under consideration. Many things have been said that have not been pertinent, and much has occupied the time of the House that has no relevancy to the measure before the House. I am glad to see that in the discussion of the income tax there is a greater observance of the rule that whatever is said must be pertinent to that which is being considered.

The time for debate upon the question as to whether or not we shall have an income tax has long since passed. It is not necessary for one to express one's private views with reference to such a measure. The majority of this House have felt it to be their duty to present a bill upon this subject, and have asked the House to pass it. They have presented the one that is now under consideration, and it seems to me that it is the duty of the Members upon this side of the House not to hinder, obstruct, or interfere with its passage, but to aid in making it such a measure as will give the question of an income tax a fair and full test by the American people when put in actual practice.

While I respect the men who are upon the Ways and Means Committee and their skill and judgment, I must say that a perusal of the second section of this bill leads one to believe that an immature measure is being pressed upon the attention of Congress.

This section of the bill ought to be reconsidered and revised. There is much in it that is fraught with peril in any attempt to execute its provisions, and it seems to me there is no section of this bill that is so imperfect as the one now under consideration.

Let me ask the attention of the House to a few sentences found on page 141:

All persons, firms, copartnerships, companies, corporations, joint-stock companies, or associations—

And so on, and then the section, after naming others acting in a fiduciary capacity, proceeds as follows:

Are hereby authorized—

And not only authorized, but—

Required to deduct and withhold from such annual gains, profits, and income such sum as will be sufficient to pay the normal tax imposed thereon by this section, and shall pay to the officer of the United States Government authorized to receive the same; and they are each hereby made personally liable for such tax.

What does this legislation mean? It means that you are creating a horde of collectors who are not official; that you are constituting every man through whose hands passes a sum of money coming to you as income a collector to collect and withhold from you the amount of the normal tax, and he, not you, must pay it over to the collector.

Was there ever a more shameful provision inserted in any bill—one so insulting and humiliating to the self-respect of every American citizen? A horde of collectors put upon you for the purpose of intercepting your money, and withholding it as though you were a thief and scoundrel, and the legislature in a bill deliberately treating all the people as such.

This is the provision of this income tax to which I have directed your attention. Consider it for a moment and answer for yourselves, Is it or is it not fraught with peril and disturbance to the relations of men in the business of life?

Every lessee, every mortgagor, shall withhold this tax. When the time comes for payment a defense is intervened, a legal question is raised, the right to collect what is due to one is taken away, and what is your remedy? The remedy in this bill requires one to go to this so constituted collector and say to him with your hat in your hand, "I humbly beg leave to call your attention to the fact that I am exempt," or "that this tax is not due from me and you ought not to retain it"; but one's word is not sufficient. He must sanctify it with an oath to this man, and it is no answer to say, "or you may make return to the collector," for the duty is imposed on the individual to seize and withhold this portion of the income, and he will not pass it by lightly when he has been made personally liable for it, in this bill, as a debt of his own. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HULL. Mr. Chairman, the gentleman from Pennsylvania [Mr. GRAHAM] makes the usual argument of those who oppose this or any other just method of taxation. During the past few weeks I have heard more talk about widows and orphans on the part of these big men who represent big interests than I have ever heard before within the same length of time by anybody during my lifetime. The gentleman from Pennsylvania undertakes, either intentionally or otherwise, and I hope otherwise, to make an entirely erroneous impression upon the membership here with respect to the meaning and the effect of the operation of this provision of the law. Even in his own State certain individuals and corporations are required to withhold the tax of other taxpayers and pay to the State, as I am informed. In a large number of States of the Union banks are required to withhold the tax for all shareholders and pay to the State. The gentleman has made no complaint as to the operation of this law, which is similar in Pennsylvania, as I understand.

Mr. GRAHAM of Pennsylvania. Oh, I beg the gentleman's pardon. There is no such law in Pennsylvania as that which is incorporated in the text of this proposed measure.

Mr. HULL. There is a law there that requires the tax to be withheld and paid to the State by one person or corporation for another, is there not?

Mr GRAHAM of Pennsylvania. No; nothing like this at all.

Mr. HULL. I am informed by other Members from that State that there is such a law, and I was simply making the statement upon the strength of what they informed me.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit me to make one suggestion?

Mr. HULL. I can not yield. I do know that there are laws in most or many of the States which require banks to withhold and pay taxes, precisely as this provision implies, for every stockholder in those banks, and according to the gentleman's argument that is a gross outrage, it is a gross reflection on all the stockholders because the banks as a mere matter of convenience to the stockholder and the State withhold and pay to the State.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. HULL. I can not yield. This is a provision that has been in operation for 50 years in England. Every hod carrier understands it, and instead of complaining about it they approve it. It means that double the amount of tax otherwise under the same rate goes into the Treasury, and with a minimum amount of trouble or annoyance to the taxpayer. It simply means that any person, company, or corporation having in their hands at the end of the year taxable income going to another in the way of salary or rent or interest, and so forth, arising from an annual transaction, shall withhold the tax and make return along with their own return, giving the name and address of the other taxpayer, and when that reaches the internal-revenue office the amount of tax is computed and sent back to the person at the source, and he sends a check in payment for it along with his own. No complaint is made of this in other countries; no complaint is made in this country where precisely this method is observed in perhaps a majority of the States on the part of the banks whose duty it is to withhold and pay the tax for their stockholders. I hope that before gentlemen rush into these sweeping criticisms they will take just a little pains to read over the bill and to examine the practice followed by other countries and States that have in operation this identical method of collection. It is no imposition on anyone, it is no reflection on anyone, it is simply a matter of convenience both to the taxpayer and to the Government, with no serious injury or trouble imposed upon anyone.

Now, the gentleman refers here to lessees and mortgagors. The effect of that amendment would be nothing if it was adopted. The first line is the saving part of this section—

All persons, firms, copartnerships, companies, or corporations, etc.

Now, it may be lessees or mortgagors. That which follows is only explanatory, and the only question is whether the lessee or mortgagor at the end of the year has a taxable amount of income going to a taxpayer. If so, he simply withholds the tax on that particular amount. He does not inquire into the taxpayer's other business or his other sources of income. That is a matter between the taxpayer and the Government. He only withholds the tax on this particular item that is in his hands, and he is not personally liable for the tax until this income accrues in his hands and is to be paid to the taxpayer. Then he withholds the amount of the tax, so that no injury is inflicted upon him in this respect. He is simply induced thereby to make safe payment of it to the Government.

Mr. EDMONDS. Mr. Chairman, I have listened to the gentleman's explanation, and I must say that I do not think it covers the case where it comes to an individual. We are not talking about the corporations. They can do this very easily. But suppose a man owns a house and that is all he has in the world. He rents it for $25 a month. Under this bill do you require the tenant to take out 25 cents a month and pay it to the Government?

Mr. HULL. Oh, no; not at all. It means anything except that.

Mr. EDMONDS. How is he going to get out of it?

Mr. HULL. He does not retain any tax at all until it passes the $4,000 mark.

Mr. EDMONDS. I know; but how does the tenant know that?

Mr. HULL. The tenant knows what he owes the landlord at the end of the year. If it is more than $4,000 a year, he retains the tax on the excess. For instance, if it is $5,000 per year he would retain $10, or 1 per cent on the $1,000 excess above $4,000, when he pays it to the lessor, and conveys that $10 to the Government.

Mr. EDMONDS. Yes; but it does not say so in the bill at all.

Mr. HULL. It is very plain in line 11, on page 141:

Exceeding $4,000 for any taxable year.

Mr. EDMONDS. But if the tenant is paying $300 a year rent, how does he know that the amount he is paying will increase the income of the lessor above $4,000?

Mr. HULL. He is simply dealing with this one item. The taxpayer takes up with the Government any other sources of income.

Mr. EDMONDS. I think the gentleman from Pennsylvania [Mr. GRAHAM] is right on the proposition. I do not think it is definite at all.

Mr. SHERLEY. Mr. Chairman, I think it is important that we understand the meaning of this provision. Because I have talked it over several times with the gentleman from Tennessee I want to emphasize what I understand to be the view of the committee touching the meaning of this particular section. That is, that there is an option given to the man who owes the tax either to make to the person who is to pay the tax for him, or to the collector, a statement as to such deductions as he is entitled to.

Mr. ANDERSON. Will the gentleman——

Mr. SHERLEY. Just a moment. I want at least to finish one thought. If it is made to the person who is to pay the tax, why then that is sent with the statement of such person to the collector, and there the amount of tax that is to be paid is ascertained and the person to pay the tax is notified. On the other hand, if he chooses, he may send his statement to the collector. Then his statement is put in conjunction with the statement of the person required to pay the tax in the first instance; and again the collector estimates the direct amount of tax that is to be paid, and notifies the person required to pay it in the first instance. Or in other words, whichever course he takes to claim his deduction, the result is that the collector is required to notify the person having first to pay the tax of the exact amount.

For myself I think it might have been very well if the law had expressly stated that the collector should do that very thing, so that the language which says that the person required to pay in the first instance shall pay and shall be liable for the tax might not be construed as in any sense making him liable for the whole amount without regard to any deduction unless he was notified by the person for whom he pays of such deductions in the first instance; and in order that the construction which the gentleman from Tennessee has put on it, which is the committee's construction, may be clearly understood by the House and understood in connection with the construction of the act if it finally passes in this form, I have thought it wise to make this statement. Now, I yield to the gentleman from Minnesota.

Mr. ANDERSON. I understood the gentleman from Tennessee to say that this would not apply in any case where the interest did not exceed $4,000. Now, I call the attention of the gentleman to the bottom of page 142, to the proviso, which is as follows:

Provided, That the amount of the normal tax herein imposed shall be deducted and withheld from fixed and determinable annual gains, profits, and income derived from interest upon bonds, mortgages, or other indebtedness of corporations, joint-stock companies or associations, insurance companies, and also of the United States Government not now exempt from taxation, whether payable annually or at shorter or longer periods, although such interest does not amount to $4,000.

Does that apply only to interest from Government bonds, or does it apply to any interest upon mortgages, and so forth?

Mr. HULL. It applies alone to interest due from corporations, not from individuals.

Mr. MANN. It does not say so.

Mr. HULL. If the gentleman will permit me, as was stated some days ago here, the only exception to the general rule which requires a person or corporation to withhold the tax of an individual is when the income in his hands exceeds $4,000; that is this exception to which the gentleman from Minnesota calls attention; that is, in case the interest derived from corporate bonds or other corporate indebtedness is going to the taxable individual.

Mr. ANDERSON. I would like to ask the gentleman another question. The provision on page 135 of the bill allows an individual to make a deduction from his gross income of income upon which the tax has been paid at the source. In case of mortgages and bonds, the normal tax of 1 per cent would have been paid by the corporation or collected at the source. Consequently the amount would be deducted from the gross income of the individual and would not be included in his net income upon which the surtax would be levied.

Mr. HULL. The gentleman overlooks the fact that any person who withholds the tax at the source makes a return of income as to that. All the tax is computed at the office of the internal-revenue collector. The amount of the tax is computed and the amount sent back.

Mr. ANDERSON. The corporation is only required to deduct the amount of the normal tax, and when they deduct it the individual is permitted to deduct the amount of the income upon which the normal tax is paid at the source from his gross income, and your surtax is only levied on his net income.

Mr. HULL. That is a different transaction. You dispose of the normal tax and then you come to the surtax.

Mr. ANDERSON. You have specifically provided that the individual is permitted to deduct from the gross income the amount upon which the normal tax has been taken out at the source.

Mr. HULL. I think, if the gentleman will read the bill carefully, he will see that it is perfectly plain.

Mr. ANDERSON. I have read the bill 20 times and I am positive that the construction I put on it is correct.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this section and pending amendments close in 25 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto shall close in 25 minutes.

Mr. GREEN of Iowa. Mr. Chairman, do I understand that this agreement applies clear up to paragraph F?

Mr. UNDERWOOD. F is reserved.

The CHAIRMAN. To which agreement does the gentleman from Iowa refer?

Mr. GREEN of Iowa. I refer to the request of the gentleman from Alabama.

The CHAIRMAN. The request of the gentleman from Alabama is that all debate on paragraph E and all amendments thereto shall close in 25 minutes.

Mr. GREEN of Iowa. I said that I only wanted 2 minutes, but if it goes clear up to F I want 5 minutes.

Mr. UNDERWOOD. I will agree that 18 minutes of that time shall be controlled by the gentleman from Illinois and 7 minutes by myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on paragraph E and all amendments thereto shall close in 25 minutes, 18 minutes to be controlled by the gentleman from Illinois and 7 minutes by the gentleman from Alabama. Is there objection?

Mr. CALDER. Reserving the right to object, can I have 5 minutes of that time? Could not the gentleman give 22 minutes to this side?

Mr. UNDERWOOD. Very well, Mr. Chairman, I will modify my request and make it 30 minutes, and reserve 8 minutes to this side.

The CHAIRMAN. The gentleman from Alabama modifies his request so that there be 30 minutes' debate, 22 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 8 minutes by himself.

Mr. UNDERWOOD. And all pending amendments be disposed of at the end of that time.

Mr. MANN. Let us dispose of the amendments as we go along.

Mr. UNDERWOOD. Very well.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The question was taken, and the amendment was lost.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I offer the following further amendment.

The Clerk read as follows:

Page 141, lines 1 to 22, after the figure "1," strike out lines 1 to 21, inclusive, and the words "such tax" in the twenty-second line.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I would like to inform the gentleman from Tennessee [Mr. HULL] that I have read this bill carefully. I have not made my criticisms of this section without due regard to my own conscientious views and convictions. I said nothing in my remarks about widows and orphans, and the gentleman ought to give me credit for not traveling outside of the record. He has traveled outside of the record and has attempted to impugn my motives.

I want to assure the gentleman, in all kindness, that my motives as a Member of this House are such as have characterized me in the discharge of every public duty I have ever undertaken in all my life. Whether I have represented during my life big or small interests in the country will make no matter to me as a Member of this Congress. Here I am, acting under my oath, and my sense of duty to my constituency and the whole people is as high and as unimpeachable as is that of the gentleman from Tennessee. Now, my criticism is based upon this section, because I feel, as a lawyer and a critic of language in a statute, that this is bound to make trouble to the business world. I said at the outstart I am interposing no motion for the purpose of hindrance or delay in the passage of this bill.

When the gentleman alludes to cases in which corporations retain moneys to pay taxes it is always to those cases where a relationship exists between the parties that can not be said

to exist when you constitute an individual, who may be responsible or otherwise, the taxgatherer and taxpayer for you in your name and stead. I want to call the gentleman's attention to a peculiar distinction that is made in the remedy that he says is proposed in this section. First, with relation to claiming the benefit of the $4,000 exemption. In this section the language compels him to claim that benefit from the individual citizen who collects and retains his tax, where the relationship of the man ought to be with his Government and with its officials. Second, in the case when he claims the benefit of those things that are exempted—in other words, the deductions—he has it in the alternative. He may either claim it from the man who has withheld his tax money and paid it to the collector, or he may go to the collector at the end of the year and claim it from him. In the one instance it is imperative that he go to the individual constituted by this section a taxgatherer, but not an official, and claim the exemption from him; and in the other case—that is, claiming deductions—he has the alternative; he may go to this extraordinary collector, or he may to go to the United States internal-revenue collector. I dare say that in the administration of this section there is going to be utter confusion, and the language shows that it has not been considered by those who are competent to judge of the relation of things in such a matter as this. To put a lessee in a position to collect from his landlord his—the landlord's—income taxes and pay them for him, and to put the mortgagor in the position of collecting out of the interest due his mortgagee the amount of this tax and pay it for him is surely an anomalous, unusual, and objectionable feature of this chapter in the history of tax legislation. [Applause on the Republican side.]

Mr. MANN. Did the gentleman use all of his time?

The CHAIRMAN. The gentleman used four minutes of his time.

Mr. MANN. I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I do not wish to indulge in captious criticism upon this section of the bill, but I do think that it ought to be subject to just and fair criticism in all of its provisions. I think it is to be regretted that it has been coupled up with a party measure so that it can not receive that careful, impartial, and nonpartisan consideration which a bill of this character ought to receive at the hands of this House. No party or no set of men has a monopoly of the income-tax principle, and this section of the bill ought to be considered under conditions which would give fair opportunity for consideration of the matter in a nonpartisan and impartial way. [Applause on the Republican side.] Now, Mr. Chairman, the present Payne-Aldrich law imposes a tax of 1 per cent upon the net incomes or net earnings of corporations. That tax of 1 per cent, or normal tax, is continued in this bill and extended to individuals having an income of over $4,000 and not in excess of $20,000. In addition, a graduated-income tax or surtax is imposed upon incomes in excess of $20,000, but that tax is levied not upon the gross income, not upon the return of the individual, but on his net income as his return shows that income. Now, in determining that net income this bill authorizes him to make certain deductions. These deductions include among others, in the first place, a deduction from his gross income of that part of his income upon which the corporation has paid what amounts to the corporation tax in this bill.

As a result that income will not be included in his net income, and as a further result he will not be taxed upon the income which he receives from a corporation as dividends, except for the normal tax. To illustrate, here is a corporation having 10 stockholders, capitalized at $10,000,000. Its net earnings are $1,000,000. Upon those net earnings of $1,000,000 it pays a normal tax, or $10,000, leaving $990,000 to be distributed among its stockholders, or $99,000 apiece. Presumably under this bill each stockholder will pay an additional tax of 2 per cent on $99,000. As a matter of fact, no such thing will happen, because in determining his net income he should have credit for the amount which he receives from the corporation as dividends, and then he will deduct that amount from his gross income under this bill, because the normal tax has been paid by the corporation. It is perfectly obvious under those circumstances that nothing but normal taxes will be paid upon dividends of corporations.

Mr. HULL. Will the gentleman allow me to call his attention to line 10, page 134?

Mr. ANDERSON. Ah, yes; but that refers to the return and the tax levied, as the gentleman will notice, not upon the amount which the taxpayer returns but upon the net income which his return shows, figured according to the method provided in the bill.

Mr. HULL. If the gentleman will permit, that is the normal tax only, and not the additional tax.

Mr. ANDERSON. Not at all. He pays his tax upon the net income, whether the normal tax or some other tax. There is no distinction, so far as the individual is concerned, in this bill between the normal tax and the income tax. He pays the tax whether it is the normal tax or graduated tax upon the net income, as that income is shown by the return he makes.

Mr. HULL. May I interrupt the gentleman? On page 134, read line 7 down to line 11. That shows conclusively that no part of the tax is paid at the source, but a return is required of the entire amount as to the additional tax.

Mr. ANDERSON. I think the gentleman is entirely mistaken about that. The normal tax in every instance, if it is levied upon dividends or upon the interest of a mortgage, a mortgage or bond, is collected at the source—the gentleman shakes his head, but I call his attention to the paragraph to which I called the attention of the gentleman from Tennessee [Mr. HULL]. It does not seem to me there is any question about the construction of it. I admit, and gladly admit, that it was not the purpose of the gentleman from Tennessee [Mr. HULL] to write the bill in that way, but I do maintain that the conclusion I have drawn is the necessary conclusion to be drawn from the language of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Let us have a vote on that proposition.

Mr. HULL. Mr. Chairman, I regret that the gentleman from Pennsylvania [Mr. GRAHAM] became offended at the impersonal remarks I indulged in in trying to call attention to another phase of this bill. I construed the remarks of the gentleman as a rather vicious attack upon the effect of this section which I considered entirely unwarranted from the face of the language of the section to which he was referring. I perhaps did weave in some arguments that other gentlemen have been making on the floor and elsewhere with respect to widows and orphans. The gentleman denies any disposition to utilize that argument, and I am glad to withdraw that part of my allusion.

Now, Mr. Chairman, as to this section, if gentlemen desire to offer a criticism to this method of collection at the source, they should have commenced at a preceding paragraph. The first paragraph of this bill imposes the tax; paragraph B defines incomes; the second half of paragraph B defines the method of computing net incomes. When you get over to paragraph E you come to the direction for making returns. Three kinds of returns are required for the purpose of the normal tax—one by the individual, another by guardian or trustee for his beneficiary, and the third one by any person or corporation who withholds for another an individual normal tax at the source of the income.

These three kinds of returns are directed. Now, if gentlemen want to assault this phase of the matter, they should have commenced on page 138, down near the bottom, where the return is required. This section, to which the gentleman refers now, merely relates to the payment of the tax after it has been returned by the person or corporation for the taxpayer. This is simply a long-standing and well-understood and well-established and highly satisfactory method of enforcing this tax in England. It has been better developed there than anywhere else, and within the past four years one of the ablest parliamentary tax commissions that has been appointed there perhaps in a generation was directed to make a thorough investigation and report as to whether this method of collection at the source should be abolished in order to permit a graduated tax running up in the usual manner. They reported back at the end of the year that, after making the most exhaustive investigation, this method of collection had doubled the amount of revenue under the same rate; that it had almost entirely removed the objection of inquisitoriousness or annoyance to the taxpayer when the tax was being enforced, and that this, more than any other feature of the entire law, has contributed to the popularity of the tax, making it as satisfactory as any other on the statute books, and that it at the same time had doubled the revenue.

Now, the Treasury Department in their regulations will designate here very clearly the classes of persons or corporations required to withhold the tax, just as the English law designates them in the body of the law, but it required a hundred pages in their law to do that and to prescribe other details. Their regulations will also designate those classes of individual taxpayers who will be required to make a personal return; that is, where their income is not derived from an annual business relationship or connection with some person or corporation, and so forth, and in the case of traders, or professional men, or business men, where their income accrues at different and irregular times, in different and irregular

amounts—in all this class of assessments and as to all this class of returns they would make a personal return. But in cases where rents or interest or salaries are due from one person or corporation to an individual taxpayer, subject to the normal tax of 1 per cent, and arising from an annual business relationship, this method of assessment and collection at the source is utilized in this bill.

Now, if this plan has worked so admirably in other countries, if it has worked so well in England particularly, where there are only 40,000 corporations, why would it not work much better in this country where there are more than 200,000 corporations? I can see no reason why it would not work just as practically, and even more so here; and instead of being an annoyance to the taxpayer when it becomes understood and adjusted to the country, I am satisfied, in view of the uniform experience elsewhere, that this will be entirely satisfactory in its general effect and operation.

Now, my friend from Minnesota [Mr. ANDERSON] is entirely in error in confusing the additional tax with the normal tax.

Mr. CAMPBELL. Mr. Chairman, will the gentleman from Tennessee yield for a question?

Mr. HULL. Yes.

Mr. CAMPBELL. If a citizen, say, has five buildings in five several cities, from which he receives a rent of, say, $5,000 a year for each, what method of collecting would apply to the income of that citizen?

Mr. HULL. In each case the lessee, when he made his own return, would note the name and address of this lessor and the $5,000 of accrued income that is to pass through his hands. He would return that to the district collector, who would send it to the Internal Revenue Commissioner's office here in Washington. He would compute the amount of tax, and if the lessor had filed notice with one of these lessees claiming his $4,000 exemption, that would be pinned to that $5,000 return, and when it reached the office the computation of taxes would be made, and in each case $50 of that tax would be sent back, with notice to the lessor, except that in the case where the exemption was claimed the Internal Revenue Commissioner would have deducted the $4,000 and sent back an item of $10 to that particular lessee.

Mr. CAMPBELL. Would it not be less cumbersome to the citizen to pay his own tax?

Mr. HULL. Yes; it might be if he would do so. But, as I said the other day, he only returns on the average about one-tenth of his property according to the experience of the States.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. HULL. Yes.

Mr. GRAHAM of Pennsylvania. In the illustration just made would not each one of the lessees retain the tax? And if the rent became due in the first six months of the fiscal or calendar year would they not retain it or keep it until the time of the payment to the collector? And what good purpose to the Government is subserved in that respect?

Mr. HULL. This $4,000 provision about which the gentleman from Pennsylvania complains, down near the bottom of page 141——

The CHAIRMAN. The Chair directs the attention of the gentleman from Tennessee to the fact that he has consumed eight minutes.

Mr. HULL. My time is up, then.

Mr. MANN. I should like to have a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking from line 12, page 144, the words "such person has other net income" and inserting in lieu thereof the following: "The entire net income of such person is of such amount as to make it subject to the additional tax as in this section provided."

Mr. MANN. I yield to the gentleman from Iowa four minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for four minutes.

Mr. GREEN of Iowa. Mr. Chairman, I entirely agree with the gentleman from Tennessee [Mr. HULL] as to the necessity of taxing the income at the source. While the income tax is the fairest, the most just, and the most equitable method of levying a revenue, it is at the same time the easiest evaded, and the method which the gentleman from Tennessee [Mr. HULL] has undertaken to apply here is for the purpose of preventing such evasions. So far I agree with him, and so far I desire to cooperate with him; but I think that, inadvertently or otherwise, the provisions of this bill fail to carry out his intentions. The gentleman from Tennessee [Mr. HULL] has entirely failed to answer the argument of the gentleman from Minnesota [Mr. ANDERSON], as I view it. It is true that on page 134 there is a provision that every person subject to the additional tax shall make a personal return thereof; but there is also another provision, on page 126, that in making this return he may deduct the amount which is received from dividends upon stock or from the net earnings of any corporation, joint-stock company, association, or insurance company which is taxable upon its net income, as hereinafter provided.

Now, if in making his returns, in order to ascertain the net income, he may make this reduction, then in case he is liable to the surtax, he escapes it entirely on that income.

Mr. HULL. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HULL. I wish to direct the gentleman's attention to the fact that the normal tax is paid in three ways, and the additional tax, as it says, is additional to the normal tax, and on the net income which is made subject to the normal tax. Now, the normal tax of 1 per cent——

Mr. GREEN of Iowa. I am sorry that I am unable to yield to the gentleman further, but I have only four minutes. I can not give the gentleman further time. I wish to call attention to my proposed amendment which I have offered here. As the third paragraph on page 144 stands it now reads—

Any person for whom return has been made and the tax paid, or to be paid as aforesaid, shall not be required to make a return unless such person has other net income, but only one deduction of $4,000 shall be made in the case of any such person.

Now, the question arises, What is "other net income"? It can mean but one thing—other net income upon which this tax has not been paid. This normal tax has been paid by the corporation or firm which may retain and pay it, and if the person whose tax is thus deducted has no other income except from stocks or bonds that has been paid in this manner, then, notwithstanding the income may be above $100,000 a year, he will only be required to make a return which will make him pay the normal tax. The amendment that I have offered is in such form that it will specially meet that situation, and if his entire income is in excess of the amount so as to make it liable for the additional tax, then he will be required to make a further return.

Conceding everything that the gentleman from Tennessee has said with reference to other provisions of the bill for the sake of argument, because I do not admit it, this provision in paragraph 144 is in direct conflict therewith, and ought to be—and I am satisfied will—eventually be corrected.

Mr. MANN. Mr. Chairman, I believe I have nine minutes remaining. Four minutes were to be given to the gentleman from New York [Mr. CALDER], who has an amendment to a subsequent paragraph. I relinquish that four minutes, so that I now have five.

Mr. Chairman, it was a Republican Congress that submitted the income-tax resolution to the States for ratification, and I had hoped that when the income-tax proposition in this bill was reached it would be considered from a nonpartisan standpoint, and that amendments and suggestions from this side of the House might receive careful attention from the other side of the House. But apparently we are to be treated in the same manner on this section that we were on the tariff provisions in the bill, and however meritorious the suggestions may be from this side of the House it is not the intention of the other side of the House to accept them.

Last night I offered an amendment to strike out from the bill the provision which exempts the compensation of the present President of the United States during the term for which he has been elected. This bill provides for a return at the end of this calendar year for all income received during the year. Now, in exempting the present President of the United States we may assume that the exemption is for one of two purposes—one, because the gentlemen desired to curry favor with the President, which I think would be beneath them, and I do not charge; and the other, because of the constitutional provision that the compensation of the President shall not be reduced.

But, if that be the reason, does it not equally apply to the two months and four days during which President Taft drew his compensation? If we can not reduce the compensation of the President of the United States during his term of office, can we reduce it after his term of office expires?

That leads me to the suggestion, what right have we under the constitutional provision to levy an income tax upon incomes received before the ratification of the amendment. Certainly, if we have the right to go back and tax incomes from the first of the year, and you propose to exempt your President—as you delight in calling him, but I will say our present President—from the payment of the tax, then you must exempt the payment of the tax on the salary drawn by President Taft during this year.

I doubt very much whether we have the power to extend the tax back of the time when the amendment was promulgated and ratified. If we can extend the tax back three months, can we not equally as well extend it back three years? If we can extend it back three years, we can extend it back to the foundation of the Government. What right have we under the Constitution to assume that the income-tax provision was in the Constitution before it was ratified? I know the suggestion will not meet with great consideration on the other side of the House. Nothing we can say over here will affect them, but what the people will say the next time they get a whack at them will greatly astonish them. [Applause on the Republican side.]

The CHAIRMAN (Mr. SLAYDEN). The question is on the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken, and the amendment was lost.

The CHAIRMAN. Section G is now open for amendment.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 145, line 21, after the comma following the word "member," insert the following: "or to any insurance company or association which conducts all its business solely on the mutual plan and only for the benefit of its policyholders or members, and having no capital stock and no stockholders or shareholders, and holding all its property in trust and reserve for its holders or members."

Mr. STAFFORD. Mr. Chairman, the provision in the bill to which this amendment applies excepts from the income tax fraternal insurance associations, building and loan associations, mutual savings banks, and other associations of a similar character.

The purpose of this amendment is to include mutual life insurance companies which are carried on solely for the benefit of the policyholders, and holding all of their property in trust, reserved for the members of the associations. Since the bill was first introduced the inclusion of mutual life insurance companies has been remedied in part by a committee amendment adopted yesterday afternoon, which exempts the principal of the amounts paid by the policyholders to these companies from the income tax. But if it is proper, I respectfully contend, to exempt fraternal insurance societies and mutual savings banks from the income tax, then it is proper to extend that exemption to mutual life insurance companies. These large associations are not formed for the benefit of any stockholders or shareholders, but exclusively for the benefit of policyholders. It may be argued that under the corporation tax in the Payne Tariff Act these insurance companies were subjected to a tax of 1 per cent, as is provided here; but if that is the case there is no reason why in this instance, exempting fraternal beneficiary insurance associations, you should not also extend that exemption to mutual life insurance companies. If this tax is going to be levied upon them, every policyholder will bear part of the tax. These amounts that will be taxed—so-called abatements, as referred to by the gentleman from New York [Mr. GOULDEN] last evening—are savings on administrative expense, allowances for greater interest receipts, savings on amounts of premiums, and the like. They will be taxed, and the tax will fall indirectly on the many millions of policyholders, the policies of these mutual companies averaging about $2,000. This income-tax provision, with the $4,000 exemption, will extend only to 1 per cent of the entire population of the country, and by extending this tax to mutual life insurance companies you are levying a tax on millions who are seeking to protect themselves and their families, just as every other individual who enters a savings account seeks to protect himself.

If there is any justification for exempting fraternal insurance companies—and I have no objection to those meritorious institutions being exempted as provided here—certainly the same argument should apply to these insurance societies, because fraternal insurance companies are organized on the same line. Many of them have premiums instead of assessments, and most of them have reserves which are drawing interest for the benefit of the policyholders of those associations, but such funds are exempted from this tax.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MOORE. The gentleman has indicated that the average policy in these companies does not exceed $2,000. It is surely within the range of $2,000 to $2,500. Is the gentleman informed as to the average amount of premium paid per year?

Mr. STAFFORD. I can not tell the gentleman.

Mr. MOORE. I can tell. It is $100 per annum, and that involves five to six million people who are policyholders of this kind in the United States.

Mr. STAFFORD. That only confirms the statement that this tax will apply to the poorer class of the people who are seeking to invest their funds and provide for relatives or for themselves in the case of endowment policies. The bill exempts an income of $4,000, which may be the interest return of a person worth $100,000, and yet you indirectly tax the policyholder, the average principal of whose policy is from $2,000 to $2,500, who may be, and often is, making many sacrifices to provide for his family on his death.

This is one of the incongruities of the income-tax provision and should be remedied by the adoption of the amendment.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, one moment. I ask unanimous consent that debate on this paragraph now close.

Mr. ANDERSON. Mr. Chairman, I would like to offer an amendment to the paragraph.

Mr. MANN. There are a number of amendments to be offered from this side to paragraph G.

Mr. UNDERWOOD. I will ask unanimous consent that debate on the pending amendment close in five minutes.

Mr. MANN. Suppose we dispose of paragraph G by the subparagraphs that are in it?

Mr. UNDERWOOD. I would like to know how many gentlemen have amendments to offer—one, two, three, four gentlemen indicate they have amendments.

Mr. BORLAND. Mr. Chairman, reserving the right to object, I desire to reply to the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

Mr. MANN. There are more than four over here.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the pending amendment of the gentleman from Wisconsin close in 10 minutes, 5 minutes to be allotted to the gentleman from Pennsylvania [Mr. MOORE] and 5 minutes to the gentleman from Missouri [Mr. BORLAND].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, one of the clearest expositions of this question of mutual life insurance companies appears in an editorial in the Philadelphia Record of this morning. The Record is, perhaps, the foremost straight-out Democratic newspaper in the United States, and it fully understands what the people think about this question of taxing the earnings of those who make their investments on this mutual plan for the purpose of protecting their widows and children. I will ask the Clerk to read this editorial.

The Clerk read as follows:

A large part of the "dividend" paid to policyholders in mutual life insurance companies does not represent profit, but is a drawback. To meet possible contingencies, such as abnormal mortality in consequence of an epidemic, the premiums on insurance are larger in amount than would be required under normal conditions. When the anticipated extra hazards fail to materialize these excess premiums are returned to the payer of the same. This part of a life insurance dividend is not "income" in any proper sense of the word, and ought not to be taxed as such. This is one of the features of the proposed income-tax law which needs revision in the Senate if it should not be revised in the House.

Mr. MOORE. Mr. Chairman, that is an expression from a very high Democratic authority. In addition to that statement it may be said that what it pertains to affects five or six millions of policyholders in mutual life insurance companies. Most of them have less incomes than $4,000. The average of policies in force in all the mutual companies is about $2,500, and the annual premium averages only about $100. It seems in this instance that it is proposed to tax the income, not of a man who is rich, not of a "malefactor of great wealth," but about 6,000,000 industrious men who have undertaken to lay up their savings through the medium of mutual life insurance to protect those whom they leave behind. It is a matter that ought to appeal to those who desire the common people of the land to have a fair chance.

Mr. BORLAND. Mr. Chairman, there has been a great deal of literature sent out in the last few weeks by the insurance companies, some by the so-called mutual companies, and some by companies that do not call themselves "mutual," containing a great many criticisms calculated to alarm policyholders in regard to the operation of the income tax. I say these statements are calculated to alarm policyholders; I would not

hesitate to say they were designed for the purpose of creating an unnecessary public alarm among people who otherwise know that they would not be reached by this income tax. The idea has been to try to bring home to that class of people the fear that in some way or other they were being reached by the operation of this tax. To say that these circulars are full of misstatements is putting it mildly. Now, we have heard a great deal about the operation of mutual life insurance companies. It is urged that because these companies call themselves "mutual" they are in some sort benevolent institutions, and their earnings should be exempt. As the chairman of the subcommittee well said it is impossible for any man not an actuary to follow in detail all the complications and the juggling of accounts of these insurance companies and to tell how much of their earnings are profit, how much is overcharge of the policyholder they have concluded to return to him, and how much the saving on the cost of their operation. We know that by their own statement a large amount of these so-called dividends are plain overcharges to the policyholder that in the consideration of competition they decide to return to him. While I am a policyholder in two of these companies I am unable to say whether I get any profit out of their earnings or not, but I do know this, gentlemen, that as to the profit they keep themselves, the income tax ought to operate on it, and as to what they return to the policyholder as overcharge or unearned premium, the income tax will not operate upon it. That is what I want to clear up right here and now for the benefit of my own constituents and those of other men who have been affected by such a false charge. These mutual insurance companies, like the Northwestern, like the Massachusetts, like the New York Mutual, like the Connecticut Mutual, have an enormous surplus built up out of some form of profit. If the policyholder is the sole owner of all the earnings, why do not the policyholders get them? But these surpluses are loaned out and invested in competition with other investors who have to pay an income tax. They own mortgages on farms all over your State and all over my State, made out of some form of earnings they have accumulated from your constituents who are their policyholders, and it is on those earnings that they ought to pay the same as any other corporation. Now, I do not know my time will permit me, but I want to call attention of this House to the salaries that are paid by these companies. One of the circulars that has gone out has been signed by Darwin P. Kingsley, president of the New York Life Insurance Co., and according to his own statement he draws $50,000 as president of that company.

Here is one of the men who will have to pay an income tax under this bill, and he is trying to get the small policyholder to help him fight the law.

We have a list here of his other officials. One of them gets $25,000 a year as vice president, another one gets $20,000 a year as vice president. The director general gets in fees and salary $44,700 a year; another director general gets $35,014 a year—from fees and salaries.

Here is another one of these companies of which Mr. Charles Peabody is president, who gets $50,000 a year; James Timson, the second vice president and the financial manager, gets $25,000 a year. And so on, down the list. I do not know what the name of Peabody's company is. The gentleman from New York probably knows, because he is a New York man. What I want to call attention to is this, that the Massachusetts Mutual and the Northwestern Mutual have a large surplus which makes them two of the biggest figures in the financial world. They draw premiums from Missouri, draw them back to Milwaukee, or to New York, or to Hartford, and then they loan them back to us on farm mortgages and on our real-estate loans. They put up office buildings in our cities, and they have an enormous financial power all over this land. Every dollar of that must have been drawn at the very beginning from the policyholder, the little $2,000 policyholder, which the gentleman from Wisconsin [Mr. STAFFORD] talked about. Every dollar that is actually returned to the policyholder ought to be exempt from the income tax and, under the amendments made to this bill by the committee, all such amounts are exempt. If they should return him earnings, and his total earnings are less than $4,000, he will escape the tax, but as to the earnings they do not return him, but keep in the company's invested surplus, they should pay a tax on those the same as anybody else. But there seems to be a deliberate plan on the part of these insurance companies to escape the operation of the income tax. This is the purpose of these misleading circulars. Notwithstanding the fact they have built themselves up into the greatest money-loaning and financial powers in the United States, notwithstanding the fact that for years they have farmed the policyholder of the West, taking his money to the eastern centers and then loaning it back to him upon his own farm and collected the interest and taken that back to the East, they now refuse to bear the income tax.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BORLAND. Yes; if I have the time.

Mr. MADDEN. The question arises if the accumulations of which the gentleman speaks are not the insurance funds for the payment of death losses.

Mr. BORLAND. I anticipated that question. The law requires a legal reserve, but it is evident that these companies have a surplus, and it is the fact that they have a surplus far exceeding the legal reserve. They have earnings that are invested in valuable real estate all over the country which far exceed the legal reserve.

Mr. BARTON. To whom does that reserve belong?

Mr. BORLAND. I do not know. I have two policies of that kind, and I wish I did know. I know that none of it has been paid to me. Their return to the policyholder is in the nature of a rebate or an overcharge which they made on him. They charge him too much premium, or they charge him more than necessary to carry his risk, and therefore they are returning him a rebate on his premium.

Whether they return him the full amount that they honestly should, according to the excess of premium collected, or whether they short change him, I do not know. No one but an expert insurance actuary can tell that. The average policyholder must accept the dividend or rebate which they give him. I simply want to assure you that the amendments made to this section provide that money which the policyholder receives in return premiums or surrender value of his policy, or which his widow or beneficiary receives at his death, are exempted from the income tax. The policyholder is protected, and if the operation of the law in practice shows any injustice to the policyholder it will be further amended. As to the companies themselves, however, it is not intended to exempt their earnings. They ought to pay their income tax to the support of the Government, even if they have to cut down a few $50,000 salaries. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 68, noes 108.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments?

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 146, line 22, after the word "fire," insert the words "hail, or tornado."

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. I suppose this section G is being read by paragraphs. Now, are there any other amendments to the first paragraph of G?

Mr. ROGERS. I have an amendment.

The CHAIRMAN. Are there other amendments to the first paragraph?

Mr. MANN. The gentleman from Massachusetts [Mr. ROGERS] has an amendment to the first paragraph.

The CHAIRMAN. Is the gentleman's amendment to the first paragraph?

Mr. ROGERS. Yes; to the bottom of page 145.

The CHAIRMAN. The gentleman will send his amendment to the desk to be reported by the Clerk.

The Clerk read as follows:

Page 145, line 25, after the word "charitable," insert the words "benevolent, scientific."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the debate on this amendment close in six minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the debate on this amendment close in six minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ROGERS. Mr. Chairman, I wish to express my concurrence in the remarks made a few minutes ago by the gentleman from Minnesota [Mr. ANDERSON] to the effect that the income-tax portion of the tariff bill is in no true sense a partisan question. It should not be determined by mere considerations of party enrollment. It is a great question, affecting the Ameri-

can people as a whole, and the particular side of the aisle occupied by Members who are expressing an opinion thereon should not be controlling.

It is in this spirit that I offered the amendment which I have caused to be read; and I trust that, although as a matter of party discipline, perhaps, the change can not be accepted at this time, the gentlemen in charge of the bill will at a later time take care of this amendment, which, to my mind, should unquestionably be made a part of the act before its final passage into law.

The words which I have caused to be added will make an exemption in favor not only of religious, charitable, or educational corporations, which are already cared for in the act, but also in favor of benevolent or scientific corporations. In this connection I should like to refer to the language of the Massachusetts statute in this regard, which exempts from taxation literary, educational, benevolent, charitable, scientific, or religious corporations. Three of the six exemptions along this line which the Massachusetts law includes are already in the act as reported, namely, educational, charitable, or religious corporations. I have not included in my amendment the word "literary," although I think there is much to be said for that inclusion also. But I do think that there can be no sound objection to the inclusion of the words "benevolent" and "scientific."

It might be suggested by some that "benevolent" is synonymous with "charitable," and that therefore it is already sufficiently covered by the terms of the act as it has been introduced. But it has been held in Massachusetts that a corporation may be "charitable," within the meaning of the statute, without being "benevolent," and that it may be "benevolent" without being "charitable." Therefore, in view of the undoubted fact, as I conceive it, that we ought to care not merely for charitable corporations, but also for benevolent corporations, it seems to me clear that this word should be added, so as to do no injustice to the latter class of institutions.

As to the inclusion of the word "scientific," I have no especial need, I think, to dwell upon the propriety of that amendment. The great institutions in this country engaged in scientific research—with no purpose of gain or emolument to the institution as a whole or to the members who are concerned therein—certainly ought to be treated on the same basis as religious, charitable, or educational corporations.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes.

Mr. ROGERS. Mr. Chairman, if I may secure the attention of the gentleman from Tennessee [Mr. HULL] I should like to ask him a specific question in regard to a matter which I think has been touched upon more or less collaterally once or twice in the discussion, but as to which no definite answer has been given. Take the case, if you please, of a man who owns a very large amount of stock in a great corporation which returns him on the stock which he owns an income of $100,000 a year. May I ask the gentleman from Tennessee whether under this act, if enacted into law in its present form, such a man would in any way, directly or indirectly, pay the Government a greater tax thereon than he has indirectly paid ever since the corporation tax of 1909 was put upon the statute books?

Mr. HULL. On page 134, after the normal tax of 1 per cent, which is really just an extension in effect of the present corporation tax of 1 per cent to individuals—when that tax is collected on the net income of all individuals and corporations then every individual who has an average net income of $20,000 or over from a corporate source, or any other source, or all other sources, is required to assemble that from these respective sources and under oath make his return to the Internal-Revenue Department for the purpose of this additional tax, and he pays the 1, 2, or 3 per cent on all in excess of $20,000.

Mr. ROGERS. But, Mr. Chairman, it is stated in so many words, on page 136, lines 10 to 14, inclusive, that there shall be deducted—

the amount received as dividends upon the stock or from the net earnings of any corporation, joint-stock company, association, or insurance company which is taxable upon its net income as hereinafter provided.

Mr. HULL. Because the same normal tax is paid for him through the corporation, but not the additional tax. He assembles each category of his income subjected to the normal tax and combines it, and then it becomes subject to the additional tax.

Mr. ROGERS. But does not the gentleman think that, taking the construction most favorable to the language of the bill as it now stands, there is likely to be unending litigation as to whether or not, in a case such as I have put, even the surtax would be collected from the individual?

Mr. HULL. I can not see any possible room for misconstruction.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Massachusetts [Mr. ROGERS].

Mr. HULL. Mr. Chairman, I simply desire to say in that connection that this bill contains the usual language exempting all corporations of the different kinds mentioned and indicated in the exemption clause. Of course any kind of society or corporation that is not doing business for profit and not acquiring profit would not come within the meaning of the taxing clause of paragraph G. So I see no occasion whatever for undertaking to particularize, because we could find innumerable kinds of these charitable or educational or other organizations called by different names, and there would be no end to it. I think the better way is to follow the exemption clause that has been well defined and understood heretofore without any particular objection.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. SAMUEL W. SMITH. How many income-tax laws have we had in this country?

Mr. HULL. We had those enacted during the Civil War and kept alive until 1871, and then the income-tax law of 1894.

Mr. SAMUEL W. SMITH. What was the lowest amount that was taxed in the income-tax law during the Civil War?

Mr. HULL. Six hundred dollars and up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this subparagraph of paragraph G?

Mr. HULINGS. I have an amendment.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to offer his amendment to the first paragraph?

Mr. HULINGS. To the second.

Mr. ANDERSON. I have an amendment.

The CHAIRMAN. The Clerk will first report the amendment of the gentleman from Minnesota.

The Clerk read as follows:

Page 146, line 22, after the word "fire," insert the words "hail and tornado."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I offer this amendment for the purpose of calling the attention of the committee to what seems to me to be a palpable omission in this section.

The pending paragraph provides for the exemption of mutual fire insurance companies from the tax imposed by the bill. My amendment would include in that exemption mutual hail and tornado insurance companies. In the State which I have the honor to represent in part, and, in fact, in all the grain-growing States, hail and tornado insurance is quite as important as fire insurance. In those States there have been organized large numbers of farmers' mutual hail and tornado insurance companies, for the purpose of protection against losses by wind and hail. They are operated on exactly the same plan as mutual fire insurance companies, and so far as I can see, there is no reason why they should not be exempted from the provisions of this section.

Mr. MANN. Ought not live-stock insurance companies also to be exempted?

Mr. ANDERSON. I think so.

Mr. MANN. They are very common in our country.

Mr. ANDERSON. Now, Mr. Chairman, I want briefly to supplement what I said a few moments ago with reference to the application of this tax to incomes derived from dividends of stock and from the interest on bonds, mortgages, and other indebtedness. I direct the attention of the committee to the language of the section which relates to the collection of the normal tax at the source, particularly to the proviso on page 142, which is as follows:

Provided, That the amount of the normal tax herein imposed shall be deducted and withheld from fixed and determinable annual gains, profits, and income derived from interest upon bonds, mortgages, or other indebtedness of corporations, joint-stock companies or associations, insurance companies, and also of the United States Government not now exempt from taxation, whether payable annually or at shorter or longer periods, although such interest does not amount to $4,000.

Now, Mr. Chairman, upon what is a graduated income surtax levied? I direct the attention of the committee to the language on page 133:

In addition to the income tax provided under this section (herein referred to as the normal income tax) there shall be levied, assessed, and

collected upon the net income of every individual an additional income tax (herein referred to as the additional tax) of 1 per cent per annum upon the amount by which the total net income exceeds $20,000.

What is the net income? I direct the attention of gentlemen to the provisions on page 135:

That in computing net income there shall be allowed as deductions the necessary expenses actually incurred in carrying on any business, not including personal, living, or family expenses; all interest accrued and payable within the year by a taxable person on indebtedness; all National, State, county, school, and municipal taxes accrued within the year, not including those assessed against local benefits or taxes levied hereunder; losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; debts actually ascertained to be worthless and charged off during the year; also a reasonable allowance for the exhaustion, wear, and tear of property arising out of its use or employment in the business, but no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made; no deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate; the amount of income received or payable from any source at which the tax upon such income, which is or will become due, under the provisions of this section, has been withheld for payment at the source in the manner hereinafter provided shall be deducted.

In other words, the net income upon which the surtax or graduated income tax is levied is the income of the individual after the deductions provided for on page 135 have been made.

The gentleman from Tennessee says that that provision only applies to the normal tax, but there is not a line in the section which shows that it only applies to the normal tax; and, in fact, the contrary conclusion is necessarily drawn from its terms, because the section which levies the surtax or graduated tax applies specifically to the net income, while the section on page 135 specifies the way in which that net income shall be determined.

The net income having been determined, the surtax or graduated tax necessarily attaches. Otherwise it can not attach. So that in the case of a man who has an income of a million dollars from mortgages, or from bonds of a corporation, where the normal tax is collected at the source, he will in making out a return say that he received $1,000,000 from a corporation, and upon that $1,000,000 the normal tax has been paid; so he will deduct that million and say that that leaves him no amount at all upon which the surtax can attach.

Mr. HULL. Mr. Chairman, I merely wish to say in respect to this amendment proposed that if any of these kind of associations, as they purport to be, are not doing business for profit and deriving a profit as an association or corporation, of course no tax would be collected. There are a number of so-called mutual associations of different kinds in this country which do business under such methods that when a policy holder pays a premium it becomes the property of the corporation, while there are others doing business under such methods as that the title to the premium paid and unexpended continues to remain in the payor of the premium. There are so many different ways by which business of this kind is conducted that instead of undertaking to particularize it is only necessary, as in the corporation-tax law, to impose 1 per cent on the net earnings of the corporation. If under a proper construction of that rule it would exclude any funds which they possess as not being taxable, or if, on the other hand, it would embrace as actual profits, as in case of mutual insurance companies, certain classes and kinds of profit accumulations, then the tax would be levied upon it.

This would be a matter that in case of a difference of construction the courts would always say whether it had conducted business in such a method as resulted in a taxable profit to the corporation. Otherwise there would be no tax.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the amendment was rejected.

Mr. HULINGS. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Amend, page 140, by striking out after the word "sums," in line 19, the words "other than dividends or returns of premium payments," and inserting after the word "contracts," in line 21, the words "and any other sums paid during the year to policyholders as excess premiums returned."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULINGS. Mr. Chairman, I understand how irritating it must be to a gentleman who has given a great deal of thought to an intricate subject to be continually pestered by inquiries directed at him by other persons who have given no such attention to the subject, and who, perhaps, are a little bit bonehead, but I beg he will bear with me. The purpose of this amendment is to give me opportunity to inquire of the gentleman from Tennessee [Mr. HULL] whether sums returned from an insurance company in the way of policy payments to the policyholder are taxable under this bill?

Mr. HULL. Mr. Chairman, the corporation-tax law expressly embraced the terms——

Mr. HULINGS. Mr. Chairman, will the gentleman please answer me categorically. Are such sums returned by the insurance company to the policyholder taxable in the hands of the policyholder—yes or no?

Mr. HULL. I can not answer the gentleman without an explanation, as I undertook to make.

Mr. HULINGS. I should think it would be very easy to answer whether those sums are taxable under the act or not.

Mr. HULL. If the gentleman will permit me half a minute, I will try to make it clear. The court, in construing this term, said it was a question of fact, or, rather, a question of mixed law and fact, whether these dividends in every case constituted premium overcharges.

Mr. HULINGS. I was not speaking of the premium overcharges. I was speaking of the sum paid to the policyholder in extinguishment of the policy at the maturity of the policy, or the surrender value at the time the policy is extinguished.

Mr. HULL. I will say to the gentleman that we have construed this amendment to embrace the return of the amount invested, no matter when it is returned, so long as it is returned to the investor during his lifetime.

Mr. HULINGS. If I hold an endowment policy for $10,000 and it came due and the company paid it to me, would I be taxed under this bill for that $10,000?

Mr. HULL. The gentleman would not be taxed on any part of the amount invested which was returned to him in that manner.

Mr. HULINGS. That portion of the sum in the hands of the insurance company that is returned to the policyholder under the misnomer of dividends—excess premiums that had been returned—are they or are they not taxable in the hands of the insurance company?

Mr. HULL. As the courts have construed this term, they are not taxable if they actually constitute naked premium overcharges as distinguished from profits or accumulations derived from other sources.

Mr. HULINGS. I saw a statement the other day that the entire receipts from premiums of one of the insurance companies in New York were $56,000,000, while the gross receipts amounted to $86,000,000, showing a net profit to that concern of some $17,000,000 during the year. That, I understand, is to be taxed in their hands. Of course, they advertise that they have got all this great surplus which belongs to the policyholders, but the policyholders never get any of it. As I understand it, they keep it and allow it to accumulate to stupendous sums, and on those earnings—profits—they surely ought to be taxed. While I am very much in favor of an income tax I regret greatly that it has been brought here coupled with a partisan question, and that it does not receive the attention it ought to receive in this body. Things go right through the other side here under the domination of a caucus. We are obliged to vote this thing up or down. There are a great many intricate questions raised by men of standing and reputation as lawyers and judges concerning the policy, the methods, and the practicability of this bill. They are all at sea as to how this act will be construed by the courts or its effects upon the insurance policyholders. The purpose of this amendment is to make it plain that the insurance companies themselves are not to be taxed on those portions of the premiums which they return to the policyholders.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on the amendment.

The amendment was rejected.

Mr. CALDER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 147, by inserting after the end of line 7: *"Provided*, That in the case of corporations, joint stock companies, or associations, the purpose and amount of the portion or the whole of whose indebtedness has been approved by a board or commission or commissioner vested with the power by any State to make such approval, deduction shall be allowed for interest accrued and paid within the year on the amount of indebtedness so approved."

Mr. CALDER. Mr. Chairman——

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to six minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment be limited to six minutes.

Mr. COOPER. Mr. Chairman, I would like to have about two minutes.

Mr. MANN. This is just on this amendment.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 7 minutes, 5 minutes to go to the gentleman from New York [Mr. CALDER] and 2 minutes to the gentleman from Wisconsin. I will make it 10 minutes, 2 minutes to go to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on the pending amendment be limited to 10 minutes, 5 minutes to go to the gentleman from New York, 2 minutes to the gentleman from Wisconsin, and 3 minutes to the gentleman from Pennsylvania [Mr. PALMER]. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDER. Mr. Chairman, the provision in this bill relative to the subject of interest on bonded indebtedness reads as follows:

Interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year.

Mr. Chairman, I have introduced this amendment because my attention has been called to a condition of things that happens to exist in the city of New York at this time. On March 19, 1913, the city of New York entered into an arrangement with the public-service corporations of that city by which the city and these public-service corporations will construct an extension of our subway and elevated railway system. The extension of this system will cost in the neighborhood of $400,000,000. The city incurs about one half the expense and the public-service corporations incur the other half. Now, it seems that one of these public-service corporations—the Interborough Co. of New York—has a capital stock of $35,000,000. They propose under this arrangement with the city to issue $170,000,000 worth of bonds, these bonds having been approved by the public-service commission of the State, which commission was appointed by the governor. The Brooklyn Rapid Transit Co. proposes to issue $100,000,000 worth of bonds on a capital stock of $2,000,000. Now, it appears that to the extent of $35,000,000, the interest on the bonds of the Interborough Railroad Co. can be charged off as an expense of that company, but the interest on $135,000,000 of their bonds can not be charged off as an expense. In regard to the Brooklyn Rapid Transit Co. the interest on $2,000,000 of their bonds can be charged off as expense, but the interest on $98,000,000 can not be charged off as expense of that company. Now, the interest on these bonds which these companies have to pay so they may carry out their agreement with the city of New York, bonds approved by the public-service commission of the State, the interest on these aggregates $11,650,000, which can not be charged as exemptions.

In addition to this inequity to the public-service corporations, the same provision of the bill so injuriously affect the city of New York as to require the amendment suggested. Under the recent contracts for the new subway and rapid-transit railroad system in the city of New York, which the city is to share with each of the grantee companies by way of a division of annual profits after the deduction of certain specified charges from the operating revenue, one of the charges, which is to be deducted before any calculation of the divisible profits is made, is that of all taxes. Therefore, any legally imposed new tax, no matter how inequitable, which would increase the deductions which the operating company is to make from its gross revenue in any one year, decreases the divisible revenue by the amount of the increase or inequitable portion, and consequently decreases the city's proportion. Furthermore, the provisions of the operating contracts are such that the fixed charges which are to be deducted before the divisible revenue is ascertained are cumulative, so that if—as is now believed—the results of operation of the completed subway and rapid-transit system will not show divisible revenue for the first few years, the amount by which the fixed deductions exceeds the gross revenue will be added to and accumulate against the revenue for the succeeding years. Therefore, every additional or unjust tax which the operating companies must pay will, by just that amount, postpone the time when the city will share in the profits. This situation clearly demonstrates the vital interest which the city of New York has in this provision of the bill. So far as the Interborough Co. is concerned the bill in its present form would make the city lose one-half of the annual tax imposed by this unjust provision. That means $33,750 yearly. So far as the Brooklyn Rapid Transit Co. is concerned the bill in its present form would impose an additional loss upon the city of New York of $24,500, making a total annual loss to the city of New York of $58,250, and an equal loss to the companies above referred to.

I know this matter has been discussed with some of the members of the Ways and Means Committee. I know it has been discussed with the gentleman from New York City on that committee, and I think he understands fully the situation. I saw a moment ago a gentleman on the other side of the Chamber, my colleague (Mr. METZ), who was formerly comptroller of the city of New York and who has had to do with the administration of that great city, and if he is in the room I will be glad to call upon him to substantiate my statement that the city of New York will actually lose out of its treasury an amount equal to something over $58,250 unless this bill is amended as I suggest. Now, I know the outcry will generally be that these corporations which issue great quantities of bonds in excess of their stock should be taxed. I want to say to you that this is something that is an unusual thing. It is something that ought to be done to meet a situation in New York City in which we are expending a vast sum of money in developing our transit facilities. All this has been done properly, and has met the approval of our mayor, the board of assessment and apportionment, the public-service commission, and it seems to me very unjust that the city of New York should be called upon to stand this unusual expense.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] is recognized for two minutes.

Mr. COOPER. Mr. Chairman, when I requested time, I announced that I desired it only for the purpose of asking a question of the gentleman from Tennessee [Mr. HULL]. Day before yesterday I propounded the question to the gentleman, but it has not yet been answered. The gentleman said that he would reply to it when we reached the proper stage in the bill. This is the question: Suppose that a policyholder is to pay $150 a year as a premium on a life insurance policy and there is $25 of refund; would he, the policyholder, in making his income return, be obliged, if this bill becomes a law, to put in that $25 as a part of his income?

Mr. HULL. If the insurance company had not paid the normal tax of 1 per cent out of its net earnings, on which this dividend was declared to the policyholder, he would. If the company had paid it, he would not. That is, if it was net earnings and not some premium overcharge.

Mr. COOPER. But how would a farmer, living 25 miles from a railroad, know whether the insurance company had done this or not. And yet if he failed to make a proper return of his income he would suffer the penalty imposed by the law.

Mr. HULL. If I understood the gentleman's question, a person who takes out insurance and gets back dividends which constitute a profit——

Mr. COOPER. Oh, that is the whole question. The gentleman does not answer the question.

Mr. HULL. Perhaps I did not grasp the question.

Mr. COOPER. I have asked it three or four times, and nobody has answered it. If a man has to pay a premium of $150 a year on his policy, and the company announces to him that there is a refund of $25, must the holder of the policy in making the income-tax return put in the $25 as income?

Mr. HULL. The gentleman and I understand each other now. I tried to state this morning, and last evening also, that under the construction of the word "dividend" any sum paid back to the stockholder constitutes a part of the premium paid. That portion, as the law has been construed, would not be subject to any tax of any kind, either to the company or to the policyholder.

Mr. COOPER. Would he have to include it, then, in reporting the amount of his income?

Mr. HULL. No; I do not understand it so at all. That is simply capital which he has invested in the company and had returned to him. It does not constitute income.

Mr. PALMER. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] is recognized for three minutes.

Mr. PALMER. I wanted to say a word in reference to the amendment offered by the gentleman from New York [Mr. CALDER]. I did not hear the amendment throughout, but I think I understand the principle which is involved in the objection which is made by the companies he mentions, the New York surface, and elevated, and subway railway companies. The corporation tax law now allows a corporation in making up its return to deduct the interest on its bonded indebtedness only up to an amount equal to its capital. The case of the New York railways is a pretty hard one, because their capital stock is comparatively very small, and their bonded indebtedness is very large, and they insist upon a different rule being made to apply to them, because all their financial operations and arrangements have been made under the supervision of and have received the approval of the Public Service Commission.

Now, if public service commissions were in operation in every State in the Union, and were controlling and approving every issuance of bonded indebtedness, there would be much in the

argument presented by these gentlemen from New York, but the trouble is if we would come to their relief in this law we would make an invidious distinction which would operate against the interests of men who have arranged their affairs with equal honesty and with equal desire to do what the law intends in the various States, without the approval of a public service commission or board.

In other words, every State in the Union requires that bonded indebtedness shall be issued only for value, and there are many corporations, probably most of them, where, without the supervision of a public service board or commission, such bonded indebtedness has been issued only for value, and if it so happens that it does exceed the amount of capital stock, they are really in the same position as these New York people. Yet the gentleman's amendment would not give them any relief because they do not have any commission or board in their State to supervise their operations. The rule was in the corporation tax law originally because without it there would be an easy, open avenue for persons, who wanted to do so, to get around these provisions of the law in the various States, and avoid the payment of the corporation tax.

I think, if we were to write the provision in the law as the gentleman suggests, we would be doing more harm to equally honest men in other parts of the country than we would be doing of benefit or fairness to those for whom he speaks.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New York [Mr. CALDER].

The question was taken, and the amendment was rejected.

Mr. RUPLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RUPLEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 146, by inserting, after line 11 and after the word "property," the following: "*Provided*, That the tax herein imposed upon annual gains, profits, and incomes shall include all stocks, scrip, or securities of any description issued by persons or corporations of any kind, for them, to them, or by them. Proof that the said stock, scrip, or securities have no value shall not exempt them, said persons or corporations, from a tax imposed by the provisions of this bill."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in six minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this amendment be closed in six minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RUPLEY. Mr. Chairman, I want to say to the gentlemen on the other side of this House that this amendment does not come from one hostile to all the provisions of this bill. I have asked here that watered stock, scrip, and other securities be treated as income and profits and taxed under this bill.

Under the bill passed in 1894 the court decided that—

Frequently a corporation pays a dividend in scrip. Whether such a dividend is evidence of profits, the statute does not declare. (Income act of 1894.)

That is also true with respect to this bill. Now, the court also decided that—

The answer to this question will depend upon what that dividend actually represents. If the security or stock thus issued is pure water and does not represent any actual profits, no tax on that account can be imposed. (See Foster and Abbott on Income Tax Law of 1894.)

Now, I ask by my amendment that we declare here that as to such stock issued, and be such stock valued by the corporation at $50 par or $100 par; or if it is a bond, be that bond valued at $100 or $500 or $1,000, we take the corporation's word for it, that it represents value and that that bond or stock or scrip be taxed under this bill.

My reason for asking for the insertion of this paragraph is that I may go on record against the watered-stock proposition, to wit, counterfeit scrip and bonds issued to cover immense profits not based on real value. This dishonest procedure is a fraud on labor and consumer alike. An honest effort to control this evil and permit the real profits of corporations to stand the scrutiny of the law and the public can not help but improve conditions for labor and the corporations as well, for then the demands made upon corporations can be better regulated and controlled, because the public, by arbitration and otherwise, can support and respect a settlement dealing fairly with the matters involved. Hidden profits, and even suspicion of what, perhaps, does not exist, largely contribute to the cause of labor strikes, and this provision will help to avoid the strike and its effects on business as well as the threatened dangers to government.

The Democratic Party has been the party of negation and opposition. Now, the Republican Party is assuming the same rôle. Why can not we really attend to business and quit playing policy.

In the matter of voting for this bill, I want to say that in the light of the fact that it declares for free wool, free sugar, free meat and other necessities, and while I do not approve of it in toto, its secret caucus appendage and its unscientific preparation in many directions, it is along the line and in the direction of the will expressed by the voters of this Nation at the last election. I am thoroughly in accord with the declaration in our Progressive platform that—

We believe in a protective tariff which shall equalize conditions of competition between the United States and foreign countries, both for the farmer and the manufacturer, and which shall maintain for labor an adequate standard of living.

Primarily the benefit of any tariff should be disclosed in the pay envelope of the laborer. We declare that no industry deserves protection which is unfair to labor or which is operating in violation of Federal law. We believe that the presumption is always in favor of the consuming public.

We demand tariff revision, because the present tariff is unjust to the people of the United States. Fair dealing toward the people requires an immediate downward revision of those schedules wherein duties are shown to be unjust or excessive.

We pledge ourselves to the establishment of a nonpartisan, scientific tariff commission, reporting both to the President and to either branch of Congress, which shall report, first, as to the costs of production, efficiency of labor, capitalization, industrial organization and efficiency, and the general competitive position in this country and abroad of industries seeking protection from Congress; second, as to the revenue-producing power of the tariff and its relation to the resources of Government; and, third, as to the effect of the tariff on prices, operations of middlemen, and on the purchasing power of the consumer."

I want to go on record that in my congressional experience, be it short or long, I will stand solely for the wishes of the constituency of my State and the good of the whole Nation and her people. I can answer my conscience in voting for this bill, and I believe the public want some relief from a condition that has grown intolerable for the reason that the dollar which it earns is not returned to it in value received.

The platform upon which I was elected declared for a reduction of the tariff downward. Pennsylvania, on the Republican Progressive and Democratic tickets, declared for a revision downward. I can not vote for a bill such as the Payne bill and justify my action. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUPLEY. Mr. Chairman, beginning where I left off when I was interrupted on the expiration of my time, I will read:

URGE PROGRESSIVISM TO COMBAT SOCIALISM.

We urge a program of progressive government action. Nothing else will still the widespread and menacing unrest. Social and industrial justice must be made the rule and not the exception. Contentment of the people, which rests upon their well-being, will alone in the long run make property secure. This is an irrepressible conflict. It can not be evaded. To temporize with it is to invite great national peril.

Laws for social and industrial justice must be enacted to square with modern economic conditions. The people no longer are held tightly by party ties. Already the dangerous doctrine of socialism is looked upon with favor by millions of our people as the only hope for relief or for revenge. Socialism grows upon social and economic injustice, and upon nothing else. Give to the masses that justice to which they are entitled and socialism in America will cease to be a threatening factor in our civilization.

We do not favor confiscation. We do not favor a redistribution of wealth. We reject the principle that all shall be rewarded equally. But, most strongly, do we demand a restoration and a continuance in this country of equal opportunity for all and special privilege for none.

Great private fortunes were made, in large part, under almost universally sanctioned business practices which our awakened social and economic senses now condemn. But all we ask is that the possessors of these fortunes shall be restrained from using their immense power against the public good. And we sincerely believe that in the future great fortunes will be safeguarded and conserved in the same degree in which their possessors will have ceased to use them in the spirit of social and industrial injustice.

Thus declared the Progressive platform of last summer, passed by the Republicans of the State of Pennsylvania in the State convention, the supreme body of the party in the State. Now, in explanation of the position that I am going to take on this bill as well as on this amendment, I desire to read from a home newspaper to show my consistency in subscribing to this bill. This paper, of large circulation in central Pennsylvania, editorially published the following:

Before the Progressive Party was thought of, Mr. RUPLEY denounced President Taft's veto of the wool schedule presented him by the last Congress. Since then the Progressives have been denouncing the Payne-Aldrich bill on every appropriate occasion. True, their platform calls for a tariff commission, but that is out of the question now. It is a choice between downward revision and the Payne-Aldrich bill, and Mr. RUPLEY, it is reported, will choose the former.

And when the other day I condemned the high-tariff rates of the Payne-Aldrich bill and plead for the true protective system, a newspaper of Pennsylvania of large circulation, and one of the leading organization papers, printed as a news item the following:

RUPLEY LAUDING WILSON.

The attitude of Representative RUPLEY toward the Underwood bill occasioned no surprise among Republicans. In a speech delivered in the House last Friday, he attacked the principle of protection, lauded President Wilson, who, he declared, was making good, and virtually went on record for the Democratic bill when he said: "The present tariff bill is an attempt to meet the demands of an aroused public

conscience. They realize that the tariff must be revised downward and that nothing else will appease the public's ultimation." RUPLEY was nominated by a Republican convention in Pennsylvania and was elected as a Republican candidate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUPLEY. I should like to have an extension of a few minutes to explain the position I am taking on this bill.

Mr. UNDERWOOD. I should like very much to grant the gentleman's request, but I have uniformly refused to consent to any extensions to anybody, and I will have to ask the gentleman to take his additional time on another paragraph of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RUPLEY].

The amendment was rejected.

Mr. MOORE. I offer the following.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 146, line 19, after the word "cash," strike out all down to and including the word "contracts," on line 21, and insert the following: "*Provided*, That nothing herein contained shall apply * * * to any insurance company or association which conducts all its business solely on the mutual plan and only for the benefit of its policyholders or members, and holding all its property in trust and in reserve for its policyholders or members; nor to that part of the business of any insurance company which is conducted on the mutual plan, separate from its stock plan of insurance and solely for the benefit of the policyholders and members insured on said mutual plan, and holding all property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policyholders and members insured on said mutual plan."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment be limited to 10 minutes. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, I desire to have this amendment in the RECORD in this amended form. It relates to the question of the exemption of mutual life insurance companies, an exemption which has been granted to building associations, mutual fire insurance companies, and other associations operated for the benefit of the members.

I do this also for the purpose of saying a word concerning the remarks of the gentleman from Missouri [Mr. BORLAND], which to a certain extent had a provincial touch. I would not accuse the gentleman from Missouri of being unfair even to capital, and I know that he believes he is pleading the cause that he thinks he fairly represents in this House. He finds fault with the eastern insurance companies because they put mortgages upon western farms, because they issue their accumulations of capital to encourage industry in the West. From my point of view that is one of the merits of these mutual insurance companies. They do put money into western farms. They do put money into western enterprises. They put money into southern enterprises, they put money into Pacific coast enterprises, and it is entirely to their credit and to the credit of the men whose money is at stake that these investments are made. It tends to circulate money throughout the country and to improve our general civilization.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from New York.

Mr. GOULDEN. I should like to ask the gentleman with regard to the surplus of the various mutual insurance companies dwelt upon by the gentleman from Missouri at some length and with emphasis as "these great aggregations of capital" which ought to be taxed. Can the gentleman from Pennsylvania tell us something about this matter?

Mr. MOORE. One of the troubles with the gentleman from Missouri [Mr. BORLAND] and a number of other gentlemen who have spoken upon this matter is that when they see a statement of figures it staggers them. They can not understand why there should be so much money in the world. They can not understand that it belongs to individuals somewhere; and the trouble with the gentleman from Missouri in the matter of this surplus proposition is that he can not understand that the surplus is substantially a reserve in these companies to meet possible losses from epidemics, panics, or other unforeseen causes. It is fair to assume that if the reserves of fire insurance companies, some of which are exempted in this bill, were not held by them in the form of surplus, then in the event of a great conflagration, like that at San Francisco, they could not meet their losses. So it is presumed that in the event of a yellow-fever epidemic or something of that kind unless a life insurance company was prepared, just as a national bank is forced to be prepared to meet emergencies with a reserve, it could not meet the demands made upon it.

Mr. GOULDEN. Will the gentleman pardon a statement right there?

Mr. MOORE. Certainly.

Mr. GOULDEN. The purposes as the gentleman has stated, but also when depression or panic occurs in the country the first thing the policyholder wants to know is if his policy will be paid 100 cents on the dollar beyond the shadow of a doubt.

Mr. MOORE. He wants to know if his money is safe. That is what the policyholders in the district of Missouri will demand. Let some great crash come in Wall Street, or some large banking institutions fail, let the rumor go abroad that there is trouble in the financial market, and the policyholder who has invested his savings in a policy in an eastern company wants to know if his policy is protected, which is something that the gentleman from Missouri fails to observe. This reserve is to protect the policyholder absolutely.

Mr. GOULDEN. The gentleman doubtless knows that it is less than 10 per cent, and is necessary in times of depression to absolutely guarantee the payment of all claims of every kind and character. Will the gentleman pardon me another question?

Mr. MOORE. Yes.

Mr. GOULDEN. The question of salaries was alluded to at some length by the gentleman from Missouri. Does the gentleman know of any mutual savings banks where they handle less than 20 per cent of the money handled by the larger mutual life insurance companies in which the salaries run up to $25,000 a year and even higher?

Mr. MOORE. They are exempted by this bill, and they pay a president that salary and sometimes more. They do it because they want to secure a man who can, by his reputation and ability, protect the interest of the policyholders and give them that confidence that we want them to have.

Mr. GOULDEN. And they handle immense sums of money—fifty to seventy-five million dollars annually—with little or no loss.

Mr. MOORE. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. I do not know that any other Member wants any time on this.

The CHAIRMAN. There are 5 minutes remaining.

Mr. MOORE. I ask unanimous consent that I may have 2½ minutes of that.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he may have 2½ minutes of the 5 minutes remaining. Is there objection?

Mr. MOORE. I will print as a part of my remarks the following letter:

THE PENN MUTUAL LIFE INSURANCE CO.,
Philadelphia, April 29, 1913.

Hon. J. HAMPTON MOORE, *Washington, D. C.*

DEAR SIR: We most respectfully but earnestly urge upon you the same exemption from the income-tax bill for mutual life insurance companies that you have granted to beneficial associations, savings-fund associations, building and loan associations, mutual fire insurance companies, etc., with which classes they are fully identified, because they perform equal or greater service without possibility of any profit.

Mutual life insurance companies represent between five and six millions of policyholders, most of whom have less income than $4,000, as indicated by the average policy in force in all the mutual companies being but $2,500 and calling for an annual premium of less than $100.

Notwithstanding the large number of persons holding membership in mutual life insurance companies on whom the tax bill will be imposed, the aggregate revenue from all of them will be comparatively inconsiderable to the Government. Why discriminate against so many persons who should be consistently exempted without materially diminishing revenue?

Mutual life insurance companies were not organized with any idea of profit; have no shares; make no earnings; but realizing the importance of solvency stipulate for a premium to meet every probable emergency. Then as savings are effected they are credited annually to the policyholder in abatement of premium, thus diminishing his payments.

Our effort is not against stock companies, but for the mutual ones. We can not imagine a single stock company mutualizing to escape the tax on its income; the extra cost through the income tax will be trifling in comparison with the opportunities for profits to the stockholders. Mutualization will be most difficult to arrange with equity to all interests, as can be easily demonstrated.

Investments by mutual life insurance companies are made for the same purpose as those by the companies exempted, which is to add to the savings of the policyholder, and are applied to lessen the cost of the insurance and thus lighten the burden of the insured.

With mutual life insurance companies exempted you will relieve all those unselfish organizations incorporated and successfully operated for the benefit of mankind, and especially that institution which by the protection of the family and the encouragement of thrift and ultimate relief of government in the case of the otherwise indigent is most worthy.

What can be the excuse for making this exception, which, in fact, is the one institution that stretches its broad arms wider in its beneficence than any of the others?

The large number of deserving persons relieved will make the action popular; it will be consistent, therefore defensible; it will be in the interest of humanity, therefore a right service; it will not materially

lessen revenue, therefore not depart from your purpose. Let us pray that you will place mutual life insurance companies in the exempted class.

Yours, very truly, L. K. PASSMORE, *Vice President.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was lost.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 147, line 18, after the word "therein," by inserting "all sums paid by bankers' associations or trust companies for taxes imposed upon shareholders on the value of their shares of stock therein."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to six minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment be limited to six minutes. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I anticipate that 90 Members out of every 100 in this House are in favor of the income-tax principle. Possibly every Member of the House is in favor of that form of taxation. I favor such a tax. It is extremely unfortunate, however, that this section of the bill is brought in under the gag and binding force of a caucus rule—under the whip and spur of party expediency—so that no amendment, no matter how meritorious or necessary, can be adopted in this House. The effect of such a situation can only be that this House will abrogate its prerogatives in the construction of this revenue bill and permit another body at the other end of the Capitol to really write it in its final form. The amendment which I have offered is a fair illustration of this situation. I am not entirely clear in my own mind as to whether it should be adopted or not, but I do desire by it to direct the attention of the gentleman from Tennessee [Mr. HULL] and of the members of the committee to an unfairness which I think exists under this bill. In the State which I have the honor in part to represent and in a great many other States banks and banking corporations are required to collect the tax which is assessed against the stockholders of those banks and remit to the proper county and State officials. I can find no provision in this section which would authorize the bank to deduct from its net income, upon which it is obliged to pay the normal tax, the amount of the State tax paid for the stockholders. It is true that possibly the stockholder himself might be authorized to deduct, but if he is not the bank certainly is not authorized to deduct it from its net income, and consequently would be obliged to pay the 1 per cent normal tax upon the amount which it has paid as State tax in the name of and for the stockholder of the bank. I would like to have an explanation of that feature of the bill from the gentleman from Tennessee.

Mr. HULL. Mr. Chairman, I would say to the gentleman that on page 135, in lines 7 and 8, there is a provision that the individual in computing his net income is permitted to deduct all national, State, county, school, and municipal taxes accrued within the year. It is immaterial whether those taxes are paid by himself or by the bank.

Mr. ANDERSON. I want to direct the gentleman's attention to this fact. In my State, for instance, the stockholder would have no information as to the amount of tax paid by the bank for him. The bank lists the names of the stockholders with the taxing authority of the State, and the tax is assessed against the bank. The bank is individually liable for the tax, and pays it, so that the stockholder has no information as to the amount he is actually paying, because it is paid by the bank and not by him.

Mr. PALMER. Mr. Chairman, does not the stockholder know how many shares he has in the bank?

Mr. ANDERSON. Yes.

Mr. PALMER. Does he not know what the law of the State is as to taxes on that kind of property?

Mr. ANDERSON. He has no knowledge of the amount of the tax assessed for State, county, and municipal purposes.

Mr. PALMER. He knows what the law is fixing the tax.

Mr. ANDERSON. The tax is fixed by the State taxing board. It is not a fixed amount. It is fixed annually.

Mr. PALMER. Does the gentleman mean to say that the stockholder does not know what it is?

Mr. ANDERSON. I do not think one out of a thousand would know.

Mr. HULL. Mr. Chairman, if the gentleman will permit, in making up the income tax in January or February it is for the previous year. They are taxes that really arose the year prior to that, so they would know the amount that had been paid.

Mr. ANDERSON. As long as the bank pays the tax the bank ought to be permitted to deduct that amount from its net earnings. That is, as long as the bank pays the tax to the State it ought to be permitted to deduct that amount from its net earnings in computing the tax that is required to be paid under this bill. There certainly is no consistency in requiring the stockholder to make deductions when the bank pays the tax.

Mr. PALMER. The gentleman's proposition is that the agent shall be allowed to deduct the tax he pays instead of the principal being allowed to deduct the tax paid for him.

Mr. ANDERSON. Yes; I think that would be much easier for both the Government, the bank, and the stockholder.

Mr. PALMER. The proposition here is that as the principal is the person really taxed he should be permitted to make the deduction.

Mr. ANDERSON. I do not think so. The gentleman ignores the facts in the case.

Mr. FORDNEY. In the case of the corporation tax the Government has held and now is enforcing the regulation that money paid by a national bank for State and municipal taxes is not a proper deduction out of the net or total income.

Mr. PALMER. Well, this proposition of the gentleman from Minnesota is entirely different from that, and is intended to cover the law in only four or five States in the Union——

Mr. ANDERSON. There are a good many States.

Mr. PALMER (continuing). Where the law makes the bank pay the taxes not upon its own earnings but the taxes upon the stock of the individual—the individual's taxes.

Mr. FORDNEY. When a State has assessed against a national bank the State tax on its property or on its income, it is not permitted then to deduct it as one of the charges for expenses.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. MANN. Has all debate upon paragraph G expired?

Mr. UNDERWOOD. If there are no further amendments.

Mr. MANN. Mr. Chairman, I want to move to strike out the last word.

Mr. Chairman, before we commence the consideration of Section III I wish to call the attention of the House to some communications which I have in regard to the administrative features of the bill, which I now do.

The letters are as follows:

CHICAGO, *April 30, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: The proposed new administrative act (par. N, Sec. III) provides for the assessment of a fee when protests are lodged against the assessment of duty by the collector of customs. We herewith register our opposition to the imposition of any such fee, and would request that you endeavor to prevent it.

A very large proportion of the Government revenue is derived from the importations of merchandise, and it is, of course, not the purpose of the Government to harass importers, yet this is precisely what the imposition of a fee on protests would amount to, as the small man would be placed at a serious disadvantage in competition with the larger importers where the proportion of the amount of fee would be next to nothing, as their importations are of much larger and fewer bulk. The small man, on the other hand, imports from time to time the quantities which his business demands, and in the course of a year doubtless makes many more importations than the larger importer, but the aggregate amount of duty would be very much less. You will readily see that this would be a decided burden to the small man and give his larger competitor the advantage.

We are well aware that the Government ordinarily tries to protect the smaller man, and we call this matter to your attention in order to secure your aid in our behalf.

Respectfully, CHAS. RUBENS & CO.

CHICAGO, U. S. A., *April 30, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We desire to register our strenuous opposition against the assessment of any fee in relation to the filing of protests against the assessment of duties by the collector of customs.

There are already sufficient difficulties and expense in these matters, and we feel that we are laboring now under a burden which is sufficiently heavy.

Yours, very truly, ATWOOD & STEELE CO.,
Per JULIUS STEELE, *President.*

CHICAGO, *April 30, 1913.*

The Hon. Mr. MANN,
Congressman from Illinois, Washington, D. C.

DEAR SIR: We take serious objection to the proposed new tariff regulation naming a fee of any amount for the privilege of calling attention to possible error on the part of Government officials in classification and assessment of the rate of duty on merchandise when imported as ridiculous and absurd, and we want to say right here unless the Government ceases tacking on these little red-tape laws to the importer it is going to hurt the import business materially.

The wholesale milliners pay into the Treasury of the United States hundreds of thousands of dollars every year for duties, and if the

Government continues to harass our business it will only be a question of time until we will be driven out of it.

We would like at the same time to call your attention to the unjust practice of being obliged to pay a duty on the pasteboard boxes that we do not receive a cent for in which our flowers and foliages are packed. This pasteboard box or retainer in which the goods must be packed in order to carry costs 9 cents to 12 cents apiece in this country, and in Europe we are obliged to pay 1 franc (20 cents) apiece plus the duty, making these boxes cost as 32 cents, for which we do not receive one penny, and are an absolute necessity in order to ship the goods, and as much so as it is necessary to have sardines put up in a can.

We trust you will investigate the unjustness of this charge, and remain,

Yours, very respectfully,

WEISKOPF & CO.,
CHAS. A. BROAD,
Vice President.

—

CHICAGO, *April 30, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We desire to register our strenuous opposition against the assessment of any fee in relation to the filing of protests against the assessment of duties by the collector of customs.

As matters are at present we suffer great disadvantages on account of the action which the collector of customs takes in invariably assessing the highest possible rate of duty on the merchandise which we import, and an imposition of any fee on protests will be one more serious difficulty in our way. We feel that we are laboring now under a burden which is sufficiently heavy.

Respectfully,

JOHN L. BOBO & CO.

—

CHICAGO, ILL., *April 30, 1913.*

Hon. JAMES R. MANN,
House of Congress, Washington, D. C.

SIR: We desire to register our strenuous opposition against the assessment of any fee in relation to the filing of protests against the assessment of duties by the collector of customs.

As matters are at present we suffer great disadvantages on account of the action which the collector of customs takes in invariably assessing the highest possible rate of duty on the merchandise which we import, and an imposition of any fee on protests will be one more serious difficulty in our way. We feel that we are laboring now under a burden which is sufficiently heavy.

Respectfully,

BURLEY & TYRRELL CO.,
F. P. ARMBRUSTER,
First Vice President.

—

CHICAGO, *May 1, 1913.*

Hon. JAMES R. MANN, M. C.,
Washington, D. C.

DEAR SIR: The right of voicing protest against illegal exactions or duty has always been a free one, but on March 3 of this year President Taft issued an order providing that unless a fee of $1 be paid within a certain period any protest made to the collector against such illegal collection of duties must be considered as abandoned, and the new tariff law proposes this same fee.

It is true that the provision contemplates the repayment of the fee in case the importer is successful when the case is tried, but the effect of the proceeding is tantamount to placing the importer in the position of a creditor who has a just claim against a debtor and to whom the debtor writes that he will listen to his demand for repayment and consider it, but if the creditor fails to convince him he will charge him an extra dollar.

We would thank you to use your efforts in securing a nullification of this order, and the striking out of the provision in the tariff bill.

Yours, respectfully,

FELSENTHAL BROS. & CO.

—

CHICAGO, *May 1, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: The proposed new administrative act (par. N, Sec. III) provides for the assessment of a fee when protests are lodged against the assessment of duty by the collector of customs. We herewith register our opposition to the imposition of any such fee and would request that you endeavor to prevent it.

A very large proportion of the Government revenue is derived from the importations of merchandise, and it is, of course, not the purpose of the Government to harass importers, yet this is precisely what the imposition of a fee on protests would amount to, as the small man would be placed at a serious disadvantage in competition with the larger importers, where the proportion of the amount of fee would be next to nothing, as their importations are of much larger and fewer bulk. The small man, on the other hand, imports from time to time the quantities which his business demands, and in the course of a year doubtless makes many more importations than the larger importer, but the aggregate amount of duty would be very much less. You will readily see that this would be a decided burden to the small man and give his larger competitor the advantage.

We are well aware that the Government ordinarily tries to protect the smaller man, and we call this matter to your attention in order to secure your aid in our behalf.

Respectfully,

M. J. NEAHR & CO.,
Per E. H. WATSON,
Secretary and General Manager.

—

CHICAGO, ILL., *May 1, 1913.*

Hon. JAMES R. MANN, M. C.,
Washington, D. C.

SIR: The right of voicing protest against illegal exactions or duty has always been a free one, but on March 3 of this year President Taft issued an order providing that unless a fee of $1 be paid within a certain period any protest made to the collector against such illegal collection of duties must be considered as abandoned, and the new tariff law proposes this same fee. It is true that the provision contemplates the repayment of the fee in case the importer is successful when the case is tried, but the effect of the proceeding is tantamount to placing the importer in the position of a creditor who has a just claim against a debtor and to whom the debtor writes that he will listen to his demand for repayment and consider it, but if the creditor fails to convince him he will charge him an extra dollar.

We would thank you to use your efforts in securing a nullification of this order and the striking out of the provision in the tariff bill.

Respectfully,

WM. GAERTNER & CO.
WM. GAERTNER.

—

CHICAGO, *May 2, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: Please protest against the dollar fee which collectors are to demand upon the filing of protests after July 1 under the order made by President Taft on March 3 last, and which is now proposed in paragraph N of section III of the new tariff. The law gives us a right to file protests, but the fee just about takes away the right which the law gives us. The collector takes duties which we think are unjust, but we can not afford, in many instances, to pay the fee to establish our claim where the individual amounts are small. Under the law we have to file a protest on every shipment that comes in while the case is being litigated, and each entry may have only a few dollars involved, while a great deal of money may be involved in the aggregate. Why should we be compelled to pay a dollar for the privilege of notifying the collector he has made a mistake?

Respectfully,

FALK, WORMSER & CO. (INC.),
By M. L. FALK, *President.*

—

CHICAGO, *May 2, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We ask your kind attention to paragraph N of section III of the new tariff, ordering a collection of a filing fee of $1 on protest against the assessment of illegal duties as well as appeals to reappraisement. This order is a great injustice, and we honorably beg that you protest against this order becoming a law. The schedules of the past tariffs have been written in such a manner that they could be read liberally in a half a dozen ways. Therefore the appraiser, in passing on the class of merchandise, would naturally assess the highest rate of duty. We, the importers, were therefore compelled to file protest on the majority of entries passed through the customs, and as the regulations covering protest are considerably complicated it was necessary that we employ counsel at an expense of 50 per cent contingent. There can be no possible doubt but that the present tariff will be worded in the same manner as the past tariffs and we will again be compelled to protest most of our imports. It would be very simple for Congress to pass a tariff that would be more specific, thereby avoiding the necessity of so many protests.

In view of the above you certainly realize the injustice of this fee of $1 for the filing of protest.

May we ask your cooperation?

Very truly, yours,

KUNSTADTER BROS.,
Per W. J. STELZER.

—

CHICAGO, *May 2, 1913.*

Hon. JAMES R. MANN, *Washington, D. C.*

DEAR SIR: We wish to register our strenuous opposition against the assessment of any fee relative to filing of protests against the assessment of duties by the collector of customs.

We suffer a great disadvantage on account of the action which the collector of customs takes in invariably assessing the highest possible rate of duty on the merchandise which we import and an imposition of any fee on protests will be one more serious difficulty in our way. We feel we are laboring under a burden which is sufficiently heavy.

Yours, very truly,

CHAPIN & GORE (INC.),
By C. H. HERMANN, *President.*

—

CHICAGO, *May 2, 1913.*

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We are advised that the new administrative act (par. N, sec. III) provides for the assessment of a fee when protests are made against the classifications of merchandise or assessment of duty by the collector of customs.

We beg herewith to register our opposition to the imposition of any such fee, and would request that you endeavor to prevent its adoption.

There have been numerous instances in our own experience where we have felt that duty had been assessed under the wrong classifications and under misunderstandings on the part of the appraisers of the revenue law as applied to our importations. It would seem to be nothing but right and proper that the securing of corrections in such instances be made as easy and free from expense as possible on the part of the importer. In the course of our business we have on several occasions secured corrections as result of such protests filed with the customhouse, and we protest against the charging of any fee for the privilege of calling attention to errors on the part of Government officials.

While it is, of course, not the purpose of the Government to harass importers, the regulations imposing a charge upon protests would seem to have precisely that effect. It would also place the smaller importer at a disadvantage in competition with larger importers, as the amount of the fee would be next to nothing in proportion with larger importers, while on small importations the charge would be larger in proportion.

We are well aware that the Government ordinarily tries to protect the smaller man, and we call this matter to your attention to secure your aid in preventing the enactment of the proposed law assessing a fee.

Trusting that you may give this matter the attention which we believe it merits, we are,

Very respectfully, yours,

THE NONOTUCK SILK CO.,
F. H. BIGGS.

—

CHICAGO, *May 2, 1913.*

Hon. J. R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We desire to register our strenuous opposition against the assessment of any fee in relation to the filing of protests against the assessment of duties by the collector of customs.

As matters are at present, we suffer great disadvantages on account of the action which the collector of customs takes in invariably assessing the highest possible rate of duty on the merchandise which we

import, and an imposition of any fee on protests will be one more serious difficulty in our way. We feel that we are laboring now under a burden which is sufficiently heavy.

Respectfully,

T. BUETTNER & Co. (INC.).

CHICAGO, *April 18, 1913.*

Hon. JAMES R. MANN, M. C.,
Washington, D. C.

DEAR SIR: We understand that there is to be no change made in the new tariff bill on articles in our line.

There are some administrative features in the former bill which, we understand, are taken into this new one, but which we should thank you to kindly use your influence to have changed or modified.

First. We are at present compelled to pay duty on the capacity of a cask, less 2½ per cent, even if such a cask arrives with an outage of 50 per cent or more. This should be changed so that wines and spirituous liquors in bulk would bear duty only on the quantity landed in the United States; in other words, on the actual quantity imported.

Second. Wine and spirits in bulk imported in barrels and warehoused in bond must be duty paid within three years, and this duty has to be paid on the original gauge on arrival of the whisky or spirits. This should be changed so as to allow the goods to remain in bond for eight years, the same as domestic goods, and the duty to be paid only on such contents as are really left in the package when it is duty paid.

Third. Samples of wines and liquors shipped to this country in quantities of less than one dozen bottles in a case now have to pay the same duty as if a dozen bottles were imported. This should be changed so that duty would be paid only upon the actual quantity imported.

You will agree that the small demands we ask for are dictated by a spirit of fairness and equity, and for this reason we hope will receive your support, for which we beg to anticipate our thanks.

Yours, very truly,

GROMMES & ULLRICH,
Per F. DIEHL, *Secretary.*

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

C. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made, or, if purchased, or agreed to be purchased, in the currency actually paid, agreed upon, or to be paid therefor, shall contain a correct, complete, and detailed description of such merchandise and of the packages, wrappings, or other coverings containing it, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or price agreed upon, fixed, or determined, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or agreement of purchase, or by the duly authorized agent of such purchaser, seller, manufacturer, or owner.

Mr. BROUSSARD. Mr. Chairman, I will not detain the committee, but merely want to ask unanimous consent at this stage to have published in the RECORD an interesting experiment made by some ladies in Louisiana with regard to the use of sugar in the household kitchen.

The article referred to is as follows:

PORT ALLEN, LA., *May 2, 1913.*

Hon. R. F. BROUSSARD,
Washington, D. C.

DEAR MR. BROUSSARD: Some Louisiana housekeepers modestly beg to be allowed to help in a small way in the fight their Senators and Representatives are making for sugar in Congress.

We stand or fall with our sugar planters, and we really think we know some kitchen sugar secrets that are hidden from "the wise and prudent." A few of these things are revealed in the inclosed sugar experiments. I pass them to you, hoping that the mouse may help the lion.

Very truly, yours,

VIRGINIA CARTER MERWIN.

The following accompanied the above letter:

There is a fashion nowadays—and a very sensible fashion it is, too—for men who have engaged in certain kinds of civil or industrial or educational reform to invoke the cooperation of capable and sagacious women as especially fitted for service in particular phases of their work. It may be presumptuous, but women are beginning to think that the men who are engaged in the fight for a tariff on sugar are overlooking an ally that ought to count in their campaign, and for that reason we are going to volunteer to help them. While men are handling sugar in politics women are handling it in kitchens, and to assert that they know the true inwardness of sugar goes without saying. Who knows so well as a house mother how imperatively necessary a proper amount of sugar is in the daily menu of a healthy family? Who decides how much and in what form it should be dispensed? And who realizes so keenly that it ought to be both cheap and abundant? While not an authority on national economics, the careful housekeeper certainly does know the sugar interests on the culinary side, and in this emergency insists on revealing some of them—those that touch the consumer. "Hear us for our cause," that it be not a "lost cause."

In trying to get at the very heart—the raison d'être—of this apparently useless, and certainly fatal warfare on sugar, some Louisiana housekeepers put their heads together and set their hands to work to test the problem on its economic side in the kitchen—the sanctum of the home. We wished honestly to see what part sugar played in the high cost of living. The experiments were modest and necessarily limited, but the results seem to justify our contention that the price of sugar is low enough to enable every workingman to purchase as much of it as he cares to use.

In the housekeepers' experiments with sugar we used impartially the granulated sugar sold everywhere and the "yellow clarified" plantation product. This last is an absolutely pure, and, to the uneducated eye, a perfectly white sugar. As well as we were able to judge, these were the grades of sugar commonly used and sold by the best grocers for 6 cents per pound. There are good sugars which may be brought in 20-pound lots for $1, or 5 cents a pound, and the Chicago department stores offer it in 25-pound lots for $1, or 4 cents a pound. We made the higher priced sugar the basis of our calculations that no charge of unfairness could be made against us.

We began our experiments, as the workingman begins his day, with a cup of coffee. We carefully weighed a pound of parched and ground coffee, having chosen the brand most in demand by people who are content with good, honest coffee. This brand sold everywhere for 30 cents per pound, and it was found to contain just 30 tablespoonfuls. In southern kitchens, where strong coffee rules, a tablespoonful of ground coffee is considered the proper allowance for each cup. Consequently there were 30 cups of coffee in that pound, and at 30 cents per pound each cup cost just 1 cent.

A quart of milk at 10 cents contains an ample allowance for 10 cups of coffee, which brings the cost of milk for 1 cup to 1 cent.

The carefully weighed pound of 6-cent plantation sugar contained 68 rounded teaspoonsful. With two teaspoonsful to each cup of coffee, we have 34 cups at a cost of about one-sixth cent.

A large plain cake was then made, the ingredients being carefully weighed and prices calculated in fractions. The flour cost 4½ cents; butter, 15 cents; eggs, 10 cents; milk, 2½ cents; sugar, 6 cents; total, 38 cents. These same ingredients made 51 cookies or tea cakes.

A large apple pie was then made, in which was used, flour, 2½ cents; butter, 10 cents; apples, 8 cents; sugar, 2½ cents; total, 23 cents.

A baked custard contained 1 quart of milk, 10 cents; 6 eggs, 10 cents; sugar, two-thirds of a pound, 4 cents; total, 24 cents.

Ice cream: One quart of milk, 10 cents; 6 eggs, 10 cents; three-fourths pound of sugar, 4½ cents; total, 24½ cents.

One quart of blackberry jam contained 1 pound of sugar, 6 cents.

One quart of fig preserves contained 1 pound of sugar, 6 cents.

Two pounds of peanut candy contained 1 pound of sugar, 6 cents.

I suppose a liberal construction of the word would place these articles of food under the head of "necessities." They are certainly "necessary" for any man's perfect contentment of mind, and would no doubt contribute to his health of body, and besides being very filling at the price, in so far as sugar is concerned, easily within the means of any workingman. Sugar is the cheapest thing we eat except salt, cheaper even than flour when in combination, cheaper than any cereal except corn, grits, and rice. Who needs "free sugar"?

So far as we can see, this is the only "sugar question." We refuse to believe that there is an intelligent housekeeper in the whole United States who thinks that the present price of sugar figures at all in the high cost of living, unless she wants to buy it from a bargain counter, and even then the Chicago department stores will accommodate her.

In conclusion, let us say that we would be glad to make a contract with the Government to furnish the soldiers candy, minus adulterants, at the present price of sugar.

Very respectfully,

LOUISIANA HOUSEKEEPERS,
Per VIRGINIA CARTER MERWIN.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

E. That, except in case of personal effects accompanying the passengar, no importation of any merchandise exceeding $100 in value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice; and no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from which the same has been imported, which statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy, and it shall be lawful for the collector or his deputy to examine the deponent under oath, touching the sources of his knowledge, information, or belief in the premises, and to require him to produce any letter, paper, or statement of account in his possession, or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof, and in default of such production, when so requested, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such letter, paper, or statement for the purpose of avoiding any additional duty, penalty, or forfeiture incurred under this act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded; and no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee, or agent thereof: *Provided*, That the Secretary of the Treasury may make regulations by which books, magazines, and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series. And when entry of merchandise exceeding $100 in value is made by a statement in the form of an invoice, the collector shall require a bond for the production of a duly certified invoice.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, with the permission of the Chair, I would like to recur back to page 60 of this bill, where an apparent error has been made. On page 60, line 7, paragraph 245, I would like to call the attention of the gentleman having charge of the bill at the present time to the fact that that paragraph places a tax of $2.60 per gallon on absinthe. It occurs to me that the importation of absinthe is prohibited, and I therefore move, if there is no objection from the other side or the gentleman having the bill in charge, that the word "absinthe" be omitted from that paragraph.

The CHAIRMAN. Of course, the paragraph can only be returned to by unanimous consent. The gentleman from Illinois asks unanimous consent to return to paragraph 245, on page 60, for the purpose of offering an amendment. Is there objection?

Mr. HARRISON of New York. Mr. Chairman, reserving the right to object, I would like to state to the gentleman from Illinois that under the executive department of the Government at the present time the importation of absinthe is prohibited. It is not certain that will always remain so, and we might just as well keep this provision in the law which will cover all contingencies in the future. I therefore object to the gentleman's request.

Mr. BRITTEN. The gentleman's committee did consider that?

Mr. HARRISON of New York. Yes; it is carried over from the previous law.

Mr. MANN. This would not permit the importation of absinthe in the United States.

Mr. HARRISON of New York. It would not.

The CHAIRMAN. Objection is heard.

Mr. NORTON. Mr. Chairman, as a new Member of this Congress, I came here with a mind free and open to conviction; with a firm desire to assist in this great Congress in every way within my power the enactment of such laws as might reasonably be expected to bring more happiness, prosperity, and contentment to the people of our Nation; with a high resolve to lend my voice and my vote to the support of laws and regulation that shall assist in securing to the toiler everywhere throughout our land—in office, in shop, in factory, and on the farm—the fullest possible measure of compensation and happiness for his hours of labor. Come what may, be my time of service here short or long, I shall ever endeavor to maintain in performing my duties here the same free mind and spirit of patriotism with which I first entered this then quiet but inspiring chamber. At the outset, to be candid, I must confess that I have no great concern for the drones and the idle rich of our population other than this, that in the years to come their number in our Nation may be fewer. My chief concern as a Member of this House is and shall be for the welfare of those who till and toil and for the old and young who are properly dependent upon them.

I am very heartily in accord with the fundamental principles and economic policy upon which the income-tax law included in this bill is based. It is a big step in the right direction of progressive legislation. No good citizen, no matter with what party he may affiliate, should oppose the enactment of a law of this character which clearly tends to distribute the burden of maintaining our Government upon all citizens alike, according to the ability and strength of each to carry his just share of the load. Every member on this side of the chamber has a right to a pardonable pride in knowledge of the fact that the Republican Party first blazed the way for this law. Gentlemen on the other side, I have only words of commendation and approval for your attitude in lending your support in this case to the completion of this needed legislation. I do regret, however, that your side, so largely in the majority, has not had the courage to place this income-tax law before this House separate from the tariff bill. This should have been done so that every Member in the House might have the opportunity of clearly indicating his support or opposition to this measure irrespective of his conclusions on the tariff schedules. If, as suggested, the provisions of the income-tax law were considered separately from the tariff bill, I am certain that a better measure than your caucus has presented to us would be given to the country.

I have sat here during the past month and listened with close attention and interest to your debate in support of the tariff provisions in this bill. As I stated in beginning, I came here with a mind free and open to conviction. I came here intending and desiring to vote for a tariff bill that I hoped and was partly led to believe during the last campaign that your side would propose where the revision would be a downward revision based on a scientific investigation that would give a fair protection to the industries and laborers of our own country against the invasion of cheap foreign labor and industries. I am surprised at the bill you now propose and amazed at some of the statements made by the gentleman from Alabama [Mr. UNDERWOOD] and others on that side in defining the free-trade policies of your party and in defending the actions of your secret caucuses. Throughout the debate there has been a dearth of explanation from your side as to how it may be reasonably expected that this tariff measure will bring more prosperity to the factory and the farm or how it will increase what the laborer now receives for his toil. While some unseen power appears to compel practically every member on your side to support this bill, you have from day to day shown a noticeable lack of real confidence in the measure. The gentleman from Alabama [Mr. UNDERWOOD] is doubtful as to whether the effect of the bill will be to reduce the cost of living during the time of this administration. Other gentlemen on that side are fearful of what the result may be, but are nevertheless determined to write into the laws of this land at the earliest opportunity the old free-trade notions of your party. To a purely partisan and unscientific measure such as you have now presented I can not subscribe my approval. A free-trade policy such as your party leaders advocate will, in my opinion, never long meet the approval of our American people.

As a representative of a great agricultural State I protest against the wholesale manner in which the interests of the American farmer have been overlooked and forgotten in this bill. The political party that fails to recognize the fact that they who till the soil are the very bone and sinew of the Nation makes a cardinal mistake. As in Goldsmith's time—

> Princes and lords may flourish or may fade—
> A breath can make them, as a breath has made:
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

[Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, in support of the contention of the gentleman from North Dakota [Mr. NORTON], who has just spoken, that the enactment of this bill into law will bring disaster to American farmers and laboring men without any permanent advantage to consumers, I submit the following letter from a Champaign County, Ohio, farmer, together with a news item from the Urbana Daily Citizen, of March 18, 1913:

URBANA, OHIO, *April 25, 1913.*

Hon. FRANK B. WILLIS, *Washington, D. C.*

MY DEAR SIR: When President Cleveland and the rest of the Democrats made wool free there were thousands of pounds of wool in the West hauled by the growers to the railroad station to be shipped to eastern markets. But the railroad companies said to the grower, "You must prepay freight on it as it may not be worth the freight in the eastern market." The growers said, "If it is not worth the freight, it may lie there and rot." So we lost all this free wool that the sheep men had grown and had delivered to the railroad by not having made provision in the free wool bill to pay the freight on it to market. This wool was a complete loss to the Nation at large. Now we want to provide for this in the new tariff bill as we do not want it to happen again. At the same time there were thousands of sheep shipped from Texas and the western ranges to the St. Louis and other big markets that did not actually sell for enough to pay the freight on them to market, so the shippers that were with the sheep had to "hide out" to keep from paying the difference in the freight and the selling price. They were lucky in having a railroad pass for their passage back home. Our sheep men do not want to be humiliated like this again. They do not mind raising free sheep and wool, but when it comes to paying the freight we think that is carrying the free-wool business a little too far. So I would advise you to introduce at once an amendment to the present free-wool tariff bill that the Government be compelled to pay the freight on the free wool and the difference of freight on free sheep to market, and not let this waste of free wool occur again by not having the Government to at least guarantee the freight and pay it if necessary. We do not want the railroads to lose anything again by hauling free wool and sheep to market or to have to "hide out" for lack of money to pay the freight on free wool and sheep. We think it is enough to raise free sheep and free wool without money and without price and not pay the freight. We think the good Democrats ought to grant us this wee small favor at least. We will not oblige them for this favor either, as we expect to quit raising free wool as soon as we can sell our sheep. Last year before the election I had nearly 200 head of sheep on my farm; now I have 28 all told. Many of the sheep raisers of this county (Champaign County, Ohio) have done as I have, knowing the Democrats would put wool on the free list and woolen goods on the high protected list of 35 per cent. We will have to pay as much for woolen clothing this fall as we have ever paid before.

Yours, truly, W. R. RAMSEY.

ANTICIPATED REVISION OF TARIFF SHUTS DOWN URBANA WOOLEN MILLS.

The Urbana Woolen Mills will shut down the 1st of April for an indefinite period of time, thus throwing 40 workmen out of employment as the first tangible result in Urbana of the Democratic administration. W. E. Brown, the only resident member of the company which operates "the factory," as the woolen mill is commonly called, states that the risk is too great to even consider continuing the factory running, with a change from high tariff to low tariff imminent.

Says Mr. Brown: "We might invest $200,000 in yarn right now, and make sales of cloth to the amount of $250,000, but we stand to lose, for the orders for cloth might be canceled or the cloth thrown back on our hands by customers who might refuse to accept it for any reason or no reason.

OPERATED AT LOSS IN 1893.

"Our books show that with the change in tariff in Cleveland's administration this very thing happened at the Urbana Woolen Mill and the factory was operated at a great loss.

"We can shut down the mill now without losing a penny; our finances are in good shape, and as soon as conditions have adjusted themselves following the anticipated tariff revision, the factory will resume operations."

Mr. Brown quoted Government statistics showing that in many foreign cloth-making countries labor is from one-half to two-thirds cheaper than in the United States. "In Belgium, especially. There a weaver gets $6 to $7 a week; here he is paid from $12 to $20 a week. The warper's wages are proportionate. Germany and France also pay low wages to cloth makers. We can not expect to compete with these countries in the price of cloth when the cost of production is so much less for them."

Mr. SLOAN. Mr. Chairman——

Mr. PETERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent that all debate on paragraph E close in five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Nebraska [Mr. SLOAN] is recognized.

Mr. SLOAN. Mr. Chairman, I shall not use all the five minutes accorded me; but as history is being recited, I want to see that it is kept on straight and completed. Credit is properly claimed by our minority leader [Mr. MANN] for this side for the origin and passage by House and Senate of the income-tax amendment, and its good features have just been extolled by the gentleman from North Dakota [Mr. NORTON]. My purpose in rising is this: While we are talking about the origin of the income-tax amendment I wish to say that a Republican Senator from the State of Nebraska, Hon. Norris Brown, drafted and introduced the resolution in the Senate of the United States. It went forth to the legislatures of this country. A constitutional majority approved it, and it is now a part of the fundamental law of the land. So, in distributing credit, Nebraska as a State is entitled to the credit for the origin of the income tax through her Republican Senator. I regret the ultrapartisanship of the majority has prevented the Republican members of the Ways and Means Committee from aiding in the drafting of this just law under the amendment, and now, through caucus action, reject every amendment, however salutary, which would correct many errors in this crude and imperfect bill.

My friend from North Dakota [Mr. NORTON] says that the farmers of the Northwest were forgotten. We would have been glad if we had been forgotten. But we are like the punished child: we were not forgotten; we would have been mightily pleased if the Ways and Means Committee had forgotten us and not administered the undeserved punishment under which we will suffer by reason of this bill. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

J. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section 11 of this act. When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same: *Provided*, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported when consigned by a person other than the manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

Mr. PETERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 173, line 13, by striking out the words "section 11" and substituting therefor the words "paragraph L."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. PETERS].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

L. That when the actual market value, as defined by law, of any article of imported merchandise, wholly or partly manufactured and subject to an ad valorem duty, or to a duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, such officer shall use all available means in his power to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture, such cost of production to include the cost of materials and of fabrication, and all general expenses to be estimated at not less than 10 per cent, covering each and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of not less than 8 nor more than 50 per cent upon the total cost as thus ascertained; and in no case shall such merchandise be appraised upon original appraisal or reappraisement at less than the total cost of production as thus ascertained. The actual market value or wholesale price, as defined by law, of any imported merchandise which is consigned for sale in the United States, or which is sold for exportation to the United States, and which is not actually sold or freely offered for sale in usual wholesale quantities in the open market of the country of exportation to all purchasers, shall not in any case be appraised at less than the wholesale price at which such or similar imported merchandise is actually sold or freely offered for sale in usual wholesale quantities in the United States in the open market, due allowance by deduction being made for estimated duties thereon, cost of transportation, insurance, and other necessary expenses from the place of shipment to the place of delivery, and a commission not exceeding 6 per cent, if any has been paid or contracted to be paid on consigned goods, or a reasonable allowance for general expenses and profits (not to exceed 8 per cent) on purchased goods, and with reference to the appraisement of all imported merchandise, whether purchased or consigned, the Secretary of the Treasury is authorized and empowered to determine the existence or nonexistence of a foreign market, and such determination shall be binding and conclusive upon all persons and interests.

Mr. PETERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 176, line 10, by striking out the comma after the word "goods" and inserting in lieu thereof a semicolon.

Mr. PAYNE. Mr. Chairman, I want to speak on this amendment for a few moments.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] is recognized for five minutes.

Mr. PAYNE. I want to commend the committee again, as I have done very often heretofore in the course of this debate, on the good sense that flashes out occasionally, here and there, in their consideration of this bill, by copying our provisions. They have adopted so many things that are in the present tariff law that really, if they had not done such unaccountably bad things in other sections of it, they would have reflected a great deal of credit on their sagacity and judgment. [Laughter on the Republican side.]

Here is a paragraph which is a substitute for section 11. Four years ago I spent a good deal of time in drawing the last part of this paragraph. I know that it met the approval of some of the gentlemen on the other side. The Speaker of the House said that if it worked out right he thought I had accomplished more than anybody else in making tariff bills.

That had to do with consigned goods that were brought in here when there was no market for them abroad and when the whole product was consigned to this market. Of course it was proved that there was no market value, and it was impossible to get any other value except that stated in the consignment. So I proposed this proposition, which works backward; that is, it takes the market price here at which these goods are sold as the real market price, and then, after deducting the duties and a reasonable commission paid, not exceeding 6 per cent, it fixes upon that as the value.

The majority of the committee has now extended that method of treatment not only to the consigned goods but to goods actually sold for importation into the United States The committee have shown very good judgment in extending this provision as far as possible, but I doubt whether it will have any practical effect, because this thing of there being no market value on the other side has been applied to consigned goods. When you have an ad valorem the importer proceeds immediately to get around it, and the most effective method that has been employed heretofore has been to take up the entire product of a factory, or to invest in a factory there, so that the matter of price or cost is a mere matter of secret arrangement between the men who run the factories there and the men who run the importing business end of the concerns here, and it is often difficult to get at the frauds which they perpetrate upon the Treasury

One thing that I noticed a little while ago is that they actually detected people belonging to a foreign concern in the act of sending 47,000 francs to their foreign agency to make up the difference in the cost of their goods in the factory over there which these people control. The consignment was so much below not only the actual price, but the actual factory cost, that they had to send 47,000 francs to their foreign agency to make up the difference between the true statement of the cost and the false statement that was sent here with the consignment of goods.

Now, I commend the gentlemen on keeping that and on keeping so many of the good features of the administrative law. It is a long credit mark to them. The same thing is true in the cases where they have adopted the same duties, in the taxing portion of the bill, and have followed it on other matters that were provided in the present law. I have been much gratified by the way in which the present law, during this debate, has received some portion of the credit which is its due. It is so different from four years ago, when people were getting up and shouting in the index and alleging all sorts of false things

about it. Of course, they did not know better. I am not accusing them of any wrong intention in the matter. There have been many untruths told about that bill, but the truth is getting out. One of these days history will be written. In fact, history has been written already, commending that bill and the manner in which it was made. Time evens up all things in the end, and by and by, when people see the workings of this bill they will say, "For God's sake, why didn't we take the existing tariff law as it was, amending the wool and cotton schedules, and let the rest of it alone, and let the industry of the country go on."

I thank you, gentlemen, for the consideration which you have given this paragraph and other paragraphs in the administrative features of this bill, and I want to commend your judgment in agreeing to so many of them.

Mr. HARRISON of New York. Mr. Chairman, the gentleman from New York [Mr. PAYNE] is commending the committee for the adoption substantially of some of the administrative features of his tariff law. I am willing to admit that the gentleman from New York occasionally stumbled upon some good ideas; but, so far as this feature of the law is concerned, I will point out to him the fact that in changing so many specific duties to ad valorem duties our committee were constrained to carry into our law certain features of the existing law which might appear to be burdensome to importers; and even further to tighten up the administrative features of the law so as to protect the customhouses and the revenues of the Government.

I am frank to say that I should not have voted for the adoption of this feature of the administrative law if it were to be continued to be administered by Republican officials. All of these administrative features impose more or less discretion in the administrative officers, and I am bound to say that the way the law has been administered in recent years has often been a gross hardship and inconvenience to importers, and injustice has occasionally been done.

The gentleman from New York [Mr. PAYNE] will remember, as I do, the appearance before our committee of certain exporters of onions and vegetables from Bermuda, who claimed that the market price in New York was fixed as the point at which the duty was to be assessed, upon the claim at the New York customhouse that they could not ascertain the market value of these vegetables in Bermuda, thus raising the duty considerably over what it would otherwise have been upon these vegetables.

As I say, a law of this kind is capable of great abuse if it is administered unfairly and unjustly, but I have every confidence that under the present administration of the Government honest importers will receive perfectly fair play at the customhouse, that they will not be discriminated against, and I am perfectly satisfied under those circumstances to vote to include in our law such features as are necessary to administer strictly ad valorem duties.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. PETERS].

The amendment was agreed to.

The Clerk read as follows:

"M. That the appraiser shall revise and correct the reports of the assistant appraisers as he may judge proper, and the appraiser, or, at ports where there is no appraiser, the person acting as such, shall report to the collector his decision as to the value of the merchandise appraised. At ports where there is no appraiser the certificate of the customs officer to whom is committed the estimating and collection of duties, of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisement of such merchandise. If the collector shall deem the appraisement of any imported merchandise too low, he may, within 60 days thereafter, appeal to reappraisement, which shall be made by one of the general appraisers, or if the importer, owner, agent, or consignee of such merchandise shall deem the appraisement thereof too high, and shall have complied with the requirements of law with respect to the entry and appraisement of merchandise, he may within 10 days thereafter appeal for reappraisement by giving notice thereof to the collector in writing. Such appeal shall be deemed to be finally abandoned and waived unless within two days from the date of filing thereof the person who filed such notice shall deposit with the collector of customs a fee of $1 with respect to each appraisement objected to. Such fee shall be deposited and accounted for as miscellaneous receipts, and in case the appeal in connection with which such fee was deposited shall be finally sustained, in whole or in part, such fee shall be refunded to the importer, with the duties found to be collected in excess, from the appropriation for the refund to importers of excess of deposits. The decision of the general appraiser in cases of reappraisement shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall deem the reappraisement of the merchandise too high, and shall, within five days thereafter, give notice to the collector, in writing, of an appeal, or unless the collector shall deem the reappraisement of the merchandise too low, and shall within 10 days thereafter appeal for re-reappraisement; in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of nine general appraisers, to be by rule thereof duly assigned for determination. In such cases the general appraiser and boards of general appraisers shall proceed by all reasonable ways and means in their power to ascertain, estimate, and determine the dutiable value of the imported merchandise, and in so doing may exercise both judicial and inquisitorial functions. In such cases hearings may in the discretion of the general appraiser or Board of General Appraisers before whom the case is pending be open and in the presence of the importer or his attorney and any duly authorized representative of the Government, who may in like discretion examine and cross-examine all witnesses produced. The decision of the appraiser, or the person acting as such (in case where no objection is made thereto, either by the collector or by the importer, owner, consignee, or agent), or the single general appraiser in case of no appeal, or of the board of three general appraisers, in all reappraisement cases, shall be final and conclusive against all parties and shall not be subject to review in any manner for any cause in any tribunal or court, and the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of the duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law; and no reappraisement or re-reappraisement shall be considered invalid because of the absence of the merchandise or samples thereof before the officer or officers making the same.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I understood my colleague from New York [Mr. HARRISON] to say that section L had worked some injustice in the assessment of duty on onions from Bermuda, as appearing in the hearings. If that appeared in the hearings it was a gross error, because the duty on onions is not an ad valorem one in the present law, but it is 40 cents per bushel of 57 pounds. Nor would it be necessary to invoke this paragraph L, which is section 11 of the former law, in behalf of onions, in this bill, because the committee have departed from their ad valorem rates in regard to onions and have assessed the rate of duty at 20 cents per bushel. It was probably something else that my friend had in mind, or else it was a fairy story that some one told the committee.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. PAYNE. I will give the gentleman a chance in just a moment. I want to conclude. But, Mr. Chairman, the gentleman says that there is going to be a stricter enforcement of the law, and also a more liberal enforcement of it under the present administration, and that it is largely a matter of discretion. I hope there will not be any more liberal enforcement than there was in a case that came to my knowledge in regard to this very paragraph, section L of the present administrative law.

There was a case where the manufacturer was taking the entire output of the factory across the water, and the question came up before one of the subboards of general appraisers at New York. Evidence was taken, and the importer showed conclusively that there was no market price for the goods abroad in the country of their origin, and the attorney for the United States then went on to show the market price at which the goods were sold in the United States and what would be a proper reduction for duty paid, and also allowing them full commission of 6 per cent for various charges for commissions, which could not exceed that, and the Government showed a pretty handsome advance over the invoice that had been sent with the goods and the sworn appraisements of the importer himself.

Then the matter was adjourned from time to time for a space of three months until the importer could get time to organize and have three or four fake sales and then come back and testify that there was a market value for the goods. And so the fraud worked.

Now, I hope there will not be any more lax administration of the law than that was. If there is, this section would not be of any use. It has been of use because the importers have been afraid of it and have made more honest returns than they did before. Even under a lax administration it would do good, and if the present administration is to favor the importer, under their administration of the laws it will still do some good and help to catch somebody and work for an honest appraisement, because the importers themselves will make the honest appraisement.

I hope the gentleman does not mean fully what he says. The law ought to be fairly executed; there ought not to be any division on political lines about the administrative features of any tariff law. There was not any such division when I was chairman of the committee. This is the first time that anything of this kind has occurred. Everybody was consulted and had their say about it in the formation of the bill. The desire has been on the part of each member of the committee heretofore that, whatever the tariff rates were, they should be equally and fairly enforced against all people importing these goods into the United States, to the end that if the law was a bad one it might appear by its enforcement, and if it was a good one it should be commended, and at all events it should be equitably enforced against all people.

Mr. UNDERWOOD. Mr. Chairman, I think the gentleman from New York [Mr. PAYNE] is exactly right—that the administrative features of the tariff bill should not be political, that they should be framed to enforce whatever rights are put on the statute book. But the gentleman from New York is en-

tirely mistaken in reference to his own attitude in passing administrative features of the law, because in the bill that bears his name the minority of this House were not consulted in the framing of that bill in committee, so far as the administrative features were concerned. When it came into the House there was a rule adopted that prevented the minority from even offering an amendment in reference to the administrative features of the law, so that the minority had no chance to speak or even offer amendment to it from the time the bill began in committee until it ended in the House.

Mr. PAYNE. I just want to say one word. Perhaps I will remind the gentleman that I stated in open committee at the beginning, in reference to this paragraph and the administrative features especially, what I proposed to do about this. I remember that the present Speaker of the House, leading minority member, said that if I could accomplish that object I would have done good in a tariff bill, whatever else it might accomplish.

Mr. UNDERWOOD. I am free to say that the gentleman stated what he proposed to do to our end of the committee, but we were invited out when the hearings were ended. The gentleman then prepared his bill and put in what his party desired, and put it through the House under a rule in which we had no part. I am not complaining of the position the gentleman has taken, but I wanted to call his attention to the fact that in the bill passed heretofore the minority have had no chance to exercise their judgment in reference to the administration features of the law.

Mr. PAYNE. The gentleman will remember that we have had several revisions of the administrative features of the law not connected with a tariff law, and they were before a full committee.

Mr. UNDERWOOD. Yes; but the present law was not written that way.

Mr. PETERS. Mr. Chairman, the gentleman from New York informed us when the present tariff law passed it was the desire of all the committee that the rates provided in the bill should be adequately enforced. I can assure the gentleman that such is the desire of the majority who frame this bill, and I hope that the minority will share that ambition with us. The gentleman has called attention to a lack of effectiveness in the present law in section 11 of the Payne Act, the provisions of which we adopted with some additions in paragraph L of our present bill. He has called attention to the fact that while a case was under consideration the importers went abroad and made fictitious sales and then came to the Secretary of the Treasury, produced those sales in evidence, and claimed that they established a market, and that that market must be taken by the Treasury Department as fixing the market value of those imported goods. The Treasury was compelled to accept such evidence.

Mr. PAYNE. Mr. Chairman, the gentleman did not quite understand me. It was where a case was before one of the subboards of appraisers, and evidence was being taken, that all of this occurred.

Mr. PETERS. Mr. Chairman, I am quite familiar with the case referred to. I think I am stating it just as correctly as the gentleman is. We are familiar with that case and have provided specifically against the fraud which was perpetrated on the department by that act. It was a fraud for the importers to establish a market value by fictitious sales. We have added in section L to the provisions of section 11 of the present law the words:

And with reference to the appraisement of all imported merchandise, whether purchased or consigned, the Secretary of the Treasury is authorized and empowered to determine the existence or nonexistence of a foreign market, and such determination shall be binding and conclusive upon all persons and interests.

If such a case arises under the provisions of this act, the Secretary of the Treasury may refuse to receive the evidence of these wash sales and may maintain that they do not establish a foreign market. This illustrates perfectly the attitude of your committee in respect to the provisions of this law. We mean to make them effective; we mean to give the Treasury Department, in which we have the fullest confidence, the power to collect the rates which we fix in this bill. We intend to confer on the Treasury Department all proper authority to detect and punish fraud.

Mr. MOORE. Mr. Chairman, this paragraph provides for a fee of $1 to be paid by the importer, consignee, or owner of goods in the event of a request for a reappraisement. Is not that new law?

Mr. PETERS. Mr. Chairman, I was answering the gentleman from New York, who was speaking on the provision of section L. The provision to which the gentleman from Pennsylvania refers is in paragraph M and paragraph N.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. The gentleman from New York [Mr. PAYNE] moved to strike out the last word when we reached the end of the paragraph on page 179, which is paragraph M and which begins on page 176. In that paragraph provision is made for a deposit of a fee of $1 by the importer, owner, or consignee of merchandise who desires to appeal from the appraisement. We are on that paragraph now.

Mr. PAYNE. Mr. Chairman, may I say that the gentleman is strictly in order, but I spoke on paragraph L, and some reply was made and I wished to reply to that, and I waited until the present paragraph was read. Debate has been on paragraph L, and then the gentleman from Massachusetts desired to talk on paragraph L. I am sure the gentleman will be recognized on paragraph M.

Mr. MOORE. The gentleman from New York untangles the mystery delightfully, but what I wanted was to get some information. I do not want to pass paragraph M without it.

The CHAIRMAN. The Chair will state the situation. Paragraph M has been read, and the gentleman from New York moved to strike out the last word, and on that pro forma amendment debate has been proceeding. The gentleman from New York [Mr. CALDER] is waiting to offer a real amendment just as soon as the debate on the pro forma amendment has concluded.

Mr. HARRISON of New York. Mr. Chairman, I shall not detain the committee for more than a moment. My respected friend, the former chairman of the committee, corrected me in an erroneous statement when I said that this complaint from the members of the Bermuda Parliament was about onions. One may be excused, perhaps, for associating Bermuda with the festive onion, but the fact is that their complaint was based on imports into New York of the following Bermuda vegetables: Parsley, carrots, beets, lettuce, radishes, mint, turnips, and kohl-rabi.

The operation of the law, as drawn by the gentleman from New York and as administered by the last administration, was to assess the New York market value of these vegetables as the rate upon which the 25 per cent ad valorem duty was collected, and that made a difference in the value of parsley, for example, of 87 cents, instead of 30 cents. This complaint was made by Mr. Stanley Spurling, a member of Parliament of Bermuda.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. I do this merely to recur to the question of the fee of $1 provided for in this bill to be had from the importer, owner, agent, or consignee who desires to appeal from the customs appraisement. I desire to ask if this is not new?

Mr. PETERS. This is new and is provided for the first time in this section.

Mr. MOORE. Will the gentleman explain the necessity for it? It is complained it will lead to confusion. This $1 is to be deposited upon appeal, and if the appeal is confirmed it is to be repaid. It may be very annoying.

Mr. PETERS. It is at present the custom under the present proclamation changing customs regulations. Now, this is the first time it is put in the provisions of a revenue act.

Mr. CALDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 177, strike out the word "such" in line 9 and all of the paragraph down to and including the word "deposits" in line 20.

Mr. CALDER. Mr. Chairman, the effect of this amendment, if agreed to, will be to strike from the bill the provision requiring the payment of a protest fee of $1 on the filing of a protest against an excessive valuation at the customhouse. I know, Mr. Chairman, this protest fee was incorporated in the customs reorganization scheme promulgated by President Taft on March 4. Many believe that the President had no legal right to establish this protest fee, and I assume that the committee have incorporated this provision in the bill so as to make sure the protest fee could be collected. Now, in the offering of this amendment I am acting on behalf of the merchants of the city of New York. I am told that upward of 70,000 protests are filed each year in the customhouse at that city. It is the practice to file a protest if an importer or a merchant believes that the customs duty is excessive. Very often it is necessary to file hundreds of protests and in some cases thousands of protests to cover one litigation, because litigations may begin today on the question of excessive valuation on an item covered in several schedules, and a protest must be filed as affecting each one, and then litigation goes on which may last for several years. So to cover every single importation it is necessary for the importer and merchant to file protests during all of this period if he hopes to gain advantage of his litigation on all of

the importations entered in the interim before the courts make final decision.

Mr. MOORE. If the gentleman will permit, does he not think this will add very greatly to the confusion now existing in this business with regard to appeals on appraisement and reappraisement?

Mr. CALDER. Undoubtedly it will.

Mr. MOORE. And that it will lead to a tangle of accounts?

Mr. CALDER. Certainly; and it is well known that collectors in cases of doubt invariably assess the higher duty, leaving it to the importer to protest the classification before the Board of General Appraisers. The theory of the protest is to advise the collector that he has made a mistake, and he is presumed in such cases to correct his error and refund the illegal duties. When it is considered how many protests are decided in favor of the importers it will be seen how frequently the collector is in error. Also, when it is considered how slight a doubt may cause him to assess the higher duty it is unjust that an importer should be taxed for the privilege of pointing out this error. It is true that the provision provides for the repayment of this fee in case the importer should prevail. But should an importer be compelled to take the chance of losing, in many cases hundreds or thousands of dollars, for the privilege of contesting a doubtful classification even though he, rather than the collector, might be mistaken in the interpretation of the law?

It has been claimed that many frivolous protests have been filed, which entail needless work on the part of the Government, but experience proves that many protests deemed frivolous by the collectors of customs or the Board of General Appraisers have been sustained by the courts. For instance, in the so-called "Bottle Charges" cases, the Board of General Appraisers refused to sustain protests because they were frivolous, and hundreds of suits were filed in the courts on appeal. All these alleged "frivolous" protests were decided by the court in favor of the protestants.

Furthermore, the fee of $1, while apparently small, is in fact, because of the wording of the provision, very large. The paragraph would require the payment of $1 for each protest and that each protest must be limited to a single issue.

It is a new innovation, unjust to the importer and the merchant, and I sincerely hope my amendment will prevail.

The paper I have in my hand was handed me by the Merchants' Association of New York City. It is a protest against this legislation, and I know of no gentleman in this House who can discuss this subject with more intelligence than my colleague [Mr. METZ]. His name is signed to this protest, which is addressed to the House of Representatives, as I indicated above, by the Merchants' Association of New York City, a great body of men, having more business with the customs service of the country than any other body of like character in the United States.

Mr. PETERS. Mr. Chairman, the requirement that a fee of $1 shall be deposited with a protest is now a law through a proclamation of President Taft in March, providing for the customhouse reorganization. The provision for a protest fee of $1 is based on the recommendations of the two special committees which have investigated the customs service in the past year. The imposition of a fee is also recommended in the report of the last Secretary of the Treasury. The present practice tends to encourage litigation, and the fee should cut out a large quantity of useless labor. It should eliminate a considerable number of purely speculative and frivolous protests.

All these duplicate or frivolous protests at present require the following handling:

At customhouse: Received, recorded, trasmitted to appraiser.
At appraiser's stores: Received, recorded, report of facts to collector, record of return.
At customhouse: Receipt of report of appraiser, formulate collector's report (often rubber stamp), transmitted to board.
At the board: Received, docketed, placed on calendar, called by the board on calendar (and abandoned), decided.
At the office of Assistant Attorney General: Prepared for hearing.
At customhouse: Receipt of decision, record.

During the year ending June 30, 1912, there were over 96,000 protests filed, and at that time there were pending over 146,000 protests. The committee which investigated the customs appraisers' office estimate that over 50 per cent of the protests are purely fictitious. Now, in all judicial procedure it is the custom to have a fee charged on the commencement of any action of law. The present law offers every opportunity to gamble against the Government with no expense.

I desire to ask unanimous consent that all debate on this paragraph, and amendments thereto, shall be limited to ten minutes, of which the gentleman from Indiana [Mr. Cox] shall have four minutes, the gentleman from New York [Mr. PAYNE] four minutes, and the gentleman from New York [Mr. METZ] two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I want to say a few words in reference to the matter before the committee. This is the first time that I have learned that President Taft before retiring from office put into force by Executive order this requirement of requiring a dollar to be paid in the way of a protest. I think he should be commended for that course. And right now I want to commend him heartily for putting into force a complete reorganization of the customs districts of this country. I think he did his country a great and invaluable service in that way.

Two years ago the little committee over which I presided as chairman, the Committee on Expenditures in the Treasury Department, investigated this identical question. The administration prepared a bill to meet the conditions that were then existing, particularly at New York. My recollection is that the fee they required in that bill was only 25 cents. I suggested to Mr. Curtis, who had the subject under his control and well in hand at that time, that I thought the fee was too low. But we went ahead and investigated it. While our committee did not have the power to report bills, we made our recommendations that legislation of that kind be enacted into law. It is true, gentlemen, I think, beyond a doubt—and I am quoting Mr. Curtis upon that question when I make this statement—that by reason of the countless thousands of protests that are filed in New York City, it actually requires the addition of from 10 to 15 additional clerks to jacket and file and keep these protests in the proper place so that they can get at them quickly. The only persons on earth who will be hurt by this are the "ambulance chasers" over in New York City. If a man has a meritorious protest, it is not believed for a moment that he will object to paying a fee of $1. And if I understand the Executive order issued by President Taft before retiring, if a man wins his protest the dollar is paid back to him. It was the testimony of Mr. Curtis before the committee that even a fee of 25 cents charged upon the protest would reduce the useless protests that are made in New York City practically one-half, and if that would reduce the protests to the amount of one-half it would necessarily reduce the number of clerks working in that office some 10 or 12. So I am glad to see the bill carry an actual provision of law to this effect, requiring a fee of $1. In my judgment it ought to be $5.

Mr. CALDER. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. CALDER. I know from actual observation that there are not 13 clerks employed on that work. I am told there are only 2.

Mr. COX. I am quoting the evidence of Mr. Curtis himself, and I received—and I think other members of my committee received at the same time—a large number of protests against the bill that was then pending before our committee, and every one of those protests were from a lawyer who looked after these protest fees; everyone of them.

It is nothing in the world, in my judgment, except the "ambulance chaser" that gets after the importers, and I am told—and the evidence discloses the fact—that these attorneys that look after the importation of merchandise and the filing of protests take these fees on a contingent percentage basis. If they win they get their money, and if they lose they do not get it. If an attorney wants to engage in that kind of practice let him put up the dollar himself, and then let him take his chances on winning the amount of duty. I think this is a wise provision.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] is recognized.

Mr. PAYNE. My colleague [Mr. METZ] is on the other side of the question from what I am. I am with the committee, and I understand my colleague [Mr. METZ] wants to speak in opposition to it.

Mr. METZ. I beg the gentleman's pardon. I do not want to do anything of the kind.

Mr. PETERS. Mr. Chairman, two minutes' time was reserved for the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. After Mr. METZ.

Mr. METZ. Mr. Chairman, I simply rise to thank my colleague from New York, Mr. CALDER, for the compliment he pays me and to make a brief statement.

I have had some experience in this matter, and I want to say there are two sides to this question. The last speaker who addressed the committee on this subject [Mr. Cox] is quite right. The greatest objection comes from the lawyers who handle these cases on a contingent basis, but the members of the Merchants' Association of New York are nevertheless in earnest in the recommendations which they have made. My purpose in rising is

chiefly to present these recommendations from the customs committee of the Merchants' Association of New York and to ask that they be placed upon the minutes; that is all.

Following is the document referred to:

THE MERCHANTS' ASSOCIATION OF NEW YORK—RECOMMENDATIONS RELATIVE TO THE ADMINISTRATIVE SECTIONS OF THE UNDERWOOD TARIFF BILL.

To the Members of the Sixty-third Congress, Washington, D. C.:

The Merchants' Association of New York desires to call to your attention the following important matters relative to the customs administrative features of House bill 3321, now pending, and strongly urges that the recommendations set forth below be followed.

While this association has never taken, and does not now take, any action upon tariff schedules or rates, it has always deemed the customs administrative features of the tariff a subject which should have its careful study and attention, regulating as it does the application of the tariff schedules and rates to the three conflicting factors affected. These factors are:

First. The Government, for the revenue which the tariff law is intended to provide;

Second. The domestic manufacturer, for such degree of protection as the tariff law may afford; and

Third. The honest importer, for the right of importation under such limitations, fairly administered, as the tariff statutes may prescribe.

It is the conception, therefore, of this association that the administration of the tariff law should be carried on, first, under provisions of the law which are in form fair and equitable as between these conflicting interests, and, second, by customs administrative officers who appreciate the necessity of a fair and judicial attitude in the administration of these provisions.

Predicated upon this conception, this association, through its committee on customs service and revenue law, has conducted its study of customs administrative matters for over 14 years, and has made many recommendations, from time to time, for changes in the administrative features.

In 1899 President McKinley requested this association to make a careful analysis of the customs administrative act of June 10, 1890, as amended by the act of July 24, 1897, and to suggest such changes therein or amendments thereto as we might deem wise for the better protection of the Government, the domestic manufacturer, and the honest importer alike. On March 1, 1900, a report was presented to President McKinley making specific recommendations for changes in the then existing customs administrative act. This report was rendered as the result of a comprehensive study by a large committee which was truly representative of merchants, domestic manufacturers, and importers.

The Ways and Means Committee, responsible for the Payne-Aldrich Tariff Act of 1909, recognized the force of the changes proposed by the Merchants' Association of New York by accepting and by obtaining the enactment of seven of these suggestions.

The administrative provisions in the tariff bill now pending are far more drastic than those in the original administrative act or in any of the amendments thereto. Their enactment into law would, to an alarming extent, counteract any relief intended to be afforded by the reduction of rates in the tariff itself.

Moreover, these proposed provisions are much more stringent and objectionable than the administrative provisions of the then existing law, which so nearly brought about a commercial war between this country and Germany a few years ago. The provisions of the present bill, if put into operation, would create imminent danger of foreign complications of a very series nature which could not fail to have a most injurious effect upon the present efforts so strenuously put forth to increase the foreign commerce of this country.

The more objectionable features contained in the proposed administrative portion of the bill, which have aroused great opposition, are as follows:

PARAGRAPHS M AND N, SECTION III.

PROTEST AND REAPPRAISEMENT FEES.

Undoubtedly the greatest hardship in the proposed law is the levying of a tax upon the importer for the privilege of filing a protest against wrongful assessment of duties. It is well known that collectors, in questions of doubt, invariably assess the higher duty, leaving it to the importer to contest the classification before the Board of General Appraisers. The theory of the protest is to advise the collector that he has made a mistake, and he is presumed in such cases to correct his error and refund the illegal duties. When it is considered how many protests are decided in favor of the importers, it will be seen how frequently the collector is in error. Also, when it is considered how slight a doubt may cause him to assess the higher duty, it is unjust that an importer should be taxed for the privilege of pointing out this error.

It is true that the provision provides for the repayment of this fee in case the importer should prevail. But should an importer be compelled to take the chance of losing, in many cases hundreds or thousands of dollars for the privilege of contesting a doubtful classification, even though he, rather than the collector, might be mistaken in the interpretation of the law?

It has been claimed that many frivolous protests have been filed, which entail needless work on the part of the Government, but experience proves that many protests deemed frivolous by the collectors of customs or the Board of General Appraisers have been sustained by the courts. For instance, in the so-called "bottle charges" cases, the Board of General Appraisers refused to sustain protests because they were frivolous, and hundreds of suits were filed in the courts on appeal. All these alleged "frivolous" protests were decided by the court in favor of the protestants.

Furthermore, the fee of $1, while apparently small, is, in fact, because of the wording of the provision, very large. The paragraph would require the payment of $1 for each protest, and that each protest must be limited to a single issue.

Frequently an issue is not decided for two years or more, and in the meanwhile, through the continuing character of the importing business, this nominally small fee would rapidly accumulate and become very great. We are aware of the fact that a great deal of work devolves upon the Board of General Appraisers in the handling of protests, but there seems to us no reason why these protests could not be held at the customhouse while the issue is pending before the Board of General Appraisers or in the courts. If, then, the issue should be decided against the importers, the protests could be abandoned at the customhouse, or, if the issue is decided in favor of the importer, the protests at the customhouse could be sustained by the collector without sending them to the Board of General Appraisers. The assessment of a fee for the filing of these protests we submit is wrong in principle and should be stricken from the bill.

The same objections would apply to the fee for reappraisement, although in reappraisement the burden is not so heavy as upon protests, because the issues are decided with comparative speed.

PARAGRAPH I, SECTION III.

AND DUMPING CLAUSE.

Paragraph I of section III provides for undervaluation a penalty of 1 per cent on the appraised value for each per cent that the appraised value exceeds the entered value. This should be amended to allow some leeway before the penalty accrues. The undervaluations at the port of New York do not exceed one-tenth of 1 per cent of the total importations. Of this one-tenth of 1 per cent it is safe to say that not one-tenth are fraudulent, but are unintentional and are due to fluctuations in the market and ignorance thereof on the part of the importer. The fact that the law gives an importer the right to add on entry is no answer to this proposition, because it is seldom that one who has honestly purchased goods and entered them at the purchase price is aware that he has purchased below the market. On some few staple goods the market value can be ascertained fairly well, but on the great bulk of goods, especially those purchased in the open market, one man seldom knows what his competitor has paid for the same class of goods purchased from another dealer or even from the same dealer. It is not too much to say that the majority of additions on entry are made only after an importer has found that he has purchased below the market because of additions made by the appraiser. It is therefore manifestly unfair that he should be penalized where the difference is only 1 per cent. Some leeway should be allowed, and this association recommends that no penalty should be assessed on unintentional undervaluation not exceeding 5 per cent.

Arduous as this provision is under the old law, the proposed "dumping clause" (par. R, sec. IV), as to certain goods, increases the burden more than one hundredfold, for it not only doubles the penalty but makes it apply even where the importer himself adds on entry. It provides that "if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned, is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States, at the time of its exportation to the United States," there shall be levied an additional duty equal to the difference between the export price and market value.

If, therefore, the goods are found to be below the market value—even where the undervaluation is unintentional—a duty equal to the full undervaluation up to 15 per cent would be assessed in addition to the penal duties provided for by paragraph I. This additional duty would be assessed even though the importer himself adds on entry, for the wording of the provision makes it operative regardless of whether he adds or not. In fact, once an importer has added on entry to make market value, he himself automatically puts the "dumping clause" into operation by admitting that the goods were bought or consigned below the market price.

PARAGRAPH L, SECTION III.

AMERICAN SELLING PRICE.

Paragraph L reenacts subsection 11 of section 28 of the present administrative act with additional burdens on the importer.

This section, after providing that the market value may be found by considering the cost of production, further provides that the "dutiable value of any merchandise consigned for sale or sold for exportation to the United States, and which is not actually sold or freely offered for sale in the open market of the country of exportation to all purchasers, shall not in any case be appraised at less than the wholesale price at which such or similar merchandise is sold in the United States with deductions for estimated duties, cost of transportation, insurance, and other necessary expenses, and a commission of 6 per cent on consigned goods or a reasonable allowance for general expenses and profits not to exceed 8 per cent on purchased goods." This is the provision as found in the present law, and while it has been invoked comparatively infrequently, it is absolutely wrong in principle and impracticable of intelligent application. For instance, if an importer is selling an article at a certain price, it is obvious that with any competition the price can not be higher than will allow him a reasonable profit. This profit, under certain circumstances, may amount to a gross profit of, say, 35 per cent, and it may be necessary for him to obtain this percentage of gross profit if he is to continue to do business at all. The appraisers, however, may think this gross profit too much, and, working backward, may allow him only 25 per cent, thereby advancing his goods 10 per cent. In order to do business he must then advance his selling price so that he will still obtain his 35 per cent, the minimum gross profit under which he can handle the goods. Immediately the goods would again be raised, based on the new selling price, and so on until the importer is compelled to quit importing.

No comment is necessary to show both the injustice and the absurdity of this provision, the only use of which could be as a club to drive importers out of business. Under the provisions of the bill now pending, however, it is proposed to go further and to deprive the importer of the right to contest the appraiser's finding that the goods in question are not sold freely in the country of exportation. Under the present law the importer has oftentimes been able to produce evidence conclusively to show that the goods in question were sold in the country of origin and that this section therefore did not apply. An amendment is now proposed in the pending bill, as follows: "The Secretary of the Treasury is authorized and empowered to determine the existence or nonexistence of a foreign market, and such determination shall be binding and conclusive upon all persons and interests."

Manifestly in the determination of what is or is not an open market the Secretary of the Treasury must necessarily depend upon reports from special agents and consuls. Therefore the delegation of this power proposed in the amendment referred to to the Secretary of the Treasury practically means its delegation to the special agents. We respectfully submit that the determination of such a question, so vital to the honest importer, should not be delegated to such minor officials, whose reports, experience shows, are frequently unreliable. The entire section, with the exception of the provision for finding market value upon the basis of cost of production, we submit should be eliminated as impracticable, unjust, and unfair.

PARAGRAPH U, SECTION III.

EXAMINATION OF FOREIGN BOOKS, ETC.

Paragraph U provides as follows:

"That if any person, persons, corporations, or other bodies selling, shipping, consigning, or manufacturing merchandise exported to the

United States shall fail or refuse to submit to the inspection of a duly accredited investigating officer of the United States when so requested to do any or all of his books, records, or accounts pertaining to the value or classification of such merchandise, then the Secretary of the Treasury, in his discretion, is authorized, while such failure or refusal continues, to exclude from entry any and all merchandise sold, shipped, consigned, or manufactured by such person, persons, corporation, or other bodies and imported into the United States."

This provision is harsh in its construction and places the importer at an unfair disadvantage. He purchases his goods in the open market and pays the price agreed upon, and then in case the foreign shipper, over whom he has no control, refuses to exhibit his books, including his cost books, to a representative of the Treasury Department, the importer's source of supply would be cut off.

The application of this provision would undoubtedly lead to international complications. Retaliatory measures of like import would be most natural, and our American manufacturers who are seeking foreign markets would bitterly resent the inspection of their books, including records of cost, by representatives of foreign Governments. Manufacturers in this country could ill afford to have their trade secrets become known throughout the world. The adoption of the proposed provision vests in the employees of the Government tremendous power. Experience has shown that many of the frauds on the revenue have been perpetrated through collusion with Government officers, and we respectfully submit that the operation of the proposed provision would constitute a tremendous temptation on the part of any dishonest employee to profit by this great power. We therefore recommend that this provision should be eliminated in toto.

PARAGRAPH V, SECTION III.

INSPECTION OF AMERICAN BOOKS.

This paragraph gives the Secretary of the Treasury power to refuse importations "if any person, persons, corporation, or other bodies engaged in the importation of merchandise in the United States, or engaged in dealing with such imported merchandise, shall refuse to submit any or all of his books, records, or accounts pertaining to the value or classification of any such imported merchandise to the inspection of a 'duly accredited investigating officer of the United States.'" Belief has been expressed in some quarters that this provision is unconstitutional in that it constitutes a violation of the fourth and fifth amendments of the Constitution of the United States as interpreted by the United States Supreme Court. Whether constitutional or not, the provision is extremely objectionable, both because of its violation of the right of privacy and because of its extreme liability to abuse.

It may be claimed that an honest importer should have no objection to throwing open his books, but no business man, however honest, will view with equanimity a demand at any or all times for the divulgement of his innermost trade relations, because in the hands of an unscrupulous special agent the power for harm under this authority is incalculable, and experience in the past has shown that the efforts of special agents are oftentimes more energetic than fair.

Moreover, the wording of the provision is so broad that its literal application would produce results unheard of in any enlightened country. Under the proposed conditions any small dealer in an obscure village might have the power to tie up the importation business of the largest merchant in the country. This paragraph provides that if any person dealing in imported merchandise refuses to show his books, then all merchandise "intended for delivery" to him can be excluded from the country by order of the Secretary. For example: If an importing house should have an order from a retailer in some distant part of the country, and the retailer should refuse to show his books, the importer would be precluded from importing any other goods intended for delivery to the retailer. It should be noted that this paragraph provides for the inspection of books, not by the collector or appraiser, as in the old law, but by any "duly accredited investigating officer of the United States." This would be a great step backward into the past, when merchants were terrorized by special agents, who came into their offices, seized their books and papers, and sealed their safes.

PARAGRAPH P, SECTION III.

PENALTY FOR REFUSING TO APPEAR AND TESTIFY.

This paragraph requires any person, even though a stranger to the matter in dispute, to appear before the collector or appraiser and to produce his books and papers, under penalty of a fine ranging from $20 to $500 to be summarily imposed. No one is exempt from the operation of this provision, for it would lie in the discretion of the Government officer as to whether or not his appearance or testimony is deemed material.

It should be noted that this provision relates not only to goods under appraisement, but also to goods as to which the classification is in dispute. The question as to classification is frequently one calling for expert testimony of men in high stations in life, whose time is extremely valuable and whom it would be manifestly unfair to take from their business in order to testify to a matter in which they have absolutely no interest. The roster of witnesses who have appeared before the Board of General Appraisers on questions of classification includes professors of colleges, heads of museums, expert chemists, and, in fact, the highest types of men in all professions, as well as the heads of our largest business houses. We submit that to place men of this type at the beck and call of interested parties, compelling them to spend their time and give their services gratis on matters in which they can be interested only academically, would be an abuse of process.

The penal provisions in the paragraph are particularly objectionable because there is conferred upon the collector or chief officer of customs in the customs collection district judicial powers which he has never been permitted to exercise before, namely, the power to impose a fine not less than $20 nor more than $500, which fine, when certified to the district court of the appropriate judicial district, shall be forthwith entered upon the docket and shall have the full force and effect of a judgment of said court, without any provision for review on the part of any duly constituted judicial tribunal.

In connection with this paragraph, we desire to call attention also to the amendment in paragraph O, which permits the general appraisers, the local appraisers, and collectors to examine importers or any other person not only as to the merchandise then under consideration but as to "any imported merchandise * * * previously imported." This is oppressive and contrary to the spirit of our laws. The examination of private books and papers generally is onerous and unjust, as we have pointed out, but when this right of search is permitted to be unlimited in its scope and time, authorizing the compulsion of an importer or other person to delve into transactions that may have been closed up years before, it offends the true sense of justice.

The merchants' association is familiar with the report made by the special agents appointed by the Treasury Department and also the report made by the Dennison committee appointed by the President. Each of these reports magnify the evils which we believe exist only to a small extent. As we have shown, the undervaluation of goods is relatively slight, but we believe that their detection, if difficult, is not caused by want of efficient laws. The difficulties that may have arisen in the past and which are spoken of by the two committees mentioned above are not due to the lack of laws, but to the improper application and administration of existing laws. This does not mean that the radical changes recommended are necessary.

We doubt that if the proposed changes in the customs administrative act had been in effect during the life of the last administration they would have prevented any of the frauds that have been detected during the past four years.

RECOMMENDATIONS.

The Merchants' Association of New York therefore recommends and urges—

First. That if section 3 of the proposed tariff bill is to be enacted at this time at least the amendments indicated above should be incorporated in the measure.

Second. That section 3 be eliminated from the bill entirely, thereby permitting the present customs administrative regulations to remain in force for the time being, and that there be created a committee representative of the Ways and Means Committee, the Treasury Department, the customs service, and the factors affected by the operation of the customs administrative provisions, which committee should make a careful and complete analysis and revision of the administrative regulations, and should report to the Ways and Means Committee in ample time for consideration thereof, and action thereon by your committee and by Congress at the regular session convening in December next.

The reason for this second and preferable recommendation is that the customs administrative portion of the present law is a patchwork, which in many respects, in our opinion, is inconsistent and illogical. An attempt adequately to remedy these features by the process of additional amendments in the pending bill, in our judgment, merely adds to the difficulty already existing. Such a complete revision as we recommend would, we believe, produce a far more effective, just, and consistent code for administrative procedure than has ever existed in the past in connection with any tariff law.

Respectfully submitted.

COMMITTEE ON CUSTOMS SERVICE AND REVENUE LAW,
THE MERCHANTS' ASSOCIATION OF NEW YORK.
THOMAS H. DOWNING, *Chairman.*
H. A. METZ.
J. C. MCCREERY.
JOHN C. EAMES.
JOHN JEROME ROONEY.

Mr. PAYNE. Mr. Chairman, I am heartily in favor of this proposition and I have advocated the change proposed at great length heretofore. It has been a question before the Committee on Ways and Means on several occasions. We have had a good deal of evidence on the subject and a good many statements, and they all resolve briefly into this, that a great portion of these protests are filed by attorneys who take the cases on shares, generally for a moiety of what they recover, sometimes less and sometimes more. On the other hand, there are some honorable attorneys who appear in these cases who do not take cases on shares, but charge a reasonable fee for their services.

Now, it is a reasonable proposition for the importer. He imports the goods and they are appraised at a higher value than he claims they ought to be, but he goes ahead and sells those goods and gets, of course, the higher duties out of his customers. He charges that all in advance, and gets the money in his pocket, and along comes some "ambulance chaser"—because the profession is not quite dead yet—and suggests to the importer that that is all wrong, and that there is a chance to get the money back, and tells him that he will take up the case on shares and that it will not cost the importer a cent to file a protest or anything else. Of course the importer, who is ready and willing to get back this payment, assents, because it is clear gain to him. He consents to that arrangement, and of course the practice is encouraged and the number of these protests is a good deal more than doubled, I think, because of this thing.

The committee went after them once or twice. I think perhaps a mistake was made in fixing the filing fee too high. I think our suggestion was $5 for filing one case. We wanted to stop the practice, but owing to the multiplicity of business and other changes that were demanded then in the administration of the customs laws none of those things were carried through; and I commend this committee that they have put into law this Executive order of the President of the United States, Mr. Taft, requiring this fee to be paid, in order that the people shall not have a chance to gamble without putting up anything against the Treasury of the United States, for an additional profit on the import of their goods. It will help to stop this thing.

Mr. Chairman, the appraisement at some time should be final. You put a provision in the law that after a certain number of days it shall be final if they do not appeal or if they do not protest, and then you say that they can protest without any expense, and then that carries on the time through an indefinite period; and if some other enterprising man puts his money into it and succeeds in a lawsuit, then they come back on the Treasury for the difference in the duty, although they have done nothing but file a protest, and the difference recovered is divided up between these alleged lawyers and their clients. I

think the committee did exactly right in putting this provision in the bill.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. CALDER].

The amendment was rejected.

Mr. CALDER. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers a second amendment, which the Clerk will report.

The Clerk read as follows:

Page 177, line 13, strike out "$1" and insert "50 cents."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New York [Mr. CALDER].

The amendment was rejected.

The Clerk read as follows:

N. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, or upon merchandise on which duty shall have been assessed, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within 30 days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within 15 days after the payment of such fees, charges, and exactions, if dissatisfied with such decision imposing a higher rate of duty, or a greater charge, fee, or exaction, than he shall claim to be legally payable, file a protest or protests in writing with the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Each protest shall be limited to a single article or class of articles, and to a single entry or payment; and issues of classification shall not be joined with other issues in the same protest. Such protest, if overruled by the collector, shall be deemed to be finally abandoned and waived unless within 30 days from the date of filing thereof the person who filed such notice or protest shall deposit with the collector of customs a fee of $1 with respect to each protest: *Provided*, That the person filing any protest may at any time before action of the collector thereon pay such fee. Such fee shall be deposited and accounted for as miscellaneous receipts, and in case the protest in connection with which such fee was deposited shall be finally sustained in whole or in part, such fee shall be refunded to the importer, with the duties found to be collected in excess, from the appropriation for the refund to importers of excess of deposits.

Upon such protest and payment, the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of nine general appraisers, for due assignment and determination as provided by law; such determination shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an appeal shall be filed in the United States Court of Customs Appeals within the time and in the manner provided for in this act.

Mr. PETERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 180, lines 6 and 7, by striking out the following: "If overruled by the collector."

The amendment was agreed to.

Mr. PETERS. I offer another amendment.

The CHAIRMAN. The gentleman from Massachusetts offers another amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 180, line 10, by striking out the word "deposit" and inserting in lieu thereof the words "have deposited."

The amendment was agreed to.

Mr. PETERS. I offer another amendment.

The Clerk read as follows:

Amend, page 180, lines 11, 12, and 13, by striking out the words "*Provided*, That the person filing any protest may, at any time before action of the collector thereon, pay such fee."

Mr. MADDEN. Mr. Chairman, I wish to ask the gentleman from Massachusetts whether these are machine-made amendments or not? They look as though they were.

Mr. PETERS. They are amendments to perfect the wording of the section.

The amendment was agreed to.

Mr. PETERS. I offer another amendment.

The Clerk read as follows:

Amend, page 180, line 20, by striking out the words "protest and payment" and inserting in lieu thereof the words "payment of duties, protest, and deposit of protest fee."

The amendment was agreed to.

Mr. PETERS. I offer the following amendment.

The Clerk read as follows:

Amend, page 181, line 6, by striking out the words "in this act" and inserting in lieu thereof the words "by law."

The amendment was agreed to.

Mr. POWERS. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. I ask unanimous consent that debate on this paragraph and amendments thereto be limited to five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and amendments thereto be limited to five minutes. Is there objection?

There was no objection.

Mr. POWERS. Mr. Chairman, what I am about to say is not germane to this particular paragraph, but I shall consume only a minute or two of time, and I hope no objection will be made.

I am reliably informed that there will be no opportunity given to have a separate vote on the income-tax section of the Underwood tariff bill.

I am in favor of an income tax. I believe it to be one of the fairest methods of raising the revenue with which to defray the expenses of the Government. I regret that this income-tax measure has been made a part of a partisan tariff bill; that the Republicans here have not been permitted to help perfect and pass a fair bill of this sort; and that no Republican can vote for it even in its present form without voting for the entire Underwood tariff bill, which I, for one, can not do.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

O. That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers, or the collectors, as the case may be, may cite to appear before them, and examine upon oath any owner, importer, agent, consignee, or other person touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise then under consideration or previously imported, in ascertaining the dutiable value or classification thereof; and they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed and preserved for use or reference until the final decision of the collector or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be; and such testimony shall be received in evidence and given consideration in all subsequent proceedings relating to such merchandise.

Mr. PETERS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, page 181, line 17, by inserting, after the word "accounts," the word "contracts."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. PETERS. Mr. Chairman, I offer the following further amendment.

The Clerk read as follows:

Amend, page 181, line 21, by inserting, after the word "collector," the word "appraiser."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. PETERS. I offer the further amendment, Mr. Chairman.

The Clerk read as follows:

Amend, on page 181, lines 23 and 24, by striking out the words "testimony shall be received in evidence and" and insert the words "evidence shall be."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

P. That if any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a general appraiser, or a board of general appraisers, or a local appraiser, or a collector, he shall be liable to a penalty of not less than $20 nor more than $500, to be summarily imposed by the collector or chief officer of customs in the customs collection district where the citation issued; and upon the report of such officer to the district court in the judicial district where such citation issued the amount of such penalty shall be forthwith entered upon the docket of such court against the person so fined, and such entry shall have the full force and effect of a judgment of said court; and if such person be the owner, importer, or consignee, the appraisement which the Board of General Appraisers or local appraiser, or collector where there is no appraiser, may make of the merchandise shall be final and conclusive; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or Board of General Appraisers, or local appraiser or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited or the value thereof may be recovered from him.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I want to inquire of the gentleman from Massachusetts if the words "general appraiser" have not been omitted after the word "which," line 16, page 182? The law includes the words "general appraiser," which seems to have been omitted in that bill.

Mr. PETERS. This is the same as the present law.

Mr. ANDERSON. I think not. The words "general appraiser" come in and are included as well as the Board of General Appraisers.

Mr. PAYNE. The Board of General Appraisers is certainly proper and correct, even if this is correct the way it stands.

Mr. PETERS. I did not at first understand the gentleman from Minnesota. The words "general appraiser" were left out at the suggestion of the Treasury Department.

Mr. ANDERSON. I wanted to inquire, because I noticed the omission.

The Clerk read as follows:

W. That there shall be established in each of the consulates of the United States a registry of commissionaires or purchasing agents; that no person shall be permitted to register as such except upon some affirmative showing of his agency by affidavit indicating the scope of such agency, the parties thereto, the duration, the merchandise to which it relates, the terms and conditions of its exercise, and the commissions involved, the truth of each of which affidavits shall be verified by investigation of the consul before registration is permitted; no such registration shall be permitted unless the agency is operative in the open market exclusively and the commissions provided for are the usual and ordinary commissions prevalent in the trade. Each invoice in which an item of commission appears covering merchandise shipped from any consular district where such registry has been established shall have included in the certificate of the consul a statement that the party claiming in the invoice to be the agent of the purchaser appears on the registry of the consulate as such, and in the absence of such certificate no appraising officer shall allow as nondutiable any item of commission appearing on such invoice or claimed on behalf of any importer.

No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be and that he is a credible person and that the statements made under such oath are true, and he shall thereupon, by his certificate, state that the person is the person he represents himself to be, is a credible person, and he believes the statements made in his oath to be true. No consular officer shall certify to the truth of the values stated in any invoice.

Mr. PETERS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 187, line 16, by striking out the word "appraising."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was considered, and the amendment was agreed to.

The Clerk read as follows:

CC. That any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact, or receive from any person, directly or indirectly, any money or thing of value in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or liquidation of the entry thereof, on conviction thereof shall be fined not exceeding $5,000, or be imprisoned at hard labor not more than two years, or both, in the discretion of the court; and evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word. In reference to what was said yesterday about the five mills in Fall River, I have been giving some attention to other sections of the country that have been brought to my attention, and I have in my possession an article that comes from the New Orleans Picayune, a thorough administration paper. The article is under date of April 30, 1913, and it reads as follows:

Telegrams urging their Senators at Washington to refuse to go into caucus on the Underwood tariff bill were sent from New Orleans last evening by presidents of the Farmers' Union in seven cotton-growing States. The appeal, directed personally to the Senators sent to Washington by farmers, insisted that time be given the association for a further study of the Underwood bill, since it is the unanimous opinion of the gentlemen represented in the conference now on at the Hotel Grunewald that if the new tariff law is enacted it will have a serious effect on the price of raw cotton. Represented in the conference are the presidents of the Farmers' Union in Louisiana, Mississippi, Alabama, Georgia, Texas, Arkansas, and Oklahoma.

Appeals were sent to National President C. S. Barrett, of the Farmers' Union, and to other leaders in the association, urging them to take the question of the tariff up and to fight it in the Senate in so far as the bill will injure the cotton grower.

TARIFF FIGHT URGED.

The effect of the Underwood tariff bill on the price of cotton has already been severely felt, according to evidence presented at the conference hearing yesterday. J. D. Brown, of the large buying house of Brown & Holloman, New Orleans and Mississippi, testified that the price of raw cotton has declined on certain grades from 3 cents to 5 cents a pound. Mr. Brown testified that he has just disposed of a small lot of 1⅛-inch staple which he bought last December at 21 cents and which he sold yesterday for 18 cents.

"American spinners are not buying. They are frightened out by the tariff legislation," Mr. Brown declared. "As a result cotton is already 100 points lower than it was before the tariff question came up so strongly."

The fate of the American cotton grower if American mills are forced out of the manufacture of finer grades of cloths was forcefully brought out by Mr. Brown when he declared that the exporters' price of raw cotton is always lower than the price paid by American manufacturers, and that all grades of cotton used by American mills are affected by the tariff.

For the information of the committee and the country, I will state that the five cotton mills at Fall River, Mass., that will close on Saturday next, use 80,000 bales of cotton annually, and they produce 200,000,000 yards of cotton cloth per annum. They use 47,000 tons of coal and 40,000 gallons of oil and 600,000 pounds of starch annually. When these mills are idle the demand for all these articles are produced outside the limits of Massachusetts. The city of Fall River uses 446,100 bales of cotton, 324,000 tons of coal, 377,800 gallons of oil, and 3,957,850 pounds of starch annually.

The number of cotton spindles in Fall River are nearly 4,000,000, and in New England there are more than 15,000,000 cotton spindles, and there are more than 17,000,000 spindles in the Northern States. I have not the statistics of the materials used in manufacturing cotton goods throughout the Northern States, but it must be apparent to all that these Northern States are not producers of raw materials, but if the mills are constantly employed they are large consumers of the products of other States of the Union, but if the mills are idle for any lengthy period the raw materials are not purchased, and the products of manufacturing plants are thereby limited.

There was also a similar article in the New Orleans Times-Democrat published on the same date. But the Times-Democrat, as I understand it, is not a supporter of the Democratic administration as, I am informed, the Picayune is. The Times-Democrat is an independent Democratic paper.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. HARRISON of Mississippi. Do I understand the gentleman from Massachusetts to say that the New Orleans Daily Picayune is an administration paper?

Mr. GREENE of Massachusetts. I am so informed.

Mr. HARRISON of Mississippi. The gentleman is not correct.

Mr. GREENE of Massachusetts. It is a good paper, and it is nearly as old as I am. It is a Democratic paper, and I have never heard anybody question its authority, whether it supports the administration or not.

Mr. HARRISON of Mississippi. Will the gentleman yield further?

Mr. GREENE of Massachusetts. Yes.

Mr. HARRISON of Mississippi. I want to say to the gentleman that on the tariff program of the present administration the Picayune has had standing editorials against free sugar——

Mr. GREENE of Massachusetts. Thank God for that.

Mr. HARRISON of Mississippi. Against free sugar and other features of the bill, and has stood for the protective tariff ideas that your party stands for.

Mr. GREENE of Massachusetts. That is very good, and I am glad there is a body of people outside of Massachusetts that stands for protection. There are a good many of them throughout the country.

Mr. MOORE. Mr. Chairman, I would like to ask the gentleman if that is not an article simply stating facts, and is not an editorial?

Mr. GREENE of Massachusetts. It is simply a statement of facts published by the New Orleans Picayune, as a matter of public concern not alone in that city, but as affecting the production and price of cotton in seven prominent Southern States and I presume the article would be equally applicable to every cotton-growing State in the Union. Let us see what else there is of interest in the article:

Secretary D. D. Colcock, of the New Orleans Sugar Exchange, was invited to address the conference, and questioned regarding tariff legislation, upon which Mr. Colcock is an expert. Mr. Colcock expressed the belief that the passage of the Underwood bill meant a reduction in the price of raw cotton, and that, most conservatively estimated, it will take not less than $160,000,000 a year out of the pockets of the cotton growers.

Secretary-Treasurer C. B. Bryant, of the American Cotton Manufacturers' Association, testified that since the tariff agitation has become acute and the passage of the Underwood bill was regarded as a certainty, the cotton-goods trade has been in a state of demoralization bordering on panic.

"Some numbers of yarns have declined 6 to 8 cents a pound, and the demand for yarn and cloth has materially fallen off," he declared. "The only business to be had is for small lots for prompt shipment. Large orders for forward shipment are not available."

Mr. Bryant said that if the bill is passed American mills can not operate on the finer counts numbering 50 and above, and all spindles will be forced to go on coarse goods composed of yarn of lower count than No. 50.

LABOR WILL FEEL BLOW.

Mr. Bryant declared that within six months after the passage of the Underwood bill American mills will have turned out more than enough coarse fabrics to overstock the market. "Reduction in operative force will immediately follow," he pointed out. "In the South those operatives will return to the cotton fields to produce a greater quantity of the staple, for which there is no home market. In the East, where the labor is made up largely of foreigners, there will be grave industrial disputes, walkouts, and strikes, with their attendant anarchy.

S. Odenheimer, president of the Lane Cotton Mills, of New Orleans, appeared before the committee early yesterday forenoon, and went over the situation thoroughly from the manufacturers' standpoint. Mr. Odenheimer pointed out the impossibility of the manufacture of the finer grades of goods in competition with the Manchester spinner.

Mr. Odenheimer contended that the cotton manufacturer has not, during the past seven years, paid a dividend on his investment in excess of 5 per cent. He showed how impossible it will be for the cotton-mill operator to pay existing prices for raw cotton, the present wage scale to operatives and break even. "The American spinner now consumes about 5,500,000 bales of American cotton, or a little more than one-third of the entire production, annually," he said. "If American consumption of cotton under this new tariff would decrease 25 per cent, which it doubtless will, that much more cotton will have to be sold in Europe, and as European cotton is not held by cotton mills as in this country, but is carried by cotton merchants, those cotton merchants will have additional leverage to depress the price of cotton."

THE WOOL PARALLEL.

Mr. Odenheimer went into the wool situation, as well as that relating to cotton, and declared that "great quantities of woolen goods are now imported into the United States, which is good evidence that American manufacturers can not compete with Europe on manufactured goods. This heavy lowering of the tariff will bring an immense quantity of woolen goods into the United States, and naturally those woolen goods will take the place of cotton goods, since woolen manufactures will be sold much cheaper than in the past.

"In so far as the cotton farmer is concerned," concluded Mr. Odenheimer, "he should see that cotton consumption is increased and not decreased."

The star witness of the day, in so far as New Orleans and its importance as a cotton market were concerned, was Mr. Brown. Mr. Brown said that he is a cotton buyer; that he buys from the farmer and most generally sells directly to the manufacturer. For 12 years he has specialized in the finer qualities—1¼-inch staple and better. Mr. Brown, upon being questioned, declared that New Orleans is the best cotton market in the South; that cotton here usually brings a better price, and that there is always a market. He said that he transacted a little business in Texas, whereupon D. E. Lyday, vice chairman of the cotton ports committee, Farmers' Union, brought up the rate question as applying on Texas cotton to New Orleans and to Galveston. Mr. Brown was unable to say what is the difference between the rates, but repeated his declaration that New Orleans is the best cotton center in the South, and that Galveston nor any other city in this part of the United States can offer better prices or demand than does New Orleans.

The conference was presided over by R. D. Bowen, chairman of the committee on greater consumption of cotton, appointed by the Farmers' Union, Paris, Tex. Present were:

James W. Biard, secretary committee, Paris, Tex.; D. E. Lyday, vice chairman of the cotton ports committee, northeast Texas division Farmers' Union, Fannin County, Tex.; O. W. Taylor, president Oklahoma State Farmers' Union, Roff, Okla.; T. D. Mitchell, president Mississippi State Farmers' Union, Goodwin; O. P. Ford, president Alabama State Farmers' Union, McFall; H. F. Moberley, president Arkansas State Farmers' Union, Prairieview; R. Lee Mills, chairman Louisiana executive committee, Opelousas. Mr. Mills represented President I. N. McCollester, of the Louisiana State Farmers' Union of Many, who is ill and could not be present.

GEORGIA APPROVES.

President I. A. Smith, of the Georgia State Farmers' Union, who has been detained en route owing to floods and delayed traffic, arrived in time for last evening's session of the conference. The work of the past two days was gone over for Mr. Smith, who heartily approved of the action taken.

At midnight the conference adjourned until this morning, when the conferees will again meet at the Hotel Grunewald at 10 o'clock.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out the last two words. In answer to what the gentleman from Massachusetts has said with respect to the New Orleans Daily Picayune, I desire to say that that paper circulates throughout my district. I am a subscriber to the paper and read it daily, and I know that on the tariff question there is no ranker Republican paper in Massachusetts or any other part of the country.

Mr. GREENE of Massachusetts. Does not that prove what Gen. Hancock said—that the tariff is a local issue?

Mr. HARRISON of Mississippi. Mr. Chairman, so far as Louisiana and the Daily Picayune are concerned it may be a local issue, but I do not believe that paper reflects the sentiment of the people of Louisiana, and I know that so far as it concerns the State of Mississippi it does not reflect the sentiment there at all.

Mr. GREENE of Massachusetts. Will not the gentleman say that this report is not an editorial, but a report of an actual proceeding in a meeting held in the city of New Orleans?

Mr. HARRISON of Mississippi. With respect to the meeting of those representatives of the farmers' unions of seven States, that the gentleman reads about and the actions of whom he quotes, I desire to say that it was not a representative gathering of the farmers of those seven States at all.

Mr. GREENE of Massachusetts. It was a gathering, was it not?

Mr. HARRISON of Mississippi. They were a few representatives who got together in New Orleans and had a meeting, and, if they are quoted correctly, are trying to create a sentiment there for protective ideas that do not reflect the sentiment of the people of those seven States.

Mr. GREENE of Massachusetts. Then, the seed is being sown and the plant protective is beginning to grow?

Mr. HARRISON of Mississippi. It is growing very slowly down there.

Mr. GREENE of Massachusetts. That is all right. I am somewhat familiar with conditions in New Orleans myself.

The CHAIRMAN. Without objecton, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

A. That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however*, That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman from Kansas if this is the amendment in respect to the tariff commission?

Mr. MURDOCK. It is.

Mr. UNDERWOOD. I desire to make a point of order upon it.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent to dispense with the reading of the amendment at this time, but that it may be printed at this point in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the reading of the amendment may be omitted, but that it may be printed in the RECORD. Is there objection?

There was no objection.

The amendment referred to is as follows:

Page 195, line 10, add, after the word "rejection," the following:

"*And provided further*, That there is hereby created a body to be known as the tariff commission, which shall consist of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. No person shall be eligible to serve as a member of said commission while holding any other public office of either honor or profit, either by election or appointment, or who is a Senator or Representative elect of the United States. Not more than three of said commissioners shall be members of the same political party. The commissioners first appointed under this act shall continue in office for the terms of 2, 4, 6, 8, and 10 years, respectively, and from the 1st day of July, A. D. 1913, the term of each to be designated by the President, but their successors shall be appointed for terms of 10 years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. Any commissioner may, after due hearing, be removed by the President upon proof of ineligibility or of any violation of any provision of this act, or for inefficiency, neglect of duty, or malfeasance in office. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Said commissioners shall not engage in any other business, vocation, or employment. Each commissioner shall receive a salary of $7,500 per year. The President shall designate a member of the commission to be chairman thereof during the term for which he is appointed. The commission shall appoint a secretary, who shall receive a salary of $5,000 per annum, and such other employees as it may find necessary to the proper performance of its duties, and shall fix the salary or compensation of each. Three commissioners shall constitute a quorum for the transaction of business as a commission.

"That the principal office of the commission shall be in the city of Washington, and the Secretary of the Treasury shall furnish the commission with suitable offices and equipment thereof and with all necessary supplies. The commission shall, in addition, have full authority as a body by one or more of its members or through its employees, when so authorized by the commission, to conduct investigations at any other place or places, either in the United States or foreign countries, as the commission may determine. Said commission shall promulgate rules and regulations for the safekeeping of all papers, correspondence, tabulations, reports, explanations, and other information gathered by it. All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation in any place other than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission.

"That the commission shall have authority and power and it is hereby directed to ascertain and tabulate for purposes of comparison the difference in the cost of producing articles of the same or similar quality and kind in this country and in actually or potentially competing foreign countries. The commission shall ascertain and tabulate for purposes of comparison where such tabulation is practicable in connection with the several articles covered by its reports in the United States, and in such foreign countries the wages, hours of service, and efficiency of labor employed and the standards of living of such laborers. The commission shall likewise ascertain the cost and selling prices of raw material, the cost of labor, the fixed charges, the depreciation upon the true value of the capital invested, and all other items entering into and determining the true cost and selling price of the finished product. The commission shall ascertain the market conditions and the prices at which protective products of the United States are sold in foreign countries, as compared with the prices of such products sold in the United States. The commission shall investigate the effect of transportation rates upon the markets and prices of dutiable products, and so far as pertinent to the tariffs fixed upon articles on the dutiable list the control of such markets and absence or presence of free competition in the same, and shall, pursuant to the purposes of this act in so far as practicable, investigate all questions and conditions relating to the agricultural, manufacturing, mining, commercial, and labor interests with reference to the tariff schedules and classifications of the United States and of foreign countries, and shall investigate the capitalization, industrial organization and efficiency, and the general competitive position in this country and abroad of industries seeking protection from Congress. The commission shall likewise investigate in general and in regard to particular

articles the revenue-producing power of the tariff and its relation to the resources of Government, and shall investigate the effect of tariffs both of the United States and of foreign countries on prices, on the operations of middlemen, on the wages paid for labor, and on the purchasing power of the consumer. The commission shall also make investigation of any particular subject whenever directed by either House of Congress or the President of the United States. The commission shall have the power to call upon any of the existing departments or bureaus of the Government for information on file in such departments or bureaus which it may require in connection with the work which it is authorized to do by this act, and it shall be the duty of every such department or bureau of the Government to furnish such information on request from the commission. It shall be the duty of said commission to hold hearings from time to time at such places as it may designate to determine industrial, commercial, and labor conditions in relation to costs of production and effects and operations of the tariff schedules and classifications in force in the United States and in foreign countries. Such hearings shall be public, except as otherwise herein provided. The commission shall, whenever practicable, give at least 10 days' public notice of any and all such hearings, and at any such hearing any person may appear before said commission, subject to such reasonable limitation upon the amount of and duplication of testimony and arguments as may be provided by the rules of said commission, and be heard or may be represented by attorney and may file any written statement or documentary evidence bearing upon any matter which the commission may have under investigation. The commission may from time to time make or amend such general rules or orders as may be requisite for the orderly regulation of proceedings before it, including form of notices and the service thereof. Every vote and official act of the commission and of each member thereof shall be entered of record. Any of the members of the commission or its secretary shall have the power to administer oaths and affirmations and to sign notices.

"That to assist the President in securing information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by the United States or any foreign country upon the importation into or sale in the United States or any foreign country of the products affected, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws and in obtaining information concerning the economic results of said laws, the commission shall from time to time make report as the President shall direct, and upon direction by the President shall draft a plan for scientific classification of schedules in aid of administration of the provisions of the customs laws.

"That for the purposes of this act in the case of articles on the dutiable list, and such other articles as the commission may decide or may be directed to investigate, the said commission is authorized to require of any person, firm, copartnership, corporation, or association engaged in the production, importation, manufacture, or distribution of any such article or articles the production of all books, papers, contracts, agreements, invoices, inventories, bills, and documents of any such person, firm, copartnership, corporation, or association and make every inquiry necessary to a determination of the value of such property and necessary to accomplish the purposes for which said commission is created. In aid of its powers herein granted to secure information the commission shall have the power, whenever necessary for the purposes of its investigations, to prescribe and enforce uniform systems of accounting for protected industries, for manufacturers, and producers of commodities protected by import duties. The commission is authorized to require by notice the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, inventories, invoices, bills, and documents relating to any matters pertaining to such investigation. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and witnesses shall receive the same fees as are paid in the Federal courts.

"That the district courts of the United States, upon the application of the commission alleging a failure to comply with any order of the commission with relation to the attendance and testimony of witnesses and the production of documentary evidence, shall have jurisdiction to issue the necessary process or writs for the enforcement of the orders of the commission, and in case of disobedience to a subpœna the commission or a member thereof may invoke the aid of any one of the district courts of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents within the jurisdiction of such court within which an investigation or inquiry by the commission is being carried on. In case of contumacy or refusal to obey a subpœna issued to any person or corporation subject to the provisions of this act, any of the district courts of the United States having jurisdiction as herein provided may issue an order requiring such person or corporation to appear before the commission and produce books, documents, and other papers if so ordered and give evidence concerning the matter under investigation by the commission, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The commission may also order testimony to be taken by deposition in any investigation and at any stage of such investigation. Such deposition may be taken before any person authorized so to do by the commission and who has power to administer oaths. Any person may be compelled to appear and depose and produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided. Such testimony shall be reduced to writing. No person shall be excused from attending and testifying or from producing books, papers, documents, or other things before the commission or in obedience to the subpœna of the commission whether such subpœna be signed or issued by one or more of the commissioners or the secretary of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or to subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by it: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"In any investigation conducted by the commission as herein provided, the testimony of any witness in regard to secret processes or trade secrets not contrary to public policy shall not be reduced to writing, nor shall any documents of like character be copied into the records of investigations or otherwise made a part thereof, and for the purpose of obtaining such testimony or of examining such documents, and for such purposes alone, the commission shall have the power to hold secret sessions and take evidence thereat. All other testimony shall be reduced to writing, and, with all other documentary evidence received, incorporated in the records of the commission for the guidance of the commission and for the use of the President and Congress as hereinafter provided: *Provided*, That no evidence or information secured for the confidential use of the commission shall be made public in such a manner as to be available for the use of any business competitor or rival of the firm, copartnership, corporation, or association from whom or concerning whom such evidence or information was obtained: *And provided further*, That in case in any investigation authorized by this act the commission shall obtain evidence or information for its confidential use, the commission shall not be required to divulge the names of persons furnishing such evidence or information.

"The commission shall make annual reports to Congress of its investigations and conclusions and such special reports as the President or either House of Congress may direct. The annual reports shall be published and ready for distribution on the first Monday of December of each year. Upon demand of either the President or either House of Congress the commission shall make a report of all testimony and information upon which its reports are based."

Mr. MURDOCK. Mr. Chairman, I will ask the gentleman from Alabama to reserve the point of order.

Mr. UNDERWOOD. Mr. Chairman, I reserve the point of order.

Mr. MURDOCK. Last Friday I gave notice that I would offer to the administrative features of the bill an amendment embodying a plan for an efficient tariff commission. Yesterday to a previous section in the bill the gentleman from New York [Mr. PAYNE] offered his tariff commission amendment. A point of order was made against it and the point of order was sustained. I offer at this point my tariff commission plan on behalf of the Progressives, and the gentleman from Alabama reserves the point of order against it. No doubt the point of order will be sustained when it is made. On the motion to recommit, if the point of order is sustained now, it will be, if made again, sustained then, and I am availing myself of these five minutes for the purpose of explaining what this tariff commission amendment which I have offered provides, which the tariff commission plan offered by the gentleman from New York does not provide. There are two propositions before the House in respect to a tariff commission. One of them has teeth, one of them has efficiency, and the other has not. The one which I have offered has efficiency, and the one which the gentleman from New York has offered has not. The whole crux of a tariff commission bill is found in the power given the commission to elicit all information, not partial in formation, not fragmentary truth, not half truth, but the whole truth.

There is one effective way in which a commission can get at all the truth, and that is by having the power to invoke the aid of the courts in compelling testimony and the production of documents. My amendment does that thing. The bill proposed as an amendment by the gentleman from New York does not. The bill proposed by the gentleman from New York provides that the commission, in the case of failure of testimony, shall have this power over recalcitrant witnesses:

The commission may report to Congress such failure, specifying the names of such persons, the individual name of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

That is, wherever a witness is recalcitrant, and inferentially a beneficiary of a high protective tariff, he shall be reported to the House, and with him that schedule in the tariff in which he is interested. To my mind that as an effective measure is absurd. Suppose, for instance, that the officers of the American Woolen Co. refused to testify before the commission as to the facts pertinent to the woolen business. All we could do under the provisions of the bill of the gentleman from New York would be to report those men to Congress, and apparently under the punitive meaning of this paragraph Congress would be expected to take some sort of revenge upon all those in the manufacture of woolens, because of some few recalcitrant witnesses. In other words, under the provisions of the commission bill of the gentleman from New York Congress would be expected to punish the innocent among the manufacturers of wool for the guilt of others, those who had refused to testify. The crux of an efficient tariff commission, then, is the power of the commission to compel testimony, not by the threat of writing a tariff against all because some one witness refuses to testify, but by invoking the aid of the courts in compelling testimony before the commission.

Now, the second proposition which is essential to the efficiency of a tariff commission is a provision for a uniform system of accounting for the great protected industries so that actual needed comparisons may be made as to the cost of production and other factors pertinent to just tariff rates. The recent

Tariff Board in its work found that the absence of this power was a serious impediment in its attempt to get at all the facts.

The third proposition which is essential to the effectiveness of a tariff commission——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. I would like to ask the gentleman if I may proceed for three or four minutes.

Mr. UNDERWOOD. I will say to the gentleman I can not violate my rule in regard to the five-minute debate——

Mr. MANN. Mr. Chairman, I think under the circumstances the gentleman from Kansas ought to have an opportunity to be heard.

Mr. MURDOCK. It will only take three or four minutes.

Mr. UNDERWOOD. If it is understood I am not waiving my rule, I will ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MURDOCK. The third proposition is this: Almost all commission bills contain a provision dealing with executive sessions of the commission and the necessity of secrecy in hearings in the matter of trade processes and trade secrets. Provision for secrecy, unless carefully guarded, is a dangerous proposition in any bill, and in the bill which has been offered by the gentleman from New York certain wide latitude is given to the commission which should not be given.

His bill provides—

That in any investigation authorized by this act the commission may obtain the evidence or information as it may deem advisable, for its confidential use; and in case the evidence or information is so obtained, said commission shall not be required to divulge the name of persons furnishing such evidence or information.

There is no provision in the bill of the gentleman from New York for the prohibition of secret testimony if it is against public policy. There is no prohibition in his bill which will prevent any producer or any manufacturer who is a beneficiary of a high protective tariff from getting a secret meeting of the commission merely to hear his testimony. In the measure which I have introduced the provision for secrecy is very carefully guarded against possible abuse. Secret sessions shall not be held merely at the request of the man who is a beneficiary of a tariff. We propose that there shall be no secret session except on the motion of the commission, and then when it is dealing only with trade secrets and secret processes.

Mr. MARTIN. Will the gentleman yield before he goes to another proposition?

Mr. MURDOCK. Certainly.

Mr. MARTIN. As I understood the gentleman, he speaks in favor of a method of dealing with unwilling witnesses in comparison with the one in the bill of the gentleman from New York [Mr. PAYNE], that being by an appeal to the Congress. Now, I would like to suggest to the gentleman whether the policy of appealing to the courts in the case of an unwilling witness will not be the very slowest possible remedy, because, pending appeal, by every means known to delay court proceedings, the very object of an investigation might not be indefinitely postponed.

Mr. MURDOCK. On the contrary, it will get all the facts. As the gentleman from South Dakota knows, in our Money Trust investigation we had recalcitrant witnesses and were not able to get the desired testimony.

Mr. MARTIN. I quite disagree with the gentleman. I think we found it to be the quickest way.

Mr. MURDOCK. As a matter of fact, one defiant witness would not testify.

Most of the tariff bills that have been introduced—but not the bill introduced by the gentleman from New York [Mr. PAYNE]—provide something that all tariff students have contended for for years—for the right of the commission, at the direction of the President, to draft a scientific classification of tariff schedules. We are here passing a long omnibus tariff bill. If the bill should go upon the statute books and stay there for five or six years, inside of that period, by reason of our antiquated methods of classification, the constructions of the department will change the major part of that bill. I am told, and I think authentically, that the Dingley bill, before it was finally repealed, had been changed by that method of construction in the department in at least 60 per cent of its items.

The scope of the commission to investigate in my amendment is wide and fully defined. In the amendment of the gentleman from New York it is restricted.

In a word, the difference in the bill offered by the gentleman from New York [Mr. PAYNE] and the bill offered by myself is this: The bill offered by myself is efficient; it will secure the facts. The bill offered by the gentleman from New York is the same old stone given to the people when they are asking for bread. The bill offered by the gentleman from New York [Mr. PAYNE] is vague and nebulous and is as lacking in specification as the platform upon which it is based.

In 1908 the Republican platform attempted to definitely show the position of the Republican Party upon the tariff. It said:

The Republican Party declares unequivocally for a revision of the tariff by a special session of the Congress immediately following the inauguration of the next President and commend the steps already taken to this end in the work assigned to the appropriate committees of Congress, which are now investigating the operation and effect of these schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries.

I think that the majority of the Members in this House believe that the same thing was in the Republican platform of 1912; but the Republican Party, in its national convention in 1912, rejected that definition of protection, left it out of its platform, and here is the vague, uncertain tariff plank in the Republican platform of that year:

We hold that the import duties should be high enough, while yielding a sufficient revenue, to protect adequately American industries and wages.

The Progressives stand for the creation of an efficient nonpartisan scientific tariff commission, advisory to Congress, with plenary power to adduce all facts necessary to a just revision of the tariff, including the power to call upon the courts for orders for development of testimony, to prescribe and enforce uniform systems of accounting for protected industries; to draft a plan for scientific classification of schedules; to investigate and report its conclusions on the cost of production, efficiency of labor, capitalization, industrial organization and efficiency, and the general competitive position in this country and abroad of industries seeking protection from Congress; as to the effect of the tariff on prices, on operations of middlemen, and on the purchasing power of the consumer; and as to the revenue-producing power of the tariff and its relation to the resources of Government; and to tabulate for purposes of comparison the wages, hours of service, and efficiency of labor and standard of living in the United States and in competing foreign countries, and to ascertain and report the cost and selling prices of raw material, the cost of labor, the fixed charges, the depreciation upon the true value of the capital invested, and all other items entering into and determining the true cost and selling price of the finished product, together with the market conditions and the prices at which protected products of the United States are sold in foreign countries as compared with the prices of such products sold in the United States; and as to the effect of transportation rates upon the markets and prices of dutiable products, the control of markets, and the absence or presence of free competition; and to investigate all questions and conditions relating to the agricultural, manufacturing, mining, commercial, and labor interests with reference to the tariff schedules and classifications of the United States and of foreign countries. And the Progressives also stand for the revision of the tariff, schedule by schedule, with full consideration of each of the provisions, and record votes on each. In that way a just tariff can be written. It can not be written in an omnibus bill, without information, and under the whip and lash of caucus rule.

Mr. LENROOT. Mr. Chairman, during this session of Congress there have not been many things with which I have been able to be in accord with the gentleman from Kansas [Mr. MURDOCK], and so I am especially glad that upon this proposition he and I are in accord in a great many particulars, for I find that this tariff-commission bill introduced by him, representing the Progressive Party, has been copied almost verbatim—at least three-fourths of it—from a bill introduced by me on the first day of this session, and also introduced by me at the last session of Congress. [Laughter.]

Mr. MURDOCK. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MURDOCK. It is true that wherever I found a good point in the gentleman's bill I took it, and I want to ask the gentleman now in all fairness if his bill is like the bill of the gentleman from New York [Mr. PAYNE]?

Mr. LENROOT. There are a great many——

Mr. MURDOCK. Your bill goes further.

Mr. LENROOT. In detail, but not so far as the power conferred upon the commission is concerned.

Mr. MURDOCK. I disagree with the gentleman, and I do not think he is entirely correct in that.

Mr. LENROOT. The gentleman has two propositions in his bill that are not found in other bills that have been introduced. One of them is a provision that his proposed tariff commission shall have the power and it shall be its duty to prescribe a uni-

form system of accounting for the different industries and factories of the country.

Mr. MURDOCK. Is that in the gentleman's bill?

Mr. LENROOT. No; I am glad to say it is not. That is original in the bill introduced by the gentleman from Kansas [Mr. MURDOCK]. Of course, if the gentleman had been a lawyer—which he is not, and therefore he is excusable—he would have known that it is not within the power of Congress to prescribe any such thing as that. The Federal Government has no right to place its hand upon a factory or upon an industry wholly within the limits of a State not engaging in interstate commerce and not engaging in foreign commerce, and prescribe how they shall keep their books. No lawyer in this House would contend for a moment that that provision in the gentleman's bill would stand for a moment. In order to make it stand, the gentleman should have added to his provision the qualification that if these industries are engaged in either interstate or foreign commerce the commission have that power, but not otherwise.

Indeed, if we did have the power that the gentleman would seek to impose in his bill as drawn by him, the Federal Government would have the power to go into every State, into every industry of every State, and not only prescribe uniform systems of accounting, but prescribe and regulate every other thing that they do, taking away the power of the States over them entirely. And while the time may come—and I believe it will come—when we shall have to broaden our power with respect to that, this is the first time that I have ever heard it suggested by anyone that Congress has the power which the gentleman now says he proposes to give it by, to use his language, "putting teeth" into a bill creating a tariff commission.

Now there is one other proposition that the gentleman announced, that of invoking the power of the Federal Government with reference to securing the testimony of witnesses. That is one way of doing it; and it is a question of opinion as to which is the best way, as to which is the most effective way, of securing testimony. And if the gentleman had been studying this question when he was a Republican as thoroughly as he has been studying it of late [laughter], I think he would have come to the conclusion, as other students have, that the most effective way of securing this testimony is to place it directly in the power of Congress. Congress is in session nearly all the time, and there is no difficulty in securing such relief as may be necessary.

But, Mr. Chairman, perhaps the gentleman from Kansas is not aware of the fact that the most effective way of securing information is not through testimony, not through hearings, but by going into the mills of the manufacturers themselves, having their books examined by experts, as was done by the last Tariff Commission. And I want to say in passing that there is only one instance within my knowledge where admission was refused to the mills to the experts of the Tariff Commission. The Congress must not be dependent upon the testimony of interested manufacturers, because when we do depend upon that we have got the same old system—of manufacturers coming before the Committee on Ways and Means and testifying there—without getting down to bedrock facts at all. In order to get this information we must get experts who will go into the mills and into the factories and there find out the costs of production, and not depend upon the testimony of manufacturers.

The principal purpose in giving a commission the power to subpœna witnesses, and so forth, is that in case the manufacturers shall refuse to permit the experts of the Government to go into their factories and examine their books, there shall be a means of compelling them to give the information. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that the amendment is not germane. In ruling upon a similar point of order yesterday, namely, on the amendment proposed by the gentleman from New York [Mr. PAYNE], the Chair did not enter into any elaborate argument, but——

Mr. MURDOCK. Mr. Chairman, will the Chair, before he begins, listen to me just for a moment?

The CHAIRMAN. Yes.

Mr. MURDOCK. My amendment is offered as being germane to the paragraph.

The CHAIRMAN. The Chair understands; and the gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that it is not germane to the bill.

In ruling on the point of order made yesterday to the amendment proposed by the gentleman from New York [Mr. PAYNE], the Chair did not enter into any elaborate statement of the reasons for his ruling, but contented himself with the statement of his conclusions. The Chair will not enter into any elaborate argument upon the proposition at this time; but he thinks that in justice to himself, as well as to the members of the committee, it would be well to make more clear than was made in the statement yesterday the principle upon which the Chair rested his decision.

The Chair desires to read at this point some reasoning by Mr. Carlisle in the decision which was referred to in the debate yesterday, in ruling upon a point of order in what the Chair regards as a case analogous to the one before the committee:

When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule; and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

Now, in the amendment proposed by the gentleman from New York on yesterday, and in the amendment proposed by the gentleman from Kansas [Mr. MURDOCK] to-day, there are certain provisions that the President of the United States may utilize this Tariff Commission in the administration of the law. But no one, in the opinion of the Chair, would insist that that was or is in any respect the fundamental purpose involved in the amendment proposed by the gentleman from New York [Mr. PAYNE] and in the amendment proposed by the gentleman from Kansas [Mr. MURDOCK]. It has not been argued at any time by any gentleman speaking upon this question of a tariff commission that it was essential for that purpose, or that that was anything more than merely an incidental part. The fundamental purpose of the Tariff Commission proposed in the amendment offered by the gentleman from Kansas is, as it was in that offered by the gentleman from New York, one entirely different from that, and in the opinion of the Chair that purpose was not germane to this bill, the full intent of which is expressed in the title—

To reduce tariff duties and to provide revenue for the Government, and for other purposes—

The words "and for other purposes" there, of course, referring to the administrative features of the act, as the Chair understands.

That being true, the fundamental thing in the proposition not being germane, in the opinion of the Chair it does not matter that there were certain incidental features of it that might, if offered in a different way, have been germane to the administrative features of the bill.

The Chair will try to put the matter in two short sentences. The Chair holds that when it clearly appears from the context of a proposed amendment that its real purpose and fundamental intent is not germane to the bill, then the mere fact that some incidental feature of it may be germane to some feature of the bill does not render the whole proposed amendment in order. The Chair thinks the fair and reasonable interpretation of the rules applicable (clause 7 of Rule XVI and the first part of clause 3 of Rule XXI) is that the salient purpose of the proposed amendment, as deduced from its context, must be the measuring rod, and if this be not germane then it must be held out of order.

Following this reasoning, and connecting it with the well-settled principle which has been laid down again and again that if a portion of a proposed amendment be out of order the whole must be ruled out, and having clearly in mind the impression that the salient feature of the amendment proposed yesterday by the gentleman from New York [Mr. PAYNE], and of that now proposed, was and is obnoxious to the rules cited, the Chair sustained the point of order yesterday, and the Chair, on the same reasoning, sustains the point of order to-day. [Applause on the Democratic side.]

Mr. ANDERSON. I desire to offer an amendment to the paragraph.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 195, line 10, by adding at the end of line 10 the following:

"*Provided further*, That the act entitled 'An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911, be, and is hereby, repealed."

Mr. UNDERWOOD. I make the point of order that that is not germane to the subject matter.

The CHAIRMAN. The gentleman from Alabama makes the point of order that the amendment is not germane to the subject matter.

Mr. UNDERWOOD. To the bill or the paragraph.

The CHAIRMAN. To the bill or the paragraph. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. Mr. Chairman, I think this amendment is germane. This paragraph authorizes the President of the United States to enter into negotiations for reciprocal relations. The amendment which I have offered proposes to repeal an act which carries out on the part of the United States a reciprocal agreement negotiated under this very provision. It seems to me that there can be no question that the amendment which I offer is certainly germane to the bill, and it seems to me germane to the paragraph.

The CHAIRMAN. Under clause 3 of Rule XXI, this being a paragraph authorizing the President to negotiate trade agreements, it hardly seems to the Chair that it would be in order to here offer an amendment proposing the repeal of an act. The Chair sustains the point of order.

Mr. ANDERSON. Do I understand the Chair to hold that the amendment is not in order at any point in the bill?

The CHAIRMAN. The Chair holds that the amendment is not in order at this point in the bill.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word in order to express my regret that the committee have not provided for a maximum and minimum tariff in this bill.

The maximum and minimum provision in the present law has accomplished much good, so that the various discriminations made against the articles imported from this country by other nations have been entirely done away with, except in cases where there were treaty obligations that they could not get rid of.

It has removed restrictions by way of inspections that we have complained of for many years and it has given us minimum rates in getting our goods into countries that have maximum and minimum rates.

Now we have no provision whatever to meet that. This pretense incorporated into this paragraph does not meet the situation, improve the situation, or change the present law in any particular.

The President already has the power to negotiate commercial agreements subject to the approval of Congress. Under the Dingley law we had a provision, that was suggested in the Senate, whereby he might negotiate treaties to be ratified by the Senate and afterwards to become effective when Congress passed a law carrying out their provisions. But that was simply a reenactment of the Constitution of the United States which allowed the President to make treaties ratified by the Senate and subject to the further condition that the Congress should make a law to carry them into effect when they either involved an appropriation or a change in the revenue system. So that provision of the Dingley law is still in force unless they repeal the Constitution of the United States by an enactment of Congress, and I am not sure but that will be attempted some of these days.

They have, before this paragraph goes into effect, authority in the President of the United States to negotiate these trade agreements. How did President Taft get the authority to negotiate the treaty with Canada for reciprocity? This provision was not in existence then, and yet no one disputed his authority to make that negotiation.

Of course, it had no effect until it was ratified by Congress, approved by Congress by the passage of a law, and it provided also by its terms and by the law that we passed that it still would have no effect until the Canadian Government agreed to it and the Canadian legislative power agreed to it.

There is no difficulty without this paragraph; it is simply here as an excuse to that large body of the American people that would like to see something in the tariff act that will meet trade discriminations by the other civilized nations of the world and give us a chance in their markets.

The maximum and minimum provision ought to have been kept in the bill. If the gentleman wanted to amend it, it was at his option. If he believed his rates should be the maximum, why did not he put in a minimum? A maximum and minimum tariff ought to be in every tariff bill. We need it for our protection to unlock the closed markets of the world while they legislate along the same line and carry their legislation into effect. That is one of the blemishes that appears so prominently in the bill that I did not feel warranted in allowing it to pass at this late hour without making these suggestions on the subject. Of course, I could not offer any amendment.

Mr. UNDERWOOD. Mr. Chairman, I move to close all debate on this paragraph and amendments thereto in five minutes.

The CHAIRMAN. The gentleman from Alabama moves to close all debate on this paragraph and amendments thereto in five minutes.

The motion was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I know that my friend from New York [Mr. PAYNE] is wedded to the maximum and minimum tariff theory. It was in the Payne bill, and therefore my friend approves of it. But if there ever was a proposition placed in a bill in the legislative history of this country that was ineffective and inoperative it was the maximum and minimum features of the present tariff law. In the first place, the gentleman put in a system that had been abandoned by European countries years ago. He made the conventional rate in his bill the minimum rate and then increased it to the maximum by authorizing the President to increase the tax 25 per cent. The European nations that first invented this system of minimum and maximum rates attempted that procedure 25 years ago. They went to the balance of the world, as my friend from New York attempted to go, with a big stick demanding trade, and they discovered that you could not build up trade along that line. So, when the gentleman from New York wrote the present maximum and minimum into the law, he wrote into this law an effete system that had been abandoned by its original authors. It is true the countries of Europe to-day, many of them, maintain a minimum and maximum tariff, but they establish as their conventional tariff their maximum tariff and provide a minimum rate below it.

In other words, instead of going to the world with a big stick and saying, "We will shatter your commerce coming into our country if you do not make concessions," modern Europe says to the world, "Our conventional rate is our maximum rate, but if you will trade with us we will grant you concessions." That is the only way that nations or men can deal with each other, and so far as the minimum and maximum rate is concerned, it does not require a demonstration on our part that it was a failure in the present law. President Taft went to Canada with this big stick demanding concessions from Canada, particularly with reference to paper and wood pulp, and the minister of foreign relations in Canada, Mr. Fielding, in stating the case before the Canadian Parliament, said to them, when he carried the Canadian reciprocity treaty before that house, that it originated out of the theory of the American Government to secure concessions under its maximum rate, and the question was not as to whether Canada should yield, but as to how Canada should make some concessions in order to allow the envoys of the United States to return home without being discredited. That is the condition that the minimum and maximum rate put us in. It forced the President of the United States, without warrant of law and without authority of law, to negotiate a contract that subsequently was ratified by law, but without a line on the statute books to justify it, and when that act became a law we wrote into the Canadian reciprocity act a provision similar to this authorizing the President of the United States to negotiate further trade agreements with Canada, and my friend from New York [Mr. PAYNE] supported the proposition in the Ways and Means Committee, and voted for it on the floor of the House. The maximum and minimum tariff rate as contained in the present law was not only repudiated by the President's action, but in the last Congress the Secretary of State, Mr. Knox, sent a communication to this House, which was referred to the Committee on Ways and Means, indicating how ineffective the present law was in developing our commerce with foreign nations, and he petitioned this House to change the law in order that we might expand our commerce. We could have made the rate in this bill the maximum rate and allowed a concession in favor of developing foreign commerce, but we concluded that it would be more effective to absolutely untie the hands of the President of the United States and authorize him to go to foreign nations, by warrant of law, and negotiate a trade agreement. The important question in this provision of the law is that the President of the United States might make some agreement, but when the agreement came back to this House it would be open to amendment; it would not be carried out as an agreement; it could be only passed as an independent law and placed on the statute books. The provision in this bill is that the President of the United States can negotiate a trade agreement, and in order that there might not be confusion about it, in order that the minds of the contracting parties may meet, it is provided that the Congress shall ratify or reject that agreement.

The CHAIRMAN. The time of the gentleman from Alabama has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

C. That there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 50 per cent of their total value, or 20 per cent in case of manufactures of tobacco, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty: *And provided further*, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof, under a through bill of lading, from the country of origin to the country of destination: *Provided*, That direct shipment shall include shipments in bond through foreign territory contiguous to the United States: *Provided, however*, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained: *And provided*, That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands, a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise, shipped from said islands to the United States, shall be exempt from the payment of any tax imposed by the internal-revenue laws of the Philippine Islands: *And provided further*, That there shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture; such tax to be paid by internal-revenue stamps or otherwise, as provided by the laws in the Philippine Islands; and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of the United States: *And provided further*, That in addition to the customs taxes imposed in the Philippine Islands, there shall be levied, collected, and paid therein, upon articles, goods, wares, or merchandise imported into the Philippine Islands from countries other than the United States, the internal-revenue tax imposed by the Philippine Government on like articles manufactured and consumed in the Philippine Islands or shipped thereto for consumption therein, from the United States: *And provided further*, That from and after the passage of this act all internal revenues collected in or for account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the insular treasury: *And provided further*, That section 13 of "An act to raise revenue for the Philippine Islands, and for other purposes," approved August 5, 1909, is hereby repealed.

Mr. GILLETT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Insert on page 196, line 11, after the word "duty," the following:
"Except cigars in excess of 150,000,000 cigars, which quantity shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 15 minutes, 10 minutes to go to that side.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, this amendment is intended to restore the provision which was in the Payne bill, but which is omitted in this bill, limiting the importation of cigars from the Philippine Islands to 150,000,000. The House will remember that when the Payne bill was passed it allowed free access to this country of Philippine products, with the limitation that only 150,000,000 cigars could enter without duty, in order, of course, to protect our cigar manufacturers, and not build up in the Philippine Islands a great island industry for the manufacture of cheap cigars which would flood this country. In order, however, to treat the Philippines fairly, it allowed 150,000,000 to come into this country free, so that a reasonable cigar industry there might have an outlet.

Now, gentleman of this House must be familiar with the fact that in the Connecticut Valley are grown the best wrappers in the world, and there are also manufactured the best cigars in the world, bar none, although perhaps some artificial and unnatural taste may lead some Members to prefer a Havana flavor. Now, in the last campaign, up and down the Connecticut Valley, some Democratic candidates for Congress attacked the Republican Congressmen on the ground that they had voted for the Payne bill, which allowed an entry into the United States of 150,000,000 of Philippine cigars in rivalry and competition with the Connecticut Valley cigars. They claimed that the Republicans were recreant to their duty, were inconsiderate of the tobacco growers and the cigar manufacturers of the Connecticut Valley because they allowed 150,000,000 cigars to come in in competition with them. Naturally, we should expect, then, that in the Democratic bill this importation would be forbidden and no Philippine cigars admitted. But what do we, in fact, find? This Democratic bill proposes to allow not 150,000,000 but an unlimited number of Philippine cigars to come in in competition with American cigars. It opens wide the door. The Payne bill allowed a reasonable number of these Philippine cigars—150,000,000—to come in, but it was not willing to have the whole Philippine population become expert cigar makers and have their cheap labor come in universal competition with the American cigar makers. The cigar makers of my district earnestly oppose this Democratic proposition, and I move this amendment to reinstate the limitation of the Payne bill, and I hope it will be adopted.

Mr. BARTHOLDT. Will the gentleman yield for an interruption?

Mr. MOORE. I desire to ask the gentleman a question.

Mr. GILLETT. I have yielded the floor.

Mr. BRITTEN. Mr. Chairman, I hold in my hand a petition signed by 1,500 members of the Cigar Makers Union residing in Chicago, the object of the petition being to object to the free and unlimited importation of cigars from the Philippine Islands. The bill as drawn, which is now under consideration, allows 20 per cent of foreign material in the construction or the making of Philippine cigars which come into this country free of a tariff duty. In that particular regard it works a severe hardship against the manufacturers as well as the cigar makers themselves in this entire country.

Mr. BARTHOLDT. Will the gentleman yield for an interruption?

Mr. BRITTEN. I will.

Mr. BARTHOLDT. In the gentleman's judgment, is there anything in this provision which would prevent the American Tobacco Trust from going to the Philippine Islands and make there all the cigars the American market can carry, and thereby put the cigar makers of the United States out of business.

Mr. BRITTEN. There is not, I agree with the gentleman. Replying to the gentleman from Missouri, I would recall what happened and what is history in the annexation of the island of Porto Rico. The American Tobacco Co. now controls 80 per cent of the cigar manufacturing and the leaf-tobacco industry of the island, and they will do the same thing in the Philippine Islands after this bill becomes effective. The matter of erecting a cheap hut in which to house that common labor in the Philippine Islands is a paltry consideration, as a few thousand dollars will build a big barn, and with labor in the islands at 30 cents a day, as against our labor at from $2 to $6 a day, the only natural conclusion is that our industry will be wiped out of business in a few years if this particular paragraph of the section is not amended.

Mr. MAHER. Will the gentleman yield?

Mr. BRITTEN. I only have a few moments.

Mr. MAHER. Will the gentleman please tell me where there is a cigar maker earning $6 a day?

Mr. BRITTEN. Making high-class cigars in the city of Chicago. If you are interested in union labor you will agree that our labor gets more than 30 cents a day, and that is all that is paid in the Philippines. It places a hardship on our cigar manufacturers in that they pay a tariff on wrappers and fillers which enter into the construction of our cigars, and the Filipinos do not have to pay that tariff. Philippine manufacturers have sent 65,000,000 cigars into this country in the past eight months, and I am sure that 20,000,000 cigars a month will reach us from there before this year is ended. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, that the gentleman from Illinois [Mr. BRITTEN] is correct in his argument that organized labor is opposed to this proposed legislation, and is vigorously protesting against it, is shown by the following communication from the Cigar Makers' International Union of America, which I submit for publication in the RECORD:

LEGISLATIVE COMMITTEE
CIGAR MAKERS' INTERNATIONAL UNION OF AMERICA,
Washington, D. C., May 3, 1913.

HON. FRANK B. WILLIS,
House of Representatives, Washington, D. C.

DEAR SIR: We beg leave to submit a few facts why the importation of cigars free of duty from the Philippine Islands should be limited to

75,000,000 annually, and no more. Page 196 of the tariff bill provides for unlimited free trade with the product of Asiatic and Mongolian labor.

Yours, very respectfully, A. STRASSER, *Chairman.*

MONGOLIAN AND ASIATIC COOLIES V. ORGANIZED LABOR IN THE UNITED STATES OF AMERICA.

One section of the tariff proposes absolute free trade in cigars imported from the Philippine Islands.

First annual report of the Department of Commerce and Labor, page 152, cigar makers' average daily wages in the provinces are, in pesos, 0.74, equal to 37 cents in United States currency.

Third annual report of the Bureau of Labor, page 15, states: Average wages per annum equal to $93.50 in United States currency, less than $2 a week.

The total number of workers employed was as follows:

Males	5,166
Females	5,143
Boys (under 16)	425
Girls (under 16)	566
Total	11,300

The average number of hours of work reported ranged from 10 to 12 hours per day.

In the United States and in the Philippines cigars are made by hand labor. All attempts to supplant it by machine production within the last 50 years have failed.

For eight months of the fiscal year we received from the Philippine Islands 65,000,000 cigars free of duty.

Unlimited free trade will enable the European and American tobacco trusts to locate factories in the islands and swamp us with the Asiatic product.

One-half of the cigar factories in Manila are owned by Chinese coolies. Is this a fair "competitive tariff"?

Mr. UNDERWOOD. Mr. Chairman, the change in this paragraph of the bill is largely striking out the limitation on the importation of sugar, filler and cigar tobacco and wrapper tobacco. Now, I do not know of any more selfish interest that has been presented in this Congress than that presented by the amendment that is now pending before this House.

When you consider that in all of this tariff bill nearly every man that has been concerned in business in the United States has had his duties reduced from the present law, except these tobacco manufacturers, and that they still have a differential, the difference between 35 cents a pound on filler tobacco and $1.85 on wrapper tobacco, that builds up their business in the United States, and which has not been affected by the work of this committee, because it was on a fair revenue basis and the committee left it alone, they should not come here contending that these dependent people of ours in the Philippine Islands, who, under our law, are compelled to give us free trade with the Philippine Islands, should be deprived of a reciprocal market in the United States. Now, that is what they are contending for, and yet their contention means nothing.

The present law allows the importations of one hundred and fifty million of cigars into the United States free of duty to-day. That law has been on the statute books for four years. The tobacco industry in the Philippine Islands is no new industry. It has existed for many years. It is already developed, and they have had four years under the existing law to bring in one hundred and fifty million of cigars, and the total imports for the last year amounted to 63,852,000.

Mr. BRITTEN. Is it not 73,000,000?

Mr. UNDERWOOD. It is 63,852,000. I have just had it added up by the Clerk at the desk.

Mr. MURRAY of Massachusetts. May I repeat the suggestion made to me on the statistics given by the gentleman from Alabama [Mr. UNDERWOOD] that, while the importations are as low as sixty-three million of cigars, it has been entirely unnecessary to raise the limit to one hundred and fifty million, and that because of the state of the present importations we may as well leave the limit where it is?

Mr. UNDERWOOD. We may leave the limit where it is, so far as this industry is concerned, but we would leave it where it is to the shame of every American citizen. [Applause on the Democratic side.] We could not honestly face these dependent people who give us free trade in their markets if we close our doors to the only imports that they might possibly send here.

Mr. MURRAY of Massachusetts. I am afraid I did not make myself clear. Certainly there is free trade to the limit of their present importations, which are sixty-three millions.

Mr. UNDERWOOD. Certainly.

Mr. MURRAY of Massachusetts. Then why raise the limit to one hundred and fifty millions until the extent of their trade justifies raising the limit of their importations?

Mr. UNDERWOOD. Because we do not want to stand and face the world in such a position as that and say that "under our law we command you to open the door, so that American goods can flow into your country," because we have the power to do it, and then turn around and say to them that on the only thing that they can import, practically, into our country and make a market for we will close our doors and prevent them developing their trade. I say that no true-born American citizen who faces this question fairly and squarely and understands the situation—which I do not believe the men who signed that petition did, because they were not informed of the facts—will consent to that.

Mr. BRITTEN. Will the gentleman yield for just a moment?

Mr. MADDEN. Will the gentleman yield?

Mr. UNDERWOOD. Just a moment. No man who understands the honor and integrity of his own country is going to attempt to make a one-sided contract of that kind with a dependent people. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Chairman——

Mr. BRITTEN. Will the gentleman yield to a question, please?

Mr. UNDERWOOD. I can not. My time has expired.

Mr. MURRAY of Massachusetts. Mr. Chairman, I understand there were some three minutes of the time——

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The time has already been overrun by the gentleman from Alabama four minutes.

Mr. MURRAY of Massachusetts. Mr. Chairman, a parliamentary inquiry.

Mr. UNDERWOOD. I did not intend to overrun the time.

Mr. MANN. I am not criticizing the gentleman.

Mr. MURRAY of Massachusetts. Was the division of time 10 minutes on one side and 5 on the other?

Mr. MANN. There was no division of time.

Mr. MURRAY of Massachusetts. I went to the Chair, and the Chair said that there was before the gentleman from Alabama spoke.

Mr. UNDERWOOD. When I asked unanimous consent I asked unanimous consent that that side have 10 minutes and that I might have 5 minutes.

Mr. MURRAY of Massachusetts. Are there 3 minutes remaining of that 10?

The CHAIRMAN. There are 3 minutes remaining.

Mr. MURRAY of Massachusetts. Mr. Chairman and gentlemen, it is an unfortunate thing to be put in the position of being characterized as un-American and to be criticized as favoring the adoption of a one-sided contract when one asserts the right to stand up for the interests of the people one tries to represent in this Chamber. I do not care to be un-American, and I do not insist upon a one-sided contract, as the gentleman from Alabama [Mr. UNDERWOOD] seems to think when he says that the attitude I take is un-American and one-sided on a matter so highly important to me and the people whom I have the honor to represent.

At the present time the importations of cigars from the Philippine Islands are about 63,000,000. That was the importation in 1912. It is proposed now to raise the limit of 150,000,000 cigars. The importations of 1912 were 90,000,000 below the limit. It was pointed out that that was only a reasonable limit, and it was pointed out that if the present limit is raised and no limit fixed as to the amount of importations, a reasonable fear exists that the Tobacco Trust of the country will go to the Philippine Islands and establish their factories there and then flood the American market with such products and in such quantities as that the tobacco and cigar makers—the men engaged in that industry in this country—may be put out of business. [Applause on the Republican side.]

Now, the gentleman from Alabama [Mr. UNDERWOOD] looks at this question from one point of view. Surely, with his reputation for fairness and his absolute desire to be fair, he is not going to charge some of the rest of us with being unreasonable and un-American when we merely take the figures that he submits as correct and consider them from a different point of view and draw from them conclusions different from those which he draws. Our point of view is that because the limit has not yet been reached of 150,000,00 by nearly 90,000,000 of importations, it is a good situation to leave as it is, but that when the time comes that that limit has been reached, when the people of the Philippine Islands may make a reasonable complaint that the trade is being hampered from their islands, it will be time enough to consider the proposition of removing that limitation of 150,000,000 cigars.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Massachusetts. I can not yield. This is the first occasion that I have had to differ with the gentleman from Alabama and his colleagues on the Committee on Ways and Means. But it is entirely because the limit has not been reached by almost 90,000,000—more than half as much again as the total amount of importations last year. In this instance I shall vote in favor of the amendment suggested by my col-

league from Massachusetts [Mr. GILLETT]. [Applause on the Republican side.]

The CHAIRMAN (Mr. HELM). The time of the gentleman from Massachusetts has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 53, noes 75.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. UNDERWOOD and Mr. GILLETT.

The committee again divided; and the tellers reported—ayes 103, noes 177.

So the amendment was rejected.

Mr. MOORE. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Section 4, paragraph C, page 196, strike out all after the word "Provided," in lines 3 to 11, inclusive, and substitute the following: "That, except as otherwise hereinafter provided, all articles the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, which do not contain foreign materials of the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands, shall hereafter be admitted free of duty, except, in any fiscal year, wrapper tobacco and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco in excess of 300,000 pounds, filler tobacco in excess of 1,000,000 pounds, and cigars in excess of 150,000,000 cigars, which quantities shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 7 minutes.

Mr. MOORE. Mr. Chairman, I would like to have 5 minutes for the gentleman from Massachusetts [Mr. TREADWAY].

Mr. UNDERWOOD. Mr. Chairman, I will ask unanimous consent, then, that all debate on this amendment be limited to 13 minutes; 10 minutes to be controlled by the gentlemeu on that side, while I reserve but 3 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this amendment be limited to 13 minutes; 10 minutes to be controlled by the minority and 3 minutes by the gentleman from Alabama. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MOORE. Mr. Chairman, this is the Philippine tobacco situation in another form. It was contended by some gentlemen upon the other side—I think by the gentleman from Alabama [Mr. UNDERWOOD]—with regard to the amendment offered by the gentleman from Massachusetts [Mr. GILLETT] that it was a manufacturers' proposition. I contend that it is a cigar-makers' proposition. The amendment that I now propose is both a cigar-makers' proposition and a farmers' proposition.

We are not attempting now to legislate upon cigars alone, but also upon wrapper and filler tobacco. We get back to the soil itself.

The gentleman from Massachusetts [Mr. GILLETT] was good enough to say that in the Connecticut Valley they raised the best tobacco in the world. I am prepared to say that in Lancaster County, Pa., ably represented here by my colleague [Mr. GRIEST], they raise more good tobacco than in any other county in the United States, the aggregate being about 40,000,000 pounds a year.

Our friends from Kentucky and Virginia are interested in wrapper and filler tobacco, along with those in the Connecticut Valley and in Pennsylvania, and I call their attention to the fact that we are endeavoring by this amendment to retain the provisions of the existing Payne law and to give that protection to the producer of tobacco which is given to the cigar maker as against Philippine importations.

I am not speaking for manufacturers in this instance. I have been requested to speak for the Cigar Makers' International Union of America, which has a membership approximating 50,000 journeymen.

In compliance with the instructions of their international convention, these men appealed to the Ways and Means Committee, and they now appeal to you, not to permit this free infusion of Philippine tobacco nor to permit an increase in the quantity of tobacco manufactured in the Philippines at the expense of the cigar makers of the United States. They say that the bill not only permits cigars manufactured in the Philippine Islands to come in duty free, but it permits such cigars to contain 20 per cent of foreign material. This means that a manufacturer in the Philippine Islands can put into cigars a combination of American tobacco, Philippine tobacco, and 20 per cent of Havana tobacco, which would give the Philippine cigar manufacturer an unfair and undue advantage over the American manufacturer and be a consequent detriment to American workmen and women.

Mr. Chairman, the wages paid to the men who make cigars in the Philippine Islands is about one-quarter the wages paid to the men who are engaged in that industry in the United States. Some of you have been to Porto Rico, perhaps, and have observed who controls the tobacco fields there and who controls the manufacture of tobacco. You have found out in Habana who controls the product there; and by opening up trade free to the Philippine Islands, it is fair to assume that you are going to allow American trust capital to engage cheap Philippine labor to put American workingmen out of business.

This appeal to you is on behalf of the men who have votes, who are a part of 160,000 men engaged in this industry in one form or another in the United States. It is not a sectional question. It pertains to Kentucky as it does to Connecticut, and it pertains to Massachusetts as it does to Pennsylvania. The man who deals in tobacco in the city of Richmond is just as much concerned in this proposition as is any other man in this country. It is a question whether you propose to turn over to trust control in the Philippines the manufacture of cigars for the United States, or whether you propose to continue to employ men in that business in this country, making cigars for American smokers on their own behalf. [Applause.]

I include as a part of my remarks the following correspondence on this subject:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., May 6, 1913.

Hon. J. HAMPTON MOORE,
House of Representatives.

DEAR MR. MOORE: You being a member of the Ways and Means Committee, I invite your attention to the importance of so amending the pending tariff bill as to retain the provisions of the present law limiting the free importation of tobacco and cigars from the Philippine Islands by striking out the unlimited free-trade provisions now incorporated in the bill. The amendment which I suggest is as follows:

"That, except as otherwise hereinafter provided, all articles, the growth or product of or manufactured in the Philippine Islands from materials, the growth or product of the Philippine Islands or of the United States, or of both, which do not contain foreign materials of the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except, in any fiscal year, wrapper tobacco and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco in excess of 300,000 pounds, filler tobacco in excess of 1,000,000 pounds, and cigars in excess of 150,000,000 cigars, which quantities shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe."

In asking your consideration for this amendment and urging its adoption by the House, I do so not only for my own county in Pennsylvania, which produces out of the soil more tobacco than any other county on earth, but I urge its consideration also in behalf of the farmers, dealers in, and manufacturers of cigar-leaf tobacco elsewhere in Pennsylvania and in many other States; and, more numerously than all of these, the adoption of this amendment is urged in behalf of the 136,000 makers of cigars in this country, the wageworkers who produce by hand $350,000,000 of manufactured output annually and who are showering upon Congress from many sections, as the pages of the RECORD attest, justifiable protests against legislation which, if enacted, will accomplish naught but injury to farmers and independent dealers and manufacturers, as well as the degradation of our workmen by putting them on a competitive basis with skilled labor of the Orient, whose average yearly wage is not in excess of $96.

In my judgment, this provision for free trade in cigars and tobacco with the Philippines contemplates an ill-advised and, in view of the Democratic Party's platform pledge for the independence of these islands, an almost inexplicable and certainly a wholly unjustifiable procedure which should be averted by the adoption of the amendment proposed.

Yours, very truly, W. W. GRIEST.

CIGAR MAKERS' INTERNATIONAL UNION OF AMERICA,
Chicago, Ill., April 22, 1913.

Hon. J. HAMPTON MOORE,
House of Representatives.

DEAR SIR: We inclose herewith a brief in protest against the free importation of cigars from the Philippine Islands, and in behalf of our 48,457 members we respectfully ask you to give it your thoughtful and favorable consideration.

Very respectfully,
G. W. PERKINS,
International President.

A PROTEST AGAINST UNLIMITED FREE TRADE WITH THE PHILIPPINE ISLANDS.

At a convention of the Cigar Makers' International Union held in September, 1912, a resolution was unanimously adopted by the 400 delegates protesting against the importation of cigars duty free from the Philippine Islands and instructing the president to protest to the proper Federal authorities and to the Congress of the United States against such free importation of cigars duty free from the Philippine Islands, which resolution went to popular vote under the referendum and was practically unanimously adopted. Out of a possible 48,457 votes only 186 votes were cast against the resolution.

In compliance with such instructions and in behalf of the Cigar Makers' International Union we earnestly protest against the proposition of the Committee on Ways and Means which provides for absolute free trade in cigars with the Philippine Islands, for the following reasons: The bill not only permits cigars manufactured in the Philippine Islands to come in duty free, but it permits such cigars to contain 20 per cent foreign material. This means that a manufacturer in the

Philippine Islands can put in the cigars a combination of American tobacco, Philippine tobacco, and 20 per cent of Habana tobacco, and would give the Philippine cigar manufacturers an unfair and undue advantage over the American manufacturers and be a consequent detriment to American working men and women.

The importation of cigars from the Philippine Islands under the present law has steadily increased. We hold that if Congress gives the Philippine cigars free access, without restraint or limit, to the markets of this country that the American Tobacco Co., which despite the alleged dissolution acts is just as effective as it ever was, would immediately establish large factories in the Philippine Islands and continue the manufacture of cigars there on a scale that would seriously interfere with the industry in this country proper. This is not an idle statement. When Porto Rico was annexed and given free access to the markets of this country the trust immediately proceeded to obtain control not only of the cigar industry but also of the leaf or raw material of Porto Rico, so that to-day they practically control at the very least 80 per cent of the cigar industry of that island. In one year 1,250 cigar factories have gone out of business and thousands of American cigar makers have suffered in employment in this country. The trust, with its exceedingly large capital, will do precisely the same thing in so far as the Philippine Islands are concerned if this bill passes and an opportunity is thus given them to do so.

The proposition of the Committee on Ways and Means we unhesitatingly say is favorable to the trust and strengthens its hand and assists it to more quickly stamp out competition of the independents and to establish an absolute monopoly in the cigar and tobacco industry, though probably not so intended. The Tobacco Trust controls fully 85 per cent of the smoking and chewing tobacco, snuff, cigarettes, and little cigars in this country. It controls 80 per cent, if not more, of the cigar industry of Porto Rico, and it controls fully if not more than 75 per cent of the imported cigars coming from Cuba.

We earnestly protest against giving them an opportunity to further strengthen their strangle hold upon the independents by giving them the Philippine Islands, which they will exploit for the benefit of the trust and to the detriment of independent manufacturers, of working men and women, of the Federal Government, and of society at large.

The notion that American workingmen can compete with oriental, the cheapest labor in the world, of the Philippine Islands is absurd and preposterous and absolutely out of the question. The wage paid for making cigars in the Philippine Islands is less than one-fourth of the wages received by cigar makers in the United States. In the third annual report of the bureau of labor of the Philippine Islands, page 15, issued 1912, it officially states that wages of 11,300 cigar makers in the Philippine Islands in 53 factories were 193 pesos annually, or about $96.50 American money, or 30 cents per day, while the average wages of the cigar makers in this country are at least $1.50 a day, which includes the unorganized as well as the organized. I estimate that the average wages of the union cigar makers is at least $2 per day, and, as a matter of fact, that is pretty nearly the minimum wage, and it ranges from that sum to as high as $5 per day.

The question of transportation should not be lost sight of. A thousand cigars can be shipped from the Atlantic coast to Chicago for about 10 cents and from coast to coast for about 18 cents or 20 cents. A thousand cigars, the wholesale price of which would be $100, weigh about 27 pounds. The question of transportation, then, is not a factor, as because of the lightness of the commodity it can be transported at a negligible cost. There are thousands of Chinese, Japs, who, with the Filipinos, are very apt learners, especially in the cigar industry, as they prefer factory to field work, and the cigar-producing capacity of the islands can be recruited and brought up to any number in a very short time; and this we assert without fear of successful contradiction will surely occur if you give them free access to this country. It is claimed that one-third of the population of Manila is Chinese. If the product of this oriental cheap labor comes into this country, the result would be ruinous to the industry here and would in a measure impair and partly nullify the Chinese-exclusion act. The cigar industry in this country pays the Federal Government in internal taxes alone about $22,000,000 annually, and when we include the tobacco trade, which includes cigars, cigarettes, snuff, and manufactured tobacco, it contributed for the fiscal year ending June 30, 1912, $70,500,000. There are employed at cigar making, not counting those engaged in making smoking and chewing tobacco, etc., about 136,000 people, of whom about 110,000 are skilled workers and wage earners, who are directly and indirectly taxpayers and contributors to the maintenance of our Government, while, on the other hand, the Filipinos do not contribute a cent to the maintenance of our institutions. The aggregate wages paid to cigar makers is $50,000,000 annually. The wholesale value of the output of cigars is about $350,000,000 annually. It ranks about the twelfth in the value of its output among the great industries of our country. The cigar and tobacco industry has always been taxed through customs duties and internal-revenue tax. It, as a consequence, is extremely sensitive to hostile legislation. During the last fiscal year over 1,250 small cigar manufacturers have been forced out of business. The union cigar maker receives from $7 to $12 per thousand for making the 5-cent cigar and from $12 to $18 per thousand for making the 10-cent cigar and from $18 to $50 per thousand for making the clear Habana cigar or the two-for-a-quarter and more expensive kind.

Under the present law, which limits the importation of cigars from the Philippine Islands, duty free to 150,000,000 annually, the importation jumped from 22,900,000 in 1911 to 72,800,000 cigars in 1912.

From information received from the Insular Bureau of the War Department we find for the first eight months of this fiscal year 65,000,000 cigars were sent here from the Philippine Islands.

Under the economic conditions prevailing here the allowance of 150,000,000 duty free per annum is more than fair to the Filipinos. Given an unrestricted free market in this country and the Cigar and Tobacco Trust will be enabled to increase the amount produced there and sent here and disposed of through its chain of stores to an extent that will be disastrous to American manufacturers and American working men and women. Owing to climate and the bounties of nature the Filipino lives very cheaply. Clothing is of the cheapest kind; he has no expensive rent to pay, no fuel to purchase, while he has self-sustaining food growing in abundance. We, on the other hand, must buy food and fuel, pay high rent, buy more expensive clothing, and, with the always increasing cost of living, we find the effort to sustain home, family, and life always equal to our income. We earnestly protest against being pitted against oriental labor—the cheapest labor in the world—in our struggle for existence. We protest against the proposed changes in extending the amount of free importation of cigars from the Philippine Islands.

Yours, respectfully,

G. W. PERKINS,
International President.

MONGOLIAN AND ASIATIC COOLIES V. ORGANIZED LABOR IN THE UNITED STATES OF AMERICA.

One section of the tariff proposes absolute free trade in cigars imported from the Philippine Islands.

First annual report of the Department of Commerce and Labor, page 152: Cigar makers' average daily wages in the Provinces are, in pesos, 0.74—equal to 37 cents in United States currency.

Province.	Pesos.	Cents.
Occidental Negros	0.17	8½
Cebu	.78	39
Cayagan	1.47	73½

Third annual report of the Bureau of Labor, page 15, states: Fifty-three cigar and cigarette factories paid in wages ₱2,183,049; average wages per annum, ₱193; equal to $93.50 in United States currency—less than $2 a week.

The total number of workers employed was as follows:

Males	5,166
Females	5,143
Boys (under 16)	425
Girls (under 16)	566
Total	11,300

The average number of hours of work reported ranged from 10 to 12 hours per day.

In the United States and in the Philippines cigars are made by hand labor. All attempts to supplant it by machine production within the last 50 years have failed.

For eight months of the fiscal year we received from the Philippine Islands 65,000,000 cigars free of duty.

Unlimited free trade will enable the European and American Tobacco Trusts to located factories in the islands and swamp us with the Asiatic product.

One-half of the cigar factories in Manila are owned by Chinese coolies. Is this a fair "competitive tariff"?

Mr. TREADWAY. Mr. Chairman, I desire to corroborate the statement made on behalf of the tobacco growers of the Connecticut Valley by my colleague from Massachusetts [Mr. GILLETT]. We appreciate the kind of tobacco grown there and likewise the kind of men employed in manufacturing and raising the tobacco. And further than that I wish to congratulate my Democratic colleague from Massachusetts that he has had the courage of his convictions rather than being compelled to vote against those convictions by the Democratic caucus rule. [Applause on the Republican side.] I have known the gentleman from Boston, my colleague [Mr. MURRAY], for many years. I know his ability, his qualities, and his good party discipline, but certainly he has shown wise judgment at this time in speaking for the side which he knows to be right. Now, in behalf of Local Union 206, of the Cigar Makers' International Union of America, of North Adams, and Local Union No. 28, of the Cigar Makers' International Union, of Westfield, Mass., I want to send two letters to the desk to be read.

The Clerk read as follows:

NORTH ADAMS, MASS., *April 26, 1913.*

Hon. ALLEN T. TREADWAY.

DEAR SIR: We are informed that a clause in the proposed tariff bill now before Congress would admit all Philippine Islands manufactured cigars into the United States free of duty; and we, the cigar makers of Union 206, of North Adams and the whole of Berkshire County, desire to file our protest against the proposed clause, and urge you, as our Representative, to vote against it for the following reasons:

That it would give employment to the Chinese and Japanese cigar makers of Manila (for these races outnumber the Filipino) and would throw American cigar makers out of employment.

We have positive proof that such would be the result, as when, under a former administration, 150,000,000 cigars a year were to be admitted, and were admitted, it put 5,000 American cigar makers, packers, and strippers out of employment.

But "it helped the Filipino," Mr. Taft would say; and a Democratic Congress would help them still more, to the injury of the American.

Again, Mr. TREADWAY, we do not believe in building up the trade of the German, Chinese, and Japanese manufacturers to the detriment of the American manufacturers. For it is a known fact that 95 per cent of the capital invested in the tobacco and cigar industry of the Philippines is controlled by Germans, Japanese, and Chinese.

It may seem all right to an unthinking or deluded economist, but is the reverse with us who will have to suffer under the conditions that may be brought about. For I tell you, Mr. Congressman, that the well-paid American workman can not compete with the underpaid Asiatics. We can not elevate them to our standard, but they will drag us down to theirs. And the avarice of some Americans for cheap help has brought about a condition in California that smells of war.

And now, Mr. TREADWAY, we again ask you to vote against and do all in your power to defeat the proposed clause which helps at best only a few aliens as against thousands of American and their families.

Respectfully, yours,

E. R. STEIN,
Fin. Sec. Union No. 206, North Adams, Mass.

WESTFIELD, MASS., *April 29, 1913.*

Hon. ALLEN T. TREADWAY,
House of Representatives, Washington, D. C.

DEAR SIR: The members of Cigarmakers' Union No. 28 earnestly protest against the proposition of the Committee on Ways and Means which provides for absolute free trade in cigars with the Philippine Islands, for the following reasons:

The bill not only permits cigars manufactured in the Philippine Islands to come in duty free but it permits such cigars to contain

20 per cent foreign material. This means that a manufacturer in the Philippine Islands can put in the cigars a combination of American tobacco, Philippine tobacco, and 20 per cent of Habana tobacco, and would give the Philippine cigar manufacturers an unfair and undue advantage over the American manufacturers and be a consequent detriment to American working men and women.

The importation of cigars from the Philippine Islands under the present law has steadily increased. We hold that if Congress gives the Philippine cigars free access without restraint or limit to the markets of this country the American Tobacco Co., which, despite the alleged dissolution acts, is just as effective as it ever was, would immediately establish large factories in the Philippine Islands and continue the manufacture of cigars there on a scale that would seriously interfere with the industry in this country proper. This is not an idle statement. When Porto Rico was annexed and given free access to the markets of this country, the trust immediately proceeded to obtain control not only of the cigar industry but also of the leaf or raw material of Porto Rico, so that to-day they practically control at the very least 80 per cent of the cigar industry of that island. In one year 1,250 cigar factories have gone out of business and thousands of American cigar makers have suffered in employment in this country. The trust, with its exceedingly large capital, will do precisely the same thing, in so far as the Philippine Islands are concerned, if this bill passes and an opportunity is thus given them to do so.

The proposition of the Committee on Ways and Means, we unhesitatingly say, is favorable to the trust and strengthens its hand and assists it to more quickly stamp out competition of the independents and to establish an absolute monopoly in the cigar and tobacco industry, though probably not so intended. The Tobacco Trust controls fully 85 per cent of the smoking and chewing tobacco, snuff, cigarettes, and little cigars in this country. It controls 80 per cent, if not more, of the cigar industry of Porto Rico, and it controls fully if not more than 75 per cent of the imported cigars coming from Cuba.

We earnestly protest against giving them an opportunity to further strengthen their strangle hold upon the independents by giving them the Philippine Islands, which they will exploit for the benefit of the trust, and to the detriment of independent manufacturers, of working men and women, of the Federal Government, and of society at large.

The notion that American workingmen can compete with oriental labor—the cheapest labor in the world—of the Philippine Islands is absurd and preposterous and absolutely out of the question. The wage paid for making cigars in the Philippine Islands is less than one-fourth of the wages received by cigar makers in the United States. In the third annual report of the bureau of labor of the Philippine Islands, page 15, issued 1912, it officially states that wages of 11,300 cigar makers in the Philippine Islands, in 53 factories, were 193 pesos annually, or about $96.50 American money, or 30 cents per day, while the average wages of the cigar makers in this country are at least $1.50 a day, which includes the unorganized as well as the organized. I estimate that the average wages of the union cigar makers is at least $2 per day, and, as a matter of fact, that is pretty nearly the minimum wage, and it ranges from that sum to as high as $5 per day.

The question of transportation should not be lost sight of. A thousand cigars can be shipped from the Atlantic coast to Chicago for about 10 cents and from coast to coast for about 18 or 20 cents. A thousand cigars, the wholesale price of which would be $100, weigh about 27 pounds. The question of transportation, then, is not a factor, as because of the lightness of the commodity it can be transported at a negligible cost. There are thousands of Chinese and Japs who, with the Filipinos, are very apt learners, especially in the cigar industry, as they prefer factory to field work, and the cigar-producing capacity of the islands can be recruited and brought up to any number in a very short time; and this we assert, without fear of successful contradiction, will surely occur if you give them free access to this country. It is claimed that one-third of the population of Manila is Chinese. If the product of this oriental cheap labor comes into this country, the result will be ruinous to the industry here and would in a measure impair and partly nullify the Chinese-exclusion act. The cigar industry in this country pays the Federal Government in internal taxes alone about $22,000,000 annually; and when we include the tobacco trade, which includes cigars, cigarettes, snuff, and manufactured tobacco, it contributed for the fiscal year ending June 30, 1912, $70,500,000.

There are employed at cigar making, not counting those engaged in making smoking and chewing tobacco, etc., about 136,000 people, of whom about 110,000 are skilled workers and wage earners who are directly and indirectly taxpayers and contributors to the maintenance of our Government, while, on the other hand, the Filipinos do not contribute a cent to the maintenance of our institutions. The aggregate wages paid to cigar makers is $50,000,000 annually.

The wholesale value of the output of cigars is about $350,000,000 annually. It ranks about the twelfth in the value of its output among the great industries of our country. The cigar and tobacco industry has always been taxed through customs duties and internal-revenue tax. It, as a consequence, is extremely sensitive to hostile legislation. During the last fiscal year over 1,250 small cigar manufacturers have been forced out of business. The union cigar maker receives from $7 to $12 per thousand for making the 5-cent cigar, and from $12 to $18 per thousand for making the 10-cent cigar, and from $18 to $50 per thousand for making the clear Habana cigars, or the two-for-a-quarter and more expensive kind.

Under the present law, which limits the importation of cigars from the Philippine Islands duty free to 150,000,000 annually, the importation jumped from 22,900,000 in 1911 to 72,800,000 in 1912. From information received from the Insular Bureau of the War Department we find for the first eight months of this fiscal year 65,000,000 cigars were sent here from the Philippine Islands.

Under the economic conditions prevailing here the allowance of 150,000,000 duty free per annum is more than fair to the Filipinos. Given an unrestricted free market in this country and the Cigar and Tobacco Trust will be enabled to increase the amount produced there and sent here and disposed of through its chain of stores to an extent that will be disastrous to American manufacturers and to American working men and women. Owing to climate and the bounties of nature, the Filipino lives very cheaply. Clothing is of the cheapest kind; he has no expensive rent to pay, no fuel to purchase, while he has self-sustaining food growing in abundance. We, on the other hand, must buy food, fuel, pay high rent, buy more expensive clothing, and with the always increasing cost of living we find the effort to sustain home, family, and life always equal to our income.

We earnestly protest against being pitted against oriental labor—the cheapest labor in the world—in our struggle for existence. We protest against the proposed changes in extending the amount of free importation of cigars from the Philippine Islands.

Yours, respectfully,

CIGAR MAKERS' UNION, NO 28, OF WESTFIELD,
S. J. T. WALL, *Secretary*.

Mr. KEATING. Mr. Chairman, I am a member of organized labor, and I would be the last to cast a vote which would injure members of organized labor. I do not believe the provision we are discussing will injure members of organized labor. In reply to the letters I have received from members of the cigar makers' union I have so stated, and I have given as my reason the fact that under four years of Republican rule, when 150,000,000 cigars might have been imported into this country, the maximum amount in any year was 63,000,000. I feel that answer is conclusive—that conditions are such that labor need not be apprehensive. I have felt, as I have stated to my fellow associates in these unions, that they were being stirred up not by friends, not by the men who have the cause of organized labor at heart, but by the men who have been on the floor in this House for years protecting the great trusts of this country [applause on the Democratic side] and who are now anxious to hide themselves behind the overalls of the workingman. [Laughter and applause on the Democratic side.]

I want to ask the gentleman from Massachusetts [Mr. TREADWAY] if he indorses the statement contained in the letter which he had read from the desk that Republican legislation, the Payne bill, which permitted 150,000,000 cigars to be imported into this country, resulted in putting 5,000 cigar makers out of employment? I will give the gentleman time if he will answer the question. In the document which the gentleman had read from the desk it is stated that this law had put 5,000 men out of employment. Is the gentleman prepared to support that statement?

Mr. TREADWAY. I would ask to have the clause read, that the adoption of the new bill would put cigar makers out of employment. Let me ask, in return, if importations of cigars from the Philippines have not increased?

Mr. KEATING. I have asked the gentleman a question. The letter that he had read stated that the Republican legislation had put 5,000 men out of employment. I ask him if he indorses that statement; yes or no?

Mr. TREADWAY. I would like to ask the gentleman——

Mr. KEATING. Yes or no.

Mr. TREADWAY. I think I shall answer in my own way.

Mr. MANN. The gentleman from Colorado can not demand that a man shall answer a question as he dictates.

Mr. KEATING. Yes or no.

Mr. MANN. The gentleman can not say how a man shall answer a question.

Mr. SHACKLEFORD. Mr. Chairman, I make the point of order that the gentleman from Illinois has not been recognized.

Mr. KEATING. I have asked the gentleman from Massachusetts to answer a question, and I will only yield to him.

Mr. MANN. And the gentleman from Massachusetts answered and asked to have the clause read.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Can the gentleman from Colorado yield the floor for an answer, and then dictate how that answer shall be given?

Mr. FOSTER. The regular order, Mr. Chairman.

Mr. GARDNER. Is not a parliamentary inquiry the regular order, I ask the gentleman from Illinois?

The CHAIRMAN. The Chair is with the gentleman from Masaschusetts in his parliamentary inquiry, and he will state it.

Mr. GARDNER. I was trying to when the gentleman from Illinois interrupted. My inquiry is if it is permissible under the rules of the House for a gentleman to yield the floor for an answer to an inquiry, and then dictate any particular way in which that answer shall be given?

The CHAIRMAN. That is too complex a question for the Chair to settle. [Laughter.] The Chair does not mean to treat the inquiry lightly, but, of course, the gentleman from Massachusetts knows the rule that a gentleman can yield the floor.

Mr. GARDNER. Mr. Chairman, the Chair is perfectly aware that the gentleman from Massachusetts [Mr. TREADWAY] was not aware of the rule, and that there was a deliberate attempt——

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary inquiry. What is before the House?

Mr. FOSTER. Mr. Chairman, I call for the regular order.

Mr. GARDNER. I ask what is the regular order but a reply to a parliamentary inquiry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Is not the regular order a reply to the parliamentary inquiry?

Mr. FOSTER. The Chair has already settled that.

Mr. GARDNER. Mr. Chairman, I raise the question of order that the gentleman from Illinois is not in order when he interrupts the Chair while the Chair is replying to a parliamentary inquiry.

Mr. FOSTER. Mr. Chairman, I raise the point of order that the gentleman has already had his inquiry answered from the Chair.

The CHAIRMAN. Let us all get into good humor now and vote on this amendment. [Laughter.] The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 91 noes 153.

So the amendment was rejected.

Mr. FORDNEY. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk, and, if I may be permitted, I ask unanimous consent to omit the reading of the amendment at this time, but that it be printed. I am offering the Philippine provision in the present Payne tariff law.

The CHAIRMAN. The gentleman from Michigan offers an amendment and asks unanimous consent that it be printed, but not read. Is there objection?

There was no objection.

The amendment is as follows:

That there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That, except as otherwise hereinafter provided, all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except rice, and except, in any fiscal year, sugar in excess of 300,000 gross tons, wrapper tobacco and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco in excess of 300,000 pounds, filler tobacco in excess of 1,000,000 pounds, and cigars in excess of 150,000,000 cigars, which quantities shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *And provided further*, That sugar, refined or unrefined, and tobacco, manufactured or unmanufactured, imported into the Philippine Islands from foreign countries, shall be dutiable at rates of import duty therein not less than the rates of import duty imposed upon sugar and tobacco in like forms when imported into the United States: *And provided further*, That, under rules and regulations to be prescribed by the Secretary of the Treasury, preference in the right of free entry of sugar to be imported into the United States from the Philippine Islands, as provided herein, shall be given, first, to the producers of less than 500 gross tons in any fiscal year, then to producers of the lowest output in excess of 500 gross tons in any fiscal year: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty: *And provided further*, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof from the country of origin to the country of destination: *Provided*, That direct shipment shall include shipments in bond through foreign territory contiguous to the United States: *Provided, however*, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained: *And provided further*, That all articles, the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this section and shipped as hereinbefore provided from said islands to the United States for use and consumption therein, shall be hereafter exempt from the payment of any export duties imposed in the Philippine Islands: *And provided further*, That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands, a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise, shipped from said islands to the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of the Philippine Islands: *And provided further*, That there shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture; such tax to be paid by internal-revenue stamps or otherwise, as provided by the laws in the Philippine Islands, and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of the United States: *And provided further*, That in addition to the customs taxes imposed in the Philippine Islands there shall be levied, collected, and paid therein upon articles, goods, wares, or merchandise, imported into the Philippine Islands from countries other than the United States, the internal-revenue tax imposed by the Philippine Government on like articles manufactured and consumed in the Philippine Islands or shipped thereto, for consumption therein, from the United States: *And provided further*, That from and after the passage of this act all internal revenues collected in or for account of the Philippine Islands shall accrue intact to the General Government thereof and be paid into the insular treasury, and shall only be allotted and paid out therefrom in accordance with future acts of the Philippine Legislature, subject, however, to section 7 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes": *And provided further*, That until action by the Philippine Legislature, approved by Congress, internal revenues paid into the insular treasury, as hereinbefore provided, shall be allotted and paid out by the Philippine Commission.

Mr. FORDNEY. Mr. Chairman, I want just a minute to explain what the amendment is. I offer it for this reason: The Underwood bill repeals the limitations on the importations of sugar from the Philippine Islands. It repeals the limitations on the cigar and tobacco importations from the Philippine Islands. It increases the amount of foreign material that may be used in the manufacture of goods in the Philippine Islands for exports to the United States from 20 per cent of foreign material to 50 per cent of foreign material, except on tobacco. Those three provisions in the bill are all of very great importance, in my opinion, and for that reason should not be enacted into law. I have offered section 5 of the Payne tariff law, which solely relates to the Philippine Islands, their imports into the United States, and the exports of the United States goods going into the Philippine Islands.

Mr. DONOVAN. Mr. Chairman, a statement was made by the gentleman from Massachusetts [Mr. GILLETT] a few moments ago that a Democratic candidate for Congress in the Connecticut Valley had criticized the attitude of some Republican Member of Congress upon the Philippine question. I live in Connecticut, but not in the valley, and I think he meant myself; and, if he did mean me, I know that he will not rise in his seat and state that when I did criticize the Member of Congress from Connecticut I did not state the truth. I did state that the Member of Congress did vote to admit 150,000,000 cigars from the Philippine Islands free, and my reason for making that statement was this: He had been a high priest of protection, and he had declared under no circumstances would he bring about such a condition as to have American labor come in competition with the coolies and rice eaters of Asia. That was what I had claimed, and I offered to withdraw from the campaign, from the canvass, to retire as a candidate if a single word stated was untrue. Until the present time that has not been questioned. The dual personality of the gentleman, the Dr. Jekyll and Mr. Hyde character of the candidate caused me to make those statements. He was in Washington against the workingmen by his vote, and he was at home the greatest supporter and greatest sustainer of the workingman's rights, stating that no coolie could get any vote of his.

Mr. Chairman, I had supposed that this great assembly here was passing laws for our people. I had supposed when we were in convention and we were going to turn the Philippine Islands over to those people that we were not going to continue to keep them in our possession, a subject people, and enact laws for their government and welfare. Just when and where do we come out in the open and be honest in our transactions? The gentleman from Virginia [Mr. JONES] the other day from this floor stated that we had expended $400,000,000 on the Filipinos. In the name of all that is good, just suppose we take part of that $400,000,000 and expend it in bettering the conditions of the poor fellows who are needy on account of the high cost of living in this country. The Filipino can take care of himself and wants the chance.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on the paragraph be now closed.

Mr. MONDELL. I trust the gentleman will——

Mr. MANN. I want about a couple of minutes.

Mr. UNDERWOOD. Does the gentleman from Wyoming desire to debate the paragraph?

Mr. MONDELL. Yes; this paragraph.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph—how much time does the gentleman from Wyoming desire?

Mr. MONDELL. Five minutes.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph close in nine minutes, the gentleman from Wyoming to have five minutes, the gentleman from Massachusetts [Mr. GARDNER] two minutes, and the gentleman from Illinois [Mr. MANN] two minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto be closed in nine minutes, the gentleman from Wyoming to have five minutes, the gentleman from Massachusetts [Mr. GARDNER] to have two minutes, and the gentleman from Illinois [Mr. MANN] to have two minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Chairman, I regret very much the gentleman from Connecticut [Mr. DONOVAN], who is out of harmony with his own party on the subject of legislation, at this time should have availed himself of his privilege on the floor to make a somewhat bitter assault upon his predecessor. It is not necessary for anyone to defend before any Member of this House who has served in Congress heretofore the gentleman from Connecticut, Ebenezer J. Hill. [Applause on the Republican side.] No one here ever had a higher standing, both for honor and honesty, for intelligence and capability, for hard work and deep digging, than Mr. Hill of Connecticut. [Applause on the Republican side.] And if in the future time shall bring him back to this House, it will be conferring a great service upon the country and the greatest service which his district can possibly confer in any manner whatever. [Applause on the Republican side.]

Mr. GARDNER. Mr. Chairman, supplementing what the gentleman from Illinois [Mr. MANN] has just said I wish to read a few words with reference to the gentleman from Connecticut, Mr. Hill, who has been so severely criticized by his successor.

These words which I shall read are not the words of a Republican; they are the words of your Democratic leader, the gentleman from Pennsylvania, Mr. A. MITCHELL PALMER. He spoke these words on the floor of this House the other day. Let us see what Mr. PALMER, of the Ways and Means Committee, says about this gentleman who has been attacked so severely. On Friday, May 2, 1913, Mr. PALMER said:

> The gentleman from Connecticut, Mr. Hill, who is no longer a Member of this House, but whose ability to construct tariff legislation with accuracy and regard for the facts from his point of view—I mean with regard to the principle upon which Republicans would write a law—no man will gainsay, and whose industry, capacity for work, and desire to do what in good faith he started out to accomplish no man in the House will criticize.

[Loud applause on the Republican side.]

Mr. MONDELL. Mr. Chairman, I understand that it is the avowed purpose of the Democratic party to move immediately to a recognition of the independence of the Philippine Islands and to provide at an early date for the complete separation of those islands from our country, and yet the first move which the party makes after that declaration in national convention is to propose to tie the islands to us in bonds of trade that in the very nature of things can not continue after the separation shall come. They propose to establish conditions under which it will be less desirable to those people to leave us, conditions under which an increased number of those people shall desire to remain bound to us, and conditions under which, if separation shall come, the industries of the islands shall be thrown into infinitely greater confusion than they would otherwise be. The gentlemen on the other side talk about special privileges and are tremendously fearful that under the flag and on the continent of America some citizen of the United States shall have the privilege of doing business on the basis of the high wages paid here, but they are perfectly willing to give special privileges over yonder in the Philippines to the Tobacco Trust and to the Sugar Trust, both of which will be vastly benefited in the manufacture, the one of tobacco or cigars, and the other of sugar, by this paragraph of the bill. The gentlemen on the Democratic side talk about hothouse industries, and they say they do not want to hothouse industries. The gentleman from New York [Mr. HARRISON] wants to destroy the beet and cane sugar industry in our country because it is, he says, a hothouse industry, but you propose to extend the hothouse influence of our sugar and tobacco tariff to a country which is hothoused by nature and which does not require this great privilege that you are now proposing to give them. The gentleman from Alabama [Mr. UNDERWOOD] says we must be fair to the Philippines. Aye, we are more than fair to the Philippines when we give them this great market for all their products except an unlimited quantity of those products which in the very nature of things, by reason of their climate, the conditions of living—conditions under which men work with small expense for housing or clothing, requiring for comfort little more than a breechclout and a bamboo hut, and enjoying life. We are giving them infinitely more than they are giving us when we give them our mighty market over here for the limited market they are affording us.

Ah, you have gone from schedule to schedule, smashing American industry, depriving highly paid American workmen of their opportunities for employment. And after all this is done, to complete the unholy job you have set yourselves to do, you propose to open our markets for protected products in an unlimited way to people whose standards of living are below ours, people whose rates of wages are far below ours, and give them the benefits of tariff rates on sugar and tobacco that we have established in order that highly paid American labor may thrive. Of all of the blunders and errors of this bill, this is perhaps the worst. Not content with giving the Philippines the unrestricted benefit of our protected market, you give them a chance to secure from India, the Malay States, China, and Japan, and from all over the East, products in unlimited quantities, and ship them here free of duty provided they declare that 50 per cent of the value of such products is of Philippine origin. And this is the first move in your plan of scuttle, of your policy of the surrender of our responsibilities to the Philippines. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BROUSSARD. Mr. Chairman, is the debate rule closed?

The CHAIRMAN. No; the unanimous-agreement debate on this paragraph is closed. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is there not a pending amendment—the amendment offered by the gentleman from Michigan [Mr. FORDNEY]?

The CHAIRMAN. The Chair's recollection was at fault about the matter. The question is on the amendment proposed by the gentleman from Michigan [Mr. FORDNEY].

The question was taken, and the amendment was rejected.

Mr. DONOVAN. Now, Mr. Chairman——

The CHAIRMAN. The debate on this paragraph and all amendments thereto is exhausted. The Clerk will read.

The Clerk read as follows:

> D. That articles, goods, wares, or merchandise going into Porto Rico from the United States shall be exempted from the payment of any tax imposed by the internal-revenue laws of the United States.

Mr. DONOVAN. Mr. Chairman, my usual motion. It is a pity, and I suppose I ought to say unfortunate, that the distinguished gentleman from Illinois [Mr. MANN], who has served here for many terms, should think it necessary to take advantage of an amateur, one who has been in his seat only a few weeks, and turn the venom of his tongue upon him, and that the distinguished and golden character from Massachusetts [Mr. GARDNER]—"Me, too"—should himself add to it. Why did they not do as they ought to have done, and turn on the gentleman from the Springfield district of Massachusetts [Mr. GILLETT]? He was the one who brought this matter up. He was the one who brought this charge against me that in the campaign I used the tobacco schedule against a Member of Congress. And I wish to say that I issued the challenge that if a single word I stated in the campaign was not true I would withdraw as a candidate. I now say that if a single statement I have made against the candidate on the stump is not true I will resign my seat in this body. I have no other stock in trade but the truth. I did state that the gentleman who was my opponent had a dual capacity politically. I now repeat it. [Applause.]

Mr. KEATING. Mr. Chairman, I move to strike out the last two words.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. COOPER. Can not the gentleman yield me one minute?

Mr. UNDERWOOD. There will be another paragraph.

Mr. COOPER. I simply wanted to ask the gentleman from Alabama [Mr. UNDERWOOD] one question.

Mr. BROUSSARD. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Alabama whether, after the gentleman from Colorado [Mr. KEATING] shall have addressed the committee for five minutes, I would not be extended the time to read a letter, a copy of which I have in my hand, addressed to the gentleman from Colorado [Mr. KEATING], should he not have received the letter. I ask for two minutes.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. KEATING] may have five minutes, the gentleman from Louisiana [Mr. BROUSSARD] two minutes, and the gentleman from Wisconsin [Mr. COOPER] two minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this paragraph shall close in nine minutes, two minutes to be used by the gentleman from Louisiana [Mr. BROUSSARD], two minutes to the gentleman from Wisconsin [Mr. COOPER], and five minutes to the gentleman from Colorado [Mr. KEATING]. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, a few moments ago I asked the gentleman from Massachusetts a question, and he suggested that he wished the Clerk to read the particular paragraph of his letter to which I have referred. I think the gentleman has the letter now. If not, Mr. Chairman, I can not proceed without the letter.

Mr. UNDERWOOD. Mr. Chairman, as the letter which the gentleman wishes to talk about is not here, I will ask unanimous consent that the gentleman may wait until the other gentlemen have spoken. Let the present arrangement stand as it is, Mr. Chairman, but let the gentleman from Colorado [Mr. KEATING] come in after the other gentlemen have spoken.

The CHAIRMAN. Without objection, that will be done.

Mr. MANN. The gentleman from Colorado [Mr. KEATING] does not need to yield the floor. He will simply be recognized later.

Mr. BROUSSARD. Mr. Chairman, if the gentleman has the letter, maybe it is the same as that of which I have a copy here.

Mr. KEATING. Let the gentleman proceed.

Mr. BROUSSARD. I do not want to engage in the debate, Mr. Chairman, further than to make this statement, that on a former occasion the gentleman from Colorado [Mr. KEATING] in the House said that all of the stock in the beet-sugar industry in the West was in the control, or a majority of the stock was in the control, of the American Sugar Refining Co., the concern which for years and years has held up the price of sugar in this country, and which appears now before this Congress to secure again in the control of this market.

A gentleman has handed me a copy of a letter addressed to the gentleman from Colorado [Mr. KEATING], and it is fair that I should read the letter first in order that he may reply to it if he can. The letter is from Colorado. It reads as follows:

MAY 5, 1913.

Hon. EDWARD KEATING,
House of Representatives, Washington, D. C.

DEAR SIR: In a speech made by you in the House of Representatives on the 18th of April you are represented as saying that "every beet-sugar factory in the United States is controlled by the American Sugar Refining Co. either by stock or selling agreement."

As president of the American Beet Sugar Co. I am compelled to tell you that you have evidently been misinformed, and that the statement is absolutely incorrect in each and every particular. I have been chairman of the board and president of the company since 1907, and at no time during that period has the American Sugar Refining Co. been in a position to exercise any control whatever of the company and its selling. Both of these truths you might easily have learned had you desired to represent fairly an interest of vast importance to your State of Colorado, but which interest you seem intent on destroying.

In the simple interest of truth will you do me the favor to correct the misstatement?

As to my character and personal responsibility I refer you to the Hon. S. M. SPARKMAN and the Hon. FRANK CLARK, both of Florida.

Yours, very truly,

H. R. DUVAL, *President.*

[Applause on the Republican side.]

I only wanted to get this into the RECORD because the gentleman from Colorado [Mr. KEATING] took issue with me when I said that the statement he made was erroneous—that the beet-sugar industry was in the control of the American Sugar Refining Co., which is the head of the Sugar Trust in this country, and when he said that the output of the beet-sugar industry was in the control of the trust. [Applause.]

Mr. KEATING. Mr. Chairman, I did not expect to discuss sugar when I took the floor this afternoon, but I am rather glad that the gentleman from Louisiana [Mr. BROUSSARD] read the letter.

I have received the letter and I have answered the letter, and I told Mr. Duval that I could not grant his request, because all the evidence that I have been able to secure fully sustains the charge which I made on the floor of this House the other day, and which I now desire to specifically reiterate—that there is no such thing as competition between the beet-sugar interests and the Sugar Trust; and, furthermore, that the Sugar Trust, either through ownership of stock or through selling arrangements, controls the price of sugar in every town in this country. I would refer the gentleman, just as I referred Mr. Duval, to the Hardwick hearings and to other testimony that has been secured. But, fortunately, I have a very convincing bit of evidence in my hand. As the gentleman received the letter from a representative of the sugar interest, I received this clipping from a representative of another interest—the consumers of the United States.

Mr. FORDNEY. Lowry.

Mr. KEATING. No; it is not Mr. Lowry. It seems impossible for our Republican friends to understand that Democrats may secure inspiration from any source except the great interests of this country. [Applause on the Democratic side.]

Mr. FORDNEY. You have never presented any.

Mr. KEATING. This clipping is from the Denver Times of Friday evening, February 16, 1912, a litle more than a year ago. And I want to say by way of introduction that the Denver Times is a sugar paper—a paper which is devoted to the interests of the Sugar Trust.

This was written a little over a year ago, at the time when, according to some of these gentlemen, the beet-sugar manufacturers were keeping down the price of sugar. This is what it says:

Another rise of 20 cents per hundredweight in the price of sugar was recorded this morning. Beet sugar, which on Monday was selling at $6 a hundredweight, went to $6.20 Tuesday and this morning leaped to $6.40. Cane sugar has gone since Monday from $6.20 to $6.40 and then to $6.60, where it now stands.

Despite the fact that there is an ample supply of sugar on hand, local wholesalers predict that sugar will go even higher before the present manipulation by eastern speculators comes to an end. They declare that the high price is artificial and that there exists no market conditions to naturally cause it.

A year ago this time sugar was selling at $5, with not nearly as much of the product on the market as there is this year. Local dealers declare that they have nothing to do with the making of the prices, but have to follow the lead set by the New York sugar brokers.

According to this special pleader for the Sugar Trust, the warehouses in Colorado were filled with sugar made in Colorado, and yet the price went up by leaps and bounds. Why? Because our friends of the beet-sugar interests were following the prices set by the sugar brokers on the New York market, and those sugar brokers were controlled and dictated to absolutely by the Sugar Trust.

Mr. Chairman, how much more time have I?

The CHAIRMAN. One minute.

Mr. KEATING. Then, I want to revert to the question which caused me to take the floor. I want to read a paragraph from the letter which was sent to the Clerk's desk by the gentleman from Massachusetts [Mr. TREADWAY]. This letter from the Cigar Makers' Union states:

We have positive proof that such would be the result, as when, under a former administration—

That is, the Taft administration—

150,000,000 cigars a year were to be admitted, and were admitted, it put 5,000 American cigar makers, packers, and strippers out of employment.

There is the testimony of the gentleman's own witness. I ask him, as a Republican, if he is prepared to stand for the truth of that statement made by his own witness?

So far as I am concerned, while I am a Democrat, I want to deny the truth of that statement; but the gentleman has put it into the RECORD with his indorsement, and I ask him to state what he thinks of this statement made by his own witness.

Mr. TREADWAY. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Colorado has expired. Under the agreement the gentleman from Wisconsin [Mr. COOPER] is entitled to two minutes.

Mr. COOPER. Mr. Chairman, I withdraw my request for time.

The CHAIRMAN. By unanimous consent the gentleman from Massachusetts [Mr. TREADWAY] may proceed for two minutes.

Mr. TREADWAY. The gentleman from Colorado [Mr. KEATING] has asked me whether or not I vouch for the statement of my constituent. I vouch for it in that I believe he is truthful in making it. The gentleman who makes the statement is a truthful citizen of my district and he has given me these particulars, and I take it, as coming from him, the statement is true. [Applause on the Republican side.] If by the importation of 62,000,000 cigars from the Philippine Islands 5,000 American workmen can be thrown out of employment, I ask, Mr. Chairman, how many can be thrown out of employment if we open our gates wide to the unlimited importation of cigars from the Philippine Islands? [Applause on the Republican side.] Let me ask the gentleman if he is aware that importations have increased from 1911 when they were 22,900,000 until for the last eight months of the present fiscal year they amount to 75,000,000, and will not the limit be exhausted within a very short time? Do not our Democratic friends see that it will

when they ask to have the provision of 150,000,000 taken off the statute books and the doors thrown wide open? This is the evident reason for admitting an unlimited number, as the importation has grown so rapidly in the past three years. Does not that indicate just how the American workmen, the members of the cigar makers' union of our country, will be treated by this importation from the Philippine Islands when there is absolutely no limitation made as to the number which may come in? Mr. Chairman, I submit I am prepared to stand by the wishes of my constituents very much better than the gentleman from Colorado is to abide by the wishes of his constituents from the evidence submitted in the letter read by the gentleman from Louisiana [Mr. BROUSSARD]. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

E. That whenever any country, dependency, colony, province, or other political subdivision of government shall pay or bestow, directly or indirectly, any bounty or grant upon the exportation of any article or merchandise from such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The net amount of all such bounties or grants shall be from time to time ascertained, determined, and declared by the Secretary of the Treasury, who shall make all needful regulations for the identification of such articles and merchandise and for the assessment and collection of such additional duties.

Mr. FORDNEY. Mr. Chairman, I offer the following amendment to this section.

The Clerk read as follows:

Page 199, line 13, after the word "government," strike out down to and including the word "act," in line 14; and in line 21, after the word "cases," insert "a"; and strike out, in lines 21 and 22, the following (after the word "cases," in line 21), "in addition to the duties otherwise imposed by this act, an additional."

Mr. FORDNEY. Mr. Chairman, I wish I had sufficient time to answer the statement just made by the gentleman from Colorado [Mr. KEATING]. If I understood him correctly, he stated that the beet-sugar factories in this country are controlled by the Sugar Trust, and he gains his information from the testimony furnished to the Hardwick investigating committee and otherwise. I happened to have the honor of having been a member of that investigating committee, and I defy the gentleman from Colorado, or any other man, to produce one single word of evidence that the beet-sugar factories of this country are controlled by the Sugar Refining Co. or any other trust. It is not in the hearings presented to that committee for him or any other man to find.

I have offered an amendment to paragraph E, page 199, for this reason: This paragraph, if put into law, provides for a countervailing duty on dutiable goods only, and if at the end of three years sugar is to be placed on the free list, the sugar of this country or of Cuba will be placed at a very great disadvantage by Russian sugar. The Government of the United States and every country that is a party to the Brussels convention countervail against Russian sugar, for the reason that the Government of Russia pays a bounty to her sugar manufacturers, and the Government of the United States countervails to the extent of 72 cents a hundred pounds against this sugar. England countervails against Russian sugar, and the gentlemen that would vote for the putting of sugar on the free list would certainly aid in the interest of the sugar refining companies in this country. I have here a letter from the Department of Justice, and I want to call your attention to the methods used by the refining interests of this country to obtain lower rates of duty on sugar. The letter is addressed to me by the Department of Justice, February 21, 1913.

It says:

The amount of money paid to the Government by the various companies concerned in the sugar frauds have been as follows:

The American Sugar Refining Co., the chief beneficiary of free sugar, paid to the Government of the United States penalties for underweighing at New York $135,486; duties and penalties for underweighing at New York, $2,000,000; fraudulent drawbacks at New York, $700,000. Fraudulent underweighing and drawbacks at Philadelphia, $124,386.

The Arbuckle Bros. paid for underweighing at New York $695,573. The National Sugar Refining Co.—and I may say that there is a case in court now to declare void certain common stock issued to Mr. Havemeyer during his lifetime, and if that stock is declared void the American Sugar Refining Co. has control of the preferred stock of the National Sugar Refining Co. That company paid for underweighing $604,304. The W. J. McCann Sugar Refining Co., a branch of the American Sugar Refining Co. at Philadelphia, paid $124,386. I did not give the cents, but the total collected by the Government is $4,384,136.46 that have recently been paid by these companies to the Government for fraud.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Just half a minute. There is another suit pending against the American Sugar Refining Co. at New Orleans involving $100,536.73; another suit against the Federal Sugar Co.—of which Mr. Lowry, about whom so much has been said, is the sales agent—involving $119,080.00. Gentlemen, they are bound to have this duty, by fraud or by Democratic tariff legislation. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Chairman, I heard part of the speech of the gentleman from Massachusetts [Mr. GREENE], who represents the largest cotton-manufacturing district in the United States. The gentleman refers, if I understood him rightly, to protests coming up from the South against the Underwood bill, particularly the cotton schedule. I want to inform the House and the country how some of these protests are inspired. Here is a telegram sent to the cotton mills of the South by the American Cotton Manufacturers' Association, calling upon the cotton-mill men to wire Members of this House and to wire Senators to raise the tariff on cotton goods. They say that there is hope of doing that in the Senate if the mills will all get busy and wire their protests immediately. I have not had a single letter from my district suggesting opposition of this kind, and there are cotton mills in it, and I represent the largest cotton-producing district in the State. I thank God that the South is planted on the side of tariff reduction in this fight. [Applause on the Democratic side.] Our people have arrived at the time, as they have in your sections, gentlemen, if we judge by the verdict of November, when they demand that this tariff tax shall be reduced. [Applause on the Democratic side.] I hold in my hand a letter from a cotton-mill man at Florence, Ala., Mr. Ashcraft, president of a cotton mill there. He is a Democrat. Here is the telegram sent to Mr. Ashcraft and his letter inclosing the telegram to me:

CHARLOTTE, N. C., *April 29, 1913.*

To ASHCRAFT COTTON MILLS, *Florence, Ala.:*

Senators and Congressmen generally are saying there is no opposition to the new tariff bill from their constituents, and will pass it unless prompt protest telegraphed them. Situation encouraging for amendment in Senate if all mills telegraph their Senators and Congressmen urging higher rates. You and friends telegraph them promptly. Urgent.

AMERICAN COTTON MANUFACTURERS' ASSOCIATION.

FLORENCE, ALA., *May 1, 1913.*

Hon. J. THOMAS HEFLIN, *Washington, D. C.*

DEAR SIR: Inclosed I hand you copy of telegram which I have just received.

I wish to say concerning this telegram that according to my understanding of the Underwood bill there is retained on all cotton goods a small tariff, beginning with 5 per cent on the coarser yarns and advancing with the finer numbers. While it is nature for every man to want all reasonable advantage in business, I must say in perfect frankness that with the advantages possessed by American cotton millers if we can not continue in business at a profit we should get out. Unquestionably we raise the cotton and have every advantage of the foreigner in matter of freight, and some 15 per cent or less in waste, and then all the freight on the finished goods back, together with from 5 to 40 per cent advantage by an import tariff. It does seem to me that American manufacturers should be satisfied with this situation.

Therefore I do not think that I can conscientiously give my indorsement to the sentiments expressed in this telegram. On the other hand, I think it my conscientious duty to urge you to give your most earnest support to the Underwood bill.

Yours, truly, C. W. ASHCRAFT.

[Applause on the Democratic side.]

Mr. ROBERTS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. Mr. Chairman, I can not yield at this time. I am proud of the fact that there are men in this country engaged in legitimate business who want other men to have a chance in the struggle of life. I have seen on that side, until I am tired, men rise and speak in the interest of some special interest and not in the interest of the people. It is not my desire to injure a single legitimate industry in the United States, but I plead in behalf of the millions of people who have been imposed upon, who have been oppressed by these tariff-protected industries under the reign of the Republican Party. Have we forgotten the pledges made in the campaign that we would reduce the tariff tax? Are gentlemen to be frightened now by this calamitous howl of those who have always stood by the protected interests of this country? I think not; and when I saw this afternoon this side standing in solid phalanx behind the great floor leader of the Democratic Party in this House [applause] I said the American people have occasion to be happy—the Democratic Party is in power and

we are going to keep our pledges and reduce the tariff tax. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORDNEY].

The amendment was rejected.

Mr. HULINGS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HULINGS. To move to strike out the last word.

The CHAIRMAN. Debate on this paragraph is exhausted, and the Clerk will read.

The Clerk read as follows:

F. Subsection 1. That all articles of foreign manufacture or production, which are capable of being marked, stamped, branded, or labeled, without injury, shall be marked, stamped, branded, or labeled in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

Mr. HULINGS. Mr. Chairman, I move to strike out the last word.

I am disappointed in this bill. I hoped much from your promises. I wanted to vote for it. For many of its paragraphs I could still cheerfully vote, but I get no opportunity. I must swallow it whole, and that I can not do. I give you credit for sincerity, but your bill has been forced through by the old methods of secret-caucus rule, under duress of official patronage.

How can a Pennsylvanian coming from a great manufacturing and agricultural district vote for a bill which puts practically everything that a farmer produces on the free list, while it throws our markets open to competition with foreign goods?

Now, if foreign-made goods do not come in, the bill will be a failure, because it will not produce the necessary revenues to meet the expenses of the Government.

But, on the other hand, if the bill with its low rates does produce the revenues, it will require a flood of foreign goods to be imported, all of which means that these foreign goods will displace American-made goods and throw some Americans out of work.

You could not pass this bill by secret ballot. If each member voted on his own judgment without coercion of the party whip your bill would fail.

The facts have been construed to fit the Procrustean bed of the doctrinaire. Your bill is devised along partisan lines.

The debates here show that ignorance only can explain the discrepancies of the facts alleged, and the need of information from nonpartisan, unbiased sources is apparent.

Some of the schedules in which the demand of the people for a judicious revision downward has been met ought to be passed and the rest of the bill ought to be sent to the committee to stay there until the committee can revise it in the light to be had from a nonpartisan tariff commission, which should be speedily provided.

The Democrats, though polling less than 41 per cent of the votes in the last election, are put in power by a political accident.

They arrogantly claim on this floor that they are commissioned by the people, yet only 4 voters out of every 10 voted the Democratic ticket at the last election, and a lot of them were disgruntled Republicans who voted for Wilson for fear Roosevelt would win.

The people are not with you in your free-trade ideas.

The division in party lines which put you in control is not a commission from the people to destroy the protective tariff and set up free-trade notions that have been repudiated by every civilized nation save England, and she is in the way of repudiating it.

This bill is false to every tariff dogma you ever pretended to believe.

It is a mass of inconsistencies, illogical and incoherent.

Claiming in your platform that a protective tariff is unconstitutional, yet some of your schedules highly protect certain interests.

Your much-vaunted claim that this bill would greatly reduce the high cost of living is now practically and publicly repudiated by its author and the Secretary of the Treasury.

In some schedules raw materials produced in this country are exposed to foreign competition, while manufactured goods made from them are protected by high tariffs.

In other schedules you subject our manufacturers to the free and open competition of foreigners with their cheap labor, while putting a tax on raw materials our manufacturers must use.

You promised to revise the tariff downward judiciously, so as not to injure business by swift changes from a protective to a free-trade basis, but you have made radical cuts that will greatly injure some lines of business and have made sweeping changes in other lines that will destroy them.

You propose to secure competition by throwing our markets open to the foreigner, blind to the fact that international trusts are rapidly establishing world-wide monopolies which are utterly beyond the control of American legislation and which under free trade can plunder us at will, when even the blind might see that the only defense against them is a tariff wall that can shut them out and leave our markets to the free competition of our own producers under such regulations and control as Congress shall choose to establish.

By throwing open the doors and giving up our own markets you propose to find a market "beyond the seas." When you get as far as Germany, France, Italy, and South America, you will run against their tariff walls, and after you pay freight and duty you will find competition that employs labor at half our scale.

High tariff never kept us from going "beyond the seas." But with all our efforts we have only found a market for 3 per cent of our manufactures, and that to a large extent is specialties.

Pull down the tariff walls, throw our markets open to the foreigner, and you must pull down wages or go out of business.

All goods made abroad brought into a market heretofore supplied by our own workmen throws some American out of a job. And whether it be true, as you claim, that your bill will not reduce wages, the fact remains that wages high or wages low there will be less work to be done in this country and somebody will be out of a job.

About so many shoes are used by our population. Make some of them abroad and some American shoemaker will be out of a job.

Under your bill England, France, and Germany will do some of our weaving and spinning that we now do at home. Belgium will make much of our plate glass.

Australia will furnish much of our wool; Canada much of our flour, shingles, and meat.

The International Sugar Trust will wipe out the beet-sugar industry and presently will "soak" us for what prices for sugar they please.

If the Republican leaders, and I speak not of the rank and file of the party, but of the leaders who controlled the organization, if these leaders, when the party was dominant, had enacted the tariff law that they offered since they lost the power to enact one; if they had enacted the nonpartisan tariff commission which they now pretend to favor when they had the power to enact one; if they had been as progressive before their defeat as they pretend to be since, and had abandoned their alliances with the special interests, the Republican Party would be in control yet.

But under a high tariff they allowed combinations to suppress competition and pile up ill-gotten millions, and at the beck and nod of these combinations hindered and obstructed the enactment of effective laws to prevent monopolies, obstructed the administration of such laws as we had to control them, and became the publicly exposed sponsors and defenders of these special interests.

The Republican leaders, knowing that the American people believe in a protective tariff, knowing that they have no faith in Democratic free-trade doctrines, fancied that the people would stand for anything bearing the name of "protection." Swollen with power, deaf to all remonstrance, they conspired with these illicit combinations to control the Government.

In the absence of laws to effectively regulate these combinations the people demanded and all parties agreed to a revision of the tariff downward as a "short cut" to destroy these devilfish and restore competition, although a better and more radical remedy would be through a criminal code.

If Mr. Taft had stood by his party platform; if he had stood by his agreement to carry out the Roosevelt policies, to which he was pledged, he would be President to-day and there would be no serious division in the Republican Party. But the party leaders, who were in partnership with the managers of the trusts, hating Roosevelt and all his policies, were too strong for Mr. Taft, and he made complete surrender to them, which was the signal for revolt.

But the revolt was not against the protective principle.

The revolt was against Republican leaders who had usurped the power of the party machinery; robbed the voters of the right to choose their own candidates; ousted the people from control, and set up a government "by a representative class" of representatives chosen by themselves; built up powerful machines by the influence and the money of the beneficiaries of special privileges; and by political brokerage and trickery, filling high places and small with men who would "go along" and be subservient, were building up an oligarchy of wealth.

And it is these same leaders that have driven nearly two-thirds of the voters out of the party by their usurpations—or to put it most mildly, by their incapacity to see and their neglect to do the will of the majority—who have the impudence to charge the Progressives with disloyalty and with breaking up the Republican Party, and who still seek to hold political power by deceiving the people with hypocritical professions of reform.

A majority of the Republican voters revolted against the domination of these leaders who had proved false to every principle of Republicanism and organized the Progressive Party upon a platform of social reforms that should give back to the people their constitutional powers of government; that should enlist governmental agencies in the protection of the home, the women, the children, and the toiling masses; that should enact a protective tariff based upon a scientific ascertainment of the facts by a nonpartisan commission; that should enact laws to destroy monopolies and special privilege, to the end that free competition and equal opportunities should be maintained in all lines between our own producers; and for immediate relief, and in obedience to the demand of the people to reduce the high tariffs behind which special privilege is intrenched.

Such a program is sneered at in this House by Republican leaders and by Democratic leaders who are tarred with the same stick and who, in the old days of Republican domination, were always ready to "go along" when they were needed by special privilege.

The ridicule and cheap wit aimed at the Progressive Party comes from both sides of this House and the stand-pat press of the country, though the only elements of political respectability in either of the old parties are those elements in the Democratic Party that sincerely believe in Woodrow Wilson's progressivism, and those elements in the Republican Party that at heart favor the Progressive doctrines, yet through constitutional timidity allow the old ties of party loyalty to bind them to the corpse of the boss system.

It is impossible for the old leaders to understand that their day has gone by, that old things are passed away, and that Republican government is facing a new and a better day.

It is impossible for the Progressives to turn their faces away from the visions of a nobler America, and, giving up the fight for reforms that are so greatly needed, go back again under the old leadership and accept their concepts of government.

These reforms are bound to come. If they come through the Democratic Party we welcome them.

But the Democratic Party with its irreconcilable elements is bound together by a rope of sand. Only party spirit, flushed by success and official patronage, enables Mr. Wilson to hold the reactionary elements in his party. Wilson and Tammany have nothing in common but a party name.

If they come through the Republican Party we welcome them. But they never will come from a party whose leaders despise the progressive doctrines, though they make belated professions of conversion and adherence.

Names, however, are nothing.

Results only are worth while.

Men who agree on fundamentals may, nay, must, compromise to accomplish practical results. A vast majority of the voters believe in progressivism. How shall they get together? Democrats, ill assorted as they are, are little likely to leave their party in the flush of success.

The Republican leaders hate progressivism and nothing can be expected from them, and for this same reason Progressives can not go back to the Republican Party.

Two courses are open. One is to retire the old leaders and make the Republican Party what it ought to be. This involves a hard, long fight with the old leaders and having them in the party always enemies to progress.

The other is for all progressives to join the Progressive Party and make it the party of the people, for the people, and by the people.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in five minutes.

Mr. MANN. I desire a little time on this.

Mr. UNDERWOOD. I ask unanimous consent that debate on this paragraph close in——

Mr. HULINGS. Mr. Chairman, I ask the privilege of resuming this lecture on the next paragraph. [Laughter and applause.]

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MITCHELL. Mr. Chairman, were it not for the fact that I was elected from a district in the heart of the Commonwealth of Massachusetts during the pendency of this tariff legislation, at this time in my young membership in this body I would not take up the time of the House; but in view of some of the statements that have been made by some Representatives of the great Commonwealth of Massachusetts, and in view of the statement just made by the distinguished gentleman from Alabama [Mr. HEFLIN] that the South is pledged to tariff reform, let me say to my colleagues in this Chamber, on both sides of the House, that we in Massachusetts and in New England join with the South in asking for tariff reduction. [Applause on the Democratic side.] Why, Mr. Chairman, the Commonwealth of Massachusetts at the election last fall gave its electoral votes for the President of the United States. [Applause on the Democratic side.] After his election and after the election of the gentleman to the United States Senate [Mr. WEEKS] from our Commonwealth, we had a special election. The tariff issue was raised by the Republican candidate and by the Progressive candidate. There is some difference in this Chamber with reference to the attitude of those two parties upon that question, but in that contest which was waged in Massachusetts, Mr. Chairman, there was no essential difference between them—they both stood for a high tariff.

We met them at the challenge which had been made and we indorsed in every section of my congressional district in Massachusetts the program of the President of the United States to revise the tariff in the interest of the people. [Applause on the Democratic side.] I believe, Mr. Chairman, that by the indorsement given me by the people of that district and by the election given me by a plurality of 4,400 that the people of the Commonwealth of Massachusetts have sent me here as a friendly emissary to this administration in its effort to reduce the tariff. [Applause on the Democratic side.] They raised the argument during the last contest that a Republican should be sent from Massachusetts or a Progressive should be sent from that splendid district to protest against the attitude of the President and to protest against the tariff-revision program.

We asked the people of Massachusetts if they believed that a protest should be made against the action of the President and the Democrats in their efforts to give the people of this great Nation cheaper foodstuffs, if a protest should be made to give the people of this country free lumber and free wool, and I believe the indorsement given to the President, to the Democratic majority, and to myself puts our fair Commonwealth of Massachusetts in line with the progressive Commonwealths of this country. [Applause on the Democratic side.]

Our Commonwealth has great manufacturing establishments within its confines. Those great establishments have been built up by the enterprise and by the energy and by the thrift of the citizens of that Commonwealth. And in this tariff legislation all we ask is a fair opportunity and a fair field, and I believe this administration can be relied upon to do as it said, "No injury shall be done to any legitimate industry." I do not believe that any injury under the provisions of this bill will be done to any legitimate enterprise in this country. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, a few moments ago the gentleman from Alabama [Mr. HEFLIN] called the attention of the House to a letter which he had received from some cotton manufacturer, stating, as I believe, that "we have the cotton, we have the coal, we have the water power, and we can compete with the world." It so happens that in almost every other product which we produce we have ceased to send the raw material abroad. In the main, if we export wheat now, we export it in the shape of manufactured flour, or, in the main, if we export cattle now, we export them in the form of dressed or preserved meat; and the same theory or fact runs through as to nearly all of the agricultural products that this country produces so abundantly. But when it comes to cotton we export most of the raw material. Until recent years that which we manufactured in this country we did not manufacture even near the seat of production. We sent the cotton way North to be manufactured by northern industries. But in recent years, with the aid of protective tariff, gentlemen in the South have commenced to develop cotton-manufacturing establishments. We ought to maintain a policy which would make us not only the masters of the world as to cotton raw but also as to cotton manufactures. [Applause on the Republican side.] And if the South will leave aside its following of gentlemen like the gentleman from Alabama and turn and look to the industrial captains of the North, it will have a further reawakening and maintain economic policies which will permit this country to make raw cotton into cotton goods down in Dixie instead of sending cotton up to Massachusetts and across to England. We ought to make these raw materials into finished products here at home. They make wheat into flour near the seat of production. They make cattle into beef near the seat of production, but cotton they send

over the world to be manufactured after paying freight rates abroad and then paying freight rates back on the cotton goods. Wake up down South!

Mr. BARTLETT. Is it not a fact that there is manufactured in the South and used by us in the manufacture of cotton goods more bales of cotton than are manufactured in the North or East? Last year we manufactured 2,000 more bales of cotton into cotton manufactures in the South than were manufactured in the North and East.

Mr. MANN. Oh, not more than you shipped to England to be manufactured.

Mr. LANGLEY. And that was under Republican administration, too.

Mr. MANN. I congratulate the South on the development of its cotton manufactures under a Republican protective tariff. I would like to have it go further before you commence to break it down.

Mr. BARTLETT. We did it in spite of Republican maladministration.

The CHAIRMAN. Without objection, the pro forma amendment will be considered withdrawn, and the Clerk will read.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I understood the debate had been closed on this paragraph.

The CHAIRMAN. Of course, an amendment is in order, but the Chair will state to the gentleman from Massachusetts [Mr. ROBERTS] that all debate has been exhausted on this paragraph, on paragraph F. The Clerk will read.

The Clerk read as follows:

F. Subsection 1. That all articles of foreign manufacture or production, which are capable of being marked, stamped, branded, or labeled, without injury, shall be marked, stamped, branded, or labeled in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

Mr. UNDERWOOD. Mr. Chairman, I understand we have completed paragraph F.

The CHAIRMAN. The first section of paragraph F has been read, but nothing beyond that.

Mr. UNDERWOOD. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All packages containing imported articles shall be marked, stamped, branded, or labeled so as to indicate legibly and plainly, in English words, the country of origin and the quantity of their contents, and until marked in accordance with the directions prescribed in this section no articles or packages shall be delivered to the importer.

Should any article or package of imported merchandise be marked, stamped, branded, or labeled so as not accurately to indicate the quantity, number, or measurement actually contained in such article or package, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provision.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will call the attention of the gentleman from Massachusetts [Mr. ROBERTS] to the fact that the debate has been closed on the entire paragraph F, which extends down to about the middle of page 201. There can be no further debate until we reach paragraph G.

Mr. MANN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MANN. The gentleman from Massachusetts [Mr. ROBERTS] desires to offer an amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate is closed, but an amendment can be offered when the reading of the paragraph has been completed.

Mr. MANN. But, Mr. Chairman, the committee can not close debate except by unanimous consent, except upon the paragraph that has been read, and the request of the gentleman from Alabama [Mr. UNDERWOOD] was only to close debate on the paragraph which had been read.

Mr. UNDERWOOD. Mr. Chairman, I asked unanimous consent that all debate be closed on paragraph F.

Mr. MANN. I think the gentleman said merely "the paragraph."

Mr. UNDERWOOD. No; I distinctly stated paragraph F.

Mr. MANN. If the gentleman insists upon that, I shall object hereafter to such requests. To undertake to close debate in that way before paragraphs are read is not fair.

Mr. UNDERWOOD. Mr. Chairman, I tried to be as liberal as I could. I asked unanimous consent to close debate on paragraph F for the purpose of making progress, and that was granted by unanimous consent. Now, if the gentleman has a real amendment to paragraph F——

Mr. MANN. He has not——

Mr. UNDERWOOD. I shall be glad to ask unanimous consent that he be heard. If not, I ask that he wait until paragraph G is reached and then make his debate. I ask that the Clerk may read.

The Clerk read as follows:

F. Subsection 2. If any person shall fraudulently violate any of the provisions of this act relating to the marking, stamping, branding, or labeling of any imported articles or packages; or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall upon conviction be fined in any sum not exceeding $5,000, or be imprisoned for any time not exceeding one year, or both.

Mr. ROBERTS of Massachusetts. Mr. Chairman, have we reached the point where an amendment is in order?

The CHAIRMAN. It is in order at the end of the first section of the paragraph. The Clerk will read.

Mr. MANN. That was not the request that was made by the gentleman from Alabama. But I do not insist upon the matter now.

The CHAIRMAN. The Chair thought the matter had been substantially closed.

Mr. UNDERWOOD. I do not want to cut off the gentleman from speaking to the amendment, but I wanted to make progress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

G. Subsection 1. That all persons are prohibited from importing into the United States from any foreign country any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles shall be proceeded against, seized, and forfeited by due process of law. All such prohibited articles and the package in which they are contained in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as hereinafter prescribed, unless it appears to the satisfaction of the collector of customs that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] moves to strike out the last word.

Mr. ROBERTS of Massachusetts. Mr. Chairman, my newly elected colleague from Massachusetts [Mr. MITCHELL] stated that Massachusetts struck hands with the South for downward revision of the tariff, and in support of his statement, and what apparently to him was "confirmation strong as Holy Writ," he said that he had recently been elected from his congressional district over two candidates, one of the Republican Party the other of the Progressive Party, and that both of those candidates stood for high protection, and that his election under those circumstances conveyed to his mind the idea that he was representing a free-trade district.

Now, what are the facts, based on the statement of the gentleman himself? Both of his opponents were standing for high protection.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to his colleague?

Mr. ROBERTS of Massachusetts. Wait until I have completed my statement. I have but five minutes. Both of the candidates opposed to him stood for high protection. As a matter of fact, the gentleman received at that election, held about three weeks ago, 12,991 votes. The Republican candidate received 8,843 votes. The Progressive candidate received 5,678 votes.

Now, if we are to get the sentiment of that district, and from that district the sentiment of Massachusetts, we must put together the combined vote of the two men who stood for high protection, as he said, and we find they got a vote of 14,521, as against a vote of 12,991 for the Democratic candidate. [Applause on the Republican side.] In other words, my colleague just elected is a minority candidate from that district.

Mr. LANGLEY. And misrepresents it.

Mr. ROBERTS of Massachusetts. He is a minority candidate by 1,530 votes, and when he stands on this floor claiming that his district is a free-trade district, he is misrepresenting the majority of that district, as shown by the votes of the people.

Mr. CURLEY. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. I yield now.

Mr. CURLEY. I want to ask the gentleman what has been the normal Republican majority in that district?

Mr. ROBERTS of Massachusetts. I am not familiar with it, because this is a new district. This special election is the second election that has been held in it.

Mr. CURLEY. What was the vote received by Capt. Weeks, the former Republican candidate?

Mr. ROBERTS of Massachusetts. I do not recall his vote. The gentleman is basing his election on the sentiment for or against free trade, and the sentiment shown by the figures is that protection is in the majority in that district to-day. I do not know the figures.

Mr. CURLEY. You do know this fact, if you were present in the Chamber, that the gentleman from Massachusetts did not say that he stood for free-trade policies in that district.

Mr. ROBERTS of Massachusetts. He said that the people of his district and Massachusetts struck hands with the South, and that they indorsed every feature and item of this tariff bill now under consideration.

Mr. CURLEY. For such revision as would not injure or destroy any legitimate industry.

Mr. LANGLEY. The gentleman did not make any such statement.

Mr. ROBERTS of Massachusetts. The gentleman did not make a statement such as my colleague attempts to put in my mouth.

Mr. MITCHELL. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. I will yield if I have any time, for a question only.

Mr. MITCHELL. Mr. Chairman——

Mr. ROBERTS of Massachusetts. I yield for a question, not for a speech.

Mr. BARTLETT. The gentleman from Massachusetts [Mr. MITCHELL] can get recognition in his own right later.

Mr. MITCHELL. Let the gentleman from Massachusetts [Mr. ROBERTS] conclude his remarks.

Mr. ROBERTS of Massachusetts. The gentleman recently elected, my newest colleague [Mr. MITCHELL], did make the statement on this floor, unless my ears deceived me, that he proclaimed throughout the campaign his belief in all the factors and items of this tariff bill now under consideration, and that his election was an indorsement of that bill by the people in his district; whereas the figures show that the people of that district were 1,530 in the majority in favor of a protective tariff and not in favor of the bill now under consideration. [Applause on the Republican side.]

Mr. MITCHELL. Mr. Chairman, my colleague [Mr. ROBERTS], experienced in legislation and an old Member of this body, seeks in the closing hours of this debate to misrepresent me and to misrepresent what I said on the floor of this House. [Applause on the Democratic side.] Now, Mr. Chairman, although I am a new Member, I do not ask any consideration at the hands of the gentleman from Massachusetts who has sought to misrepresent me on this floor, and I want to say to the gentleman and to his colleagues from Massachusetts and to my colleagues in this House that I believe the gentleman from Massachusetts [Mr. ROBERTS] is misrepresenting his district and misrepresenting the great Commonwealth of Massachusetts. [Applause on the Democratic side.] The gentleman quotes some figures——

Mr. ROBERTS of Massachusetts. Are they inaccurate?

Mr. MITCHELL. The figures are not correct, and the gentleman knows they are not correct. [Applause on the Democratic side.]

Mr. ROBERTS of Massachusetts. Will the gentleman give us the figures?

Mr. SHACKLEFORD. The gentleman must not interrupt his colleague who has the floor.

Mr. BARTLETT. The gentleman from Massachusetts [Mr. MITCHELL] is entitled to the floor.

The CHAIRMAN. The committee will be in order.

Mr. MITCHELL. Mr. Chairman, the gentleman knows that exactly the same kind of a contest took place in the same district last fall. Mr. WEEKS was the candidate upon the Republican ticket. We had a Progressive candidate, but Mr. WEEKS carried the district by 2,300 votes. After the special session had been called, after the tariff bill had been introduced into this House, we had a special election. There was a Republican candidate and a Progressive candidate. The issue was clear. The issue was raised by the Republican and the Progressive candidates, and in the same district where I had been defeated in the fall by 2,300 votes I was elected by 4,427 votes. [Applause on the Democratic side.]

Mr. Chairman, I said that the people of my Commonwealth are in favor of tariff revision honestly made, and I believe that the recent election of Senator HOLLIS in New Hampshire also bears testimony to the sentiment in that State. [Applause on the Democratic side.]

The elections in Maine, the elections in Connecticut and other New England States, I believe, Mr. Chairman, bear testimony to the fact that we, as well as those in the South and in the West and in every section of the country, are in favor of an honest downward revision of the tariff, and I believe that that is the spirit that flows all through this Underwood bill. [Applause on the Democratic side.]

Mr. ROBERTS of Massachusetts. Mr. Chairman——

Mr. PALMER. Mr. Chairman, I make the point of order that debate is exhausted on this paragraph.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I withdraw the pro forma amendment, and I move to strike out the last two words.

Mr. PALMER. The gentleman from Massachusetts can not extend the time by repeating one pro forma amendment after another.

The CHAIRMAN. The Chair thinks the gentleman from Pennsylvania is correct.

Mr. PALMER. In the absence of the gentleman from Alabama, who has announced that he will not extend the time, I do not think the gentleman from Massachusetts ought to ask for time. The gentleman can come in under the next paragraph.

Mr. ROBERTS of Massachusetts. This is the first time I have asked or occupied a moment's time in this debate, and I would like two minutes.

Mr. PALMER. But the gentleman can come in under the next paragraph.

Mr. MANN. Mr. Chairman, I move to strike out the last word of the paragraph and insert in its place the word "subsection."

Mr. PALMER. Mr. Chairman, I ask unanimous consent that debate on the amendment may close at the end of five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that debate on this amendment close in five minutes. Is there objection?

There was no objection

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 202, line 11, by striking out the word "section," at the end of the line, and inserting in lieu thereof the word "subsection."

Mr. MANN. Mr. Chairman, this is section 4 of the bill which is now being read, divided into paragraphs which follow letters of the alphabet, and then again subdivided into subsections. Here is a proposition in regard to drugs used to prevent conception or to cause abortions. Then there is a proviso that the drugs heretofore mentioned when imported in bulk, not put up for the purposes hereinbefore specified, are excepted from the operation of this section. Of course, clearly the intention was to except it from the subsection.

Mr. PALMER. Mr. Chairman, I think the gentleman from Illinois is entirely right about it, and because we want the distinguished gentleman from Illinois to have a real part in the framing of this great law that is going to work so great a benefit to the people of this country we propose to vote for his amendment and put it in the bill. [Laughter and applause.]

Mr. MANN. Reason has finally penetrated the brains of gentlemen on the other side. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to. [Applause.]

The Clerk read as follows:

G. Subsection 2. That whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not more than 10 years, or both.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. PALMER. Will the gentleman yield for a moment?

Mr. ROBERTS of Massachusetts. Yes.

Mr. PALMER. Mr. Chairman, I ask unanimous consent that all debate on this subsection and amendments thereto may close in 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate on this subsection and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, just a moment ago the gentleman from Massachusetts, my newest colleague [Mr. MITCHELL], accused me on the floor of this House of misrepresenting him. He told this committee that I had not given correctly the figures by which he was elected and those received by his opponent. I want to read from the Congressional Directory, Sixty-third Congress, first session, a sketch of JOHN J. MITCHELL, Democrat, Marlboro. I will not read the biographical part, but I will come down to the last lines:

Elected to the Sixty-third Congress April 15, 1913, to succeed the Hon. JOHN W. WEEKS, receiving 12,991 votes—

That is what I stated—

to 8,843 for Alfred H. Cutting, Republican—

That is what I stated—

and 5,678 for Norman H. White, Progressive.

That is what I stated.

Mr. Chairman, the gentleman may run bluffs like that in his own district and get by with them, but he can not do it on the floor of this House. When he accuses a Member of making false statements he wants to be absolutely certain that he himself is right. In the gentleman's denial of my statements that he does not represent the majority sentiment of his district on the question of protection or free trade, I leave it to this committee to say whether he met the point which I raised, namely, that both his opponents standing as he himself said for high protection, received 1,530 votes more than he received. He harks back to the election of last November as apparently throwing some light and possibly bolstering up his claim that his district is for a revision downward or free trade.

The Republican in that district last November, now Senator WEEKS, was elected by a plurality of something over 2,000; but bear in mind that last November in that district there was not only the gentleman himself now representing that district, a candidate on the Democratic ticket, but we had a Progressive candidate as well, and the Progressive candidate in that district in November stood for protection. Does the gentleman deny it? The Republican who was elected, late a Member of this House, known to the older Members, stood for protection, and the combined vote of the successful Republican and the Progressive left the gentleman now representing that district far behind, much farther behind than the 2,200 or 2,300, as he says, plurality would seem to indicate.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. No; I can not yield. The gentleman can get time to make any statements he wishes. The facts are, and the gentleman well knows them, that if he puts his election on the vote of that district on free trade or protection, he does not represent the sentiment of his district when he stands on his feet on this floor and claims to do so. He is representing the minority sentiment of his district, and I believe, with the possible exception of one or two districts in that State, he represents the minority sentiment of all the districts on the question of protection or free trade. Massachusetts has grown rich and great under the beneficent policy of protection. It is what gives our men employment. It is what keeps them all happy and prosperous and contented; and Massachusetts, as a whole, is not to-day favoring free trade; and in my judgment, when the issue comes square, as it will in the next congressional election, you will find my prophecy substantiated by the vote.

I have here the vote in November in that district, and it appears that the protection vote on the basis that the gentleman from the thirteenth district would have us assume was 28,100, as against a free-trade vote, which he received in November, of 13,500—barely more than half of the voters on his theory last November being for free trade, and at present the free-trade sentiment being 1,500 and more in the minority.

Mr. MITCHELL. Mr. Chairman, my colleague from Massachusetts quotes from the Congressional Directory the figures of the recent contest. The election took place on the 15th of April. The vote was not canvassed by the governor and council of Massachusetts until the 23d of that month. The figures which are published in the Congressional Directory are newspaper figures and are incorrect. I have sent for the corrected figures.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. MITCHELL. Yes.

Mr. ROBERTS of Massachusetts. Did the gentleman submit those figures to the printing committee for insertion in this Congressional Directory?

Mr. MITCHELL. I sent the figures——

Mr. ROBERTS of Massachusetts. Will the gentleman please answer the question. Did the gentleman submit those figures?

Mr. MITCHELL. I will answer the gentleman's question. I sent the correct figures to some person who has charge of the publication of this book. I do not know who that person is, because I have not been here long enough to find out. The corrected figures are absolutely as I stated them. I won by 4,400 plurality. There was only a difference of 1,140 votes. In other words, the Republican and Progressive candidates received only 1,140 more votes than I received.

Mr. LANGLEY. That still makes the gentleman the minority Congressman.

Mr. MITCHELL. Now, let me call the attention of the House to this fact: The gentleman states that I am not representing the sentiment of my district and Commonwealth. In the gentleman's own district last fall the Democratic candidate, Mr. Rowland, received 8,732 votes and the Progressive candidate received 7,634 votes as against 14,020 votes received by the gentleman from Massachusetts. In other words, the Democratic and Progressive candidates received more votes than the gentleman did. [Laughter and applause.]

Mr. LANGLEY. But the Progressive vote in that district was a protection vote.

Mr. SHACKLEFORD. Mr. Chairman, I rise to a point of order. The gentleman from Kentucky should first address the Chair.

Mr. MITCHELL. I do not yield.

The CHAIRMAN (Mr. SAUNDERS). The gentleman declines to yield. The committee will be in order.

Mr. MITCHELL. Mr. Chairman, in this nonessential part of this debate the gentleman says that I have been trying to misrepresent him and am stating what is false upon the floor of this House. Not only in that nonessential has the gentleman misrepresented me, but the gentleman misrepresents me when he said I am a free trader, and the gentleman knows that that is absolutely untrue, unfounded, and unjust. [Applause on the Democratic side.] Who raised the tariff issue in the recent contest? The junior Senator from Massachusetts, aided by the gentleman from Michigan [Mr. FORDNEY], a member of the Ways and Means Committee. They laid aside their important duties in the city of Washington and journeyed back to the thirteenth congressional district, and the junior Senator from Massachusetts remained for 10 days in that congressional district, and he raised the tariff issue. He raised the same issue that had been raised by the senior Senator from Massachusetts for, lo, these many years. They raised the issue when Mr. Foss was a candidate in the fourteenth congressional district. They said, "Elect him to Congress and you will close the doors of the great factories of the Commonwealth, and you will throw upon the streets of Massachusetts our honest workingmen." They have raised that issue in every congressional contest. The Republican leaders have been fooling the people so long that the gentleman himself, when he alluded to the fact that I am endeavoring to bluff the Members of this House, brings to my mind that the gentleman himself is a bluff Representative and does not represent the real sentiment and interest of the people of our great Commonwealth. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the pro forma amendment will be withdrawn.

The Clerk read as follows:

G. Subsection 3. That any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the two preceding sections is made, to the satisfaction of such judge, and founded on knowledge or belief, and if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal or any deputy marshal in the proper district, directing him to search for, seize, and take possession of any such article or thing mentioned in the two preceding sections, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error.

Mr. PETERS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 202, lines 24 and 25, by striking out the words "judge of any district or circuit court," and insert in lieu thereof the words "circuit court or district judge."

The question was taken, and the amendment was agreed to.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word——

Mr. PALMER. Mr. Chairman, I ask unanimous consent that all debate on this subsection and all amendments thereto close in 10 minutes, 5 minutes to go to the gentleman from Alabama [Mr. HOBSON] and 5 minutes to the gentleman from Washington [Mr. BRYAN].

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate on this subsection and amendments thereto may close at the expiration of 10 minutes.

Is there objection? [After a pause.] The Chair hears none. The gentleman from Washington [Mr. BRYAN] is recognized for 5 minutes.

Mr. BRYAN. Mr. Chairman and gentlemen, the real lesson of this Massachusetts fight has been overlooked. It has not yet been brought out in this debate, and it is for the purpose of impressing upon Members of this House the real thing that happened in Massachusetts that I have insisted on having a few minutes of time.

There were three candidates. One of them, Cutting, the Republican, was for the Payne-Aldrich tariff, a man who was a reactionary, and who stood for reactionary principles. Then there was White, the Progressive, who stood against the Payne-Aldrich tariff bill, and MITCHELL, the gentleman sitting here, who was for the Underwood bill.

There was no combination in that campaign between the Progressives and Republicans. They were as far apart as the east from the west, and not associated together in any sense. Mr. White denounced the Payne tariff and the Republican Party, and especially announced that he was opposed to that kind of protection, and that he stood for a revision downward of the tariff, and for an immediate revision downward. And I heard him quote from that very correct article of that very correct author, Sam Blythe, in the Saturday Evening Post, "Verdict—Suicide," wherein Blythe had said that the Republican Party had committed suicide, and he referred especially to that section of the article where it was stated that the leaders of the Republican Party had deliberately gone into a room in Chicago and turned on the gas and committed suicide, as he termed it. And Norman H. White said he did not stand for the continuance of the protective policies by the Republican Party as that party had been practicing them.

Mr. MITCHELL plainly stated that he was for the Underwood bill. That is true, as he has said here. What was the result? The result was that the Republican Party received 8,843 votes and that there were 18,579 votes against the Republican Party. [Applause on the Democratic side.] They were not for the Republican Party, and I for one at this moment want to protest with all the force there is in me against this talk about a combination between the Progressives and the Republicans. We do not belong to the old Republican Party. We have nothing to do with it.

Mr. PAYNE. We do not feel badly about it.

Mr. BRYAN. You, sir, would feel badly about yourself if the people who have been robbed by the Payne tariff could get at you. Repeatedly Mr. White in that campaign raised the issue of the protective tariff as it had been proposed by the Republican Party, and he denounced it with all the force there was in him, and he said that if he was elected he would stand for a reduction of the tariff and for a tariff board and for all that the Progressive Party's platform stood for.

Let us analyze the vote at this election. Be it remembered that this is the first election since November in the country wherein a national issue was involved, which might be used as a basis on which to determine whether the Progressive Party vote was holding its own. Here are the figures:

	Vote.		Loss.	Percentage of total vote.		Percentage of loss.
	1913	1912		1913	1912	
Democratic	12,901	13,583	4,682	47.0	38.5	5.1
Republican	8,843	15,934	7,091	32.2	45.0	44.5
Progressive	5,678	5,853	175	20.7	16.5	2.9
Total	27,422	35,370	7,948	.....	.....	.....

Now, then, I do not claim that there was any candidate in that campaign who was for free trade, and I know enough, and you all know enough, about this bill to know that there is no issue of free trade before this Congress at this time. There is no such thing here. The Underwood bill is not for free trade, and there is nobody here who is going to vote for free trade at this time. [Applause on the Democratic side.] It was that mighty force and that determination on the part of the people of Massachusetts to overturn the Republican Party and put it out that piled up this immense vote; and although the vote of the Republican Party was divided, the Republican Party could not possibly have won. [Applause on the Democratic side.]

Now, then, I want to say that the time has come for us, the Progressives of this country, to let the old Republican Party know, here in Congress, and let its Representatives in Congress know, that we have nothing to do with them. [Laughter and applause on the Democratic side.]

Why, you Republicans now claim that your party is in favor of an income tax. When the income-tax-amendment resolution was up for consideration you opposed it, and the gentleman from New York [Mr. PAYNE] especially, who said he was opposed to it except as a war measure. He does not believe in it at this moment. The RECORD shows that he made a speech about it and said he was going to vote for the resolution to submit the question to the States, but that he did not favor the levying of an income tax for ordinary revenue. Mr. FORDNEY voted against submitting the income-tax proposition to the people, and Mr. GARDNER voted against submitting it to the people, and Mr. Calderhead voted against submitting it to the people, and Mr. McCall voted against submitting it to the people, and Mr. WEEKS voted against submitting it to the people, and Mr. Hill voted against submitting it to the people, and Mr. MOORE here was not present. [Laughter on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Washington has expired. All time has expired on this paragraph. The pro forma amendment will be considered withdrawn. The Clerk will read.

Mr. BRYAN. I have a lot more valuable ammunition. [Laughter and applause.]

The Clerk read as follows:

H. Subsection 1. That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any part of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect, or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States and to such officers or agents of the United States in foreign countries as he shall judge necessary.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I am sorry to have to inject any partisan politics into the debate, but the gentleman from Washington [Mr. BRYAN], holding up his right hand with considerable dramatic effect, just stated that the Progressives had no participation with the Republicans; that they were entirely separated from the Republicans; that there was no connection between the Progressive Party, or the members of the Progressive Party, and the Republicans.

I have been wondering for some time what constituted the Progressive Party in the House. As the Republican floor leader, I shall have a word to say with reference to the committee selections of Republicans. I have not been able yet to ascertain which gentleman it would be necessary for me to take into consideration. [Laughter.]

Mr. BRYAN. You do not need to mention my name, sir. [Laughter.]

Mr. MANN. The gentleman is not the whole party. He is his own party. [Laughter.]

I notice by the official list of Members which is issued, which conforms with the biographies furnished by themselves, that there are not 19 Progressives in the House, as claimed, but 9; and while the gentleman from Washington [Mr. BRYAN] says that the Progressive Party is entirely separated from the Republican Party, I notice that the gentlemen themselves say that there are 7 Progressive Republicans [laughter], and that the other three members of the Progressive Party put themselves—mark you, put themselves, and do it themselves—down in the directory as "Republicans."

Now, perhaps the gentleman from Washington, before he attempts to speak for the Progressive Party—unless he has been selected as the leader of the 9 Progressives—had better ascertain where the other 10 are [laughter], because he does not find that of the 19 a majority even are willing to label themselves "Progressives," and half of them, nearly, insist upon keeping the word "Republican" along with the word "Progressive," while the balance claim to be wholly Republican.

The gentleman from Washington [Mr. BRYAN], who came into the Progressive Party or into the Republican Party recently, I believe, from the Democratic Party [laughter], is not able, perhaps, to tell where the real Republicans who went out with the Progressives will land in the end, but I am quite sure that while the gentleman from Washington will gradually gravitate and suddenly fall into the Democratic ranks, the remainder of the Progressive Party will gradually fall into the Republican Party, there being no possibility in the end of maintaining three great parties in the country striving for real supremacy. [Applause on the Republican side.]

Mr. MONDELL. Mr. Chairman, I offer an amendment.

Mr. UNDERWOOD. Mr. Chairman, I should like to see if we can agree on debate. I should like to finish the bill to-night. I do not want to cut off the political debate unduly, but I think we have carried it to the extreme limit now. I do not like to raise points of order against gentlemen. I hope they will let the bill run along and debate the actual paragraphs of it, for a while at any rate. I suppose the amendment of the gentleman from Wyoming [Mr. MONDELL] is a substantive one.

Mr. MANN. I will say to the gentleman from Alabama that during his absence we have been having a very merry time. [Laughter.] The bill has not been referred to, with one exception.

Mr. UNDERWOOD. I will have to insist for a while on maintaining the rules of the House. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the debate on this paragraph and all amendments thereto close at the expiration of 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 204, at the end of line 5, insert the following as a new paragraph:

"That the importation of fresh, chilled, frozen, cured, or salted meats or meat food products from any foreign country into the United States is prohibited: *Provided*, That the operation of this paragraph shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such country or countries, or any parts thereof, have made suitable provision to guard against the exportation to the United States of meats and meat food products which are diseased or unfit for human consumption, by an inspection, at the places of slaughter and preparation, of all meats for export to the United States in substantial conformity with the provisions of the meat-inspection act embraced in the agricultural appropriation bill, June 30, 1906, and amendments thereto; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this paragraph into effect, with a view of preventing the importation of meats or meat food products not inspected and passed as aforesaid, and not plainly marked so as to indicate the country of their origin and the condition in which they are imported, whether fresh, chilled, frozen, cured, salted, or otherwise preserved."

Mr. MONDELL. Mr. Chairman, this amendment is somewhat in the line of an amendment offered by the gentleman from Iowa [Mr. GOOD] to a previous paragraph of the bill. This amendment follows a paragraph providing for an inspection of hides, and provides for an inspection at points of slaughter of live stock intended for export to the United States in substantial conformity with the provisions of our meat-inspection law.

The gentleman from Alabama [Mr. UNDERWOOD], in reply to the argument of the gentleman from Iowa [Mr. GOOD] with regard to a similar provision, said that if there was any necessity for a provision of this character, that necessity constituted an indictment against the Republican Party for not having made some such provision heretofore. Well, there has been a limited importation of meat up to this time, but under free meat our Democratic friends expect to have the country swamped with meat from the Argentine and from Australia. It is already beginning.

In anticipation of what is going to happen, cargoes are in preparation now in Australia, and it seems to me that it is not a good argument or a sound argument against the amendment that we have not made such provision heretofore when there were few imports. Why, the gentleman might as well argue that we should not change any of the rates in the Payne bill because the law has been thus and so in the past, and it should remain so. I understand the gentleman is trying to improve the legislation of the country along all lines, and I offer this in the very best of faith, in the hope that it will be accepted.

I think it is important that foreign meats coming to the United States shall be inspected at the point of slaughter as our meats are inspected here. We all realize that the present inspection at the port of entry can not by any possibility determine the question of the healthfulness of the animal at the time it was slaughtered. The meat of a tuberculous animal after it has been killed and frozen gives no evidence of its dangerous or its diseased character. Hence the necessity, for the protection of the lives and health of our people, that we shall have a provision of this character. I hope the gentleman will accept the amendment.

I do not offer this amendment because I approve of free meats, for I do not, but I offer it because if we are to have free meats we should have clean and healthful meats.

The country does now and always will depend largely upon the great West for its meat products, and those in that region who are familiar with and engaged in the business of growing live stock, without regard to party, these men protest against the provisions of this bill relating to live stock and meat products. I present a statement signed by the officers of eight western live-stock associations, representing most of the stock raisers of the West and Pacific coast, protesting against the live-stock and meat provisions of this bill.

SCHEDULE G.

LIVE STOCK AND MEAT PRODUCTS.

WASHINGTON, D. C., *May 5, 1913.*

The honorable Finance Committee of the United States Senate:

The undersigned, representing the live-stock industry of the United States, and particularly of the West and Central West, respectfully urge the retention of a fair and reasonable duty on live stock and meat products. We are willing to stand some reduction in the present duties, but we vigorously protest against the placing of our products on the free list.

The United States is to-day producing all the meat needed for home consumption. The much talked of shortage of cattle is only an absence of the surplus that was formerly exported. This falling off in the production of beef animals is the natural result of the depressed prices that generally prevailed from 1885 to 1910. During that period there was no attraction for capital in the cattle business; indeed, the capital already invested seized every opportunity to get out, and many large and small holdings in the range districts were liquidated as soon as prices permitted doing so with some profit, or at least without any loss.

During the past two years, under the stimulus of better prices, there has been and is a widespread return to the business of cattle breeding. Thousands of farmers and ranchmen, both in the corn belt and in the range section of the West, are establishing breeding herds—generally on a small scale.

On the Chicago market Monday, May 5, 1913, the highest price paid for beef cattle was more than $2 per hundred less than the highest price prevailing in September, October, November, and December, 1912.

The result of the free admission of meats from other surplus countries would be, first of all, to discourage those who have just embarked in the live-stock business or who contemplate doing so. Cows and calves would again be thrown on the market from all parts of the country, and if prices were forced to the level of Argentinian beef or Australian mutton the business of stock raising would be so unprofitable that this country would soon cease to produce its own meat. The result of this would be disastrous, not only directly as diminishing the income of the live-stock producer, but indirectly as destructive of the fertility of the soil of thousands of farms.

Many of the breeders and feeders in the corn belt are stocked up with high-priced breeding and feeding stock, and any pronounced depression in prices would cause tremendous financial loss to them.

The American packers, Armour, Swift, and Morris, each have large plants in Argentina. They handle 39 per cent of the export trade of South America. Two of them are building large plants in Uruguay. Swift & Co. is now building a plant in Brisbane, Queensland. There are now three plants in Canada operated by these same American packers. (See consular reports.)

In Special Agent Series No. 43 of the Bureau of Manufactures of the Department of Commerce and Labor, December 15, 1910, it was stated: "Chicago meat companies entered this field (Argentina) only seven years ago, but have already attained such a position that they are a decided, if not a dominating, influence in the progress of the trade and the control of prices."

The American packers are the only concerns who have distributing agencies in this country, and consequently are the only companies in a position to import meat. The proposition that to place meat on the free list would result in curbing the so-called Beef Trust is therefore preposterous. The big packers of this country are slaughtering a less percentage of the total slaughter in this country than 10 years ago. Whatever control they have over prices in this country would be increased instead of lessened by free meats.

The capacity of the United States for the production of live stock has not been reached. The present output could probably be doubled. Remunerative prices will bring this about. Unprofitable prices will result in a decreased production.

On the prosperity of the agricultural and live-stock industries depend the real progress and prosperity of this Nation. To transfer a part of the business of furnishing meat and other food for this Nation to other countries will seriously injure our agricultural industry and disturb not only our domestic conditions here, but our international trade balance as well.

We are in favor of an equal duty on meat and live stock, and that duty should not be less than 15 per cent ad valorem in order to be fair and equitable to the live-stock and farming interests of this country.

We refer to and make a part of our plea the brief of the American National Live Stock Association, by its attorney, S. H. Cowan, before the Ways and Means Committee on January 21, 1913. This protest is filed with your committee by the undersigned live-stock men now in Washington on account of the decision of the Finance Committee not to grant any oral hearing.

American National Live Stock Association (representing 65 State and local live-stock associations); T. W. Tomlinson, secretary; S. H. Cowan, attorney; J. H. Nations (El Paso, Tex.), L. F. Wilson (Kansas City, Mo.), John MacBain (Trinidad, Colo.), H. S. Stephenson (Los Angeles, Cal.), members of executive committee. National Wool Growers' Association (representing 32 sheep and wool growers' associations); S. W. McClure, secretary. Cattle Raisers' Association of Texas; W. W. Turney and I. T. Pryor, vice presidents. Panhandle and Southwestern Stock Men's Association; W. B. Slaughter, president. Corn Belt Meat Producers' Association; A. Sykes (Des Moines, Iowa), president; Charles Goodenow (Wall Lake, Iowa), Joseph Eisele (Malcolm, Iowa), members of executive committee. Western South Dakota Stock Growers' Association; F. M. Stewart, secretary. Arizona Cattle Growers' Association; John P. Orme. California Wool Growers' Association; F. A. Ellenwood, secretary.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. UNDERWOOD. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 64.

Mr. MANN. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. MANN and Mr. UNDERWOOD.

The committee again divided, and the tellers reported that there were 51 ayes and 107 noes.

So the amendment was lost.

The Clerk read as follows:

I. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 204, line 12, after the word "labor," insert a comma and add "or by labor employed more than eight hours a day."

Mr. MOORE. Mr. Chairman, this amendment proposes to prohibit the importation into the United States of all goods, wares, and merchandise manufactured in any foreign country by labor that is employed more than eight hours a day. We have eight-hour laws in the United States which are respected, and manufacturers are compelled to observe the eight-hour rule. The eight-hour day is advocated by labor unions, and under the provisions of this bill without the restriction that I propose it will be possible to admit into this country goods valued at hundreds of millions of dollars that have been made by foreign cheap labor working more than eight hours a day in competition with American labor.

Mr. CURLEY. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. CURLEY. I was not aware of any State in the Union where they had an eight-hour law for manufacturers. I assumed that Massachusetts was the leader, and hers is a 54-hour law. I ask the gentleman to name any State where there is an eight-hour law for manufacturers.

Mr. MOORE. First, we have the Federal law, and the gentleman near me refers to the State of Washington. There are a number of industries in which the eight-hour day is enforced, Government contract work in particular.

Mr. MANN. Will the gentleman from Pennsylvania yield?

Mr. MOORE. Yes.

Mr. MANN. Does the gentleman from Pennsylvania think that in the course of time the gentleman from Massachusetts will ever learn that Massachusetts is not the whole show? [Laughter.]

Mr. MOORE. There will come a time, I suppose, when he will.

Mr. MANN. Not in our lifetime. [Laughter.]

Mr. CURLEY. He has not yet.

Mr. MOORE. Mr. Chairman, I would like to know if the gentleman denies that the sentiment of labor unions in this country is for an eight-hour day, and if in many States it is not actually in force?

Mr. CURLEY. I would say in reply that everybody is in favor of more humane legislation in the hours of labor. I want to know of a State in which an eight-hour law for manufacturers is in operation.

Mr. MOORE. I will say in the state of humanity, which the gentleman alludes to. The eight-hour day is the rule in this country to-day. It is what organized labor is striving for, and it is the slogan of the American Federation of Labor. When Mr. Gompers was a journeyman cigar maker they put it into prose—

Eight hours for work, eight hours for play, eight hours for what you will.

I want to apply that to the men that manufacture goods on the other side of the water in competition with us.

Mr. CURLEY. You have not even a nine-hour day in Pennsylvania.

Mr. PAYNE. Will the gentleman from Pennsylvania yield?

Mr. MOORE. Yes.

Mr. PAYNE. I want to suggest that if by any possibility the gentleman's amendment should be voted down he might offer it in the form of nine hours a day. That would be better than nothing, and perhaps we might catch the unique vote of the gentleman from Massachusetts. [Laughter.]

Mr. MOORE. If I fail to have this eight-hour amendment passed, I think it would be well for gentlemen on the other side who believe in raising the limit a little to propose an amendment that would make it nine hours a day. I do not think the gentlemen on the other side are going to run away from it, because at the last session gentlemen there were applying the eight-hour day and saying how they were going to give it to the workingmen of the country, how they were going to conform to the desire of labor unions, how they were going to give the common people of the country what they wanted—a little time for pleasure and the ordinary entertainments. I am now giving them an opportunity to vote for what they pretended they were for last session and the session before.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. DONOVAN. For an observation merely. I do not believe that 10 out of the 435 Members of this House dare say before election that they are opposed to an eight-hour law.

Mr. MOORE. Mr. Chairman, I think the gentleman is entirely right, and I want to say that the gentleman has been more right through the whole course of this debate than many of his colleagues, because he has seen the light and understands what the working people want.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on this paragraph do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 38, noes 73.

So the amendment was rejected.

Mr. MOORE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 204, after line 16, insert a new paragraph, as follows:
"J. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by labor receiving less than the union rate of pay for the same kind of labor in the United States shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision."

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, it having developed in the action just taken that the Democratic Party in this House is unitedly against an 8-hour day, and is not in favor of giving the American union workingman protection against cheaper foreign labor that works 9 hours, 10 hours, 11 hours, "or any other old time," I offer this amendment, with a view of giving the Democratic friends of the workingman on the other side, and particularly the Democratic friends of organized labor men, an opportunity to vote for a measure which proposes to establish a foreign union rate of wages that will comport with the wages maintained in the United States. It is manifestly unfair that the Democratic Party in changing the fiscal policy of the Nation and instituting the doctrine of free trade should make the American workingman compete with cheap labor and permit foreign-made material to come into the United States, when the men who have made it work for less than the union wage in every one of the corresponding trades in this country.

We have heard here from both sides of the House that the wages paid in Germany and in England, where the workingmen are as well organized as they are in the United States, are from one-half to one-third less than they are in the United States. In the matter of the cigar makers, whose appeal a little while ago you voted down on that side of the House, we heard that the pay which their competitors receive in the Philippines for making cigars, which you propose to send free into the United States, is one-fourth the pay of the cigar makers in the United States. Now, it would seem that the friends of union labor on the other side of the aisle, who have made this their stock in trade, would in this instance, when they have an opportunity to guarantee protection to American union organized labor against unfair competition with foreign labor, welcome the chance to do so.

Surely the new fiscal system which you are inaugurating is not intended solely to aid the Steel Trust, the Tobacco Trust, the International Harvester Co., and other combinations to transfer their business over to Canada or to Europe to get cheap labor. The workingmen in the United States are entitled to as much consideration as those of any other country. They

ought not to be driven into Canada or Germany or England to do American work for us there. And I hope they will not be. Gentlemen, this seems to me to be the opportunity of a lifetime for you to stand by your pledges.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 31, noes 80.

So the amendment was rejected.

The Clerk read as follows:

J. Subsection 1. That a discriminating duty of 10 per cent ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade.

Mr. PAYNE. Mr. Chairman, the Members of the House will recognize this paragraph as an old friend, for it has been in the tariff law a great many years under the limitation of the provisions of treaties and conventions. It has not any particular force at the present time, but it involves principles so abhorent to the gentleman from Alabama that I wondered he allowed it to go into this bill. He refused to have a maximum and minimum tariff in his bill because he says that that would threaten the nations of the earth with a club, and hence he would not impose a maximum duty of 25 per cent or 10 per cent more than the ordinary duty, but, still, he has put in here a discriminatory duty of 10 per cent on all imported merchandise that comes into this country under a foreign flag with a proviso as to the treaties and conventions that we have with other countries. Now, these treaties and conventions render this paragraph entirely innocuous so long as they exist, but if you turn over a couple of pages of the bill he seems to have disregarded these treaties and conventions. J. Subsection 7 provides:

That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States.

Now, that is positively new legislation that he has put into this bill, and it is legislation that is in contravention of those treaties that provide against discrimination in the matter of goods brought in foreign vessels in comparison with those brought in vessels of the United States. They violate the treaty by putting that section in the bill.

Mr. MARTIN. Will the gentleman yield?

Mr. PAYNE. Certainly.

Mr. MARTIN. I suppose under this general discriminatory clause we have treaties and conventions with practically all the commercial countries, have we not?

Mr. PAYNE. Yes; all of them.

Mr. MARTIN. Do they extend for a series of years into the future?

Mr. PAYNE. Well, they extend until they are abrogated.

Mr. MARTIN. Now, would not the effect of subdivision 7 be to reduce the tariff 5 per cent ad valorem on all goods imported from those countries from which we have conventions?

Mr. PAYNE. Certainly.

Mr. MARTIN. So it is another way of cutting down the duties under the present bill?

Mr. PAYNE. It is a discriminatory duty in favor of the vessels of the United States as against foreign vessels on all these goods coming from these same countries. How any gentleman can say it is not in violation of the treaty is something I can not imagine. It is in direct contravention of the treaty. Now, I do not know that we repeal a treaty by this law of Congress, but I have the notion we can. I have a further notion that if we pass this law we will have to give up that which is under these treaties, for we did not give away something for nothing when we made these treaties. There are other matters embraced in those treaties that are very advantageous to the United States.

Mr. FITZGERALD. Is the gentleman sure this modifies any treaties?

Mr. PAYNE. I am not trying to modify the treaty or anything of the kind.

Mr. FITZGERALD. I asked if the gentleman believed that this provision modifies any treaty?

Mr. PAYNE. Oh, yes; I think it does, without any question, because it is a discrimination.

Mr. FITZGERALD. Discrimination against what?

Mr. PAYNE. Against foreign goods in favor of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. All my time has gone answering these questions.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate——

Mr. MANN. I want a little time, and the gentleman from Washington wants some little time, and the gentleman from Minnesota wants some time.

Mr. UNDERWOOD. I would like to dispose of section J if we can come to an agreement as to time. How much time on section J does the gentleman desire?

Mr. MANN. On all of J, all the subsections?

Mr. STEVENS of Minnesota. I have an amendment I desire to offer.

Mr. MANN. We are asking for 35 minutes.

Mr. UNDERWOOD. I hope the gentleman can get along with less; the gentleman controls the time. Can not he yield less time? We want to get through to-night.

Mr. MANN. Well, section J covers seven subsections. That would be less than five minutes to a subsection.

Mr. UNDERWOOD. How much time does the gentleman say he wants?

Mr. MANN. Thirty-five minutes.

Mr. UNDERWOOD. I ask unanimous consent, Mr. Chairman, that debate on all of section J close in 45 minutes, 35 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 10 minutes by myself.

Mr. MANN. In order that these amendments may be offered I suggest that gentlemen may be permitted to offer amendments to the entire paragraph of section J, so that they will not be cut out, or to any of the subsections of section J.

Mr. UNDERWOOD. And have them pending and voted on at the end?

Mr. MANN. Yes.

Mr. UNDERWOOD. Mr. Chairman, I find there is a little more time wanted on this side, and I ask unanimous consent that debate close in 50 minutes, and any gentleman having the floor may offer an amendment and have it pending until the close of the debate.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on section J close in 50 minutes, 35 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 15 minutes by the gentleman from Alabama [Mr. UNDERWOOD], and that gentlemen obtaining the floor may have the right to offer such amendments to section J and subsections thereof as they may desire. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman from Missouri [Mr. SHACKLEFORD].

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. SISSON].

[Mr. SISSON addressed the committee. See Appendix.]

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman from Illinois [Mr. MANN] to consume some of his time. A gentleman to whom I wish to yield is not here.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, on page 207, subsection 7, of the present bill, it is proposed to give a discount of 5 per cent on all duties imposed upon goods carried in American vessels. This is the same old proposition that the Democratic Party has brought before this House on several occasions. It will be noticed that it is a proposition to reduce the duty upon dutiable goods carried in American vessels, but it does not give anything for goods carried in American vessels that are upon the free list. The free list now contains a large part of our imports. Under this bill the free list will be still larger. Seventy-eight per cent of the goods that we import from South America is now upon the free list. Forty per cent of the goods we import from the Orient is upon the free list. These statements are sufficient to show the utter absurdity of trying to build up trade between here and South America, and between here and the Orient, by a discriminating duty of 5 per cent. A little further on I will give some detailed figures upon this proposition.

The distinguished gentleman who is now Speaker of this House one time when this very proposition was under discussion paid me the compliment of saying that I was the best-

known proponent of ship subsidy in this body. But I am not in favor of a subsidy such as is proposed in the section referred to. No Republican can be for such subsidy. The Republican Party never favored a subsidy of this character. A short time ago we were entertained by several distinguished gentlemen on the Democratic side of this House, whose indignation was greatly aroused because it was proposed to let American vessels in the coastwise trade pass through the Panama Canal without the payment of tolls. They opposed it upon the ground that the remission of such tolls was a subsidy. I see several of those gentlemen before me now; notwithstanding their speeches and declarations, they are ready to vote for this proposition in this bill. And what does this provision propose to do? It proposes to subsidize three classes of vessels. First, those built in foreign yards by foreign cheap labor and manned by cheap Chinese crews. Second, those vessels that are owned by railroads and manned by Chinese crews. Third, those vessels that are already receiving a subsidy under the subsidy act of 1891. And all these vessels are in a combination that fixes rates by agreement. These three classes will receive practically all of the subsidy that would be paid under this provision. I challenge any man to dispute the correctness of that statement. The Republican Party has never offered a bill to subsidize foreign-built ships. It has never offered a bill to subsidize any vessels manned by Chinese crews. It has never offered a bill to subsidize any vessel without requiring that vessel to perform valuable services for the Government. The subsidy offered under this proposition in this bill is a mere gratuity. Nothing whatever is required from the vessel that receives it. I wish for a moment to leave this feature of the proposition and call your attention to those bearing upon our treaties.

We have a treaty with practically every commercial nation of the world except four, whereby we agree to treat their vessels, so far as imports are concerned, in exactly the same way that we treat our own. I will read this section from the most recent treaty upon this subject—the one we entered into with Japan on February 1, 1911:

All articles which are or may be legally imported into the ports of either high contracting party from foreign countries in national vessels may likewise be imported into those ports in vessels of the other contracting party without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in national vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other foreign place.

We have a similar treaty with every commercial nation except Russia, Brazil, Chile, and Peru. So if this bill goes into effect the result of it will be that we will discriminate against the vessels of the four nations named, while the vessels of all the other nations of the world can bring goods into this country, and will pay but 95 per cent of the duties prescribed in the bill. In other words, we propose to discriminate against three of the nations of South America, where we especially desire to build up our trade, and this discrimination would chiefly affect Brazil. Brazil runs a line of vessels to this country, and this section would be a discrimination against Brazil that would be greatly felt, and yet Brazil is the most friendly nation to us in the world, and has recently passed a law giving us an advantage in many of our products not given to any other nation of the world. In other words, this section of the bill simply proposes to further reduce the tariff 5 per cent upon all goods brought into this country, except those brought in vessels belonging to Russia, Brazil, Peru, and Chile.

Mr. ALEXANDER. Mr. Chairman, will the gentleman from Washington yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Missouri?

Mr. HUMPHREY of Washington. Yes; for a question.

Mr. ALEXANDER. I do not care to intervene in this discussion, but I want to say that in my opinion this provision in its present form does not abrogate any treaty with any foreign nation.

Mr. HUMPHREY of Washington. That is just what I say. It does not abrogate a treaty with any nation, and therefore it will not affect those nations with which we have a treaty.

Mr. ALEXANDER. Its effect will be to permit the entry of goods into our ports by the nations with which we have treaties at the same rates as goods brought from abroad in American ships.

Mr. HUMPHREY of Washington. That is my opinion. This bill as it now stands will discriminate only against those four nations that I have enumerated, not against the other nations of the world.

If ever there was a legislative attempt to deceive the people, it is found in this section that pretends to assist American shipping by giving a reduction of 5 per cent in favor of goods carried in American bottoms. But suppose, for the sake of argument, that we admit that this section will give a 5 per cent reduction upon goods carried in American vessels, and that all goods carried in all foreign vessels will pay the full duty. Still it is an absurdity, and will be of no real effect whatever. It will not be sufficient to cause a single American ship to be constructed in any American yard. It will not be sufficient to cause a single American vessel to make an additional trip. It will simply be a gratuity, whatever it amounts to, given to the classes of vessels that I have already enumerated.

BETWEEN HERE AND EUROPE.

Take, for illustration, the effect that this bill would have between here and Europe. An average vessel with an average cargo would receive about $2,000 for the round voyage. This is a sum that is entirely insignificant as far as fast mail vessels are concerned. For this purpose it would amount to nothing whatever. It might increase to some extent the earnings of some of the small tramp vessels between here and Europe that were built in foreign yards and would take American registry and run with Chinese crews. So far as I am concerned, I do not care for an American merchant marine that is built by foreign cheap labor, manned by foreign cheap crews, and I shall never favor giving direct assistance to that class of vessels, and that is mainly what would be accomplished by this bill. I had hoped to have the exact figures as to the effect this section of the bill would have upon vessels running between here and Europe, but, unfortunately, the Treasury Department has not been able to get these figures to me in time for use in this debate.

ON THE PACIFIC.

As to the effect that this section would have upon shipping on the Pacific Ocean, we do not have to guess. Here I have the exact figures. I know it is hardly kind to puncture the glowing prophecies of what the effect of this section would be by citing the facts. In presenting the figures I assume that the vessel would receive the entire 5 per cent differential. Of course, in practice this would not be true.

I will first take the vessels of the Pacific Mail. These vessels run from San Francisco via Hawaii to the Orient and occasionally to the Philippines, making a round-trip voyage of 15,000 miles or more. It is well to remember that a Japanese line runs in direct competition with these vessels, and that each of the Japanese ships receives $100,000 in gold from the Japanese Government for each round trip. To overcome this handicap of $100,000 per trip of their competitors what would the Pacific Mail receive under this bill? Here I insert in the RECORD the actual figures as furnished to me by the Treasury Department, which are as follows:

Pacific Mail vessels.

Date of arrival.	Vessel.	Value of goods.	Five per cent of duty paid.
Jan. 7, 1913	China	$324,218.00	$4,450.34
Jan. 14, 1913	Manchuria	990,414.00	9,127.38
Feb. 4, 1913	Mongolia	1,144,037.00	17,693.51
Mar. 3, 1913	Korea	1,005,837.00	12,402.08
Mar. 17, 1913	Siberia	1,162,343.00	9,094.38
Mar. 24, 1913	China	457,534.00	3,939.72
Mar. 31, 1913	Manchuria	1,045,557.00	9,554.93
Total amount of duty paid			66,262.34

In other words, the total amount that would be paid to these magnificent vessels under this bill, if they received it all, would be $66,262.34 annually, while their Japanese competitors would receive for the same number of voyages $700,000, or considerably more than 10 times as much. It should not be forgotten that the Pacific Mail would receive higher compensation under this bill than any other vessels on the Pacific, as they largely command the silk trade, a trade that pays the highest duties.

As a proposition to build up fast lines the absurdity of the provision is here illustrated. The only thing accomplished would be to give the Pacific Mail vessels this gift of $66,262. In order to receive this amount they would not have to perform any additional service whatever. In other words, it is a gratuity, a subsidy.

What would be the effect of the bill upon the only other American vessel upon the Pacific Ocean, the *Minnesota*, the greatest freight and passenger vessel afloat and the vessel that has the unique distinction of being the only one beneath our

flag that is run exclusively in the overseas trade without Government assistance.

I insert here a table of figures furnished me by the Treasury Department that shows exactly what this bill would do for the *Minnesota:*

American steamship Minnesota.

Date of arrival.	Vessel.	Value of goods.	Five per cent of duty paid.
Mar. 1, 1912	Minnesota	$425,572.00	$1,011.24
June 1, 1912	do	577,798.00	562.76
Aug. 30, 1912	do	358,011.00	708.35
Dec. 1, 1912	do	452,615.00	1,084.85
Mar. 24, 1913	do	240,425.00	316.15
Total amount of duty paid			3,683.35

The total amount of assistance that the *Minnesota* would receive under this bill if the entire 5 per cent was paid to it for a year's service would be $3,683, while Japanese vessels comprising an equal tonnage as that of the *Minnesota* for making the same voyages would receive $300,000, or a hundred times as much. It is easy to see how this Democratic bill would enable those who wish to run American vessels from Puget Sound to the Orient to overcome their Japanese competitors. The figures in regard to the *Minnesota* demonstrate the absolute absurdity of this proposition. In the face of these figures it is hard to comprehend how any man can favor this proposition.

SOUTH AMERICA.

But if the figures I have given demonstrate the absolute absurdity of the sham and pretense made by the Democratic Party to deceive the American people in trying to make them believe that that party is really in favor of an American merchant marine, it is much more vividly demonstrated when we turn to South America. As I have already stated, 40 per cent of the imports from the Orient are already on the free list, while 78 per cent of our imports from South America are on the free list. The Treasury Department has just furnished me with some recent figures that demonstrate what the practical working of this section of the bill would be, if enacted into law, between here and South America. No words could demonstrate its utter worthlessness as do these figures. Of course, between here and South America foreign vessels must be used, for there are no American vessels running between this country and South America beyond the Equator. It must not be forgotten also that the compensation received under this bill would be less than 5 per cent under the present law, as there has been a great increase in the free list in the Underwood bill. In other words, the amount that would be received by vessels running between here and South America, if this Underwood bill would become a law, is even less than the amount shown by the tables which I here insert. You will notice that these are official figures, taken from actual transactions:

Names of foreign vessels entered at New York, from ports of South America, during January, 1913, the date of arrival, separate values of cargo, duties paid and secured to be paid.

Vessel.	Arrival.	Merchandise entered free of duty.	Merchandise entered for I. T. & Exp.	Merchandise entered for warehousing.	Merchandise entered duty paid.	Five per cent of duty paid.
Steamship Clyde	Jan. 2	$25,255	$9,495			
Steamship Trojan	do	291,375				
Steamship Zacapa	do	35,076	4,790	$403	$688	$19.80
Steamship Byron	Jan. 3	289,734	13,560		13	.15
Steamship Herm	do	323,656	4,575		4,921	49.20
Steamship Verdi	Jan. 4	676,590	70,855	24,634	128,039	1,644.95
Steamship Mayaro	do	18,991	155,281			
Steamship Pancras	Jan. 6	1,037,986				
Steamship Korona	do	1,460	78,059			
Steamship Westerwald	do	264,252	31,138	4,970		87.00
Steamship Highbury	Jan. 7	656,283	6,250			
Steamship Coppename	Jan. 8	46,936			3,518	130.50
Steamship Almirante	Jan. 10	42,855	1,790	8,506		148.85
Bark Glendovey	Jan. 11	11,390				
Bark Brynhilda	Jan. 13	24,816				
Steamship Albingia	do	97,490	10,020	6,252	40	60.00
Steamship Kelvinhead	Jan. 14	236,538		15,911		243.30
Bark Calburga	do	18,928				
Steamship Maracas	Jan. 15	11,258	106,888	544		13.35
Steamship Thames	Jan. 16	36,598	1,007	7,163	9	125.60
Steamship Benedict	do	1,253,447				
Steamship Santa Marta	Jan. 17	9,646	3,095			
Steamship Canadia [1]	do					
Steamship Guiana	Jan. 18	3,489	53,455			
Steamship Prins Maurits	Jan. 20	28,134	19,320		213	3.75
Steamship Orange Prince	do	875,711	13,050			
Steamship Lord Downshire [1]	do					
Steamship Topajoz [1]	do					
Steamship Altai	Jan. 21	209,416	32,005	6,888		120.55
Steamship Metapan	Jan. 24	24,792	1,245			
Steamship Christopher	do	1,038,880				
Steamship Tennyson	Jan. 25	501,879	5,892			
Steamship Grenada	do	28,094	52,659			
Steamship Suriname	do	29,156				
Steamship Lord Roberts	Jan. 27	59,783	11,064		40,922	556.35
Steamship Asiatic Prince	do	989,753				
Steamship Allemania	Jan. 28	155,229	7,118	3,268		57.20
Steamship Javary	do	15,648				
Steamship Dochra	Jan. 29	264,160	10,002		4,567	45.65
Steamship Trent	do	46,284	24,074	8,906	187	154.00
Steamship Zacapa	Jan. 31	8,723	2,830	1,692		29.69
Steamship Coya	do	201,540	14,813		56	.45
Total		9,891,831	744,330	89,137	183,173	3,490.25

[1] Ballast.

Total value of merchandise entered at New York from ports in South America $10,908,471.00
Total amount of subsidy that would have been paid under the provisions of the Underwood bill 3,490.25

The above is the amount that would be received by all American vessels if we had a sufficient number to carry our entire trade between here and South America. These figures vividly portray the sublime absurdity of the proposed Democratic subsidy.

Let me give you another illustration. In 1908 our imports from Brazil were valued at $74,577,864. If we had carried all our imports that were from Brazil in American vessels, those vessels would have received for carrying this $74,000,000 worth of goods the munificent sum of $2,877.85. Many of the vessels running between here and South America, carrying cargoes of great value, would not receive a single penny under this bill, as shown by the table already quoted. Nothing could be more ridiculous than this provision as applied to South America. A vessel coming on one of the long voyages from the west coast of South America, with a cargo valued at millions, would receive less for carrying the entire cargo under this proposed Democratic proposition than would a small, cheap tramp vessel, constructed in a foreign yard and manned by a Chinese crew, for carrying a single case of champagne from Europe to this country. The greatest effect of this Democratic subsidy proposition would be to cheapen by 5 per cent the tariff upon luxuries.

Between here and South America, where we most desire to build up our trade, the compensation received under this pro-

vision of the bill would not be sufficient to run a line of Indian canoes. I consider it useless to dwell further upon this proposition. It is apparent to anyone that it is a cheap, ill-concealed attempt to deceive the American people, an attempt to make them believe that the Democratic Party is really in favor of an American merchant marine. This is the only proposition that the Democratic Party has favored as affecting our merchant marine for half a century; and that party would be opposed to this provision if it were of any advantage whatever to American shipping.

Mr. FERRIS. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. FERRIS. A year or two ago I read a very able speech by the gentleman on the subject of ship subsidy. I think it is to be admitted that he is one of the strongest advocates in the House of a ship subsidy. Now, do I understand that the gentleman is opposed to this provision?

Mr. HUMPHREY of Washington. Absolutely.

Mr. FERRIS. Then I can not fathom the gentleman's argument. One moment the gentleman criticizes the Ways and Means Committee for putting a ship-subsidy provision in the bill and in the next moment he criticizes them for not putting in one. What is the trouble?

Mr. HUMPHREY of Washington. I criticize them for putting this provision in here, because it is absolutely absurd. In the first place it amounts to nothing, and in the second place it proposes to make an absolute gratuity to the vessels that run without requiring them to do anything. Further than that it gives that gratuity to foreign-built ships, built in foreign yards by foreign cheap labor, and manned by Japanese crews. I have never advocated anything except a mail subsidy, to be given to fast vessels that would in time of war serve the Government, ships that carried American citizens as a portion of their crews, and that trained American boys and carried the mails. Now, after all your talk about subsidy, and all your talk about the Panama Canal, you come in here with the only pure and undefiled subsidy proposition that has ever been brought before this House. What little benefit it would be would go to the slow tramp vessels between here and Europe.

Mr. FERRIS. The gentleman will pardon me a moment?

Mr. HUMPHREY of Washington. Yes.

Mr. FERRIS. Is it too much of a subsidy or too little of a subsidy that the gentleman complains of?

Mr. HUMPHREY of Washington. I object to it for two reasons: First, because it is too small; it does not amount to anything. Second, because it is given to the wrong people; it is given to those who do not earn it; it would not cause them to make a single extra trip or cause a single American vessel to be constructed in an American yard.

Mr. FERRIS. I give more credence to the gentleman's statement that it does not amount to anything than to the statement that it does. I do not think it does.

Mr. HUMPHREY of Washington. To recapitulate what I have said, this proposition is a pure subsidy, because it demands no service in return. The vessels that receive it are not required to perform any duties for the Government, and this is the true test of a subsidy. The vessels that receive this subsidy are not required to run at any speed. They are not required to carry the mail. They are not required to carry American crews. They are not required to carry American boys and train them in American seamanship. They are not required to be built upon plans approved by the Secretary of the Navy. They are not required to be at the command of the Government in time of war. All these requirements have always been made in every bill that has ever been favored by the Republican Party. But this bill proposes to give a gratuity to foreign-built vessels, manned for foreign, cheap crews—a proposition that is un-American and has never been favored by any party in this country but the Democratic Party.

Mr. STEVENS of Minnesota. Does the gentleman from Alabama desire to use any of his time?

Mr. UNDERWOOD. I yield to the gentleman from Massachusetts [Mr. CURLEY] five minutes.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CURLEY. Mr. Chairman, the Democratic Party are to be congratulated upon the patriotic step they have taken in incorporating in the present tariff bill a provision having for its purposes the revival of the American merchant marine, and despite the objection that may be raised by those men who are fearful lest we offend foreign nations I sincerely trust the provision of the tariff bill that will result in the restoration of the American flag on merchant steam vessels will be adopted.

The acts of Congress authorize, and each treaty provides, that the treaties and conventions with 32 countries now in force may be terminated upon one year's notice, and ample time exists for adoption of the changes made necessary in existing treaties between the United States and foreign powers in consequence of this provision of the tariff bill.

In my opinion the development of the merchant marine of the United States is fully as important in its bearing upon the future of this Republic as is the currency or the tariff question, and the adoption of this section of the tariff bill should undoubtedly prove the entering wedge that marks the beginning of a movement for commercial liberty upon the waterways of the world for United States ships.

A study of the figures relative to our commerce covering a half century of the Nation's growth is sufficient to convince even the most bitter opponent of governmental aid in the development of a merchant marine as to the imperative need for action regardless of the protests that may emanate from foreign powers, who during this period have been the chief beneficiaries on sea of our Nation's prosperity and progress.

In 1859 the value of goods carried in American vessels was $465,741,381 and in foreign vessels $229,816,211, or more than 100 per cent greater value carried in American ships than in foreign ships. In 1909, however, the value of goods carried in American ships has decreased 44.46 per cent, or a value of $258,657,217, while on the other hand during this brief period of 50 years the value of goods carried in foreign vessels has increased 971.59 per cent, or from $229,816,211 to the staggering totals of $2,462,693,814.

Can any Member of Congress contend that he is performing his duty as an honorable and patriotic representative of the American people and sit idly by while the right arm that was once the Nation's sign of greatness is being severed at the shoulder? I appreciate that there are Members of Congress who believe that governmental aid in any form is fundamentally wrong and politically unsound. Yet the startling figures here presented should in themselves be a sufficiently weighty argument to warrant any man changing his convictions and becoming enthusiastic in his support of a policy of governmental aid, either direct or indirect.

This section of the tariff bill provides a remedy that is in no sense a palliative for the treatment of the cancer to-day gnawing at the vitals of the Nation. It is the same remedy that was applied by those men who sacrificed their all that liberty might be established and freedom possible for America and Americans, both on land and on sea.

This section of the tariff bill breathes the spirit of that great statesman through whose genius and ability the Declaration of Independence was made possible—Thomas Jefferson.

The immortal document which has served as a guide to this Nation since its establishment has stood every test, and to-day, with all our progress, with all our advancement, with all our greatness as a Nation, we must hearken back to the fathers of the Republic to secure a remedy for the ills from which we now suffer.

The tariff act adopted July 4, 1789, made possible the development of a commercial supremacy for the new Republic that was the envy of the entire world. This act provided:

On all teas imported from China or India in ships built in the United States and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows: On Bohea tea, per pound, 6 cents. On all Souchong or other black teas, per pound, 10 cents. On all other green teas, per pound, 12 cents.

On all teas imported from Europe in ships or vessels built in the United States and belonging wholly to a citizen or citizens thereof, or in ships or vessels built in foreign countries and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows: On all Bohea tea, per pound, 8 cents. On all Souchong and other black teas, per pound, 13 cents. On all Hyson teas, per pound, 26 cents. On all other green teas, per pound, 16 cents.

On all teas imported in any other manner than as above mentioned, as follows: On Bohea tea, per pound, 15 cents. On all Souchong or other black teas, per pound, 22 cents. On all Hyson teas, per pound, 45 cents. On all other green teas, per pound, 27 cents.

On all goods, wares, and merchandises other than teas imported from China or India in ships not built in the United States and not wholly the property of a citizen or citizens thereof, nor in vessels built in foreign countries and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, 12½ per cent ad valorem.

SEC. 5. A discount of 10 per cent on all the duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels built in the United States and which shall be wholly the property of a citizen or citizens thereof, or in vessels built in foreign countries and on the 16th day of May last wholly the property of a citizen or citizens of the United States and so continuing until the time of importation.

This provision was amended in the tariff act of August 10, 1790, by imposing an additional duty of 10 per cent on articles imported in ships or vessels not of the United States instead of allowing a discount of 10 per cent on articles imported in American ships.

These or similar discriminations in favor of ships owned wholly by American citizens were continued for 26 years and resulted in such an increase in American shipping that in the year 1810, just 103 years ago, more than 90 per cent of our foreign commerce was carried in American-owned ships over the world and was much greater than the tonnage of American steamships engaged in foreign commerce is to-day.

I have always been at a loss to understand the opposition of the farmers to a subsidy provision, for if any person interested in agricultural pursuits could have visited the Great Lakes region in December of 1912 and witnessed the 3 miles of vessels bearing grain that lay in the harbor of Buffalo and with more than a half hundred additional vessels in the outer harbor, all awaiting the arrival of the foreign carriers who had conspired to refrain from handling the grain until such time as sufficient excuse had been afforded for the raising of rates, they would have become converts to the doctrine of providing a merchant marine regardless of cost.

The investigation conducted before the Interstate Commerce Commission disclosed the fact that through the control exercised by the foreign shipping interests, wheat for export trade could be sent from the Mississippi River regions to New York for 12 cents a bushel, while wheat sent to New York for manufacture into flour for home consumption paid a rate of 19½ cents per bushel. In other words, it was possible, through the power of the combined foreign shipowners, to furnish European millers American wheat at 4½ cents a bushel less than it could be supplied to the American millers at New York.

The average wheat yield is 20 bushels to the acre, and a fair return from this yield is $15. Allowing that it costs $5 an acre to break, disk, and seed and $2 an acre to harvest, thrash, and market, when the value of farm products is less than $10 an acre a loss rather than a profit results.

The year 1912 will long be remembered by the foreign shipowners as the most profitable one in the history of this piratical combine, who, through manipulation and control, during the past three years have doubled and trebled the ocean rates for the carrying of grain.

The western farmer has been compelled to pay from 37 to 45 cents a hundred to lay his grain down at Liverpool, and at the close of navigation on the Great Lakes he has been compelled to pay in excess of 50 cents a hundred. A rate of 40 cents a hundred is equivalent to 24 cents a bushel, and if a farmer has sold his grain for 87 cents a bushel, and the carrying charge has been 24 cents, the actual amount received by the farmer is but 63 cents a bushel; and if the yield is 20 bushels to the acre, the gross returns, less the carrying charges, is $12.60 per acre; and deducting from this amount the $7 paid for labor per acre, leaves the farmer but $5.60 an acre, or nearly $4.50 less than he should receive in order to secure a fair return upon his investment; and what is true in the case of the farmer is equally true in its application to all our industries.

After the treaty of Ghent, 1814, following the War of 1812, Congress passed the first reciprocity act of commerce and navigation, March 3, 1815, authorizing the President to abolish all discriminating duties and imposts in the direct trade with nations granting similar privileges. This method was followed in a treaty with England ratified on December 22, 1815, applying to the direct trade with Great Britain and India, West Indian and all other British colonial ports remaining closed to American vessels. Similar treaties followed and became effective in 1819 with Sweden and Norway, and in 1822 with France. In 1828 Congress removed discriminating duties and imposts in the direct trade as to vessels whose nations extended similar privileges. Great Britain still refused to open its West Indian ports to United States vessels, until in 1830 there was passed the last or colonial reciprocity act. England, however, did not open her colonial ports to United States vessels until 1849, and soon after our discriminating duties and imposts were finally abolished.

In the report of the United States Commissioner of Navigation for 1904 there are published the treaties and conventions with 32 countries, which have been made to carry out acts of 1815, 1828, and 1830 for free trade in transportation of our oversea commerce. The treaties are similar in terms and import, and are generally confined to this subject; they all include the indirect trade, except those with England and France, with whom our later reciprocity acts became effective by proclamation and not by treaty. These acts of maritime reciprocity seem to have been urged upon Congress by merchants in the foreign trade, but were passed under the apparently firm conviction that protection was no longer necessary for American shipping. The results of an apparently free trade in transportation have been written in no unmistakable manner, for, after each reciprocity treaty with a carrying nation had been enacted, its entries into our ports largely increased and continued to increase more rapidly than our own tonnage, until, as I have previously stated, our commerce as carried in ships flying the American flag has practically reached the vanishing point.

The control exercised by foreign shipowners is such to-day that American merchants have no voice in the matter of regulation of charges which they are compelled to pay for the carrying of their commodities. Foreign shipowners, largely in control of American commerce, meet from time to time in Germany and hold what is known as a "conference," the purpose of which is to prescribe the rates to be applied in the handling of our foreign trade. It is common knowledge that they further provide at these conferences that any ship or ships controlled by the combine shall rebate at the end of each six months' period to the shipper using the ships controlled by them exclusively in the carrying of goods 10 per cent of the total carrying charges, and this policy, through the lure of the rebate system, has led to the destruction of independent shipowners.

The absence of the independent shipowner from this field of endeavor makes it not only possible but probable that 10 per cent rebate is in consequence of an excess charge made possible through the absence of competition and through the exercise of absolute control of the trade to exact charges many times in excess of the amount rebated. They are able also to dictate to our railroads and to establish through rates from central Germany to Denver and Salt Lake which are lower than rates on similar articles from Cincinnati to those points. By a series of rebates, under various names, they are able to direct practically all our South American traffic to New York, to which point manufacturers in the interior must ship in order to take advantage of the low rate offered. They totally prevent the direction of trade from the central valley through New Orleans where the whole Middle West would enter into competition with the export commerce of the Atlantic ports.

Shoes shipped from St. Louis to New Orleans in a modern river barge cost about $4.50 per ton, but it is required that they be shipped for export from New York, and in consequence the shoe dealer in St. Louis pays a charge of $19.20 per ton.

Vast sums of money have been spent on river, lake, and harbor improvements; our great railroad terminals are located on the waterways throughout the land, and there we have ceased our labors, at the very point deserving of our most urgent consideration. Our river, lake, and coastwise commerce is to-day in excess of 7,500,000 tons, while our tonnage in the foreign trade is less than 600,000 tons.

The amount actually expended for the carrying of our foreign commerce is estimated in excess of $300,000,000, and this vast sum is an important factor in the balance of trade and a serious one in view of the fact that our exports of natural products has rapidly decreased, while the presence of our flag upon ships engaged in the foreign trade has become a genuine curiosity.

Our exports of manufactured steel and iron goods during the past fiscal year have averaged $1,000,000 each day, including Sundays and holidays. These goods, the product of the toil and skill of American workmen, have been sold in free-trade and so-called pauper-labor countries in open competition despite the payment by our merchants and manufacturers of an exorbitant carrying charge to foreign shippers. Our export trade, amounting to-day to $2,000,000,000, furnishes permanent employment to the men and women engaged in various lines of industry for at least three months annually, and were Germany or England to engage in war with other nations even so far removed from us as the Asiatic nations, the injury that would result to this country in consequence of such war would be fully equal to that resulting to the actual combatants. Our goods would be permitted to rot on the docks for want of carriers; our industries would become paralyzed through lack of distributors of their output, and despite the fact that we were at peace with the world a panic might ensue from which it would take three or more years for this Nation to recover.

While it is true that the admission of foreign ships to American registry may strengthen the resources of a competing nation, it is nevertheless equally true that the necessities of our present condition demand the taking of heroic measures. And while it may be argued that the adoption of the free-ship policy, so called, by foreign nations has not resulted in an immediate increase of their tonnage, the fact remains that those nations which have adopted the free-ship policy are to-day the leading maritime nations of the world. Great Britain adopted the policy in 1849 and continued it until such time as its shipping, thanks to subsidies in one form or other, found it possible to defy world competition in the matter of shipbuilding. The adoption of the subsidy policy by the French Government resulted in an increase in its merchant shipping from 914,000 tons in 1881 to 1,900,000 tons in 1910. Germany adopted the policy

in 1873, its shipping at that time being 1,098,000 tons, and through the aid of mail subventions and the encouragement of native shipbuilding, has increased its tonnage to 4,307,000 tons. Japan, through a free-ship policy and governmental aid, has increased its shipping, perhaps, more rapidly in proportion than any other nation in the world, or from 200,000 tons in 1894 to 1,544,000 in 1910. And a study of these statistics is sufficient to convince the most stanch opponent of governmental aid to our merchant marine of the imperative necessity for action.

The example of the English Government in the matter of aid is exceedingly instructive. The *Mauretania* and *Lusitania*, having a speed of 25 knots an hour, were constructed by the British Government to be used as auxiliary cruisers in time of war, the expense of the same being charged to the naval appropriation.

The German Government pays a subsidy of $1,300,000 annually to the North German Lloyd Line and $300,000 annually to an East Indian line.

A more lamentable confession has never been made by the representative of a great country than that of Admiral Sperry, in charge of the American fleet, upon his return after a 25,000-mile journey over the principal waterways of the world, when he stated that never once in the entire journey did he behold the American flag flying from a merchant steam vessel.

England to-day furnishes the ships to carry supplies and fuel to our Navy on the Pacific coast, and on the recent journey around the world of the fleet there was furnished the pathetic spectacle of the supply ships accompanying the fleet flying the flags of every nation but our own; our boasted strength as a nation made a mockery for the world.

It is very well to send our commercial travelers to the various countries of the globe to develop new markets for American trade, but American goods delivered abroad in ships flying the American flag will prove a more powerful element in the development of a national commerce than all else.

There are many men who contend that the provisions of this bill should apply only to ships built in American yards, but when we realize the policy that has been pursued by the beneficiaries of our protected tariff system, and which policy has been largely dictated by the difference in wages and materials, of having ships constructed abroad, the necessity for extending the preferential privilege to ships of American registry, whether built at home or abroad, impresses one.

The Belfast yards during the year 1910, in addition to building the *Olympic*, a 45,000-ton steamer, constructed one equally as large for a German concern and five first-class passenger and freight steamers for an English company, to ply between New York and Nova Scotia, and five additional ones for the United Fruit Co., of Massachusetts; and these ships when commissioned will fly the German flag and the English flag, be manned by English and German crews, and, while their success will result from the handling of American passengers and cargoes, they will contribute little or nothing to the greatness and glory to this Republic.

Unquestionably it will be the purpose of the English as well as the German Government to protest against this preferential duty favorable to American shipping on the ground that it is a discrimination against their commerce, in the same manner that protests have been lodged against the adoption of a policy of free tolls on American shipping through the Panama Canal. But the protest of Great Britain is lamentably weak when we realize that in the past 60 years the British Government has expended $300,000,000 in mail and admiralty subsidies for the development of its commerce.

German ships to-day trade upon our Pacific coast from Puget Sound to San Francisco, bearing our freight to South America and theirs in turn to Hamburg, while upon the Atlantic coast English ships furnish means of travel and trade between New York, Brazil, and Argentina, while Norwegian and Swedish tramp steamers ply between the United States and the West Indies, carrying our manufactured goods one way and fruit the other.

Our South American neighbors, whose friendship and trade it should be our aim to cultivate, are to-day largely served by ships flying every flag but our own, and at present a native of Argentina desiring to reach New York and take a trip, combining comfort and pleasure, invariably goes by way of Genoa or Liverpool and not infrequently returns by the same route.

We have made no attempt as a Nation to take advantage of our geographical position in the matter of trade with South America, and which will be doubly enhanced through the opening of the Panama Canal. Steamers making 16 knots an hour, leaving New Orleans for the Chilean coast by way of the Panama Canal, would find it possible to deliver letters in Buenos Aires, through a transfer at Panama and via the trans-Andean railroad, eight days quicker than a ship of the same speed could deliver them from New York or Hamburg down the Brazilian coast. It would be possible for a merchant in Peru, Chile, or Argentina, sending an order to St. Louis or Chicago, to receive a reply and his goods by this route from 12 to 18 days sooner than he can now get them from Hamburg or New York. Our share in the import traffic of those countries is now about 15 per cent, whereas through these improved conditions it might easily be increased to 50 per cent.

The agitation in favor of definite action in the matter of the development of a merchant marine has received serious thought for more than a quarter of a century; the ocean mail act provided a moderate compensation for carrying of mail and was adopted in 1891, and in 1903 President McKinley recommended discriminating duties. The Republican Party platform in 1908 affirmed its adherence to the doctrine of encouragement to American shipping and urged such legislation as would revive the merchant marine prestige of the country as being essential to the national defense, the enlargement of foreign trade, and the industrial prosperity of our own people, and the Democratic platform in 1908 affirmed its belief in the necessity for the upbuilding of the American merchant marine.

The imports and exports of the United States in the year ending January 1, 1913, were in excess of $4,000,000,000, and this vast commerce was carried largely in ships flying a flag other than Old Glory, 91.75 per cent of our foreign commerce being to-day carried by foreign ships, while but 8.25 per cent is carried in ships flying the American flag.

The construction of the Panama Canal is rapidly approaching completion, and it will largely fail of its purpose unless the adoption of this provision and a closer attention to the growing needs of the Nation brings forcibly home to us the lesson that friendly intercourse between our country and other nations is more easily secured through the flying of the American flag from messengers of peace in the form of merchant steamships than upon the agencies of destruction—ships of war.

There are many lines of ships flying foreign flags and owned by American citizens that unquestionably in the event of the adoption of this provision would gladly seek an opportunity to change their registry to become recipients of the people's bounty and heralds of our Nation's progress.

The advantages of a merchant marine from a military standpoint are manifold; our recent war with Spain forcibly demonstrated our weakness in this particular. Ships admitted to American registry in time of war would be of value for the transportation of troops, provisions, and fuel, and would prove a valuable auxiliary to our Navy.

The adoption of this bill will, I trust, mark the beginning of a new era in the development of the Nation's prosperity, to the end that the best flag that ever waved over a people in the history of civilization may become a familiar figure once more upon the waterways of the world, rather than a blessed memory of a nation's departed greatness. [Loud applause on the Democratic side.]

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I desire to place in the RECORD a report of the Commissioner General of Immigration for the year ending June 30, 1912, concerning aliens employed on vessels which completely overthrows all that my eloquent friend from Massachusetts [Mr. CURLEY] says.

ALIENS EMPLOYED ON VESSELS.

Chinese and other alien seamen have always constituted a serious problem in enforcing the Chinese-exclusion and immigration laws. The bureau has repeatedly called attention to the impossibility of properly safeguarding the country against the entry of Chinese laborers and mentally defective and otherwise undesirable aliens under the statutory provisions now existing. The violations, evasions, and abuses continue to increase in volume and seriousness; in fact, it is believed that the situation concerning this matter is now the most serious defect in the laws which contemplate that Chinese laborers and defective aliens shall be kept out of the country. (See what the commissioner of immigration at New York states concerning this subject.)

Table XX contains figures concerning alien seamen reported by masters of vessels as having deserted during the fiscal year 1912. These statistics are known to be quite incomplete. In addition to the figures given in that table, it should be stated that during the year about 35,000 Chinese seamen have come into the ports of the United States on merchant vessels and many desertions have occurred. The decisions of the courts, rendered under both the immigration and Chinese-exclusion laws, have been such as utterly to discourage the immigration officers in their efforts to control the situation. So far as Chinese are concerned, the masters of vessels often wholly disregard the inspectors, and officials of steamships that carry crews of other races are almost equally indifferent, feeling that they are justified under the decisions of the courts in claiming that the immigration officers have no control over the employees of their vessels and can not compel them to take even reasonable precautions.

There is now pending before Congress a bill (H. R. 21489) which, if enacted into law, will go a long way toward remedying this situation in so far as violations of the immigration act are concerned. With

respect to Chinese seamen, it is very important that the present practice, supported by a departmental regulation, of requiring bond for each seaman brought into a United States port conditioned for such seaman's departure from the country with the vessel shall be authorized specifically by an act of Congress, with appropriate penalties for failure to give the bond.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, it is certainly enlightening, if nothing more can be said about it, to hear a ship-subsidy speech made by a gentleman from Massachusetts applauded on the Democratic side of the House, although, I thought, rather faintly.

He supports this legislation on the theory that it is a subsidy to American ships. I am against subsidies for American ships. I am in favor of restoring the American merchant marine by a different method, which I have not time now to discuss. I call attention to the fact that this is only another illustration of the piecemeal, illogical manner in which this bill has been framed. This item is not a subsidy to American ships only; it is a reduction of 5 per cent on all goods brought in American ships and also ships of other countries with which we have treaties and agreements that their goods shall come in at the same rate as that given to goods brought in American ships.

We have treaties with all the commercial countries of the world except four, in which we have agreed that goods in their ships shall come in subject to the same duties as those in American ships. Now we are making a further provision in this section that hereafter goods in American ships shall come in 5 per cent below the general rates. What is the effect of it? That will be construed consistently and logically, and the result will be that foreign ships from the countries with which we have treaties of that sort will bring their goods to our shores under this subdivision 7 of paragraph J, 5 per cent below these rates. It is another method by which our Democratic friends in piecemeal legislation are going to make a general reduction of 5 per cent of these duties on all goods brought from foreign countries, except from the four nations with which we have no such agreement.

Now, I want you gentlemen not to be deceived in what you are doing. You will find that this is precisely what you are doing, and yet I expect to see you all vote for it because, forsooth, you have not had any release to do otherwise, except the gentleman from Mississippi [Mr. SISSON]. That is exactly what you are doing. You are lowering your rates on goods coming in in American bottoms and bottoms of other nations with whom we have agreed by treaty that their goods should come in at the same rate as goods coming in American bottoms.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield half a minute to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 207, strike out all of subsection 7.

Mr. STEVENS of Minnesota. Does the gentleman from Alabama wish to use any time?

Mr. UNDERWOOD. Not at present. I intend to use the time before we get through, but not now.

Mr. STEVENS of Minnesota. Mr. Chairman, I wish to call the attention of the committee to what I think is an error in the bill and misinformation furnished the House in the report upon J, subsection 5. J, subsection 5, provides as follows:

That all materials of foreign production * * * for the construction of vessels * * * and all such materials necessary for the building of their machinery, and all articles necessary for their outfit and equipment may be imported. And upon proof of such materials having been used for such purposes no duties shall be paid thereon.

You will notice that the exemption from duties pertains only to "materials" and not to any "articles" necessary for outfit and equipment described in the same paragraph. In your report, on page 51, you state the purpose of this paragraph as follows:

The present law limits the free importation of such material to vessels built in the United States for foreign account and ownership and for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific coasts. The change made in this section is to strike out the limitation and authorize the importation free of duty of foreign material for the construction of all vessels built in the United States for foreign account and ownership and for the purpose of being employed in the foreign and domestic trade of the United States. The purpose of the change is to liberalize the law and encourage the building of all classes of ships at our domestic shipyards.

On page 440 of your report you set forth the language of this subsection and compare it with section 19 of the Payne-Aldrich bill, thereby giving the House to understand that the change here made is that from section 19 of the Payne law. I add the portion of your report:

SEC. 19.—MATERIALS FOR SHIPBUILDING.

J. Subsection 5. That all materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership, or for the purpose of being employed in the foreign or domestic trade, and all such materials necessary for the building of their machinery, and all articles necessary for their outfit and equipment, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purposes no duties shall be paid thereon.

SEC. 19. That all materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership, or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and all such materials necessary for the building of their machinery, and all articles necessary for their outfit and equipment, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purposes no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than six months in any one year except upon the payment to the United States of the duties of which a rebate is herein allowed: *Provided*, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

The fact is there is no such thing as section 19 of the Payne-law in existence to-day. This was repealed by the portion of the Panama act, as follows:

That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States, and all such materials necessary for the building or repair of their machinery, and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe.

Your committee has not informed the House that the Panama act repealed that section, that it broadened the law as it then existed in section 19 of the Payne-Aldrich law set forth in your report, and that really your provision greatly restricts the provision of the Panama act, which I have shown to you. The free-material provision of the Panama act is restricted by this provision as follows, to be found in the bill at the bottom of page 206, line 24. The Panama act provides that materials for the construction or repair of vessels shall be admitted free. You limit free materials only for construction and not for repair. You notice that J, subsection 6, in your bill provides instead that all articles needed for repair may be imported free, but not materials. The Treasury Department, in a circular issued after the Panama act was passed, made the distinction between "articles" and "materials." "Material" was held to be the raw material for the finishing of the article. The article is the finished product. It is almost useless to attempt to import an article under such a construction for the repair of a ship. The practicable thing to do is to bring in the material for the making of the article for the repair of a ship. That was what the Panama act provides, but you have stricken out the opportunity to bring in material for the repair of a ship and only provide for the finished article. That is almost an impossibility, so that that provision for the article for the repair is practically worthless as you have included it in your bill.

Again, referring to the top of page 217, the Panama act provides for free admission of materials necessary for the building or repair of machinery. You strike out the words "material for the repair of machinery" and leave it only for the building of machinery. This is of some consequence, even though not much noticed. But the most important change is this: In lines 3, 4, and 5, on page 207, you provide:

All articles necessary for their outfit and equipment may be imported in bond under such regulations as the Treasury may prescribe.

In the very next line you say:

And upon proof that such materials have been used for such purposes no duty shall be paid thereon.

Duty shall be paid on what? On materials, not articles. Remember the construction placed upon the words "articles" as the finished product and "materials" as the raw basis for making the "articles." "Articles for outfitting and equipment" by the Panama act, section 5, are placed on the free list. By this provision you take them from the free list and again place them on the dutiable list. You thus change the law entirely and restrict its beneficent operation in most important particulars, while in your report you inform the House to the contrary.

The Panama act provides for the free admission of all of these things, the material for the construction and repair of

vessels, material for the construction and repair of machinery, and articles for outfitting.

This was the deliberate intention of Congress, as those of you who were here at the time the conference report upon the Panama bill was under consideration by the House last August know. This very situation was debated at length by the gentleman from Pennsylvania [Mr. MOORE], the gentleman from New York [Mr. PAYNE], and in favor of the proposition by the gentleman from Missouri [Mr. ALEXANDER]. It was the culmination of a 30-year movement for free ships for foreign trade and free materials for the construction, repair, and operation of our ships in all trades. The conference committee took the bill of the gentleman from Missouri, Judge ALEXANDER, which was then on the calendar of the House, with a favorable report not only from the Committee on the Merchant Marine and Fisheries but indorsed by the Department of Commerce and Labor, and substituted in place of the Senate provisions on this subject the corresponding clauses of the bill of Judge ALEXANDER. It required the adoption of a rule by the House to keep it in the report as against a point of order by the gentleman from Pennsylvania [Mr. MOORE]. Now, after that struggle and that experience it is very unfortunate that the effect of it should be completely ignored by the Committee on Ways and Means and the House misinformed in the report and the progressive movement for the assistance to our merchant marine checked by a return to former conditions. The beneficent provisions proposed by Judge ALEXANDER are all wiped out and repealed by this section and you confine the practical effect of this paragraph to materials for the construction of vessels, and that is the sole effect of what you do. That does seriously impair existing law. You restrict the provisions of the Panama act so that such provisions are practically worthless, and instead of giving the shipbuilders of this country an opportunity to import materials with the articles necessary for their construction and repair of ships, machinery and outfitting, you practically provide for only the importations necessary for the construction of vessels and machinery. I do not know whether the committee intended to restrict the privileges of the merchant marine, but they have certainly done so by their bill.

Mr. MANN. I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 207, line 1, after the word "or," strike out the word "domestic" and insert after the word "thereon," in line 7, the following: "All acts or parts of acts inconsistent with this subsection are hereby repealed."

Mr. TREADWAY. Mr. Chairman, before speaking to the amendment which I have offered, I wish to ask the indulgence of the House to make this one further reference to political conditions in Massachusetts, and I will be extremely brief in doing so. I wish to say that it is nearly 10 years now since I first had the honor of serving in the Massachusetts Legislature with the newly elected Member from Massachusetts [Mr. MITCHELL]. Since then I have sat with him in both branches of the Massachusetts Legislature. In the course of his argument this afternoon—an hour or more ago—he omitted, I think, one very salient feature having to do with the election in the thirteenth Massachusetts district a few weeks ago, namely, his own personal popularity in that district. He is an extremely popular man at home; he is a very able legislator, as I can testify from my own personal knowledge, and I wish to say that I think his modesty prevented him from bringing these facts forward as reasons contributing to his election. Further, the gentleman from Washington [Mr. BRYAN] referred to the conditions in Massachusetts, and I want to say this: That he is absolutely wrong when he said the Progressive candidate, Mr. White, was not a protectionist, because it happens that I talked with the gentleman the very day that Congressman Weeks resigned, and he said that he was going to appeal to the Republicans in that district to support him because he was a protectionist, and he wanted to make that the issue in the campaign. Again, the Progressive leader in Massachusetts, Mr. Mathew Hale, announced that if Mr. White secured Republican indorsement he would nominate another Progressive against him. I trust I have fully as much knowledge of political conditions in Massachusetts as has the gentleman living across the continent in the State of Washington.

But, speaking to the amendment which I have submitted, I would say that during the course of this tariff debate the entire compass of the Democratic revision has been completely boxed. At various points on this compass we are told by the gentlemen on the other side that the bill is to secure revenue, that it is to reduce existing rates, that it is to prevent monopoly, that it is a trust buster, that it is to lower prices to the downtrodden consumer, and, as the President said before this very body, "to sharpen the wits of the American manufacturer." In fact, it has a different panacea for every ill that the flesh of Republican prosperity is heir to. But, Mr. Chairman, our Democratic friends have been very particular not to designate one class of beneficiaries—namely, the importers and the manufacturers abroad. That is what is done by the insertion in this paragraph of the word "domestic." I also wish to have the amendment adopted in order that the clause in the Panama act, to which I refer, shall be amended to prevent the importation free of duty of equipment or materials for vessels. This has been done by the owners of the Fall River steamers, of the Hudson River steamers, and of the Norfolk & Washington Steamship Line. I believe that if the tariff bill of this administration, the bill we are now considering, does nothing else it ought at least to bring honor to the Democratic Party as causing the foundation of a league to benefit importers and foreign manufacturers. A marked illustration of this very question has been shown in my district, and it is on account of the fact that part of the equipment of a steamer on the Hudson River was imported free of duty that I ask for the adoption of this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. How much time have I remaining?

The CHAIRMAN. Ten minutes.

Mr. MANN. I yield two minutes to the gentleman from Pennsylvania [Mr. AINEY].

Mr. AINEY. Mr. Chairman, the people of this country are just awakening to the fact that a minority party temporarily in power is about to take advantage of its transitory authority and place upon the statute books of our Nation a tariff law the avowed purpose of which is to strike down the long-established policy of protection to American industry.

Under the specious argument of reducing the high cost of living it first attacks the products of the farm by proposing wholesale reductions of the present protective duty upon articles raised or produced by the American farmer, leaving the agricultural interests of our land to withstand the tide of importation from Canada, South America, and Europe.

On these articles the custom duty under the proposed Underwood bill is on an average but one-half what it is under existing law. Dairy products receive woeful hurt. Foreign butter soon may be imported to compete with the American product by paying 3 cents per pound in place of 6 cents; hay at $2 per ton in place of $4.

Apples will be called upon to compete with the great Canadian and Nova Scotian crops with the protection of only 10 cents per bushel as against an existing duty of 25 cents.

Milk and cream may, under the Underwood bill, be brought across the Canadian line at any point free of any duty, to depress the price, as against the protection afforded the farmer by the duty of 2 cents per gallon on milk and 5 cents per gallon on cream, which the existing tariff law requires to be paid.

Milk, preserved or condensed, will go upon the free list, and thus bring the American dairyman into unequal competition with the foreign products.

What is true of dairy products is equally true of grains and vegetables produced on the American farm, notably potatoes, which, under the present law, are subject to an import duty of 25 cents per bushel, will, under the Underwood bill, be admitted free, and so supplant the products of American soil.

When the Underwood bill becomes a law, those engaged in producing them must face a new rival and greater competition; and this, the Democratic Party frankly admits, is for the purpose of reducing the high cost of living.

The farmers of the country are asked to accept this tariff bill and policy, which lays the ax at the very root of the tree of their prosperity, because, forsooth, the Underwood bill proposes to place agricultural implements on the free list.

The Democratic proposition is to remove the duty on the implement with which the farmer digs his potatoes, and expect the farmer to so rejoice in the saving on the price of a hoe that he would welcome the flood of duty-free potatoes imported to depreciate the price of his own product.

Such logic could find no better illustration than in a proposition to cut one's throat to stop one's appetite.

I trust I have no narrow partisan spirit. I know that the sincere desire of my heart is the advancement of the material, moral, and intellectual welfare of the splendid and patriotic people of the district which has honored me, and of the grand old State of Pennsylvania, whose magnificent history records in glowing words a long list of great achievements in behalf of civil liberty.

The difference between the two great parties is fundamental, and is now more sharply defined than in any of the years past. The Republican Party stands squarely for the principle of protection. Rightly applied it recognizes that all men, with the most humble citizen, stand equal before our law, and that that equality can not be maintained except as by law we differentiate and protect him from the hordes of underpaid laborers of other lands, whose conception of individual rights does not accord with our own.

The toiler in America is an American citizen. This gives the highest honor which can rest upon anyone. The toiler in other lands is not protected and cared for by such an equality of citizenship or privilege.

The living and the wage must necessarily be different, and a protective tariff imposed by the Federal Government measures that difference and is calculated to keep and maintain every American citizen on the high plain and privilege of his American citizenship.

The Democratic Party, adopting and from time to time altering a fleeting terminology, has never successfully disguised its free-trade position, and now that it is in power it proposes to remove "the prop of a tax," by which it means the protective policy, and to open the doors of our ports to the free importation of foreign-produced articles, except as in those instances where, for revenue only, a duty is maintained under the evanescent term "competitive tariff."

A "competitive tariff." An unhappy though convenient term. It covers a multitude of errors of commission and omission. For a bill, actually nondescript in its real nature and purpose, built wholly upon theory, uncertain in principle, its schedules and rates based chiefly upon guesswork, as are the estimates of revenue to be derived from it, and return to the ad valorem system that opens the door to fraud, it may as well be called a "competitive tariff" as anything else. What does it mean? If it has any significance, is it not an invitation to foreign producers to come into our splendid home market with their wares and goods and compete with the products of our own farms and factories? If not this, what else can it mean? This is Democratic altruism; this is Democratic magnanimity. Seriously, was ever a proposition so unbusinesslike or so fallacious in political economy? Natural competition is all right. It has been called the life of trade. But when this principle is extended artificially, as it is proposed now to do, in order, as it is claimed for it, to break down artificial props to business; when it is extended beyond natural domestic zones it becomes a menace to home industry, whether the zone be a village or the entire country.

Now, what does this competitive tariff theory mean from the standpoint of those advocating it?

That it is a theory is admitted by the author of the bill. In his opening speech on this bill he said, "How do we arrive at a basis in writing a revenue tariff bill? We adopt the competitive theory."

Then the gentleman goes on to explain this competitive theory in this manner:

> We say that no revenue can be produced at the customhouse unless there is some competition between the products of foreign countries and domestic products. When we admit that some competition should exist in every line of industry, then it is a simple proposition to compare the amount of imports coming into this country with the amount of goods consumed, and you can ascertain at the customhouse whether there is any competition.

So here is the supposed basis upon which the rates in this bill were fixed—but the "simple proposition," as the gentleman calls it, of comparing imports with domestic consumption. No wonder the gentleman calls this a "theory." It is not only a theory, but an iridescent dream, as unsubstantial as the basis of every Democratic attempt at tariff revision.

This bill is not based upon the "simple proposition" its author lays down. On the contrary, it is based on guesswork, and is essentially devoid of a fixed guiding principle, either as a tariff-for-revenue-only bill or as a "competitive tariff."

The gentleman practically admits this. He says: "Unfortunately we have not had the data in all instances to determine this." But the President, he says, will be authorized to furnish the information annually, and when exact knowledge of the amount of imports and the American consumption in any given article is secured we will be able to tell whether rates are competitive.

In its platform in 1912 the Democratic Party charged that excessive prices result in large measure from the high-tariff laws enacted and maintained by the Republican Party.

The Republican Party denied this and declared "the steadily increased cost of living has become a matter not only of national but of world-wide concern," and further stated "the fact that it is not due to the protective-tariff system is evidenced by the existence of similar conditions in countries which have a tariff policy different from our own, as well as by the fact that the cost of living has increased while rates of duty have remained stationary or been reduced."

Now, with the power in their hands and about to be exercised when the protective system is to be wiped from our statute books, conscious of the fallacy of its position the Democratic Party seeks a way to escape, and the President of the United States and the Democratic leader in this House now intimate that reduction in the cost of living will be gradual.

The Democratic Party now faces, under its platform and its promises, the duty of giving to the people under this bill cheaper food and cheaper clothes and at the same time maintain for the farmer good prices for his products and to the workingman the present or better scale of wages for his labor and to the employer such economic conditions as shall enable him to continue his business on such remunerative basis as that he may maintain it on terms of equality between himself, his employees, and the purchasing public.

I shall not now take the time to present the glaring inconsistencies of this bill nor the failure of the theory upon which it is supposed to be based, nor even the method by which it has been constructed.

The Payne bill was severely criticized, both because of the alleged method of its creation as well as for its rates.

This criticism was expressed in many ways, but perhaps by none better than the writer of the following in the North American Review:

> The methods by which tariff bills are constructed now become all too familiar and throw a significant light on the character of the legislation involved. Debate in the Houses has little or nothing to do with it. The process by which such a bill is made is private, not public, because the reasons which underlie many of the rates imposed are private. The stronger faction of the Ways and Means Committee of the House makes up the preliminary bill, with the assistance of "experts" whom it permits the industries mostly concerned to supply for its guidance. The controlling members of the committee also determine what amendments, if any, shall be accepted, either from the minority faction of the committe or from the House itself. It permits itself to be dictated to, if at all, only by the imperative action of a party caucus.

This was penned by the then president of Princeton University, now the occupant of the White House. What he now thinks of tariff making in the light of practical experience must fully confirm his preconceived notions.

However, Mr. Chairman, after all the Democratic Party will be judged not so much by the methods employed in framing this bill as by the results accomplished by the bill itself. It is an experiment which our Democratic friends insist upon trying. They are responsible, but the people at large must suffer the consequences of their failure.

Mr. Chairman, the great State of Pennsylvania, with its widely diversified interests, has ever stood for the policy of protection. The farmer and wage earner, the merchant and the manufacturer have all been the recipients of beneficence.

My State took the initiative in protective tariff legislation, and the enactment of September 20, 1785, is said to have furnished the model for the first tariff law enacted by the Federal Government in 1789.

The preamble to Pennsylvania's tariff law reads as follows:

> SEC. 1. Whereas divers useful and beneficial arts and manufactures have been gradually introduced into Pennsylvania, and the same have at length risen to a very considerable extent and perfection, in so much that during the late war between the United States of America and Great Britain, when the importation of European goods was much interrupted, and often very difficult and uncertain, the artisans and mechanics of this State were able to supply in the hours of need not only large quantities of weapons and other implements, but also ammunition and clothing, without which the war could not have been carried on, whereby their oppressed country was greatly benefited and relieved.
>
> SEC. 2. And whereas, although the fabrics and manufactures of Europe and other foreign parts imported into this country in times of peace may be afforded at cheaper rates than they can be made here, yet good policy and a regard to the well-being of divers useful and industrious citizens who are employed in the making of like goods in this State demand of us that moderate duties be laid on certain fabrics and manufactures imported which do most interfere with and which (if no relief be given) will undermine and destroy the useful manufactures of the like kind in this country for this purpose.

Mr. Chairman, I confess allegiance to that school of political thought upon the tariff question which has sought to place the interests of a great people above the petty graspings of mere partisanship, a tariff policy which was bequeathed to us by our colonial ancestry, and to the support and construction of which the State of Pennsylvania contributed Thaddeus Stevens, a Whig; William D. Kelly, a Republican; and Samuel J. Randall, a Democrat. These great men, each in his way and time, believed in and advocated protection to American industries.

Here in this House these distinguished men upheld the American system and saw their hopes justified by constructive laws which they helped to pass and this country grow and prosper under the influence of beneficial tariff legislation.

In the days of Randall we were practically united in Pennsylvania on the tariff question. Democrats and Republicans

alike agreed that protection was necessary and should be sustained as a national institution. Our people believed in protection as a patriotic duty. It was the "Sam Randall" Democrats who in this House defeated the Morrison horizontal tariff bill that spelled "free trade."

That this policy has been beneficial to the United States one has only to place in evidence the industrial and commercial history of this country during the greater part of the last 50 years, when, with the exception of 4 years, we had protective-tariff laws. During the 4 years' exception—1893–1897—we had a Democratic administration and a Democratic tariff, and those who remember the suffering and misery of those 4 years do not want to return to the conditions then prevailing. What is true of our entire country is also true of Pennsylvania. Nothing can bless or injure other sections of this land without having a like effect upon the people of Pennsylvania. With our 8,000,000 people within a mighty domain of nearly 29,000,000 acres of land, we have improved the magnificent opportunities offered by natural resources and the wisdom of self-preserving laws to place the factory near the farm, to give manifold and diversified employment to both capital and labor, and to furnish a home market for the products of our husbandmen. And beyond the limits of our own State we have found an enlarged home market for our excess products, in exchange for which we have bought the products of our sister States that our people need but do not produce. Thus have we helped to enrich not only ourselves but our fellow Americans in other States as well, buying from foreign countries only those articles which are not produced here. This has been and is possible only under laws embodying the protective principle.

This bill now before us, however, proposes to change our system and to subject our farmers in Pennsylvania and other States, and our artisans, manufacturers, and business men and their employees to the ruinous policy of foreign competition. Its framers tell us that the farmers are not interested in or desirous of a duty on their products; that there is no good reason why farmers should fear from competition with the farmers of Canada or of any other country; and that it would make no difference to the farmer either in the price he receives or the extent of his market; but it would, they claim, cheapen farm products to the people in the cities.

If anybody thinks seriously that the farmers of this country want free trade in farm products and are indifferent as to protection, he has only to refer to the recent revolt among the farmers against the Canadian reciprocity treaty. That treaty had for its purpose mutual commercial relations; its chief purpose, from the standpoint of those representing the United States in its negotiation, was to reduce the cost of farm products to people in our cities and towns in exchange for certain concessions from Canada which would open Canada's market to our manufactured products. Our western farmers saw in this treaty a flooding of our markets with Canadian wheat, oats, barley, and other cereals, and our eastern farmers saw injury to them in Canadian garden truck, poultry, eggs, milk, butter, and the like. They rose up almost as one man against the treaty, and the great agricultural papers and magazines opposed it.

As injurious to them as the farmers thought the Canadian reciprocity treaty would be, it at least did not propose to throw away entirely our home market without exacting some conditions favorable to our own people. But the assault upon agriculture in this bill has not the saving grace of reciprocity, for there is no compensation to any American industry for the losses inflicted upon our farmers by it. This bill represents the logical position of the Democratic Party. They supported as one man the reciprocity treaty, because, as they said, it was a step in the right direction, and they also voted against the repeal of the reciprocity bill. And now they come along with a bill which goes farther than did the treaty and opens wide the door of our splendid home market to an invasion of Canadian farm products. If the farmers of the East and West rebelled at the polls against the treaty, what shall be their attitude toward this bill? I will leave this to our free-trade friends to answer.

Mr. Chairman, for the farmers of Pennsylvania I think I can say with certainty that they believe in protection. They would believe in protection even if they themselves were not affected thereby. For our farmers are unselfish in desiring a policy that they know will protect wage earners in our industries. The farmers know that if those wage earners are thrown out of employment or have their wages reduced as the result of a tariff law that will encourage foreign importations, as was the case under the last Democratic tariff law, then the farmer will lose his principal customer, for when the mills and mines and factories are idle, or running half time, and wages are reduced, the farmers suffer along with the workingmen. Farm values then become depressed; farm products become a drug on the market.

Notwithstanding the fact that the number of farms in Pennsylvania decreased 2.2 per cent from 1900 to 1910, according to the United States census reports, the acreage of improved farm land 4.1 per cent, and the average size of farms 1.6 acres; farm property including land, buildings, implements, and machinery and live stock, the latter including domestic animals, poultry, and bees, increased in value during the same period $201,646,000, or 19.2 per cent. These facts indicate the wonderful prosperity enjoyed by our farmers throughout the decade in which we had for seven years the Dingley tariff law and for three years the present law. And let me say here that the farmers of Pennsylvania enjoyed no more than their fair share of the general prosperity—it was not at the expense of the consumers of farm products, for the farmers received but a just price as the reward of their industry.

In 1910, 69.4 per cent of all the farms in Pennsylvania were operated by their owners and part owners; 3.5 per cent by managers; and 27.1 per cent by tenants; the percentage for owners and for managers being higher and that for tenants lower than in 1900. The owner class is increasing, and the tenant class decreasing. The total number of farms owned in whole or in part by the operators in 1910 was 164,229, of which number 112,156 were reported as free from mortgage indebtedness.

According to the report of the United States Department of Agriculture the value of all live stock in Pennsylvania in 1910 was $163,000,000, divided as follows: Horses, 619,000; mules, 43,000; milch cows, 1,146,000; other cattle 917,000; sheep, 1,112,000; swine, 931,000.

The same authority shows that for the year 1911 Pennsylvania farmers produced, of the principal crops, 63,858,000 bushels of corn, valued at $43,423,000; 17,462,000 bushels of wheat, valued at $15,862,000; 175,000 bushels of barley, valued at $114,000; 4,304,000 bushels of rye, valued at $3,443,000; 6,373,000 bushels of buckwheat, valued at $4,397,000; 15,120,000 bushels of potatoes, valued at $14,062,000; 3,148,000 tons of hay, valued at $62,690,000; and 65,320,000 pounds of tobacco, valued at $6,205,400.

Farmers of Pennsylvania also produced, in addition to the above staple crops, according to United States census figures for the year 1909, vegetables, not including potatoes, to the value of $10,014,000; nursery products valued at $4,725,987; small fruits valued at $1,175,000; orchard fruits, of which apples contributed about five-sixths of the quantity, worth $8,678,000; grapes and nuts valued at about $1,000,000; dairy products, exclusive of milk and cream used on the farm, producing $42,809,000, of which $15,668,000 represents the value of butter. The statistics as to wool production are incomplete, but show a value of $1,306,000. The fowls of Pennsylvania farmers in 1909 numbered 17,485,000, valued at $9,278,000, and they produced 70,903,000 dozens of eggs, valued at $15,658,000.

To produce their crops Pennsylvania farmers, according to the same authority for the same year, paid $25,611,838 for labor on 63 per cent of the farms reporting, which is one of the greatest relative increases in agriculture in that State during the decade 1899 to 1909. About one-fourth of this amount was expended for labor in form of rent and board.

For feed, of 64 per cent of farms reporting, there was spent $19,203,160, and $6,801,605 for fertilizer.

Now, in the pending Underwood bill there is an evident attempt to play the city against the country—to appear to be doing something for the so-called ultimate consumer at the expense of the farmer. It has been pointed out, however, by several gentlemen who have spoken that the farmer receives not more than 50 per cent of the prices paid for the products he sends to market, and yet he has to contend with as many difficulties, relatively, in the production of his crops as do those who produce the things he has to buy. We should not forget that Canadian reciprocity was brought forward in the same spirit. Stress was laid upon the promise that it would cheapen food to the people in the congested centers of population, just as you say this Democratic bill will do. But the farmers, who were not getting a fair share of the prices exacted from the consumer, protested against a policy that would add injury to insult.

The Secretary of Agriculture, Mr. Wilson, after an exhaustive investigation of this subject, had this to say:

> From the details that have been presented with regard to the increase of the prices of farm products between farmer and consumer, the conclusion is inevitable that the consumer has no well-grounded complaint against the farmer for the prices that he pays.

After consideration of the elements of the matter, it is plain that the farmer is not getting an exorbitant price for his products, and that the cost of distribution from the time of delivery at destination by the railroad to delivery to the consumer is the feature of the problem of high prices which must present itself to the consumer for treatment.

It requires money and brains to run a successful farm. No other business, I dare say, is subjected to greater uncertainties and risk, and to add to the farmers' handicaps the additional task of competing with the products of foreigners in what is and should be the American farmers' home market—the very best in the world—is to my mind economic short-sightedness amounting to folly. I stand for protection to the farmer.

In preparing this bill its authors have endeavored by an ill-concealed effort to keep some duties on representative raw farm products in order not altogether, as they hope, to incur the displeasure of American farmers, yet at the same time greatly reducing or placing on the free list the finished products. This is illustrated in the case of cattle, which is dutiable at 10 per cent, while meats go on the free list. Wheat furnishes another notable example, on which is a duty of 10 cents a bushel, and flour goes on the free list.

The following table is a comparison of rates under the present protective law upon certain agricultural products and provisions with the rates under the Underwood bill.

Comparison of rates under the present protective law upon certain agricultural products and provisions with the rates under the Underwood bill.

Item.	Present law.		Underwood bill.	
	Rate.	Equivalent ad valorem.	Rate.	Equivalent ad valorem.
Cattle, 1 year old or over:				
Valued at not more than $14 per head	$3.75 per head	27.58	10 per cent	10.00
Valued at more than $14 per head	27½ per cent	27.50	....do	10.00
Horses:				
Valued at $150 each or less	$30 per head	32.93	$15 per head	
Valued at over $200 each	25 per cent	25.00	10 per cent	10.00
Sheep:				
Less than 1 year old	75 cents per head	18.78	....do	10.00
1 year or over	$1.50 per head	14.13	....do	10.00
Barley	30 cents per bushel	43.05	15 cents per bushel	23.08
Macaroni, vermicelli, etc	1½ cents per pound	34.25	1 cent per pound	23.81
Rice, cleaned	2 cents per pound	54.05	....do	33.33
Wheat	25 cents per bushel	35.65	10 cents per bushel	14.29
Butter	6 cents per pound	25.51	3 cents per pound	12.00
Cheese	....do	31.79	20 per cent	20.00
Eggs	5 cents per dozen	36.38	2 cents per dozen	14.28
Hay	$4 per ton	43.21	$2 per ton	26.67
Peas, dried	25 cents per bushel	14.36	15 cents per bushel	9.55
Apples, peaches, quinces, cherries, plums, and pears, green or ripe	....do	20.23	10 cents per bushel	8.33
Figs	2½ cents per pound	51.53	2 cents per pound	42.11
Walnuts, not shelled	3 cents per pound	40.55	....do	28.66
Poultry, live	....do	43.10	1 cent per pound	6.67
Mustard	10 cents per pound	37.60	6 cents per pound	23.08
Vinegar	7½ cents per gallon	33.03	4 cents per gallon	17.39

The Underwood bill places on the free list meats, potatoes, swine, rye flour, wheat flour, buckwheat and buckwheat flour, milk, cream, corn meal, oatmeal, and rolled oats; and the door to our home market is also swung wide open to the cigars of the Philippine Islands, bringing them into competition with our native products.

All this, Mr. Chairman, without recompense or reciprocity to the farmers of this country for the privilege of this foreign invasion of their markets.

With her tremendous areas of cheap, undeveloped land, Canada is now a great competitor of the United States in nearly all agricultural products. Why flood the East with her garden truck, poultry, eggs, milk, butter, cream, and the like to the detriment of eastern farmers? And why allow Canada to come into our markets, practically unrestricted, with her wheat, oats, barley, and other cereals and depress the prices of these things that our western farmers produce?

Mr. Chairman, in few other States in the Union has the advice of Jefferson in 1816 that "we must place the manufacturer by the side of the agriculturist" been so well heeded as in the great State of Pennsylvania. Our varied and important natural resources have invited the establishment and growth of many industries. We have within our borders raw materials, such as oil, coal, iron ore, timber, limestone, clay, glass sand, natural gas, tobacco, and so forth, in large quantities, which are used in manufacturing.

In 1909, according to the United States census report, Pennsylvania had 27,563 manufacturing establishments, employing an average of 1,002,712 persons during the year, who received $566,524,000 in salaries and wages. Of the persons employed, 877,543 were wage earners. These establishments turned out products to the value of $2,626,742,000, to produce which materials costing $1,582,560,000 were utilized. The value added by manufacture was thus $1,044,182,000, which figures best represent the net wealth created by manufacturing operations during the last census year.

To select the industries in Pennsylvania that will be affected directly or indirectly by this bill would be to select practically all of them. I will therefore append to my remarks a table specifying 94 industries or industry groups which had in 1909 a product in excess of $700,000,000 in value. In addition to the industries presented in the table there are 2,893 other industries employing 56,433 wage earners, the value of whose products was $211,025,000 plus the value added by manufacture of $75,276,000.

Of the total number of establishments in all industries combined only 21.3 per cent were under corporate ownership in 1909, as against 78.7 per cent under all other forms.

One of the most remarkable illustrations of the benefits to be derived from a protective tariff is to be found in the tin-plate and terneplate industry in this country. "Prior to 1889," says the United States Census Reports on Manufactures, "the industry was of minor importance, but by 1899 it had assumed such proportions that in the Twelfth Census Reports it was for the first time classed as a separate industry."

It will be remembered that before the passage of the McKinley tariff law we were practically at the mercy of English manufacturers of tin plate. From 1871 to 1891 we imported into this country 3,622,750 gross tons of tin plates, the foreign value of which was $307,341,404.

The McKinley bill put a duty of 1.85 and 2.2 cents per pound upon tin plates, according to gauge. This duty went into effect July 1, 1891. What was the result? Importations, which in the fiscal year 1891 were 1,036,489,074 pounds, valued at $35,746,920, fell off in the fiscal year 1894 to 454,160,826 pounds, valued at $11,969,518, and although the development of the industry was arrested by the Wilson law of 1894, which cut the rates about one-half, the encouragement again accorded it by the restoration of the McKinley rates by the Dingley Act of 1897, enabled the industry to grow in this country and keep pace with the consumption, until now we produce practically all of the tin plate consumed here. This has been done with no material increase in price, so that the consumer has not suffered in the least. The industry has been transferred to this country. It has given direct employment to many thousands, with American wages, and to thousands in allied and kindred industries. How did this tariff on tin plate affect Pennsylvania? Let me answer by quoting again from an official authority, the United States Census Report of 1910: "Prior to 1889 the industry was of minor importance, but by 1889 it was classed as a separate industry. In the manufacture of these products Pennsylvania ranks first among the States, reporting more than 50 per cent of the total product of the United States in 1909."

Mr. Chairman, here is an industry in my State just 20 years old, employing upward of 50,000 people, turning out products

worth $25,000,000 a year, paying $1,400,000 in wages, which never would have been established but for a protective tariff. And yet Democratic statesmen, including Mr. Cleveland, characterized the duty on tin plate as "robbery" and "idiotic statesmanship."

This bill reduces the duty on tin and terne plates from 26.74 per cent, the equivalent ad valorem under the present law, to 20 per cent ad valorem, on which our Democratic friends hope to increase the revenue from these articles, and this can only mean increased importations to a market now supplied by our own establishments where there is already competition.

Pennsylvania holds the first place among the mining States. In 1909 its mining industries gave employment to 405,685 persons, more than one-third of all persons employed in all mining enterprises in the United States. The net value of the mine products of Pennsylvania in that year was $345,960,603. The expenses of operating and development were $300,977,955, of which $210,531,202 was expended for salaries and wages.

The principal industry of the State—coal mining—gave employment to 173,263 wage earners in the anthracite fields, and 184,408 in the bituminous regions. The net value of the combined product of coal was $296,396,507, almost equally divided. The net value of petroleum and natural gas-well products was $36,126,096, which together with the value of coal constituted 96.1 per cent of the total net value of mining products in the State.

Mr. Chairman, even if it were desirable, it is impossible to refer in greater detail to the manifold industries of the State of Pennsylvania, which will be more or less affected by this bill. That I have referred to them at all is merely for the purpose of calling attention to their great magnitude and to show at a glance the stupendous growth of farming, manufacturing, and mining in the State of Pennsylvania, a State whose people have always stood for protection, because they have had material evidences of the wisdom of that policy. But I share in the apprehension that exists in that State to-day, that this bill which departs from the protective policy will affect disastrously the welfare of the industries of Pennsylvania upon whom our people are wholly dependent, and from which they are receiving benefits that enable them to live according to our American standards.

Our people would rather "bear those ills" such as they have and hold fast to the substance of good times, steady employment, and good wages than "to fly to other ills they know not of" in the mere shadow of good things promised in this bill.

Every schedule in this bill and the free list contains reductions of duty or no duty at all which affect our Pennsylvania farmers, manufacturers, and workingmen. Inequalities, injustices, incongruities, and disaster are written in almost every line. The duty on finished products in many instances are lowered, while the materials from which such things are made must pay a higher duty. Cattle must pay a duty, while meats are let in free. Wheat must pay a duty, while flour will come in free. This bill will, it is admitted, destroy certain industries, some outright. The wool-growing industry must go to the Democratic slaughterhouse. The sugar industry must suffer a lingering death of three years.

Why this wanton onslaught upon American industries? Why this outrage upon American thrift and enterprise to test the theories of a political party which has never yet written a tariff law that brought prosperity to our land? Instead of encouraging and fostering the enterprises of our own people, this bill will throw a wet blanket of depression upon the aims and aspirations of our fellow countrymen and correspondingly bring joy and hope to people in other lands the world over. [Applause on the Republican side.]

Census statistics of Pennsylvania.

Industry.	Number of establishments.	Wage earners.		Value of products.		Value added by manufacture.		Per cent of increase.[1]			
		Average number.	Per cent distribution.	Amount.	Per cent distribution.	Amount.	Per cent distribution.	Value of products.		Value added by manufacture.	
								1904–1909	1899–1904	1904–1909	1899–1904
All industries	27,563	877,543	100.0	$2,626,742,000	100.0	$1,044,182,000	100.0	34.3	18.5	28.5	17.5
Iron and steel, steel works and rolling mills	189	126,911	14.5	500,344,000	19.0	171,331,000	16.4	37.5	9.3	36.1	10.6
Foundry and machine-shop products	1,695	86,821	9.9	210,746,000	8.0	109,735,000	10.5	37.4	.....	30.1	.....
Iron and steel, blast furnaces	66	14,521	1.7	168,578,000	6.4	26,504,000	2.5	56.9	5.8	25.4	−43.6
Leather, tanned, curried, and finished	163	14,008	1.6	77,926,000	3.0	18,813,000	1.8	12.2	24.8	34.2	6.1
Woolen, worsted, and felt goods, and wool hats	217	27,409	3.1	77,447,000	2.9	22,813,000	2.2	38.5	14.7	22.1	7.4
Cars and general shop construction and repairs by steam-railroad companies	132	46,645	5.3	76,035,000	2.9	34,634,000	3.3	24.6	41.7	20.8	43.9
Printing and publishing	2,461	24,696	2.8	70,584,000	2.7	47,831,000	4.6	28.2	36.4	22.7	33.7
Silk and silk goods, including throwsters	226	36,469	4.2	62,061,000	2.4	26,895,000	2.6	57.8	26.6	78.5	34.7
Lumber and timber products	2,667	26,873	3.1	57,454,000	2.2	30,140,000	2.9	1.3	5.2	−7.1	12.1
Petroleum, refining	41	2,900	0.3	53,088,000	2.0	5,648,000	0.5	11.9	3.7	33.8	14.4
Slaughtering and meat packing	180	3,050	0.3	51,851,000	2.0	7,006,000	0.7	56.6	29.6	47.2	27.6
Coke	146	15,331	1.7	51,816,000	2.0	18,054,000	1.7	79.1	29.8	29.5	31.5
Tobacco manufactures	2,432	33,188	3.8	50,161,000	1.9	29,448,000	2.8	22.7	24.9	18.0	20.4
Hosiery and knit goods	464	38,206	4.4	49,658,000	1.9	22,440,000	2.1	61.2	40.5	51.9	34.4
Liquors, malt	237	7,234	0.8	47,713,000	1.8	35,103,000	3.4	36.9	19.5	37.2	13.5
Bread and other bakery products	3,185	12,221	1.4	45,850,000	1.7	18,520,000	1.8	37.4	60.6	31.6	44.6
Flour-mill and gristmill products	1,450	2,432	0.3	44,783,000	1.7	6,613,000	0.6	16.3	30.3	24.4	12.9
Clothing, men's, including shirts	696	23,623	2.7	39,682,000	1.5	19,819,000	1.9	25.1	5.5	31.3	3.1
Cotton goods, including cotton small wares	175	16,293	1.9	33,917,000	1.3	15,160,000	1.4	29.0	3.3	26.6	2.4
Clothing women's	401	15,701	1.8	32,837,000	1.3	14,681,000	1.4	117.7	29.0	104.4	32.4
Glass	112	23,710	2.7	32,818,000	1.2	20,184,000	1.9	18.6	25.7	10.0	17.8
Electrical machinery, apparatus, and supplies	84	11,025	1.3	31,351,000	1.2	17,816,000	1.7	19.4	37.4	19.6	92.4
Cars, steam-railroad, not including operations of railroad companies	13	7,766	0.9	27,510,000	1.0	8,508,000	0.8	41.6	0.9	51.7	−20.7
Tin plate and terneplate	17	2,346	0.3	25,234,000	1.0	2,336,000	0.2	30.5	54.4	33.3	−19.2
Carpets and rugs, other than rag	93	11,510	1.3	24,879,000	0.9	10,231,000	1.0	−8.3	17.3	−1.8	11.5
Boots and shoes, including cut stock and findings	140	10,822	1.2	20,219,000	0.8	8,155,000	0.8	35.8	7.6	36.4	16.1
Paper and wood pulp	62	6,656	0.8	19,873,000	0.8	8,475,000	0.8	29.0	25.6	22.8	17.1
Furniture and refrigerators	304	9,924	1.1	18,952,000	0.7	9,913,000	0.9	48.3	26.9	35.1	32.3
Cement	27	8,080	0.9	18,855,000	0.7	8,747,000	0.8	84.2	.....	48.9	.....
Iron and steel pipe, wrought	11	3,873	0.4	18,291,000	0.7	4,209,000	0.4	90.1	−37.5	74.3	−35.5
Copper, tin, and sheet-iron products	339	6,815	0.8	17,197,000	0.7	8,346,000	0.8	77.5	35.6	76.2	35.3
Chemicals	37	3,185	0.4	15,978,000	0.6	5,778,000	0.6	35.7	.....	28.1	.....
Gas, illuminating and heating	99	3,119	0.4	15,840,000	0.6	11,741,000	1.1	46.5	37.3	53.2	62.4
Liquors, distilled	88	724	0.1	14,367,000	0.5	11,255,000	1.1	193.1	−8.5	330.6	−31.0
Paint and varnish	114	1,992	0.2	14,020,000	0.5	4,819,000	0.5	20.5	3.0	34.9	−24.1
Butter, cheese, and condensed milk	536	1,177	0.1	13,544,000	0.5	1,870,000	0.2	17.0	12.5	−2.9	22.0
Confectionery	251	5,408	0.6	13,542,000	0.5	5,339,000	0.5	34.4	34.6	27.4	31.5
Pottery, terra-cotta, and fire-clay products	139	9,003	1.0	13,072,000	0.5	8,963,000	0.9	21.5	32.4	14.2	38.3
Hats, fur-felt	38	7,220	0.8	13,023,000	0.5	8,010,000	0.8	77.2	73.2	73.3	94.5
Carriages and wagons and materials	655	7,498	0.9	12,748,000	0.5	7,041,000	0.7	10.9	9.9	6.8	6.2
Patent medicines and compounds and druggists' preparations	367	2,761	0.3	12,656,000	0.5	7,346,000	0.7	33.8	5.8	36.7	3.9
Dyeing and finishing textiles	135	6,086	0.7	12,059,000	0.5	6,728,000	0.6	77.7	−3.6	64.7	5.7
Marble and stone work	596	9,264	1.1	11,570,000	0.4	7,850,000	0.7	72.4	24.9	67.8	45.3
Canning and preserving	83	2,753	0.3	9,484,000	0.4	4,819,000	0.5	17.6	33.5	19.5	29.6
Brick and tile	326	8,058	0.9	9,225,000	0.4	6,772,000	0.6	26.7	22.3	19.2	18.0
Soap	59	1,197	0.1	9,124,000	0.3	3,177,000	0.3	31.1	92.6	9.4	91.1
Brass and bronze products	104	2,080	0.2	8,455,000	0.3	2,850,000	0.3	.....	.....	.....	.....

[1] Percentages are based on figures in Table I; a minus sign (−) denotes decrease. Where the percentages are omitted, comparable figures can not be given.

Census statistics of Pennsylvania—Continued.

Industry.	Number of establishments.	Wage earners.		Value of products.		Value added by manufacture.		Per cent of increase.			
		Average number.	Per cent distribution.	Amount.	Per cent distribution.	Amount.	Per cent distribution.	Value of products.		Value added by manufacture.	
								1904–1909	1899–1904	1904–1909	1899–1904
Cutlery and tools, not elsewhere specified	129	4,250	0.5	$3,022,000	0.3	$4,591,000	0.4	37.9	55.5	23.2	67.9
Stoves and furnaces, including gas and oil stoves	74	4,198	0.5	7,409,000	0.3	4,937,000	0.5	−3.7	.....	−8.5	.....
Millinery and lace goods	105	4,235	0.5	6,770,000	0.3	3,016,000	0.3	145.4	76.4	136.4	65.3
Fertilizers	48	1,224	0.1	6,543,000	0.3	1,930,000	0.2	59.8	12.4	60.3	13.6
Automobiles, including bodies and parts	44	3,199	0.4	6,532,000	0.3	2,481,000	0.2	432.8	1,138.4	297.0	819.1
Explosives	27	1,033	0.1	6,388,000	0.2	2,300,000	0.2	59.2	54.6	53.6	36.7
Shipbuilding, including boat building	31	3,558	0.4	6,178,000	0.2	3,468,000	0.3	−40.2	−28.7	−32.6	−29.7
Leather goods	156	2,524	0.3	5,824,000	0.2	2,671,000	0.3	13.0	28.9	6.4	18.4
Boxes, fancy and paper	118	4,604	0.5	5,184,000	0.2	2,894,000	0.3	32.7	30.8	29.8	29.2
Umbrellas and canes	45	2,315	0.3	5,060,000	0.2	1,912,000	0.2	−1.4	−12.6	5.4	−25.2
Steam packing	31	1,677	0.2	4,987,000	0.2	2,006,000	0.2	22.9	119.0	−15.7	132.6
Ice, manufactured	170	1,606	0.2	4,823,000	0.2	3,598,000	0.3	64.3	44.0	61.7	35.1
Chocolate and cocoa products	6	863	0.1	4,811,000	0.2	1,856,000	0.2	125.4	105.4	149.5	340.2
Cordage and twine and jute and linen goods	18	2,119	0.2	4,805,000	0.2	1,804,000	0.2	−6.5	−29.2	21.1	−17.6
Agricultural implements	36	2,401	0.3	4,805,000	0.2	2,723,000	0.3	−4.2	56.9	−7.4	49.6
Cooperage and wooden goods, not elsewhere specified	133	1,630	0.2	4,630,000	0.2	1,641,000	0.2	16.5	23.7	5.6	31.4
Saws	15	1,876	0.2	3,794,000	0.1	2,388,000	0.2	14.2	32.9	22.1	30.1
Paper goods, not elsewhere specified	34	1,357	0.2	3,719,000	0.1	1,494,000	0.1	.....	.....	.....	.....
Wall paper	11	1,056	0.1	3,695,000	0.1	1,386,000	0.1	22.2	4.5	11.2	19.1
Smelting and refining, not from the ore	24	206	(1)	3,577,000	0.1	599,000	0.1	29.8	9.3	26.1	4.2
Lime	348	3,258	0.4	3,342,000	0.1	2,304,000	0.2	32.9	.....	31.6	.....
Cork, cutting	10	1,727	0.2	2,965,000	0.1	1,296,000	0.1	−6.6	45.2	−5.7	28.7
Gas and electric fixtures and lamps and reflectors	75	1,482	0.2	2,962,000	0.1	1,723,000	0.2	16.5	1.2	0.9	17.2
Wood distillation, not including turpentine and rosin	50	933	0.1	2,960,000	0.1	1,276,000	0.1	−4.3	.....	−7.8	.....
Clocks and watches, including cases and materials	8	1,395	0.2	2,873,000	0.1	1,701,000	0.2	.....	.....	.....	.....
Coffins, burial cases, and undertakers' goods	36	1,103	0.1	2,757,000	0.1	1,182,000	0.1	38.6	63.8	20.1	56.4
Cars and general shop construction and repairs by street-railroad companies	65	2,442	0.3	2,747,000	0.1	1,653,000	0.2	118.2	1.1	113.0	19.6
Dentists' materials	23	1,072	0.1	2,745,000	0.1	1,420,000	0.1	17.5	27.8	53.2	9.3
Musical instruments, pianos and organs and materials	30	1,182	0.1	2,382,000	0.1	1,134,000	0.1	35.6	18.1	2.1	27.0
Boxes, cigar	77	1,801	0.2	2,328,000	0.1	1,076,000	0.1	23.9	21.0	25.7	33.1
Brooms and brushes	139	860	0.1	2,304,000	0.1	1,049,000	0.1	34.9	−3.4	17.2	8.1
Mattresses and spring beds	83	745	0.1	2,223,000	0.1	890,000	0.1	11.0	6.7	−0.2	21.9
Shoddy	20	450	(1)	2,051,000	0.1	588,000	0.1	−6.9	52.1	19.8	29.6
Buttons	24	1,123	0.1	1,565,000	0.1	819,000	0.1	73.9	−9.9	51.7	−9.4
Files	7	1,217	0.1	1,540,000	0.1	1,113,000	0.1	36.6	−8.8	52.0	−5.9
Fancy articles, not elsewhere specified	52	828	0.1	1,385,000	0.1	793,000	0.1	54.9	0.9	50.2	11.9
Belting and hose, leather	17	156	(1)	1,379,000	0.1	368,000	(1)	59.4	29.9	13.6	65.3
Safes and vaults	7	695	0.1	1,338,000	0.1	695,000	0.1	0.4	86.4	13.3	63.3
Artificial flowers and feathers and plumes	30	805	0.1	1,319,000	0.1	644,000	0.1	.....	.....	.....	.....
Jewelry	75	456	(1)	1,275,000	0.1	678,000	0.1	22.6	50.1	21.7	26.6
Fur goods	58	227	(1)	1,217,000	(1)	673,000	0.1	69.5	−8.5	95.1	−17.3
Photo-engraving	31	489	0.1	1,132,000	(1)	901,000	0.1	41.1	111.6	33.7	110.6
Hats and caps, other than felt, straw, and wool	53	744	0.1	1,097,000	(1)	554,000	0.1	3.2	.....	3.2	.....
Optical goods	24	579	0.1	1,053,000	(1)	602,000	0.1	125.7	− 8.0	90.5	− 0.3
Ink, printing	8	165	(1)	1,050,000	(1)	427,000	(1)	53.5	67.6	52.0	37.7
Typewriters and supplies	8	555	0.1	1,017,000	(1)	828,000	0.1	403.5	−54.4	483.1	−61.4
Crucibles	5	106	(1)	728,000	(1)	298,000	(1)	−7.1	−31.6	19.2	2.0
All other industries	2,893	56,433	6.4	211,025,000	8.0	75,276,000	7.2	.....	.....	.....	.....

[1] Less than one-tenth of 1 per cent.

[Mr. KINKAID of Nebraska addressed the committee. See Appendix.]

Mr. MANN. Is the gentleman from Alabama [Mr. UNDERWOOD] going to close in one speech?

Mr. UNDERWOOD. No; I will close with two speeches. I yield four minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, the result of this section is to insure that the American importer will choose the American bottom rather than other bottoms in which to import his goods from abroad. The general economic result will be a lowering of the tariff, not 5 per cent ad valorem, as some gentlemen have stated, but 5 per cent of the existing rate, which will be less than 2 per cent ad valorem. Now, the tendency of this result will be this: At present American agencies of transportation do not get a square deal. They do not have an equality of opportunity for the transport business of the high seas. It is in line with Democratic priuciple to help establish this equality of opportunity. And, furthermore, on the high seas to-day, on account of combines, there is a tendency to use the bludgeon and destroy the young company that tries to build up a transportation business by combinations that apportion all the business among themselves without lowering the rate. It will be in keeping with the spirit of the revision of this tariff bill, tending to curb the power of the combine, tending to prevent slaughter and the imposition of the strong upon the weak.

But, Mr. Chairman, it will have a broader significance. The time has come when America, that produces the great world staples, is going to secure the markets of the world in the great staples of clothing, in the great staples of construction, the great fundamental world staples, and ere long America will be able to produce, indeed, is now able to produce, these world staples cheaper than any other country. It means that we have come to a period when we must move out and gain the markets of the world. Now, to do this we must not be dependent upon our rivals and competitors for the transportation of our goods to the same competitive market. The time has come for America to give some serious attention to the question of her merchant marine. If I had time I would point out the great importance of the merchant marine for an efficient naval reserve, an important factor in national defense. Water transportation does not require the climbing of hills against gravity, or entail the heavy friction of solids on solids. Its inherited advantages for the transportation of a nation's power and commerce on the high seas will settle the future growth, prosperity, and the very survival of the great industrial nations now competing for supremacy. This paragraph is one of the most important paragraphs of the bill. It is a constructive measure inaugurated by the Democratic Party to build up our decayed merchant marine. The time has come to give serious consideration by our people to the question of foreign commerce, and the transportation of that commerce in American bottoms. It will really work the beginning of a new era in the maritime history of America.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, in the closing of the general debate I called the attention of the committee to what seemed to me to be the inevitable fact, that the provisions in this section either amounted to nothing at all or else amounted to a discriminating duty of 15 per cent against goods imported in foreign bottoms. So learned a gentleman as the gentleman from Alabama [Mr. HOBSON], who has just spoken, has evidently been deceived by what I think is a sort of a confidence game in proposing subsection 7 of paragraph J, which reads:

A discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States.

There is no question but that that provision in the bill provides that goods coming in American bottoms shall not pay 100 per cent of the tariff rate fixed to this bill, but shall pay only 95 per cent. But we have trade conventions with every maritime country of the world which provide that the goods imported in their bottoms shall pay the same rate and only the same rate as goods imported in American bottoms. If that be applicable to these countries, then, instead of collecting 100 per cent of the tariff rates on goods imported in foreign bottoms, we shall collect only 95 per cent, which is the rate fixed for goods imported in American bottoms.

But suppose that this provision in the bill takes the place of the conventions which we have in effect. Then I call the attention of the committee to subsection 1, which provides that in addition to the 100 per cent there shall be collected a discriminating duty of 10 per cent on all goods imported in vessels of countries where they do not pay the same rate of duty as is imposed on goods imported in vessels of the United States. The language is—

That a discriminating duty of 10 per cent ad valorem, in addition to the duties imposed by law, shall be levied, collected, and laid on all goods, wares, or merchandise which shall be imported in vessels not of the United States—

With this exception:

But this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States.

In other words, if we do not admit goods imported in foreign bottoms at the same rate of duty as we impose on goods imported in American bottoms, then we are to add a 10 per cent discriminating duty against them.

The gentleman from Washington [Mr. HUMPHREY] has called attention to a few of the conventions—we have many of these conventions—which have been entered into because of this discriminating duty of 10 per cent, which has been carried in the law for many, many years. In the first place, we put on a discriminating duty of 10 per cent against goods imported in foreign bottoms in order to force foreign countries to admit our goods taken to those countries in American bottoms at the same rate as goods taken in their bottoms. It was the custom in the old days for a country to provide that goods imported in their own bottoms should pay a less rate of duty than goods brought in foreign bottoms. That was a discrimination against us, and hence we put into the law, years ago, a discriminating rate of duty of 10 per cent against all Nations which did not admit goods in our vessels at the same rates as goods transported in their own vessels.

Now comes a proposition designed to fool the American people—designed to fool even so learned a gentleman as the gentleman from Alabama [Mr. HOBSON], who is noted for his belligerency and his advocacy of the sea. Even he has been misled.

This bill as it stands now, of course, will never be enacted into law. Since I called the attention of the House to this subject in general debate the gentlemen in charge of the bill have been looking into it. While the gentleman from Alabama is too proud to admit amendments from this side of the House or to accept suggestions from this side of the House, he and I both know that this provision in the bill will be changed in the distinguished body at the other end of the Capitol and that all the pretense that you are attempting here to give a discrimination in favor of the American merchant marine will go out of the bill.

It is just a pure, calm game which has been exploded and goes up in the air. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, has all time expired on the other side?

Mr. MANN. Well, I relinquish the remainder of my time.

The CHAIRMAN. All time has expired on the side of the gentleman from Illinois.

Mr. UNDERWOOD. Mr. Chairman, in five minutes I can not discuss all the issues that have been raised, but, as I pointed out to the gentleman from Illinois [Mr. MANN] a few days ago, subsection 1 of this paragraph relates to discriminations by foreign nations against our ships. Subsection 7 relates to a discrimination in favor of our shipping by our own country. The two propositions are entirely separate and distinct.

Now, there are gentlemen who contend that if subsection J were enacted law it would mean, instead of discriminating in favor of American shipping, that we will reduce the duties on all imported goods coming into this country by foreign vessels by reason of treaty rights. I never have believed in that contention. I do not think it is a fair construction of the law; but I have in my office here letters transmitted to me by the State Department, from three of the leading maritime nations of the world, protesting against this section, because they say it is a discrimination against their vessels. Now, if the contention that is being made by gentlemen on that side of the House is correct, that goods coming from Germany, or France, or England would be admitted 5 per cent cheaper than they would if this section was removed, I can not see why the ambassadors from three great maritime nations should protest against this paragraph. It may be that the chancellors, supposed to be learned in the law of nations, supposed to be here to guard their own countries, are mistaken as to the effect of this paragraph, and that the gentlemen on that side of the House are better lawyers as to the effect on their commerce and their ships than are the chancellors, but I am inclined to think that with the weight of their protests leaning in favor of the construction that I placed on this paragraph in the opening of this debate, it is safe to say that in the end this construction will be maintained.

Now, I do not contend that the proposition presented to this House is all that might be done or all that can be done in the future, but I do say that the time has come when the American people must turn their thoughts, their energies, and their patriotism to the upbuilding of a great merchant marine. [Applause on the Democratic side.] I have never believed in a subsidy, the taxing of one man for the benefit of another. It has never been sound doctrine on this side of the House, although that side of the House proposed it at one time, but could not enact it into law. But there never has been anything in remitting taxes for the benefit of the people that was in violation of the principles held by the men of our faith. There is a vast difference between levying a tax to build up a man's interest or his industry and remitting a tax or a portion of a tax in order that he may develop and grow. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The first amendment to be voted upon is the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

Mr. MANN. May we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The Clerk read as follows:

Page 207, line 1, after the word "or," strike out the word "domestic" and insert after the word "thereon," in line 7, the following: "All acts or parts of acts inconsistent with this subsection are hereby repealed."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 207, strike out all of subsection 7.

The amendment was rejected.

The Clerk read as follows:

J. Subsection 7. That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I suggest to the gentleman that all debate on this section has been closed by order of the committee.

The Clerk read as follows:

K. The privilege of purchasing supplies from public warehouses, free of duty, and from bonded manufacturing warehouses, free of duty or of internal-revenue tax, as the case may be, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privileges toward the vessels of war of the United States in its ports.

Mr. MOORE. I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, I make this motion merely for the purpose of having read from the Clerk's desk an article from the Marine Journal.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk read as follows:

A GOOD MEASURE RUINED—THE PREFERENTIAL DUTY GRANTED TO FOREIGN-BUILT AND PROBABLY FOREIGN-OWNED SHIPS.

That historic Democratic capacity for blundering is in painful evidence again, in the amendment hastily adopted by the House Democratic caucus to the preferential-duty paragraph of the Underwood tariff bill. As originally drawn and introduced by Chairman Underwood, this clause was sound and just, following the policy of the fathers of the Government and granting a remission of 5 per cent of the customs duties on goods, wares, or merchandise imported "in vessels built in the United States" and "wholly the property of a citizen or citizens thereof." This would have given employment to American shipyards and all the industries dependent on them, and would have created a real American merchant marine.

But the House Democratic caucus, at the instance of Representatives of the ship-hating Middle West, changed the paragraph so that the advantage of the preferential duty is bestowed upon "all vessels entitled to be registered under the American laws." The Panama Canal act of last August admits to American registry for the foreign trade any foreign-built vessel properly seaworthy and not more than 5 years old. Such a vessel would be held to be American owned by a corporation organized in the United States, though the bulk of the stock might be held and the real control exercised by foreigners.

Under these provisions it will be possible for the Hamburg-American or any other wholly foreign concern to set up a dummy corporation in this country, transfer a certain number of its foreign ships to American register, order a few ship officers to become naturalized, and under our easy-going laws claim the 5 per cent remission of customs duties, every cent of which in such a case would go out of our country to Europe. In time of war these foreign-built ships would be promptly taken out of American register and perhaps placed at the disposal of our enemies, as was done by the Hamburg-American Co. with some of its fast New York liners in the War with Spain.

The Democratic Party has fought long and successfully the subsidizing of real American-owned and American-built ships, but in this amended paragraph of the Underwood tariff bill the Democratic leaders are frankly giving, if not a subsidy, a very great advantage of 5 per cent of the customs duty of the foreign-built ships, nominally under the American plan but actually owned and controlled by the great shipping combinations of Europe. This unconscionable amendment will array against the Underwood bill the ship owners and builders of this country, in addition to the manufacturers and merchants, who are already so earnestly opposing it. The Marine Journal states its deliberate opinion that the preferential-duty paragraph as now bungled is worse than worthless for the development of a genuine American ocean fleet.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

L. That whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. HOBSON. Mr. Chairman, I desire to consume these five minutes in referring to the economic conditions of the South, particularly as they exist in Alabama, as raised in connection with the remarks of the gentleman from Illinois [Mr. MANN]. I will not stop to refer to the handicap with which the South started out following the war, the impoverishment by the war, and the tremendous handicap of the reconstruction period, but I would like to call attention to this fact: The tariff policies of the Nation for the last 40 years have been a direct handicap upon the South along with other agricultural sections. This indirect system of taxation provides practically for the collection of about $309,000,000 annually in our customhouses. Now, it is estimated that there is collected from the people of the United States by the protected interests about $1,600,000,000, or six to one in excess of the tax that goes to the Government. Now, there are exceptions, but I make the broad statement that the activities of these great protected interests lie in the great cities, and that the net result has been that the taxing system of the United States for 45 years has given a stupendous advantage to the cities as against the rural sections, and the South is entirely rural.

Again, let me point to the question of the evolution of our financial policy, if you can say we have anything worthy of the name of a financial policy. We have developed a system under which the strong men control the financial facilities of the Nation. They can finance themselves—the powerful banker, the great manufacturer, the great merchant, those who live in the cities. But there is no such provision for the small men; no such provision for the farmers. The Federal banking law we have on the statute books actually forbids a national bank to loan money on a farm, the best security in the world.

Now, again, take the vital question of transportation. It has been the practice—and still is, in spite of the work done by the Interstate Commerce Commission—for the railroads to give reduced rates on carload lots when the goods are destined for the great cities. They are hauled through the little towns to the big cities, hundreds of miles farther on, at a cheaper rate than they are allowed to stop at the little towns.

The net result of this whole combination in the last 40 or 50 years has been a tremendous advantage for the great cities as against the rural sections. Therefore, in spite of our fair land and rich soil, the great trend of our population, unnaturally, for 40 years has been from the country toward the city. Now, the South is altogether rural, so that all the public policies of the Nation have kept the South down. In spite of these tremendous handicaps, the South in the last few years has made greater proportional progress than any other section of America; greater progress, indeed, than any other section of the world. But I wish to emphasize, Mr. Chairman, that the South is the promised land of the future, and I hope the gentlemen here will take this message to investment capital and to the young men of their districts. There is, indeed, a combination of conditions in the South that promises for the future—in the near future—a greater development than the world has ever seen.

Take the question of cotton, which the gentleman has very aptly referred to. The Gulf Stream flows not far from the coast, and with its warm current raises vast volumes of moisture into the air. Our continent is like a great funnel leading up from the Gulf Stream, the Appalachians on the one hand and the Rockies on the other, with the Great Lakes at the north, which are cold the year around. In the spring and early summer these conditions cause the great volumes of moisture from the Gulf Stream to pass over the South and on up the Mississippi Valley. This moisture is precipitated in its course and makes the cotton region in the South and the corn belt of the Middle West. Now, in the fall the reverse current sets in and we get the dry weather for maturing the cotton and gathering it. There are rich lands in other parts of the world, Mr. Chairman, but there is no place on earth where you will find a repetition of this meteorological condition. Consequently you can say it is decreed that the South for all time is the home of production of the primary staple of clothing for all the world. Governments have tried in every other land to produce it on a large scale and have failed. Fig leaves are out of fashion; hides, furs, silks, and wool are limited to a small fraction of the world's demand, while there can be some choice in foods, and for food man is adaptable, there is only one substance upon which all nations must depend for their clothes; and just as the world develops, the population increases, and civilization extends, just so the demand for cotton will grow.

I wish to complete the brief remarks I was making on the question of the economic conditions in the South and the great future of that section. I will insert here those remarks, and will, at the end of my remarks to follow, add an article of mine appearing in the current issue of the magazine, National Waterways.

The gentleman from Illinois [Mr. MANN] referred to the question of raising cotton. I finished my time at the point where I was pointing out that nature has decreed that the South has, and is to have, as long as the natural laws continue, the practical monopoly of the production of cotton, the great world staple of clothing.

Now, then, when the South comes to manufacture the finished product she then will control the greatest necessity of all human life. This will give to the South the economic supremacy of the world. This illustrates the general condition in that famed section. Take other raw materials; take those of construction; take the iron ores. We have in the South deposits in larger quantities, more easily mined than anywhere on this continent, in places mined by steam shovel. Take timber; we have the largest share of the remaining timber east of the Sierras. In cement we have deposits equal to the demand of the solar system for a thousand years. In salt and sulphur we have no rival. In stone, granites, and marbles, in clays, in aluminum, in phosphates, the same general condition exists. And so it goes.

Now, take the next element necessary in the development of an industry—power. On the Tennessee River there is 500,000 undeveloped horsepower and on the Coosa 200,000. The bulk of the remaining undeveloped water powers of the Nation are in the South.

Take the other source of power—coal; we have coal of high grade, including coking coal, in larger quantity and more easily mined than in any other part of this country or of the world.

The raw materials and the power are together. I wish gentlemen would mark that. When they produce the finished products in the Middle West and Pennsylvania, they have to transport the coal and the coke and other raw materials from three to five hundred miles to get them together. In the South they are *right* together, the raw materials and the power, side by side. The coal field and the water power are right in the cotton field. You can build your industry on top of the power, with the raw material all around you.

Now take transportation. Twenty-one thousand out of the total 27,000 miles of navigable waterways in the United States are in the South. These waterways lead directly from the centers of production down to tidewater, only short distances away; and the tidewater is the Gulf and the lower Atlantic, which lead directly toward the Caribbean and the Panama Canal, the future center of world distribution of the world's great staples. Thus, Mr. Chairman, our advantages of location and advantages for cheap transportation are on a level with our advantages for cheap production. These are the great factors that determine industrial, commercial, and financial supremacy. Possessing them all as no other section in the world or in the history of the world, we must look upon the South as the veritable land of promise, and we invite the enterprising citizens of all sections to join us in our matchless task of empire building.

Mr. Chairman, our advantages in the South are not simply material. The wave of commercialism which for 20 years has swept the other sections has missed the South as it lay in its poverty, its sackcloth and ashes, leaving ideals more in control. Our people are of American origin, over 95 per cent of old Anglo-Saxon stock, with ancestors going back to the Revolution, who live in the country and in small towns, and have escaped the degeneracy that is growing up in our great cities. [Laughter.] The distribution of the specific for degeneracy is proportional to the density of population, and it is true historically that the growth of great cities and centers of population entail degeneracy that threatens the liberties and in the end tends to undermine the vitality of a nation. The South is endeavoring to maintain her character, her lofty ideals, as well as to develop her material resources, and in the great problems and constructive tasks before the Nation and before the race the South is our greatest asset. [Applause.]

I will add here, under leave to print, an article of mine appearing in the current number of the National Waterways Magazine, of Washington, setting forth in more detail the opportunities of my native State of Alabama.

Up to the present time American industrial development has been chiefly confined to meeting requirements of the home market. This is largely due to the relatively undeveloped condition of the country and its natural resources and the very rapid growth of the home market itself. It is partly due to the high protective tariff policy, which, while it shuts out the industries of the world from the home market, also tends to exclude home industries from the world's markets. These conditions are now undergoing fundamental changes. American industries have assumed large proportions and are fast outgrowing the American market. To continue a steady natural growth they must now seek the markets of the world.

The impending revision of the high protective tariff rates will encourage this expansion. It may be said that America's industry is now entering upon a second period of its history, when it must go out and win and hold the markets of the world in the face of the competition of the industries of all other nations standing within their intrenched position of present possession.

The first determined effort on the part of American industries will be inaugurated with the completion of the Panama Canal, and will have for its objective the markets of South America and of the Pacific. The outcome of the struggle for supremacy will depend upon two prime factors: First, cheapness of production of the world staples and, second, cheapness of transportation from the country of production to foreign markets. It is no depreciation of the other great industrial centers of America to say that both of these prime factors are destined to be realized along the banks of Alabama's waterways, which, as sources of both cheap power and cheap transportation, will insure American supremacy in the markets of the world.

Two factors enter into the question of cheapness of production, assuming always that the question of labor is adjustable. The first is the assembling of raw materials, and the second is the availability of power for their manufacture. The first and foremost world staple is clothing, for which the masses are dependent upon cotton.

It scarcely needs to be pointed out that Alabama is located almost in the center of the cotton area of the South, which produces over two-thirds of all the commercial cotton of the world. The chief competitors of southern mills are to-day the mills of New England and the mills of Europe, both of which are compelled to bring their raw cotton from the South by long stages of transportation by rail or by rail and water combined. Therefore, other conditions being equal, the South must necessarily become the world's center for the production of cotton goods.

Construction materials, chiefly iron and cement, compose the second class of great world staples. Of these iron will be the center of competition; for its production two principal raw materials are necessary—ore deposits and coal. These two elements of raw material, together with the limestone for fluxing, are found side by side in the Alabama region, and are separated by hundreds of miles in all other competitive sections.

It is not necessary to describe the vast iron deposits of Alabama and the cheapness with which they can be mined. There is no parallel in the world, except in distant inland sections, like that of Lake Superior, whence the ore has to be transported long distances to the centers of industry.

Thus from the standpoint of assembling raw materials for the world's greatest universal staples of clothing and construction Alabama must be conceded the very first place in the United States and in the world at large.

The second factor in cheapness of production is the availability of power. Power may be divided into two classes—that derived from oil, coal, or gas, and that derived from water power. The coal deposits of Alabama are among the largest and most accessible of all the coal deposits of the world, covering an area of over 4,000 square miles. The thickness of the coal ranges from 50 feet down; over 300 square miles have an available thickness of 30 feet or more; 350 square miles a thickness of 20 to 30 feet; 600 square miles a thickness of 10 to 20 feet; and large areas from 2 to 10 feet.

It is difficult to estimate the total available tonnage, but it can be stated to exceed 75,000,000,000 tons, of which less than one-half of 1 per cent has been mined. Nearly all of this coal is of good coking quality. Specimens from the mines of Belle Ellen, Blocton, and Pratt City, which have been analyzed by the Government, show an unusually large percentage of fixed carbon, with an unusually small percentage of ash, moisture, sulphur, and other impurities, giving an extraordinarily high calorific rating, exceeding 14,000 British thermal units. Natural gas of an unusually high grade is found in great volume in this region, and every indication points to oil deposits also. Therefore in these sources of power Alabama can not be put in the second place to any other section.

In the resource of water power this region stands almost unparalleled in the whole world. Mussel Shoals alone will supply not less than 100,000 horsepower, and the tributaries of the Tennessee above Mussel Shoals will probably furnish as much more. (These figures, which are much smaller than published estimates, are those given by the United States Engineers for a dependable power throughout the year. The available power can be greatly increased by the use of reservoirs.) Rivaling the Tennessee is the Coosa River, with 200,000 horsepower available. Next to these two come the water powers of the Warrior River, notably that planned for Lock 17, a short distance from Birmingham. With high-potential transmission, the water powers of the Tennessee, Coosa, and Warrior are available for this whole region.

Taking account of both sources of power, which react advantageously on each other, this region stands without rival anywhere in the world, while the great raw materials are on the spot. Coal and water power are located in the cotton field and alongside the iron mine, a combination which has never been even approximated, and apparently never can be approximated, anywhere else. Cheap water transportation for ore on the Great Lakes can never overcome Alabama's inherent advantage. Both in assembling the raw materials and in supplying the power for their manufacture—the two factors in cheapness of production—the waterway region of Alabama stands supreme. I do not think that anyone who looks into the question will seriously challenge my statement that the conditions for ultimate cheapness of production for the great world staples place Alabama in a class by itself and unparalleled anywhere in the world.

The other great factor in winning the markets of the whole world will be cheapness of transportation from the centers of production to tidewater and from tidewater to the markets of the world. In the fierce competition that will result the inherent advantages of water transportation over land transportation will be a determining factor; water transportation uses a level, almost frictionless fluid of great weight, and does not involve the comparatively heavy friction of solids on solids. For heavy transportation, therefore, water must always offer an inherent advantage.

The question of transportation from tidewater to the markets of the world gives a great advantage to the Alabama section. With the completion of the Panama Canal the center of distribution of world staples will soon shift from the English Channel to the Caribbean Sea. Alabama will thus have tidewater outlets closer to the center of distribution than any other competitive center of production. Her advantage, however, will come in the cheapness of transportation from her centers of production to tidewater. There is no comparison with those distant inland centers which at present supply the home market. The Alabama centers are located close to tidewater to begin with, and will have the benefit of water transportation for even the short distance that intervenes. The Alabama, Tombigbee, Warrior, and Coosa Rivers will insure slack-water navigation straight from the centers of production to tidewater. Next to these will be the Tennessee River, which should have an outlet to the Gulf by way of one of the three rivers mentioned—the Tombigbee, Warrior, or Coosa—as well as by the Mississippi.

The development of navigation on the Warrior River is now largely an accomplished fact. The Federal Government has appropriated almost $9,000,000 toward this work, and 16 locks have been completed. With the completion of Lock 17, work on which is already begun, slack-water navigation will be extended to within a few miles of Birmingham, and I hope that before long it will reach the city itself. The Birmingham region may now start upon the realization of its destiny, which is to make supreme its reign over the foreign commerce of the world.

The development of the Coosa River is still backward, but it is now receiving the attention of the Government. The development of the Tennessee River has long been under consideration. This year's rivers and harbors bill carries an appropriation of $1,105,000 for the Tennessee River and $1,338,500 for the Black Warrior, Warrior, and Tombigbee Rivers.

Since these waterways are so intimately associated with the future of American supremacy in the world's markets, they should receive full and immediate consideration by Congress. The Panama Canal is so near completion that the world's struggle for the markets of South America and the Pacific is almost upon us. Our present largest centers of industry—the Pittsburgh-Cleveland-Chicago region—are advantageously located for the home market, but it is of the utmost national importance that the Alabama centers should be speedily developed as we enter the struggle for the markets of the world.

It is an interesting fact that the development of navigation on all three of these great streams goes hand in hand with the development of vast water powers. Their development, therefore, should be undertaken along the lines of a wise, permanent, national policy, comprising both navigation and water power, and the Alabama waterways should bring about the standardization of our national policy for navigable streams.

The recent appropriation for Lock 17 on the Warrior River provides for the acquisition of a site for future development of power, and secures to the Government the full title and riparian rights in that local-

ity. Henceforward it would be a wise policy for the Government to secure such title and riparian rights, and provide sites for power plants in all cases where the development of large power is involved in improvements for navigation.

In view of the fact that the whole question is rapidly becoming acute in all sections of the country, the time is ripe for establishing the principles under which the States should act in the case of waterways not navigable, and under which the Federal Government should act in the case of navigable streams; also, under which the Federal Government and States should jointly act in the latter case, and under which private individuals should act in conjunction with one or the other or both of these governments. It is time to establish by law a Federal commission on public works and conservation, or, at least, a bureau on these questions in the Department of the Interior.

Any permanent policy should take account of the following principles:

First. It is not wise for the Government to go into the system of production or the system of distribution, but it should confine itself chiefly to the system of regulation, such differentiation being in line with the evolution of all living organisms of a high type. It is when the Government is free from the burdens of production and distribution proper that it can best fulfill the important and vital function of regulation.

Second. It should be borne in mind that water, like natural light and air, belongs to the people at large and should not be monopolized for individual benefit. Every policy of common law or statute law should insure the ultimate public good, and at the same time protect the people in their property rights.

Third. The Federal Government, without violating the principle first laid down, can and should encourage the development of natural resources, particularly the water powers which are so intimately associated with the development of navigation. We should establish a uniform policy of cooperation between the Federal Government, the State government, and corporations and individuals in this development, the general principle being Government aid with reasonable regulation, and with the refunding, from the earnings of the improvements, of the original expenditure. I am inclined to think that to enable the people to proceed without having to wait upon large corporations we could very properly provide a large Federal fund for cooperating in power development on navigable streams along the general lines of the irrigation fund, which would never be exhausted and would be available for projects in the order of their importance as recommended by proper Government officers or by the bureau or commission referred to after its establishment.

I can not help adding a word of recommendation to young men seeking an outlet for their energies to go to Alabama and locate along these three great streams within a reasonable distance of their water power and navigation, because the attention of the whole country and the whole world will soon be directed to this region, following the completion of the Panama Canal. When once the world's attention is so directed, the unparalleled advantages for cheap production through the proximity of raw materials in vast abundance and of coal and water power in unlimited store, lying close to tidewater and with water transportation all the way to the markets of the world, will cause a development of industry and an enhancement of values so rapid that even the records of growth in the Pittsburgh, Cleveland, and Chicago sections will be far surpassed. In the matter of land values for farming purposes there will be a similar advance. Lands capable of the highest forms of production are now obtainable for a " song "—lands suitable not only for the raising of cotton, but also for corn, forage, live stock, including hogs and cattle, poultry, dairy products, garden truck, and fruits.

I would not undertake to name all of the promising points for location and investment, for almost all parts of Alabama would be good for investment at present values, but along the three waterways I might mention, as now ready for young men's energy, the following: Near the Tennessee River, Guntersville, Huntsville, Decatur, Athens, Florence, Sheffield, and Tuscumbia; along the Coosa and Alabama, Gadsden, Anniston, Attalla, Talladega, Childersburg, Wetumpka, Tallassee, Montgomery, and Selma; and along the Warrior and Tombigbee Rivers, Birmingham, Bessemer, Jasper, Cordova, Tuscaloosa, Eutaw, Demopolis, and Mobile.

Some day I expect to see the banks of the Tennessee River one solid city for 75 miles up and down on both sides, in the vicinity of Mussel Shoals. Likewise I expect to see Gadsden the center of industry for many miles around. I expect to see the region from Birmingham to Jasper and from Birmingham to Tuscaloosa built up like the region about Pittsburgh, while prosperous cities will spring up at short intervals all the way down the Warrior River. I expect some day to see Mobile the greatest shipping port in America, since it is the natural outlet to tidewater of the Alabama region, which is destined to give America the commercial supremacy of the world.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

M. That all articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class 6: *Provided*, That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: *Provided further*, That the manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps.

Any materials used in the manufacture of such goods and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

No articles or materials received into such bonded manufacturing warehouse shall be withdrawn or removed therefrom except for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the collector of the port, who shall certify to such shipment and exportation, or ladening for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation, and the name of the vessel: *Provided*, That the waste material or by-products incident to the processes of manufacture in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected by law if such waste or by-products were imported from a foreign country. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer.

A careful account shall be kept by the collector of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturer containing a detailed statement of all imported merchandise used by him in the manufacture of exported articles.

Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom.

The provisions of Revised Statutes 3433 shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this act and to the merchandise conveyed therein.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, before the gentleman begins I would like to know how many gentlemen desire to speak on this paragraph.

Mr. VARE. Mr. Chairman, I would like to be heard for a short time.

Mr. UNDERWOOD. How much time does the gentleman desire?

Mr. VARE. Less than five minutes.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto be limited to eight minutes, five minutes to be controlled by the gentleman from Tennessee [Mr. AUSTIN] and three minutes by the gentleman from Pennsylvania [Mr. VARE].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I have listened with a great deal of interest to what the gentleman from Alabama [Mr. HOBSON] said about the splendid and unlimited resources of the South. I fully agree with him about the bright and encouraging future ahead of that favored section of our great country, but I want to take this occasion to call attention to the wonderful and marvelous growth of the South in the past 30 years and place in the enduring records of this Nation a summary of that great march of material, commercial, and manufacturing development, taken from the Baltimore Manufacturers' Record, an agency for good in advertising, promoting, and encouraging the industrial growth of the South. In the last 30 years under a Republican protective tariff system or policy the South increased the annual value of its mineral products from $18,226,000 to $385,000,000, or at the rate of 2,016 per cent, as compared with the rate of 381 per cent for the balance of the country. In 30 years the South has increased annually its output of pig iron from 448,978 tons to 3,054,980, or at the rate of 580.4 per cent. It multiplied its capital invested in manufactures more than ten times, from $333,000,000 to $3,500,000,000, and the value of its manufactured products more than six times, from $662,840,000 to $3,900,000,000, or at the rate of 526 per cent, as against an increase in the balance of the country of 323 per cent.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BARTHOLDT. Was not all that progress and development achieved under Republican tariff legislation?

Mr. AUSTIN. Under the Republican protective-tariff system; and when I listened to the gentleman from Alabama [Mr. HOBSON] speak of the inexhaustible supply of coal and iron ore in the South I wondered why his party thought it necessary to go, under this bill, to foreign lands for our coal, iron ore, zinc, and other southern minerals. I wondered if he did not in his own mind believe that the best interest of the South was to continue a Republican protective-tariff system that would compel the American furnaces to use American iron ore as against Cuban iron ore, Spanish iron ore, Swedish iron ore, Mexican zinc, French bauxite, and coal from Nova Scotia and other portions of the world. [Applause on the Republican side.] When the gentleman from Alabama [Mr. HEFLIN] read a single letter from a cotton manufacturer in the South, when there are

850 cotton mills, the press of the city of Washington was publishing the fact that Senator OVERMAN, from North Carolina, had gone to the White House to protest against the low duties on cotton manufactured goods carried in this bill.

Mr. Chairman, I believe that the South will suffer a great wrong by the enactment of this bill. Had the delegates in the Baltimore convention listened to and heeded a majority of those delegates and the wishes of a majority of the Democrats in this land, they would have nominated and elected CHAMP CLARK President of the United States—the noblest Roman of them all. [Applause.] Had he been in the White House today, or since the 4th of March, in my opinion, we would never have been called upon to vote for such a tariff bill as this, which is against the material interest and development of our beloved Southland. [Applause.]

I offer in conclusion the statement from a recent issue of the Manufacturers' Record, of Baltimore:

SUMMONS OF THE SOUTH TO THE WORLD.

BALTIMORE, MD., *March 29, 1913.*

In summary of its special articles in this week's issue, designed to show the importance of the South in the Nation's development, the Manufacturers' Record says:

"The South summons the world to share in the making of the wealth that is to come to it within the next generation. The call is emphatic, because no other equal area on the globe offers as great opportunities of many kinds for the productive and remunerative application to natural resources of the energies of mind, muscle, and money; no other equal area has such a record as the South of a generation of achievement as a guaranty of greater attainments in the future.

"Handicapped by conditions beyond its control for 15 or 20 years, in which the rest of the country made extraordinary progress under the high-pressure influences of the opening of the era of organization of industry on a great scale, the South, once permitted to resume its farming, mining, and manufacturing activities interrupted by war, has in the past 30 years advanced to a point beyond that reached by the whole country in 1880. With one-third of the total area of the United States and with a population less than two-thirds that of the country in that year, the South is actually far ahead of the United States of 30 years ago on many leading lines, and, in proportion to population, on practically every line.

"Its invitation to the enterprise and financial and industrial instincts of the world is, therefore, grounded in tasks still to be accomplished gauged by what has already been done.

"Since 1880 the South, the section of 16 States, including Missouri and Oklahoma, has—

"Mined 1,657,173,560 tons of coal, increasing its annual output from 7,002,254 tons, less than one-tenth of the country's production, to 131,970,000 tons, or nearly one-quarter of the total, representing a rate of advance of 1,784.7 per cent.

"Mined 126,529,584 tons of iron ore, increasing its annual output from 702,515 tons to 5,736,000 tons, or at the rate of 715.9 per cent.

"Mined 41,400,000 tons of phosphate rock, increasing its annual output from 211,377 tons to 3,400,000 tons.

"Produced 802,200,000 barrels of petroleum, increasing the flow from 179,000 barrels to 84,800,000 barrels."

Increased its annual production of natural gas from a few million cubic feet to 290,000,000,000 cubic feet, nearly 57 per cent of the total output of the country.

Changed radically the status of the sulphur market of the world by exploiting beds of nearly pure sulphur and increasing the country's output from a few hundred tons to nearly 790,000 tons a year.

Brought within its limits the center of world production of lead and zinc.

Become the main source in this country of bauxite for the manufacture of aluminum.

Increased the annual value of its mineral production from $18,226,000 to $385,700,000, or at the rate of 2,016.2 per cent, compared with a rate of 381.5 per cent in the rest of the country.

Harvested 31,875,816,000 bushels of corn, wheat, and oats, and advanced to an annual production of 1,404,200,000 bushels of grain.

Marketed 305,000,000 bales of cotton, more than doubling the annual crop of the staple, involving the production since 1880 of 120,000,000 tons of cotton seed.

Expanded its annual production of rice from 2,254,000 bushels to 24,000,000 bushels.

Increased up to 1910 its agricultural capital (its investments in lands, buildings, implements, and live stock) from $2,762,077,000 to $10,961,866,000, or by $8,199,789,000, equal to 296.5 per cent, while the rest of the country had an increase at the rate of 221.4 per cent, there being a like divergence in favor of the South between the rates of increase in the value of agricultural products.

Cut 371,184,000,000 feet of lumber, increasing the annual output from 3,800,000,000 feet to 20,000,000,000 feet, or at the rate of 426.3 per cent, and marking an advance in the annual value of forest products from $75,215,000 to $652,153,000, or at the rate of 767 per cent, against an increase in the rest of the country at the rate of only 74.4 per cent.

Made 66,222,888 tons of pig iron, increasing the annual output from 448,978 tons to 3,054,980 tons, or at the rate of 580.4 per cent.

Made 145,940,905 tons of coke, increasing from 374,000 tons to 7,974,000 tons, or at the rate of 2,032 per cent.

Added 11,172,000 spindles and 237,500 looms to the equipment of its cotton mills, the annual consumption of the staple by them increasing from 111,770,000 pounds, or less than 15 per cent of the country's consumption, to 1,319,708,000 pounds, or more than half the country's consumption.

Practically created the cottonseed crushing industry, now having an annual output valued at about $150,000,000.

Developed its Portland cement output into an industry of 11,000,000 barrels annually.

Multiplied its capital invested in manufacturing more than ten times, from $330,000,000 to $3,500,000,000, and the value of its manufactured products more than six times, from $662,840,000 to $3,900,000,000, or at the rate of 526 per cent, against an increase in such value in the rest of the country of 323.4 per cent.

These notable developments called for the building of 66,064 miles of railroad, an increase at the rate of 265.6 per cent, compared with 92,668 new mileage in the rest of the country and a rate of 135.5 per cent increase.

They were reflected in exports to foreign lands to the value of $13,629,518,000 sent through southern ports, and a sum equal to 77 per cent of the value of foreign exports originating directly or indirectly in the South, the exports through southern ports increasing at the rate of 190.5 per cent, while those through ports in the rest of the country increased at the rate of 151.3 per cent.

Results of the developments appear in a trebling of the estimated true value of all property in the South, indicated in the addition of $1,918,633,000 to the aggregate resources of national banks, or an increase at the rate of 988.5 per cent; of $985,943,000 to the amount of individual deposits in such banks, or at the rate of 1,348.3 per cent; of $1,146,396,000 to the amount of individual deposits in other financial institutions, or at the rate of 976.1 per cent; and of $2,132,339,000 to the amount of individual deposits in all financial institutions, or at the rate of 1,118.9 per cent.

These are striking facts of progress; but they are merely to be regarded as sample exhibits spurring to far greater achievements. They demonstrate what may be done with the assets of the South in making the most of that greatest asset of the Nation, the task to which the South summons the world.

It will not be long before the forests of the South will be the main reliance of the country for much of its lumber supply. These forests are to be handled wisely with that fact in view.

Population of the United States, ever swelling in number at the rate of two million a year, is making greater and greater demands upon agriculture. The South has less than half of its 384,117,000 acres of farm land under cultivation, and has at least 100,000,000 acres more that can be made highly productive with the water drawn from wet areas and the utilization of cut-over timberlands.

Its 500,000,000,000 tons of coal, its billions of tons of iron ore, its great sulphur deposits, its phosphate rock, its rock salt, its lead and zinc and copper, its marbles and other building stones, its clays and other minerals, are still to be turned into economic values.

Nearly 240 separate kinds of manufacturing industries are the skirmishers in the battle for industrial supremacy of the world.

Who is able to let the summons be unheeded?

Mr. VARE. Mr. Chairman, in view of what the gentleman from Tennessee [Mr. AUSTIN] has just said, I send the following letter to the Clerk's desk and ask that it be read in my time.

The Clerk read as follows:

PHILADELPHIA, *May 6, 1913.*

Hon. W. S. VARE,
House of Representatives, Washington, D. C.

SIR: We have been advised that an impression prevails in Washington that the present Underwood bill is satisfactory to cotton manufacturers in this country, for the reason that few protests have been received.

We are not financially interested ourselves in New England or southern mills, but as cotton merchants we would most emphatically state that the provisions of the Underwood bill, instead of being satisfactory, are most unsatisfactory to cotton manufacturers both North and South, and particularly to the manufacturers of finer goods and finer yarns, who are already on a competitive basis under the present tariff.

Every manufacturer with whom we have discussed the situation is very blue, and very apprehensive for the future, and very much alarmed, and business is halted, as no one wishes to make any commitments in the face of the proposed tariff. We know from our own investigations that the widespread feeling of apprehension and distress is genuine, and we think it proper that the above facts be reported.

As far as our position is concerned, our business is international in its character, and if we can not sell cotton here we can easily expect to sell it abroad, so although our business interests are not seriously affected, we are not at all disinterested when we see the entire industry of cotton manufacturers so deeply stirred as they are over the proposed reduction.

I am sending the same letter to the other Representatives of Pennsylvania in the Senate and the House, with the hope that they may be able to do something to help the manufacturers in their efforts to obtain a smaller reduction than the proposed new duty on cotton yarns and cotton goods.

Yours, very truly, I. FRANKLIN MCFADDEN.

Mr. VARE. Mr. Chairman, I also send to the Clerk's desk the following article from the Philadelphia Inquirer on the falling off of the customs in that city, and ask that it be read.

The Clerk read as follows:

CUSTOMS RECEIPTS HIT BY TARIFF.

Customs receipts for the month of April show a decrease of almost $450,000 as compared with the amount collected during the corresponding month last year, according to the monthly report issued yesterday by Collector of the Port Chester W. Hill. The amount received during the month just ended was $1,206,843, while in April of 1912 $1,651,051 was the amount collected. This makes a decrease of $445,208.

While Collector Hill did not explain the great deficiency in receipts, it is believed by those in touch with the situation that the importers, instead of bringing in their goods at the present time, are storing millions of dollars' worth of foreign stuffs in the bonded warehouses, holding them there until the question of the tariff is definitely decided. Wool and sugar lead the imports among the goods now being placed in the Government's warehouses. The imports for the month, according to ship manifests, were almost as great as during April, 1912, but the goods have not yet been taken from the warehouses.

Mr. VARE. I will print also the following editorial from the Washington Times of May 2:

THE STEAM ROLLER ONCE MORE.

As an example of steam-roller methods in the most exaggerated form that has ever been demonstrated—yes, an example beyond which the fancy of man has never reached—the handling of the tariff in this current session is entitled to especial consideration.

Cannon and Aldrich, in their time, attempted nothing by way of suppressing individual opinion and imposing organization dictates that was more extreme. And their excesses were indulged in a time when there was a certain excuse for them, inasmuch as the caucus-bound organization was then the accepted and conventional thing. Nowadays that kind of thing is not regarded as necessary, as desirable, or as even excusable. The people who were most ardent critics of such methods four years ago are using them now.

The country does not feel so willing to forgive these methods as it once was. The tariff measure that is being jammed through Congress to-day represents no possible method of logical determination of proper duties. It is not free trade, it is not a consistent protective plan, it is not the old-fashioned tariff-for-revenue procedure that Democrats used to think they believed in. It is such an illogical anomaly that a new name has had to be coined for it, and so it is called a "competitive tariff." We will know more about what that means after we have seen it in operation awhile.

From the Ways and Means Committee's sittings with utterly inadequate hearings, down through the iron-clad, organization-ruled caucus, to the consideration on the House floor under rules of the most drastic sort, the tariff measure has been a demonstration of the excesses possible under the alleged reformed rules of the House, and under domination of a party that claims to be restoring the people to their right of ruling. That sort of thing "went" once when nothing better was known or demanded. But this year presents a different situation. The Progressive Party and the Republican Party have done away with the secret caucus in the House. Only the Democrats have stuck to the old method that the country has repudiated.

The same methods are being framed for putting the measure through the Senate in so far as Senate rules and traditions will permit. Party solidarity, the gagging of individual opinion, the suppression of independent action—these are the methods which have come back to us in their worst forms.

It should not be forgotten that the new tariff measure will be judged as well by the methods that forced it into the statute books as by the details of its construction and the results it shall produce.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

N. That the works of manufacturers engaged in smelting or refining, or both, of ores and crude metals may upon the giving of satisfactory bonds be designated as bonded smelting warehouses. Ores or crude metals may be removed from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon and there smelted or refined, or both, together with other ores or crude metals of home or foreign production: *Provided*, That the several charges against such bonds may be canceled upon the exportation or delivery to a bonded manufacturing warehouse established under section M of this section of the actual amount of metal produced from the smelting or refining, or both, of such ores or crude metals: *And provided further*, That said metal may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom upon the payment of the duties chargeable against it in that condition: *Provided further*, That all labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury and at the expense of the manufacturer: *Provided further*, That all regulations for the carrying out of this section shall be prescribed by the Secretary of the Treasury.

Mr. DYER. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this section, N, be limited to five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. Mr. Chairman, more than anything else I want to offer my sympathy to my colleagues here on the minority side from the city of Philadelphia, who are taking the passage of this bill so much to heart. I do not see why they should worry, but they indeed are worried and a great many of the Members on this side are worried. I represent a city district, one that has also some large manufacturing industries in it, some of the greatest in the country; but since the November election, Mr. Chairman, I have been satisfied that this law or a law similar to the one about to be enacted would pass the Congress of the United States. The people of this country by their action, or rather I should say in some respects by their nonaction, made it possible for this kind of a law to be passed, and knowing the program of the Democratic Party and knowing the position that they took at Baltimore and the position that they took in the preceding Congress under the leadership of the distinguished chairman of the Committee on Ways and Means of this House, I knew and my constituents knew, and they know now and have known ever since the November election, that a bill of this kind is going to pass, and I am glad for the time to come, as it has to come, when we can vote upon it and see it spread upon the statute books of this country, so that the people can see that this free-trade law will not bring happiness, joy, and prosperity, but, instead, want, misery, and suffering. I yield the balance of my time to the distinguished gentleman from Philadelphia [Mr. MOORE].

The CHAIRMAN. Without objection, the gentleman from Pennsylvania [Mr. MOORE] is recognized for one and a half minutes.

Mr. MOORE. How much time?

The CHAIRMAN. One and a half minutes.

Mr. MOORE. Mr. Chairman, in response to this unprovoked assault from my friend from Missouri [Mr. DYER], I desire to say that I am in hearty sympathy with everything that he has said. I have been as firmly convinced as he confesses himself to be that this bill would go through. There has never been any doubt in my mind about that, and if there had been any doubt at the beginning of this session of Congress, that doubt has now been completely removed. I am delighted to have this opportunity to say that the Democratic leadership of this House has exercised a degree of patience that is highly commendable. Some of us have been a little persistent on this side in pointing out the errors in this bill. We have undertaken to prove to the people that they were foolish in putting a Democratic majority in control of the House; but I am quite content to leave this whole question to the people, and to say that in the passage of the bill we have been treated with the utmost kindness, courtesy, and liberality by the distinguished gentleman from Alabama [Mr. UNDERWOOD], the leader of the majority. [Loud applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

R. That whenever articles are exported to the United States of a class or kind made or produced in the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less that the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall, in addition to the duties otherwise established, be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned and the said fair market value thereof for home consumption, provided that the said special duty shall not exceed 15 per cent ad valorem in any case and that goods whereon the duties otherwise established are equal to 50 per cent ad valorem shall be exempt from such special duty.

Mr. MANN. Mr. Chairman, there will be some debate on this proposition and some amendments. Perhaps we had better read section R through and then, without waiving any rights, return.

Mr. UNDERWOOD. I will ask the gentleman from Illinois if he objects to the Clerk finishing the section?

Mr. MANN. I am perfectly willing to finish the reading of section R with the right to amend any part of it.

The CHAIRMAN. Without objection, the Clerk will finish reading section R and then return to any paragraph thereof. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

"Export price" or "selling price" or "price at which such goods are consigned" in this section shall be held to mean and include the exporter's price for the goods, exclusive of all charges thereon after their shipment from the place whence exported directly to the United States.

The Secretary of the Treasury shall make such rules and regulations as are necessary for the carrying out of the provisions of this section and for the enforcement thereof.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

Mr. UNDERWOOD. Does the gentleman desire to make an arrangement about time?

Mr. MANN. I am perfectly willing to do so.

The CHAIRMAN. The Clerk will first report the amendment.

The Clerk read as follows:

Page 216, line 15, after the word "thereof," insert the following: "*Provided*, That in ascertaining the fair market value of foreign goods, as specified in this paragraph, the Secretary of the Treasury shall be assisted by a nonpartisan tariff commission to be appointed by the President."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that this is——

Mr. MANN. What is the point of order?

Mr. UNDERWOOD. That it is not germane to this section.

Mr. MANN. Well, I would like to be heard upon the point of order. Mr. Chairman, the paragraph in the bill, which is one feature of the bill that is purely a protective-tariff provision——

Mr. UNDERWOOD. I will say to the gentleman I believe it will take more time probably to hear him, and I withdraw the point of order——

Mr. MANN. That is not good, of course. [Laughter.]

Mr. UNDERWOOD. And will agree with him in regard to the time for debate.

Mr. MANN. How much time is wanted over here on this dumping clause? We desire 20 minutes.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this section be limited to 30 minutes, 20 minutes to be given to the gentleman from Illinois, 5 minutes to the gentleman from Pennsylvania [Mr. PALMER], and 5 minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. MANN. With the right of gentlemen to offer amendments and have them pending.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate upon this paragraph and all amendments thereto shall be limited to 30 minutes, 20 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 10 minutes to be controlled by himself. Is there objection?

There was no objection.

Mr. FORDNEY. I wish to offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of paragraph R and insert in lieu thereof the following:

R. That whenever articles are exported to the United States of a class or kind made or produced in the United States, whether dutiable or duty free, if the export or actual selling price to an importer in the United States or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned, and the said fair market value thereof for home consumption, and this special duty (or dumping duty) in the case of dutiable articles shall be in addition to the duties otherwise established: *Provided*, That the said special duty shall not exceed 15 per cent ad valorem in any case and that goods whereon the duties otherwise established are equal to 50 per cent ad valorem shall be exempt from such special duty.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman and gentlemen, the amendment which I have offered is practically the same paragraph as it is written in the Underwood bill, except that it covers articles on the free list as well as on the dutiable list. Now, as an illustration of the effect this amendment would have, an article upon the free list can be dumped upon our market at a price below its cost just the same as an article that is on the dutiable list, and therefore injure an industry in this country. That is the purpose of the paragraph itself. And the only difference between the language in the bill and the language of the amendment is that it includes the things on the free list.

I was much amused a little while ago by the remarks of the gentleman from the State of Washington [Mr. BRYAN]. This afternoon is the first I have learned that ex-Representative Warburton, of Tacoma, Wash., has a twin brother called "Bryan." Mr. Warburton used to make the same kind of speeches that Mr. BRYAN made here this afternoon; he talked himself into and out of Congress all in one Congress. Mr. Warburton, when the Democrats presented to this House a free-trade measure of their making and of their liking, would immediately spring to his feet and say, "I introduced that bill, and you have stolen it from me. You have changed the title of the bill only. I stand for that bill." That was generally Mr. Warburton's speech in the House. I notice that the gentleman from Washington [Mr. BRYAN] indorses everything in the Democratic tariff bill presented here to-day, if I understood him correctly.

Mr. BRYAN. I am going to vote for it. [Applause on the Democratic side.]

Mr. FORDNEY. I so understood you this evening; but if you are to vote for it, you should first declare your allegiance to the Democratic side of the House. I never ride one horse and claim I am riding another.

Mr. BRYAN. Will the gentleman yield for a moment?

Mr. FORDNEY. Yes; I will.

Mr. BRYAN. Do you not think it would be better to skin me direct than to skin some man who is not here to take care of himself? [Applause on the Democratic side.]

Mr. FORDNEY. Sir, the people of your State will skin you quickly enough and relieve me of that trouble. [Applause and laughter on the Republican side.]

Mr. SWITZER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. SWITZER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 215, lines 23 and 24, after the word "shall," strike out the words "in addition to the duties otherwise established."

Mr. MANN. Mr. Chairman, I yield one minute to the gentleman from Ohio.

Mr. SWITZER. Mr. Chairman, this portion is in line with the previous amendments that I have offered to the free-list schedule of this tariff act. The difference between this amendment and the amendment proposed by the gentleman from Michigan [Mr. FORDNEY] is this: His amendment would have the dumping clause apply to all the articles both upon the dutiable and upon the free list. The amendment that I propose will have this dumping clause apply to all the articles upon the dutiable list and the free list that are produced in this country, and it will not apply to articles that we do not produce in this country, like tea, coffee, rubber, and such things, so that it would not matter how cheaply they are made up or how cheap they may become, because we do not produce them.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FARR].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FARR] is recognized for five minutes.

Mr. FARR. Mr. Chairman, I would like to know to what extent, if any, the dumping clause will protect us against the so-called sewing-machine trust, which sells 60 per cent of the family sewing machines bought in this country and which has large factories in foreign countries—one in Glasgow, another in Russia, another in Berlin, or one in course of erection in Berlin?

In the establishment in Glasgow the Singer Sewing Machine Co. employs 12,000 hands. The rate of wages received by their employees in that establishment is less than one-half the rate which is paid by the company to their workmen in this country. I am informed that the Singer Sewing Machine Co. is already making arrangements, in anticipation of the enactment of this bill into law, to supply all the machines that they may hereafter offer for sale in this country from their foreign concerns. They have a capitalization of $60,000,000 and a surplus of $40,000,000.

There are seven independent and competing sewing machine companies in this country, with a capitalization in all of $9,000,000. Will this dumping clause prevent the Singer Sewing Machine Co. from manufacturing its machines in foreign countries and selling them here?

There is another question that I would like to ask the chairman of the committee, and it is this: In case trouble should arise in one or more of the mills and plants of the alleged Iron and Steel Trust in this country, with the mutual sympathy and aid, which are the foundation stones of the international alliance which exists among the steel concerns—in case, I say, trouble should arise in their mills on this side, either through labor difficulties or some other cause, is there anything in this dumping clause that will prevent the Steel Trust from having steel rails made in Belgium or Germany or England? I understand the Steel Trust is now erecting a large plant in Canada.

A manufacturer of my city—and he is the only gentleman among the manufacturers in the district I have the honor to represent who does not express dread of immediate trouble from operation of this bill—a gentleman who calls himself "a small manufacturer," writes to me saying he has no fear at the present time on account of the industrial prosperity that prevails in European countries, but he fears that when a lull comes in the market danger and trouble will threaten the American manufacturers in consequence of the provisions of this bill.

In different sections of this bill I notice provisions helpful to large combinations, and this gentleman to whom I have referred writes that the Ways and Means Committee undoubtedly understand their business, but are losing sight of the delicate position occupied by the small manufacturers, particularly those who are 100 or 200 miles inland; and he observes that favoritism, whether intended or not, is shown in the bill toward the great interests. The Singer Sewing Machine Co. and the great Steel Trust have no fear of the tariff off sewing machines or steel rails. The increased tariff on ferromanganese—apparently so small, but really more important to an independent steel manufacturer in Pennsylvania than all the saving they could effect from the importation of free iron ore—will be an advantage to the United States Steel Co. and hurtful to the independents, because the Steel Co. can make it here and independents will have to import it and pay the duty. And in the case of iron ore itself the benefit is going to go to the trust and not to the independent manufacturers.

According to the testimony taken before the Ways and Means Committee no protest was brought by the Singer Sewing Machine Co. against the putting of sewing machines on the free list, while the independent sewing machine manufacturers very earnestly opposed it. And I notice that the Steel Trust had no representative before the Ways and Means Committee protesting against the rates on steel rails, but the independents were there in opposition to those rates.

Now, I want to ask the question again, Is there anything in this dumping clause that will prevent the transfer of the sewing-machine business to foreign countries, which would bring about the displacement of thousands of our workmen? And under this dumping clause is there anything that will prevent the United States Steel Corporation, for example, in case it should have labor troubles in its mills, or in case it should desire for other reasons to produce its rails in England, or Germany, or Belgium, from going ahead and doing that? Will the dumping clause prevent that and protect this country? I do not believe it will and there is serious danger of these large interests strengthening their control and injuring American industries without any benefit to the American consumer.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I wish briefly to discuss this paragraph as it is written in the bill. It is known as the dumping clause, and proposes to put certain duties, up to 15 per cent ad valorem, upon imports to this country which are consigned at prices less than the product is commonly sold for home consumption in the country of origin.

To find such a provision in a Republican bill would be very proper indeed, but to find it in a Democratic bill, that it has been stated over and over again has no element of protection in it and is designed only for purposes of revenue, amazed me exceedingly. When I read the clause I turned to the report of the committee to find what explanation the committee would make for this paragraph, and this is what the committee says:

> Paragraph R is new legislation and provides for a dumping duty to guard the producers of the United States against the demoralization of American markets caused by the exportation from foreign countries of articles into the United States at prices less than the fair market value of the same articles when sold for home consumption in the usual and ordinary course in the country from whence they are exported to the United States. * * * And we are of the opinion that this paragraph will have a tendency to maintain steady and continuous importations all along the line and prevent the demoralization of American markets.

They say it is designed to guard the producers of the United States from the demoralization of American markets. Mr. Chairman, what is the definition of the word "guard"? I looked it up in Webster's Dictionary, and I find that Webster says that "guard" means "protect." And what is the definition of "protect"? Webster says it means "guard." So that in this paragraph for the first time in this bill of 217 pages they have a provision that is designed and has no other design than to protect American manufacturers from the demoralization of markets by importations from abroad. Can you justify that from your standpoint of a tariff for revenue only? Where in your bill, from Schedule A to Schedule N, have you shown the slightest consideration for the American producer? What have you cared, in the rates that you have written in this bill, as to whether American markets were demoralized or not? Where an item has been considered and debated here upon this floor and it has been shown to you that your rates would demoralize the American market, would injure the American producer, your reply has always been, "We can not consider that, for this is a tariff for revenue only, and we can only consider and guard the mass of the consumers of the United States." How is that consistent with this clause? Why have you added this provision here? Why would not the American consumer get these products cheaper if the manufacturers abroad chose to sell them here cheaper than in the country of origin? Would not the American consumer benefit by that? And when you are adding rates to the extent of 15 per cent ad valorem, what are you doing but protecting the American manufacturer?

I hope that some gentlemen upon the other side will either acknowledge that in one case here at least they have applied the doctrine of protection to American industries, or else explain what this is put in for and what it means.

Why, your own platform, also quoted in this report, says:

> We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no power to impose or collect tariff duties except for the purpose of revenue.

And yet, so far as this paragraph is concerned, you are trying to change that. You say, "We do not want the revenue, and we propose to add duties not for revenue, but clearly and simply for protection."

I congratulate the Democratic side on coming this close to protection, and if they will only follow a little longer along the same line, there may not be so much difference between the Democratic side of this House and the Republican side of it. [Applause on the Republican side.]

Mr. PETERS. Mr. Chairman and gentlemen, the paragraph covering this provision is called the "antidumping" clause, and stipulates that whenever articles are exported to the United States of a class or kind produced here, if the actual selling price to the American importer is less than the fair market value of the same article when sold for home consumption in the exporting country, there shall be levied, in addition to the usual duties, a special, or "dumping," duty of 15 per cent on the difference between the normal market value and the price at which it was sold for exportation. This dumping duty is to apply, whenever there is occasion, to all goods on which there is less than a 50 per cent rate.

Inasmuch as the regular duties are levied on the selling or invoice price, it has been difficult to detect fraud by undervaluation, although the local market price of the exporting country was well known to our Consular Service and customs collectors. The dumping duty will serve as an automatic check against fraud, in that importers will find it to their disadvantage to place a value on merchandise which is below its fair market value, for this practice would at once place them under suspicion, in case of deliberate undervaluation, or subject them to a surtax of 15 per cent in case goods were being dumped on our market.

Another feature of this new provision is that there will be increased stability in prices. The dumping duty will discourage foreign countries from unloading a large temporary surplus on our markets, which tends for a period to disturb prices and to unsettle business. This provision obviously will be a great benefit to the American producer.

An indirect benefit, and a very important one, which arises from increased uniformity in prices and the absence of unnatural fluctuation in market values is that the revenue of the Government will be more dependable and more accurately estimated. This tariff bill has been drawn on a revenue basis. We wish to make sure that there will be sufficient funds available to run the Government. On the other hand, we do not wish an unwarranted surplus, which means excessive taxation. In order to determine with any exactness the amount of revenue to be expected from the different tariff schedules, we must have a definite basis for our calculations. The market values of articles in the country from whence exported are easy to ascertain, and will afford the assistance which is so essential to a satisfactory administration of our customs laws.

The dumping provision has been in effect in Canada since 1907 in practically the same form as proposed in the committee's bill. We have every assurance that it has been successfully used there; and inasmuch as Canada is one of our nearest competitors, it behooves us to take a like action to insure us against discrimination.

Mr. Chairman, I yield back the balance of my time.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. PETERS. No; I can not yield.

Mr. MANN. Mr. Chairman, this provision of the bill provides for 15 per cent ad valorem duty in addition to the rates of duty otherwise fixed in the bill. In other words, if the rates in the bill are 15 per cent ad valorem, under this provision of the bill it may be raised to 30 per cent ad valorem. This provision in the bill is expressly and avowedly a protection measure—to protect the American manufacturer from the dumping of surplus products from foreign lands. It is not, according to the argument made by the gentlemen on the other side, in the interest of the consumer, because it proposes to place an extra 15 per cent duty on goods which the consumer may use.

But, even at that, I am quite willing to welcome Democrats out of Congress and Democrats in Congress into the ranks of protectionists in the country. [Applause on the Republican side.] After all, we are not so far apart in theory. The Republicans do not believe in a prohibitive tariff. The Democrats no longer are willing to say that they believe in a free-trade tariff. In this bill they admit by this provision that they wish to protect the American manufacturer from the dumping of surplus products from other lands.

I do not believe that anybody desires to ruin an American industry. But what is the reason there is a dividing line between the Democratic side of the House and the Republican side of the House as to the actual rates to go into a tariff bill? It is a lack of information. What we need is a body which will ascertain the facts.

Then we may know the facts upon which we will not levy a prohibitive tariff and the facts upon which we will protect manufacturers from the dumping of foreign goods upon our markets, whether it be the surplus products or other products. I have therefore put up to the other side of the House, which thus far has succeeded in anxiously avoiding any vote upon the tariff commission, an amendment prepared and suggested by the gentleman from Massachusetts [Mr. GARDNER], which provides for a tariff commission, and you gentlemen on the other side of the House will have to vote for it or vote against it, not only by a viva voce vote but by tellers. It is not the tariff commission that we would like to have. We would like to have a tariff commission with power to obtain all information, but this tariff commission proposed here can at least obtain information in regard to the fair market value of products produced abroad. You can take it or you can leave it; but, mark my words, if you do not take it now of your own volition, in the next Congress we will ram it down your throats. [Applause on the Republican side.]

Mr. PALMER. Mr. Chairman, I can understand how a gentleman like the distinguished minority leader, whose mind has been warped by a life-long devotion to a false economic principle, might not see the real purpose and intent of this provision in the law. He says it is protective, pure and simple. If so, he ought to be for it.

Mr. MANN. I am.

Mr. PALMER. I am for it because there is absolutely no protection in it, and if the gentleman from Illinois could forget his political prejudice long enough to study the underlying and fundamental principle upon which this bill is written he would be honest enough to agree with me in that. If a clause like this were written into a Republican high protective bill, it would be protective, but written into a Democratic revenue bill, providing for a competitive tariff, it is nothing but a governor to assure the real purpose of the bill, and I propose to tell you why in a very few words.

The ideal Republican protective bill has written into it rates which are prohibitive, rates which will operate to keep foreign competition away from this market. A Democratic bill has written into it rates which invite competition between the foreign manufacturer and the American manufacturer. The only chance that the consumer has under a Republican prohibitive tariff bill is by the dumping of the surplus of the foreign producer into this market, but in a bill which writes its rates upon a competitive basis, in order to maintain competition between the foreign producer and the American producer, it is proper to maintain the normal conditions which obtain when these competitive rates are written into law. We over here are opposed to that monopoly of the American market which rises out of prohibitive rates in a Republican bill, allowing the American producer to have a monopoly here by keeping the foreign article out. We are just as much opposed to a foreign monopoly of this market which might result from dumping goods into this market over competitive rates to such an extent as to secure that monopoly. We propose to take the American manufacturers and place their American courage against the world upon an even basis, give them honest competition with all the world, and keep it honest competition. [Applause on the Democratic side.]

Every great American manufacturer that appeared before the Committee on Ways and Means, men like Mr. Topping, president of the Republic Steel & Iron Co.; Mr. Crawford, of the Tin Plate Co.; and many others, declared that they could live under these Democratic rates, low as they were, by reducing the price of their product to the American consumer, if conditions would remain normal and not become abnormal. If foreign surplus were not sent here below cost, they could live.

Mr. Chairman, in the Baltimore platform we promised two things: First, that we would revise this tariff to a revenue basis; and, second, that we would do it without injuring any legitimate American industry. We have reduced these rates to a revenue basis, writing competitive rates throughout the bill, and under this clause we prevent foreign manufacturers from dumping surplus goods into this country to the detriment of the American manufacturer; by this provision we close the mouth of the American manufacturer, who can not now criticize this bill without in the same breath admitting his pusillanimous unwillingness to compete with the world on an even basis. [Applause on the Democratic side.]

Mr. Chairman, I am for this bill. I have supported it in committee and in this House with my whole heart and my whole strength, and I shall do the same when it goes before the great jury of our countrymen. I am for it because I see in it the dawn of a new era of industrial freedom for America. [Applause on the Democratic side.] I am for it also because this provision, along with the others we have written here, constitute an absolutely faithful redemption of every promise we have made to the American people on the tariff question. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired. The question will first be taken on the amendment offered by the gentleman from Ohio [Mr. SWITZER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment proposed by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I ask to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 113, noes 195.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. MANN and Mr. UNDERWOOD were named to act as tellers.

The committee again divided; and the tellers reported—ayes 131, noes 224.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Michigan [Mr. FORDNEY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

S. That the President shall cause to be ascertained each year the amount of imports and exports of the articles enumerated in the various paragraphs in section 1 of this act and cause an estimate to be made of the amount of the domestic production and consumption of said articles, and where it is ascertained that the imports under any paragraph amount to less than 5 per cent of the domestic consumption of the articles enumerated he shall advise the Congress as to the facts and his conclusions by special message.

Mr. CONNOLLY of Iowa. Mr. Chairman, I suppose that the older Members of this House get very tired when a new Member refers to the natural timidity that he feels in expressing himself for the first time before this body, but I feel somewhat timid, inasmuch as I have never had any experience in legislative assemblies, am quite new in politics, and being just an ordinary business man I have had scant opportunity to indulge in public speaking of this character. However, I have heard so much from the other side of the House about the disaster, the tragedy, the devastation that was to follow in the wake of what the Republicans call the great Underwood tornado that I am reminded of the minister who was asked to make some remarks about a gentleman by the name of Bill Payne. The minister did not know Bill Payne, and he began his remarks by stating, "Here lies the body of old Bill Payne. I did not know Bill Payne. Some say that he was a good Bill, others say that he was a bad Bill, I do not know which. I do not know whether you know which, but in the midst of this great sorrow, in the midst of this dejection and visitation of sadness, there remains before us this great supreme consolation, we all know Bill Payne is dead." [Applause.] Now, Mr. Chairman, the only point I can bring out as a justification for this story is that the voters of this country signified by their ballots on last November that they were willing to assist at the obsequies of the present protective Payne tariff bill. We have heard a great deal from the other side of the aisle about plurality Congressmen among the Democrats. But the issue was clearly drawn, and if the electors had such an awful fear of tariff revision they would have combined on some one man as against the Democrats.

To-night the newly elected Congressman from Massachusetts, to succeed Mr. WEEKS, coming fresh from the people and from a highly protected district, declared that he based his election largely upon the program of the Democratic Party for genuine revision downward, and almost immediately he was confronted by one of his colleagues with the statement that the combined vote of the Roosevelt Party and the Republican Party throughout that district meant that the majority of the voters adhered to the protective doctrine.

Now, we may as well be honest with ourselves, and you gentlemen on the other side had better cast off your cloak of hazy fog and admit that the main reason for your present minority was your failure in 1910 to revise substantially downward in accordance with your preelection pledges, and notwithstanding that there are several Members upon this side who are Congressmen by virtue of a plurality and not a majority, yet if the voters had the same horror of downward revision that you appear to have they would have united upon a protective candidate to defeat the Democrat, and though all of us on this side are not in complete accord with all the provisions of this bill and have so expressed our views before the members of the Ways and Means Committee, yet we have usually found that the framers of this bill were pretty well fortified with data and facts to support the various schedules. In a bill of 4,000 or more items there are bound to be some imperfections, but the man who is waiting for a bill that is perfect in its entire structure is a man that really does not want genuine revision downward. There must be some concessions made on all sides and from all localities, and rather than wait indefinitely for a relief from the present oppressive tariff I believe that we are justified in supporting this measure.

The gentleman from Minnesota [Mr. MANAHAN] declared the other evening that whatever wisdom this bill contained was inspired from a common almanac. In the same breath he referred to the sign of the Zodiac and said, "behold Taurus, the goat." It may be that he was unleashing an Irish bull on the House, but if he was in earnest his mistake on the Zodiac shows that he could also be in error on the inspiration of the Underwood bill. If this tariff revision downward has its inspiration in an almanac, it is the almanac of poor Richard; yes, the almanac that believes in the interests of poor Tom, Dick, and Harry, the almanac of the masses. The almanac that has inspired high protectionists is such as the Almanac de Gotha,

where are found the pedigrees of princes, dukes, and possibly tariff barons—the handbook of privileged protection.

Now, I happen to come from a district—and I say this in no spirit of braggadocio, because that is not the spirit in which I analyze my own election—a district that never before sent a Democrat to represent it. I came from a district upon which the spirit of a highly protective Republican gerrymander rested and when I realized that the only way I could win my fight was by being the recipient of a great many Republican votes I feel a keen sense of obligation to them as well as to members of my own party.

I can not feel as do the Members on the other side of the aisle about the chaos that will ensue and that all of the Democratic Members will by virtue of their vote on this bill be filled so full of holes that in two years we will not make even good sieves. For I feel that those Republicans who changed their party affiliation and gave me their support did so upon the theory that I belong to a party that would make a bona fide effort to relieve the great masses of the country from the heavy burdens of high protection. My opponent was a distinguished Member of this House; he was a protectionist. He had vastly more experience in legislation and in the field of politics than I. He stood for the Tariff Board, but I fear that the kind of a tariff board the protectionists want is a sort of a black hole of Calcutta out of which no genuine tariff revision bill downward could ever emerge alive. If the electorate of my district wished a continuance of the Payne bill, they would have elected my Republican opponent. If they felt that no tariff revision should be initiated except upon the report of a tariff board, they would also have given him their united support, and so I can not help but believe that the voters of my district felt that in close to 40 years or more of sending Republicans to represent them—Republicans who voted for a highly protective tariff—that they would at this time upset the gerrymander of the monkey wrench district and at the same time remove the shackles of a high-protective tariff. They decided to support the nominee of the Democratic Party as a means of relief from the old order of things, and in my district, as in many other districts throughout the country, the recent election forms a protest by the people against the old order, and the unequal conditions of the old order sounded the death knell of the doctrine of high protection. The people have placed us here because they desired a change and though this new fiscal medium may not be perfect in all its details, yet in a very great measure it expresses the spirit of the new life, the change that the people sent us here to consummate.

The prayer of all patriotic citizens who place their country above party is that this change—this readjustment suggested by the trend of the times and the voice of the great masses of the people—may have a fair trial; that as relief is the motive for the change, may normal conditions attend it. There is nobility and humanity back of the purpose of this bill to place the necessaries of life within the purchasing zone of the dollar of the toiler; to place the dinner basket closer to the pocketbook of the wage earner.

There is justice in laying the burden on the luxuries of life. Less luxury for the rich and more comforts for the poor will bring our citizenship closer together, will tend to develop saner standards of living, will level some of the inequalities of modern life, will vitalize our nationalism, and discourage the spirit of socialism.

Those who cry out in alarm against any change, who rally round the banner of "let well enough alone" are apt to forget that the condition of "well enough" is not in universal circulation, and these gentlemen, many of whom are sincere in their motives, are unconsciously abetting the socialistic movement in this country.

In the past 16 years of Republican rule we have undoubtedly seen expansion of industry and commerce, but under this system there has not been a commensurate distribution of the profits of production. On the contrary, it has been an era of concentration of capital and the fruits of production, such as the world has never before seen. Good Americans, regardless of party, rejoice in the growth of our industry and commerce, but become apprehensive at a system that has permitted the control of our financial sinews, our transportation and industrial resources, by a relatively small group of men. The prosperity and expansion has not had a comprehensive or consistent circulation.

In the income-tax feature of the bill our party has endeavored to place the burden upon those who can most easily bear it. It is a fair and just system of taxation.

The framers of this bill, the majority Members of this House, and the President of this administration are actuated in their support of this bill by lofty impulses, by a sincere desire and interest to accomplish the greatest good for the greatest number, to express in this piece of legislation the spirit of "equal rights to all, special privileges to none." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. PAYNE. Mr. Chairman——

Mr. UNDERWOOD. How much time does the gentleman on that side desire to use?

Mr. PAYNE. I think 15 minutes.

Mr. UNDERWOOD. I ask unanimous consent that all debate on this paragraph may be limited to 20 minutes, 15 minutes to go to the gentleman from Illinois [Mr. MANN] and 5 minutes to myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto shall close in 20 minutes, 15 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 5 minutes by the gentleman from Alabama [Mr. UNDERWOOD]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I rise to speak on this paragraph. The last paragraph proposed a protective duty against goods dumped here from other countries below the market price, and I accept the apologies of the gentlemen who appeared before the Committee of the Whole, both my friend from Massachusetts [Mr. PETERS] and my friend from Pennsylvania [Mr. PALMER].

I know that this paragraph is very dear to their hearts. They finally prevailed on the good nature of my colleague from New York [Mr. HARRISON], on the same committee, to allow this thing to go through without registering his protest, because he does not believe in any protection anywhere along the line. But the gentlemen on the committee had hardly gotten through writing this paragraph before they wrote paragraph S to follow it, seemingly desirous of taking the bad taste out of their mouths that the paragraph preceding had given them. And what does this paragraph say:

> That the President shall cause to be ascertained each year the amount of imports and exports of the articles enumerated in the various paragraphs.
>
> And so forth,
>
> And where it is ascertained that the imports under any paragraph amount to less than 5 per cent of the domestic consumption of the articles enumerated he shall advise the Congress as to the facts and his conclusions by special message.

Of course, for the purpose of having Congress lower the duty on those articles. Why did they not think a little further and go on with their intentions expressed in the preceding paragraph, and provide that where he ascertained and reported that the imported articles exceeded by 50 per cent or more of the consumption, or was equal to it, that he should report that fact to Congress, and so allow my friend from Massachusetts [Mr. PETERS] and my friend from Pennsylvania [Mr. PALMER] to see to it that there was something done to make up the difference, something to allow competition on the part of the people of the United States, something to stop the flood of imports that was coming in, and crushing out industry here? Why, if you are honest in your promises not to injure any business, why could you not at least give that poor concession to the people of the United States who are seeking to earn their livelihood in the factories of the United States? Why could you not have said two things at the same time when you were drawing this paragraph, and provide protection in the lines of the last preceding paragraph, where more than 50 per cent of the consumption was imported from abroad?

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. PAYNE. That will be time enough in which to say that I am gratified, gentlemen, with the course of this debate. I have heard mighty little criticism of the present law. I have heard some denunciation, but not very much of it. It has been confined to new Members, a few of them who got in here for the first time, and will not appear here again after the Sixty-third Congress. [Laughter.] And some of these gentlemen, Mr. Chairman, say in conclusion that they will vote for the Underwood bill, but that there are a good many things in it they do not like. [Laughter.]

Why, if you gentlemen while you are voting for this bill, while you are holding your nose because you do not like the odor of it, would be honest to your convictions and vote against

it, it would fail in its passage on the final vote at midnight to-night. [Loud applause on the Republican side.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, the remarks of the gentleman from Pennsylvania [Mr. PALMER] a few moments ago were universally applauded upon the Democratic side of the House, and with reference to those remarks I want to say to the gentleman from Pennsylvania that if he had practiced in the writing of this bill what he preached in those remarks he would be entitled to a seat upon the Republican side of the House.

Now, what was the theory which the gentleman from Pennsylvania set forth in those remarks? Why, the Democratic Party starts out with the declaration that protection is a robbery. A little later they stand for a tariff for revenue only, and then a little later they stand for a tariff for revenue, and a little later they stand for a tariff for revenue with incidental protection, and now we have them standing—in their declarations, but not in their practices—for a competitive tariff. And the gentleman from Pennsylvania said that the reason for this dumping clause is that in this bill, shortly to pass, the rates they had written in the schedules are competitive rates, permitting American manufacturers to compete with the whole world, and having given such rates the American manufacturers were entitled to the imposition of import duties that would not demoralize the American market; and that means, if it means anything, at 10 o'clock of this day, if he speaks for the Democratic Party, that their next platform must declare that the Democratic Party stands for a competitive tariff, but promises the people of the United States that they will, by imposition of import duties, protect American manufacturers against unreasonable competition from abroad. [Applause on the Republican side.]

Does it mean anything else? Mr. Chairman, as I examine this bill, from the first schedule to the last, I am inclined to think that the gentlemen are sincere in that statement; that they are beginning to hedge; and I shall not be at all surprised if in the next campaign they will find themselves compelled to stand, if they ever want to come back into power, exactly where the rank and file of the Republican Party stand to-day—for the imposition of import duties covering the difference in the cost of production at home and abroad, protecting American producers from unreasonable competition from abroad. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Illinois has seven minutes remaining.

Mr. MANN. Mr. Chairman, the pending paragraph provides that each year the President shall, as to all articles named in this bill, where the imports amount to less than 5 per cent of the domestic consumption, send a special message to Congress, announcing that fact and giving his conclusions in regard to it.

We used to think sometimes that we received a great many messages from a former President. But under the operation of this bill, with the many things which are produced wholly in the United States and of which we necessarily import none, the President will be kept busy writing messages to Congress and the Clerk will be kept busy reading them here.

But so far as the provision amounts to anything, what does it do? The tender consideration of the gentlemen on the Democratic side for the foreign manufacturer is shown in this provision. We may import 95 per cent of an article and produce only 5 per cent, but no gentleman over on that side of the aisle seeks to encourage the home industry. There is no provision that the President shall call attention to that condition. There is no provision that the President shall send a message to Congress which will show Congress how, perchance, it may increase home industry and upbuild home manufactures and raise up factories and give work to home labor. But the moment the importations fall below 5 per cent, then the President shall send to Congress some recommendation showing how we may import more goods, made by foreign labor, aided by foreign capital in foreign countries.

There is no anxiety for the American producer, no desire to protect the American manufacturer. The whole interest is to take care of those who dwell on the other side of the water.

Mr. Chairman, we are now about the close of the debate upon this bill. It has been before the country for a month. It has met with severe condemnation in nearly every quarter of the country. Already business is becoming more or less stagnated through fear of the operations of this bill. I hope that when the bill has become a law that fear may disappear. And yet we all know that the highest type of statesmanship that the world has ever produced has been necessary to protect prosperity in any land. [Applause on the Republican side.] And with the utmost that people have been able anywhere to produce in legislation it is difficult to keep up prosperous conditions. You are endeavoring not to protect prosperity, but to threaten prosperity.

We leave it to the country. If you succeed, you will have accomplished the impossible. If you are able to give to the producer as high prices as before and to the consumer lower prices than before, you will have accomplished the impossible. But when you look at what is coming, and know that you are proposing an era of falling prices and that no party in the history of this or any other country was long successful during an era of falling prices, you may know that you are having your last chance at tariff legislation for another decade.

Twenty years ago you had the chance. Sixteen years ago the Republicans again took the reins of power, and for 16 years they kept them. We leave you now, meeting the country in the most prosperous condition it ever has been in. The country turns over to you the reins of power, with people happy everywhere, with people well to do everywhere; with people well clothed, well fed, well housed, with work to perform. Proceed and see if you can do as well, because the country will judge you, not by what is said here but by what happens in the future. [Prolonged applause on the Republican side.]

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK]. [Prolonged applause.]

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, in the language of the old hymn—

This is the way I long have sought.

[Applause on the Democratic side.]

A few of us have been fighting in this House for 20 years to accomplish what we are now going to accomplish in a few minutes. [Applause.] We have faced as many as 114 majority on that side, and now you face a majority of 191 on our side.

In the first place, I wish from the bottom of my heart to congratulate Mr. Chairman UNDERWOOD and the Democrats on the Ways and Means Committee for the excellent bill which they brought into the House. [Applause on the Democratic side.]

Four years ago, in the beginning of a five-hour-and-a-half speech in this House, I congratulated the gentleman from New York [Mr. PAYNE] on having become a historical person, because he had fastened his name onto a great tariff measure. I congratulate the gentleman from Alabama [Mr. UNDERWOOD] in the same language, for the same reason. [Applause.]

I congratulate this House on both sides for the good temper, the courtesy, and the kindliness with which this discussion has been conducted from end to end. It seems that our manners as well as our politics are improving in this country. [Applause and laughter.]

No tariff bill in the history of this Government was ever as thoroughly considered as this one has been. We considered it for two weeks in a Democratic caucus, section by section, paragraph by paragraph; and they can say what they please about it, but it was the two weeks' discussion in the caucus that brought unanimity in the House. [Applause on the Democratic side.]

My friend from Wisconsin [Mr. LENROOT] is very fond of quoting the speeches that I made on the floor of the House, especially when I was minority leader. They are good speeches. [Laughter and applause.] Some time before long I want him to get up here and read a five-minute speech that I made when they forced the rule through this House to consider the Payne tariff bill. I said then that I was in favor of discussing a tariff bill section by section, and of permitting any Member of the House to offer any amendment he pleased. [Applause.] And it has come to pass; it is being done. There has been no rule brought in. You gentlemen can not kick and squirm hereafter. [Laughter.] There has been unanimity, but it was not the unanimity brought by the lash of the taskmaster. [Applause.]

The gentleman from Illinois [Mr. MANN] says that 20 years ago we passed a tariff bill and split up. That is the truth. This time we pass a tariff bill and stick together. [Applause on the Democratic side.] And the thing that has brought the discipline to the Democratic side of this House is the force of brotherly love, instead of the black-snake whip of a taskmaster. [Applause on the Democratic side.]

Now the doctors disagree on the Republican side of the House. The gentleman from Wisconsin [Mr. LENROOT] says this is a protection measure. The gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Wyoming [Mr. MONDELL] have made 200 speeches apiece in the discussion of this bill [laughter] to demonstrate that it is a free-trade measure. When doctors disagree, what are we to do? We stand for a tariff for revenue only. That is the Democratic doctrine, always has been the

Democratic doctrine, and always will be the Democratic doctrine until it is fully realized and accomplished. [Applause on the Democratic side.]

Why, the gentleman from New York [Mr. PAYNE] says that some people do not like some things in this bill. Of course they do not. I would like to get him on the witness stand and swear him, and cross-examine him as to whether he liked his own bill or not in every particular. [Applause and laughter.] I will tell you what a tariff bill is: It is the consensus of the opinions of at least 218 men in this House, 49 men in the Senate, and 1 man in the White House. That is what makes a tariff bill. And there never were two men on the face of the green earth, with brains in their heads, who would agree on all the 4,100 items in a tariff bill. But I say that by the patience and the intelligence of this Ways and Means Committee, by the patience and intelligence of the Democratic membership of this House, we have got a bill that we can go to the country on, and stand on, and the country will call us blessed. [Applause on the Democratic side.]

How did these gentlemen over here on the Republican side spend their time? My brother MANN is one of the most ingenious men that ever poked his head inside of this Hall. [Laughter and applause.] I think a great deal of him. I have stated that time and again. But 95 per cent of the amendments that these gentlemen over here offered were to restore the Payne rates, and the Payne bill was the very thing that brought the Republican Party to death's door in this country. [Laughter and applause on the Democratic side.] From the amendments these gentlemen offered it appeared that they do not want any political resurrection for themselves in this world. [Laughter.]

I am not going to weary you. [Cries of "Go on!"] No, no. We want to pass this bill. That is the chief thing, and we want to pass it to-night. [Applause.] I believe that it will bring prosperity to the country greater than it has now. The greatest thing that this country needs is a wider market for our surplus products, and that is what this bill will bring. [Prolonged applause on the Democratic side.]

The CHAIRMAN. All debate on the paragraph has expired, and, without objection, the pro forma amendment will be withdrawn.

Mr. BROUSSARD. Mr. Chairman, I ask unanimous consent that I may have five minutes on this amendment.

Mr. UNDERWOOD. Mr. Chairman, debate on the paragraph is closed, and I am compelled to object.

The Clerk, proceeding with the reading of the bill, read as follows:

T. That, except as hereinafter provided, sections 1 to 42, both inclusive, of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed: *Provided*, That nothing in this act shall be construed to repeal or in any manner affect the following numbered sections of the aforesaid act approved August 5, 1909, viz: Subsection 29 of section 28 and subsequent provisions relating to the establishment and continuance of a Customs Court, subsection 30 of section 28, providing for additional attorneys general, subsection 12 of section 28 and subsequent provisions establishing a Board of General Appraisers of Merchandise, sections 30, 31, 32, 33, and 35, imposing an internal-revenue tax upon tobacco, section 36, providing for a tonnage duty, section 39, authorizing the Secretary of the Treasury to borrow on the credit of the United States to defray expenditures on account of the Panama Canal, section 40, authorizing the Secretary of the Treasury to borrow to meet public expenditures: *Provided further*, That all excise taxes upon corporations imposed by section 38 that have accrued or have been imposed for the year ending December 31, 1912, shall be returned, assessed, and collected in the same manner, and under the same provisions, liens, and penalties as if section 38 continued in full force and effect; but the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said repeal or modification; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the passage of this act under any statute embraced in or changed, modified, or repealed by this act may be prosecuted or punished in the same manner and with the same effect as if this act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this act shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this act, may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed.

Mr. PETERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 217, line 12, by striking out the word "general."

Mr. PETERS. Mr. Chairman, this amendment is to strike out the word "general." Subsection 30, section 28, provides for an Assistant Attorney General, and the other customs attorneys, and by striking out the word "general" here the words "attorneys" are left in the proper language to carry out the references to what the section does. I now move to close all debate on this paragraph.

The CHAIRMAN. The gentleman from Massachusetts moves to close all debate on the paragraph.

The motion was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment to the last paragraph.

The Clerk read as follows:

On page 217, line 21, after the word "expenditures," insert: "*Provided further*, That the act entitled 'An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911, be and is hereby repealed."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were 107 ayes and 213 noes.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. ANDERSON and Mr. UNDERWOOD.

The committee again divided; and the tellers reported that there were 121 ayes and 222 noes.

So the amendment was lost.

Mr. HULL. Mr. Chairman, I ask unanimous consent to return to page 133, paragraph A, for the purpose of offering an amendment.

Mr. MANN. Mr. Chairman, the gentleman has the right to return under the unanimous-consent agreement entered into the other day. I offered an amendment on that paragraph at the request of the gentleman from the Philippines [Mr. QUEZON], and it was laid over to enable the committee to inquire into the matter. I understand that the committee are of the opinion that there should be some change, and they have suggested an amendment, and I am quite willing to agree to their proposed change. I ask leave to withdraw my amendment.

The CHAIRMAN. Under the order heretofore made, the committee will return to the consideration of the paragraph mentioned, and, without objection, the amendment of the gentleman from Illinois will be withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 133, lines 6, 7, and 8, by striking out the following words: "and by every citizen of Porto Rico, and by every citizen of the Philippine Islands."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment in the same connection.

The Clerk read as follows:

Amend, paragraph N, page 162, by adding at the end of the paragraph the words: "*And provided further*, That nothing in this section shall be held to exclude from the computation of the net income the compensation to any official by the government of Porto Rico or the Philippine Islands or the political subdivisions thereof."

The question was taken, and the amendment was agreed to.

The Clerk, continuing the reading of the bill, read as follows:

U. That unless otherwise herein specially provided, this act shall take effect on the day following its passage.

Mr. MOSS of West Virginia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out paragraph U and insert the following:

"U. That the provisions of section 2 of this act shall take effect on the day following the passage of this act, and that the taking effect of all other provisions of this act shall be indefinitely postponed."

[Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I think it is very evident that the amendment offered by the gentleman from West Virginia is in accordance with the views of his side. I would like to know if he desires to occupy any time.

Mr. MOSS of West Virginia. No.

Mr. UNDERWOOD. Then, Mr. Chairman, I move that all debate on the pending paragraph and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

To amend paragraph U, section 4, as follows:

By striking out lines 24 and 25 on page 218 and substituting in lieu thereof the following:

"The provisions of this act shall take effect on the 1st day of January following the passage of this act, unless otherwise herein expressly provided, except that as to all reductions on existing rates of import duties made on articles specified herein, the provisions of this act shall take effect and be operative on such imports from any country, dependency, province, or colony upon proclamation of the President, and the President shall not issue such proclamation unless and until like and compensating reductions, concessions, and privileges have been secured from such importing country, dependency, province, or colony."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly, the committee rose, and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3321—the tariff bill—and had directed him to report the same back to the House with sundry amendments thereto, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I ask for the reading of the engrossed bill, unless we can have some understanding about how long we are going to stay here to-night.

The SPEAKER. The gentleman from Illinois demands the reading of the engrossed bill.

Mr. MANN. Mr. Speaker, I reserve the right to make that demand until I can find out what is the intention of the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, it is my desire, and I think it is the desire of the House, to pass the bill to-night, if it is possible. Of course, I recognize the gentleman's right to demand the reading of the engrossed bill. The bill can not be engrossed until to-morrow, and if the gentleman insists upon it we will have to adjourn.

Mr. MANN. Mr. Speaker, I desire to be heard at some length upon the point of order which I understand the gentleman from Alabama proposes to make on our motion to recommit, which will provide for a tariff commission. If the gentleman will not make his point of order, I will be very glad to withdraw my demand for the reading of the engrossed bill, but if the point of order is to be made I wish to be heard before the Speaker rules upon it.

The SPEAKER. The gentleman will be heard, because that matter is entirely within the hands of the Speaker.

Mr. MANN. I understand, but it is rather late at night to endeavor to detain gentlemen for the purpose of hearing debate upon the point of order. I think it would lead to some discussion.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman that I must insist upon my point of order, if the motion to recommit is made in the manner suggested by the gentleman from Illinois. Of course I have not yet seen the motion to recommit.

Mr. MANN. Mr. Speaker, the motion to recommit, as first presented by the gentleman from New York [Mr. PAYNE], will contain the provision in reference to a tariff commission which was offered in the Committee of the Whole and ruled out of order by the Chairman.

Mr. UNDERWOOD. Then, Mr. Speaker, I will be compelled under those circumstances to make the point of order against the motion when it is made.

Mr. MANN. Under the circumstances I shall be compelled to ask the reading of the engrossed bill.

DAILY HOUR OF MEETING.

Mr. UNDERWOOD. Mr. Speaker, the enrolling clerk informs me that he can not have the bill ready before to-morrow afternoon. I desire to ask unanimous consent that the daily hour of meeting of the House hereafter shall be changed from 11 o'clock a. m. to 12 o'clock noon.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the daily hour of meeting shall be 12 o'clock noon instead of 11 o'clock a. m. until further order. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 2 o'clock p. m. to-morrow.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-night it adjourn to meet at 2 p. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p. m.) the House adjourned to meet at 2 p. m. to-morrow, Thursday, May 8, 1913.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LONERGAN: A bill (H. R. 4826) for the enlargement of the Federal building at Hartford, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. BROWN of West Virginia: A bill (H. R. 4827) to amend section 113 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: A bill (H. R. 4828) to further regulate the leasing of land in the Territory of Hawaii; to the Committee on the Territories.

By Mr. EVANS: A bill (H. R. 4829) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Billings, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4830) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at or near the Montana State University, at Missoula, Mont.; to the Committee on Agriculture.

By Mr. J. M. C. SMITH: A bill (H. R. 4831) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 4832) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. FALCONER: A bill (H. R. 4833) to provide for the construction, maintenance, and improvement of a system of national interstate roads, and to provide funds for the same; to the Committee on Agriculture.

By Mr. GARDNER: A bill (H. R. 4834) to repeal the apportionment clause of the civil-service act; to the Committee on Reform in the Civil Service.

By Mr. SMITH of New York: A bill (H. R. 4835) to suppress lobbying and to provide for registration of persons employed to advocate or oppose legislative measures and to regulate the method of such advocacy or opposition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: A bill (H. R. 4836) to reclassify clerks at first and second class post offices and carriers in the City Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. AINEY: A bill (H. R. 4837) granting pensions to certain widows of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 4866) giving a new right of homestead entry to former homesteaders; to the Committee on the Public Lands.

Also, a bill (H. R. 4867) defining procedure in case of protested or objected final proof on public lands; to the Committee on the Public Lands.

Also, a bill (H. R. 4868) extending the number of annual payments to entrymen upon reclamation projects; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 4869) providing for the destruction of predatory wild animals upon the national forests and the lands adjacent thereto; to the Committee on Agriculture.

Also, a bill (H. R. 4870) making an appropriation to prevent blight and to exterminate pests destructive of the potato and alfalfa; to the Committee on Agriculture.

Also, a bill (H. R. 4871) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

Also, a bill (H. R. 4872) authorizing the Secretary of War to donate to the city of Grand Junction, Colo., two cannon or field pieces; to the Committee on Military Affairs.

Also, a bill (H. R. 4873) providing for the erection of a monument on the site of the Meeker massacre, in Rio Blanco County, Colo.; to the Committee on the Library.

Also, a bill (H. R. 4874) to prevent the employment of children in factories and mines; to the Committee on Labor.

Also, a bill (H. R. 4875) to prevent the employment of females in mills, factories, or manufacturing establishments for a longer period than eight hours; to the Committee on Labor.

Also, a bill (H. R. 4876) authorizing national banks to loan money on real-estate security; to the Committee on Banking and Currency.

Also, a bill (H. R. 4877) to restore section 1 of the act of Congress of July 2, 1890, chapter 647, Twenty-sixth Statutes at Large, to its original form as enacted, by striking out the words "unreasonable or undue," inserted therein by a decision of the Supreme Court of the United States; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4878) divesting goods, wares, and merchandise manufactured by convicts or by convict labor of their interstate character in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Resolution (H. Res. 95) creating a committee of the House of Representatives on rights and welfare of women and children; to the Committee on Rules.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 80) making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 81) directing the Committee on Printing to provide a suitable index for the daily issue of the CONGRESSIONAL RECORD; to the Committee on Printing.

By Mr. KALANIANAOLE: Memorial of the Legislature of Hawaii, relative to an appropriation for the purchase of sea fisheries for the citizens of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of Hawaii, favoring an appropriation for completion of improvement of the harbor of Nawiliwili, island of Kauai; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of Hawaii, relative to amending the law governing the leasing of agricultural lands in Hawaii; to the Committee on the Territories.

PRIVATE BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 4838) granting a pension to Franc S. Hungerford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4839) granting a pension to Fannie Comfort; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4840) granting an increase of pension to Michael Weber; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 4841) granting a pension to Isabel Clark; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 4842) granting a pension to Clay Brandenburg; to the Committee on Pensions.

Also, a bill (H. R. 4843) for the relief of A. H. Sympson; to the Committee on Military Affairs.

By Mr. COVINGTON: A bill (H. R. 4844) for the relief of Jacob T. Bradshaw; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 4845) granting an increase of pension to Jane Augusta Beasley; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 4846) for the relief of Benjamin E. Jones; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 4847) granting an increase of pension to Edward Frankford; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 4848) granting a pension to Thomas Baxter; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 4849) granting a pension to Daniel Burkey; to the Committee on Pensions.

Also, a bill (H. R. 4850) granting a pension to Henrietta Bartlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4851) granting a pension to Emaline Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4852) granting an increase of pension to James Cass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4853) granting an increase of pension to Conrad Stephan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4854) granting an increase of pension to Albert A. Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4855) granting an increase of pension to Henry Bilsing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4856) granting an increase of pension to Henry Smith; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 4857) for the relief of the trustees of the Quinn African Methodist Episcopal Church, of Frederick, Md.; to the Committee on War Claims.

By Mr. MOSS of West Virginia: A bill (H. R. 4858) granting a pension to Charles W. Cunningham; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 4859) granting an increase of pension to Philip Gavin; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 4860) granting a pension to Grant Van Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4861) granting an increase of pension to William Allender; to the Committee on Invalid Pensions.

By Mr. DIES: A bill (H. R. 4862) for the relief of Mollie Richardson, heir of Stanford Mims, deceased; to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 4863) granting an increase of pension to Francis O. Nash; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 4864) granting an increase of pension to Lemuel Jones; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 4865) for the relief of Paymaster Frederick G. Pyne, United States Navy; to the Committee on Claims.

By Mr. CLAYPOOL: A bill (H. R. 4879) granting a pension to Floyd Thurman; to the Committee on Pensions.

Also, a bill (H. R. 4880) granting a pension to Sarah Catharine Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4881) granting an increase of pension to Martin Enderlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4882) granting an increase of pension to William T. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4883) granting a pension to John C. McIntire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4884) granting an increase of pension to Aries Butcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4885) granting an increase of pension to Henry Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4886) granting an increase of pension to Barnett A. Hook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4887) granting an increase of pension to William H. Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4888) granting an increase of pension to James Campbell; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 4889) granting a pension to Milton W. Snyder; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 4890) granting an increase of pension to John H. Doeg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4891) granting an increase of pension to Wright T. Ellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4892) granting an increase of pension to Sarah A. Gould; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 4893) granting an increase of pension to Matilda Fellows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4894) granting an increase of pension to Lizzie Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4895) granting an increase of pension to Homer C. Brown; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the International Brotherhood Welfare Association, favoring donating to the unemployed all machinery used in construction of the Panama Canal as will no longer be needed; to the Committee on Labor.

Also (by request), petition of C. Z. Lynch, of Robertsville, Mo., against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Foster M. Culler, of Hicksville, and Elmer R. Rader, of Convoy, Ohio, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petitions of E. J. Conley, Newark; I. B. Bates and 9 other citizens of Wellersville; S. P. Wise, of Wooster; and C. S. Starner, of Big Prairie, all in the State of Ohio, protesting against the insurance clause in the pending income-tax clause in H. R. 3321; to the Committee on Ways and Means.

By Mr. BALTZ: Petitions of Gustave E. Weihe, Nashville; J. H. Hohl, East St. Louis; and William Hoch, Waterloo, all in the State of Illinois, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. CARY: Petition of the George H. Smith Steel Casting Co., of Milwaukee, Wis., against increase of the duty on ferromanganese; to the Committee on Ways and Means.

Also, petition of the Yarn & Lance Drug Co., of Milwaukee, Wis., favoring immediate legislation on banking and currency reform; to the Committee on Banking and Currency.

Also, petitions of William Kander and Charles G. Wernir, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Saratoga Victory Manufacturing Co., of Victory Mills, N. Y., against reduction of the duty on cotton goods; to the Committee on Ways and Means.

By Mr. DALE: Petition of the Citizens' Relief Committee of Hamilton, Ohio, relative to protection against the recurrence of floods in the Great Miami Valley; to the Committee on Rivers and Harbors.

By Mr. ESCH: Petition of L. J. Kelison and 18 other citizens of La Crosse, Wis., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. FARR: Petition of J. M. Alexander, William Kelley, and other citizens of Pennsylvania, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. GOULDEN: Petitions of sundry citizens of Philadelphia, Pa., and The Bronx, N. Y., against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of sundry citizens of the twenty-first Illinois district against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of the city council of Minneapolis, Minn., favoring the passage of legislation for the Government to acquire control and ownership of all telephone and telegraph systems; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petitions of F. E. Clark, R. J. James, E. S. Alexander, and others, of Utah, against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. HAYES: Petition of J. B. Upright, of Victory Mills, N. Y., protesting against the proposed reduction of the tariff on cotton goods; to the Committee on Ways and Means.

Also, petition of J. F. Parsons and 135 other voters of Santa Ana, E. A. Preston and 20 other voters of Garden Grove, G. A. White and 20 other voters of Downey, A. P. Machado, jr., and 45 other voters of Alvarado, W. C. Sproul and 22 other voters of Norwalk, and G. L. Faulkner and 45 other voters, all in the State of California, protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of Shermene Thacher, Woodhoff; H. B. Heacock, Pacific Grove; W. B. Mosher, San Jose; and L. W. Schmick, San Francisco, all in the State of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. KAHN: Petition of W. C. Morris and 155 other residents of San Francisco, Niles, Norwalk, Los Angeles, Concord, Van Nuys, Hynes, Salinas, Monterey, Downey, Laws, Artesia, Pleasanton, Oxnard, Huntington Beach, Garden Grove, Anaheim, Santa Ana, Ontario, Gilroy, Meridian, Moss, El Monte, Woodland, Westminster, Pacific Grove, Colusa, Long Beach, and Marysville, all in the State of California, protesting against the proposed reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of the city council of Providence, R. I., protesting against the use of billboards by the United States War and Navy Departments to advertise their recruiting service; to the Committee on Military Affairs.

By Mr. KEY of Ohio: Petition of Frank P. Donnonworth, Bucyrus; Prof. C. A. Krout, Tiffin; W. O. Thompson, president of the Midland Mutual Life Insurance Co.; Frederick Haberman, Marion, all in the State of Ohio, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of the fifteenth congressional district of Pennsylvania, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. LAFFERTY: Petition of sundry business concerns and citizens of Portland, Oreg., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. LEVY: Petition of sundry milling companies in the United States, against placing flour on the free list; to the Committee on Ways and Means.

Also, petitions of sundry manufacturers of buttons of the States of New York and New Jersey against reduction of the duty on vegetable ivory; to the Committee on Ways and Means.

Also, petitions of C. S. Mathews, of Louisiana, and D. Saunders's Sons (Inc.), of Yonkers, N. Y., against reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petition of the Eppinger & Russell Co., of New York, N. Y., against the duty on creosote oil; to the Committee on Ways and Means.

Also, petition of the C. H. Parsons Co., of New York, N. Y., against the duty on jute yarns; to the Committee on Ways and Means.

Also, petition of the American Spice Trade Association, of New York, N. Y., against the duty on ground spice; to the Committee on Ways and Means.

Also, petition of the Lancaster Leaf Tobacco Board of Trade, of Lancaster, Pa., against free cigars from the Philippine Islands; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Plattsburgh, N. Y., against the proposed reorganization of the Customs Service; to the Committee on Ways and Means.

Also, petition of the Joseph Dixon Crucible Co., of Buffalo, N. Y., against reduction of the duty on lead pencils; to the Committee on Ways and Means.

Also, petition of William Yickert, of New York City, against the clause prohibiting the importation of wild-bird plumage; to the Committee on Ways and Means.

Also, petition of Anthony E. Roth, of New York City, against reduction of the duty on lithographs; to the Committee on Ways and Means.

Also, petitions of 4 citizens of New York City, favoring the feather proviso prohibiting the importation of skins and plumage of wild birds; to the Committee on Ways and Means.

Also, petitions of sundry citizens of New York City, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Bronston Bros. & Co., of New York City, against increase of the duty on blocked straw hats; to the Committee on Ways and Means.

Also, petition of Peter F. Bell, of New York City, against reduction of the duty on stained glass; to the Committee on Ways and Means.

Also, petition of the Confectioners and Ice Cream Manufacturers' Protective Association, of New York City, favoring reduction of the duty on rock salt; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of New York, asking the Committee on Banking and Currency to establish the method by which the income tax shall be collected; to the Committee on Banking and Currency.

Also, petition of Meyer & Lange, of New York City, protesting against assessment of a fee on protests against the assessment of duty by the collector of customs; to the Committee on Ways and Means.

Also, petition of E. A. G. Intemann, jr., asking that the duty be reduced on rock salt; to the Committee on Ways and Means.

Also, petition of E. A. G. Intemann, jr., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. SCULLY: Petitions of sundry citizens of New Jersey, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEENERSON: Petitions of sundry citizens of Minnesota, against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of A. I. Hall & Sons, San Francisco, Cal., protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of the Globe Grain & Milling Co. and the Great Western Milling Co., of Los Angeles, Cal., protesting against

placing a duty on wheat while admitting flour free of duty; to the Committee on Ways and Means.

Also, petition of sundry business concerns and citizens of Los Angeles and other towns of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the San Francisco Labor Council, San Francisco, Cal., relative to the appointment of a chief inspector and two assistant chiefs for the inspection of locomotive boilers; to the Committee on Labor.

By Mr. WALLIN: Petition of Local No. 231, Cigar Makers' Union, of Amsterdam, N. Y., against the admission of Philippine-made cigars free of duty; to the Committee on Ways and Means.

Also, petitions of sundry residents of the thirtieth district of New York, against the inclusion of mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 8, 1913.*

The House met at 2 o'clock p. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, "We can not always trace the way where Thou Almighty One dost move," but we most fervently pray that, with perfect faith and confidence, we may follow where Thou dost lead, assured that though the way be often obscure, rough, and difficult at the end we shall be rewarded by a full rounded out character and hear the blessed words "Well done, good and faithful servant, enter thou into the joy of thy Lord." Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. LEWIS J. MARTIN, late a Representative from the State of New Jersey.

Resolved, That a committee of seven Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the Hon LEWIS J. MARTIN, at Newton, N. J.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

And that in compliance with the foregoing resolutions the Vice President had appointed Mr. HUGHES, Mr. MARTINE of New Jersey, Mr. CUMMINS, Mr. TOWNSEND, Mr. HITCHCOCK, Mr. REED, and Mr. CLARKE of Arkansas as the committee on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 2441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2441) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take the sundry civil appropriation bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT.

THE TARIFF.

The SPEAKER. Just before the adjournment last night the gentleman from Illinois [Mr. MANN] demanded the reading of the engrossed bill H. R. 3321.

Mr. MANN. Mr. Speaker, I withdraw my demand for the reading of the engrossed bill.

Mr. PAYNE. I suppose the bill will be read by title, Mr. Speaker. I move to recommit the bill with the instructions which I send to the Clerk's desk.

Mr. MURDOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas [Mr. MURDOCK] rise?

Mr. MURDOCK. I have also a motion to recommit.

The SPEAKER. There can not be two of them at once.

Mr. MURDOCK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. What is the practice of the House as to recognition for a motion to recommit?

The SPEAKER. The Chair laid down this rule, from which he never intends to depart unless overruled by the House, that on a motion to recommit he will give preference to the gentleman at the head of the minority list, provided he qualifies, and then go down the list of the minority of the committee until it is gotten through with. And then if no one of them offer a motion to recommit the Chair will recognize the gentleman from Illinois [Mr. MANN] to make it, but if he does not do so, will recognize the gentleman from Kansas [Mr. MURDOCK] as the leader of the third party in the House. [Applause.]

Mr. MURDOCK. Mr. Speaker, the Speaker leaves out one of the essential elements as to that recognition, and that is that a man who offers a motion to recommit and who is recognized must be against the bill.

The SPEAKER. Of course. The Chair said that he would have to qualify. That is what the Chair meant by that.

Mr. MURDOCK. Then, by the Speaker's ruling the first recognition goes to the gentleman from New York?

The SPEAKER. Undoubtedly.

Mr. MURDOCK. And thereafter to whom?

The SPEAKER. The next man on the minority of the Ways and Means Committee, whoever he is, and then clear down the line, seriatim.

Mr. MURDOCK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. The Speaker mentioned the gentleman from Illinois [Mr. MANN].

The SPEAKER. The Chair will state it over again. The present occupant of the chair laid down a rule here about a year ago or more that in making this preferential motion for recommitment the Speaker would recognize the top man on the minority of the committee if he qualified—that is, if he says he is opposed to the bill—and so on down to the end of the minority list of the committee. Then, if no gentleman on the committee wants to make the motion, the Speaker will recognize the gentleman from Illinois [Mr. MANN], because he is the leader of the majority of the minority. Then, in the next place, the Speaker would recognize the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Now, Mr. Speaker, another parliamentary inquiry.

The SPEAKER. But in this case the gentleman from Kansas [Mr. MURDOCK] is on the Ways and Means Committee, which would bring him in ahead, under that rule, of the gentleman from Illinois [Mr. MANN].

Mr. MURDOCK. Another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If the gentleman from New York [Mr. PAYNE] is recognized to move to recommit, do I have the opportunity to amend the motion to recommit?

The SPEAKER. You do if the gentleman from Alabama [Mr. UNDERWOOD] is not too quick. [Laughter.]

Mr. UNDERWOOD. Mr. Speaker, I will ask the Clerk to report the motion to recommit, embodying the amendment.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

By Mr. PAYNE:

I move to recommit the bill (H. R. 3321) to reduce the tariff duties and to provide revenue for the Government, and for other purposes, to the Committee on Ways and Means, with directions to that committee to report back to the House, as speedily as possible, the said bill (H. R. 3321) so amended that it will provide:

First. For a tariff commission in the following language:

"A. That a commission is hereby created, to be known as the tariff commission, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1913, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the commission to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said commission shall be members of the same political party. Three members of said commission shall constitute a quorum. The chairman of said commission shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The commission shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

"B. That the principal office of said commission shall be in the city of Washington. The commission, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the commission may determine. All the

expenses of the commission, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the commission. Should said commission require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"C. That is shall be the duty of said commission to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said commission shall also make investigation of any such subject whenever directed by either House of Congress.

"D. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in negotiating trade agreements with foreign nations and other administrative provisions of the customs laws, the commission shall, from time to time, make report, as the President shall direct.

"E. That for the purposes of this act said commission shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the commission may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

"F. That in any investigation authorized by this act the commission may obtain such evidence or information as it may deem advisable, for its confidential use, and in case the evidence or information is so obtained, said commission shall not be required to divulge the names of persons furnishing such evidence or information: *Provided*, That no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public in such manner as to be available for the use of any business competitor or rival.

"G. That said commission shall make reports to Congress of its investigations, including an annual report and such special reports as the President or either House of Congress may direct. Said reports shall be printed as public documents. Ten thousand copies of the annual report shall be published and ready for distribution on the first Monday of December of each year.

"H. That upon the taking effect of this act there shall be transferred to the tariff commission hereby created all such property and equipment, books, and papers, as were possessed or used by the body heretofore known as the 'Tariff Board,' in connection with the subjects for which the tariff commission is hereby created."

Second. For a revision of Schedule K, relating to wool and manufactures of wool, as follows, to wit:

"1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

"2. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

"3. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"4. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

"5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

"7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe. The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

"8. The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid, there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

"9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound that is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

"10. Top waste and slubbing waste, 18 cents per pound.

"11. Roving waste and ring waste, 14 cents per pound.

"12. Noils, carbonized, 14 cents per pound.

"13. Noils, not carbonized, 11 cents per pound.

"14. Garnetted waste, 11 cents per pound.

"15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

"16. Shoddy, mungo, and wool extract, 8 cents per pound.

"17. Woolen rags and flocks, 2 cents per pound.

"18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

"Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"Valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"Valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"Valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"*Provided*, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

"23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

"If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"If valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"If valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"If valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

"24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is

silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"25. On handmade Aubusson, Axminster, oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

"26. Whenever, in any schedule of this act, the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by the woolen, worsted, felt, or any other process."

Third. For a revision of Schedule I, relating to cotton manufactures, which shall provide such classifications of, and such tariff rates upon, the articles enumerated therein as shall be equal, as to the articles produced in the United States, to the difference in cost of production in the United States and in foreign countries of the articles enumerated in accordance with the facts found by the Tariff Board in its report transmitted to Congress on the 26th day of March, 1912.

Fourth. For a revision of the remaining tariff schedules so as to provide tariff rates which shall be equal, as to the articles produced in the United States, to the estimated difference in cost of production in the United States and in foreign countries of the articles enumerated to the extent of reasonable protection of home industries.

Fifth. In revising said schedules, the tariff rates shall be adjusted by specific duties on the units of quantity of each article so far as the same be practicable.

During the reading of the foregoing, the following occurred:

Mr. MANN. Mr. Speaker, in the motion to recommit there is contained the language of the Payne tariff-commission bill, which has already been before the House, and there is also the language of the Payne woolen-schedule revision bill, which has also been before the House; and I ask unanimous consent that the reading of those bills may not be had, but that they may be inserted in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the two propositions, one about the tariff commission and the other about the woolen schedule, be omitted from the reading.

Mr. MANN. That they be printed in the RECORD, but not read.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I make a point of order against the motion to recommit.

Mr. MANN. I would like to have the rest of the motion put.

The SPEAKER. The Chair will recognize the gentleman from Alabama [Mr. UNDERWOOD] to make his point of order when the time comes.

The Clerk concluded the reading of the motion to recommit.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to recommit contains substantive matters that are not germane to the bill under consideration.

I shall not take up the time of the House in engaging in a lengthy discussion of the motion at this time, because I think the Speaker is following the precedents. In the last Congress he himself ruled that where a matter that is not germane is contained in a motion to recommit it carries out with it all the other questions contained in the motion to recommit.

The point that I make and the feature to which I direct my attention chiefly is the part of the motion that seeks to establish a tariff board or commission. My contention is, Mr. Speaker, that that is not germane because it does not relate to the object and the purpose of this bill.

The question was very thoroughly discussed in the Committee of the Whole House on the state of the Union, and inasmuch as the Speaker was present at the time that I addressed myself to the Chairman of the committee, and heard it, I shall not inflict it on the Speaker again.

Mr. MANN. Mr. Speaker, the motion to recommit contains a direction to the Committee on Ways and Means to report the bill back to the House with a provision creating a tariff commission. It might be well to state that it is not the theory of the motion, or the notion of this side of the House, that that revision of the tariff should be postponed until the tariff commission to be created had reported. We do not ask or suggest that. But the proposition for the creation of a tariff commission is submitted in order to obtain the information upon which Congress may hereafter act in making further revisions of the tariff from time to time.

The gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that the tariff-commission proposition is not germane to the provisions in this bill. What is the bill? It is a bill providing for a general and complete revision of the tariff; providing also for the collection of internal revenue in the way of an income tax, and making many other provisions, some of which are designed to give information to Congress for future revisions of the tariff. The whole scope of tariff legislation is entered into in this bill, revising every item in the tariff list, both the dutiable list and the free list. Then it provides other contemplated action in the future upon the tariff.

We contend that a provision creating a tariff commission to give further information to Congress in contemplation of future revision of the tariff is a part and parcel of the proposition to now revise the tariff and obtain information such as is sought in this bill for other revisions of the tariff.

It is true that this proposition was presented in the Committee of the Whole House on the state of the Union and ruled out of order by the distinguished gentleman from Tennessee [Mr. GARRETT], then occupying the chair. In an observation made by the occupant of the chair, I believe, he stated that there was fundamental objection to considering a tariff commission germane to a tariff revision. We consider it fundamental and part of a complete tariff revision to provide for obtaining full information for future tariff revision. Do the gentlemen on the other side think that this tariff law, when it is written, is like the laws of the Medes and Persians—unchangeable?

Do gentlemen on the Democratic side assume that the final word has been written when this tariff law has been approved? Do they consider that there never will be any change in the tariff law in the future? If it be fundamental that a tariff commission to obtain information is not related to a revision of the tariff, it can only be upon the supposition that this tariff law, when written, is the end of tariff legislation.

So that if there were no provisions in this bill at all except the dutiable list and the free list I would contend that the provision for a tariff commission was germane to the proposition to revise the tariff as to those propositions, the dutiable and the free list, because men of sense everywhere must know that there will be further revision and changes in the tariff in the future; and to assume that the obtaining of information will be of no aid in future revisions of the tariff is to assume that all knowledge now resides in a small membership in this House of Representatives.

But there are other provisions in the bill to which the tariff-commission proposition is also germane. I call the attention of the Speaker to paragraph R of Section III on page 183:

That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value shall be held to be the price at which such merchandise is freely offered for sale to all purchasers in said markets, in the usual wholesale quantities, and the price which the seller, shipper, or owner would have received, and was willing to receive, for such merchandise when sold in the ordinary course of trade in the usual wholesale quantities.

And further, in line 22 of page 184—

That the words "value," or "actual market value," or "wholesale price," whenever used in this act, or in any law relating to the appraisement of imported merchandise, shall be construed to be the actual market value or wholesale price of such, or similar merchandise comparable in value therewith, as defined in this act.

Here is one proposition in the bill which clearly contemplates the learning by the officials of this country of the market value and the wholesale price of all or any of the commodities carried by the tariff bill. And, further, paragraph U of the same section provides:

U. That if any person, persons, corporations, or other bodies, selling, shipping, consigning, or manufacturing merchandise exported to the United States shall fail or refuse to submit to the inspection of a duly accredited investigating officer of the United States, when so requested to do, any or all of his books, records, or accounts pertaining to the value or classification of such merchandise then the Secretary of the Treasury, in his discretion, is authorized while such failure or refusal continues to exclude from entry any and all merchandise sold, shipped, consigned, or manufactured by such person, persons, corporations, or other bodies and imported into the United States.

Here is a paragraph of the bill which clearly authorizes the Secretary of the Treasury, or the other proper officials of the Government of the United States, to investigate books, records, and accounts of every person offering to sell, ship, consign, or manufacture merchandise to be exported to the United States through a duly accredited investigating officer of the United States. Is not that as broad in its purpose, to the extent that it goes, as the creation of a tariff commission to ascertain prices and cost abroad?

This proposition authorizes the investigation of foreign factories, of foreign manufacturing establishments, of foreign wholesalers, and foreign jobbers, and any person engaged in the selling of produce or products to be shipped to the United States.

Again, paragraph V of Section III provides:

V. That if any person, persons, corporations, or other bodies engaged in the importation of merchandise into the United States or engaged in dealing with such imported merchandise shall fail or refuse to submit to the inspection of a duly accredited investigating officer

of the United States, upon request so to do from the chief officer of customs at the port where such merchandise is entered, any or all of his books, records, or accounts pertaining to the value or classification of any such imported merchandise, then the Secretary of the Treasury, in his discretion, is authorized while such failure or refusal continues, to exclude from entry any and all merchandise consigned or shipped, or intended for delivery, to such person, persons, corporations, or other bodies so failing or refusing.

What do we find in these two paragraphs? First, that the investigating officer of the United States may make investigations of any foreign producer, any foreign shipper, any foreign manufacturer, any foreign factory; and next, that he may make investigation of any importer, any person who has bought foreign goods and brought them to the United States, any merchant who brings goods into the United States, any manufacturer who brings raw materials into the United States. Anyone who imports foreign goods must throw his books open for investigation by the investigating officer, or he can not import goods. On the one hand, no exporter can ship goods to the United States unless he permits an investigation of his books, showing the prices and costs of production, and no person, on the other hand, can import goods into the United States unless he produces his books showing the cost so far as it applies to the goods.

Now, the only difference between the two propositions, the one in the bill and the one we submit, is this: The two provisions in the bill authorize the Treasury Department to make these wide and sweeping investigations, but the Treasury Department is a partisan department under the control of one party in the Government. We propose a nonpartisan commission to make the investigation which will help the confidence of all political parties, of all the people in the country, so far as it is possible to have confidence in the report of any board. Will people say, when you offer a proposition to have a political partisan investigation, that it is not germane to change the persons who make the investigation into a nonpartisan or bipartisan board? Certainly it is only a change of the persons who are to make the investigation. Investigation is provided for in the bill, but unfortunately, as political parties go, seldom does one party have complete confidence in the report of the political agents of the other party.

Not only that, Mr. Speaker, but in Section IV of this bill, page 195, paragraph A, it is provided—

That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however*, That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

Here is a proposition authorizing the President to make investigation. For what purpose? For the purpose of having legislation by Congress. Because the only way that Congress can ratify or reject the convention would be by legislation. Here is a proposition authorizing the President to make investigation which must be made before he enters into trade conventions or trade agreements and submit these trade agreements to Congress for its disposition. How can it be claimed that a provision directing the President to appoint a nonpartisan tariff board to make these investigations is not germane to the proposition requiring or authorizing the President to make trade agreements and submit them to Congress for legislation?

The purpose of a tariff commission is to obtain information for the purpose of aiding Congress in future legislation upon the tariff. The purpose of paragraph A, Section IV, is to have the President obtain information and submit that information to Congress for future legislation by Congress in regard to the tariff.

Not only that, but on page 215, paragraph R, of Section IV, it is provided—

That whenever articles are exported to the United States of a class or kind made or produced in the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall, in addition to the duties otherwise established, be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned, and the said fair market value thereof for home consumption, provided that the said special duty shall not exceed 15 per cent ad valorem in any case and that goods whereon the duties otherwise established are equal to 50 per cent ad valorem shall be exempt from such special duty.

Here is another proposition requiring an investigation of the prices at which all articles imported into the United States sell in the country from which they come if they are on the dutiable list.

Then I call the attention of the Speaker to paragraph S of Section IV, page 216, which reads:

S. That the President shall cause to be ascertained each year, the amount of imports and exports of the articles enumerated in the various paragraphs in section 1 of this act and cause an estimate to be made of the amount of the domestic production and consumption of said articles, and where it is ascertained that the imports under any paragraph amount to less than 5 per cent of the domestic consumption of the articles enumerated he shall advise the Congress as to the facts and his conclusions by special message.

What does this section contemplate? It contemplates obtaining by the President of the United States information to be transmitted to the Congress in contemplation of future tariff legislation. It means nothing except that when the President ascertains certain facts he shall advise Congress what, in his judgment, ought to be made in the way of changes in the tariff law. Now, the gentleman from Alabama [Mr. UNDERWOOD] says that while the bill provides that the President shall obtain this information, it is not germane for us to say how the President shall obtain the information. He says that it is in order to provide that the President shall obtain the information only through Democratic officials, but not in order to provide that the President may appoint a bipartisan or nonpartisan board to obtain the information. In either case the information is to be transmitted to Congress for future action or legislation by Congress.

Now, Mr. Speaker, what are the rules in reference to this matter? The old rule of the House, which has been in the rules of the House for many years, paragraph 7 or Rule XVI, provides:

And no motion or proposition on the subject different from that under consideration shall be admitted under color of amendment.

There have been some rulings on this provision in the rules. I will call the attention of the Speaker to a rather notable ruling made not by a regular Speaker of the House, but by one of the great parliamentarians of the House, who has often been denounced as an arbitrary parliamentarian and accused of all the faults which could come from arbitrary power, the Hon. John Dalzell, formerly of this House.

When the bill providing for the Department of Commerce and Labor was before the House——

The SPEAKER. From what is the gentleman reading?

Mr. MANN. I am reading from a private book.

The SPEAKER. The Chair supposed the gentleman was reading from a public document. The gentleman will proceed.

Mr. MANN. The Chair will find the proposition in the RECORD of January 17, 1903, at page 927. I had charge of that bill in the House. The bill provided for a Department of Commerce and Labor. The gentleman from Alabama, Mr. RICHARDSON, offered a motion to recommit with instructions. The beginning of that motion was in this form:

Resolved, That the pending bill be recommitted to the Committee on Interstate and Foreign Commerce with instructions to report a bill or bills to the House to create and establish two separate departments—a Department of Labor and a Department of Commerce—each of the same dignity as existing departments, and each with a Secretary in the Cabinet of the President, and to assign to each of the departments proper and relative bureaus; and with instructions also to strike out section 7 of the bill and insert the following as a section.

Then follows a couple of columns in the CONGRESSIONAL RECORD of instructions which were not covered in the original bill. To this motion I made the point of order. Here was a proposition in the form of a bill to create one department of the Government and a motion to recommit with instructions to bring in one or more bills to create two departments of the Government, with different authority from that carried in the bill before the House. If this proposition of ours now under consideration is subject to a point of order, then the proposition to recommit made at that time would be subject to a point of order tenfold. After discussion in the House the gentleman from Pennsylvania, Mr. Dalzell, who was acting as Speaker pro tempore, overruled the point of order and held the motion to recommit in order, because the House, having jurisdiction of the general subject in the bill before the House, could send it back to a committee with such instructions as it pleased.

The SPEAKER. Was that on a motion to recommit or a motion to refer?

Mr. MANN. That was a motion to recommit.

The SPEAKER. The Chair will ask the gentleman himself if he believes that decision was correct?

Mr. MANN. I do.

The SPEAKER. Does it not run counter to sundry decisions rendered by various Speakers?

Mr. MANN. The distinguished gentleman now in the chair did not think so at that time. [Laughter.]

The SPEAKER. But a man is supposed to learn something in the course of time, and it seems the gentleman from Illinois [Mr. MANN] also changed his mind. [Renewed laughter.]

Mr. MANN. Mr. Speaker, when I am in charge of a bill, like the gentleman from Alabama, I take advantage of technical propositions where the other side is seeking to gain advantage; but we had in the chair a parliamentarian who, acting as Speaker, was unwilling to endeavor to give the Republican side of the House a partisan advantage, and he held the motion to recommit was in order and we were compelled to go on record on a roll call to defeat it.

The SPEAKER. The Chair will ask the gentleman another question, and that is if he thinks that decision is in point?

Mr. MANN. Mr. Speaker, if I did not, I would not have quoted it. Of course, it is in point, directly, squarely in point.

What is the other provision of the rule? There is the further provision in the rules, put there for the first time by a Democratic Congress, being paragraph 3 of Rule XXI, that—

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The only portion of that rule which can be in point is the provision that no amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill. What was the reason for adopting that provision? There was considerable agitation in the country toward having tariff legislation by schedules, or piecemeal, instead of in a complete bill. It was the intention of the Democratic side of the House during the Sixty-second Congress to bring in tariff-schedule bills to revise the tariff schedule by schedule. There were a good many propositions submitted both here and at the other end of the Capitol designed to prevent amendments on the floor of either the House or the Senate which would add one schedule of the tariff law to another schedule of the tariff law. If a bill were brought in revising the chemical schedule, these propositions were designed to rule out of order amendments revising, say, the metal schedule or the woolen schedule; and the Democratic majority wrote this provision into the rules for the sole purpose, as I believe, of responding to that sentiment then prevailing, that tariff revision should be schedule by schedule. But even if it should be applied strictly to a tariff revision in a complete bill, I contend that the provision which we have offered is germane to the subject matter in the bill. What is the provision which we have offered? Outside of the provision for the appointment of the commission and regulating the powers of the commission, what is the commission to do as we propose?

That it shall be the duty of said commission to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation.

Do we not have provisions in the bill which makes that in order?

It shall be the duty of the commission to investigate the cost of the production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation.

There are many items in this bill authorizing the President or the Secretary of the Treasury to investigate the cost of production through the examination of books of all the articles which are the subject of tariff legislation. Then comes the additional provision or limitation or direction in our motion:

With special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said commission shall also make investigation of any such subject whenever directed by either House of Congress.

Simply providing for a nonpartisan or bipartisan tariff board to obtain the same information which, under the bill, the President or the Secretary of the Treasury would be enabled to obtain through political partisan sources. And the further provision in our motion is:

That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in negotiating trade agreements with foreign nations and other administrative provisions of the customs laws, the commission shall, from time to time, make report, as the President shall direct.

These are the essential powers conferred upon the commission, except those powers which are accessory for the purpose of carrying into effect the directions to the commission to obtain facts. Now, Mr. Speaker, I am going to do myself the honor to call the Speaker's attention to the motion to recommit, which the Speaker, then minority leader, made four years ago. True, it is rather mean to do so——

The SPEAKER. Go ahead; that is all right.

Mr. MANN. But I guess the Speaker, like myself, is very callous to all these things and takes them either coming or going. It is true that four years ago, on the motion made by the distinguished gentleman from Missouri [Mr. CLARK] to recommit the bill, this side of the House, not being afraid, not being cowards, always willing to go on record, did not raise the point of order. We were willing to face the issue and willing to vote upon it. [Applause on the Republican side.] Over there you are afraid to face the issue; you are afraid to vote upon it; you invoke the technical rules, which we did not invoke four years ago. I do not know what the ruling would have been if there had been a point of order made on the motion to recommit four years ago, but my own judgment is that, with the broadness of mind of the gentleman then occupying the Speaker's chair, the Hon. Joseph G. Cannon, he would have overruled the point of order and held that any proposition relating to the tariff was in order and that the House could vote it up or down. Four years ago the present Speaker made a motion to recommit.

Among other things, he provided for a maximum and a minimum tariff. [Applause on the Republican side.] He voted for it, as did the gentleman from Alabama [Mr. UNDERWOOD], seeking to obtain power. In a motion to recommit, half a column long, nearly half of the provision was for the purpose of providing a maximum and minimum tariff—nearly half their motion, nearly half the proposition they submitted four years ago was to provide a maximum and minimum tariff. Now, when they have the power to provide a maximum and minimum tariff they hold up their hands in holy horror at the idea, and refuse to accept an amendment from this side of the House to put a maximum and minimum in the tariff bill. When they were outside seeking power they wanted maximum and minimum; inside, having power, no, no; stay back. And the motion made by the gentleman from Missouri, now Speaker, four years ago also provided:

Whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly or trust in the United States, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspension shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the President.

The gentleman from Alabama [Mr. UNDERWOOD] would say that that proposition was not germane to a tariff bill. In the last Congress, when a similar proposition was offered on some of the tariff schedule bills, it was ruled out of order as not germane to a tariff bill, under a technical ruling, I suppose, not germane to a tariff schedule bill, although the Speaker apparently thought four years ago it was germane to a tariff revision bill. And next:

Amend by reducing and adjusting rates in all schedules so that the duties shall not exceed the difference in the cost of labor in America and abroad, and shall be upon a basis to produce increased revenue for the Government and competitive prices for the American consumer.

I notice, by the way, that neither of these important provisions are covered in the existing bill. Nearly every item of importance in the motion to recommit four years ago is left out of the tariff bill now. If the Democratic side of the House thought four years ago they ought to be in the bill, do they now contend that it is improper for us to offer the proposition? Having omitted them themselves, do they go so far as to say that what they advocated should be in a tariff bill four years ago is now improper to suggest from this side of the House? Is the Speaker prepared to rule that his motion to recommit four years ago was buncombe, that he did not mean it, that he knew it was not germane, that he knew it had nothing to do with the tariff, or will he hold that what he offered four years ago was germane to the bill then, and that similar propositions are germane to the bill now?

Mr. Speaker, I do not believe that the political necessities of the Democrats are so severe that they must call upon you to render at this time a partisan decision to preserve them from the wrath of the country. And I hope that the Speaker will make the ruling, in accordance with the rules and the precedents of what is clearly germane to any tariff legislation, that a provision for a tariff commission is in order. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I am sure that the Chair has been entertained by the interesting political discussion which the distinguished gentleman from Illinois [Mr. MANN] has just delivered. But as to the criticism of the point of order, Mr. Speaker, I fail to see that the gentleman has thrown any light on the situation. The gentleman criticizes the fact that

the Speaker four years ago offered a motion to recommit that contained instructions in reference to a minimum and maximum provision. The gentleman from Illinois remembers as well as I do that that very subject matter was in the Payne tariff bill, and the only change that was suggested was to reverse the situation in the bill and make the conventional tariff the maximum and a reduction of 25 per cent the minimum, instead of the situation as it stands in the bill to-day. Now, could any man doubt that to reverse the proposition in the bill was germane to the subject matter of the bill? And yet the gentleman would have the Speaker overrule this motion because he was guilty of offering an amendment to a proposition, distinctly stated in the bill under consideration. Mr. Speaker, a rule of this House provides that an amendment—and this is an amendment, so far as the consideration of it is concerned—must be germane to the bill, to the subject matter in the bill, and the subject matter in the paragraph to which it is offered.

Now, Mr. Speaker, the gentleman from Illinois contends that a tariff board to be used for the purpose of making a tariff bill is germane to a general tariff bill because the two are related to each other. If that is true, if there were a provision before the Speaker now to consider a paragraph levying a tax on wheat, would the Speaker hold that to amend the provision by levying a tax on a threshing machine would be germane?

The SPEAKER. He would not.

Mr. UNDERWOOD. The threshing machine takes the wheat from the straw and drops it into the sack. The gentleman wants to create a threshing machine to make a tariff bill, and asks you to hold that a threshing machine in a tariff bill is germane to the subject. [Laughter and applause on the Democratic side.]

Mr. MANN. Mr. Speaker, does the gentleman yield for a question?

The SPEAKER. Does the gentleman yield to the gentleman from Illinois [Mr. MANN]?

Mr. UNDERWOOD. Yes.

Mr. MANN. In this bill, if threshing machines were not mentioned, would an amendment to put them on the free list or put them on the dutiable list be in order?

Mr. UNDERWOOD. It would not be germane to the paragraph that taxed wheat.

Mr. MANN. But we are not offering this amendment to a paragraph.

Mr. UNDERWOOD. I referred it to a paragraph.

Mr. MANN. Yes.

Mr. UNDERWOOD. The same proposition applies to the whole bill. Mr. Speaker, you might just as well say that the water that comes out of a pump is germane to the pump, because they are related to each other. [Laughter on the Democratic side.]

In reference to the decision that the gentleman from Illinois [Mr. MANN] referred to, decided by the distinguished gentleman from Pennsylvania, Mr. Dalzell, relating to a bill establishing a Department of Commerce and Labor, why, Mr. Speaker, no man could question, when you brought in a bill here providing for a great department, one to administer affairs relating to commerce and one relating to affairs in reference to labor, and join them together and call it a "Department of Commerce and Labor," that it would not be germane to say "instead of one department we shall have two, and in one set of these bureaus a department of labor and in another set a department of commerce." They were related; the subject matter was the same.

But the question in a case of this kind is that the subject matter of the amendment must be directly related to the subject matter of the bill, and not indirectly related. And, Mr. Speaker, the gentleman from Illinois in his argument has most forcefully presented to the Speaker the necessity of maintaining that rule. The purpose of the rules of this House is that legislation that comes before the House may be carefully considered and well thought out by the committees before it is presented to the House for its consideration.

Now, look at the scope of legislation that the gentleman from Illinois by his argument would invite any Member of the House, without thought or consideration, to force the House to vote upon. Why, he points out the fact that this bill contains a provision for the inspection of the books of foreign merchants under some circumstances and asks, "How we are going to obtain that information unless we establish a tariff board?" Why, Mr. Speaker, to-day we have agents in our foreign service, both in the Treasury Department and in the State Department, that are charged with that duty as far as they can exercise it; and if it is necessary to amend this bill, or if any proposition is germane to this bill that relates indirectly to the inspection of the books, then, Mr. Speaker, by your decision, if you hold that way, you would open a revenue bill to an entire reorganization of both the Treasury Department and the Consular Service of the United States. [Applause on the Democratic side.]

The gentleman from Illinois [Mr. MANN] says that because we have charged the President of the United States with the duty of laying before the Congress of the United States certain facts relating to the importation of foreign goods, we must of necessity have a tariff board to perform that service. Why, Mr. Speaker, no man knows better than does the gentleman from Illinois that the Democratic Party has already established the machinery of government qualified not only to ascertain that fact but also to ascertain every fact that he seeks to have ascertained by the establishment of a tariff board. [Applause on the Democratic side.]

More than that, Mr. Speaker, we have established a Bureau of Foreign and Domestic Commerce that goes far beyond anything that these gentlemen desire to obtain in their tariff board, and it is well for the country to know it. It not only has the power to investigate the question of cost either here or abroad, the amount of imports and exports and American consumption, but when a great manufacturing institution is ready to threaten its laborers with a reduction of wages because they say there has been adverse action and legislation in Congress, or to reflect on the action of the Government of the United States, that bureau has the power to walk into their offices and ascertain whether there is real reason for their cutting the rates of wages of their labor or whether it is merely a selfish attempt to put money into their own pockets. [Applause on the Democratic side.]

The statement has been made that this tariff bill will act on labor and affect the wages of laboring men. I give you notice now that when the men from whom you bring that message endeavor to grind labor in the interest of Republican politics there is a bureau of this Government that is going to ascertain the reason why. [Applause on the Democratic side.]

Now, Mr. Speaker, if you were by your decision to open this bill to amendments that might indirectly relate to the subject matter of the bill and not directly relate to it, you would give the most severe blow to the opportunity of this Congress to legislate on revenue matters that was ever given to it. If this Congress can not bring in a bill that is confined to the subject matter of taxation, without being forced to go into the byways and the alleys of indiscriminate legislation, but must submit to have tied to it or be assaulted by any class of partisan legislation, discriminating legislation, or legislation that is intended to deflect public sentiment from the real issue before the people, if you are going to open the gates for that kind of consideration instead of the real subject matter of the bill, then any revenue bill that comes before this House will be in danger of being sandbagged before it can reach the date of its mature consideration. [Applause on the Democratic side.]

Mr. MURDOCK rose.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is recognized for five minutes on the point of order.

Mr. MURDOCK. Mr. Speaker, the most miraculous thing that could happen at this moment would be for you to overrule the point of order of the gentleman from Alabama [Mr. UNDERWOOD]. [Laughter.]

It is my observation in this House that rulings from the Chair on great political questions are made up of three ingredients: First, the moss-grown precedents and practices of the House; second, the political necessities of the hour; and, third, some mysterious and ill-defined quality which is supposed to reside in the bosom of the Speaker which permits him to do just about as he pleases. [Laughter.]

I wish it were otherwise. I wish it were possible to offer a tariff commission to this bill. I wish it not because I am for the miserable makeshift of a commission offered by the gentleman from New York [applause and laughter]—for I am not—but in order that I might have an opportunity to offer my proposition for an efficient tariff board.

For days the gentleman from Illinois [Mr. MANN] has here reiterated his fidelity to the proposition of a tariff commission. Why? Because he remembers that when his party was in power, when it had the Speaker and the House, when it had the Senate and the President, when it could have given this country a tariff commission, it failed to give it. [Applause on the Democratic side.] The gentleman from Illinois is now grasping at straws, and technical straws at that. [Applause on the Democratic side.]

The gentleman from New York [Mr. PAYNE] and the gentleman from Illinois [Mr. MANN] accuse you Democrats of cow-

ardice. The gentleman from Illinois says, "Ah, four years ago we"—speaking for the Republican leadership—"were not afraid." They were not. Look at them now! [Laughter.]

The Speaker of the House said last night upon this floor that this tariff bill had been given more consideration than any tariff bill brought in for years by the Republican Party. That is true. [Applause on the Democratic side.] But he did not have to go very far to say that. [Laughter.] Four years ago almost to this hour the Republican leaders brought before this body a long omnibus tariff bill, and with it a rule, and the rule permitted this great body to reach only five items in the bill. Listen! Lumber, hides, barley, barley malt, and a single amendment on oil, which after a fight was finally put upon the free list, with the gentleman from Illinois [Mr. MANN] voting against the motion. [Laughter on the Democratic side.]

But with this bill what have you Democrats done? This bill is the creation of the Ways and Means Committee. It is not your work. This House has had nothing to do with this bill. It was brought out of the Ways and Means Committee into a Democratic caucus, where it was given perfunctory consideration, and only perfunctory consideration. Thence it was brought to this House with the brand of the Ways and Means Committee burned in its hide, and it has not been taken out since. You have in the course of two weeks gone through a sham battle here, with the gentleman from Illinois [Mr. MANN] rising every few minutes and reiterating his reestablished fidelity to a tariff commission. [Laughter.] The chairman of the Ways and Means Committee [Mr. UNDERWOOD] has allowed debate to run for a while, and then has cut it off, finally passing on serenely to the next item in the bill. You have not considered this bill. You could not consider this bill. No American Congress can consider an omnibus tariff bill. It is an outrage upon the American people to bring an omnibus tariff bill into Congress. The Democratic Party did it in the right way last year, by separate bills. There is only one way to revise the tariff, in justice to business.

The SPEAKER. The time of the gentleman has expired.

Mr. MURDOCK. Let me have two minutes more.

The SPEAKER. The gentleman is recognized for two minutes more.

Mr. DYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. Did the gentleman ask unanimous consent?

The SPEAKER. He does not have to ask it. The Chair yields him the time.

Mr. DYER. I do not want to interrupt the gentleman speaking, but I want to know what is before the House.

Mr. MURDOCK. A point of order.

The SPEAKER. A point of order against this motion to recommit.

Mr. DYER. I desire to state that I shall insist hereafter upon speeches being upon the point of order.

The SPEAKER. That is entirely within the discretion of the Chair.

Mr. MOORE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE. I would like to know if the Chair would like to be further informed by the gentleman from Kansas on the point of order. [Laughter.]

The SPEAKER. That is exactly what the Chair gave him the few minutes for. [Laughter and applause.]

Mr. MURDOCK. Mr. Speaker, there is only one way to revise the tariff justly to business and to industry and to labor, and that is schedule by schedule, with deliberation, with a chance for consideration, and with separate votes on these schedules. [Applause.] That has never been the Republican way. Last year it was the Democratic way, but you have rejected it. To-day the only party in the country that proposes that sort of revision of the tariff is the Progressive Party, and that party will eventually win for this proposition. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. BURKE] is recognized.

Mr. BURKE of Pennsylvania. Mr. Speaker, the gentleman from Kansas [Mr. MURDOCK] has just adverted to the fact that his experience here has led him to the conclusion that rulings by the Speaker have on many occasions been guided by expediency. One of the real genuine pleasant memories that I shall cherish when I retire from this body is that arising from the fact that two great Speakers under whom I have had the honor to serve have invariably, so far as my experience goes, been guided by a suggestion made by a great Speaker to me on an occasion when I was called upon to serve as Chairman of the Committee of the Whole House on the state of the Union. He said, "My friend, when you recognize Members for debate you may strain a point, possibly, for your party; but when you rule on a parliamentary or constitutional question you never rule for party, but you always rule for posterity."

That has been the rule that has invariably marked the record of the present Speaker [applause], and that was the rule that marked his predecessor. [Applause.]

Now, as to the point of order pending before this House, the Speaker of the House in the conclusion of debate yesterday said that it took three elements to make a tariff bill—219 men in the House, 39 men in the Senate, and 1 man in the White House. Recognizing the three elements that are essential to the construction of a great revenue measure, to what particular provision in the bill does the motion submitted by the gentleman from New York [Mr. PAYNE] and so ably sustained by the gentleman from Illinois [Mr. MANN] refer?

Paragraph S, page 216, does what? It directs that the President shall cause to be ascertained—not that the President shall ascertain, but he shall cause to be ascertained, evidently by other individuals and other agents—the volume of articles imported and exported into and from the United States. What articles? Articles enumerated in Section I of this bill. Section I covers 132 pages and runs from acid to zaffer. The whole range of articles used by man in the United States, for which we are legislating, is affected by the paragraph S, and the paragraph imposes upon the President the authority and duty of ascertaining the volume and character of these articles imported and exported every year.

Now, manifestly, the President must invoke some agency in the exercise of this authority; and in doing so, has not the Congress of the United States the right, when it imposes upon him that duty, power, or right, to designate the character of the agency which he must designate under the circumstances to ascertain the facts in question?

There are three things done in this bill. You revise the rates governing the imports into this country; you revise the manner of administering the revenue law; and, third and finally, you go further and provide the method by which the tariff laws of the present shall be revised in the future, because you state in this paragraph the purpose of directing the President to ascertain these facts so that he may advise the Congress of these facts and his conclusions at a later date.

Manifestly you are not imposing upon the Chief Executive the duty of engaging in idle words or sending meaningless messages to this or another body. You are imposing upon him the discharge of the duty for the purpose of bringing about a correction of the abuses that may arise from the passage of this bill or other legislation now in existence. [Applause.]

Therefore the motion to recommit, when it designates the instrumentality through which that work shall be done, does no violence to the rule requiring amendments to be germane, but is in perfect accord with one of the main purposes of this bill, and therefore should be held in order. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I regret that the gentleman from Illinois [Mr. MANN] found it necessary to use harsh language toward this side of the House in discussing a technical question of order under the rules. If my recollection be correct, the most scared political party the United States ever knew was on the other side of the aisle in March, 1909, and there was little difference between the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] as to which of them was most frightened. The gentleman from Kansas [Mr. MURDOCK] will find before he has been acting in his present position long that the moss-grown precedents to which he refers are the most valuable assets in his category as a leader; and had it not been for them he could not have submitted to the House on the opening day of the Congress a motion which his side, or his aggregation, offered to recommit the rules with instructions to report them back with certain amendments. So that when he is more familiar with the philosophy and the history of the rules of the House he will be less likely to indulge in criticisms of the rules or of the motives actuating honorable men in enforcing and imposing the rules upon Members of the House.

Mr. Speaker, the pending question was elaborately argued the other day and decided by a distinguished parliamentarian in the Committee of the Whole House on the state of the Union. It speaks well for the temerity, if not for the discretion, of the gentlemen on that side that they expect the Speaker, after having read the previous arguments of the gentlemen and the decision of the Chair, to reverse the distinguished gentleman from Tennessee [Mr. GARRETT] who presided on that occasion. It would be as surprising as the statement of the gentleman from

Illinois [Mr. MANN] that that side of the House believes a complete revision of the tariff includes a provision for a tariff board. During the past 16 or 17 years the Republican Party has made two or three revisions of the tariff, and not until the dying days of their power did it occur to them that a tariff board might be of any service to them or to the country. The gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] occupied similar positions in that matter. Even the distinguished leader of the gentleman from Kansas during his seven years in the White House never suggested that the Congress or himself needed the help of a tariff board in revising the tariff, and his successor, whom he himself nominated and elected, did not awaken to the necessity until he realized the enormity of the Payne-Aldrich bill that had been foisted upon him.

The gentleman from Illinois [Mr. MANN] called attention to one decision which was not referred to in the previous discussion of this point of order in Committee of the Whole. In 1903 Mr. MANN made a point of order against the motion made by Mr. RICHARDSON of Alabama to recommit a bill providing for the creation of a Department of Commerce and Labor to the Committee on Interstate and Foreign Commerce, with instructions to divide the bill and report two separate bills creating two departments. The gentleman from Illinois made the point of order against the motion to recommit—

That it directs the Committee on Interstate and Foreign Commerce to report a bill creating a Department of Labor, which, under the rules of the House, can not be done by this committee [the Committee on Interstate and Foreign Commerce].

Then his present collaborator and able assistant, Mr. PAYNE, chimed in:

And besides it is not germane.

Mr. MANN, interrupting Mr. RICHARDSON of Tennessee, who was about to discuss the point of order, said:

I make the further point that a bill to create a Department of Labor is not germane as an amendment to the bill pending before the House.

The distinguished Speaker pro tempore at that time, Mr. Dalzell, held, first, that the House had the power, which has never been questioned, by motion to refer any bill to any committee, regardless of whether the rules conferred jurisdiction upon a particular committee over a particular subject, and the Speaker pro tempore added:

This is a bill creating a Department of Commerce and Labor. The proposition contained in the motion is to return this bill to that committee with instructions to separate the two branches of the subject, and to report instead of a measure for one department a measure for two departments, covering the same subjects as are now covered in the bill pending before the House. The Chair holds that the motion is germane.

Mr. Speaker, it is quite apparent that no such situation exists here. If there were a provision in this bill creating a tariff commission, and the gentleman moved to recommit, with instructions to segregate that from the other provisions of the bill, it would be in order. There are numerous decisions, to which it is not necessary to call attention, that motions to recommit with instructions can not prevail against a point of order if the instructions are such that if the motion were offered in the form of an amendment it could not prevail. The question to be determined is, Is this provision for the establishment of a tariff commission germane? The rulings distinctly lay down the proposition that if the proposed amendment or motion is upon a subject matter different from the subject matter in the bill it is not germane, and is not in order. The bill under consideration provides for the reduction of tariff duties and to provide revenue for the Government, and for other purposes.

There are many decisions where the words "other purposes" occur in the title of the bill. In such cases the Chair has examined the provisions of the bill to determine whether there was anything in the bill upon which the proposed motion or amendment could be hinged. And, without reviewing at length the provisions to which reference has been made, I think it is quite clear that nothing in this bill is of such a character that it can be said that the provision for a tariff board is not a separate, independent, and distinct matter from the provisions there. The other day attention was called to the fact that a number of decisions had been made in which the mere fact that subjects were related did not necessarily make them germane. Under the suggestion of the gentleman that the provision creating a tariff board is germane, it might be possible, in order to enable the President to carry out the duties imposed upon him by this bill, a new bureau might be created either in the Treasury Department or the Department of Commerce or the Department of State. No one would urge seriously that such an amendment would be in order if proposed to this bill. By the same reasoning the proposal to create an independent body apart from any one department, simply to assist the President, is not so intimately related with the provisions of the bill as to make that in order. If the purpose of the gentlemen upon that side of the House, Mr. Speaker, be to relieve the present occupant of the White House from onerous duties, or burdens, or labors, or to prevent him from being overcome with the duties imposed, they may rest content in the knowledge that he is fully competent and able to discharge the duties that are and may be imposed upon him not only to the satisfaction of the Democratic Party but to the immediate and permanent welfare of the American people. [Loud applause on the Democratic side.]

Mr. SAUNDERS. Mr. Speaker, the very statement by the gentleman from Illinois of the purpose of the Payne amendment clearly shows that the same is not in order. This statement of purpose brings the proposed amendment within the operation of the principle announced by the Chairman of the Committee of the Whole, Mr. GARRETT. That principle briefly stated, is to the effect that in determining whether an amendment is germane, the Chair should look to the context of the same to determine its fundamental purpose and real intent, and if that intent so manifested, is not in furtherance of the fundamental purpose of the bill, but relates to a subject different from that under consideration, then the amendment is not germane, and is therefore out of order. It is an effort under color of amendment to bring before the House a new and different proposition, and is therefore obnoxious to section 7 of Rule XVI, and in addition to section 3 of Rule XXI that no amendment is in order to a bill affecting revenue which is not germane to the subject matter in the bill. Now the gentleman from Illinois [Mr. MANN] frankly avowed that this amendment would furnish the machinery to collect or collate an immense body of facts for use in future tariff legislation. It may well be that in the preparation of schedules in future tariff bills, the information collected by such a commission might be valuable, but this consideration does not suffice to make the proposed amendment in order.

This bill reduces tariff duties, and provides revenue for the Government. It is complete and final within itself. It is not concerned with affording information for another revision, nor does it admit by implication that such a revision is either likely, or necessary. When we look to section 3 of the amendment offered by the gentleman from New York, and scrutinize the inquiries empowered under that section, it will be perfectly apparent that not one of the facts collected, or results ascertained pursuant to its authority, will be of the slightest value as an aid to the President in the enforcement of the new tariff act. For instance, how will information relating to the operation of tariff laws in other countries, or to the effect of certain duties in those countries upon the cost of living, be of service to the President in the enforcement of the pending bill which is positive in its character, and fixes the duties, and rates to be paid on the subjects to which it relates? Yet in arguing this matter the gentlemen on the other side seem to be unable to avoid the discussion of questions of general power, or of a partisan character. The question for the determination of the Chair is purely one of proper parliamentary practice.

The gentleman from Pennsylvania [Mr. BURKE] contends that it is within the power of Congress to establish a commission to collect information for the preparation of future tariff bills, or for that matter for any purpose connected with legislation. Granted. But that is not the question presented for decision. The Chair is concerned to determine, not the general power of Congress to create such a commission, but whether an amendment providing this commission is in order on this bill. We are all agreed as to the general authority of Congress to provide machinery of this character by appropriate legislation, and the point of order does not challenge this authority. Congress has the right to provide and maintain a Navy, but a bill to that effect could not be engrafted on the pending legislation. Another gentleman seems to argue that an amendment creating a nonpartisan board to collect information that might be of aid to the President in the enforcement of this law would be in order, on the ground that the present machinery for collecting information for governmental purposes is of a partisan character. Concede that the latter charge is true.

How and in what way would this fact, even if it was to the discredit of the administration, serve to vitalize this amendment, and make it in order? The fact that information is collected by a partisan, or a nonpartisan, or a bipartisan board, has no sort of relation to the parliamentary status of the Payne amendment, and can not serve to render it germane, if it is not germane on other grounds. What sort of chop logic is this, that asks the occupant of the chair, to overrule the decision of the Chairman of the Committee of the Whole, on the ground in effect that this amendment will replace the inquiry of a

partisan department, with the inquiry of a nonpartisan board? I wish to call the attention of the Chair to one or two fundamental principles in connection with this point of order. The mere fact that the matter to which an amendment relates is in a way akin to, or of the same general character as the matter to which the bill relates, does not thereby render the amendment germane and in order. The fact that the amendment is the same kind of proposition, or is of the same class of legislation as the bill under consideration, does not, in a technical sense, render that amendment in order when offered to the bill.

It is true in a general sense that when the House has control of a general subject matter, amendments relating to that subject matter are in order. But it is a matter of technical inquiry and technical ascertainment, to determine what is the subject matter to which the bill is confined. For instance, a bill providing that a claim shall be referred to the Committee on Claims is not subject to an amendment providing that the claim shall be paid by the United States, although it is perfectly clear that both the bill and the amendment relate to the claim. (H., vol. 5, sec. 5850.) It is true that the amendment relates to the claim, but the bill provides for the disposition of that claim in a particular way. The claim and that disposition are the subject matter before the House. The amendment introduces new matter, in that it proposes to dispose of the claim in an entirly different fashion. Hence it is not germane. Other precedents may be cited. To a bill giving a committee power to investigate tariff subjects, an amendment commending tariff revision is not germane. (H., vol. 5, sec. 5853.) To a section dealing with duties on woolen cloth, an amendment putting wool on the free list is not in order. (Id., sec. 5854.) To a bill dealing with the tariff between this country and the Philippines, an amendment relating to the tariff between this and other countries of the world is not germane. (Id., sec. 5860.) To a proposition relating to the terms of Senators, an amendment changing their manner of election is not in order, though both the bill and the amendment relate to Senators. (Id., p. 338.)

To a bill transferring the care of the forest reserves to the Agriculture Department, an amendment relating to civil-service officials on the reserves was held to be out of order. (H., vol. 5, sec. 8868.) To a bill amending an existing law, as to one specific particular, an amendment relating to the terms of the law, rather than to those of the bill, held not to be germane. (H., vol. 5, sec. 5806.)

I might offer many additional precedents along this line, but will content myself with citing one made by the present occupant of the chair, to the effect that a bill prohibiting transportation in interstate commerce of messages relating to transactions in cotton futures, could not be amended by making the bill apply to messages relating to gambling transactions in other agricultural products, corn, or wheat for instance. The subject matter was messages of a gambling character, but the bill was limited to these messages as they related to one form of agricultural product, and the Speaker ruled that an amendment adding another agricultural product was not germane.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. SAUNDERS. I have not the time. I do not wish to be discourteous to the gentleman, but time presses, and I am anxious to conclude my remarks. The rule as to germaneness is a wholesome one. Under its operation one main subject can be considered decently and in order. It is intended to keep distinct the several matters of legislation.

I desire to call the attention of the Chair to an interesting decision made by a former occupant of the chair, showing the extent to which the fundamental intent is considered in the application of this rule. A bill was pending in the House providing for the construction of an interoceanic canal along the Nicaraguan route. To this bill an amendment was offered providing that the canal might be constructed across the Isthmus of Panama. According to the precedents which I have cited this amendment was apparently out of order, inasmuch as the subject matter of the bill seemed to be the construction of the canal along a designated route. Yet the amendment was allowed by the Chair, on the ground that the main and fundamental purpose of the bill was the construction of a canal between the two great oceans, and not the construction of an interoceanic canal along a particular route. Therefore, the amendment was held to be in order by reason of this fundamental intent.

Looking to the pending amendment, and to the bill before the House, they differ materially in the fundamental purpose. The one is designed to raise revenue, the other to collect information. This information is not primarily designed to be of aid in the administration of the bill, and if so designed would in the main be ineffective. The text of the amendment and the frank declarations of the gentleman from Illinois in the statement of its purpose show that it is designed to be of service in future constructive legislation relating to tariff schedules. But it is no part of the purpose of this act to provide for future acts, and thus by implication concede that this act is insufficient, and likely to be soon replaced. We are concerned with the operation of this bill in its relation to the revenues which it is intended to provide, and not with devising machinery to collect information for a future legislative body. That may be done in a different way, and at another time. We are chiefly concerned with the effective operation of a law which relates to a vast variety of subjects, and is our final word to the country. It is not in aid of that bill to collect information by which a succeeding Congress will write another bill.

There is another body of precedents to which I wish to call the attention of the Chair, and which will be helpful in the determination of this point of order. When the House is considering bills from the Committee on Appropriations, many amendments known as limitations are offered to these measures. Frequently it is a difficult matter of nice technical discrimination, to determine whether an amendment is affirmative legislation or merely a limitation.

What is the ruling principle which the Chair follows in the determination of the character of these amendments? Looking to the amendment, he scrutinizes it to determine whether on the whole there is more of limitation, or of affirmation, in its content. If the element of limitation predominates, it is in order; but if on the whole it is considered to be legislation, rather than limitation, the decision is adverse, and it is excluded.

This principle and these precedents may be utilized in the determination of the question before the House. Looking to the main purpose of the bill, it is to raise revenue and provide the necessary administrative machinery to this end. Looking to the main intent of the amendment, it is designed to collect information for future legislation. The amendment of the gentleman from New York [Mr. PAYNE] seeks to introduce a new subject matter into the body of this bill, and one at variance with its manifest intent.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. SAUNDERS. I do not like to refuse to yield to my colleague, but I will say to the gentleman from Wisconsin that I have practically concluded my remarks.

The SPEAKER. The gentleman declines to yield.

Mr. COOPER. I just want to ask the gentleman a question.

Mr. SAUNDERS. So much, Mr. Speaker, for the purely parliamentary and technical side of this question. Just a word more to the gentlemen who charge that this bill has not been fully and fairly considered. I assert that no tariff bill was ever considered more fully and dispassionately, or under fairer conditions. Beginning with this year the Committee on Ways and Means have conducted the most elaborate hearings. After the hearings were concluded the committee considered the subject in detail, and formulated a bill which was submitted to the Democratic caucus. In that caucus it was considered for almost two weeks, with full opportunity for amendment, and free discussion. During its course through the caucus, the bill was amended in various particulars. On its next and final stage, it has been considered in Committee of the Whole, with every opportunity to the gentlemen on the Republican side to offer whatever amendments seemed good to them, and to speak on those amendments at vast length, and with much repetition of argument. It ill becomes these gentlemen, after this opportunity for full and free discussion and amendment, to say that this crowning work of a Democratic Congress is not the product of ample consideration and genuine deliberation. [Applause on the Democratic side.]

The SPEAKER. The Chair is ready to rule. [Applause on the Democratic side.]

I have given to this question thorough consideration. By the courtesy of the gentleman from New York [Mr. PAYNE] and of the gentleman from Illinois [Mr. MANN], I was, at my own request, furnished last Monday with a copy of this motion to recommit. I have put in the larger part of the time since then in investigating all the rules, parliamentary practices, statements, precedents, arguments, and decisions on the subject. In addition to that there has been somewhere in the neighborhood of four hours' debate yesterday and to-day upon this same point. I heard every word of it. I made it a point to do so. Nearly every parliamentarian in the House—at least everyone who wanted to participate in these discussions—did participate. Two luminous opinions were rendered on the same point by the Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Tennessee [Mr. GAR-

RETT], so that if I err in rendering this opinion I will err only after the fullest consideration.

Before I go to the point of order I want to make one or two remarks. As the minority leader four years ago, the present occupant of the chair did offer the motion to recommit the Payne tariff bill, which has been read in part by the gentleman from Illinois [Mr. MANN]. I do not know how Mr. Speaker Cannon would have ruled if a point of order had been made, but my judgment is that if any gentleman had raised a point of order, the then Speaker would have ruled part of that motion out; and, of course, if part was not in order that would have rendered the entire motion out of order under the rules and precedents. The observation of the present occupant of the chair has been that gentlemen on the floor of the House—unless it be the gentleman from Illinois [Mr. MANN]—are not averse to playing a little politics once in a long while. [Laughter.]

The gentleman from Illinois [Mr. MANN] has presented every word that can be said in favor of the germaneness of this proposition. The Chair does not believe anybody can add to what has been said by the gentleman from Illinois. There is not a man in the House who knows better how to draw an amendment or motion to recommit that is in order than does the gentleman from Illinois. Yesterday he drew an amendment that was in order, providing "that in ascertaining the fair value of foreign goods, as specified in this paragraph, the Secretary of the Treasury shall be assisted by a nonpartisan tariff commission to be appointed by the President." That was the paragraph R, fourth section. It was voted down, because the House did not want it.

The statement of the case at bar, against the germaneness of which the gentleman from Alabama [Mr. UNDERWOOD] makes his point of order, is this: The tariff bill as reported from the Committee of the Whole House on the state of the Union is pending. The gentleman from New York offers a motion to recommit with instructions. The gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that the motion contains matter not germane, and therefore is not in order. This motion to recommit contains five propositions—one for a tariff commission; No. 2, for the reformation or revision of Schedule K, the wool schedule; No. 3, for the revision of Schedule I, the cotton schedule; No. 4, for the revision of all the remaining schedules; No. 5, providing that specific duties shall be substituted for ad valorem duties wherever possible.

There seems to be no dispute about the germaneness of the last four propositions, and the entire controversy turns on the first one—that is, for the tariff commission.

The rules involved in this matter are, first, paragraph 7 of Rule XVI:

> And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

That rule has been in existence ever since 1822. The truth is, the substance of it antedates the Constitution.

The other rule involved is clause 3 of Rule XXI:

> No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill.

The other half of that paragraph is—

> Nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

That part of the rule is new, having been first adopted at the beginning of the Sixty-second Congress.

It is true, as stated by the gentleman from Illinois [Mr. MANN], that that last proposition was put in at least partly with reference to the scheme of revising the tariff schedule by schedule, but it is there nevertheless.

The subject matter of this tariff bill is the raising of revenue. The subject matter of the part of the motion to recommit which relates to the tariff commission is to gather information; or, to state it in other words, the purpose of the tariff bill is to get money, while the purpose of the tariff commission is to get information; and it seems to me that if the English language has any significance whatever the two propositions are different—that one is not germane to the other—and the truth is that the only kinship between these two propositions is that both contain the word "tariff."

I might rest this case right here, but I am not content to do so. I am going to cite the authorities on which this opinion rests, and will begin with one by Speaker Carlisle, found in section 5825, volume 5, Hinds' Precedents. I will not read it all, because it is too long, and part of it has nothing to do with this matter anyway. Mr. Speaker Carlisle said, and it is true—

> It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule; and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

The case he was passing on was this: To a bill making deficiency appropriations for the Government Printing Office, among which was none relating to the salary of the Public Printer, an amendment legislating in relation to the selection of that officer was held to be not germane.

The deficiency bill contained a proposition to pay the Public Printer's subordinates, and an amendment was offered to change the way of selecting the Public Printer. That is what he had reference to. He says:

> The subject to which the bill now under consideration relates is very clearly set forth in its title. It is "a bill making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes."

This tariff board or commission can not be let in under the phraseology "for other purposes" in the title of this bill, because the words "other purposes" in this bill mean the rest of the bill after you get through fixing the rates. Mr. Speaker Carlisle continued:

> The appropriations "for other purposes" contained in the bill do not relate at all to any of the subjects embraced in the amendment, and therefore need not be noticed. The words "for other purposes" are used here, as they usually are, to embrace subjects outside the main subjects to which the bill relates, and which are reported by the committee itself.
>
> The bill relates to no other subjects than appropriations of money for the purpose stated—

Just as this bill relates to nothing except raising money, and regulations pertaining to that—

> "to supply deficiencies in the appropriations for the service of the Government." One of the deficiencies which the bill provides for is the Government Printing Office. But the bill carefully enumerates the items for which the appropriation is to be made, and the salary of the Public Printer is not among them.

And on that statement he ruled that the amendment was not germane. It may be well to state for the edification of the House that this elaborate opinion of Mr. Speaker Carlisle, one of the most elaborate in Hinds' Precedents, was not rendered offhand; but he had plenty of time to consider it—two or three days at least—and he evidently wrote it out and read it to the House.

Here is another decision in point. It is impossible to tell whether it was rendered by Mr. Speaker Carlisle or by Gov. James B. McCreary, of Kentucky. The Journal says one and the RECORD the other. It matters little, as both are eminent men, long members of the House. I will read the syllabus:

> Section 5841, volume 5, Hinds' Precedents:
> "To a bill relating to commerce between the States an amendment relating to commerce within the several States was offered and held not to be germane."

At first blush it might seem that, both the bill and the amendment being on the subject of commerce, the amendment was germane to the bill, but it was decided that it was not, and it was decided correctly.

Another precedent is found in section 5842, volume 5, of Hinds' Precedents:

> To a bill relating to corporations engaged in interstate commerce an amendment relating to all corporations was held not to be germane. On February 7, 1903, the Committee of the Whole House on the state of the Union was considering the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.
> Mr. HENRY D. CLAYTON, of Alabama, offered an amendment:
> "SEC. —. There is thereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain and having a capital stock of $200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders."
> Mr. Marlin E. Olmsted, of Pennsylvania, made a point of order that the amendment was not germane, saying:
> "The original bill proposes a tax upon corporations engaged in interstate commerce having unpaid capital stock outstanding. This bill relates entirely to corporations engaged in interstate commerce and prohibits them from making unlawful discriminations or entering into unlawful or injurious combinations to control prices, etc. That is all right. It is also proper to control such corporations or trusts by way of taxation. But the gentleman from Alabama introduces an entirely new subject. This proposed amendment imposes a tax of 10 per cent on the entire capital stock of every corporation, big and little, in the United States, whether engaged in interstate commerce or not."

The Chairman, Mr. Henry Sherman Boutell, of Illinois, sustained Mr. Olmsted's point of order.

Another precedent is found in section 5853, volume 5, Hinds' Precedents:

> To a proposition giving a committee power to investigate tariff subjects an amendment commending tariff revision was held not to be germane.

That is almost this case turned around. That was held out of order by Mr. Speaker Stevenson, of Virginia.

Section 5852, volume 5, of Hinds' Precedents states:

A revenue amendment is not germane to an appropriation bill.

Opinion rendered by Mr. Chairman Meade, of Virginia.

Then section 5854, volume 5, Hinds' Precedents, gives this precedent:

To a bill relating to the classification for customs purposes of worsted goods as woolens, an amendment relating to duties on wools and woolens and worsted cloths was held not to be germane.

An amendment was offered by Mr. W. C. P. Breckinridge, of Kentucky; the point of order was made against it by Gov. Dingley; and the decision was rendered by the Hon. Julius Caesar Burrows, subsequently Senator of the United States. An appeal was taken from the decision of the Chair holding it not germane, and the Chair was sustained by 74 to 36; and, incidentally, the Chair will say that the Committee of the Whole on yesterday was a very full committee and sustained two of the rulings of the Chairman of the Committee of the Whole [Mr. GARRETT of Tennessee] on this very point by large majorities.

I am now going to read an opinion by a gentleman who has served 29 years in the House of Representatives, and during all the 29 years has been a most eminent Member of this House, having been chairman of the Ways and Means Committee, the Hon. SERENO E. PAYNE, of New York, now "father of the House," the same distinguished gentleman who offers this motion to recommit.

Section 5850, in volume 5 of Hinds' Precedents, reads as follows:

To a bill authorizing the Court of Claims to adjudicate a claim, an amendment providing for paying the claim outright was held not to be germane.

On January 14, 1898, the House, in Committee of the Whole House, considering the bill (S. 629) to confer jurisdiction on the Court of Claims in the case of the Book Agents of the Methodist Episcopal Church South against the United States.

That was one of the most famous cases in the annals of Congress.

This bill directed that the claim, with the accompanying petitions and papers, should be referred to the Court of Claims; that the court should render judgment against the United States in favor of said corporation for whatever sum might be found due; that in the trial the affidavits on file before Congress should be admitted as competent evidence, etc.

To this bill Mr. S. B. Cooper, of Texas—

Now a member of the Board of General Appraisers of the New York customhouse—

proposed as an amendment, in the nature of a substitute, a bill authorizing and requiring the Secretary of the Treasury to pay the sum of $288,000 in full satisfaction of the claim.

That is, Mr. Cooper was taking a short cut to get the money which that was introduced to get.

Mr. John Dalzell, of Pennsylvania, made the point of order that the Cooper amendment was not germane.

On January 21, after debate, the Chairman [the Hon. SERENO E. PAYNE, of New York] decided:

"Prior to the adoption of any rules upon the subject it was in order to offer any amendment to the bill, whether it was germane or not, by way of substituting another bill or by way of an amendment. In March, 1789, the House made a rule which changed general parliamentary law upon the subject, and that rule was in these words:

"'No new motion or proposition shall be admitted under color of amendment as a substitute for the question or proposition under debate until it has been postponed or disagreed to.'

"That simply went to the substitute and not to the amendment of the proposition; and I suppose that under that, until the adoption of a new rule by the House of Representatives, an amendment which was not in the nature of a substitute would have been in order. In 1822 the House adopted this rule:

"'No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.'

"And that rule has been the rule of the House of Representatives from that day to this, and is now clause 7 of Rule XVI, under which this point of order is raised.

"The bill before the House is an act to confer jurisdiction on the Court of Claims in the case of the Book Agents of the Methodist Episcopal Church South against the United States, and the act provides not only to confer jurisdiction but gives the court authority to render judgment for any amount, and further provides that either party may appeal from the judgment that is so rendered. That is the whole scope of the bill which is now before the committee.

And to raise money or to get money is the whole scope of this bill now pending here to-day. I adopt the language of the gentleman from New York. He continued:

The substitute offered is, briefly, an appropriation of some $288,000—the Chair does not recollect the precise amount—to be paid to the book agents of the Methodist Episcopal Church South. That is the whole scope of the substitute that is offered as an amendment.

And the whole scope of this tariff-commission proposition is to get information.

The question is whether, under the language of the rule, this is a proposition on a subject different from that under consideration. If it is, it can not be admitted as an amendment. If it is not, of course it would be in order as an amendment. * * * There is one precedent that seems to bear almost exactly upon the case before the committee, and that was the precedent cited the other day by the gentleman from Maine, Mr. Dingley, in the Forty-eighth Congress. A bill was before the House restoring Gen. Pleasonton to the Army and putting him on the retired list, in order that he might draw the pay of a retired officer. It might have been a bill entitled "for the relief of Gen. Pleasonton," but it was entitled a bill to restore him to the Army and place his name on the retired list.

When that bill was before the Committee of the Whole House the gentleman from New York, the late Mr. Cox—

And that is the Hon. Samuel Sullivan Cox, the first man who ever made a speech in this Hall, who was for eight years a Representative in the House from Ohio, and later for many years a Representative from New York City, and subsequently ambassador to Turkey—

an able parliamentarian, was in the chair. During the progress of the bill the gentleman from Indiana, the late Mr. Browne, offered an amendment striking out all after the enacting clause and authorizing the Secretary of the Interior to place his name on the pension list and pay him a pension at the rate of $100 a month. That question was debated somewhat in Committee of the Whole, and the Chairman of the committee (Mr. Cox), the point of order having been raised by the late Mr. Bayne, of Pennsylvania—and the House will observe the controversy was between two Republicans, Mr. Browne and Mr. Bayne, while the Chairman was of opposite politics, so that it would seem that no politics could enter into that question at that time—the Chair stated that he felt compelled to sustain the point of order, as it changed the whole character of the bill.

That, of course, defeated the amendment in Committee of the Whole. The bill was finally reported to the House.

The decision then goes on to recite the rest of the history of the bill. The gentleman from New York [Mr. PAYNE] then sustained the point of order against the Cooper amendment.

The case that was cited by the gentleman from Illinois [Mr. MANN], as rendered by Mr. Dalzell, has nothing to do with this question, the Chair thinks. There was a controversy in the House from the very inception of the plan to establish the Department of Commerce and Labor as to whether there ought to be one department or two. The gentleman from Illinois [Mr. MANN] reported a bill putting the two things together in one department, and the gentleman from Tennessee [Mr. Richardson] moved to cut that department in two and make two out of it. Surely that is not a parallel case. If this proposition about a tariff commission were germane, then a proposition to abolish the customs courts would be germane.

A proposition to consolidate customs districts would be germane; a proposition to abolish the Bureau of Foreign and Domestic Commerce would be germane; or anything else that touched the tariff question in the remotest degree would be germane. A proposition to investigate the tariff rates established by Augustus Cæsar at Rome would be germane—one of the most perfect systems of getting money out of people by levying a tariff ever put into print.

Mr. MANN. If it was so perfect we ought to get the information.

The SPEAKER. The gentleman will find it in Gibbons's History of the Decline and Fall of the Roman Empire. You do not have to appoint a commission to get it, and the Chair will furnish the gentleman with a copy of it. [Applause on the Democratic side.]

Mr. MANN. I suggest the distinguished Speaker is the only Democrat in the House who has one.

The SPEAKER. That may be, but the Chair has it. In view of these decisions, which are only a few out of scores that could be cited on the same line, I decide that the tariff-commission proposition is not germane to the tariff bill, and consequently the point of order made by the gentleman from Alabama [Mr. UNDERWOOD] is sustained. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER. The gentleman from Illinois [Mr. MANN] appeals from the decision of the Chair.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to lay the appeal on the table.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. On that the gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 275, nays 143, not voting 14, as follows:

YEAS—275.

Abercrombie	Bartlett	Brodbeck	Byrns, Tenn.
Adair	Bathrick	Brown, N. Y.	Callaway
Adamson	Beakes	Brown, W. Va.	Candler, Miss.
Aiken	Beall, Tex.	Bruckner	Cantrill
Alexander	Bell, Ga.	Brumbaugh	Caraway
Allen	Blackmon	Buchanan, Ill.	Carew
Ashbrook	Booher	Buchanan, Tex.	Carlin
Aswell	Borchers	Bulkley	Carr
Bailey	Borland	Burgess	Carter
Baker	Bowdle	Burke, Wis.	Casey
Barkley	Bremner	Burnett	Church
Barnhart	Brockson	Byrnes, S. C.	Clancy

Clark, Fla.	Gittins	Lever	Russell
Claypool	Glass	Levy	Sabath
Clayton	Godwin, N. C.	Lewis, Md.	Saunders
Cline	Goeke	Lieb	Scully
Collier	Goldfogle	Linthicum	Seldomridge
Connelly, Kans.	Goodwin, Ark.	Lloyd	Shackleford
Connolly, Iowa	Gordon	Lobeck	Sharp
Conry	Gorman	Logue	Sherley
Covington	Goulden	Lonergan	Sherwood
Cox	Graham, Ill.	McAndrews	Sims
Crisp	Gray	McClellan	Sisson
Crosser	Gregg	McCoy	Slayden
Cullop	Griffin	McGillicuddy	Small
Curley	Gudger	McKellar	Smith, Md.
Dale	Hamill	Maguire, Nebr.	Smith, N. Y.
Davenport	Hamlin	Mahan	Smith, Tex.
Davis, W. Va.	Hammond	Maher	Sparkman
Decker	Hardwick	Metz	Stanley
Deitrick	Hardy	Mitchell	Stephens, Miss.
Dent	Harrison, Miss.	Montague	Stephens, Nebr.
Dershem	Harrison, N. Y.	Moon	Stephens, Tex.
Dickinson	Hay	Morgan, La.	Stevens, N. H.
Dies	Hayden	Morrison	Stone
Difenderfer	Heflin	Murray, Mass.	Stout
Dixon	Helm	Murray, Okla.	Stringer
Donovan	Helvering	Neeley	Sumners
Dooling	Henry	O'Brien	Taggart
Doolittle	Hensley	Oglesby	Talbott, Md.
Doremus	Hill	O'Hair	Talcott, N. Y.
Doughton	Hobson	Oldfield	Tavenner
Driscoll	Holland	O'Leary	Taylor, Ala.
Dupré	Houston	O'Shaunessy	Taylor, Ark.
Eagan	Howard	Padgett	Taylor, Colo.
Eagle	Hughes, Ga.	Page	Taylor, N. Y.
Edwards	Hull	Palmer	Ten Eyck
Elder	Humphreys, Miss.	Patten, N. Y.	Thomas
Estopinal	Igoe	Pepper	Thompson, Okla.
Evans	Jacoway	Peters	Townsend
Faison	Johnson, Ky.	Peterson	Tribble
Fergusson	Johnson, S. C.	Phelan	Tuttle
Ferris	Jones	Post	Underhill
Fields	Keating	Pou	Underwood
Finley	Kennedy, Conn.	Quin	Vaughan
Fitzgerald	Kettner	Ragsdale	Walker
Fitzhenry	Key, Ohio	Rainey	Walsh
Flood, Va.	Kindel	Raker	Watkins
Floyd, Ark.	Kinkead, N. J.	Rauch	Watson
Foster	Kirkpatrick	Rayburn	Weaver
Fowler	Kitchin	Reed	Whitacre
Francis	Konig	Reilly, Conn.	White
Gallagher	Konop	Reilly, Wis.	Williams
Gard	Korbly	Richardson	Wilson, Fla.
Garner	Lazaro	Riordan	Wilson, N. Y.
Garrett, Tenn.	Lee, Ga.	Roddenbery	Wingo
Garrett, Tex.	Lee, Pa.	Rothermel	Witherspoon
Gerry	L'Engle	Rouse	Young, Tex.
Gilmore	Lesher	Rubey	

NAYS—143.

Ainey	Frear	Lafferty	Roberts, Mass.
Anderson	French	La Follette	Roberts, Nev.
Austin	Gardner	Langham	Rogers
Avis	Gillett	Langley	Rupley
Barchfeld	Good	Lenroot	Scott
Bartholdt	Goodwin, Me.	Lewis, Pa.	Sells
Barton	Graham, Pa.	Lindbergh	Shreve
Bell, Cal.	Green, Iowa	Lindquist	Sinnott
Britten	Greene, Mass.	McGuire, Okla.	Slemp
Broussard	Greene, Vt.	McKenzie	Sloan
Browne, Wis.	Griest	McLaughlin	Smith, Idaho
Browning	Guernsey	Madden	Smith, J. M. C.
Bryan	Hamilton, Mich.	Manahan	Smith, Minn.
Burke, Pa.	Hamilton, N. Y.	Mann	Smith, Saml. W.
Burke, S. Dak.	Haugen	Mapes	Stafford
Butler	Hawley	Martin	Steenerson
Calder	Hayes	Merritt	Stephens, Cal.
Campbell	Helgesen	Miller	Stevens, Minn.
Cary	Hinds	Mondell	Sutherland
Chandler, N. Y.	Hinebaugh	Moore	Switzer
Cooper	Howell	Morgan, Okla.	Temple
Copley	Hulings	Morin	Thomson, Ill.
Cramton	Humphrey, Wash.	Moss, W. Va.	Towner
Curry	Johnson, Utah	Mott	Treadway
Danforth	Johnson, Wash.	Murdock	Vare
Davis, Minn.	Kahn	Nelson	Volstead
Dillon	Keister	Nolan, J. I.	Wallin
Dunn	Kelley, Mich.	Norton	Walters
Dyer	Kelly, Pa.	Parker	Wilder
Edmonds	Kennedy, Iowa	Patton, Pa.	Willis
Esch	Kennedy, R. I.	Payne	Winslow
Fairchild	Kent	Platt	Woodruff
Falconer	Kiess, Pa.	Plumley	Woods
Farr	Kinkaid, Nebr.	Porter	Young, Mich.
Fess	Knowland, J. R.	Powers	Young, N. Dak.
Fordney	Kreider	Prouty	

NOT VOTING—14.

Ansberry	George	Moss, Ind.	Thacher
Anthony	Hoxworth	Rucker	Webb
Baltz	Hughes, W. Va.	Stedman	
Donohoe	McDermott	Sullivan	

So the motion to lay the appeal from the decision of the Chair on the table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. RUCKER (to table) with Mr. DONOHOE (against).

Mr. STEDMAN (to table) with Mr. ANTHONY (against).

Until further notice:

Mr. WEBB with Mr. HUGHES of West Virginia.

Mr. McDERMOTT. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman from Illinois in the Hall and listening?

Mr. McDERMOTT. I was out in the lobby when my name was called, and did not hear the bell ring. Had I been allowed to vote under the rules I would have voted "aye."

The SPEAKER. The gentleman does not bring himself within the rules if he was outside of the Chamber.

The result of the vote was announced as above recorded.

Mr. PAYNE. Mr. Speaker, I move to recommit the bill with the following instructions.

Mr. MURDOCK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to print this in the RECORD. It is precisely the same as the other, with the tariff-board proposition eliminated.

Mr. UNDERWOOD. All right; I have no objection.

Mr. MURDOCK. My parliamentary inquiry is this: At the beginning of the session to-day the Speaker said that motions would be taken from members of the Committee on Ways and Means who were opposed to the bill seriatim.

The SPEAKER. Yes.

Mr. MURDOCK. Now the gentleman from New York [Mr. PAYNE] offered a motion to recommit. It was declared out of order.

The SPEAKER. The Chair is aware of that; and therefore it was no motion at all.

Mr. MURDOCK. I wondered when the "seriatim business" was to begin. [Laughter.]

The SPEAKER. The "seriatim business" will begin when this motion is voted on if any other gentleman wants it. The Chair likes to be fair about these motions to recommit, because it is a very important privilege, and a Member can not tell always how the Chair is going to rule on his motion, or whether part of it is in order or part of it out of order. The gentleman from New York [Mr. PAYNE] is the leader of the Republicans on the subject of the tariff.

Mr. UNDERWOOD. I understand the gentleman from New York [Mr. PAYNE] asks unanimous consent, as the motion has already been printed before, that it be not read again. I want to hold the floor.

The SPEAKER. Is there objection to waiving the reading? [After a pause.] The Chair hears none.

Following is the motion to recommit submitted by Mr. PAYNE:

I move to recommit the bill (H. R. 3621) to reduce the tariff duties and to provide revenue for the Government, and for other purposes, to the Committee on Ways and Means, with directions to that committee to report back to the House as speedily as possible the said bill (H. R. 3321) so amended that it will provide—

First. For a revision of Schedule K, relating to wool and manufactures of wool, as follows, to wit:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

2. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

3. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

4. The standard samples of all wools, which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe.

The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

8. The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound than is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

10. Top waste and slubbing waste, 18 cents per pound.

11. Roving waste and ring waste, 14 cents per pound.

12. Noils, carbonized, 14 cents per pound.

13. Noils, not carbonized, 11 cents per pound.

14. Garnetted waste, 11 cents per pound.

15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

16. Shoddy, mungo, and wool extract, 8 cents per pound.

17. Woolen rags and flocks, 2 cents per pound.

18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

Valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

Valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

Valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

Provided, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

If valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

If valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

If valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

25. On hand-made Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

26. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by the woolen, worsted, felt, or any other process.

Second. For a revision of Schedule I, relating to cotton manufactures, which shall provide such classifications of, and such tariff rates upon, the articles enumerated therein as shall be equal, as to the articles produced in the United States, to the difference in cost of production in the United States and in foreign countries of the articles enumerated in accordance with the facts found by the Tariff Board in its report transmitted to Congress on the 26th day of March, 1912.

Third. For a revision of the remaining tariff schedules so as to provide tariff rates which shall be equal, as to the articles produced in the United States, to the estimated difference in cost of production in the United States and in foreign countries of the articles enumerated to the extent of reasonable protection of home industries.

Fourth. In revising said schedules the tariff rates shall be adjusted by specific duties on the units of quantity of each article so far as the same be practicable.

Mr. HARDWICK. A parliamentary inquiry, Mr. Speaker. If the gentleman from Alabama [Mr. UNDERWOOD] does not now insist on the previous question on a motion to recommit, the only effect will be simply that he will have the right to offer an amendment, but the debate will not be opened up?

Mr. MURDOCK. I offer this motion now.

The SPEAKER. The Chair did not understand the inquiry of the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. I wanted to inquire of the Chair whether, unless the gentleman from Alabama [Mr. UNDERWOOD] now moves the previous question on the motion of the gentleman from New York [Mr. PAYNE] to recommit with instructions, it would not be in order for the gentleman from Kansas [Mr. MURDOCK] to offer an amendment to that motion, although debate would not be in order under the previous question?

Mr. UNDERWOOD. The gentleman is right, Mr. Speaker.

The SPEAKER. Of course he is right.

Mr. UNDERWOOD. I withhold the motion, but I wish to make it and cut off any other motion to recommit.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] offers a motion to recommit, as a substitute to the motion offered by the gentleman from New York [Mr. PAYNE].

Mr. UNDERWOOD. Mr. Speaker, I move the previous question.

The SPEAKER. And the gentleman from Alabama [Mr. UNDERWOOD] moves the previous question.

Mr. MANN. But, Mr. Speaker——

Mr. PAYNE. Mr. Speaker, I think it ought to be read. There may be a point of order against it. I think the present motion should be read first.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from Kansas [Mr. MURDOCK].

The Clerk read as follows:

By Mr. MURDOCK:

I move to recommit the bill (H. R. 3321) to reduce the tariff rates and to provide revenue for the Government, and for other purposes, to the Committee on Ways and Means with instructions to that committee to report back to the House at as early a date as practicable, for separate consideration, with record votes on each schedule and provision, the bill so amended that it will provide:

First. For a revision of the tax on incomes that will increase the rates on incomes above $100,000.

Second. For a revision of Schedules I and K for separate consideration, with a record vote on each, which shall provide rates based, as far as may be, on the findings of the Tariff Board on wools and manufactures of wool in 1911 and on cotton manufactures in 1912, and adjusted, not on the prohibitive principle but on the protective principle, that conditions of competition between the United States and foreign countries be equalized, both for the manufacturer and the farmer, and that an adequate standard of living for the men and women in the industries affected by these schedules be provided and maintained; the measure so reported, if enacted, to remain the law only until Congress shall be able to enact measures based on the facts adduced by a nonpartisan, scientific tariff commission, with full power to develop all factors affecting the competitive strength of these industries.

Third. For a revision of the other schedules, for separate consideration, with a record vote on each, which shall provide rates based on data and estimates and as far as may be adjusted, not on the prohibitive principle, but on the protective principle of equalizing conditions of competition between the United States and foreign countries, both for the farmer and manufacturer, and of maintaining for labor an adequate standard of living; such schedules, if enacted, to remain the law only until Congress shall be able to enact measures based on the facts adduced by a nonpartisan tariff commission and with rates accurately and scientifically adjusted on the principle of protection defined herewith.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the motion and the substitute.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves the previous question on the motion to recommit offered by the gentleman from New York [Mr. PAYNE] and the

substitute offered by the gentleman from Kansas [Mr. MURDOCK].

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Murdock substitute.

The question was taken; and pending the announcement of the result, Mr. MURDOCK demanded a division.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] demands a division.

The House divided; and there were—ayes 19, noes 225.

So the Murdock substitute was rejected.

Mr. MURDOCK. Mr. Speaker, I demand the yeas and nays; and, pending that, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. A gentleman informed me that the Speaker miscounted on the first vote. Is there any way to correct that?

Mr. HUMPHREY of Washington. By a roll call.

The SPEAKER. As a matter of fact, the Speaker counted one man in the affirmative whom he does not believe was on the affirmative side. [Laughter.] That gentleman was standing up in spite of all that the Speaker could do.

Mr. MURDOCK. I think the Speaker missed two gentlemen at the extreme right who were voting in favor of the proposition. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. The Chair will count every gentleman standing up. If gentlemen do not want to be counted, they will take their seats. [After counting.] Forty-eight gentleman have arisen in the affirmative—not a sufficient number.

Mr. MURDOCK. The other side, Mr. Speaker.

The SPEAKER. The other side is demanded. Those who oppose the taking of the vote by yeas and nays will rise and stand until they are counted. [After counting.] Two hundred and sixty-four gentleman have voted in the negative. Forty-eight is not a sufficient number, and the yeas and nays are refused. The question is on the motion of the gentleman from New York [Mr. PAYNE] to recommit.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. And on that the gentleman from Illinois [Mr. MANN] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 122, nays 295, answered "present" 1, not voting 14, as follows:

YEAS—122.

Ainey	Frear	Kreider	Prouty
Anderson	French	La Follette	Roberts, Mass.
Austin	Gardner	Langham	Rogers
Avis	Gillett	Langley	Scott
Barchfeld	Good	Lenroot	Sells
Bartholdt	Goodwin, Me.	Lindquist	Shreve
Barton	Graham, Pa.	McGuire, Okla.	Sinnott
Britten	Green, Iowa	McKenzie	Slemp
Broussard	Greene, Mass.	McLaughlin	Sloan
Browne, Wis.	Greene, Vt.	Madden	Smith, Idaho
Browning	Griest	Manahan	Smith, J. M. C.
Burke, Pa.	Guernsey	Mann	Smith, Minn.
Burke, S. Dak.	Hamilton, Mich.	Mapes	Smith, Saml. W.
Butler	Hamilton, N. Y.	Martin	Stafford
Calder	Haugen	Merritt	Steenerson
Campbell	Hawley	Miller	Stevens, Minn.
Cary	Hayes	Mondell	Sutherland
Cooper	Helgesen	Moore	Switzer
Cramton	Hinds	Morgan, Okla.	Towner
Curry	Howell	Morin	Treadway
Danforth	Humphrey, Wash.	Moss, W. Va.	Vare
Davis, Minn.	Johnson, Utah	Mott	Volstead
Dillon	Johnson, Wash.	Nelson	Wallin
Dunn	Kahn	Norton	Wilder
Dyer	Keister	Parker	Willis
Edmonds	Kelley, Mich.	Patton, Pa.	Winslow
Esch	Kennedy, Iowa	Payne	Woods
Fairchild	Kennedy, R. I.	Platt	Young, Mich.
Farr	Kiess, Pa.	Plumley	Young, N. Dak.
Fess	Kinkaid, Nebr.	Porter	
Fordney	Knowland, J. R.	Powers	

NAYS—295.

Abercrombie	Bathrick	Brown, N. Y.	Callaway
Adair	Beakes	Brown, W. Va.	Candler, Miss.
Adamson	Beall, Tex.	Bruckner	Cantrill
Aiken	Bell, Cal.	Brumbaugh	Caraway
Alexander	Bell, Ga.	Bryan	Carew
Allen	Blackmon	Buchanan, Ill.	Carlin
Ashbrook	Boober	Buchanan, Tex.	Carr
Aswell	Borchers	Bulkley	Carter
Bailey	Borland	Burgess	Casey
Baker	Bowdle	Burke, Wis.	Chandler, N. Y.
Barkley	Bremner	Burnett	Church
Barnhart	Brockson	Byrnes, S. C.	Clancy
Bartlett	Brodbeck	Byrns, Tenn.	Clark, Fla.
Claypool	Goldfogle	Lieb	Saunders
Clayton	Goodwin, Ark.	Lindbergh	Scully
Cline	Gordon	Linthicum	Seldomridge
Collier	Gorman	Lloyd	Shackleford
Connelly, Kans.	Goulden	Lobeck	Sharp
Connolly, Iowa	Graham, Ill.	Logue	Sherley
Conry	Gray	Lonergan	Sherwood
Covington	Gregg	McAndrews	Sims
Cox	Griffin	McClellan	Sisson
Crisp	Gudger	McCoy	Slayden
Crosser	Hamill	McDermott	Small
Cullop	Hamlin	McGillicuddy	Smith, Md.
Curley	Hammond	McKellar	Smith, N. Y.
Dale	Hardwick	Maguire, Nebr.	Smith, Tex.
Davenport	Hardy	Mahan	Sparkman
Davis, W. Va.	Harrison, Miss.	Maher	Stanley
Decker	Harrison, N. Y.	Metz	Stephens, Cal.
Deitrick	Hay	Mitchell	Stephens, Miss.
Dent	Hayden	Montague	Stephens, Nebr.
Dershem	Heflin	Moon	Stephens, Tex.
Dickinson	Helm	Morgan, La.	Stevens, N. H.
Dies	Helvering	Morrison	Stone
Difenderfer	Henry	Murdock	Stout
Dixon	Hensley	Murray, Mass.	Stringer
Donovan	Hill	Murray, Okla.	Sumners
Dooling	Hinebaugh	Neeley	Taggart
Doolittle	Hobson	Nolan, J. I.	Talbott, Md.
Doremus	Holland	O'Brien	Talcott, N. Y.
Doughton	Houston	Oglesby	Tavenner
Driscoll	Howard	O'Hair	Taylor, Ala.
Dupré	Hughes, Ga.	Oldfield	Taylor, Ark.
Eagan	Hulings	O'Leary	Taylor, Colo.
Eagle	Hull	O'Shaunessy	Taylor, N. Y.
Edwards	Humphreys, Miss.	Padgett	Temple
Elder	Igoe	Page	Ten Eyck
Estopinal	Jacoway	Palmer	Thacher
Evans	Johnson, Ky.	Patten, N. Y.	Thomas
Faison	Johnson, S. C.	Pepper	Thompson, Okla.
Falconer	Jones	Peters	Thomson, Ill.
Fergusson	Keating	Peterson	Townsend
Ferris	Kelly, Pa.	Phelan	Tribble
Fields	Kennedy, Conn.	Post	Tuttle
Finley	Kent	Pou	Underhill
Fitzgerald	Kettner	Quin	Underwood
FitzHenry	Key, Ohio	Ragsdale	Vaughan
Flood, Va.	Kindel	Rainey	Walker
Floyd, Ark.	Kinkead, N. J.	Raker	Walsh
Foster	Kirkpatrick	Rauch	Walters
Fowler	Kitchin	Rayburn	Watkins
Francis	Konig	Reed	Watson
Gallagher	Konop	Reilly, Conn.	Weaver
Gard	Korbly	Reilly, Wis.	Whitacre
Garner	Lafferty	Richardson	White
Garrett, Tenn.	Lazaro	Riordan	Williams
Garrett, Tex.	Lee, Ga.	Roddenbery	Wilson, Fla.
Gerry	Lee, Pa.	Rothermel	Wilson, N. Y.
Gilmore	L'Engle	Rouse	Wingo
Gittins	Lesher	Rubey	Witherspoon
Glass	Lever	Rupley	Woodruff
Godwin, N. C.	Levy	Russell	Young, Tex.
Goeke	Lewis, Pa.	Sabath	

ANSWERED "PRESENT"—1.

Copley

NOT VOTING—14.

Ansberry	George	Moss, Ind.	Sullivan
Anthony	Hoxworth	Roberts, Nev.	Webb
Baltz	Hughes, W. Va.	Rucker	
Donohoe	Lewis, Md.	Stedman	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. ANTHONY (to recommit) with Mr. STEDMAN (against).

Mr. DONOHOE (to recommit) with Mr. RUCKER (against).

Mr. ANSBERRY with Mr. ROBERTS of Nevada.

The result of the vote was announced as above recorded.

The SPEAKER. The motion to recommit is lost, and the question is, Shall the bill pass?

Mr. MANN. On that I demand the yeas and nays.

Mr. UNDERWOOD. I demand the yeas and nays.

The SPEAKER. Both the gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. UNDERWOOD] demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 281, nays 139, answered "present" 1, not voting 12, as follows:

YEAS—281.

Abercrombie	Borchers	Callaway	Conry
Adair	Borland	Candler, Miss.	Covington
Adamson	Bowdle	Cantrill	Cox
Aiken	Bremner	Caraway	Crisp
Alexander	Brockson	Carew	Crosser
Allen	Brodbeck	Carlin	Cullop
Ashbrook	Brown, N. Y.	Carr	Curley
Aswell	Brown, W. Va.	Carter	Dale
Bailey	Bruckner	Cary	Davenport
Baker	Brumbaugh	Casey	Davis, W. Va.
Barkley	Bryan	Church	Decker
Barnhart	Buchanan, Ill.	Clancy	Deitrick
Bartlett	Buchanan, Tex.	Clark, Fla.	Dent
Bathrick	Bulkley	Claypool	Dershem
Beakes	Burgess	Clayton	Dickinson
Beall, Tex.	Burke, Wis.	Cline	Dies
Bell, Ga.	Burnett	Collier	Difenderfer
Blackmon	Byrnes, S. C.	Connelly, Kans.	Dixon
Boober	Byrns, Tenn.	Connolly, Iowa	Donovan

Dooling	Hayden	Maher	Sisson
Doolittle	Heflin	Metz	Slayden
Doremus	Helm	Mitchell	Small
Doughton	Helvering	Montague	Smith, Md.
Driscoll	Henry	Moon	Smith, Tex.
Eagan	Hensley	Morrison	Sparkman
Eagle	Hill	Murray, Mass.	Stafford
Edwards	Hobson	Murray, Okla.	Stanley
Elder	Holland	Neeley	Stephens, Miss.
Estopinal	Houston	Nolan, J. I.	Stephens, Nebr.
Evans	Howard	O'Brien	Stephens, Tex.
Faison	Hughes, Ga.	Oglesby	Stevens, N. H.
Fergusson	Hull	O'Hair	Stone
Ferris	Humphreys, Miss.	Oldfield	Stout
Fields	Igoe	O'Leary	Stringer
Finley	Jacoway	O'Shaunessy	Sumners
Fitzgerald	Johnson, Ky.	Padgett	Taggart
FitzHenry	Johnson, S. C.	Page	Talbott, Md.
Flood, Va.	Jones	Palmer	Talcott, N. Y.
Floyd, Ark.	Keating	Patten, N. Y.	Tavenner
Foster	Kelly, Pa.	Pepper	Taylor, Ala.
Fowler	Kennedy, Conn.	Peters	Taylor, Ark.
Francis	Kent	Peterson	Taylor, Colo.
Gallagher	Kettner	Phelan	Taylor, N. Y.
Gard	Key, Ohio	Post	Ten Eyck
Garner	Kindel	Pou	Thacher
Garrett, Tenn.	Kinkead, N. J.	Quin	Thomas
Garrett, Tex.	Kirkpatrick	Ragsdale	Thompson, Okla.
Gerry	Kitchin	Rainey	Townsend
Gilmore	Konig	Raker	Tribble
Gittins	Konop	Rauch	Tuttle
Glass	Korbly	Rayburn	Underhill
Godwin, N. C.	Lee, Ga.	Reed	Underwood
Goeke	Lee, Pa.	Reilly, Conn.	Vaughan
Goldfogle	L'Engle	Reilly, Wis.	Walker
Goodwin, Ark.	Lesher	Richardson	Walsh
Gordon	Lever	Riordan	Watkins
Gorman	Levy	Roddenbery	Watson
Goulden	Lewis, Md.	Rothermel	Weaver
Graham, Ill.	Lieb	Rouse	Webb
Gray	Linthicum	Rubey	Whitacre
Gregg	Lloyd	Rupley	White
Griffin	Lobeck	Russell	Williams
Gudger	Logue	Sabath	Wilson, Fla.
Hamill	Lonergan	Saunders	Wilson, N. Y.
Hamlin	McAndrews	Scully	Wingo
Hammond	McClellan	Seldomridge	Witherspoon
Hardwick	McCoy	Shackleford	Young, Tex.
Hardy	McDermott	Sharp	The Speaker
Harrison, Miss.	McGillicuddy	Sherley	
Harrison, N. Y.	Maguire, Nebr.	Sherwood	
Hay	Mahan	Sims	

NAYS—139.

Ainey	French	Langham	Roberts, Mass.
Anderson	Gardner	Langley	Roberts, Nev.
Austin	Gillett	Lazaro	Rogers
Avis	Good	Lenroot	Scott
Barchfeld	Goodwin, Me.	Lewis, Pa.	Sells
Bartholdt	Graham, Pa.	Lindbergh	Shreve
Barton	Green, Iowa	Lindquist	Sinnott
Bell, Cal.	Greene, Mass.	McGuire, Okla.	Slemp
Britten	Greene, Vt.	McKenzie	Sloan
Broussard	Griest	McLaughlin	Smith, Idaho
Browne, Wis.	Guernsey	Madden	Smith, J. M. C.
Browning	Hamilton, Mich.	Manahan	Smith, Minn.
Burke, Pa.	Hamilton, N. Y.	Mann	Smith, N. Y.
Burke, S. Dak.	Haugen	Mapes	Smith, Saml. W.
Butler	Hawley	Martin	Steenerson
Calder	Hayes	Merritt	Stephens, Cal.
Campbell	Helgesen	Miller	Stevens, Minn.
Chandler, N. Y.	Hinds	Mondell	Sutherland
Cooper	Hinebaugh	Moore	Switzer
Cramton	Howell	Morgan, La.	Temple
Curry	Hulings	Morgan, Okla.	Thomson, Ill.
Danforth	Humphrey, Wash.	Morin	Towner
Davis, Minn.	Johnson, Utah	Moss, W. Va.	Treadway
Dillon	Johnson, Wash.	Mott	Vare
Dunn	Kahn	Murdock	Volstead
Dupré	Keister	Nelson	Wallin
Dyer	Kelley, Mich.	Norton	Walters
Edmonds	Kennedy, Iowa	Parker	Wilder
Esch	Kennedy, R. I.	Patton, Pa.	Willis
Fairchild	Kiess, Pa.	Payne	Winslow
Falconer	Kinkaid, Nebr.	Platt	Woodruff
Farr	Knowland, J. R.	Plumley	Woods
Fess	Kreider	Porter	Young, Mich.
Fordney	Lafferty	Powers	Young, N. Dak.
Frear	La Follette	Prouty	

ANSWERED "PRESENT"—1.

Copley.

NOT VOTING—12.

Ansberry	Donohoe	Hughes, W. Va.	Rucker
Anthony	George	McKellar	Stedman
Baltz	Hoxworth	Moss, Ind.	Sullivan

So the bill was passed.

The following additional pairs were announced:

On this vote:

Mr. RUCKER (for the bill) with Mr. DONOHOE (against).

Mr. STEDMAN (for the bill) with Mr. ANTHONY (against).

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye," as above recorded.

Mr. PADGETT. Mr. Speaker, I am informed that my colleague, Mr. MCKELLAR, has been called away on account of sickness, and I ask that he be excused on that account. He has been in the House until a short time ago, when he was taken away very sick.

The SPEAKER. The gentleman from Tennessee asks that his colleague, Mr. MCKELLAR, be excused. Is there objection?

There was no objection.

The vote was then announced as above recorded. [Applause.]

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Chair desires to make a short statement. On the division on the Murdock substitute the Chair did his best to count fairly, as he always does. He counted 17 Members and announced it that way. It turns out that there are 19 men constituting the entire Progressive Party in the House, and the gentleman from Kansas [Mr. MURDOCK] furnishes me with a paper, signed by the 19, that they all voted. It is not as easy to count as people may think. For instance, if a Member walks away from the Speaker while a count is in progress the Speaker takes it for granted that, although he is standing up, he does not wish to be counted. If one is leaning over conversing with another man, it is difficult to say whether he is standing up to be counted or not. So if there is no objection the Chair will direct that the RECORD show 19 votes in favor of the proposition instead of 17.

Mr. MANN. Mr. Speaker, I shall not object, although I took the trouble to make the count while the Speaker was counting, and there were only 17 standing up.

Mr. MURDOCK. Mr. Speaker, I did not catch the remark of the gentleman from Illinois [Mr. MANN]. I understand that he said he counted those who stood and that there were only 17. As usual, he casts reflections on the word of men in this body. There were 19 men who said they were here and who said they voted.

The SPEAKER. The gentleman from Illinois [Mr. MANN] said he would not object, and that is the end of it. The reporter will change the 17 to 19, if there is no objection. [After a pause.] The Chair hears no objection.

ASSAULT ON REPRESENTATIVE SIMS.

Mr. UNDERWOOD. Mr. Speaker, I am advised by the gentleman from West Virginia [Mr. DAVIS] that he will call up the Glover case to-morrow, and in order that it may be finished to-morrow I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Alabama this question: After the Glover case is disposed of to-morrow, what is likely to be the program of the majority of the House for the next few weeks?

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Illinois that it is the purpose of the Committee on Ways and Means on the Democratic side to make up the committees for this side of the House. That will probably take until the 1st of June. In view of that fact I would like, if it is agreeable to the membership of the House, and as no further business can be transacted without committees, to enter into a unanimous-consent agreement, if we can, on both sides of the House, that after either to-morrow or Saturday—one or two little matters may come up to-morrow—the House may adjourn for three days at a time until the 1st of June, and that no business shall be transacted during that time, so that Members may go home.

Mr. MANN. Of course, there may be some little "chicken-feed" business.

Mr. UNDERWOOD. Yes; except unanimous-consent matters.

Mr. MANN. And of course nothing could be transacted in the absence of a quorum, and with such an understanding anyone who was here could stop the transaction of any business, because there would be no quorum present. That is perfectly satisfactory so far as I am personally concerned, and I think that meets the feelings of the Republican Members of the House.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the minority leader, as well as the majority leader, whether that would interfere with the sending of the Indian appropriation bill to conference, in case there was no objection to it.

Mr. MANN. I should say not.

Mr. UNDERWOOD. I should say not. Then, Mr. Speaker, as there is probably a larger attendance here now than there will be to-morrow or the next day, I ask unanimous consent that after Saturday next there shall be no business transacted until the 1st day of June, except some little matters that may possibly come up by unanimous consent, such as sending the Indian bill to conference, so that it will not be necessary to keep a quorum present, and that Members may go home.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama as to his purpose in the MacDonald-Young contested-election case.

Mr. UNDERWOOD. Mr. Speaker, I would say that I expect by the 1st of June to have the Democratic members of the committee selected, prepared to submit to the Democratic caucus, and if the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] are prepared to furnish the names of their members of that committee at that time, the committee will be elected immediately afterwards, so that it may consider the case.

Mr. MURDOCK. I will say to the gentleman from Alabama that that is the case we want to get up as soon as possible.

Mr. UNDERWOOD. I think there is no dispositon on this side of the House to delay a speedy hearing.

The SPEAKER. There are two requests pending. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The second request is that, after Saturday next and until the 1st of June, there shall be no business transacted except small matters of unanimous consent——

Mr. MANN. Mr. Speaker, I take it that that is only a gentleman's agreement. There can be no order entered in the House in reference to it.

The SPEAKER. The intention, of course, is to adjourn three days at a time.

Mr. UNDERWOOD. I think that is the understanding. Nobody has objected.

Mr. HENRY. Mr. Speaker, I desire to submit an inquiry to the gentleman from Alabama which he will understand. Suppose the Committee on Rules should report a proposition to be submitted to the House on Saturday next—a matter of legislation—would this agreement interfere with that matter being considered?

Mr. UNDERWOOD. Not on Saturday, but on the following Monday. My idea is that the Membership of the House could stay here Saturday if necessary. Mr. Speaker, as I understand the agreement, it would not interfere with any emergency appropriation bill that might come in.

Mr. MANN. Well, the Speaker put that request.

The SPEAKER. The request has never been agreed to.

Mr. MANN. I did not understand the request is to be put to the House. I understand it is an understanding that will undoubtedly, having now been stated, prevent the House from having a quorum at any time, so that if any gentleman desires to prevent business it is a very easy matter for him to do. All he has got to do is to say "Mr. Speaker, I make the point of order that there is no quorum present."

Mr. COOPER. Do I understand from the remark of the gentleman from Illinois that it will be possible, unless somebody got up and said they objected, to transact business between now and the 1st of June?

Mr. MANN. It would be theoretically possible, of course, but——

Mr. COOPER. I do not think it ought to be theoretically possible; it ought to be absolutely impossible, and I think there ought to be a distinct understanding that no business should be transacted.

The SPEAKER. That is all that can be done.

Mr. MANN. I will say to the gentleman from Wisconsin no unanimous-consent agreement entered into by the House could prevent the House or Members of the House the next day from rescinding it by unanimous consent.

Mr. COOPER. Then I think it would be a great deal safer to recess until the 1st of June.

The SPEAKER. The trouble is we can not recess until the 1st of June——

Mr. COOPER. We could do so with the consent of the Senate, I think.

The SPEAKER. The Chair knows with the consent of the Senate you can.

Mr. MANN. We have never had any difficulty about this before.

Mr. COOPER. The reason I spoke of this is because last summer during the national convention at Baltimore and the other one at Chicago there was quite a long time when supposedly no business of importance would be transacted, and there was some quite important business transacted, and there were a very small number of people here.

Mr. UNDERWOOD. I do not recall any agreement having been made in the House at that time.

Mr. MANN. The gentleman from Wisconsin will recall at that time there was an agreement in the House that no business should be transacted during the Democratic convention in Baltimore, and there was no business transacted. The House was over there, or rather a large share of it, and the rest were somewhere else, but during the time of the convention in Chicago the sundry civil appropriation bill was under consideration, but there was no agreement not to transact business because, as a matter of fact, everybody was pushing the sundry civil appropriation bill.

Mr. COOPER. It is my recollection there was some business of importance transacted.

The SPEAKER. Is there objection to the request of the gentleman from Alabama for unanimous consent that after Saturday until the 1st day of June there shall be no business transacted in the House except such things as referring bills to a committee or such little matters to which everybody would be agreeable?

Mr. COOPER. Will that include the adoption of a conference report?

Mr. UNDERWOOD. Mr. Speaker, I withdraw the request, and if the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] understand the proposition and will cooperate with me we will try to carry it out. [Applause.]

CLERK TO JOINT SELECT COMMITTEE ON DISPOSITION OF USELESS EXECUTIVE PAPERS.

Mr. LLOYD. Mr. Chairman, I present the following privileged resolution.

The Clerk read as follows:

House resolution 86 (H. Rept. 13).

Resolved, That the chairman of the Joint Select Committee on Disposition of Useless Executive Papers be, and he is hereby, authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day for this session.

The committee amendment was read, as follows:

In line 5, after the word "day," insert "from the 2d day of May, 1913, and during the remainder of," so that it will read: "who shall be paid out of the contingent fund of the House at the rate of $6 per day from the 2d day of May, 1913, and during the remainder of this session."

Mr. MANN. This is the employee for the Talbott committee.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSENGER TO JOINT SELECT COMMITTEE ON DISPOSITION OF USELESS EXECUTIVE PAPERS.

Mr. LLOYD. Mr. Speaker, I desire to offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 85 (H. Rept. 15).

Resolved, That the chairman of the Joint Select Committee on Disposition of Useless Executive Papers be, and he is hereby, authorized to appoint a messenger to said committee, who shall be paid out of the contingent fund of the House at the rate of $60 per month for this session.

Also the following committee amendments were read:

Line 5, after the word "month," insert "from the 2d day of May, 1913, and during the remainder of."

Line 5, after the word "month," strike out the word "for."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The resolution as amended was agreed to.

MARY C. ADAMS.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 87 (H. Rept. 12).

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay to Mary C. Adams, out of the contingent fund of the House, the sum of $60, said amount being compensation for 24 days' salary, from April 7 to April 30, 1913, both days inclusive, as attendant in the ladies' reception room of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MARIE SMITH, HALLIE VIERBUCHEN, AND LOUISE MORGAN.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The gentleman from Missouri offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 81 (H. Rept. 11).

Resolved, That there be paid, out of the contingent fund of the House, to Marie Smith, Hallie Vierbuchen, and Louise Morgan $7.50 each for

services as telephone operators for first three days of April, 1911; and that Hallie Vierbuchen, Louise Morgan, and Jennie White be paid $15 each for services as telephone operators for the first six days of April, 1913.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The gentleman from Missouri also offers the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 84 (H. Rept. 14).

Resolved, That after March 4, 1913, those members of the Committee on the Merchant Marine and Fisheries who are Members elect of the House of Representatives, Sixty-third Congress, or a majority of them, until the appointment of the Committee on the Merchant Marine and Fisheries, are authorized to expend for the purposes stated, and under the conditions stipulated in House resolution 587, adopted June 18, 1912, out of the contingent fund of the House of Representatives, a sum not exceeding the balance unexpended after March 4, 1913, of the whole amount authorized to be expended on said resolution.

Also the following committee amendment was read:

Line 3, after the word "Fisheries," insert the words "of the Sixty-second Congress."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I would ask the gentleman to make an explanation of what this is.

Mr. LLOYD. Mr. Speaker, this resolution authorizes the Committee on the Merchant Marine and Fisheries, which was authorized during the last session of Congress to make certain investigations by House resolution, to discharge this work of investigation and continue it and pay the employees that may have been employed under that resolution since the 4th day of March.

Mr. MANN. How could there be any employees employed since? Did they have authority to go ahead after the 4th of March?

Mr. ALEXANDER. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Missouri [Mr. ALEXANDER]?

Mr. MANN. Certainly.

Mr. ALEXANDER. The Committee on the Merchant Marine and Fisheries completed the public hearings on or about the 1st day of March. They had in their employ Dr. S. S. Huebner as expert, and a stenographer, who is assisting him. I asked Dr. Huebner to go ahead and revise the hearings and index them ready for publication, and also revise the diplomatic and consular reports and index them also for publication, and continue the work under my direction until the committee should be appointed. The public hearings ended, as stated, about March 1, and it would have very much interfered with our work to have dropped it at that stage. Under the resolution (H. Res. 587) of the House the committee were investigating the so-called Shipping Trust. We have expended, I will say, about $12,000 in the investigation altogether.

Mr. MANN. How much does this further authorize the committee to expend?

Mr. ALEXANDER. The appropriation was $25,000.

Mr. MANN. Now, as I understand, the amendment proposed is to make it apply to the members of the Committee on the Merchant Marine and Fisheries in the last Congress and who were reelected to this Congress. Is that right?

Mr. LLOYD. Yes, sir.

Mr. MANN. Yet, in the course of a few days we will have a new Committee on the Merchant Marine and Fisheries, who will have no money in their control, and these old members, who still remain, will have $13,000?

Mr. LLOYD. The Committee on the Merchant Marine and Fisheries will then take up the work and will have control over the fund.

Mr. MANN. When do they get the authority? When you have turned the money over to somebody else?

Mr. LLOYD. The members of the committee elect to this Congress are only authorized to spend the money up to the time the Committee on the Merchant Marine and Fisheries is selected.

Mr. MANN. I did not so understand it.

Mr. ALEXANDER. That is simply for the purpose of continuing the work.

Mr. MANN. Is that what this resolution provides?

Mr. LLOYD. Yes; this just provides for the time between the 4th day of March and the time when the Committee on the Merchant Marine and Fisheries may be appointed. The gentleman will remember, perhaps, that in the general deficiency appropriation bill two or three committees were authorized to make expenditures just as this committee has done, but they failed to include the Committee on the Merchant Marine and Fisheries.

Mr. BARTLETT. Permit me to say, Mr. Speaker, that we were not asked to do it.

Mr. MANN. I know that a good many of the committees were authorized to spend money for investigations in the last Congress, but I have seen nothing come out of them that amounts to anything.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from South Dakota [Mr. MARTIN]?

Mr. LLOYD. Yes.

Mr. MARTIN. Does the pending resolution in its terms limit the authorization to the time of the appointment of the new committee?

Mr. ALEXANDER. Yes.

Mr. LLOYD. That is it.

Mr. MARTIN. I did not quite catch it when it was read.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOXWORTH, on account of sickness.

LEAVE TO WITHDRAW PAPERS—ALLEN M. HILLER.

By unanimous consent, at the request of Mr. MOORE, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Allen M. Hiller (H. R. 26804), Sixty-second Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Friday, May 9, 1913, at 11 o'clock a. m.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3695) granting an increase of pension to Amelia Walker, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 4896) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 4897) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Army on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Military Affairs.

Also, a bill (H. R. 4898) to provide for voluntary admissions to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

By Mr. TUTTLE: A bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities; to the Committee on Coinage, Weights, and Measures.

By Mr. FESS: A bill (H. R. 4900) for the erection of a monument to Gen. Ulysses S. Grant at Georgetown, Ohio; to the Committee on the Library.

By Mr. VARE: A bill (H. R. 4901) establishing a minimum wage and a minimum age for all Government employees; to the Committee on Labor.

By Mr. CARTER: Resolution (H. Res. 96) authorizing the House Committee on Labor to make an investigation of conditions in the Paint Creek district, West Virginia; to the Committee on Rules.

By Mr. CLAYTON: Resolution (H. Res. 97) providing for the consideration of H. R. 32 and S. 577, etc.; to the Committee on Rules.

By Mr. THACHER: Memorial of the Legislature of Massachusetts, against releasing Federal control of national forests; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 4902) for the relief of Allen M. Hiller; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 4903) for the relief of the deacons of the Gethsemane Baptist Church of Davidson County, Tenn.; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 4904) for the relief of Mary McCullough; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 4905) granting a pension to Charles Woesner; to the Committee on Pensions.

Also, a bill (H. R. 4906) granting an increase of pension to Frank E. Schoener; to the Committee on Pensions.

Also, a bill (H. R. 4907) granting an increase of pension to Jacob Teal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4908) granting an increase of pension to John Herndon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4909) granting an increase of pension to Joseph W. Watt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4910) granting an increase of pension to Emma E. Kanzleiter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4911) granting an increase of pension to George Kross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4912) granting an increase of pension to Robert W. Irvine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4913) granting an increase of pension to George W. Ovens; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 4914) granting a pension to Paulina L. Klepper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4915) granting a pension to Hannah L. Carson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4916) granting a pension to Sarah E. Hendricks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4917) granting a pension to Frances R. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4918) granting an increase of pension to Daniel Robb; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 4919) granting a pension to Freelin Taylor; to the Committee on Pensions.

Also, a bill (H. R. 4920) granting a pension to Frank P. Collins; to the Committee on Pensions.

Also, a bill (H. R. 4921) granting a pension to Orville Fox; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 4922) granting a pension to Anna L. Yachmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4923) granting an increase of pension to John H. Weaver; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 4924) to remove the charge of desertion against William V. Molloy; to the Committee on Military Affairs.

By Mr. THACHER: A bill (H. R. 4925) for the relief of E. W. Rohmeling; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 4926) granting an increase of pension to Sarah J. Winters; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 4927) for the relief of Isador Miller; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of D. H. Kelly, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also (by request), petition of the New York and New Jersey Live Stock Exchange, Jersey City, N. J., favoring admitting live stock free of duty; to the Committee on Ways and Means.

By Mr. DALE: Petition of Abe Weinstein, Brooklyn, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Illinois Manufacturers' Association, Chicago, Ill., relative to the reductions in the dutiable list and the additions to the free list in House bill 3321; to the Committee on Ways and Means.

By Mr. DICKINSON: Petition of C. A. Croome and others, of Clinton, Mo., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. DYER: Petition of A. L. Dyke, St. Louis, Mo., protesting against the assessment of a fee for all protests against assessment of the collector of customs; to the Committee on Ways and Means.

Also, petition of the Lumbermen's Club of St. Louis, Mo., protesting against the passage of legislation abolishing the Commerce Court; to the Committee on Appropriations.

Also, petition of Whitelaw Bros., St. Louis, Mo., protesting against the reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petition of the Hess & Culberson Jewelry Co., St. Louis, Mo., protesting against any change in the duty on diamonds; to the Committee on Ways and Means.

Also, petition of J. A. Gillespie, St. Louis, Mo., protesting against any reduction of the tariff on collars; to the Committee on Ways and Means.

Also, petition of the Ravarino & Freschi Grocery Co. and the Rosen-Reichardt Brokerage Co., of St. Louis, Mo., protesting against the assessment of a fee for all protests against assessments of duty by the collector of customs; to the Committee on Ways and Means.

Also, petition of Charles A. Unger, St. Louis, Mo., protesting against any change in the duty on books bound in the United States; to the Committee on Ways and Means.

Also, petition of the American Home Building and Loan Association, St. Louis, Mo., asking that building and loan associations be exempted from the payment of the income tax; to the Committee on Ways and Means.

Also, petition of the Tenth Ward Improvement Association, St. Louis, Mo., favoring the passage of legislation for immediate consideration of adequate provisions for flood control, etc.; to the Committee on Rivers and Harbors.

Also, petition of William D. Tulley and 3 other citizens of St. Louis, Mo., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the New York and New Jersey Live Stock Exchange, of Jersey City, N. J., against placing meats on the free list and taxing live stock; to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the Navy League of the United States, favoring legislation providing for a council of national defense; to the Committee on Naval Affairs.

By Mr. GOLDFOGLE: Petition of the Felt Hat Manufacturers' Tariff Committee, relative to paragraph No. 446, Schedule N, of the tariff bill; to the Committee on Ways and Means.

Also, petition of Max Glasberg, of New York, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Ludlow Manufacturing Associates, of Boston, Mass., against reduction of the duty on jute goods; to the Committee on Ways and Means.

Also, petitions of sundry citizens of New York, N. Y., against free cigars from the Philippine Islands; to the Committee on Ways and Means.

Also, petition of the International Brick, Tile, and Terra Cotta Workers' Alliance, of Chicago, Ill., against reduction of the duty on floor and wall tile; to the Committee on Ways and Means.

Also, petition of the Rocky Mountain Ore Producers, Salt Lake City, Utah, protesting against any change in the duty on lead in ores; to the Committee on Ways and Means.

Also, petition of Aron Wein and Dave Tux, of New York, N. Y., protesting against the removal of the duty on Philippine tobacco and cigars; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of N. G. Stringham, H. E. Hatch, and others, of Utah, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. LEVY: Petition of Roger H. Williams, New York, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of E. A. G. Intemann, New York, N. Y., protesting against the reduction of the duty on rock salt; to the Committee on Ways and Means.

Also, petition of the New York and New Jersey Live Stock Exchange, Jersey City, favoring placing live stock on the free list; to the Committee on Ways and Means.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for an immediate reform in the banking system of the United States; to the Committee on Banking and Currency.

By Mr. J. I. NOLAN: Petition of the Jewelers' Board of Trade of the Pacific Coast, San Francisco, Cal., against any reduction in the tariff on diamonds, etc.; to the Committee on Ways and Means.

By Mr. ROBERTS of Nevada: Petition of sundry citizens of Nevada, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petitions of I. B. Walton and 26 other citizens of Los Angeles, Norwalk, Downey, Astasia, Cudahy, and Garden City, Cal., against placing sugar on the free list; to the Committee on Ways and Means.

Also, petitions of sundry citizens of California, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Retail Dry Goods Merchants' Association, of Los Angeles, Cal., against Schedule N of the tariff bill, relative to importation of wild-bird plumage; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of Delos Abel, Schenectady, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 9, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Wednesday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying that mutual life insurance companies be exempted from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the City Council of Minneapolis, Minn., favoring the establishment of a Federal telegraph and telephone system, which was referred to the Committee on Interstate Commerce.

Mr. NORRIS presented a petition of sundry citizens of Scribner, Nebr., praying for a reduction in the tariff on sugar, which was referred to the Committee on Finance.

Mr. LODGE presented the memorial of Haman Von Hall and 44 other citizens of Boston, Mass., remonstrating against the admission free of duty of cigars from the Philippine Islands, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of Frank B. Sawyer, of Keene, N. H.; James M. George, of Grasmere, N. H.; Massillon W. Angier, of Concord, N. H.; G. Wardwell, of Keene, N. H.; Herman C Weymouth, of Laconia, N. H.; Lloyd E. Maxfield, of Pittsfield, N. H.; James E. Kress, of Johnstown, Pa.; Alfred D. Warren and Frank D. Lackey, of Wilmington, Del.; W. B. McCarthy and C. H. Miller, of Huntingdon, Pa.; Charles F. Van Horn, Alexander W. Dannenbaum, W. C. Pope, J. Howard Wilson, F. L. Degener, jr., J. Blair Kennerly, and Emmett O'Neil, of Philadelphia, Pa.; B. F. Lockwood, F. B. Ray, W. C. Lusk, and B. M. Banton, of Yankton, S. Dak.; Leonard L. Barrett, of Fort Warren, Mass.; Robert Snyder, of Narberth, Pa.; Harry Brown, H. C. Chisolm, and Samuel I. Spyker, of Huntingdon, Pa.; S. Pemberton Hutchinson, of Philadelphia, Pa.; and George C. Jewell and Percy Elmer Jewell, policyholders in the Mutual Life Insurance Co. of New York, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Linnæan Society of New York, praying for the adoption of the clause in the pending tariff bill relating to the importation of aigrettes and feathers, etc., which was referred to the Committee on Finance.

Mr. JOHNSON of Maine presented memorials of Local Union No. 27, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Woodland; of Local Union No. 12, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Millinocket; of Androscoggin Local Union No. 15, International Brotherhood of Paper Makers, of Lisbon Falls; Local Union No. 146, International Brotherhood of Paper Makers, of Woodland; and of sundry citizens of Sherman, Limestone, and Madison, all in the State of Maine, remonstrating against a reduction in the duty on print paper and pulp, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Portland, Togus, Waterville, Bangor, Van Buren, Westbrook, Old Town, Bridgton, and Caribou, all in the State of Maine, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

TARIFF DUTY ON SHIRTS AND COLLARS.

The VICE PRESIDENT. If there are no further petitions and memorials, reports of committees are in order.

Mr. THOMAS. Mr. President, before the first order is passed I desire to present a matter to the consideration of the Senate which I think properly belongs to that head of business.

On Wednesday last I had occasion, in speaking upon the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the sundry civil appropriation bill, to place in the RECORD a circular issued by the United Shirt & Collar Co. to its employees and posted at various conspicuous places in the several establishments of the workshops belonging to the constituents of the United Shirt & Collar Co. It is unnecessary to do more than to refer at this time to that circular, which appears on page 1262 of the CONGRESSIONAL RECORD.

This morning I received a clipping from the same paper, the Troy Standard Press, relating to the same subject. That clipping consists of a reproduction of an anonymous communication, evidently from one of the working girls in one of these establishments, and doubtless prompted by the circular, which, as you will recall, Mr. President, was accompanied by a cut in wages which the employees were threatening to resist. This clipping is from the issue of May 7, and reads as follows:

We got cut a quarter of a cent Wednesday on every doz. of work makes our pay 50 cts. a day less. There is thirty two of us folding. They want us to send a letter to Washington.

The comment of the paper is:

It is not the custom of the Standard Press to give space in its columns to anonymous communications. Under the existing conditions, however, we believe no apology for deviation from that rule is necessary in presenting this fragment from an anonymous letter as an exhibit of how Republican high "protection" does not protect our working people. To sign such a communication for publication would be equivalent to immediate discharge. It is not the kind of letter being sent to Washington, but a free-will offering of facts. It is doubtful if the most of those other letters, censored "at the office" before mailing are free-will or contain facts.

Commenting further this article assumes to give interviews held upon the subject matter of the circular of May 5 and its effect upon the working people.

"We were ordered to sign a petition—

I am reading from the paper—

asking for amendments to the proposed tariff reduction," said a young woman employed by Tim & Co. this afternoon. "The order was sent out this morning and we were told to stop in the office some time to-day and sign. Accompanying the order was a decided intimation that unless we did so we would receive no more work. Up to noon no girls had obeyed the order, and it was generally conceded that we would remain firm and refuse to do so, although we expected to receive individual and specific instructions on this matter this afternoon and believe that the bosses may attempt to force us to sign before we leave for our homes to-night.

"This attempt to make the employees of the collar shops in Troy pose as martyrs in the case of the enforcement of the tariff reduction is a subterfuge, pure and simple, because we will not be benefited one way or the other. We are not getting the work we should, anyway, and have not for a long while. The top stitchers for the last six weeks have been taking down $2.50 or so Saturday nights as a week's wages. The other employees of the shop did not average more than $6 a week for 1911 and 1912, and the prospects for 1913 are no more satisfactory. They can not blame these conditions on the proposed reduction of the tariff, for they existed long before the tariff talk started. Tim & Co. have factories in Rutland, Vt., and Greenbush, and they send their work to those places, so why should we Troy employees worry whether the tariff goes up or down? Yet they are trying to give the public and the Government the impression that we will be seriously affected by any change in the tariff on cotton collars.

"The Cluett factories are also shipping large quantities of work to their other factories and yet they are making an appeal for tariff protection in behalf of their Troy employees. The employees firmly believe that the manufacturers are simply making a play out of the tariff question in order to bring about a reduction in wages. Some of the shops have experienced this cut already, and it was reported to-day that a general cut would take place to-morrow. All the big factories are reported to be preparing for this cut, but the name of Tim & Co. was not mentioned. Possibly this is because we made a successful stand against a proposed cut of a quarter cent some months ago and Messrs. Ellis feel that we will go out again if another attempt is made to cut us, as we certainly would."

SITUATION GRAVE ENOUGH.

The situation is much more grave than the manufacturers are willing to admit. An effort was made generally throughout the shops of Troy to get the letters and petitions of the employees away to Washington to-day if possible. This brought the situation nearer to a focus and, with the expected cuts hanging over them like a menacing cloud, the workers are not in a very happy state of mind and are ready to resort to any recourse that might seem to offer an opportunity for impressing upon the employers the fact that the tariff reduction can not be made a subterfuge for reduction of wages. One employee of Earl & Wilsons said to-day:

"We have been reduced and reduced until we can not stand another reduction in wages. Old Ed Betts used to say that $6 a week was enough for any girl to live on, and I guess his sons are putting the father's theory into practice. At least, they appear to think that $6 a week is enough to pay any girl. We are put up against all kinds of persecution. Although we are working on piecework, we have to be in the shop at 7.10 in the morning or the doors are locked, and we can not get in until 7.45. If we are not in then we are locked out for the day. I do not know what right the Bettses have to lock up their hun-

dreds of employees in a shop like that. What would happen if the place ever took fire and every exit locked? I always thought there were laws to protect workers, but they do not seem to be in effect in Troy. After we once get in we have to stay in until the boss says we can go out. They have made the nine-hour law an excuse for persecuting us by making us stay in until 6 o'clock at night, whether we have any work to do or not. Of course, if there is work to do, working by piece, we want to do it and earn as much money as possible. We want to work the full maximum of nine hours a day, but when there is nothing to do, staying in until 6 o'clock is just so many hours in prison. At first the bosses tried to make the girls think that the State law was doing this and that the proper redress was to agitate a return to old conditions, when women in factories could be worked until they dropped."

Employees of Cluett, Peabody & Co. were talking strike pretty generally this morning. They say any further reduction in the wages can result only in organization for action.

Mr. President, this article contains considerable matter which perhaps is not germane to the circular itself or to the letter which has been reproduced in facsimile in the article to which attention was called. My purpose in presenting it at present is to focus the attention of the Senate upon what seems to be the commencement of a system of procedure on the part of some at least of the manufacturers of this country, having for its purpose through the preliminary reduction of wages to force their employees, dependent upon them for subsistence, into adverse action with reference to the Underwood tariff bill and its consideration by the Members of this body, and by reason of such combined attack, expressed through continued and multiplied correspondence, either change public sentiment or force the hand of the majority of this body.

The gentlemen representing this industry, headed by the mayor of the city of Troy, called to see me about 10 days ago. I received them as courteously and listened to them as patiently and gave them such time as I could. They declared that any interference with the present rates of duty would result in the closing of their shops and in the abandonment of a great industry, which, while affecting them to some extent, would, of course, be very injurious to multitudes of employees by throwing them out of employment. Of course, the people of the country have heard this tale of woe from every direction, and will continue to hear it, because they can not help themselves, until this bill becomes a law, as it will become a law, and goes into effect throughout the country.

Mr. President, this Senate is a body the temper of which I greatly mistake—the temper of which on this side of the Chamber, at least, I greatly mistake—if it is to be influenced by any manufactured panic, by any forced obstruction of industries, by any ruthless and brutal reduction of wages, whereby the dependent labor of this country is to be coerced into taking a stand against a measure the passage of which is designed for and must result in their ultimate benefit.

If there is an industry which has less cause to take a step of this sort than any other, it is the collar and cuff and shirt industry of the country. The duty which they have enjoyed is not protective; it is absolutely prohibitive, as is shown by the statistical records of the Government. The Tariff Handbook discloses the fact that in 1910—that being the last date upon which complete statistics were obtainable at the time of its preparation, as I am informed—imports of linen collars and cuffs for that year were valued at $52,719.75, the duties upon which, at the rate of 40 cents per dozen and 20 per cent ad valorem—an equivalent ad valorem of 48.81—amounted to $25,731.82. The domestic production for that year was $17,230,452 in value. So that the importation was too insignificant to be of any importance whatever. The Underwood rate as proposed is 30 per cent ad valorem, upon which the estimated imports will be but $82,500, the duties upon which at that rate will be $24,750.

The value of the imports of cotton collars and cuffs for the same year was $2,431, the duties upon which were $1,493, under a rate of 45 cents and 15 per cent ad valorem, equaling 61.44 per cent ad valorem, with a domestic production valued at $19,648,412. The proposed Underwood rate is 25 per cent ad valorem, with estimated imports thereunder of the value of but $10,000, with duties amounting to $2,500.

Here is an industry, Mr. President, the total production of which is nearly $37,000,000, the imports of which amount to less than $60,000 in the aggregate; and yet that company, or this aggregation of companies, in order that their monopoly may not be disturbed, in order that they may force the hand of the Senate, are issuing their circulars commanding their employees to take certain action, cutting the rate of wages at the same time, and upon the pretense that depression occasioned by the proposed tariff changes makes it absolutely necessary.

I can only speak for myself. I am a member, and a most inconspicuous member, of the majority of the Finance Committee; but speaking for myself I want to say here and now that tactics of this sort will produce anything but the desired result. I believe that any industry which resorts to this line of conduct, which uses for its weapon the reduction of wages when reduction is not necessary, in order that their helpless employees may be coerced into a line of action the object of which is that the employers can continue their monopoly, should be answered by placing upon the free list every article which enters into the subject matter of that particular line of business, and especially so when, as is the case here, the amount of imported goods under existing rates is so infinitesimal, and will be but little larger after the new bill shall go into effect. So these gentlemen, if they continue in this course of conduct, need not be surprised if at the end of tariff legislation the free list will be considerably larger than it has been reported in the other House.

EMPLOYMENT OF FEMALES IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 1294) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia, reported it without amendment and submitted a report (No. 34) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 1857) for the relief of George T. Hamilton; to the Committee on Claims.

By Mr. JONES:

A bill (S. 1858) granting a pension to Albert F. Pray;

A bill (S. 1859) granting an increase of pension to Pedro B. de G. Fernandez;

A bill (S. 1860) granting an increase of pension to Susan Robinson;

A bill (S. 1861) granting an increase of pension to Thomas McGooden;

A bill (S. 1862) granting a pension to Raymond Christian; and

A bill (S. 1863) granting a pension to Patrick J. Finnerin; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 1864) for the relief of the contributors to the Ellen M. Stone ransom fund; to the Committee on Foreign Relations.

By Mr. WORKS:

A bill (S. 1865) to extend the provisions of the act to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines to the State of California; to the Committee on Public Lands.

By Mr. THOMAS:

A bill (S. 1866) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major general in the United States Army and place him on the retired list; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 1867) for the relief of Malcolm Johnson; to the Committee on Military Affairs.

A bill (S. 1868) to preserve our national sea-food supplies and reserve, and to assist in fertilizing the land, to better the conditions of our farmers, our fishermen, and ultimate consumers of food by Federal fertilizer utilization of small sharks, called dogfish; also several species of unutilized salt-water fishes all preying upon and destroying our national sea and shore fisheries of enormous commercial and economic value, as plainly shown in and by the United States Bureau of Fisheries Document No. 622, dated 1907; to the Committee on Fisheries.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 1869) granting an increase of pension to William H. Murch; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 1870) granting an increase of pension to Rhoda A. Work (with accompanying papers); and

A bill (S. 1871) granting an increase of pension to Lucy Wells (with accompanying papers); to the Committee on Pensions.

By Mr. LEA:

A bill (S. 1872) granting an increase of pension to John J. Wolfe; to the Committee on Pensions.

A bill (S. 1873) for the relief of the estate of Ferdinand E. Kuhn; and

A bill (S. 1874) for the relief of the Court Avenue Presbyterian Church, incorporated as the First Cumberland Presbyterian Church of Memphis, Tenn.; to the Committee on Claims.

By Mr. BURTON:

A joint resolution (S. J. Res. 32) authorizing the Executive to accept an invitation to participate in an international con-

ference on education extended by the Netherlands Government; to the Committee on Foreign Relations.

THE TARIFF.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, in which it requested the concurrence of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate.

THE TARIFF.

The bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, was read the first time by its title.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. If there be no objection, the bill will be considered as read——

Mr. PENROSE. No.

Mr. SIMMONS. I move that the bill be referred to the Finance Committee.

Mr. PENROSE. Mr. President, I move to amend the motion to add instructions to the Finance Committee to give public hearings on the bill and the several schedules thereof.

Mr. SIMMONS. I make the point of order that that is not germane to my motion.

Mr. PENROSE. Oh, yes; it is.

Mr. LODGE. On the point of order, if the Chair will glance at Rule XXVI, he will see that it is particularly provided for.

Mr. PENROSE. The rule will be found on page 27 of the Senate Manual.

And a motion simply to refer shall not be open to amendment, except to add instructions.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken.

Mr. SMITH of Michigan. Mr. President, apropos of the remarks of the Senator from Colorado [Mr. THOMAS]——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. I had not yielded the floor.

Mr. SMITH of Michigan. Has the Senator from North Carolina the floor?

The VICE PRESIDENT. The Senator from North Carolina has the floor.

Mr. SMITH of Michigan. If the Senator from North Carolina is not going to take any time, I would like to answer the suggestion of the Senator from Colorado.

Mr. SIMMONS. I suppose, before the Senator proceeds, we ought to dispose of the motion now before the Senate.

Mr. GALLINGER. The motion is debatable.

Mr. SMITH of Michigan. I desire to speak on the motion.

Mr. SIMMONS. Does the Senator from Michigan propose to debate the motion of the Senator from Pennsylvania [Mr. PENROSE]?

Mr. SMITH of Michigan. Certainly.

Mr. PENROSE. There may be quite a little debate over this motion, Mr. President.

Mr. SMITH of Michigan. Mr. President, I desire to correct——

Mr. SIMMONS. Does the Senator from Michigan propose to address himself to the amendment to my motion offered by the Senator from Pennsylvania [Mr. PENROSE]?

Mr. SMITH of Michigan. I do; yes, Mr. President.

Mr. SIMMONS. I will yield the floor to the Senator for that purpose.

Mr. SMITH of Michigan. Mr. President, I shall detain the Senate only a few moments. The statement of the Senator from Colorado [Mr. THOMAS] is so striking and so unwarranted and reveals so much apprehension in the minds of Senators on the other side of the aisle as to what the possible effect of this bill may be upon the industries of the country that I desire to read from the Detroit Free Press of yesterday an interview with one of the leading chair manufacturers of that city, which is a very appropriate reply to the Senator from Colorado. He says:

"It looks like knocking a man down and then sitting on him so that he has no chance to get up," said James F. Murphy, treasurer of the Murphy Chair Co., Tuesday, referring to the statement that the Wilson administration will investigate manufacturers who cut wages, and attribute the cut to the tariff changes.

I do not know anything about the other lines that may be affected by the proposed tariff, but in our trade there have been large quantities of chairs imported from Vienna, and reed furniture from Japan and China has been coming in even with the duty at 35 per cent. Of course I do not know how these manufacturers get at their values for export, but it stands to reason that if they can compete with a 35 per cent duty they can compete with the proposed 15 per cent duty, and to meet this competition American manufacturers will have to cut their costs somewhere.

If we can not cut anything more from our material cost—and, inasmuch as very little of our raw material is imported, I do not see how the tariff will help us—the only thing that we can do to meet foreign competition is cut the labor cost or go out of business.

I do not want to be understood as proposing any cut in wages; in fact, I do not think that it would be possible under present labor conditions in Detroit; but if I did I should tell the administration to go right ahead with its investigation. It seems to me that an American manufacturer ought to have the right to apply a remedy without interference when he sees his cost mounting up to his selling price on account of the cheap-labor competition he may be forced to meet as a result of the Democratic tariff policy.

It does not look as if the Democrats cared much about protecting labor in our line when they keep the duty on reed where it is now and let in manufactures at a 20 per cent lower duty. The 20 per cent would cover the entire cost of the raw material in an ordinary chair of the kind we have to compete with from abroad.

Mr. President, those are the words of a conservative, high-minded, patriotic, enterprising citizen of my State. They are uttered because of his fear that the new tariff law, if put upon the statute books, will undermine his industry, and I think it little less than brazen effrontery for the Senator from Colorado to undertake to build a straight jacket for the manufacturers and business men of our country, so that they may not even be permitted to complain of burdens that are about to be put upon them.

I stood in the House of Representatives yesterday and heard a threat fall from the lips of the author of that bill [Mr. UNDERWOOD] in these words:

The statement has been made that this tariff bill will act on labor and affect the wages of laboring men. I give you notice now that when the men from whom you bring that message endeavor to grind labor in the interest of Republican politics there is a bureau of this Government that is going to ascertain the reason why.

Mr. President, every man in America familiar with its economic history knows that every time the Democratic Party have undertaken to give effect to their special views upon the tariff question wages have been affected, capital has grown timid, employment has fallen off, and improvements languish. That will be the result of this ill-conceived legislation.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. SMITH of Michigan. Yes.

Mr. THOMAS. I should like to inquire of the Senator from Michigan the name of the concern referred to in the article from which he has read.

Mr. SMITH of Michigan. I gave it, but I will be glad to give it to the Senator again, and to the Department of Commerce and Labor as well.

Mr. THOMAS. What is the name?

Mr. SMITH of Michigan. The name is the Murphy Chair Co., of Detroit.

Mr. THOMAS. Is not that one of the concerns which employs convict labor in the manufacture of its product?

Mr. SMITH of Michigan. No; it is not; and I can say to the Senator from Colorado that every great manufacturing institution in our State has had its orders cut down almost one-half by the threat of the passage of this bill, and they employ

the highest kind of skilled labor. If you think that by your threat you can force silence and acquiescence upon the part of these employers of labor while you affect vitally the value of their industry, you are making a mistake and your plan will fail.

Mr. President, I rose for the purpose of reading the interview with Mr. Murphy, because it was such an appropriate answer to what has just been said by the Senator from Colorado; but I had in mind something more than that. I respect the Senator from Colorado and his judgment, which oftentimes I have felt it a privilege to follow. Only the other day, when he sought to make no distinctions under the law for violators thereof, he commanded my profound respect; but, Mr. President, in this instance the covert threats of the Democratic Party nor its wild prophecies of good to the country can possibly overcome the feeling of apprehension of our people whenever that party has assailed the industrial policy of our country by the enactment of a revenue-tariff law. What we suffered from 20 years ago we will suffer from now, although the process of strangulation will be steady and sure and the poison a little slower in its effect, but none the less deadly. Under Mr. Cleveland 20 years ago the people watched the financial barometer of the Federal Government for their cue; they saw the revenues fall off; they knew that American industry had been assailed. The Government revenue fell off every day, until it became necessary to augment our currency by the sale of bonds.

Mr. President, our Democratic friends have been much wiser than their compatriots of 20 years ago. Under an amendment to the Constitution they now have the privilege of putting their hands into the pockets of the well to do, and the income of the Government is assured as long as private fortunes last. So, I say the process of strangulation will be slower and the poison not quite so instantaneous in its effect, but it will be just as certain; and the threat that the political doctrinaire who now sits at the head of the Department of Commerce, with power which we gave him to investigate the wages of his own countrymen and the wages of people in similar employments abroad, is prepared to carry out the will of his party associates, will not operate as a successful deterrent to those just complaints which emanate from men of character, men of patriotism, and men of enterprise whose business has now been assailed.

I hope, Mr. President, at least, that the Senate doors may be opened and the people permitted to gaze at the Finance Committee while this diabolical outrage is being committed and that they may be heard in protest against it.

The assault upon the sugar industry of my State is criminal and will be resented by those interested and by the farmers who produce the raw material for the beet-sugar factories. Why, Mr. President, I will say to the Senator from Colorado [Mr. THOMAS] that if he will take testimony, even in his own State, he will find much confusion and disappointment and apprehension growing out of this situation. Every student of economic history knows that Cuba has been knocking at the doors of this Republic for many years for the privilege of bringing her sugar in here free. Her agents have swarmed this Capitol from year to year. She has a productive capacity of more than 5,000,000 tons of sugar annually—nearly twice the ability of our country to consume. Is it possible that you are going to wholly remove the restrictions from our domestic sugar production that is of such tremendous importance to our countrymen? Is it possible this is to be done without permitting a voice to be heard in protest? And then, when these factories close and go out of business because they are unable to compete with the low sugar price of Cuba the belligerent Department of Commerce is to spend its time chasing the unfortunates about the country because they have lost their money in this enterprise, while solemn Senators are horrified that these men should have gone out of the business and left their labor unemployed.

Mr. GALLINGER. Mr. President, will the Senator yield to me for a moment?

Mr. SMITH of Michigan. Certainly.

Mr. GALLINGER. In view of the utterances that have already been made, in one instance in a higher place than that occupied by the distinguished gentleman whom the Senator from Michigan quoted a little while ago, to the effect that manufacturers are to be punished if they reduce wages or interrupt manufacture, I will ask the Senator if he has any notion as to the method that will be adopted to compel men to manufacture goods and employ labor unless they wish to do so?

Mr. SMITH of Michigan. Oh, yes, Mr. President. They are to be terrorized into such a condition and state of mind that they will keep their money in unprofitable enterprises without complaining in order that the Democratic Party may remain in power.

Mr. GALLINGER. The Senator does not believe that that will be done after this bill has been passed if the results follow that some of us believe will follow, does he?

Mr. SMITH of Michigan. No, Mr. President; I do not.

A man connected with one of the largest business enterprises in this country, one who knows, told me the other day that the day President Wilson came to the House of Representatives with his magic message on the tariff question his trade fell off a thousand dollars a day, and that it had continued to fall off from that time to this, until on the day he talked to me it had fallen off $12,000 a day.

In the city in which I live, a community that does not thrive because of any direct tariff protection, the largest furniture manufacturing center in the world, where the buyers of furniture come twice every year to look at samples of the genius of our citizens and to make their purchases for the coming season, at the last exhibition, held in January, over 1,300 cities being represented, there was a larger attendance than they had ever had in any previous year of their experience. But just the moment President Wilson came to the House of Representatives, notwithstanding he had the noose of Jackson in his pocket, which he was to adjust nicely to the neck of any man who should decry the success of his policy, business began to fall off, and the orders that were given last January for delivery this spring have been largely curtailed, and in many instances one-half.

Mr. President, I do not intend to enter into any minute discussion of this bill at the present time, although I have given it some study. Since I entered Congress I have assisted in the preparation of several tariff bills. I sat upon this side of the Chamber and heard the late distinguished Senator from Virginia, Mr. Daniel, berate the policy of the Senate in drafting a tariff bill behind closed doors. I saw the look of horror and surprise that crept upon the countenances of my associates upon that side of the Chamber when we proposed to make up a bill in the Committee on Finance; and even then we were going to hear from all those who wished to be heard. But I tell you, my fellow Senators, that if you do not listen to the men who are to be affected, to the enterprising men who do employ labor, many of them not because they have to employ labor, men of fortune who could retire if they wished and leave the industries which they have kept alive from their young manhood to palsy and decay—men of that kind, urged on by civic pride—you will discourage enterprise and strike a blow at American commerce.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. SMITH of Michigan. Of course I yield to the Senator from Kentucky.

Mr JAMES. I should like to ask the Senator whether or not the furniture people of his own State appeared before the Ways and Means Committee that formulated this bill and gave five weeks of open hearings in the House?

Mr. SMITH of Michigan. Whether they did appear before them?

Mr. JAMES. Whether or not they did?

Mr. SMITH of Michigan. No; and I will not tell the Senator why they did not.

Mr. JAMES. They had the opportunity.

Mr. SMITH of Michigan. Because their industries had not been affected until the bill was reported to the House. When other branches of industry and trade became affected, the business of furniture making began to fall off.

Mr. JAMES. Of course they knew, however, that all the industries of the country had the opportunity offered them by the Ways and Means Committee to appear in the open, and under oath, and make statements on the tariff question, and they knew the question of furniture was under consideration by the committee.

Mr. SMITH of Michigan. Mr. President, when the Ways and Means Committee sent out word that they would hear the captains of industry, employers of labor, or laborers themselves, no matter where they came from, and that they would not be permitted to have more than about 15 minutes each of the attention of the House committee, I do not think it was a very great inducement or encouragement for them to come here for that purpose.

Mr. JAMES. The Senator does the Committee on Ways and Means a grave injustice by that statement.

Mr. SMITH of Michigan. I would not do them an injustice.

Mr. JAMES. The Senator does. I do not think he does it intentionally.

Mr. SMITH of Michigan. I have been a member of that committee and respect the membership highly.

Mr. JAMES. Many gentlemen who appeared there upon various schedules had hours given them by the committee, and at no time were they shut off by the committee if they stated there were further statements that they desired to make.

Mr. SMITH of Michigan. I do not think they had hours on this bill, Mr. President.

Mr. JAMES. Why, certainly; many men did under cross-examination by gentlemen of the Senator's own party. I am speaking of the various witnesses that appeared.

Mr. SMITH of Michigan. I do not think they had upon this bill. I know something about the methods employed. I have been a member of the Committee on Ways and Means of the House. I know the methods they employ. I will say to the Senator from Kentucky, whom I respect very highly, that in my judgment the public were not encouraged to come before the Ways and Means Committee this year, and it is not your purpose to encourage them to come before the Finance Committee now, because of the fear that the country may be aroused to the enormity of the offense you are about to commit and protest against it in language which you will be unable to resist.

Mr. JAMES. Will the Senator yield to me further?

Mr. SMITH of Michigan. Certainly.

Mr. JAMES. The Senator has stated that the furniture people did not appear before the Ways and Means Committee because their industry had not been affected. The sugar people, however, whose industry had not been affected, because the bill had not yet been formulated, appeared and had sufficient hearing to make their protests and their statements to the committee.

Mr. SMITH of Michigan. Oh, yes.

Mr. JAMES. They were afforded every courtesy and opportunity to do it.

Mr. SMITH of Michigan. Oh, yes; they received courtesy, and that is all; but, Mr. President, I will say to the Senator from Kentucky that there was quite a powerful agreement that the sine qua non of this new tariff bill should be free sugar and free wool; and the sugar people would be deaf indeed if they did not understand it and blind indeed if they could not see their peril. Everybody knows that the sugar industries of America are dead under this bill.

Mr. LANE. Mr. President——

Mr. SMITH of Michigan. You give them three years in which to die, and you give the American Sugar Refining Co., which is their rival, three years in which to buy their stock for nothing and put them out of business.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Oregon?

Mr. SMITH of Michigan. I do.

Mr. LANE. I should like to be allowed to ask a question for information in regard to the sugar schedule. As I understand the Senator's position, that is one of the gravest acts of injustice committed in this bill.

Mr. SMITH of Michigan. I think it is a crime.

Mr. LANE. A crime, then—a criminal action.

Mr. SMITH of Michigan. Yes.

Mr. LANE. If the fact were capable of substantiation and actual proof that sugar is sold free on board for foreign shipment, if it is to be used in Canada, Guatemala, China, or any other country in the world, for a cent and four-tenths a pound less than it is sold to the American consumer, would that make any difference with the Senator in his conclusion in regard to sugar?

Mr. SMITH of Michigan. I will answer the Senator. The Brussels convention had to take drastic steps to prevent the bountyizing of the European sugars, because there was a vast surplus of that product; and when they withdrew their bounties and their cartels the volume not only decreased, but the price of sugar rose in the only free and open market in the world. The only market that did not fluctuate unfairly was the American market, because we had our domestic supply that had not been affected by the situation in Austria and in Germany.

Mr. LANE. As a matter of fact, however, if sugar is selling in the American market for a cent and a quarter a pound less to the foreign consumer than to the American consumer, is not that a discrimination against the American consumer?

Mr. SMITH of Michigan. Mr. President, I do not accept the suggestion of the Senator from Oregon. He is laboring under a misapprehension. American sugar does not go abroad.

Mr. LANE. The Senator does not? I will prove it to him.

Mr. SMITH of Michigan. But I will say to him that every man who knows anything about the American sugar industry knows that it costs just about 3 cents a pound to make sugar here.

Mr. LANE. That is what it sells for for foreign shipment.

Mr. SMITH of Michigan. Mr. President, if it costs 3 cents a pound to make it here and by producing it ourselves we can hold here the supply of gold which otherwise would be withdrawn from us to go to pay for the foreign product, have we not shown great wisdom, especially when it is being sold to the consumers of America to-day cheaper than ever before in the history of the American Government? I say to you, as a warning, that the three years' option which you are giving to the owners of the American Sugar Refining Co. upon the domestic factories in our own country will be foreclosed during that period of three years.

Mr. McCUMBER. Mr. President——

Mr. SMITH of Michigan. To-day they can buy their stock at about 30 cents on the dollar; next year they can buy it at 20 cents; the following year at 10; and when you have put our domestic producers out of business the American Sugar Refining Co. will have an absolute monopoly, and the price of sugar will go back where it was before we had domestic competition.

Mr. THOMAS rose.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. SMITH of Michigan. I yield to my colleague from North Dakota.

The VICE PRESIDENT. The inquiry of the Chair was whether the Senator from Michigan yielded to the Senator from Colorado.

Mr. GALLINGER. The Senator can yield to whom he pleases.

Mr. THOMAS. I did not rise, Mr. President, to interrupt, but to take the floor when the Senator from Michigan had concluded.

The VICE PRESIDENT. Now, does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH of Michigan. I yield to the Senator from North Dakota.

Mr. McCUMBER. It is wholly immaterial to me to which one the Senator yields first.

Mr. SMITH of Michigan. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wanted to ask the Senator if he completed his answer to the Senator from Kentucky? Has it not been established beyond question that the price of sugar for consumption in the United States is less than in any other country in the world except England?

Mr. SMITH of Michigan. I think I stated that; and in England last year it was higher than it was in America. If in the wisdom of our Democratic friends they propose to withdraw all of the money represented in the daily investment in sugar from circulation in our country and turn it over to foreigners, I think they ought to do it in the open, and give the people of our State and country an opportunity to be heard on it.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. SMITH of Michigan. Surely.

Mr. JAMES. Does the Senator mean that sugar sells cheaper to the consumer in the United States than in Canada?

Mr. SMITH of Michigan. If it does not, I will say to the Senator from Kentucky that Canada, taking care of her own enterprises, has an antidumping law, and that law does not permit them to buy anything there that is sold on the American market at a greater price than it is sold for in Canada, including sugar.

Mr. JAMES. Of course the Senator will admit that sugar sells much cheaper in Great Britain than in the United States.

Mr. SMITH of Michigan. I admit that it does at times, yes; and at times it sells for more.

Mr. JAMES. It sells for much less right now, and from my observation at all times.

Mr. SMITH of Michigan. At times it does, because England is the only open market in the world for sugar and gets the world's surplus.

Mr. SMOOT. Mr. President, it sells at 9 cents a hundred less.

Mr. JAMES. Is it not true that the Hamburg market export price on sugar is 2 cents a pound less than the price in the United States——

Mr. SMITH of Michigan. It has been that.

Mr. JAMES. Is it not now?

Mr. SMITH of Michigan. No; I do not think it is.

Mr. JAMES. If the Senator will investigate, he will find that it is.

Mr. SMITH of Michigan. That is what I should like to do, and I should like to have our people given an opportunity to do it.

Mr. JAMES. It was investigated in the House by a select committee for many months.

Mr. SMITH of Michigan. I should like to have them given an opportunity to do it before the Committee on Finance of the Senate.

Mr. JAMES. I will state to the Senator, upon the question of sugar, that an investigation was made by a special committee composed of members of the Republican Party and the Democratic Party. They took evidence and made a thorough and complete investigation not 12 months ago. All that is before the Senate and can be easily examined by the Senator, together with the hearings before the Ways and Means Committee taken this year.

Mr. SMITH of Michigan. I think the Senator from Kentucky was a member of the Committee on Ways and Means.

Mr. JAMES. I was.

Mr. SMITH of Michigan. And he has had large experience in public life. I have great respect for his candor and sense of fairness. I am going to ask him a plain, straight, and simple question—whether he believes that the American sugar industry can survive under the Underwood tariff bill?

Mr. JAMES. They made as much as 100 per cent profit in some of the plants last year, did they not?

Mr. SMITH of Michigan. Some.

Mr. JAMES. I ask the Senator whether they will not survive?

Mr. SMITH of Michigan. They can not survive on what they made last year.

Mr. JAMES. I will answer the Senator in this way: It costs the American people $115,000,000 a year by reason of the tariff on sugar. Most of it goes into the pockets of the sugar monopoly. They have, I believe, about $30,000,000 invested. I would rather buy their property and pay for it out of the Treasury than to give the Sugar Trust the right to rob the American consumer year in and year out of that enormous amount of money.

Mr. SMITH of Michigan. Mr. President, to be perfectly fair, the Senator from Kentucky admits that the domestic sugar industry can not survive the blow given it in this bill.

Mr. JAMES. I have not admitted that.

Mr. SMITH of Michigan. Do you deny it?

Mr. JAMES. I am not called upon either to admit it or to deny it.

Mr. SMITH of Michigan. The Senator——

Mr. JAMES. I am called upon to do what is fair to the American consumer; my first duty is to them, and I am unwilling that the American consumer should be robbed to the extent he has been by the tariff on sugar for the purpose of hothousing into life or for the continued life of the industry in the United States.

Mr. SMOOT. Mr. President——

Mr. SMITH of Michigan. I want to answer that statement.

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. We pay hundreds of millions of dollars for sugar. Where will we get it when our domestic supply is gone, and at what price?

Mr. GALLINGER. And the foreigners will have the monopoly.

Mr. SMITH of Michigan. Where will we get our supply? We will send these millions out of our country——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. Surely.

Mr. SMOOT. I wish to say to the Senator from Kentucky that if we destroy the local sugar industry the American people will pay the sugar distributors of this country, who would be the refiners, the price that they paid them in 1911. Just as soon as the local sugar was consumed and they had to rely upon the sugar refiners in 1911 for sugar, it advanced in the New York market to $7.75 a hundred. During those three months this American Sugar Refinery Co. made something like $22,000,000 out of the American people. As far as I am concerned, I would rather have the $115,000,000 go to the industries of this country, even admitting, which I do not, that it goes to them, than to have it go into the pockets of four or five or more refiners in the country.

Mr. JAMES. The Senator's party placed sugar on the free list.

Mr. SMITH of Michigan. Yes; we did in——

Mr. JAMES. They thought it was all right.

Mr. SMOOT. But we paid a bounty at the time in order that the industry might become established in this country.

Mr. JAMES. I merely wanted to direct attention to the fact——

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. The Chair would suggest that one Senator should talk at a time.

Mr. SMITH of Michigan. I have the floor.

The VICE PRESIDENT. The Senator from Michigan has the floor.

Mr. SMITH of Michigan. I wish to answer the Senator from Kentucky, who says that our party put sugar on the free list. That was about a quarter of a century ago. There was not a single beet-sugar factory in America, and in order to encourage the domestic industry, because science had told us that we could produce the beet and that we could produce the sugar, the McKinley bill put a bounty on the domestic industry, and having bountyized it until it has become one of the important industries of our country, I think it comes with poor grace now to strike it down in the interest of the American Sugar Refining Co., who know that every dollar's worth of sugar which comes here from Cuba will pass through their refinery before it can reach the American consumer.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. SMITH of Michigan. I do.

Mr. JAMES. The Senator has just stated that when sugar was placed on the free list about 25 years ago by the Republican Party there were no beet-sugar factories in the United States. The Senator is mistaken. Were there not some factories in California at that time owned by the Watson Co.?

Mr. SMITH of Michigan. I think not. There were some experimental stations. I know something about it. I know something about California. There was some experimental work, but there was no settled or established industry.

Mr. JAMES. Is it not true of the industry in California that several of those factories made as much as 33⅓ per cent annually?

Mr. SMITH of Michigan. They were purely experimental, just as our tin production in California up to that time was experimental.

Mr. JAMES. It seems that, so far as supplying the American people with sugar is concerned, it is experimental even now.

Mr. SMITH of Michigan. It is not very experimental now, when we produce so much that we actually fix the price at which sugar shall be sold in the American market.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. Certainly.

Mr. SMOOT. The Senator from Kentucky ought to be frank enough, when he refers to 33⅓ per cent profit in the Watsonville, Cal., factory, to state that it was not made in the production of sugar, but it was made in the sale of real estate, the value of which had been increased by the location of the factory in the community, so that land worth, perhaps, $5 an acre became worth $150 an acre.

Mr. JAMES. Investigation will not sustain the statement made by the Senator, but it will sustain the one I made.

Mr. SMOOT. I know what investigation will show. I have read every word of the testimony, and I not only have read the testimony, but I know the facts.

Mr. SMITH of Michigan. I am familiar with the facts, too.

Mr. REED. Mr. President, will the Senator from Michigan allow me to ask a question of the Senator from Utah?

Mr. SMITH of Michigan. I do not exactly fancy this discussion taking that turn.

Mr. REED. It is on a question of fact.

Mr. SMITH of Michigan. Of course, I can not decline to yield to my friend from Missouri.

Mr. REED. I wish to ask the Senator from Utah if the land that went up from $5 an acre to $150 an acre went up because they were raising beets upon it.

Mr. SMOOT. Yes; if they had not raised beets upon that particular land perhaps it would be there to-day with no cultivation whatever.

Mr. REED. I trust the Senator is not irritated with me for asking the question.

Mr. SMOOT. I am not irritated with the Senator.

Mr. REED. I wanted to ask the Senator if he thought it was just fair to take land which he says was worthless and

boom it to $150 an acre at the expense of the people who had to use sugar.

Mr. SMOOT. Mr. President, the question is hardly worth answering, because the fact is that whatever the land is worth to people they pay for it. If it was not worth it, they would not buy it at that price.

Mr. REED. Thanking the Senator for his very courteous reply, which is quite characteristic, I beg to ask him a further question. Is that land worth anything for any purpose except to raise beets?

Mr. SMOOT. Beet raising made the land valuable, of course. If the Senator will study the question, he will find that the raising of beets on any kind of land brings it into a condition increasing it in value; and perhaps that land to-day could be used for purposes that it could not have been used for before beets were grown upon it.

Mr. REED. So one of the profits from raising beets is that you not only get the beet and get the sugar from it, but you get better land.

Mr. SMOOT. That advantage generally goes to the man who raises the beets.

Mr. REED. So, as I understand the Senator, his proposition is that we shall take a piece of worthless land and raise it to the price of $150 an acre at the expense of the people of the United States, and that any interference with that is in the nature of a high crime and misdemeanor.

Mr. SMOOT. Mr. President, of course wherever a sugar factory is located the Senator must know there is almost a city rising immediately; and the money is not made altogether from the farm land, but it is made from the sale of city lots, the value increasing as the population increases. That has not only been the case in California, but in every State where a beet-sugar factory has been located.

Mr. SMITH of Michigan. Mr. President——

Mr. REED. If the Senator will yield for one word further, then the Senator's position is that we ought to tax all the people of the United States for the purpose of building up communities and villages in States where they happen to have worthless land which can be made to raise beets.

Mr. SMOOT. Mr. President, beet-sugar factories may operate for years and years, but the profits are made from the sale of real estate in their early operation.

Mr. SMITH of Michigan. Mr. President, I simply rose for the purpose of giving emphasis to the idea that we should have hearings on this bill; that there is enough at stake to warrant public hearings; that there is enough information at hand which will be useful if it is permitted to be shown, and which will help us in the determination of this very important question.

I have no doubt whatever that our friends on the other side of the aisle have the best interests of the Government at heart. I have no idea that it was otherwise when they made the last tariff bill—singularly enough, a bill which bore the name of Wilson, which seems to be synonymous with free things. But to throttle the industries of our country and then forge departmental chains to hold them from remonstrating against it is an unwise suggestion, and I am surprised that it emanated from such a worthy man as the chairman of the House Committee on Ways and Means. I was associated with Mr. UNDERWOOD for many years. He is a high-minded man. If he had been a Member of the House 19 years ago, he would have supported the Wilson bill of that date.

Mr. Bryan, now Secretary of State, helped carry Prof. Wilson out of the House of Representatives upon his shoulders after his great personal triumph in the passage of the last low-tariff and free-trade law. It was not very long before the same shoulders that helped to carry Prof. Wilson, of beloved memory, a saintly, pure, able, honest man, out of the Chamber, bore upon their shoulders a weight so heavy that it has taken nearly 20 years for you to get strength enough to even aspire to further confidence at the hands of the American people.

Mr. President, there never has been a time in the history of this Government when wages were so high, when more men had money to their credit, than now. Every fourth man in this Republic has a bank account to-day, and more money is represented in the savings of labor to-day than was represented in all the money ever discovered and mined since Columbus discovered America. There is more money to the credit of labor to-day in the savings banks of our country than would be required to pay more than a third of the combined national debts of the 50 leading countries of the earth. In such a condition we are again invited to a spectacle often repudiated, now temporarily rehabilitated, and in this Chamber is to be enacted again a revenue bill as ill-suited to the necessities of our people as it is possible to imagine. It contains a blight so severe that capital will immediately withdraw from business activity and enterprise will wither and decay.

Now, I do not rejoice over that condition of affairs. I had hoped that whatever law you pass the country would accept it, that enterprise might go on, and industry thrive and labor be employed. But I do not believe it. You are disappointed and doubtful, and in your hearts a constant dread resides. If it were otherwise you would not be standing there anticipating the difficulties which are to grow out of the passage of this law and threatening the employers of labor with dire calamity if they dare complain over the burdens you have put upon them.

Mr. HITCHCOCK. Mr. President, will the Senator yield for a question?

Mr. SMITH of Michigan. I, of course, yield to my friend from Nebraska.

Mr. HITCHCOCK. I wish to call him back for a moment to the subject of furniture, with which he opened his address, and I ask him——

Mr. SMITH of Michigan. But I did not open it with furniture. I touched the subject of furniture——

Mr. HITCHCOCK. I should like to ask the Senator whether it is not a fact that we now export about ten times as much furniture as we import?

Mr. SMITH of Michigan. Oh, Mr. President——

Mr. HITCHCOCK. Will the Senator kindly answer the question?

Mr. SMITH of Michigan. I say that the genius of our furniture workers has crowded the foreign manufacturer very severely and our products do enter into competition in almost every country in the world.

Mr. HITCHCOCK. Then I should like to ask the Senator if we are selling, say, six or seven million dollars' worth of furniture made in America in other countries in competition with those other countries, why is it necessary to maintain the present high tariff of 35 per cent?

Mr. SMITH of Michigan. I will tell you why. Because over there they do not pay on an average a dollar a day to the furniture worker. Here we pay on an average——

Mr. HITCHCOCK. How can we sell furniture abroad if competition would be so disastrous under the 15 per cent tariff at home?

Mr. SMITH of Michigan. Just let me answer. Abroad they have not the different styles we have; they are not quite so acceptable to the purchasers; but here——

Mr. HITCHCOCK. Does the Senator think the styles will change with the change of the tariff?

Mr. SMITH of Michigan. I think that when you have discouraged the domestic consumption of furniture they will find it impossible to manufacture for export alone.

Mr. HITCHCOCK. Let me ask the Senator if it is not a fact that in the days when furniture was given only a protective tariff of 25 per cent we even in those days exported much more than we imported?

Mr. SMITH of Michigan. Yes; we had our forests, and we had our enterprises, and we had our domestic market. We have no forests now. The buyers of the wood that makes the furniture in my city are in every part of the civilized world purchasing the wood. We have no adequate domestic supply.

Mr. HITCHCOCK. Is it not a fact that wood will be more easily purchased under this bill?

Mr. SMITH of Michigan. No.

Mr. HITCHCOCK. I think it will.

Mr. SMITH of Michigan. No. Why not? Because if you can not sell your product at home to those in other employment your industry will languish.

Mr. HITCHCOCK. Let me ask the Senator——

Mr. SMITH of Michigan. You can not afford to keep business going.

Mr. HITCHCOCK. Why will they not be able to sell their product at home?

Mr. SMITH of Michigan. Because in other lines labor will be cut down; because labor will be out of employment; because laborers will be turned from workingmen into wanderers and furniture the last thing they will buy.

Mr. HITCHCOCK. Does the Senator think the American people are going to cease to use all furniture?

Mr. SMITH of Michigan. Yes; I think that they will cease to use new furniture for the time being, as they did in 1894, 1895, and 1896. They will use the old bed and the old chair and the old table in preference to new ones until they get a surplus of money and the storm rolls by, and until that time comes they will suffer collaterally a loss of customers. I went the other day into the great Hoe printing press factory—I make this statement because the Senator from Nebraska is a printer.

I went into the Hoe factory for the purpose of buying a press, and I was told by Mr. Hoe that they were getting their London factory in shape to work more men and more hours, because it would be to their advantage to use the cheaper labor of England rather than the high-priced labor that they were obliged to employ in New York. When I asked him: "Will it make any difference in the price of your printing presses?" he said, "No; we will govern our output by the demand, but we will play safe, because we will make our new presses by the lower scale of London labor."

Mr. HITCHCOCK. Will the Senator from Michigan now please answer why the American furniture manufacturers need a protective tariff of 35 per cent——

Mr. SMITH of Michigan. I am not talking about what they need.

Mr. HITCHCOCK. In this market, when they sell between six and seven million dollars' worth of furniture without any protection in free competition in other countries?

Mr. SMITH of Michigan. Now, just a moment. Listen, will you? I want to answer the Senator directly. I am not pleading for any duty on furniture at all. If you will give a fair protection on the other employments of labor, we will have a market for our domestic furniture without a burdensome tariff; but it is these collateral industries that are affected vitally by the tariff. The farmer who raises the sugar beet and the wool, the men who work in the American industries at wages, millions of whom have money to their credit in the banks, are the people upon whom we will rely to buy the products of our labor.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. SMITH of Michigan. I always yield to my friend from Missouri.

Mr. REED. Will the Senator from Michigan tell us how many men in his State are actually engaged in raising sugar beets?

Mr. SMITH of Michigan. Yes. I should think upward of 15,000.

Mr. REED. I notice that there are only 40,000 acres under cultivation, according to the Statistical Abstract. Does the Senator mean to say that they only cultivate about 2½ acres apiece?

Mr. SMITH of Michigan. Oh, well, you have got to pay the laborer who works in the beet fields, on an average, $2.75 a day, while the peon who works in the sugar fields of Cuba, who wears a clout upon his stomach and not even a hat upon his head or shoes upon his feet, does not get over 10 cents a day; and you propose to pit the farmers and the laborers upon the farms in that industry against such labor as that.

Mr. REED. But, Mr. President, the Senator's last remark was so far aside from my question that I will not follow it at this time. It was not an answer. I was trying to get at a fact and not a fancy, neither did I mean to inspire another burst of oratory. I was simply trying to find out how many men in the State of Michigan were actually engaged in cultivating sugar beets.

Mr. SMITH of Michigan. I have told the Senator.

Mr. REED. And the Senator said that he thought there were about 15,000.

Mr. SMITH of Michigan. I think so.

Mr. REED. I followed that by the statement that the Statistical Abstract showed that there were but 40,000 acres cultivated, and I wanted to ask the Senator if he was not in error about the number of men engaged, because, surely they must raise, if they are really in the business, more than 2½ or 3 acres apiece.

Mr. SMITH of Michigan. I do not know that they do.

Mr. REED. Then, if that is the case——

Mr. SMITH of Michigan. I have seen the beet farmer parcel his laborers out with reference to the smallest possible labor for the most thorough results.

Mr. REED. Very well, then.

Mr. SMITH of Michigan. I think in the State of Michigan we have got upward of $10,000,000 invested in the beet-sugar business.

Mr. REED. I wanted to follow this with another question. I am trying to get at some facts—that is all—in my very slow way. The Senator spoke of the wages paid in cultivating beets.

Mr. SMITH of Michigan. Yes.

Mr. REED. Are the wages higher for the men who cultivate beets than they are generally for other farm labor?

Mr. SMITH of Michigan. Oh, yes, Mr. President.

Mr. REED. Arising from what cause?

Mr. SMITH of Michigan. Arising from the fact that it requires exceptional skill. I have just returned from California, and I know my friend, the Senator from California, will bear me out in the statement that it is difficut to get men in the beet fields at $2.50 a day.

Mr. REED. Is it not a fact that in some of the Western States they are cultivating sugar beets with what you might call peon labor, with the lowest and cheapest class of labor there is?

Mr. SMITH of Michigan. I never heard of it; but I will say that the sugar producers of California are getting any labor they can get that is skilled enough to answer their purpose, but they are paying that labor all the way from $2.50 to $3 a day.

Mr. THOMAS. Mr. President——

Mr. REED. Now, I have just one further question in this connection.

Mr. THOMAS. I was simply desirous of giving the Senator from Missouri a little information on that subject.

Mr. REED. Very well.

Mr. SMITH of Michigan. Before the Senator sits down——

Mr. REED. I was not through. I yielded to the Senator from Colorado; that is, I gave way to him. I can not yield to him.

Mr. SMITH of Michigan. I want to say to my friend from Missouri that his very inquiry—and I know it is a sincere and honest one—prompts me to urge that Senators upon the other side open the doors and give a hearing to the people who want to be heard upon this question. The Senator from Missouri wants accurate information; he ought to have it; and he can get it without any difficulty if the Committee on Finance will open its doors and permit those who are to be injured, if injury is to result, to tell them in advance what the true situation is.

Mr. THOMAS. Mr. President, I merely wish to say, in response to some of the inquiries of the Senator from Missouri [Mr. REED], that the labor employed in the beet-sugar fields of the West is as cheap as, if not the cheapest of, any labor on this continent. It consists of Mexicans——

Mr. SMITH of Michigan. What are they paid?

Mr. THOMAS. Syrians, Chinese, Japanese, Austrians, Germans, who work very cheaply and who work in droves or colonies. The cost per acre is somewhere in the neighborhood of $20 in my State. It is not agriculture; it is horticulture. The rate of wages I can not state in round numbers, but the wages are as cheap as those of any labor on this continent.

Mr. SMITH of Michigan. How cheap?

Mr. THOMAS. Just let me finish my answer. Some time ago, and shortly after the industry began in my State, the labor organizations objected to this sort of labor, which was done by Mexicans. They were asked to turn their hands to it; they did so, and finally said, "You people are welcome to your job." It is the cheapest labor on the continent, in my judgment.

Mr. SMOOT. Mr. President——

Mr. SMITH of Michigan. I wish the Senator from Colorado would let us know how cheap it is.

Mr. THOMAS. I will do that long before this discussion is over; but I do not wish to hazard a statement that may be incorrect. I can not give it from memory, and not anticipating that this debate would occur so soon, I have not had an opportunity to refresh my memory as to the figures.

Mr. SMITH of Michigan. Is it as cheap as is the labor in Cuba?

Mr. THOMAS. It is quite as cheap, in my judgment, as the labor in Cuba.

Mr. SMITH of Michigan. Then it does not cost much in Colorado to make sugar.

Mr. THOMAS. But my statement was that it was the cheapest labor on the continent, with the possible exception of some of the colored labor in the South, as to the price of which I am not informed.

Mr. GALLINGER. I rise to a question of order, Mr. President. I think it would be well to have Rule XIX read. Possibly some of the rest of us may want some time to say a few words on this subject, and if this is to be a colloquial discussion, without reference to the rule, we never shall have a proper debate.

Mr. THOMAS. This is my first offense, Mr. President.

Mr. SMOOT. I wish to ask——

Mr. SMITH of Michigan. Before the Senator from Utah asks his question, inasmuch as I have the floor, I want to ask the Senator from Colorado [Mr. THOMAS] whether he is opposed to allowing the beet-sugar raisers of Colorado to come before the Committee on Finance and to give accurately the cost of their sugar production?

Mr. THOMAS. Yes. Shall I say why?

Mr. SMITH of Michigan. You are opposed to that?

Mr. THOMAS. Yes. Shall I say why?

Mr. SMITH of Michigan. The Senator may say why, if he wishes to do so; yes.

Mr. THOMAS. I think I have good reasons for my position. In the first place, those gentlemen have been before the House committee, not once, but several times. We all have their statements, which we are reading, and nearly all of which I have read. They can tell us nothing that they have not already told the committee of the other House time and time again.

Mr. SMITH of Michigan. The Senator is mistaken as to that.

Mr. THOMAS. And I for one do not propose to vote for a proceeding that will delay the ultimate passage of this measure and carry it into the beginning of the next regular session of Congress.

Mr. SMITH of Michigan. Now, one more question: You say you have all the information necessary?

Mr. THOMAS. Yes.

Mr. SMITH of Michigan. Then, why can you not tell us what it costs per day to hire that labor?

Mr. THOMAS. I simply told the Senator I could not state it from memory, and I do not wish to hazard a statement that may not be correct——

Mr. SMITH of Michigan. Does the Senator know?

Mr. THOMAS. But I believe it to be somewhere between 20 and 22½ cents a day.

Mr. SMITH of Michigan. Oh, no. Mr. President——

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Michigan has the floor. He had consented that the Senator from Missouri [Mr. REED] should propound certain inquiries. Is the Senator from Missouri through, or does he desire——

Mr. SMITH of Michigan. I have the floor.

The VICE PRESIDENT. The Chair understands the Senator from Michigan has the floor. Does he yield further to the Senator from Missouri?

Mr. SMITH of Michigan. No; not at this point. I merely want to express my surprise, my regret, and my entire disbelief in the figures just given by the Senator from Colorado—22 cents a day. That can not be true.

Mr. SMOOT and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. Of course.

Mr. SMOOT. Mr. President, I merely want to make a correction, so far as the State of Utah is concerned, in relation to the statement that has been made by the Senator from Colorado [Mr. THOMAS]. He referred to the Western States in speaking of cheap labor——

Mr. THOMAS. Yes.

Mr. SMOOT. And that they employ Greeks, Chinamen——

Mr. THOMAS. I did not mention Greeks, although I think they may be also employed.

Mr. SMOOT. And Japanese and other different classes of foreign labor.

Mr. SMITH of Michigan. And Austrians and Russians.

Mr. SMOOT. I want to say to the Senator from Colorado that while that statement may apply to Colorado it does not apply to the State of Utah. I say to him now that there is no beet field in the State of Utah which employs the labor he says is employed in the West.

Mr. THOMAS. Will the Senator say that it costs more than $20 an acre for sugar-beet cultivation?

Mr. SMOOT. Yes, Mr. President; I will say that it costs more than $20 an acre in the cultivation of sugar beets in Colorado; and it costs $35 an acre in the State of Utah.

Mr. THOMAS. I take issue with that statement also.

Mr. SMOOT. I know that it costs $35 in Utah, and I believe that it costs that much in Colorado.

Mr. WORKS. Mr. President——

Mr. SMITH of Michigan. Now, Mr. President, I yield to the Senator from California, who has been very patient and who desires to make an inquiry.

Mr. WORKS. Mr. President, I had not expected that California would be brought into the tariff discussion at this early day. I have been greatly astonished at the statements made by the Senator from Colorado [Mr. THOMAS]. If they are paying any such wages as that in that State, I think Colorado had better be annexed to Cuba. [Laughter in the galleries.]

The VICE PRESIDENT. The galleries will preserve order.

Mr. WORKS. The statement of the Senator from Colorado is not true as it relates to California. We do not pay that kind of wages in our State. I am glad to say, and we are not employing all the kinds of people that the Senator from Colorado mentions.

Mr. THOMAS. May I ask the Senator a question?

Mr. WORKS. Certainly.

Mr. THOMAS. Are you not employing Syrians?

Mr. WORKS. Not, as I understand, in the beet industry.

Mr. THOMAS. Japanese?

Mr. WORKS. We may be employing some Japanese; and the Government seems disposed to compel us to keep Japanese whether we want them or not?

Mr. THOMAS. Chinese?

Mr. WORKS. Probably so.

Mr. THOMAS. Mexicans?

Mr. WORKS. I do not know about that; but we are paying decent wages to whomsoever we employ.

Mr. THOMAS. And other foreigners?

Mr. WORKS. No. I expect before this discussion is over to give the Senate——

Mr. THOMAS. May I ask the Senator another question?

Mr. WORKS. Just a moment.

Mr. SMITH of Michigan. I have the floor, and I yielded to the Senator from California.

The VICE PRESIDENT. The Chair thinks perhaps we can shortly reach some conclusion of the pending motion.

Mr. THOMAS. Do they not work in colonies?

Mr. WORKS. Not that I know of.

Mr. GALLINGER. Mr. President, I think the rule ought to be read, and I think it ought to be enforced.

The VICE PRESIDENT. Does the Senator from New Hampshire call for the reading of the rule?

Mr. GALLINGER. Yes; the first clause of the rule relating to debate.

Mr. SMITH of Michigan. I can remedy the matter by not yielding.

Mr. GALLINGER. The first clause of Rule XIX I think ought to be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

When a Senator desires to speak he shall rise and address the presiding officer, and shall not proceed until he is recognized, and the presiding officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. WORKS. Mr. President——

Mr. SMITH of Michigan. I yield to the Senator from California for a question.

Mr. WORKS. Mr. President, I have not in any respect violated the rule which has just been read. I addressed the Chair, and waited patiently until I was recognized. I think, however, the Senator from New Hampshire is perfectly right in calling the attention of the Chair and of the Senate to the rule.

I have been drawn into this discussion, Mr. President, unexpectedly by what has occurred, and did not expect to take up the subject until later. Some time during this summer I expect to discuss this question and undertake to disclose the facts with respect to the beet industry in California. I shall expect then to show that the statements made by the Senator from Colorado are not sustained by the facts as they exist in my State. I do not know anything about what the conditions are in Colorado, but I know that such conditions do not exist with us.

The matter of the effect upon the lands in California has been mentioned here. Thousands of acres of California lands that were practically worthless by reason of the deposits of alkali in the land have been reclaimed and made some of the best lands we have in the State for all purposes. That is one of the greatest benefits that has resulted to the State of California from the growing of beets. It has not only added to the land values of the State, but of the whole Nation, and is important in that respect.

What has been said by the Senator from Michigan with respect to wages paid in California is practically correct. The best of wages are paid there for that kind of work, just as in the case of other farm industries. There is no difference, so far as I know, between the two.

Mr. SMITH of Michigan. Mr. President, the discussion——

Mr. REED. I want to ask the Senator, with his permission, the question that I started to ask him three-quarters of an hour ago. It is simply to conclude the series of questions I was asking.

Mr. SMITH of Michigan. Is this the first of a series?

Mr. REED. Well, neither the first nor the last, if the Senator does not want me to ask it.

Mr. SMITH of Michigan. I desire to say to the Senator from Missouri that I will gladly yield the floor to him——

Mr. REED. No; I do not want that.

Mr. SMITH of Michigan. But I do not exactly want to go under cross-examination this afternoon.

Mr. REED. I was not attempting to cross-examine the Senator, but in view of the fact that he has stated that there has been no light thrown upon these questions through investigations or hearings——

Mr. SMITH of Michigan. I did not say that.

Mr. REED. And as he was speaking about his own State——

Mr. SMITH of Michigan. I did not say that, Mr. President.

Mr. REED. And as he is so well informed with reference to matters relating to his own State, I was trying to find out how many men were actually employed in raising sugar beets in Michigan. I understood the Senator to say about 15,000 men, in his judgment.

Mr. SMITH of Michigan. I included all the field people employed in that industry.

Mr. REED. Does the Senator mean there are that many raising the beets?

Mr. SMITH of Michigan. Yes; about ten or fifteen thousand, I should think. That includes everybody that is interested in that industry in the field.

Mr. REED. What is the population of the State?

Mr. SMITH of Michigan. About 2,800,000, mostly Republicans, sometimes astray. [Laughter in the galleries.]

The VICE PRESIDENT. The Sergeant at Arms will maintain order in the galleries, or they will be cleared.

Mr. REED. The Senator is in error. The majority of them repudiated the Republican Party.

Mr. SMITH of Michigan. Oh, no; the Senator has not heard the latest returns.

Mr. REED. Possibly that is so.

Mr. SMITH of Michigan. We had a spring election, where the people had an opportunity to regret what they did last fall, and we carried the State by about 50,000. I think the Democrats were second and the Socialists were third and the Bull Moose fourth.

Mr. REED. Mr. President, I do not wish to discuss the politics of the State of Michigan.

Mr. SMITH of Michigan. No; I do not want the Senator to do so.

Mr. REED. The iniquities of the tariff are sufficient for the day. I desire to ask the Senator this concluding question: If he thinks it is good policy to tax two and a half million or three million people of his State upon their tables throughout the year for the benefit of the 10,000 people who are engaged, directly or indirectly, in the beet-sugar business?

Mr. SMITH of Michigan. Now, will the Senator allow me to answer?

Mr. REED. Certainly; I intend to allow the Senator to answer.

Mr. SMITH of Michigan. That raises the old fundamental question as to who pays the tax. Before we produced beet sugar in America our people were paying 10 cents a pound for it. After we began to produce it we bought it for 4½ cents. Who bears the burden of that tariff I leave for my distinguished friend from Missouri to figure out.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. SMITH of Michigan. I do; to be sure.

Mr. JAMES. The Senator stated, in the course of his discussion of the sugar question, that there were no beet-sugar factories prior to the passage of the free-sugar bill in 1890.

Mr. SMITH of Michigan. I said the industry was in its experimental stage; and I did not refer to 1890. I referred to 25 years ago. I said "a quarter of a century ago."

Mr. JAMES. However that may be, I stated that there were beet-sugar factories in California, and that in three years they made a profit of 100 per cent—33⅓ per cent per year. The Senator from Utah [Mr. SMOOT] very emphatically denied that statement, and stated that whatever profit was made there was made in land. I desire to read from the testimony of Mr. Spreckels, at page 2284 of the hearings before the House committee.

Mr. SMOOT. Mr. President——

Mr. JAMES. Just a moment:

> I can tell you, as an instance, that about 1887, about the time of the formation of the Sugar Trust, the Watsonville sugar factory was built at Watsonville, Cal. The first year of its operation it made 12 per cent. The following year it made 80 per cent. It was capitalized at $500,000. There was $400,000 of actual cash paid in, so they got more than the capital back within two years by $100,000.

Instead of being 33⅓ per cent, as I stated, the sworn testimony is that it was nearer 50 per cent a year.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. I of course yield to the Senator from Utah, although I do not like to be interrupted so continually.

Mr. SMOOT. I will not interrupt the Senator again. So that there will be no misunderstanding of what I did say, I wish to remind the Senator from Kentucky that I particularly called his attention to the fact that if they made all that Mr. Spreckels testified they made, it was not upon the production of sugar but upon the sale of real estate.

Mr. JAMES. The Senator from Utah makes the statement that that is true; but Mr. Spreckels, under oath, states that they made it out of the sugar business. The Senator was very emphatic. I can only take the sworn testimony of witnesses. Of course the Senator is not from California, and can not know the facts.

Mr. SMITH of Michigan. Mr. President, Mr. Spreckels, whom the Senator from Kentucky has quoted, is the head of the Federal Refining Co. of New York, and will be one of the beneficiaries of this Democratic policy.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from California?

Mr. SMITH of Michigan. I do.

Mr. WORKS. I just wanted to say that while Mr. Spreckels testified as indicated by the Senator from Kentucky, subsequently to that time other testimony was taken showing conclusively that the money was realized out of the sale of land. There is no question at all about that.

Mr. SMITH of Michigan. Mr. President, I want to arrest the attention of the Senator from Missouri [Mr. REED], who a moment ago called attention to the fact that we had 40,000 acres of sugar beets under cultivation in Michigan. I want him to know the exact facts. Michigan has to-day 100,000 acres actually under contract for beet factories. The statistics do not show 40,000 acres. One company alone has over 50,000 acres, with six factories; and 35,000 or 40,000 men are engaged in the entire business.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. SMITH of Michigan. Certainly.

Mr. REED. I stated to the Senator that the Statistical Abstract showed that for the last year that is reported.

Mr. SMITH of Michigan. It has not kept up with the progress of the industry, then.

Mr. REED. I stated it accurately. I referred to an official document. What is the document the Senator is referring to?

Mr. SMITH of Michigan. I hold in my hand a card written by one of the humble stockholders of the five factories that I have just spoken about, which have 50,000 acres under cultivation. I suppose it is a crime for him to come here; and I suppose that this afternoon the Senate, under the guidance of my friend from Colorado [Mr. THOMAS], will pass a resolution referring the Department of Commerce and Labor to his presence.

Mr. REED. Did I understand the Senator to say that this one man had 50,000 acres under contract?

Mr. SMITH of Michigan. No; the Senator did not.

Mr. REED. How much was it?

Mr. SMITH of Michigan. I said this man was one of 40,000 men who are interested in the Michigan sugar factories, and who tells me that his company has 50,000 acres under cultivation. Is that a crime?

Mr. REED. Then, Mr. President, we come to this——

Mr. SMITH of Michigan. Is that a crime?

Mr. REED. That in 1910 there were 40,000 acres under cultivation——

Mr. GALLINGER. Three years ago.

Mr. REED. It appears that the business has increased since that time, and now one company controls 50,000 acres; and the Senator wants to tax every man, woman, and child in the United States so that this gentleman, who has 50,000 acres, can get rich at the expense of the people.

Mr. SMITH of Michigan. Oh, Mr. President——

Mr. REED. The statement of the Senator simply shows that this business is going into the hands of syndicates, and that we are once more asked to tax the people for the benefit of some large syndicate.

Mr. SMITH of Michigan. Mr. President, the Statistical Abstract, from which the Senator has quoted, is a sufficient indica-

tion of the uneasiness and the anxiety of the American Sugar Refining Co. and of the Federal Refining Co. to head off this industry before it produces all the sugar the American people need. What page is the Senator quoting from?

Mr. REED. I was looking for my abstract. Some Senator has it. I will find it in a moment for the Senator.

Mr. SMITH of Michigan. I will give the Senator time and proceed, because I want to finish what I have to say.

I only wish to say that it is little less than shameful to think that the Senate of the United States should be asked to have this bill considered with closed doors, when a few days ago the Senate had the pleasure of hearing the junior Senator from Arizona [Mr. ASHURST] rise and by resolution proclaim that it was the business of the Senate to open all its doors. I agree with him; and it is the business of the Finance Committee to open its doors and let the American citizen, whether he be capitalist, merchant, manufacturer, or laborer, cross its portals. Instead of sitting over there in that marble structure as cold and indifferent to public opinion as you can possibly be, you ought to open your doors and invite the men who are to be vitally affected to come in and give the facts before it is too late.

Mr. REED. Mr. President, with the permission of the Senator, I will state that I have found the section I was referring to. The year given—and it is the last Statistical Abstract—which caught my eye in a hurried examination, was the year 1909.

Mr. SMITH of Michigan. Eighteen hundred and ninety-nine.

Mr. LODGE. Eighteen hundred and ninety-nine.

Mr. GALLINGER. Fourteen years ago.

Mr. SMITH of Michigan. Or is it 1799? [Laughter in the galleries.]

The VICE PRESIDENT. If the Sergeant at Arms can not maintain order in the galleries, the galleries will be cleared. This is the third announcement from the Chair, and it is the last one that will be made to-day.

Mr. REED. Mr. President, I am not to blame because the last Republican administration could not keep its statistics up to a time within the memory of men now living.

Mr. SMITH of Michigan. There are no statistics under the last Democratic administration of which you were proud which are to be found.

Mr. REED. Oh, yes.

Mr. SMITH of Michigan. No; there were not.

Mr. REED. But, Mr. President, I wanted the Senator to understand that I have not tried to mislead him.

Mr. SMITH of Michigan. Oh, I acquit the Senator of any such purpose.

Mr. REED. The figures appear on page 149 of the Statistical Abstract. Upon glancing at them, without looking at them, I found that in Michigan the area cultivated was 40,247 acres.

Mr. SMITH of Michigan. The industry has been growing since then.

Mr. REED. We are discussing an immaterial point. I had asked the Senator how much there was, and he says it has increased. I do not dispute the fact, and have not done so.

Mr. SMITH of Michigan. It has greatly increased.

Mr. REED. I was simply trying to ascertain the number of people to be actually benefited. The Senator says about 10,000, which is all that I desired to elicit.

Mr. SMITH of Michigan. There are a great many more. There are probably more than 10,000 stockholders in those factories—women and children, as well as men.

Mr. REED. Very well; I will discuss that when the Senator takes his seat.

Mr. SMITH of Michigan. I will discuss it now.

Mr. REED. Certainly.

Mr. SMITH of Michigan. I venture the assertion that there are nearly 40,000 people directly related to that industry in Michigan. Yet they are to be crushed at the behest of the American Sugar Refining Co. and the Federal Sugar Refining Co., who are the sole rivals of our domestic sugar producers. If they have made an alliance with the Democratic Party, it is an unholy alliance. Men who have not hesitated to commit crimes to increase the volume of their business, and who are now responding to the law, make very poor allies of any political party. In every barrel of sugar shipped out by Mr. Spreckels's refining company in the last year and a half he has put a circular telling the consumers of sugar to repudiate the tariff and get free sugar.

Mr. President, the men in the cane fields of Cuba, whom I have seen in their labor, patronize no American industry. They work with neither shirts upon their backs nor shoes upon their feet; yet that kind of labor is to produce all the sugar we take. The advantages that have been given to Porto Rico and to Hawaii for encouraging their development, and the importance of the industry in Louisiana, it seems to me ought to command at least the respectful attention of the Democratic majority of the Senate of the United States.

Who can look without sympathy upon the stalwart features of those two distinguished Senators from Louisiana, discouraged as they sit there in the rear row, having battled against their party in vain? Because it was accident alone that gave you your power, and not majorities. Resubmit the question of Democratic dominance to-day and from one end of the country to the other you would be repudiated. California, whose vote occasioned so much interest, would to-day turn the Democratic Party out of power if it had its way.

Take the lemon industry of California. We bought our lemons from Sicily until we put a tariff on them. Now we get lemons for less than we ever bought them for before. We get about $2,000,000 of revenue from those who prefer to use Sicilian lemons. The happy and prosperous people who live amid the green fields and the blossoming trees in the foothills of California are praying that you will keep your hands off an industry that has developed so fast and prospered so highly; that has given you a better product than you ever got from foreign lands; that has furnished the product to the sick room and the home at less than you ever got it for before. Meanwhile the wages that are paid in the diversified industries of that State go to employ men in all walks of industry and commercial life, keeping our circulating medium at home, until it amounts to more now than it ever amounted to in any prior period of our country's history.

Mr. President, in a matter of such far-reaching importance, in a matter of such intense significance, in a matter affecting the welfare of so many of our countrymen perhaps for years to come, it seems to me it is asking very little of the Democratic majority in this body to open its doors to take the testimony of those who want to be heard before our industries are vitally disturbed or permanently ruined.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Will the Senator from Michigan yield to the Senator from Kentucky?

Mr. SMITH of Michigan. Certainly.

Mr. JAMES. If I understood the Senator correctly, a moment ago he stated that the Michigan Sugar Co. was the principal rival of the Sugar Trust. I desire to ask him——

Mr. SMITH of Michigan. No; I did not say that. I said the Michigan sugar industry was a rival of the Sugar Trust.

Mr. JAMES. Is it not true that——

The VICE PRESIDENT. The morning hour has expired, and the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Order of business 10, Senate resolution 37, authorizing the appointment of a committee to make investigation of conditions in Paint Creek district, West Virginia.

Mr. KERN. I ask for the reading of the resolution reported.

Mr. SMITH of Michigan. Mr. President, if the Senator from Indiana will permit me, before that is done I desire to leave the floor, and I simply wish to say that I hope the Senators on the other side may yield to the request of the Senators on this side of the Chamber and give us an opportunity for the people who are engaged in our industries to be heard. I do not ask that it be extended through the summer, but this month, to give those who are to be vitally affected an opportunity to be heard in their own behalf. I beg of you to do it; and then if the consequences come which I believe are certain to come, you will, at least, not have perpetrated your offense in darkness and in gloom, but will have such statements and facts before you as will enable you to do as you evidently intend to do with a full knowledge of the vital and far-reaching effect of your action.

LOWRY'S "SUGAR AT A SECOND GLANCE" (S. DOC. NO. 23).

Mr. GORE. Mr. President——

Mr. GALLINGER. The regular order, Mr. President.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. KERN. I do not desire anything to intervene.

Mr. JAMES. I should like to have the Senator from Indiana yield to me, that I may make a request for unanimous consent.

Mr. KERN. Very well.

Mr. JAMES. I desire to ask unanimous consent to print as a public document an article by Frank C. Lowry, entitled "Sugar at a Second Glance." An article upon this same question, called "Sugar at a Glance," has been made a public document, and I think, for the purpose of having both sides of this question properly before the people of the country, this article

ought to be printed as a public document. I therefore ask unanimous consent for that purpose.

Mr. SMOOT. I will ask the Senator from Kentucky whether that is the article entitled "Sugar at a Second Glance," by Mr. Lowry, and if it is not already in print, not only in the hearings, but in the proceedings in the House and in the Senate?

Mr. JAMES. No, sir; the Senator is mistaken. It has never been printed as a public document. There may be parts of it in hearings at various places, but it would take a man about two years to gather it up and see it in a concrete form.

I will say to the Senator from Utah there was no objection from any Senator on this side when unanimous consent was given for the purpose of printing as a public document "Sugar at a Glance," by Truman G. Palmer, and I think in fair play the Senator ought not to object to my request.

Mr. SMOOT. I merely asked the question because I have noticed the article on my desk. I have not had time to go through it; but, opening it casually, it appeared to me to be nothing more nor less than an abstract of the testimony that Mr. Lowry gave before the committee of the House and the Senate. Of course, Mr. Lowry is a representative of Mr. Spreckels, the president of the Federal Refining Co., and the Federal Refining Co. has furnished all the money that has been furnished for the publication of articles favoring free sugar. It has sent them broadcast, not only in bags of sugar but in other ways as well.

Mr. JAMES. It is immaterial who pays for the publication; it is true.

Mr. SMOOT. I am not going to object to the request.

The VICE PRESIDENT. Does the Senator from Utah object to the request of the Senator from Kentucky?

Mr. SMOOT. No; I do not object.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the paper will be printed as a public document.

WASHED PAPER MONEY.

Mr. MARTINE of New Jersey. Mr. President——

Mr. GALLINGER. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded. The unfinished business is before the Senate. The Chair understands that the Senator from Indiana only yielded to the Senator from Kentucky.

Mr. MARTINE of New Jersey. With the permission of the Senator from Indiana, I merely wish to take advantage at this moment to state that it is a very little step from sugar to money. In fact, money and sugar are almost synonymous. We say "we did not have the sugar," meaning "we did not have the money."

Now, I have a proposition that I desire to present. It is to have printed certain matter as a public document. But the distinguished Senator from Utah has found a very decided difference between the printing of a document that refers to the very lifeblood of our Nation, the circulating money of the country, and sugar. It may have been because sugar is grown from beets in Colorado and the washed-money enterprise does not exist there; but I make this statement because I want to have my position in the matter understood.

I am seriously in earnest in this matter, and I shall insist upon it at the proper time when I may have the floor; but I yield to the distinguished Senator from Indiana. Therefore, I will withdraw the proposition now, but I want the Senate to understand that at some other time I shall seek a suitable opportunity to press my request.

Mr. SMOOT. I wish to say to the Senator from New Jersey that the reason why I objected to the printing of 587 letters as a public document was not because it was on the question of the currency, but because all the letters were virtually upon the same subject matter and from one circular, and no doubt Senators have received letters almost similar from a great many banks of the country. I am in sympathy with the object the Senator is trying to accomplish in having it published as a document.

Mr. MARTINE of New Jersey. Mr. President, if the Senator will permit me, twice before have I endeavored to urge the publication of the document by the Senate, and in each case objection has been made.

The VICE PRESIDENT. The regular order has been called for by the Senator from Indiana, and the Secretary will read the resolution before the Senate.

MR. HATHAWAY'S BRIEF ON SUGAR DUTIES.

Mr. GORE. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator from Oklahoma rise?

Mr. GORE. I ask the Senator from Indiana if he will yield to me for a moment that I may ask unanimous consent for the publication of a document?

Mr. KERN. Very well.

Mr. SMOOT. I ask for the regular order, because we can dispose of that question in a few minutes, I think.

Mr. GORE. Mr. President, I will say to the Senator from Utah that no Senator on this side desires to suppress light on the subject of sugar or any other subject. The sugar producers of Michigan have been having a hearing to-day and yesterday before a subcommittee of the Committee on Finance. Mr. Hathaway, representing the sugar interests of Michigan, filed with the subcommittee a very able and exhaustive brief. Indeed it exhausted the subject from the standpoint of the sugar producers of Michigan. That every Senator may have access to this document I ask that it be printed as a Senate document.

Mr. SMOOT. Mr. President, the regular order was called for and enforced against the Senator from New Jersey, and I shall now insist on the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. GORE. Mr. President, I wish to disclaim for myself and for this side any responsibility for refusing to throw any light on this subject at this time.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

Mr. KERN. I ask for the reading of Senate resolution 37, authorizing the appointment of a committee to make investigation of conditions in Paint Creek district, West Virginia.

The VICE PRESIDENT. The pending resolution will be read.

The Secretary read Senate resolution 37 submitted by Mr. KERN April 12, 1913, and reported from the Committee to Audit and Control the Contingent Expenses of the Senate April 28, 1913, with a substitute, the substitute being as follows:

Resolved, That the Senate Committee on Education and Labor is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the Paint Creek coal fields of West Virginia for the purpose of ascertaining—

First. Whether or not any system of peonage is maintained in said coal fields.

Second. Whether or not access to post offices is prevented; and if so, by whom.

Third. Whether or not the immigration laws of this country are being violated in the West Virginia coal fields; and if so, by whom.

Fourth. If any or all of those conditions exist, the causes leading up to such conditions.

Fifth. Whether or not the Commissioner of Labor or any other official or officials of the Government can be of service in adjusting such strike.

Sixth. Whether or not parties are being convicted and punished in violation of the laws of the United States.

Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress or of either House thereof at such time and place as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses and the production of papers, books, and documents; to employ stenographers, at a cost not exceeding $1 per printed page, to take and make a record of all evidence taken and received by the committee and keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommitttee thereof, willfully makes default or who, having appeared, refuses to answer any questions pertinent to the investigation herein authorized shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Contingent Expenses.

Mr. KERN. Mr. President, I ask that the resolution be adopted as recommended.

On last Monday morning my attention was called to a statement of the governor of West Virginia published in a Washington newspaper of that date regarding the proposed investigation of certain conditions in that State, in which that distinguished and amiable gentleman was pleased to employ language so picturesque and a style so unusual and to state facts so startling and sentiments so new to our civilization that I did not deem it necessary or proper to make any reference thereto on the floor of the Senate.

But as it now appears that fragmentary parts of this remarkable statement have been published in various parts of the country with its most interesting allegations of fact omitted I have concluded to ask that the entire article as originally published be printed in the RECORD, to the end that it may be permanently preserved in its entirety as well as its beauty. I send the article to the desk.

The VICE PRESIDENT. For reading?

Mr. KERN. For reading.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

CHARLESTON, W. VA., *May 4, 1913.*

Gov. Henry D. Hatfield, of West Virginia, in a statement to-night attacked Senator JOHN W. KERN, of Indiana, who to-morrow is expected to bring up a resolution which he introduced some time ago in the United States Senate providing for Federal investigation of conditions in the West Virginia coal fields.

The governor declares the Senator has been misinformed, that the coal strike is over, that he intends to arrest any person aiding and abetting lawlessness, and that he courts a thorough investigation.

In his statement Gov. Hatfield says:

"I am informed that Senator KERN has made a statement that peonage exists in West Virginia and that Mrs. Mary (Mother) Jones has been on trial before a drumhead militia court for the past 30 days.

"CALLS CHARGE FABRICATION.

"In reply to the Senator's statement relative to peonage I wish to say that his allegation is a fabrication out of the whole cloth. Mrs. Jones is not now nor has she at any time since her arrest been in prison. She is being detained—and is not in any way confined—at a pleasant boarding house with a private family on the banks of the Kanawha River, at Pratt, W. Va.

"I do not intend to permit Mrs. Jones or any other person to come into West Virginia and make inflammatory speeches that have a tendency to produce riot and bloodshed.

"The honorable body of which Senator KERN is a Member has a perfect right to investigate West Virginia or any part of it. I shall be delighted to have such an investigation and will use my best efforts to aid the investigation committee in any way I can; but Senator KERN must remember that I am responsible to the people of West Virginia for the maintenance of law and order, and it will be maintained by me during my term of office at any hazard, and when it becomes necessary to detain or jail people to accomplish this purpose it will be done unhesitatingly.

"TWISTERS OF THE TRUTH.

"Such twisters of the truth as Senator KERN seem to be largely responsible for these falsehoods and misrepresentations which work untold hardships upon those in office who have due respect for law and order and who are trying to carry out and maintain the principles of good government.

"I note that one of the statements of Senator KERN is to the effect that he knows positively that one newspaper correspondent was ejected during the trial of "Mother" Jones and deported from the State. I can use no better terms and can not express myself more forcibly than to say that this was a willful and deliberate lie on the part of the one who informed Senator KERN, and it would not at all surprise me to learn that the Senator knew this to be the case when he made the statement."

Mr. KERN. Mr. President, I have no quarrel with this distinguished gentleman, who has thus questioned my veracity and impugned my motives in such graceful and poetic language. I have not the honor of a personal acquaintance with him, though I am compelled to confess that I have known him by reputation for many years, and it is but fair to him that I should state in this presence that the impression I already had as to the sweetness of his temper, the gentleness of his manners, the dignity of his bearing, the purity of his purposes, and his veneration for the laws of his country, has been greatly confirmed after reading the noble sentiments expressed in the delightful phrase of the interview which the Senate has just now heard.

I have no thought of occupying the time of the Senate with any extended comments on this interview. If any doubt as to the propriety and necessity of an investigation into the conditions existing in West Virginia existed in the mind of any Senator, surely those doubts have been dispelled after reading this fulmination of the chief executive of that unfortunate Commonwealth; for he makes it plain that in certain parts of the State the constitutions of both State and Nation have been nullified, and the constitutional provisions for the protection of the liberty of the citizens have been set aside by his arbitrary edicts, and we have the spectacle of a governor of an American State proclaiming his purpose to proceed in his lawless course, defiant of all the limitations upon his power which the Constitution has provided.

I shall briefly call attention to one or two passages of this document for a moment's comment. He says:

I am informed that Senator KERN has made a statement that peonage exists in West Virginia, and that Mrs. Mary (Mother) Jones has been on trial before a drumhead militia court for the past 30 days.

In reply to the Senator's statement relative to peonage, I wish to say that his allegation is a fabrication out of the whole cloth. Mrs. Jones is not now, nor has she at any time since her arrest, been in prison. She is being detained (and is not in any way confined) at a pleasant boarding house with a private family on the banks of the Kanawha River, at Pratt, W. Va.

It might be well for me to say at this point that I have never claimed to have personal knowledge as to any matter referred to in the resolution of inquiry. I have seen affidavits of workingmen, however, who declare that conditions worse than peonage have prevailed in the mining districts of West Virginia. But that issue of fact will be for the committee to try and determine.

I did not know that Mother Jones had been tried or was being tried at the time I introduced the resolution now under consideration. I learned of the trial from a very estimable lady interested in sociological work who had visited that locality to study the conditions there. She told me of the trial of Mother Jones before a drumhead military court-martial within a few miles of the State capital, and within the boundaries of the county in which that capital is situated. She was tried before this unlawful tribunal on a charge of murder, or as an accessory either before or after the fact.

The following is the military order which superseded the constitution in certain parts of West Virginia and which conferred authority upon a coterie of irresponsible militia officers to deal with questions affecting the life and liberty of the people of that State:

(General Orders, No. 23.)

The following is published for the guidance of the military commission organized under General Orders, No. 22, of this office, dated November 16, 1912:

1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

2. Cognizances of offenses against the civil law as they existed prior to November 5, 1912, committed prior to the declaration of martial law and unpunished, will be taken by the military commission.

3. Persons sentenced to imprisonment will be confined in the penitentiary at Moundsville, W. Va.

By command of the governor:

C. D. ELLIOTT, *Adjutant General.*

Mother Jones and other prisoners, some of whom are serving sentences in the penitentiary inflicted by this so-called military court, were tried and sentenced at a time when, according to the opinion handed down by one of the supreme court judges, and from which I quote—

The criminal courts of Kanawha County were open, able, and with full jurisdiction to try the charges against them.

But to me the most startling fact bearing on the subject under discussion was this: Here was a proceeding not only unusual but almost unheard of being carried on almost in sight of the capital of West Virginia and within 300 miles of the National Capital. One of the best-known women in America—a woman past her eightieth year—a woman known and loved by millions of the working people of America for the promotion of whose welfare and for the amelioration of whose condition she had dedicated her life—a woman so honored and beloved by these millions that she was known to all of them in every humble home as Mother Jones, was being tried in this unusual way before this mock tribunal.

The fact of the trial was sensational. The subject matter of the trial was of the deepest interest. The incidents of such a trial would be of necessity not only sensational but would interest the country.

And yet the great news-gathering agencies of the country, active, alert, with a large, intelligent force searching everywhere for items of news, were not able to furnish a line of information to their newspaper patrons concerning this astonishing proceeding.

This fact speaks volumes as to the conditions in that terror-stricken country. A zone had been established for these infamous proceedings for the purpose of suppressing information concerning them.

I was informed by a representative of the greatest of all these news-gathering agencies that the proceedings were not reported because the conditions there were such that it was not safe for newspaper men to enter that field to secure the facts for publication.

This same agency has had a representative in the City of Mexico throughout the period of the recent revolutions. He was not afraid to remain there and report faithfully the news while the streets were being plowed and mowed by the deadly missiles from the cannons of contending armies. But in West Virginia the situation was such that the American reading public was kept in profound ignorance of the startling happenings there because of a reign of terror which could not be braved by the dauntless representatives of the American Press associations.

This single fact alone will justify fully the most searching investigation.

After this trial Mother Jones remained in custody. The finding of the court-martial was returned to the governor, who has it in his keeping for approval or modification.

What the finding is, whether this old woman is to die or to live, whether she is to spend the remainder of her life in prison or go free, is known only to the one man who sets his will above the law of the land. While he solves these issues of life or death the venerable woman is detained by military law. To use his own chaste language again, "She is being detained—and not in any way confined—at a pleasant boarding house with a private family on the banks of the Kanawha River at Pratt, W. Va."

From this pleasant boarding house on the banks of the river this old woman sent me the following telegram on the same day that West Virginia's governor was giving out his interview:

HANSFORD, W. VA., *May 4, 1913.*

Senator KERN, *Care Senate Chamber, Washington, D. C.:*

From out the military prison walls, where I have been forced to pass my eighty-first milestone of life, I plead with you for the honor of this Nation. I send you groans and tears of men, women, and children as I have heard them in this State, and beg you to force that investigation. Children yet unborn will rise and bless you.

MOTHER JONES.

Mr. President, I will not detain the Senate longer. The mere suggestion of an investigation has caused the military dictator of that Commonwealth to remove her from the pleasant boarding house on the banks of the river, but it has not yet set her free.

Let this investigation proceed, that the full light may be let in on this foul spot and that all the facts bearing on these questions may be brought out, to the end that wrongs, if they exist, may be righted and that any men who are unjustly accused may be vindicated.

Mr. CHILTON. Mr. President, the misfortune of occasions of this kind generally is that it is hard to criticize a public official without being accused of, or credited with, as the case may be, political bias. I have known Gov. Hatfield since he was a boy. The only thing that I ever had against him in my life was that he is a Republican. I live in the county spoken of by the distinguished Senator from Indiana [Mr. KERN], and have lived there all my life.

Mr. KERN. Mr. President, will the Senator from West Virginia yield for a question?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. CHILTON. I do.

Mr. KERN. I ask the Senator from West Virginia whether he indorses the action of Gov. Hatfield as he himself relates that action?

Mr. CHILTON. I am coming to that in a moment.

Mr. KERN. I understood the Senator to say that he had known nothing against Gov. Hatfield or in Gov. Hatfield's career other than his politics.

Mr. CHILTON. I did not say "his career" at all; I said "except his politics." I meant that personally. I, of course, do not indorse a great many things that Gov. Hatfield probably indorses, as the Senator will learn later on. I said I had known Gov. Hatfield since he was a boy. He and I both came from the mountains of West Virginia; and I said that I had nothing against him, except his politics—at least, I meant to say that.

I live, Mr. President, in the county, and I was born in the county, where these labor troubles had their incipiency and have been carried on. I know that section of the county as well as I know the immediate place of my birth. We have had some labor troubles in West Virginia, and they have not been different from the labor troubles in Massachusetts; they have not been different from the labor troubles in Ohio or from those in the State of New York; in fact, there is very little difference between the labor troubles in West Virginia and those that are now on in other parts of the country.

On principle, and in so far as any practical good may come from it, I would oppose this resolution. I could well ask the Senate, if peonage exists in the State of West Virginia, what can the Senate do about it? If the postal laws of the United States have been violated, what can the Senate do about it? If the State of West Virginia, indeed, is not giving the people a republican form of government, what can the Senate by a report of a committee do in relation thereto? The laws of the United States have not been suspended, and peonage can be prosecuted if anybody in West Virginia has been guilty of that offense. So with the other matters proposed to be investigated. This matter, however, has taken such a shape, and political considerations possibly may have so entered into it, that I think I should make to the Senate a short explanation.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. CHILTON. Certainly; I yield.

Mr. KERN. The Senator has referred to political considerations.

Mr. CHILTON. I absolve the Senator——

Mr. KERN. Does the Senator not know that this resolution was introduced by the Senator from Idaho [Mr. BORAH] in the closing days of the last session?

Mr. CHILTON. Why, Mr. President, I never intimated that the Senator from Indiana was influenced by any political considerations or that the Senator from Idaho was. For that matter, let us assume that there is no politics in this resolution. Notwithstanding the fact of that admission, Mr. President, the State of West Virginia has been for 16 years in the hands of the Republican Party; the county of Kanawha has been for the same length of time in the hands of the Republican Party; and I am not going to sit here and, by my acquiescence, allow an indictment to be made of the people of West Virginia or of any part of it and allow the tacit admission to go unchallenged, that the Republicans of West Virginia are a different kind of people from the Democrats or of the general run of the people of these United States. What I meant by using the word "political" was that inasmuch as no Democrat has had anything to do with these troubles in an official way, I could well play politics by allowing these sweeping charges to go unchallenged. But I am more of a West Virginian than a politician. The great coal industry of that State is more important than my political fortunes, and I represent in this Chamber all the people of my State, and not alone my own party. The labor organizations can have my services here when needed in a just cause, and the coal industry as well, and I refuse to admit that West Virginia has ever surrendered her self-respect or that her people are so ignorant as to permit open, high-handed lawlessness or the reign of a dictator.

The natives born in those West Virginia hills and her naturalized citizens, as a rule, are honest, and they love just as truly as does the Senator from Indiana a republican form of government. They treasure the traditions of this Nation, and they would go out to fight for the rights of all of the people, as they have done in the past. Because I am a Democrat I shall not permit a Republican administration to be branded as false to the people and the flag. The people of my State may differ on politics, but we all love liberty, law, and order.

Our situation, sir, is simply a growth; and anything that has existed, or may exist now, in that region of the State has come about in a natural way, in my judgment; and I say it is unfortunate for me here to-day that I, willing that this investigation should go on, must be put in the position either of defending a Republican administration in the State of West Virginia and trying to defeat this resolution or else in a way concur in what has been said in the newspaper press and in the magazines all over this country concerning the State. I prefer to do right and discharge my duty to my people regardless of consequences. Some things have gone wrong there; we have had a labor agitation; we have had a strike, so to speak; but, Mr. President, the State of West Virginia has not been careless in that matter, and I want to say that Gov. Hatfield has not declared martial law in the State of West Virginia. That was an inheritance of Gov. Hatfield's. It is just for me, as a Democrat, to say that of him as a Republican governor of my State. Gov. Glasscock declared martial law in the State of West Virginia, and when Gov. Hatfield was inaugurated on the 4th of March he found that condition there. Instead of keeping a military force, as there was under Gov. Glasscock's administration, costing, as I understand, about $3,000 a day, Gov. Hatfield has gradually reduced that until it is now costing the State only $50 or $60 a day for merely a little squad of soldiers to act as a guard around the immediate place of the trouble, and he has given notice of his intention to withdraw all troops.

Now, Mr. President, acquitting the Senator from Indiana of any idea of seeking political advantage or personal advantage, so far as that may be concerned, in relation to this matter, I want the Senate to know that I do not concur in the general indictment that has been published all over this land against the State of West Virginia. She is not lawless. She does not countenance lawlessness. The general run of her people love honesty. They love legal means. They are respecters of law and order and peace. They are largely a religious people and they are always a law-abiding people. The conditions which have grown up in that State might grow up anywhere under similar causes, of which I need not speak here. They might be present in the State of Ohio or in the State of Indiana.

I do not say this to criticize the Senator from Indiana; but let him not forget that even his own city of Indianapolis has been charged with being a breeding place of anarchy and disorder. That does not refer to the great body of the people; but this country was stirred from ocean to ocean by the fact that alleged anarchists were tried in that city. They were charged there with having conspired against the lives of people all over this country; and yet I would not stand here and ask a Federal investigation of that State for that reason alone, nor would I permit myself to believe that any party in that State would willingly submit to arbitrary rule or to general lawlessness.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. CHILTON. I do.

Mr. KERN. Does the Senator understand that anybody in Indiana was tried by a military court-martial?

Mr. CHILTON. No, sir; certainly not. I am coming to that in a minute.

Mr. President, I am a Jacksonian, Jeffersonian Democrat. I will never say in this presence, nor have I ever said on the soil of West Virginia or anywhere else, that I indorse military law as construed by the present supreme court of the State and as construed by the administration that went out on the 4th of

March. That, sir, is my opinion. We must not forget, however, that the supreme court of appeals of the State has held that nothing unconstitutional was done. It has held that that military commission was justified by the laws and the constitution of the State.

Suppose, now, a committee of the Senate should determine otherwise. In the final analysis it is for the Supreme Court of the United States to determine whether or not that proceeding was violative of the Constitution of the United States, and it is for the Supreme Court of the State of West Virginia to determine whether or not it was violative of the constitution of that State. Even now a case has been prepared taking that question to the Supreme Court of the United States upon an appeal or writ of error from the supreme court of appeals of the State—the highest court in the State.

That matter is going along orderly and in a regular way. We can not stop the case if we would. We can not reverse the decision of the highest court in the State. We can not release a single person who has been held under the proceedings in West Virginia. Again, I would be slow even to insinuate, much less to admit by conduct, that if peonage or interference with the mails can be shown, the present able and faithful administration of the government will fail to take cognizance of such violations of the law.

I have said from the first—I have said it as a citizen, and I have said it as a lawyer—that I hope the Supreme Court of the United States will never hold that the word of a governor is the last word as to how a citizen of a State shall be tried. I hope the Supreme Court of the United States will reverse the Supreme Court of Appeals of the State of West Virginia and will hold that the governor of that State can not create a military commission in the way he did originally. I have said, further, that I did not want to live in a State whose governor can draw a circle around my house and try me before breakfast under a military order.

I hope that is not the law of West Virginia; but now it is, until the Supreme Court says otherwise. The court to which I am bound to give respect, if I am a law-abiding citizen of the State, has held it to be the law of the State. I am in sympathy with the view of those who are taking the case to the Supreme Court of the United States, and I sincerely hope that high tribunal will decide that the military power is circumscribed in some way, and that the Supreme Court of Appeals of my State is mistaken. That statement I have made in public and in private to persons on both sides of this unfortunate controversy; but, sir, it can not be decided by the Senate, nor by a committee of it; it must be decided in the regular way, and proceedings to determine it are going forward as rapidly as possible.

I read in magazines statements about West Virginia, many of which I know to be untrue. I read in papers in this country statements attacking good citizens of that State, some of which I know to be untrue. I would rather go out of the Senate tomorrow than to sit in this body, with the responsibilities of my position, and not rise when the question comes up and give my testimony that untrue statements are being published against good Republicans and against a Republican administration that I am naturally inclined to fight under all circumstances and against both the laboring men and some of their employers. God knows I have a political indictment against my Republican friends sufficient for all purposes that I know to be true. I will not sit here in my place and allow things to be said against them which my knowledge teaches me, and my information leads me to believe, are not true.

Gov. Hatfield found this order. Not a single human being has he allowed to go into the penitentiary. He not only found it, but he found it upheld by the Supreme Court of Appeals of the State of West Virginia. He has simply been executing it, not allowing a human being ever to get inside of the penitentiary walls since he has been on the job. It is but simple justice to state these facts, and it is but fair to admit that he has had a most difficult situation and has given his best thought and practically all of his time to its solution. I am opposed to him politically, but I will not strike under the belt. If West Virginia's good name is the price of my political success, then my loyalty and love prevent me from paying the price.

Mr. KERN. Mr. President, will the Senator state that there are not two men in the penitentiary now, one serving a sentence of five years and the other a sentence of two years, imposed by this military court-martial?

Mr. CHILTON. They were sentenced under a prior administration, though; not under this one.

Mr. KERN. I am talking about the court-martial that we are talking about here. Were not the cases of those two men presented to the Supreme Court in habeas corpus proceedings, and are not those same men now, under the administration of Gov. Hatfield, permitted to remain there as prisoners, with the full power of pardon in his hands?

Mr. CHILTON. I say last what I said first: It is my information that not a single person has been sent to the penitentiary under Gov. Hatfield's administration. They were tried under Gov. Glasscock's administration; they were sentenced to the penitentiary, and they were put in the penitentiary, and a great many of them were pardoned by him. I think I am right in that statement. I say it subject to correction if I am not.

Mr. KERN. In what court were these men tried?

Mr. CHILTON. They were tried in a military court. There is on doubt about that.

Mr. KERN. How many miles from the city of Charleston does that court sit?

Mr. CHILTON. Some 8 or 10 or 15 miles, or probably 20 miles. It is in the same county, adjoining, right along on the same river.

I am not denying that people have been tried by a military court, and I am not defending it. I am not denying that the administration has carried out martial law, probably in its rigor. I am simply trying to get the facts before the Senate, to have it understand that this has not been done in the extreme, high-handed, arbitrary manner that has been described. It has been upheld by the Supreme Court of Appeals of West Virginia.

I will ask the Senator now if the language which he read a moment ago was not from the dissenting opinion of that court?

Mr. KERN. I so stated.

Mr. CHILTON. I did not understand the Senator to say so. He said it was the language of one of the judges that decided the case.

Mr. KERN. Yes; it is a minority opinion. I am going to ask later to have it printed as a Senate document, because it exposes the iniquity not only of the conditions in West Virginia but of the court itself.

Mr. CHILTON. There is no doubt in the world, whatever it may be, that the dissenting opinion of Judge Robinson expresses my view of the law and what I hope the Supreme Court of the United States will hold to be the law. But up to this time that is not the law in the State of West Virginia, and that decision must be reversed before the views of Judge Robinson shall become the law. I leave it for the Senate to determine whether or not the word "iniquity" applies to the court or to the decision. Our judges are elected by the people, and they are men of ability and character.

As I said before, Mr. President, the magazines and newspapers have given a very horrible description of conditions in West Virginia. Some of these I know to be untrue. I want to say further that I have not taken either side of this controversy. The members of the labor organizations of West Virginia have been my friends all during my political life, and they are my friends now.

They know that I understand perfectly well that the great body of these organizations stand for law and order and regret the outbreaks which sometimes have brought down the strong arm of the law upon them.

I hope they are that character of people—and they have got to be if they are to be my friends—who want all the truth and who do not want anybody to misrepresent any condition for their benefit. I have talked to them about these matters; I talk to them often, and they so express themselves to me. I feel that they want nothing to go through the Senate of the United States upon misrepresentation or as a result of any extreme statements coming from them.

Part of the strike and all of the lawlessness, I have always said, was not authorized by the labor unions. You can always find on the outskirts of these strikes a few people who do not want law and order anywhere, who will use the sympathy of the people for labor as an opportunity to do lawless acts and to do things of which labor unions do not approve.

As I said in the beginning, ordinarily I would ask that this resolution be defeated. Why? Because each Senator feels that his State ought to be allowed to take care of its own affairs. I recall that when an effort was made here to investigate the Lawrence strike, the mere suggestion of the Senator from Massachusetts, who said that that State was able to take care of its own affairs, was all sufficient for the Senate, and then and there the matter was dropped.

I do not, however, want West Virginia held up to the people of this country as being a lawless State and then let the matter drop there. I should not want that done even if my word could accomplish it. I am not that kind of a citizen of the State. So

far as I am concerned, I agree with Gov. Hatfield that the matter might be investigated; and if I did not agree with him, since I have seen his statement that he wants it investigated, I should not object. But, Mr. President, I think this resolution should be amended. I think there should be some amendments made as to the wording of it.

It occurs to me that the resolution has not yet taken the regular course. It was simply referred to the Committee to Audit and Control the Contingent Expenses of the Senate on the question as to whether or not that committee would recommend that the Senate bear the expense of the investigation. The resolution has never gone to a committee upon its merits. I think the wording of it should be changed in some respects. I think it should cover two or three other matters, so as to embrace both sides of this great controversy.

I intend to ask—not for the purpose of killing the resolution, not for the purpose of delaying any investigation, because it can come back here the first of next week—to have this resolution sent to the regular Committee on Education and Labor as to its merits. It has never gone there upon its merits, and it should be considered by that committee, where proper amendments can be made to it. At the proper time I am going to ask—and move, if necessary—that the resolution be sent to the Committee on Education and Labor and reported upon as to its merits, after such a hearing as to the grounds and reasons for making the investigation as may be submitted. Now there are no facts before the Senate. We have only a resolution and a speech. Can we afford to make a precedent that any Senator can offer a resolution to investigate an internal affair of a State and, without proof of its necessity and without suggestion that any good can result therefrom, the Senate will order the investigation? I only ask fair treatment for my State and an orderly course in our proceedings.

Mr. STONE. Mr. President, this trouble in West Virginia is connected with coal mines, is it not?

Mr. CHILTON. Yes, sir.

Mr. STONE. How many men are engaged as coal miners in West Virginia?

Mr. CHILTON. In round numbers, 70,000.

Mr. STONE. Can the Senator tell who they are? By that I mean, can he classify them as to nationality?

Mr. CHILTON. No, sir; I can not. A great many of them are native-born citizens, both white and black. A great many of them have come in from the State of North Carolina and the State of South Carolina, and the overplus from Virginia. Those are mostly of the colored race. Then there are quite a number of other nationalities.

Mr. STONE. As between whites and blacks, how are they divided?

Mr. CHILTON. I should say there are about two or three whites to one black.

Mr. STONE. How is it as to the foreign-born people—Italians, Poles, and so forth?

Mr. CHILTON. It would be a guess, but in my part of the country the majority of the people are native-born whites and blacks. I can not speak of the upper end of the State. In my end of the State—that is, in the New River and the Kanawha fields, and I take it in the McDowell fields—a large majority of the miners are blacks and native-born whites. I should think that would be a correct statement.

Mr. STONE. They are citizens of the United States, then?

Mr. CHILTON. Yes; they are citizens.

Mr. STONE. Most of them?

Mr. CHILTON. Yes; that is my opinion about it. Of course there are a great many people there, a great many foreigners, that are not citizens of the United States. I desire to have it understood that I do not speak from actual figures. I am speaking generally from my limited knowledge of the situation.

Mr. President, it is a serious matter to indict a whole State, its courts, its governor, and all its civil officers. An investigation as broad and as sweeping as this would be an indictment. If I were a mere politician I could well sit here and permit this wholesale charge against my people and their Republican officials to take the easy course of parliamentary procedure that is mapped out for it. If we can start right and the country will withhold judgment till all the facts be known, the word of the governor put into the record that an investigation is desired, leaves me little to say in answer to the suggestion that an investigation might vindicate the State. But why object to a preliminary hearing by the regular committee? Why railroad such an important resolution? No one can be injured, for it is well known that this investigation, if ordered now, can not be made for some time, because the presence of Senators here at the Capitol is and will be for quite a while demanded. The press of West Virginia announces that the strike has been settled. That is my information from other sources friendly, too, to labor organizations. The regular committee can hear anyone desiring to be heard, and it can then decide whether or not there is a public necessity for an investigation, and if so, the scope of that investigation.

Mr. GOFF. Mr. President, I think it is quite apparent from what has already been said that no good can come from this proposed investigation. I should like each Senator to ask himself, before voting for it, on what evidence is he voting? What has been presented to the Senate, or to any committee of the Senate, justifying such allegations as have been made here relative to the State of West Virginia that will authorize this great deliberative body to pass this resolution?

A resolution has been offered, that resolution has been referred to a committee, and a report has been made. The report simply tells the Senate in substance:

> We report this resolution favorably, and trust it will pass.

On what? On a newspaper statement? On a mere interview given by some one to some one? Or is it on an affidavit of some man or woman who, before the evangel of Almighty God, will state that such facts exist as will justify the Senate in so proceeding? Not a scrap; not a memorandum; not an affidavit.

Is that the way matters of great moment are brought to the attention of the Senate? Does not a committee from the Senate give the reasons why a bill should pass or why a resolution should be favorably considered? I ask you to look for one single word telling why that should be done.

Is it because there is a strike in the coal region of West Virginia? Concede it. There has been a strike in the coal region of West Virginia, as there have been strikes in the coal region of Illinois, of Ohio, of Virginia, of every other section of the country where coal is mined. Then, it can not be that simply because there is a strike the investigation should be made.

Then what else? Because men have been killed? Concede it. Have not men been murdered, killed, and assassinated at other mines, also at factories and mills?

It was only yesterday that I read in one of the metropolitan journals that up in the great State of New York at a strike—I think at Syracuse, but I am not sure of the city—two rioters and a policeman had been killed. Should not the Senate at once send a committee there to investigate that matter and ascertain who was to blame and what action it should take? Over in the State of New Jersey, at Paterson, I think, a strike at the silk factories has been in progress for some time; property has been destroyed, life has been taken. Should not the Senate send a committee there to investigate that matter?

But it is said we have martial law in West Virginia. Is that anything new in this country? Would it not be much better if in some localities where martial law has not been declared it had been proclaimed?

Now, what is martial law? It is simply the rule of the military when the civil power is inadequate. That is all. It should necessarily intervene when there is chaos, when the civil power fails. Would not a justice of the peace in this strike zone in West Virginia, the sheriff of the county, or the constable of the district, make a lovely spectacle of himself in attempting to arrest two or three thousand riotous men? How long would the man stay under arrest with a thousand of his comrades to rush him from the officers of the law? How long would the courts stay open in that zone?

Martial law does not exist throughout the State of West Virginia. With its five hundred and twenty and odd thousand square miles of territory it exists only in one small section of one county; that is all. Why? Because in that small territory a few miles square this condition of affairs still exists, and the civil authorities are utterly powerless.

Gov. Hatfield and Gov. Glasscock both proceeded under the provisions of law. They both proceeded under West Virginia enactments. Those West Virginia enactments are in spirit older than the State. They are taken from her grand old mother—Virginia. We first find them upon the statute books of colonial Virginia. We find them repeated when such brilliant men as Patrick Henry and Thomas Jefferson were in control of affairs in Virginia. We find that when Thomas Jefferson was governor of Virginia the Legislature of Virginia proposed that the governor, with the advice of his council, the council being used there as a cabinet, might at any moment issue a proclamation that would cause the arrest, the banishment, the imprisonment the holding in detention of anyone who was producing turmoil and strife, of anyone who was giving aid and comfort to those opposing. At that time the spirit of '76 was in the air. At that time this enactment went so far as to say that as to the people so arrested the writ of habeas corpus should not be used.

The men who were then speaking and then enacting law were men who knew their rights and dared maintain them. One of them was the man who said, "Give me liberty or give me death." Another was a man whom we all believe indited the glorious Declaration of Independence, and, pardon me, last but not least by any means, the founder of the Democratic Party. I say it is a part of the history of the country that has come down to us through the years to the present time.

Gentlemen, just think what the situation would be without it. We might as well look these things in the face. The turmoil and strife that are in the land, growing from strikes here, there, and everywhere, necessarily invoke the military power and thereby override the civil law. Are we to stand idly by? Are the governors of the State of New York, the State of Ohio, the State of New Jersey, the State of Indiana, where these difficulties have arisen, to stand by and take no action, and simply rely upon the justices of the peace or the judges of the courts? Would not that be folly?

In this small section of the State of West Virginia martial law exists. In every other section of the State the civil courts are open, as they have always been. If the people to whom the Senator from Indiana alludes are improperly held by the judicial authorities or by the mandate of the governor, why do they not go to the courts? The courts are open. Their petition will be heard. Are we to presume that a man is held in durance vile improperly? Is it not the presumption of law that he is properly so held? On the eloquence of the Senator from Indiana, or out of sympathy for an aged lady, are we to presume that she is improperly held in confinement, or is it not the presumption that in all the States of the Union men or women in prison are held according to law? Now, if they are not held according to law they can go to the courts; and I will say that these people have gone to the courts. They have filed their petitions in the court; they have asked the courts to release them; they have made the same argument that the Senator from Indiana has made; and what did the inferior and court of appeals of West Virginia say? They said: "You are properly held in confinement under the law and the constitution. We can not turn you out."

Now, such is the judgment of those courts. The Supreme Court of West Virginia is composed of able, learned, and experienced men—tried jurists—who, acting upon their oaths, have construed those statutes and executive proclamations, as similar enactments and mandates have by other courts for years past been construed. Whether we agree with them or not is not the question before the Senate. It is the Supreme Court of West Virginia that has spoken. Are we to ignore our judicial system? Does it not provide that if the supreme court of a State rules that a citizen of the United States is improperly deprived of his property or of his liberty the great tribunal that sits in another part of this Capitol shall review that judgment when the same is properly taken before it? Why do they not bring it here? Those so convicted and held do not ask the Supreme Court of the United States to reverse the judgments now standing against them. My colleague [Mr. CHILTON] says he understands that will be done. Can we not wait and abide the judgment of that great court? Why should we proceed now? Why should we stir up this strife? Why should we continue it in West Virginia?

I doubt very much whether the wish of my colleague will ever be realized—that the judgment of the court of appeals of West Virginia will be reversed. This is no new question. It was raised out in Colorado a few years ago. (In re Moyer, 35 Colo., 159.) It is a noted case. That same matter in another form went to the Supreme Court of the United States. What did that court say? Let me invite your attention to the syllabus in Moyer *v.* Peabody (212 U. S. Reports, p. 78):

> What is due process of law depends on circumstances and varies with the subject matter and necessities of the situation.
>
> An officer of a State interfering with an individual's rights in an unconstitutional manner derives no protection from personal liability on account of his office.
>
> The declaration of the governor of a State that a state of insurrection exists is conclusive.

So says the Supreme Court:

> Where the constitution and laws of a State give the governor power to suppress insurrection by the National Guard, as is the case in Colorado—

As is the case in West Virginia—

> he may also seize and imprison those resisting, and is the final judge—

That is, the governor, now—

> and is the final judge of the necessity for such action, and when such an arrest is made in good faith he can not be subjected to an action therefor after he is out of office, on the ground that he had not reasonable cause.

On this question also see the case of Luther *v.* Borden (7 How., 1) and Commonwealth *v.* Shortall (206 Pa., 165).

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Will the Senator from West Virginia yield to the Senator from Colorado?

Mr. GOFF. I yield.

Mr. THOMAS. I am, of course, very familiar with the decision to which the Senator refers. It was the outgrowth of labor conditions.

Mr. GOFF. Most undoubtedly, it was, just as in West Virginia.

Mr. THOMAS. The decision as rendered by the supreme court of the State invested the governor with absolute power. He used it in deporting hundreds of men from the district in box cars and dumping them out upon the prairies of New Mexico and of Kansas. The people of the State, generally speaking, without regard to party, disapproved of that decision, and largely because of the consequences which followed it, which were subversive of all forms of constitutional government and of every individual right guaranteed by that document to the individual. It resulted in a revulsion of political sentiment, in consequence of which, among other things, the judges responsible for the decision have not been returned to office.

Mr. GOFF. Yes; quite likely; I am not surprised. If the wish of the mob is to prevail, judges will be recalled.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. GOFF. I do.

Mr. THOMAS. The Senator certainly does not mean by that expression to say that the people of the State of Colorado are a mob?

Mr. GOFF. No; I do not.

Mr. THOMAS. They are a law-abiding people, and acted in their resentment by constitutional methods exclusively.

Mr. GOFF. No; they are not all engaged as is the mob, but many of the people in Colorado did, as well as many of the people in West Virginia, sympathize with the men who are engaged in these controversies, who have taken the law into their own hands, and their votes will be cast accordingly.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield further?

Mr. GOFF. I do.

Mr. THOMAS. The sympathy of the people of my State was against the labor conditions until that decision of the supreme court turned the tide, so that the statement is not entirely correct with reference to existing public sentiment there.

Mr. GOFF. Well, is it not a pity that this decision that you say has been recalled has nevertheless been affirmed by the Supreme Court of the United States?

Mr. THOMAS. Mr. President, I think not.

Mr. GOFF. Very well. Why?

Mr. THOMAS. Because the acts which followed that decision demonstrated beyond question the effect that could be given to it, when a governor of a State can be armed with absolute authority, and his ipse dixit as to the existence or nonexistence of insurrectionary conditions enables him to set aside the law of courts, all forms of civil and judicial procedure, and substitute his will for the law.

Mr. GOFF. Mr. President, in my State we will not for one moment think that any man whom the voters of that State—whatever his politics—have chosen as their governor would ever act in that manner, ever substitute his will for the law.

Mr. THOMAS. Mr. President, I certainly hope the governor of that State will not; but if he does, I earnestly hope that the people of West Virginia will consign him to the same fate.

Mr. GOFF. But bear in mind, as I said a moment ago, that "sufficient unto the day is the evil thereof." We have no governor of any Commonwealth in this great Nation who has ever resorted to any such thing, who has ever betrayed a trust of that kind. He feels his responsibility.

I want to say for Gov. Hatfield, of West Virginia, that there is not an executive in all the broad land, from ocean to ocean and mountain to gulf, who has a higher regard for his position than Gov. Hatfield. He is a man of courage, a man of brains, a man of education, a man of intelligence, who knows his rights and dares exercise them. He is a man among men—a governor among governors. That is the situation out there, Senators. It exists in just one small portion of the State.

The governor is to stand by, I suppose, and let the insurrection continue, permit those engaged in rioting to have their own way, and the law to be defied.

I want to say that there are just as good men in that small section of the State as ever lived anywhere. There are just as

good miners in those coal mines as ever mined coal anywhere or earned a living down in the bowels of the earth. They all do not agree to this thing, but many of them are overawed. What chance has a man under such circumstances to assert his individual rights or wishes? Senators, it is simply the old, old story of the conflict between the union and those not members thereof. It is simply an instance of men saying to others, "You shall not work this property of yours unless you do it thus and so"; it is simply saying to other men, "You shall not work in this mine unless I do, or unless it is unionized."

Mr. President, I believe in the rights of labor. So do the people of my State; I believe in the right of labor to organize and to strike; I have so decreed from the bench; and I believe in their right to be protected when so organized; but there comes a time when, for their own good, as well as the good of the country, those so organized should go no further. While they have a perfect right to strike and to quit work, they have no right to make others strike and to prevent those from working who desire to continue to labor in order to support their wives and children. They must not drive other laborers out. They may go out, but the other people have a right—a God-given right—to protect themselves and to earn their living, with which those who wish to strike have no right to interfere.

There never was any trouble there in the Cabin Creek country down to the time when—if the Senator from Indiana [Mr. KERN] will pardon me—the emissaries from his State came into that region to unionize it. They had a right to come there; certainly they had. They had a right to argue and to present their views. If that had been all they did there never would have been any trouble. They had, however, no right to engender a strike or a strife that would close the mines and not let other men work in the mines unless they could be worked according to their way.

This is a serious matter for West Virginia. It would be a serious matter for any State in the Union; but, Mr. President and Senators, we have got to meet the situation. As I have said, the West Virginia statutes have met it, and the governor has acted in accordance therewith.

Martial law necessarily suspends, in that locality only, the civil authority. War is a dreadful thing. West Virginia knows what war is; West Virginia was born in the throes of the Civil War. Riot, insurrection, death, the fiery flames of the hell of war swept over her mountains and flooded her valleys. I was a boy there at the time, and I know whereof I speak. Yet this State that is now so recklessly assailed, issuing out of that chaos, that confusion, organized a government, elected Congressmen and Senators, established courts, and throughout all that great expanse of territory, from the summit of the Alleghanies to the Ohio Valley, restored order, built up the wilderness, developed its theretofore hidden wealth, and stands to-day among the first of the great States of the Nation.

Those courts have meted out justice to all, and the blind goddess has never yet held the scales unevenly, nor will she ever do so.

I simply suggest the propriety of letting West Virginia work out this trouble. Other States are permitted to do so, and why not West Virginia? Other States have demonstraed their ability to guard, to manage, and control their own affairs. Has not West Virginia demonstrated that she can do the same? She requires no assistance at this time, and she has been guilty of no act that requires the attention of this Senate.

Mr. STONE. Mr. President, I should like to ask the Senator from Indiana if he thinks he will be able to get a vote on the resolution this afternoon?

Mr. KERN. I was about to suggest that the matter might be temporarily laid aside, unless there is a desire to vote on it to-night.

Mr. CLARKE of Arkansas. Let us have an executive session.

Mr. KERN. Very well, then.

Mr. STONE. I hope the Senator will wait until I can submit a resolution.

Mr. KERN. I was going to say that if there is no objection, the resolution may be temporarily laid aside in order that we may have an executive session.

Mr. STONE. Let it be temporarily laid aside.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

INVESTIGATION OF BUREAU OF INDIAN AFFAIRS.

Mr. STONE. Mr. President, I desire to offer a resolution, which I ask to have read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Senator from Missouri offers a resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 81), as follows:

Resolved, That the Committee on Indian Affairs of the Senate, or any subcommittee thereof, be, and it hereby is, authorized during the Sixty-third Congress to investigate the administration of the Bureau of Indian Affairs, and to that end it is authorized to send for persons and papers, to administer oaths, and to employ stenographers at a price not to exceed $1 per printed page, and to employ such other assistants as may be required, to report such hearings as may be had in connection with such investigation, the expenses thereof to be paid out of the contingent fund of the Senate, and that such committee, or subcommittee thereof, may sit during the sessions of the Senate, or during the vacation of the Senate, at any place in the United States.

Mr. STONE. I submit that resolution under the instructions of the Committee on Indian Affairs, and I ask to have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. It will be so referred.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. STONE. I offer another resolution, for which I ask immediate consideration. I present this resolution under instructions from the Committee on Indian Affairs. There are some hearings in progress now before that committee, and I do not think the committee has authority to employ a stenographer or to have printing done. Under instructions from the committee I ask the Senate to adopt the resolution which I send to the desk.

The VICE PRESIDENT. The Senator from Missouri reports a resolution from the Committee on Indian Affairs, which the Secretary will read.

The Secretary read the resolution (S. Res. 80), as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

Mr. GALLINGER. Manifestly that resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. It must go to the committee under the law.

Mr. STONE. Does that resolution have to go to that committee?

The VICE PRESIDENT. The Chair has ruled that, under the rules of the Senate, the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. The law so requires.

Mr. STONE. Very well, then, let it go to that committee.

The VICE PRESIDENT. The resolution will be so referred.

ADJOURNMENT TO TUESDAY.

Mr. KERN. I move that when the Senate adjourns to-day, it adjourn to meet on Tuesday next at 2 o'clock p. m.

The motion was agreed to.

AMENDMENT OF THE RULES.

Mr. JONES. I desire to offer the proposed amendment to the rules of which I gave notice the other day, and ask that it be referred to the Committee on Rules.

The VICE PRESIDENT. The Secretary will read the notice of the proposed amendment of the rules heretofore presented by the Senator from Washington.

The Secretary read as follows (S. Res. 82):

The Senator from Washington [Mr. JONES] gives notice that he intends to propose the following amendment to the standing rules of the Senate:

Amend, paragraph 2 of Rule VII, by striking out, in the third line thereof, the words "after the morning hour may" and inserting the word "shall."

The VICE PRESIDENT. The proposed amendment to the rules will be referred to the Committee on Rules.

THE TARIFF.

Mr. WILLIAMS. Mr. President, it is now half past 5 o'clock, and I move that the Senate adjourn.

Mr. SIMMONS. I ask the Senator from Mississippi, before he makes that motion, to allow me to submit a request in reference to the tariff bill. It is necessary to do so in order that the bill may be printed in the RECORD to-morrow.

Mr. WILLIAMS. I withhold my motion for that purpose.

Mr. SIMMONS. I ask that House bill 3321, being the tariff bill, may be read a second time so that it may be printed in the RECORD of to-day's proceedings.

The VICE PRESIDENT. If there is no objection, the bill will be considered as having been read the first and second times.

Mr. GALLINGER. What bill is that, Mr. President?

Mr. SIMMONS. It is the tariff bill.

Mr. SMOOT. Mr. President, there is a motion pending to refer the bill.

The VICE PRESIDENT. That is true; but the Chair has not yet said that the bill has been read the first and second times.

Mr. SIMMONS It has only been read the first time, and can not be printed without being read the second time.

Mr. GALLINGER. Has not that bill been already printed in several editions? Have we not an abundant supply of it?

Mr. SIMMONS. It has not been printed in the RECORD, so far as I know.

Mr. GALLINGER. Oh, in the RECORD.

Mr. SIMMONS. And it has not been printed in any form whatever since it has been passed by the other House.

Mr. GALLINGER. It can be printed in the RECORD, it occurs to me, by unanimous consent.

Mr. SIMMONS. My request does not interfere, Mr. President, at all with the motion to refer, or the proposed amendment of that motion now pending. That may go over until Tuesday.

Mr. GALLINGER. Without reference to that motion, it seems to me that by unanimous consent the bill could be printed in the RECORD without any reference to its being read the first and second times.

Mr. SIMMONS. Under the rule, as I understand, a bill can not be printed unless it has been read a second time, and this bill has only been read once.

The VICE PRESIDENT. If there is no objection, the request of the Senator from North Carolina will be considered as granted.

Mr. JONES and Mr. WILLIAMS addressed the Chair.

Mr. SIMMONS. I desire to present——

Mr. JONES. I desire to ask——

Mr. WILLIAMS. I yielded to the Senator from North Carolina [Mr. SIMMONS] for a moment, but still retained the floor. I now renew the motion that the Senate adjourn.

Mr. SIMMONS. I ask the Senator to yield to me for another request.

Mr. WILLIAMS. I yielded to the Senator a few moments ago, and I thought he was through.

Mr. SIMMONS. I was not. The Senator from Washington [Mr. JONES] was anxious to get recognition, although I was not through. I now offer the resolution which I send to the desk, and ask unanimous consent for its present consideration. It is only to provide for printing copies of the tariff bill.

Mr. BRANDEGEE. I rise to a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. What disposition was made of the request of the Senator from North Carolina [Mr. SIMMONS] that the tariff bill be read a second time?

The VICE PRESIDENT. The Chair announced, amid a great deal of confusion, that if there was no objection on the part of Senators the request would be considered as granted and the bill would be considered as having been read the first and second times and ordered printed in the RECORD.

Mr. BRANDEGEE. I object to the second reading of the bill. I have no objection to printing it in the RECORD by unanimous consent, but I object to its second reading.

Mr. SIMMONS. I will change the form of the request, if the Senator objects, and ask unanimous consent that the bill may be printed in the RECORD.

The VICE PRESIDENT. The Chair will state, for the benefit of the Senator from Connecticut, that the Chair was under the impression that the bill had been read the first and second times; otherwise the Chair would have ruled that the motion to refer the bill to the Finance Committee, and the amendment of the Senator from Pennsylvania [Mr. PENROSE] to that motion, whereby certain instructions were to be given to the Finance Committee, were not in order.

Mr. BRANDEGEE. Anything can be printed in the RECORD by unanimous consent. I have no objection to the request for unanimous consent for the printing of the bill in the RECORD; but, of course, the bill can not be considered as having been read a second time unless by unanimous consent, and I would interpose an objection if that request were made.

Mr. SIMMONS. I think the objection of the Senator came too late——

Mr. NORRIS. I rise to a parliamentary inquiry, Mr. President——

Mr. SIMMONS. Because I think the Chair announced that the request had been granted. However, all I desire is that the bill be printed, and I understand the Senator does not object to that. Now, Mr. President, I ask——

Mr. NORRIS. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. If the bill is not read the first and second times, can it, under the rules of the Senate, be printed in bill form?

Mr. GALLINGER. No.

Mr. SIMMONS. By unanimous consent; yes.

Mr. NORRIS. That is the object, I understand, of having it read the first and second times. Before Tuesday all of us will be desirous of getting the bill in the form in which it passed the House; and I hope, therefore, that the Senator from Connecticut will not object to the request; otherwise we will not be able to get copies of the bill.

Mr. BRANDEGEE. Of course, the committee can have printed all the copies it desires as a committee print.

Mr. SIMMONS. I want to say to Senators that I have just sent up a resolution authorizing the printing of 5,000 copies of the bill for the use of the Senate, and I ask unanimous consent for the reading and present consideration of that resolution.

The VICE PRESIDENT. That the record may be clear, the Chair would like to know whether the ruling of the Chair was correct—that the tariff bill has been read the first and second times and is now pending on the motion to commit with instructions to the Committee on Finance, or whether the motion and the proposed amendment thereto were out of order and the bill has only been read once?

Mr. SIMMONS. Mr. President, I think, as a matter of fact, that the bill has been read only once. Immediately upon the first reading the controversy with reference to hearings arose. The bill has not been read a second time.

The VICE PRESIDENT. The present presiding officer desires to state further that since the chair has been occupied by the present incumbent it has been the custom to announce that a bill has been read the first and second times when nothing appears to have been read except the title of the bill, whereupon it has gone to the appropriate committee. The Chair was under the impression that the tariff bill would take the same course, except that the motion to refer with instructions intervened. If there is objection to that, it will be understood that the bill has only been read the first time; and, without objection, it will be considered that the motion of the Senator from North Carolina, that the bill be printed in the RECORD, has been carried by unanimous consent. The Chair hears no objection.

The bill is as follows:

An act (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Be it enacted, etc., That on and after the day following the passage of this act, except as otherwise specially provided for in this act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) the rates of duty which are by the schedules and paragraphs of the dutiable list of this section prescribed, namely:

DUTIABLE LIST.

SCHEDULE A—CHEMICALS, OILS, AND PAINTS.

1. Acids: Boracic acid, ¾ cent per pound; citric acid, 5 cents per pound; formic acid, 1½ cents per pound; gallic acid, 4 cents per pound; lactic acid, 1½ cents per pound; oxalic acid, 2 cents per pound; pyrogallic acid, 10 cents per pound; salicylic acid, 2½ cents per pound; tannic acid and tannin, 4 cents per pound; tartaric acid, 3½ cents per pound; all other acids and acid anhydrides not specially provided for in this section, 15 per cent ad valorem.

2. Acetic anhydrid, 2½ cents per pound.

3. Acetone, 1 cent per pound.

4. Egg albumen, 3 cents per pound.

5. Alkalies, alkaloids, and all chemical and medicinal compounds, preparations, mixtures and salts, and combinations thereof not specially provided for in this section, 15 per cent ad valorem.

6. Alizarin, natural or synthetic, dry or suspended in water, 10 per cent ad valorem.

7. Alumina, hydrate of, or refined bauxite; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, and all other manufactured compounds of alumina, not specially provided for in this section, 15 per cent ad valorem.

8. Ammonia, carbonate of, and muriate of, ¾ of 1 cent per pound; phosphate of, 1 cent per pound; liquid anhydrous, 2½ cents per pound; ammoniacal gas liquor, 10 per cent ad valorem.

9. Argols or crude tartar or wine lees crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 5 per cent ad valorem; containing more than 90 per cent of potassium bitartrate, cream of tartar, and Rochelle salts or tartrate of soda and potassa, 2½ cents per pound; calcium tartrate crude, 5 per cent ad valorem.

10. Balsams: Copaiba, fir or Canada, Peru, tolu, and all other balsams, which are natural and uncompounded and not suitable for the manufacture of perfumery and cosmetics, if in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, all the foregoing not specially provided for in this section, 10 per cent ad valorem; if advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, all the foregoing not specially provided for in this section, 15 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

11. Barium, chloride of, ½ cent per pound; dioxide of, 1½ cents per pound; carbonate of, precipitated, 15 per cent ad valorem.

12. Blacking of all kinds, polishing powders, and all creams and preparations for cleaning or polishing, not specially provided for in this section, 15 per cent ad valorem: *Provided*, That no preparations containing alcohol shall be classified for duty under this paragraph.

13. Bleaching powder, or chloride of lime, $\frac{1}{10}$ cent per pound.

14. Caffein, $1 per pound; impure tea, tea waste, tea siftings or sweepings, for manufacturing purposes in bond, pursuant to the provisions of the act of May 16, 1908, 1 cent per pound.

15. Calomel, corrosive sublimate, and other mercurial preparations, 15 per cent ad valorem.

16. Chalk, precipitated, suitable for medicinal or toilet purposes; chalk put up in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, and other manufactures of chalk not specially provided for in this section, 25 per cent ad valorem.

17. Chemical and medicinal compounds and preparations, including mixtures and salts, distilled oils, essential oils, expressed oils, rendered oils, greases, ethers, flavoring and other extracts and fruit essences, all the foregoing and their combinations when containing alcohol, and all articles consisting of vegetable or mineral objects immersed or placed in, or saturated with, alcohol, except perfumery and spirit varnishes, and all alcoholic compounds not specially provided for in this section, if containing 20 per cent of alcohol or less, 10 cents per pound and 20 per cent ad valorem; containing more than 20 per cent and not more that 50 per cent of alcohol, 20 cents per pound and 20 per cent ad valorem; containing more than 50 per cent of alcohol, 40 cents per pound and 20 per cent ad valorem.

18. Chemical and medicinal compounds and all similar articles dutiable under this section, except soap, whether specially provided for or not, put up in individual packages of 2½ pounds or less, gross weight (except samples without commercial value), shall be dutiable at a rate not less than 20 per cent ad valorem: *Provided*, That chemicals, drugs, medicinal, and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, shall be dutiable at not less than 25 per cent ad valorem.

19. Salol, chloral hydrate, phenolphthalein, urea, terpin hydrate, acetphenetidin, antipyrine, salts and compounds of glycerophosphoric acid, acetylsalicylic acid, aspirin, guaicol carbonate, and thymol, 25 per cent ad valorem.

20. Chloroform, 2 cents per pound; carbon tetrachloride, 1 cent per pound.

21. Coal-tar dyes or colors, not specially provided for in this section, 30 per cent ad valorem.

22. All other products or preparations of coal tar, not colors or dyes, not specially provided for in this section, 15 per cent ad valorem.

23. Coal-tar distillates, including dead and creosote oil not specially provided for in this section; anthracene and anthracene oil, benzol, naphtol, resorcin, toluol, xylol; all the foregoing not medicinal and not colors or dyes, 5 per cent ad valorem.

24. Coal-tar products known as anilin oil and salts, toluidine, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, nitro-benzol and nitrotoluol, naphtylaminsulfoacids and their sodium or potassium salts, naphtolsulfoacids and their sodium or potassium salts, amidonaphtolsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes, 10 per cent ad valorem.

25. Cobalt, oxide of, 10 cents per pound.

26. Collodion and all other liquid solutions of pyroxylin, or of other cellulose esters, or of cellulose; compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, if in blocks, sheets, rods, tubes, or other forms not polished, wholly or partly, and not made into finished or partly finished articles, 15 per cent ad valorem; if polished, wholly or partly, or if finished or partly finished articles, of which collodion or any compound of pyroxylin or other cellulose esters, by whatever name known, is the component material of chief value, 35 per cent ad valorem.

27. Coloring for brandy, wine, beer, or other liquors, 40 per cent ad valorem.

28. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, and weeds; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this section, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

29. Ergot, 10 cents per pound.

30. Ethers: Sulphuric, 4 cents per pound; amyl nitrite, 20 per cent ad valorem; amyl acetate and ethyl acetate or acetic ether, 5 cents per pound; ethyl chloride, 20 per cent ad valorem; ethers and esters of all kinds not specially provided for in this section, 20 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

31. Extracts and decoctions of logwood and of other dyewoods, and all extracts of vegetable origin suitable for dyeing, coloring, or staining, not specially provided for in this section; all the foregoing not containing alcohol, and not medicinal, ⅛ of 1 cent per pound.

32. Extract of chlorophyll, 15 per cent ad valorem; saffron and safflower, and extract of, and saffron cake, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

33. Formaldehyde solution containing not more than 40 per cent of formaldehyde, or formaline, 1 cent per pound.

34. Fusel oil, or amylic alcohol, ½ cent per pound.

35. Gelatin, glue, and glue size, valued not above 10 cents per pound, 1 cent per pound; valued above 10 cents per pound and not above 25 cents per pound, 15 per cent ad valorem; valued above 25 cents per pound, 25 per cent ad valorem; manufactures of gelatin or manufactures of which gelatin is the component material of chief value, 25 per cent ad valorem; isinglass and prepared fish sounds, 25 per cent ad valorem; agar-agar, 20 per cent ad valorem.

36. Glycerin, crude, not purified, 1 cent per pound; refined, 2 cents per pound.

37. Gums: Amber, and amberoid unmanufactured, or crude gum, $1 per pound; arabic, or senegal, ½ cent per pound; camphor, crude, natural, 1 cent per pound; camphor, refined and synthetic, 5 cents per pound; chicle, 20 cents per pound; dextrine, burnt starch or British gum, dextrine substitutes, and soluble or chemically treated starch, ⅛ of 1 cent per pound.

38. Ink and ink powders, 15 per cent ad valorem.

39. Iodoform and potassium iodide, 15 cents per pound.

40. Leaves and roots: Buchu leaves, 10 cents per pound; coca leaves, 10 cents per pound; gentian, ¼ cent per pound; licorice root, unground, ¼ cent per pound; sarsaparilla root, 1 cent per pound.

41. Licorice, extracts of, in pastes, rolls, or other forms, 1 cent per pound.

42. Lime, citrate of, 1 cent per pound.

43. Magnesia: Calcined, 3½ cents per pound; carbonate of, precipitated, 1½ cents per pound; sulphate of, or Epsom salts, $\frac{1}{10}$ cent per pound.

44. Menthol, 50 cents per pound.

45. Oils, rendered: Sod, seal, herring, and other fish oil, not specially provided for in this section, 3 cents per gallon; whale oil, 5 cents per gallon; sperm oil, 8 cents per gallon; wool grease, including that known commercially as degras or brown wool grease, crude and not refined or improved in value or condition, ¼ cent per pound; refined or improved in value or condition, and not specially provided for in this section, ½ cent per pound; lanolin, 1 cent per pound; all other animal oils, rendered oils and greases, and all combinations of the same, not specially provided for in this section, 15 per cent ad valorem.

46. Oils, expressed: Alizarin assistant, sulphoricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, and all other alizarin assistants and all soluble greases used in the processes of softening, dyeing, or finishing, not specially provided for in this section, 15 per cent ad valorem; castor oil, 12 cents per gallon; flaxseed and linseed oil, raw, boiled, or oxidized, 12 cents per gallon of 7½ pounds; poppy-seed oil, raw, boiled, or oxidized, rapeseed oil, and peanut oil, 6 cents per gallon, hempseed oil, 3 cents per gallon; almond oil, sweet, 5 cents per pound; sesame or sesamum seed or bean oil, 1 cent per pound; olive oil, not specially provided for in this section, 20 per cent ad valorem; olive oil, in bottles, jars, kegs, tins, or other packages having a capacity of less than 5 standard gallons each, 30 cents per gallon; all other expressed oils and all combinations of the same, not specially provided for in this section, 15 per cent ad valorem.

47. Oils, distilled and essential: Orange and lemon, 10 per cent ad valorem; peppermint, 25 cents per pound; mace oil, 6 cents per pound; almond, bitter; amber; ambergris; anise or anise seed; bergamot; camomile; caraway; cassia; cinnamon; cedrat; citronella and lemongrass; civet; fennel; jasmine or jasimine; juniper; lavender, and aspic or spike lavender; limes; neroli or orange flower; origanum, red or white; rosemary or anthoss; attar of roses; thyme; and valerian; all the foregoing oils, and all fruit ethers, oils, and essences, and essential and distilled oils and all combinations of the same, not specially provided for in this section, 20 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

48. Opium, crude or unmanufactured, and not adulterated, containing 9 per cent and over of morphia, $3 per pound; opium of the same composition, dried to contain 15 per cent or less of moisture, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, $4 per pound; morphia or morphine, sulphate of, and all alkaloids of opium, and salts and esters thereof, $3 per ounce; cocaine, ecgonine, and all salts and derivatives of the same, $2 per ounce; aqueous extract of opium, for medicinal uses, and tincture of, as laudanum, and other liquid preparations of opium, not specially provided for in this section, 60 per cent ad valorem; opium containing less than 9 per cent of morphia, $6 per pound; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded: *Provided*, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

49. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints, and pastes, pomades, powders, and other toilet preparations, all the foregoing wholly or partly manufactured; if containing alcohol, 40 cents per pound and 60 per cent ad valorem; if not containing alcohol, 60 per cent al valorem; floral or flower waters containing no alcohol, not specially provided for in this section, 20 per cent ad valorem.

50. Ambergris, enfleurage greases and floral essences by whatever method obtained; flavoring extracts, musk, grained or in pods, civet, and all natural or synthetic odoriferous or aromatic substances, preparations, and mixtures used in the manufacture of, but not marketable as, perfumes or cosmetics; all the foregoing not containing alcohol and not specially provided for in this section, 20 per cent ad valorem.

51. Plasters, healing or curative, of all kinds, and court-plaster, 15 per cent ad valorem.

52. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 15 per cent ad valorem; manufactured, 20 per cent ad valorem; blanc-fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, 20 per cent ad valorem.

53. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry or ground in or mixed with oil or water, 20 per cent ad valorem; ultramarine blue, whether dry, in pulp, or ground in or mixed with oil or water, and wash blue containing ultramarine, 15 per cent ad valorem.

54. Black pigments, made from bone, ivory, or vegetable substance, by whatever name known; gas black and lampblack, dry or ground in or mixed with oil or water, 15 per cent ad valorem.

55. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 20 per cent ad valorem.

56. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, 5 per cent ad valorem; Spanish brown, venetian red, Indian red, and colcothar or oxide of iron, not specially provided for in this section, 10 per cent ad valorem.

57. Lead pigments: Litharge, orange mineral, red lead, white lead, and all pigments containing lead, dry or in pulp, and ground or mixed with oil or water, not specially provided for in this section, 25 per cent ad valorem.

58. Lead, acetate of, white, and nitrate of, 1½ cents per pound; acetate of, brown, gray, or yellow, 1 cent per pound; all other lead compounds not specially provided for in this section, 20 per cent ad valorem.

59. Varnishes, including so-called gold size or japan, 10 per cent ad valorem: *Provided*, That spirit varnishes containing less than 10 per cent of methyl alcohol of the total alcohol contained therein, shall be dutiable at $1.32 per gallon and 15 per cent ad valorem.

60. Vermilion reds, containing quicksilver, dry or ground in oil or water, 15 per cent ad valorem; when not containing quicksilver but made of lead or containing lead, 25 per cent ad valorem.

61. Whiting and Paris white, dry, and chalk, ground or bolted, ¼ cent per pound; whiting and Paris white, ground in oil, or putty, 15 per cent ad valorem.

62. Zinc, oxide of, and white sulphid of, lithopone, and pigments containing zinc, but not containing more than 3 per cent of lead, ground dry, 10 per cent ad valorem; when ground in or mixed with oil or water, 15 per cent ad valorem.

63. Zinc, chloride of and sulphate of, ½ cent per pound.

64. Enamel paints, and all paints, colors, pigments, stains, crayons, including charcoal crayons or fusians, smalts, and frostings, and all ceramic and glass fluxes, glazes, enamels, and colors, whether crude, dry, mixed, or ground with water or oil or with solutions other than oil, not specially provided for in this section, 15 per cent ad valorem; all paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, 20 per cent ad valorem; all color lakes, whether dry or in pulp, not specially provided for in this section, 20 per cent ad valorem.

65. Potash: Bicarbonate of, refined, ½ cent per pound; chlorate of, chromate and bichromate of, 1 cent per pound; cyanide of, 1½ cents per pound; nitrate of, or saltpeter, refined, $7 per ton; permanganate of, 1 cent per pound; prussiate of, red, 2 cents per pound; yellow, 1½ cents per pound.

66. Salts and all other compounds and mixtures of which bismuth, gold, platinum, rhodium, silver, and tin constitute the element of chief value, 10 per cent ad valorem.

67. Soaps: Perfumed toilet soaps, 40 per cent ad valorem; medicinal soaps, 30 per cent ad valorem; castile soap, and unperfumed toilet soap, 10 per cent ad valorem; all other soaps not specially provided for in this section, 5 per cent ad valorem.

68. Soda: Benzoate of, 5 cents per pound; chlorate of, and nitrite of, ½ cent per pound; bicarbonate of, or supercarbonate of, or saleratus, and other alkalies containing 50 per cent or more of bicarbonate of soda; hydrate of, or caustic; phosphate of; hyposulphite of; sulphid of, and sulphite of, ½ cent per pound; cyanide of, 1½ cents per pound; chromate and bichromate of, and yellow prussiate of, ¾ cent per pound; borate of, or borax refined; crystal carbonate of, monohydrate, and sesquicarbonate of; sal soda, and soda crystals, ¼ cent per pound; and sulphate of soda crystallized, or Glauber salts, $1 per ton.

69. Sponges: Trimmed or untrimmed but not advanced in value by chemical processes, 10 per cent ad valorem; bleached sponges and sponges advanced in value by processes involving chemical operations, manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this section, 15 per cent ad valorem.

70. Talcum, ground talc, steatite, and French chalk, cut, powdered, washed, or pulverized, 15 per cent ad valorem.

71. Vanillin, 10 cents per ounce; vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound.

SCHEDULE B—EARTHS, EARTHENWARE, AND GLASSWARE.

72. Fire brick, magnesite brick, chrome brick, and brick not specially provided for in this section, not glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, 10 per cent ad valorem; if glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, and bath brick, 15 per cent ad valorem.

73. Tiles, plain unglazed, one color, exceeding 2 square inches in size, 1½ cents per square foot; glazed, ornamented, hand-painted, enameled, vitrified, semivitrified, decorated, encaustic, ceramic mosaic, flint, spar, embossed, gold decorated, grooved and corrugated, and all other earthenware tiles and tiling, except pill tiles and so-called quarries or quarry tiles, but including tiles wholly or in part of cement, 5 cents per square foot; so-called quarries or quarry tiles, 20 per cent ad valorem; mantels, friezes, and articles of every description or parts thereof, composed wholly or in chief value of earthenware tiles or tiling, except pill tiles, 30 per cent ad valorem.

74. Roman, Portland, and other hydraulic cement, 5 per cent ad valorem.

75. Lime, 5 per cent ad valorem.

76. Plaster rock or gypsum, crude, ground or calcined, pearl hardening for paper makers' use, Keene's cement, or other cement of which gypsum is the component material of chief value, and all other building cements not specially provided for in this section, 10 per cent ad valorem.

77. Pumice stone, unmanufactured, 5 per cent ad valorem; wholly or partially manufactured, ¼ cent per pound; manufactures of pumice stone, or of which pumice stone is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

78. Clays or earths, unwrought or unmanufactured, not specially provided for in this section, 50 cents per ton; wrought or manufactured, not specially provided for in this section, $1 per ton; china clay or kaolin, $1.25 per ton; fuller's earth, unwrought and unmanufactured, 75 cents per ton; wrought or manufactured, $1.50 per ton; fluorspar, $1.50 per ton; limestone-rock asphalt, 25 cents per ton; asphaltum, and bitumen, 50 cents per ton: *Provided*, That the weight of the casks or other containers shall be included in the dutiable weight.

79. Mica and manufactures of mica, or of which mica is the component material of chief value, 30 per cent ad valorem; ground mica, 15 per cent ad valorem.

80. Common yellow, brown, or gray earthenware made of natural unwashed and unmixed clay; plain or embossed, common salt-glazed stoneware; stoneware and earthenware crucibles; all the foregoing, not ornamented, incised, or decorated in any manner, 15 per cent ad valorem; if ornamented, incised, or decorated in any manner and manufactures wholly or in chief value of such ware, 20 per cent ad valorem; Rockingham earthenware, 30 per cent ad valorem.

81. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; if plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 35 per cent ad valorem; if painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 40 per cent ad valorem.

82. China and porcelain wares composed of a vitrified nonabsorbent body having a vitrified or semivitrified fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, if plain white or plain brown, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; and manufactures in chief value of such ware not specially provided for in this section, 50 per cent ad valorem; if painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner and manufactures in chief value of such ware not specially provided for in this section, 55 per cent ad valorem.

83. Earthy or mineral substances wholly or partially manufactured and articles and wares composed wholly or in chief value of earthy or mineral substances, not specially provided for in this section, whether susceptible of decoration or not, if not decorated in any manner, 20 per cent ad valorem; if decorated, 25 per cent ad valorem; unmanufactured carbon, not specially provided for in this section, 15 per cent ad valorem; electrodes for electric furnaces, electrolytic and battery purposes, brushes, plates, and disks, all the foregoing composed wholly or in chief value of carbon, 25 per cent ad valorem.

84. Gas retorts, 10 per cent ad valorem; lava tips for burners, 15 per cent ad valorem; carbons for electric lighting, wholly or partly finished, made entirely from petroleum coke, 15 cents per hundred feet; if composed chiefly of lampblack or retort carbon, 40 cents per hundred feet; filter tubes, 30 per cent ad valorem; porous carbon pots for electric batteries, 15 per cent ad valorem.

85. Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered and uncovered demijohns, and carboys, any of the foregoing, filled or unfilled, not otherwise specially provided for in this section, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof which shall be dutiable at the rate applicable to their contents), 30 per cent ad valorem: *Provided*, That the terms bottles, vials, jars, demijohns, and carboys, as used herein, shall be restricted to such articles when suitable for use as and of the character ordinarily employed as containers for the holding or transportation of merchandise, and not as appliances or implements in chemical or other operations.

86. Glass bottles, decanters, and all articles of every description composed wholly or in chief value of glass, ornamented or decorated in any manner, or cut, engraved, painted, decorated, ornamented, colored, stained, silvered, gilded, etched, sand blasted, frosted, or printed in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), and all articles of every description, including bottles and bottle glassware, composed wholly or in chief value of glass blown either in a mold or otherwise; all of the foregoing, not specially provided for in this section, filled or unfilled, and whether their contents be dutiable or free, 45 per cent ad valorem: *Provided*, That for the purposes of this act, bottles with cut-glass stoppers shall, with the stoppers, be deemed entireties.

87. Unpolished, cylinder, crown, and common window glass, not exceeding 150 square inches, ⅛ of 1 cent per pound; above that, and not exceeding 384 square inches, 1 cent per pound; above that, and not exceeding 720 square inches, 1½ cents per pound; above that, and not exceeding 1,200 square inches, 1¾ cents per pound; above that, and not exceeding 2,400 square inches, 1¾ cents per pound; above that, 2 cents per pound: *Provided*, That unpolished, cylinder, crown, and common window glass, imported in boxes, shall contain 50 square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.

88. Cylinder and crown glass, polished, not exceeding 384 square inches, 3 cents per square foot; above that, and not exceeding 720 square inches, 4 cents per square foot; above that, and not exceeding 1,440 square inches, 7 cents per square foot; above that, 10 cents per square foot.

89. Fluted, rolled, ribbed, or rough plate glass, or the same containing a wire netting within itself, not including crown, cylinder, or common window glass, not exceeding 384 square inches, ¼ cent per square foot; all above that, 1 cent per square foot; and all fluted, rolled, ribbed, or rough plate glass, weighing over 100 pounds per 100 square feet, shall pay an additional duty on the excess at the same rates herein imposed: *Provided*, That all of the above plate glass, when ground, smoothed, or otherwise obscured, shall be subject to the same rate of duty as cast polished plate glass unsilvered.

90. Cast polished plate glass, finished or unfinished and unsilvered, or the same containing a wire netting within itself, not exceeding 384 square inches, 6 cents per square foot; above that, and not exceeding 720 square inches, 8 cents per square foot; all above that, 12 cents per square foot.

91. Cast polished plate glass, silvered, cylinder and crown glass, silvered, and looking-glass plates exceeding in size 144 square inches, shall be subject to a duty of 1 cent per square foot in addition to the rates otherwise chargeable on such glass unsilvered: *Provided*, That no looking-glass plates or glass silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate.

92. Cast polished plate glass, silvered or unsilvered, and cylinder, crown, or common window glass, silvered or unsilvered, polished or unpolished, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, ornamented, or decorated, shall be subject to a duty of 4 per cent ad valorem in addition to the rates otherwise chargeable thereon.

93. Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished or unfinished, 35 per cent ad valorem.

94. Lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquill glasses, wholly or partly manufactured, 30 per cent ad valorem.

Strips of glass, not more than 3 inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, 20 per cent ad valorem.

96. Opera and field glasses, telescopes, microscopes, photographic and projection lenses and optical and surveying instruments and frames or mountings for the same; all the foregoing not specially provided for in this section, 30 per cent ad valorem.

97. Stained or painted glass windows, or parts thereof, and all mirrors, not exceeding in size 144 square inches, with or without frames or cases; incandescent electric-light bulbs and lamps, with or without filaments; and all glass or manufactures of glass or paste or of which glass or paste is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem.

98. Fusible enamel, 20 per cent ad valorem; opal or cylinder glass tiles or tiling, 30 per cent ad valorem.

99. Marble, breccia, and onyx, in block, rough or squared only, 50 cents per cubic foot; marble, breccia, and onyx, sawed or dressed, over 2 inches in thickness, 75 cents per cubic foot; slabs or paving tiles of marble or onyx, containing not less than four superficial inches, if not more than 1 inch in thickness, 6 cents per superficial foot; if more than 1 inch and not more than 1½ inches in thickness, 8 cents per superficial foot; if more than 1½ inches and not more than 2 inches in thickness, 10 cents per superficial foot; if rubbed in whole or in part, 2 cents per superficial foot in addition; mosaic cubes of marble or onyx, not exceeding 2 cubic inches in size, if loose, 20 per cent ad valorem; if attached to paper or other material, 35 per cent ad valorem.

100. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, or of which these substances or either of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stones, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for in this section, 45 per cent ad valorem.

101. Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, 25 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 3 cents per cubic foot.

102. Grindstones, finished or unfinished, $1.50 per ton.

103. Slates, slate chimney pieces, mantels, slabs for tables, roofing slates, and all other manufactures of slate, not specially provided for in this section, 10 per cent ad valorem.

SCHEDULE C—METALS AND MANUFACTURES OF.

104. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 8 per cent ad valorem; but nothing shall be deemed scrap iron or scrap steel except second-hand or waste or refuse iron or steel fit only to be remanufactured; ferromanganese, chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, and ferrosilicon, and other alloys used in the manufacture of steel, 15 per cent ad valorem.

105. All iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings; muck bars, bar iron, square iron, rolled or hammered, round iron, in coils or rods, bars or shapes of rolled or hammered iron not specially provided for in this section, 8 per cent ad valorem.

106. Beams, girders, joists, angles, channels, car-truck channels, TT, columns and posts or parts or sections of columns and posts, deck and bulb beams, sashes, frames, and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled or manufactured, 12 per cent ad valorem.

107. Boiler or other plate iron or steel, and strips of iron or steel, not specially provided for in this section; sheets of iron or steel, common or black, of whatever dimensions, whether plain, corrugated or crimped, including crucible plate steel and saw plates, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel, whether sheared or rolled in grooves, or otherwise, 15 per cent ad valorem.

108. Iron or steel anchors or parts thereof; forgings of iron or steel, or of combined iron and steel, but not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for in this section, 15 per cent ad valorem; antifriction balls, ball bearings, and roller bearings, of iron or steel or other metal, finished or unfinished, and parts thereof, 35 per cent ad valorem.

109. Hoop, band, or scroll iron or steel not otherwise provided for in this section, 12 per cent ad valorem.

110. Railway fishplates or splice bars made of iron or steel, 10 per cent ad valorem.

111. All iron or steel sheets, plates, or strips, and all hoop, band, or scroll iron or steel, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding; sheets of iron or steel, polished, planished, or glanced, by whatever name designated, including such as have been pickled or cleaned by acid, or by any other material or process, or which are cold rolled, smoothed only, not polished, and such as are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only; and sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, 20 per cent ad valorem; tin plates coated with metal, and metal sheets decorated in colors or coated with nickel or other metals by dipping, printing, stenciling, or other process, 20 per cent ad valorem.

112. Steel ingots, cogged ingots, blooms and slabs, die blocks or blanks, billets and bars, and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; all descriptions and shapes of dry sand, loam, or iron molded steel castings, sheets, and plates; all the foregoing, if made by the Bessemer, Siemens-Martin, open-hearth, or similar processes, not containing alloys, such as nickel, cobalt, vanadium, chromium, tungsten or wolfram, molybdenum, titanium, iridium, uranium, tantalum, boron, and similar alloys, 10 per cent ad valorem; steel ingots, cogged ingots, blooms and slabs, die blocks or blanks; billets and bars and tapered or beveled bars; pressed, sheared, or stamped shapes not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron molded castings, sheets, and plates; rolled wire rods in coils or bars not smaller than No. 6 wire gauge, and steel not specially provided for in this section, all the foregoing when made by the crucible, electric, or cementation process, either with or without alloys, and finished by rolling, hammering, or otherwise, and all steels by whatever process made, containing alloys such as nickel, cobalt, vanadium, chromium, tungsten, wolfram, molybdenum, titanium, iridium, uranium, tantalum, boron, and similar alloys, 15 per cent ad valorem.

113. Steel wool or steel shavings, 20 per cent ad valorem.

114. Grit, shot, and sand made of iron or steel, that can be used as abrasives, 30 per cent ad valorem.

115. Rivet, screw, fence, nail, and other iron or steel wire rods, whether round, oval, or square, or in any other shape, and flat rods up to 6 inches in width ready to be drawn or rolled into wire or strips, all the foregoing in coils or otherwise, including wire rods and iron or steel bars, cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, 10 per cent ad valorem: *Provided*, That all round iron or steel rods smaller than No. 6 wire gauge shall be classed and dutiable as wire.

116. Round iron or steel wire; wire composed of iron, steel, or other metal, except gold or silver, covered with cotton, silk, or other material; corset clasps, corset steels, dress steels, and all flat wires and steel in strips not thicker than No. 15 wire gauge and not exceeding 5 inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced; telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials; iron and steel wire coated by dipping, galvanizing, or similar process with zinc, tin, or other metal; all other wire not specially provided for in this section and articles manufactured wholly or in chief value of any wire or wires provided for in this section; all the foregoing 20 per cent ad valorem; wire heddles and healds, 25 per cent ad valorem; wire rope, 30 per cent ad valorem.

117. No article not specially provided for in this section, which is wholly or partly manufactured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

118. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

119. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel.

120. Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, 15 per cent ad valorem.

121. Finished automobiles and automobile bodies, 45 per cent ad valorem; automobile chassis, 30 per cent ad valorem; finished parts of automobiles, not including tires, 20 per cent ad valorem.

122. Bicycles, 25 per cent ad valorem; motor cycles, and finished parts thereof, not including tires, 40 per cent ad valorem.

123. Axles, or parts thereof, axle bars, axle blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, not otherwise provided for in this section, 10 per cent ad valorem: *Provided*, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

124. Blacksmiths' hammers, tongs, and sledges, track tools, wedges, and crowbars, whether of iron or steel, 10 per cent ad valorem.

125. Bolts of iron or steel, with or without threads or nuts, or bolt blanks, finished hinges or hinge blanks, nuts or nut blanks, and washers, 15 per cent ad valorem; spiral nut locks and lock washers, whether of iron or steel, 35 per cent ad valorem.

126. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, 40 per cent ad valorem.

127. Cast-iron pipe of every description, 12 per cent ad valorem; cast-iron andirons, plates, stove plates, sadirons, tailor's irons, hatter's irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles or finished machine parts; castings of malleable iron not specially provided for in this section; cast hollow ware, coated, glazed, or tinned, 10 per cent ad valorem.

128. Chain or chains of all kinds, made of iron or steel, not specially provided for in this section, 20 per cent ad valorem.

129. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, or stays; cylindrical or tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty; flexible metal tubing or hose, not specially provided for in this section, whether covered with wire or other material, or otherwise, including any appliances or attachments affixed thereto; welded cylindrical furnaces, tubes or flues made from plate metal, and corrugated, ribbed, or otherwise reenforced against collapsing pressure, and all other iron or steel tubes, finished, not specially provided for in this section, 20 per cent ad valorem.

130. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this section, which have folding or other than fixed blades or attachments, and razors, all the foregoing, whether assembled but not fully finished or finished; valued at not more than $1 per dozen, 35 per cent ad valorem; valued at more than $1 per dozen, 55 per cent ad valorem: *Provided*, That blades, handles, or other parts of any of the foregoing knives, razors, or erasers shall be dutiable at not less than the rate herein imposed upon the knives, razors, and erasers, of which they are parts. Scissors and shears, and blades for the same, finished or unfinished, 30 per cent ad valorem: *Provided further*, That all articles specified in this paragraph shall, when imported, have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the blade, shank, or tang of at least one or, if practicable, each and every blade thereof.

131. Sword blades, and swords and side arms, irrespective of quality or use, in part of metal, 30 per cent ad valorem.

132. Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, carpenters' bench, curriers', drawing, farriers', fleshing, hay, tanners', plumbers', painters', palette, artists', and shoe knives, forks and steels, finished or unfinished, without handles, 25 per cent ad valorem; with handles, 30 per cent ad valorem: *Provided*, That all the articles specified in this paragraph, when imported, shall have

the name of the maker or purchaser, and beneath the same the name of the country of origin indelibly stamped or branded thereon in a place that shall not be covered thereafter.

133. Files, file blanks, rasps, and floats, of all cuts and kinds, 25 per cent ad valorem.

134. Muskets, air-rifles, muzzle-loading shotguns and rifles, and parts thereof, 15 per cent ad valorem.

135. Breech-loading shotguns and rifles, combination shotguns and rifles, and parts thereof and fittings therefor, including barrels further advanced than rough bored only; pistols, whether automatic, magazine, or revolving, or parts thereof and fittings therefor, 35 per cent ad valorem.

136. Table, kitchen, and hospital utensils, or other similar hollow ware composed wholly or in chief value of aluminum or of iron or steel, enameled or glazed with vitreous glasses, but not ornamented or decorated with lithographic or other printing, 25 per cent ad valorem.

137. Needles for knitting or sewing machines, latch needles, crochet needles, and tape needles, knitting and all other needles not specially provided for in this section, bodkins of metal, and needle cases or needle books furnished with assortments of needles or combinations of needles and other articles, 25 per cent ad valorem; but no articles other than the needles which are specifically named in this section shall be dutiable as needles unless having an eye and fitted and used for carrying a thread.

138. Fishhooks, fishing rods and reels, artificial flies, artificial baits, snelled hooks, and all other fishing tackle or parts thereof, not specially provided for in this section, except fishing lines, fishing nets and seines, 30 per cent ad valorem.

139. Steel plates engraved, stereotype plates, electrotype plates, and plates of other materials, engraved for printing, plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other glass, 15 per cent ad valorem; lithographic plates of stone or other material engraved, drawn, or prepared, and wet transfer paper or paper prepared wholly with glycerin, or glycerin combined with other materials, containing the imprints taken from lithographic plates, 25 per cent ad valorem.

140. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, and rivets of iron or steel, not specially provided for in this section, 20 per cent ad valorem.

141. Crosscut saws, mill saws, pit and drag saws, circular saws, steel band saws, finished or further advanced than tempered and polished, hand, back, and all other saws, not specially provided for in this section, 12 per cent ad valorem.

142. Screws, commonly called wood screws, made of iron or steel, 25 per cent ad valorem.

143. Umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partially finished, 35 per cent ad valorem.

144. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tires or parts thereof, wholly or partly manufactured, 25 per cent ad valorem; ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, 10 per cent ad valorem: *Provided*, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

145. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, aluminum in plates, sheets, bars, strips, and rods; barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals are the component material of chief value, 25 per cent ad valorem.

146. Antimony, as regulus or metal, antimony ore, stibnite and matte containing antimony but not containing more than 10 per cent of lead, 10 per cent ad valorem: *Provided*, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments, they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph; antimony, oxide salts, and compounds of, 25 per cent ad valorem.

147. Argentine, albata, or German silver, unmanufactured, 15 per cent ad valorem.

148. Bronze powder, brocades, flitters, and metallics; bronze, or Dutch-metal or aluminum, in leaf, 25 per cent ad valorem.

149. Copper, in rolled plates, called braziers' copper, sheets, rods, pipes, and copper bottoms, sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron ungalvanized, 5 per cent ad valorem.

150. Gold leaf, 35 per cent ad valorem.

151. Silver leaf, 30 per cent ad valorem.

152. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 10 per cent ad valorem; bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, 30 per cent ad valorem; fabrics, ribbons, beltings, toys, or other articles, made wholly or in chief value of tinsel wire, lame or lahn, or of tinsel wire, lame or lahn, and india rubber, bullions, or metal threads, not specially provided for in this section, 40 per cent ad valorem.

153. Hooks and eyes, metallic, snap fasteners and clasps by whatever name known, trousers buckles and waistcoat buckles made wholly or partly of iron or steel, steel trousers buttons and metal buttons not specially provided for in this section, all the foregoing and parts thereof, 15 per cent ad valorem.

154. Lead-bearing ores of all kinds containing more than 3 per cent of lead, ½ cent per pound on the lead contained therein: *Provided*, That on all importations of lead-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

155. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; lead in sheets, pipe, shot, glaziers' lead, and lead wire; all the foregoing, 25 per cent ad valorem.

156. Metallic mineral substances in a crude state, and metals unwrought, whether capable of being wrought or not, not specially provided for in this section, 10 per cent ad valorem; monazite sand and thorite; thorium, oxide of and salts of; gas, kerosene, or alcohol mantles treated with chemicals or metallic oxides, 25 per cent ad valorem; and gas-mantle scrap consisting in chief value of metallic oxides, 10 per cent ad valorem.

157. Nickel, nickel oxide, alloy of any kind in which nickel is a component material of chief value, in pigs, ingots, bars, rods, or plates, 10 per cent ad valorem; sheets or strips, 20 per cent ad valorem.

158. Pens, metallic, 8 cents per gross; with nib and barrel in one piece, 12 cents per gross.

159. Penholder tips, penholders and parts thereof, gold pens, fountain pens, and stylographic pens; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, 25 per cent ad valorem.

160. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; any of the foregoing composed wholly of brass, copper, iron, steel, or other base metal, not plated with gold or silver, and not commonly known as jewelry, 20 per cent ad valorem.

161. Quicksilver, 10 per cent ad valorem. The flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

162. Type metal, and types, 15 per cent ad valorem.

163. Watch movements, including time-detectors, whether imported in cases or not, watchcases and parts of watches, chronometers, box or ship, and parts thereof, lever clock movements having jewels in the escapement, and clocks containing such movements, all other clocks and parts thereof, not otherwise provided for in this section, whether separately packed or otherwise, not composed wholly or in chief value of china, porcelain, parian, bisque, or earthenware, 30 per cent ad valorem; all jewels for use in the manufacture of watches or clocks, 10 per cent ad valorem; enameled dials and dial plates for watches or other instruments, 30 per cent ad valorem: *Provided*, That all watch and clock dials, whether attached to movements or not, shall have indelibly painted or printed thereon the name of the country of origin, and that all watch movements, and plates, lever clock movements with jewels in the escapement, whether imported assembled or knocked down for reassembling, and cases of foreign manufacture, shall have the name of the manufacturer and country of manufacture cut, engraved, or die-sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements and plates shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said numbers to be expressed either in words or in Arabic numerals; and if the movement is not adjusted, the word "unadjusted" shall be marked thereon by one of the methods indicated; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

164. Zinc-bearing ores of all kinds, including calamine, 10 per cent ad valorem.

165. Zinc in blocks, pigs, or sheets, and zinc dust; and old and worn-out zinc fit only to be remanufactured, 10 per cent ad valorem.

166. Bottle caps, collapsible tubes, and sprinkler tops, if not decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color, 30 per cent ad valorem; if decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color, 40 per cent ad valorem.

167. All steam engines, steam locomotives, printing presses, and machine tools, 15 per cent ad valorem; embroidering machines, and lace-making machines, including machines for making lace curtains, nets, or nettings, 25 per cent ad valorem; machine tools as used in this paragraph shall be held to mean any machine operated by other than hand power which employs a tool for working on metal.

168. Nippers and pliers of all kinds wholly or partly manufactured, 30 per cent ad valorem.

169. Articles or wares not specially provided for in this section; if composed wholly or in part of platinum, gold, or silver, and articles or wares plated with gold or silver, and whether partly or wholly manufactured, 50 per cent ad valorem; if composed wholly or in chief value of iron, steel, lead, copper, nickel, pewter, zinc, aluminum, or other metal, but not plated with gold or silver, and whether partly or wholly manufactured, 25 per cent ad valorem.

SCHEDULE D—WOOD AND MANUFACTURES OF.

170. Briar root or briar wood, ivy or laurel root, and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted, 10 per cent ad valorem.

171. Sawed boards, planks, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all cabinet woods not further manufactured than sawed, 10 per cent ad valorem; veneers of wood, 15 per cent ad valorem; and wood unmanufactured, not specially provided for in this section, 10 per cent ad valorem.

172. Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods, 10 per cent ad valorem.

173. Casks, barrels, and hogsheads (empty), sugar-box shooks, and packing boxes (empty), and packing-box shooks, of wood, not specially provided for in this section, 15 per cent ad valorem.

174. Boxes, barrels, or other articles containing oranges, lemons, limes, grapefruit, shaddocks, or pomelos, 15 per cent ad valorem: *Provided*, That the thin wood, so called, comprising the sides, tops, and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in complete form, filled with oranges and lemons, by the

payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture; but proof of the identity of such shooks shall be made under regulations to be prescribed by the Secretary of the Treasury.

175. Chair cane or reeds wrought or manufactured from rattans or reeds, 10 per cent ad valorem; osier or willow, including chip of and split willow, prepared for basket makers' use, 10 per cent ad valorem; manufactures of osier or willow and willow furniture, 25 per cent ad valorem.

176. Toothpicks of wood or other vegetable substance, 25 per cent ad valorem; butchers' and packers' skewers of wood, 10 cents per thousand.

177. Porch and window blinds, curtains, shades, or screens, any of the foregoing in chief value of bamboo, wood, straw, or compositions of wood, not specially provided for in this section, 20 per cent ad valorem; if stained, dyed, painted, printed, polished, grained, or creosoted, and baskets in chief value of like material, 25 per cent ad valorem.

178. House or cabinet furniture wholly or in chief value of wood, wholly or partly finished, and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for in this section, 15 per cent ad valorem.

SCHEDULE E—SUGAR, MOLASSES, AND MANUFACTURES OF.

179. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, $\frac{1}{10}$ of 1 cent per pound, and for every additional degree shown by the polariscopic test, $\frac{1}{125}$ of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40°, 15 per cent ad valorem; testing above 40° and not above 56°, 2½ cents per gallon; testing above 56°, 4½ cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to the polariscopic test: *Provided*, That on and after the 1st day of May, 1916, the articles hereinbefore enumerated in this paragraph shall be admitted free of duty.

180. Maple sugar and maple sirup, 3 cents per pound; glucose or grape sugar, 1½ cents per pound; sugar cane in its natural state, or unmanufactured, 15 per cent ad valorem: *Provided*, That on and after the 1st day of May, 1916, the articles hereinbefore enumerated in this paragraph shall be admitted free of duty.

181. Saccharin, 65 cents per pound.

182. Sugar candy and all confectionery not specially provided for in this section, valued at 15 cents per pound or less, and sugars after being refined, when tinctured, colored, or in any way adulterated, 2 cents per pound; valued at more than 15 cents per pound, 25 per cent ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other covering, shall be included in the dutiable weight and the value of the merchandise.

SCHEDULE F—TOBACCO AND MANUFACTURES OF.

183. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $1.85 per pound; if stemmed, $2.50 per pound; filler tobacco not specially provided for in this section, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound.

184. The term wrapper tobacco as used in this section means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term filler tobacco means all other leaf tobacco. Collectors of customs shall not permit entry to be made, except under regulations to be prescribed by the Secretary of the Treasury, of any leaf tobacco, unless the invoices of the same shall specify in detail the character of such tobacco, whether wrapper or filler, its origin and quality. In the examination for classification of any imported leaf tobacco, at least one bale, box, or package in every 10, and at least one in every invoice, shall be examined by the appraiser or person authorized by law to make such examination, and at least 10 hands shall be examined in each examined bale, box, or package.

185. All other tobacco, manufactured or unmanufactured, not specially provided for in this section, 55 cents per pound; scrap tobacco, 35 cents per pound.

186. Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, 55 cents per pound.

187. Cigars, cigarettes, cheroots of all kinds, $4.50 per pound and 25 per cent ad valorem, and paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

SCHEDULE G—AGRICULTURAL PRODUCTS AND PROVISIONS.

188. Cattle, 10 per cent ad valorem.

189. Horses and mules, valued at $200 or less per head, $15 per head; if valued at over $200 per head, 10 per cent ad valorem.

190. Sheep, 10 per cent ad valorem.

191. All other live animals not specially provided for in this section, 10 per cent ad valorem.

192. Barley, 15 cents per bushel of 48 pounds.

193. Barley malt, 25 cents per bushel of 34 pounds.

194. Barley, pearled, patent, or hulled, 1 cent per pound.

195. Macaroni, vermicelli, and all similar preparations, 1 cent per pound.

196. Oats, 10 cents per bushel of 32 pounds.

197. Rice, cleaned, 1 cent per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, ⅜ of 1 cent per pound; rice flour, and rice meal, and rice broken which will pass through a No. 12 sieve of a kind prescribed by the Secretary of the Treasury, ¼ cent per pound; paddy, or rice having the outer hull on, ⅜ of 1 cent per pound.

198. Wheat, 10 cents per bushel.

199. Biscuits, bread, wafers, cakes, and other baked articles, and puddings, by whatever name known, containing chocolate, nuts, fruit, or confectionery of any kind, and without regard to the component material of chief value, 25 per cent ad valorem.

200. Butter and butter substitutes, 3 cents per pound.

201. Cheese and substitutes therefor, 20 per cent ad valorem.

202. Beans, and lentils, not specially provided for, 25 cents per bushel of 60 pounds.

203. Beets, 10 per cent ad valorem; sugar beets, 5 per cent ad valorem.

204. Beans, peas, prepared or preserved, or contained in tins, jars, bottles, or similar packages, including the weight of immediate coverings, 1 cent per pound; mushrooms and truffles, 2½ cents per pound.

205. Vegetables, if cut, sliced or otherwise reduced in size, or if parched or roasted, or if pickled, or packed in salt, brine, oil, or prepared in any way; any of the foregoing not specially provided for in this section, and bean stick or bean cake, miso, and similar products, 25 per cent ad valorem.

206. Pickles, including pickled nuts, sauces of all kinds, not specially provided for in this section, and fish paste or sauce, 25 per cent ad valorem.

207. Cider, 2 cents per gallon.

208. Eggs not specially provided for in this section, 2 cents per dozen; eggs frozen or otherwise prepared or preserved in tins or other packages, not specially provided for in this section, including the weight of the immediate coverings or containers, 2½ cents per pound.

209. Eggs, dried, 10 cents per pound; eggs, yolk of, 10 per cent ad valorem; dried blood, when soluble, 1½ cents per pound.

210. Hay, $2 per ton.

211. Honey, 10 cents per gallon.

212. Hops, 16 cents per pound; hop extract and lupulin, 50 per cent ad valorem.

213. Garlic, 1 cent per pound; onions, 20 cents per bushel.

214. Peas, green or dried, in bulk or in barrels, sacks, or similar packages, 15 cents per bushel of 60 pounds; split peas, 25 cents per bushel of 60 pounds; peas in cartons, papers, or other similar packages, including the weight of the immediate covering, ½ cent per pound.

215. Orchids, palms, azalea indica, and all other decorative greenhouse plants and cut flowers, preserved or fresh, 25 per cent ad valorem; lily of the valley pips, tulips, narcissus, begonia, and gloxinia bulbs, $1 per thousand; hyacinth bulbs, astilbe, dielytra, and lily of the valley clumps, $2.50 per thousand; lily bulbs and calla bulbs or corms, $5 per thousand; herbaceous peony, Iris Kaempferri or Germanica, canna, dahlia, and amaryllis bulbs, $10 per thousand; all other bulbs, roots, root stocks, corms, and tubers, which are cultivated for their flowers or foliage, 50 cents per thousand.

216. Stocks, cuttings, or seedlings of Myrobolan plum, Mahaleb or Mazzard cherry, Manetti multiflora and briar rose, Rosa Rugosa, three years old or less, $1 per thousand plants; stocks, cuttings, or seedlings of pear, apple, quince, and the St. Julien plum, three years old or less, $1 per thousand plants; rose plants, budded, grafted, or grown on their own roots, 4 cents each; stocks, cuttings, and seedlings of all fruit and ornamental trees, deciduous and evergreen shrubs and vines, and all trees, shrubs, plants, and vines commonly known as nursery stock, not specially provided for in this section, 15 per cent ad valorem.

217. Seeds: Castor beans or seeds, 15 cents per bushel of 50 pounds; flaxseed or linseed and other oil seeds not specially provided for in this section, 20 cents per bushel of 56 pounds; poppy seed, 15 cents per bushel of 47 pounds; mushroom spawn, and spinach seed, 1 cent per pound; canary seed, ½ cent per pound; caraway seed, 1 cent per pound; anise seed, 2 cents per pound; beet (except sugar beet), carrot, corn salad, parsley, parsnip, radish, turnip, and rutabaga seed, 3 cents per pound; cabbage, collard, kale, and kohl-rabi seed, 6 cents per pound; egg plant and pepper seed, 10 cents per pound; seeds of all kinds not specially provided for in this section, 10 per cent ad valorem: *Provided*, That no allowance shall be made for dirt or other impurities in seeds provided for in this paragraph.

218. Straw, 50 cents per ton.

219. Teazels, 15 per cent ad valorem.

220. Vegetables in their natural state, not specially provided for in this section, 15 per cent ad valorem.

221. Fish, except shellfish, by whatever name known, packed in oil or in oil and other substances, in bottles, jars, kegs, tin boxes, or cans, 20 per cent ad valorem; all other fish, except shellfish, in tin packages, not specially provided for in this section, 15 per cent ad valorem; caviar and other preserved roe of fish, 30 per cent ad valorem; fish, skinned or boned, ⅜ of 1 cent per pound.

222. Apples, peaches, quinces, cherries, plums, and pears, green or ripe, 10 cents per bushel of 50 pounds; berries, edible, in their natural condition, ½ cent per quart; cranberries, 10 per cent ad valorem; all edible fruits, including berries, when dried, desiccated, evaporated, or prepared in any manner, not specially provided for in this section, 1 cent per pound; comfits, sweetmeats, and fruits of all kinds preserved or packed in sugar, or having sugar added thereto or preserved or packed in molasses, spirits, or their own juices, if containing no alcohol, or containing not over 10 per cent of alcohol, 20 per cent ad valorem; if containing over 10 per cent of alcohol and not specially provided for in this section, 20 per cent ad valorem, and in addition $2.50 per proof gallon on the alcohol contained therein in excess of 10 per cent; jellies of all kinds, 20 per cent ad valorem; pineapples preserved in their own juice, 20 per cent ad valorem.

223. Figs, 2 cents per pound; plums, prunes, and prunelles, 1 cent per pound; raisins and other dried grapes, 2 cents per pound; dates, 1 cent per pound; currants, Zante or other, 2 cents per pound; olives, 15 cents per gallon.

224. Grapes in barrels or other packages, 25 cents per cubic foot of the capacity of the barrels or packages.

225. Lemons, limes, oranges, grapefruit, shaddocks, and pomelos in packages of a capacity of 1½ cubic feet or less, 18 cents per package; in packages of capacity exceeding 1½ cubic feet and not exceeding 2½ cubic feet, 35 cents per package; in packages exceeding 2½ and not exceeding 5 cubic feet, 70 cents per package; in packages exceeding 5 cubic feet or in bulk, one-half of 1 cent per pound.

226. Orange peel or lemon peel, preserved, candied, or dried, 1 cent per pound; coconut meat or copra desiccated, shredded, cut, or similarly prepared, and citron or citron peel, preserved, candied, or dried, 2 cents per pound.

227. Pineapples, in barrels or other packages, 6 cents per cubic foot of the capacity of the barrels or packages, in bulk, $5 per thousand.

228. Almonds, not shelled, 3 cents per pound; almonds, shelled, 4 cents per pound; apricot and peach kernels, 3 cents per pound.

229. Filberts and walnuts of all kinds, not shelled, 2 cents per pound; shelled, 4 cents per pound.

230. Peanuts or ground beans, unshelled, ⅜ of 1 cent per pound; shelled, ⅜ of 1 cent per pound.

231. Nuts of all kinds, shelled or unshelled, not specially provided for in this section, 1 cent per pound; but no allowance shall be made for dirt or other impurities in nuts of any kind, shelled or unshelled.

232. Venison and other game, 1½ cents per pound; game birds, dressed, 30 per cent ad valorem.

233. Extract of meat, not specially provided for in this section, 15 cents per pound; fluid extract of meat, 7 cents per pound, but the dutiable weight of the extract of meat and of the fluid extract of meat shall not include the weight of the packages in which the same is imported.

234. Poultry, live, 1 cent per pound; dead, 2 cents per pound.

235. Chicory root, raw, dried, or undried, but unground, 1 cent per pound; chicory root, burnt or roasted, ground or granulated, or in rolls, or otherwise prepared, and not specially provided for in this section, 2 cents per pound.

236. Unsweetened chocolate and cocoa, prepared or manufactured, not specially provided for in this section, 8 per cent ad valorem. Sweetened chocolate and cocoa, prepared or manufactured, not specially provided for in this section, valued at 15 cents per pound or less, 2 cents per pound; valued at more than 15 cents per pound, 25 per cent ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other covering, shall be included in the dutiable weight and the value of the merchandise.

237. Cocoa butter or cocoa butterine, refined deodorized coconut oil, and all substitutes for cocoa butter, 3½ cents per pound.

238. Dandelion root, and acorns prepared, and articles used as coffee, or as substitutes for coffee not specially provided for in this section, 2 cents per pound.

239. Starch, made from potatoes, 1 cent per pound; all other starch, including all preparations, from whatever substance produced, fit for use as starch, ½ cent per pound.

240. Spices: Cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips; ginger root, unground and not preserved or candied; nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; and clove stems, 1 cent per pound; cloves, 2 cents per pound; pimento, ⅘ of 1 cent per pound; sage, ½ cent per pound; mace, 8 cents per pound; mustard, ground or prepared, in bottles or otherwise, 6 cents per pound; all other spices not specially provided for in this section, including all herbs or herb leaves in glass or other small packages for culinary use, 20 per cent ad valorem.

241. Vinegar, 4 cents per proof gallon. The standard proof for vinegar shall be taken to be that strength which requires 35 grains of bicarbonate of potash to neutralize 1 ounce troy of vinegar.

SCHEDULE H—SPIRITS, WINES, AND OTHER BEVERAGES.

242. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this section, $2.60 per proof gallon.

243. Each and every gauge or wine gallon of measurement shall be counted as at least 1 proof gallon; and the standard for determining the proof of brandy and other spirits or liquors of any kind imported shall be the same as that which is defined in the laws relating to internal revenue: *Provided*, That it shall be lawful for the Secretary of the Treasury, in his discretion, to authorize the ascertainment of the proof of wines, cordials, or other liquors, by distillation or otherwise, in cases where it is impracticable to ascertain such proof by the means prescribed by existing law or regulations: *And provided further*, That any brandy or other spirituous or distilled liquors imported in any sized cask, bottle, jug, or other packages, of or from any country, dependency, or province under whose laws similar sized casks, bottles, jugs, or other packages of distilled spirits, wine, or other beverage put up or filled in the United States are denied entrance into such country, dependency, or province, shall be forfeited to the United States; and any brandy or other spirituous or distilled liquor imported in a cask of less capacity than 10 gallons from any country shall be forfeited to the United States.

244. On all compounds or preparations of which distilled spirits are a component part of chief value there shall be levied a duty not less than that imposed upon distilled spirits.

245. Cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and other spirituous beverages or bitters of all kinds, containing spirits, and not specially provided for in this section, $2.60 per proof gallon.

246. No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than $1.75 per gallon.

247. Bay rum or bay water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, $1.75 per gallon.

248. Champagne and all other sparkling wines, in bottles containing each not more than 1 quart and more than 1 pint, $9.60 per dozen; containing not more than 1 pint each and more than one-half pint, $4.80 per dozen; containing one-half pint each or less, $2.40 per dozen; in bottles or other vessels containing more than 1 quart each, in addition to $9.60 per dozen bottles, on the quantity in excess of 1 quart, at the rate of $3 per gallon; but no separate or additional duty shall be levied on the bottles.

249. Still wines, including ginger wine or ginger cordial, vermuth, and rice wine or sake, and similar beverages not specially provided for in this section, in casks or packages other than bottles or jugs, if containing 14 per cent or less of absolute alcohol, 45 cents per gallon; if containing more than 14 per cent of absolute alcohol, 60 cents per gallon. In bottles or jugs, per case of one dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or 24 bottles or jugs containing each not more than 1 pint, $1.85 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 6 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs: *Provided*, That any wines, ginger cordial, or vermuth imported containing more than 24 per cent of alcohol shall be classed as spirits and pay duty accordingly: *And provided further*, That there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits. Wines, cordials, brandy, and other spirituous liquors, including bitters of all kinds, and bay rum or bay water, imported in bottles or jugs, shall be packed in packages containing not less than one dozen bottles or jugs in each package, or duty shall be paid as if such package contained at least one dozen bottles or jugs, and in addition thereto, duty shall be collected on the bottles or jugs at the rates which would be chargeable thereon if imported empty. The percentage of alcohol in wines and fruit juices shall be determined in such manner as the Secretary of the Treasury shall by regulation prescribe.

250. Ale, porter, stout, and beer, in bottles or jugs, 45 cents per gallon, but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, 23 cents per gallon.

251. Malt extract, fluid, in casks, 23 cents per gallon; in bottles or jugs, 45 cents per gallon; solid or condensed, 45 per cent ad valorem.

252. Cherry juice and prune juice, or prune wine, and other fruit juices, and fruit sirup, not specially provided for in this section, containing no alcohol or not more than 18 per cent of alcohol, 70 cents per gallon; if containing more than 18 per cent of alcohol, 70 cents per gallon and in addition thereto $2.07 per proof gallon on the alcohol contained therein.

253. Ginger ale, ginger beer, lemonade, soda water, and other similar beverages containing no alcohol, in plain green or colored, molded or pressed, glass bottles, containing each not more than three-fourths of a pint, 18 cents per dozen; containing more than three-fourths of a pint each and not more than 1½ pints, 28 cents per dozen; but no separate or additional duty shall be assessed on the bottles; if imported otherwise than in plain green or colored, molded or pressed, glass bottles, or in such bottles containing more than 1½ pints each, 50 cents per gallon, and in addition thereto duty shall be collected on the bottles, or other coverings, at the rates which would be chargeable thereon if imported empty. Beverages not specially provided for containing not more than 2 per cent of alcohol shall be assessed for duty under this paragraph.

254. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this section, in bottles or jugs containing not more than one-half pint, 10 cents per dozen bottles; if containing more than one-half pint and not more than 1 pint, 15 cents per dozen bottles; if containing more than 1 pint and not more than 1 quart, 20 cents per dozen bottles; if imported in bottles or in jugs containing more than 1 quart, 18 cents per gallon; if imported otherwise than in bottles or jugs, 8 cents per gallon; and in addition thereto, on all of the foregoing, duty shall be collected upon the bottles or other containers at one-third of the rates that would be charged thereon if imported empty or separately.

SCHEDULE I—COTTON MANUFACTURES.

255. Cotton thread and carded yarn, combed yarn, warps or warp yarn, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning and embroidery cottons, hereinafter provided for, shall be subject to the following rates of duty: Nos. 1 to 9, inclusive, 5 per cent ad valorem; Nos. 10 to 19, inclusive, 7½ per cent ad valorem; Nos. 20 to 39, inclusive, 10 per cent ad valorem; Nos. 40 to 49, inclusive, 15 per cent ad valorem; Nos. 50 to 59, inclusive, 17½ per cent ad valorem; Nos. 60 to 99, inclusive, 20 per cent ad valorem; No. 100 and over, 25 per cent ad valorem. Cotton card laps, roping, sliver, or roving, 10 per cent ad valorem; cotton waste and flocks manufactured or otherwise advanced in value, 5 per cent ad valorem.

256. Spool thread of cotton, crochet, darning, and embroidery cottons, on spools, reels, or balls, or in skeins, cones, or tubes, or in any other form, 15 per cent ad valorem.

257. Cotton cloth not bleached, dyed, colored, stained, painted, printed, Jacquard figured, or mercerized, containing yarn the highest number of which does not exceed No. 9, 7½ per cent ad valorem; exceeding No. 9 and not exceeding No. 19, 10 per cent ad valorem; exceeding No. 19 and not exceeding No. 39, 12½ per cent ad valorem; exceeding No. 39 and not exceeding No. 49, 17½ per cent ad valorem; exceeding No. 49 and not exceeding No. 59, 20 per cent ad valorem; exceeding No. 59 and not exceeding 99, 22½ per cent ad valorem; exceeding No. 99, 27½ per cent ad valorem. Cotton cloth when bleached, dyed, colored, stained, painted, printed, Jacquard figured, or mercerized, shall be subject to a duty of 2½ per cent ad valorem in addition to the rates otherwise chargeable thereon.

258. The term cotton cloth, or cloth, wherever used in the paragraphs of this section, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton, in the piece or cut in lengths, whether figured, fancy, or plain, and shall not include any article, finished or unfinished, made from cotton cloth. In the ascertainment of the condition of the cloth or yarn upon which the duties imposed upon cotton cloth are made to depend, the entire fabric and all parts thereof shall be included. The number of the yarn in cotton cloth herein provided for shall be ascertained under regulations to be prescribed by the Secretary of the Treasury.

259. Cloth composed of cotton or other vegetable fiber and silk, whether known as silk-striped sleeve linings, silk stripes, or otherwise, of which cotton or other vegetable fiber is the component material of chief value, and tracing cloth, 30 per cent ad valorem; cotton cloth filled or coated, all oilcloths (except silk oilcloths and oilcloths for floors), and cotton window hollands, 25 per cent ad valorem; waterproof cloth composed of cotton or other vegetable fiber, whether composed in part of india rubber or otherwise, 25 per cent ad valorem.

260. Handkerchiefs or mufflers composed of cotton, not specially provided for in this section, whether in the piece or otherwise and whether finished or unfinished, 30 per cent ad valorem.

261. Clothing, ready-made, and articles of wearing apparel of every description, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, made up or manufactured, wholly or in part, by the tailor, seamstress, or manufacturer, and not otherwise specially provided for in this section, 30 per cent ad valorem; shirt collars and cuffs of cotton, not specially provided for in this section, 25 per cent ad valorem.

262. Plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, whether or not the pile covers the entire surface; any of the foregoing composed of cotton or other vegetable fiber, except flax; and manufactures or articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, velveteens, corduroys, or other pile fabrics composed of cotton or other vegetable fiber, except flax, 40 per cent ad valorem.

263. Curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value, tapestries, and other Jacquard figured upholstery goods, composed wholly or in chief value of cotton or other vegetable fiber; any of the foregoing, in the piece or otherwise, 35 per cent ad valorem; all other Jacquard figured manufactures of cotton or of which cotton is the component material of chief value, 30 per cent ad valorem.

264. Stockings, hose and half hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, and not otherwise specially provided for in this section, 20 per cent ad valorem.

265. Stockings, hose and half hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half hose, and clocked stockings, hose and half hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished; if valued at not more than 70 cents per dozen pairs, 40 per cent ad valorem; if valued at more than 70 cents per dozen pairs, 50 per cent ad valorem. Gloves by whatever process made, composed wholly or in chief value of cotton, 35 per cent ad valorem.

266. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description, made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not including such as are trimmed with lace, imitation lace or crochet or as are embroidered and not including stockings, hose and half hose, composed of cotton or other vegetable fiber, 30 per cent ad valorem.

267. Bandings, beltings, bindings, bone casings, cords, garters, ribbons, tire fabric or fabric suitable for use in pneumatic tires, sus-

penders and braces, tapes, tubing, and webs or webbing, any of the foregoing made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, or of cotton or other vegetable fiber and india rubber, and not embroidered by hand or machinery; spindle banding, woven, braided, or twisted lamp, stove, or candle wicking made of cotton or other vegetable fiber; loom harness, healds, or collets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; boot, shoe, and corset lacings made of cotton or other vegetable fiber; and labels for garments or other articles, composed of cotton or other vegetable fiber, 25 per cent ad valorem; belting for machinery made of cotton or other vegetable fiber and india rubber, or of which cotton or other vegetable fiber is the component material of chief value, 15 per cent ad valorem.

268. Cotton table damask, and manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

269. Towels, bath mats, quilts, blankets, polishing cloths, mop cloths, wash rags or cloths, sheets, pillowcases, and batting, any of the foregoing made of cotton, or of which cotton is the component material of chief value, whether in the piece or otherwise, not embroidered nor in part of lace and not otherwise provided for, 25 per cent ad valorem.

270. Lace window curtains, nets, nettings, pillow shams, and bed sets, finished or unfinished, made on the Nottingham lace-curtain machine, and composed of cotton or other vegetable fiber, when counting not more than six points or spaces between the warp threads to the inch, 35 per cent ad valorem; when counting more than six and not more than eight points or spaces to the inch, 40 per cent ad valorem; when counting nine or more points or spaces to the inch, 45 per cent ad valorem.

271. All articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton or of which cotton is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem.

SCHEDULE J—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

272. Flax, not hackled or dressed, ½ of 1 cent per pound.

273. Flax, hackled, known as "dressed line," 1½ cents per pound.

274. Tow of flax, $10 per ton.

275. Hemp, and tow of hemp, ½ cent per pound; hemp, hackled, known as "line of hemp," 1 cent per pound.

276. Single yarns made of jute, not finer than 5 lea or number, 15 per cent ad valorem; if finer than 5 lea or number and yarns made of jute not otherwise specially provided for in this section, 25 per cent ad valorem.

277. Cables and cordage, composed of istle, Tampico fiber, manila, sisal grass or sunn, or a mixture of these or any of them, ½ cent per pound; cables and cordage made of hemp, tarred or untarred, 1 cent per pound.

278. Threads, twines, or cords, made from yarn not finer than 5 lea or number, composed of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, 25 per cent ad valorem; if made from yarn finer than 5 lea or number, 30 per cent ad valorem.

279. Single yarns, made of flax, hemp, or ramie, or a mixture of any of them, not finer than 8 lea or number, 15 per cent ad valorem; finer than 8 lea or number and not finer than 80 lea or number, 25 per cent ad valorem; finer than 80 lea or number, 10 per cent ad valorem; ramie sliver or roving, 15 per cent ad valorem.

280. Gill nettings, nets, webs, and seines made of flax, hemp, or ramie, or a mixture of any of them, or of which any of them is the component material of chief value, 30 per cent ad valorem.

281. Floor mattings, plain, fancy, or figured, including mats and rugs, manufactured from straw, round or split, or other vegetable substances, not otherwise provided for in this section, and having a warp of cotton, hemp, or other vegetable substances, including what are commonly known as China, Japan, and India straw matting, 2½ cents per square yard.

282. Carpets, carpeting, mats and rugs made of flax, hemp, jute, or other vegetable fiber (except cotton), 35 per cent ad valorem.

283. Hydraulic or flume hose, made in whole or in part of cotton, flax, hemp, ramie, or jute, 7 cents per pound.

284. Tapes composed wholly or in part of flax, woven with or without metal threads, on reels, spools, or otherwise, and designed expressly for use in the manufacture of measuring tapes, 25 per cent ad valorem.

285. Linoleum, plain, stamped, painted, or printed, including corticine and cork carpet, figured or plain, also linoleum known as granite and oak plank, 30 per cent ad valorem; inlaid linoleum, 35 per cent ad valorem; oilcloth for floors, plain, stamped, painted, or printed, 20 per cent ad valorem; mats or rugs made of oilcloth, linoleum, corticine, or cork carpet shall be subject to the same rate of duty as herein provided for oilcloth, linoleum, corticine, or cork carpet.

286. Shirt collars and cuffs, composed in whole or in part of linen, 30 per cent ad valorem.

287. Bands, bandings, belts, beltings, bindings, cords, ribbons, tapes, webs and webbings, all the foregoing composed wholly or in chief value of flax, hemp, or ramie, or of flax, hemp, or ramie and india rubber, and not otherwise specially provided for in this section, 30 per cent ad valorem; wearing apparel composed wholly or in chief value of flax, hemp, or ramie, or of flax, hemp, or ramie and india rubber, 50 per cent ad valorem.

288. Plain woven fabrics of single jute yarns, by whatever name known, 20 per cent ad valorem.

289. All pile fabrics, whether or not the pile covers the entire surface, composed of flax, or of which flax is the component material of chief value, and all articles and manufactures made from such fabrics, not specially provided for in this section, 45 per cent ad valorem.

290. Bags or sacks made from plain woven fabrics, of single jute yarns, not dyed, colored, stained, painted, printed, or bleached, 25 per cent ad valorem.

291. Handkerchiefs composed of flax, hemp, or ramie, or of which these substances, or any of them, is the component material of chief value, whether in the piece or otherwise, and whether finished or unfinished, not hemmed or hemmed only, 35 per cent ad valorem; if hemstitched, or imitation hemstitched, or revered, or with drawn threads, but not embroidered, initialed, or in part of lace, 40 per cent ad valorem.

292. Plain woven fabrics, not including articles, finished or unfinished, of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, including such as is known as shirting cloth, 35 per cent ad valorem.

293. All woven articles, finished or unfinished, and all manufactures of flax, hemp, ramie, or other vegetable fiber, or of which these substances, or any of them, is the component material of chief value, not specially provided for in this section, 40 per cent ad valorem.

294. Istle or tampico, when dressed, dyed, or combed, 20 per cent ad valorem.

SCHEDULE K—WOOL AND MANUFACTURES OF.

295. Combed wool or tops and roving or roping made wholly or in part of wool or camel's hair, and on other wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 15 per cent ad valorem.

296. Yarns made wholly or in chief value of wool, 20 per cent ad valorem.

297. Cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in chief value of wool, not specially provided for in this section, 35 per cent ad valorem.

298. Blankets and flannels, composed wholly or in chief value of wool, 25 per cent ad valorem; flannels composed wholly or in chief value of wool, valued at above 50 cents per pound, 35 per cent ad valorem.

299. Women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in chief value of wool, and not specially provided for in this section, 35 per cent ad valorem.

300. Clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, and not specially provided for in this section, composed wholly or in chief value of wool, 35 per cent ad valorem.

301. Webbings, suspenders, braces, bandings, beltings, bindings, cords, cords and tassels, and ribbons; any of the foregoing made of wool or of which wool or wool and india rubber are the component materials of chief value, 35 per cent ad valorem.

302. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, 35 per cent ad valorem.

303. Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, 30 per cent ad valorem.

304. Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, 25 per cent ad valorem.

305. Velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, 30 per cent ad valorem.

306. Tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, 20 per cent ad valorem.

307. Treble ingrain, 3-ply, and all-chain Venetian carpets, 20 per cent ad valorem.

308. Wool Dutch and 2-ply ingrain carpets, 20 per cent ad valorem.

309. Carpets of every description, woven whole for rooms, and oriental, Berlin, Aubusson, Axminster, and similar rugs, 50 per cent ad valorem.

310. Druggets and bockings, printed, colored, or otherwise, 20 per cent ad valorem.

311. Carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this section, and on mats, matting, and rugs of cotton, 20 per cent ad valorem.

312. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting, made wholly or in part of wool, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

313. Whenever in this section the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

314. Hair of the Angora goat, alpaca, and other like animals, and all hair on the skin of such animals, 20 per cent ad valorem.

315. Tops made from the hair of the Angora goat, alpaca, and other like animals, 25 per cent ad valorem.

316. Yarns made of the hair of the Angora goat, alpaca, and other like animals, 30 per cent ad valorem.

317. Cloth and all manufactures of every description made of the hair of the Angora goat, alpaca, and other like animals, not specially provided for in this section, 40 per cent ad valorem.

318. Plushes, velvets, and all other pile fabrics, cut or uncut, woven or knit, whether or not the pile covers the entire surface, made wholly or partly of the hair of the Angora goat, alpaca, and other like animals, and articles made wholly or in chief value of such plushes or velvets, 50 per cent ad valorem.

SCHEDULE L—SILKS AND SILK GOODS.

319. Silk partially manufactured from cocoons or from waste silk and not further advanced or manufactured than carded or combed silk, and silk noils exceeding 2 inches in length, 15 per cent ad valorem.

320. Spun silk or schappe silk yarn, 35 per cent ad valorem.

321. Thrown silk not more advanced than singles, tram, or organzine, sewing silk, twist, floss, and silk threads or yarns of every description made from raw silk, 15 per cent ad valorem.

322. Velvets, plushes, chenilles, velvet or plush ribbons, or other pile fabrics, composed of silk or of which silk is the component material of chief value, 50 per cent ad valorem.

323. Handkerchiefs or mufflers composed wholly or in chief value of silk, finished or unfinished; if cut, not hemmed or hemmed only, 40 per cent ad valorem; if hemstitched or imitation hemstitched, or revered, or having drawn threads, but not embroidered in any manner with an initial letter, monogram, or otherwise, 50 per cent ad valorem.

324. Ribbons, bandings, including hatbands, beltings, bindings, all of the foregoing not exceeding 12 inches in width and if with fast edges, bone casings, braces, cords, cords and tassels, garters, suspenders, tubings, and webs and webbings; all the foregoing made of silk or of which silk or silk and india rubber are the component materials of chief value, if not embroidered in any manner, 40 per cent ad valorem.

325. Clothing, ready-made, and articles of wearing apparel of every description, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all the foregoing composed of silk or of which silk or silk and india rubber are the component materials of chief value, not specially provided for in this section, 50 per cent ad valorem.

326. Woven fabrics, in the piece or otherwise, of which silk is the component material of chief value, and all manufactures of silk, or of which silk or silk and india rubber are the component materials of chief value, not specially provided for in this section, 45 per cent ad valorem.

327. Yarns, threads, filaments of artificial or imitation silk, or of artificial or imitation horsehair, by whatever name known, and by

whatever process made, 35 per cent ad valorem; beltings, cords, tassels, ribbons, or other articles or fabrics composed wholly or in chief value of yarns, threads, filaments, or fibers of artificial or imitation silk or of artificial or imitation horsehair, or of yarns, threads, filaments or fibers of artificial or imitation silk, or of artificial or imitation horsehair and india rubber, by whatever name known, and by whatever process made, 60 per cent ad valorem.

SCHEDULE M—PAPERS AND BOOKS.

328. Sheathing paper and roofing felt, 5 per cent ad valorem.

329. Filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton or other vegetable fiber, 20 per cent ad valorem.

330. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued above 2½ cents per pound, 12 per cent ad valorem: *Provided, however,* That if any country, dependency, province, or other subdivision of government shall impose any export duty, export license fee, or other charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed upon printing paper, valued above 2½ cents per pound, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty equal to the amount of such export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon printing paper, or upon an amount of wood pulp, or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

331. Papers commonly known as copying paper, stereotype paper, bibulous paper, tissue paper, pottery paper, letter-copying books, wholly or partly manufactured, crêpe paper and filtering paper weighing not more than 10 pounds per ream of 480 sheets, and articles manufactured from any of the foregoing papers or of which such paper is the component material of chief value, 30 per cent ad valorem.

332. Papers, including wrapping paper, with coated surface or surfaces, or with the surface wholly or partly covered or decorated with a design, fancy effect, pattern or character whether produced in the pulp or otherwise, all of the foregoing not specially provided for, whether or not wholly or partly covered with metal or its solution or with gelatin or flock or embossed or printed except by lithographic process, cloth-lined or reenforced paper, parchment papers, and grease-proof and imitation parchment papers which have been supercalendered and rendered transparent, or partially so, by whatever name known; all other grease-proof and imitation parchment papers, not specially provided for in this section, by whatever name known; bags, envelopes, printed matter other than lithographic, and all other articles composed wholly or in chief value of any of the foregoing papers, not specially provided for in this section, and all boxes of paper, papier-mâché, or wood covered with any of the foregoing paper, 35 per cent ad valorem; albuminized or sensitized paper or paper otherwise surface-coated for photographic purposes, plain basic papers for albuminizing, sensitizing, baryta coating, or for photographic or solar printing processes, 25 per cent ad valorem.

333. Pictures, calendars, cards, labels, flaps, cigar bands, placards, and other articles composed wholly or in chief value of paper lithographically printed in whole or in part from stone, metal, or other material (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same, not specially provided for in this section) shall pay duty at the following rates: Labels, flaps, and cigar bands, if printed entirely in bronze printing, 15 per cent ad valorem; if printed otherwise than entirely in bronze printing, but not printed in whole or in part in metal leaf, 25 per cent ad valorem; if printed in whole or in part in metal leaf, 30 per cent ad valorem; booklets, books of paper or other material for children's use, not exceeding in weight 24 ounces each, fashion magazines or periodicals, printed in whole or in part by lithographic process, or decorated by hand, booklets decorated in whole or in part by hand or by spraying, whether or not lithographed, 12 per cent ad valorem; decalcomanias in ceramic colors, whether or not backed with metal leaf, and all other decalcomanias, except toy decalcomanias, 20 per cent ad valorem; pictures, calendars, cards, placards, and all other articles than those hereinbefore specifically provided for in this paragraph, 20 per cent ad valorem.

334. Writing, letter, note, handmade paper and paper commercially known as handmade paper and machine handmade paper, japan paper and imitation japan paper by whatever name known, and ledger, bond, record, tablet, typewriter, manifold, and onionskin and imitation onionskin papers calendered or uncalendered, whether or not any such paper is ruled, bordered, embossed, printed, lined, or decorated in any manner, 25 per cent ad valorem.

335. Paper envelopes, folded or flat, plain, bordered, embossed, printed, tinted, decorated, or lined, 15 per cent ad valorem.

336. Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs, cardboard and bristol board, press boards or press paper, paper hangings with paper back or composed wholly or in chief value of paper, and wrapping paper not specially provided for in this section, 25 per cent ad valorem.

337. Books of all kinds, bound or unbound, including blank books, slate books, and pamphlets, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter, all the foregoing, and not specially provided for in this section, 15 per cent ad valorem. Views of any landscape, scene, building, place, or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of 1 inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying 35 square inches or less of surface per view, bound or unbound, or in any other form, 45 per cent ad valorem; thinner than eight one-thousandths of 1 inch, $2 per thousand.

338. Photograph, autograph, scrap, post-card, and postage-stamp albums, wholly or partly manufactured, 25 per cent ad valorem.

339. Playing cards, 60 per cent ad valorem.

340. All papers and manufactures of paper, or of which paper is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

SCHEDULE N—SUNDRIES.

341. Beads and spangles of all kinds, including imitation pearl beads, not threaded or strung, or strung loosely on thread for facility in transportation only, 35 per cent ad valorem; fabrics, wearing apparel, trimmings, curtains, and other articles not specially provided for in this section, composed wholly or in chief value of beads or spangles made of glass or paste, gelatin, metal, or other material, 50 per cent ad valorem.

342. Braids, featherstitch braids, fringes, gimps, gorings, all the foregoing, of whatever material composed, and articles made wholly or in chief value of any of the foregoing, not specially provided for in this section, 50 per cent ad valorem.

343. Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, ramie, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, 15 per cent ad valorem; if bleached, dyed, colored, or stained, 20 per cent ad valorem; hats, bonnets, and hoods composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, cuba bark, ramie, or manila hemp, whether wholly or partly manufactured, but not blocked or trimmed, 25 per cent ad valorem; if blocked or trimmed, and in chief value of such materials, 40 per cent ad valorem. But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

344. Brooms, made of broom corn, straw, wooden fiber, or twigs, 15 per cent ad valorem; brushes and feather dusters of all kinds, and hair pencils in quills or otherwise, 35 per cent ad valorem.

345. Bristles, sorted, bunched, or prepared, 7 cents per pound.

346. Button forms of lastings, mohair or silk cloth, or other manufactures of cloth, woven or made in patterns of such size, shape, or form as to be fit for buttons exclusively, and not exceeding 8 inches in any one dimension, 10 per cent ad valorem.

347. Buttons or parts of buttons and button molds or blanks, finished or unfinished, not specially provided for in this section, and all collar or cuff buttons and studs composed wholly of bone, mother-of-pearl, or ivory, 40 per cent ad valorem.

348. Cork bark, cut into squares, cubes, or quarters, 4 cents per pound; manufactured cork stoppers, over three-fourths of an inch in diameter, measured at the larger end, and manufactured cork disks, wafers, or washers, over three-sixteenths of an inch in thickness, 12 cents per pound; manufactured cork stoppers, three-fourths of an inch or less in diameter, measured at the larger end, and manufactured cork disks, wafers, or washers, three-sixteenths of an inch or less in thickness, 15 cents per pound; cork, artificial, or cork substitutes manufactured from cork waste, or granulated corks, and not otherwise provided for in this section, 3 cents per pound; cork insulation, wholly or in chief value of granulated cork, in slabs, boards, planks, or molded forms, ¼ cent per pound; cork paper, 35 per cent ad valorem; manufactures wholly or in chief value of cork or of cork bark, or of artificial cork or bark substitutes, granulated or ground cork, not specially provided for in this section, 30 per cent ad valorem.

349. Dice, dominoes, draughts, chessmen, chess balls, and billiard, pool, bagatelle balls, and poker chips, of ivory, bone, or other materials, 50 per cent ad valorem.

350. Dolls, and parts of dolls, doll heads, toy marbles of whatever materials composed, and all other toys, and parts of toys, not composed of china, porcelain, parian, bisque, earthen or stone ware, and not specially provided for in this section, 35 per cent ad valorem.

351. Emery grains and emery, manufactured, ground, pulverized, or refined, 1 cent per pound; emery wheels, emery files, emery paper, and manufactures of which emery or corundum is the component material of chief value, 20 per cent ad valorem; crude artificial abrasives, 10 per cent ad valorem.

352. Firecrackers of all kinds, 6 cents per pound; bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for in this section, 10 cents per pound; the weight on all the foregoing to include all coverings, wrappings, and packing material.

353. Fulminates, fulminating powders, and other like articles not specially provided for in this section, 5 per cent ad valorem.

354. Gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at 20 cents or less per pound, ½ cent per pound; valued above 20 cents per pound, 1 cent per pound.

355. Matches, friction or lucifer, of all descriptions, per gross of 144 boxes, containing not more than 100 matches per box, 3 cents per gross; when imported otherwise than in boxes containing not more than 100 matches each, ½ of 1 cent per 1,000 matches; wax matches, fuses, wind matches, and all matches in books or folders or having a stained, dyed, or colored stick or stem, and tapers consisting of a wick coated with an inflammable substance, and night lights, 25 per cent ad valorem.

356. Percussion caps, cartridges, and cartridge shells empty, 15 per cent ad valorem; blasting caps, 75 cents per thousand; mining, blasting, or safety fuses of all kinds, 15 per cent ad valorem.

357. Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for in this section, 20 per cent ad valorem; when dressed, colored, or otherwise advanced or manufactured in any manner, including quills of down and other manufactures of down, 40 per cent ad valorem; artificial or ornamental feathers, fruits, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for in this section, 60 per cent ad valorem; boas, boutonnieres, wreaths, and all articles not specially provided for in this section, composed wholly or in chief value of any of the feathers, flowers, leaves, or other materials or articles herein mentioned, 60 per cent ad valorem: *Provided,* That the importation of aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches, or to the feathers or plumes of domestic fowls of any kind.

358. Furs and fur skins of all kinds not dressed in any manner, except undressed skins of hares, rabbits, dogs, goats, sheep, and not specially provided for in this section, 10 per cent ad valorem; furs dressed on the skin, not advanced further than dyeing, 30 per cent ad valorem; manufactures of furs, further advanced than dressing and dyeing, when prepared for use as material, joined or sewed together, including plates, linings, and crosses, and articles manufactured from fur not specially provided for in this section, 40 per cent ad valorem; articles of wearing apparel of every description partly or wholly manufactured, composed of or of which fur is the component material of chief value, 50 per cent ad valorem. Furs not on the skin, prepared for hatters' use, including fur skins carroted, 15 per cent ad valorem.

359. Fans of all kinds, except common palm-leaf fans, 50 per cent ad valorem.

360. Gun wads of all descriptions, 10 per cent ad valorem.

361. Human hair, raw, uncleaned and not drawn, 10 per cent ad valorem; if cleaned or drawn, wholly or in part, but not manufactured, 20 per cent ad valorem; manufactures of human hair, or of which

human hair is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

362. Hair, curled, suitable for beds or mattresses, 10 per cent ad valorem.

363. Haircloth, known as "crinoline" cloth, 6 cents per square yard; haircloth, known as "hair seating," and hair press cloth, 15 cents per square yard.

364. Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, 40 per cent ad valorem.

365. Indurated fiber ware and manufactures of pulp, not specially provided for in this section, 25 per cent ad valorem.

366. Jewelry, commonly or commercially so known, valued above 20 cents per dozen pieces, 60 per cent ad valorem; rope, curb, cable, and fancy patterns of chain not exceeding one-half inch in diameter, width, or thickness, valued above 30 cents per yard; and articles valued above 20 cents per dozen pieces designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, card cases, chains, cigar cases, cigar cutters, cigar holders, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military, and hair ornaments, pins, powder cases, stamp cases, vanity cases, and like articles; all the foregoing and parts thereof, finished or partly finished, composed of metal, whether or not enameled, washed, covered, or plated, including rolled gold plate, and whether or not set with precious or semiprecious stones, pearls, cameos, coral, or amber, or with imitation precious stones or pearls, 60 per cent ad valorem. Stampings, galleries, mesh and other materials of metal, whether or not set with glass or paste, finished or partly finished, separate or in strips or sheets, suitable for use in the manufacture of any of the foregoing articles in this paragraph, 50 per cent ad valorem.

367. Diamonds and other precious stones, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, including glaziers' and engravers' diamonds not set, miners' diamonds, whether in their natural form or broken, and bort; any of the foregoing not set, and diamond dust, 10 per cent ad valorem; pearls and parts thereof, drilled or undrilled, but not set or strung; diamonds, coral, rubies, cameos, and other precious stones and semiprecious stones, cut but not set, and suitable for use in the manufacture of jewelry, 20 per cent ad valorem; imitation precious stones, including pearls and parts thereof, for use in the manufacture of jewelry, doublets, artificial, or so-called synthetic or reconstructed pearls and parts thereof, rubies, or other precious stones, 20 per cent ad valorem.

368. Laces, lace braids, lace window curtains not specially provided for in this section, coach, carriage, and automobile laces, and all lace articles of whatever material composed; handkerchiefs, napkins, wearing apparel, and all other articles made wholly or in part of lace or of imitation lace of any kind; embroideries, wearing apparel, handkerchiefs, and all other articles or fabrics embroidered in any manner by hand or machinery, whether with a plain or fancy initial or monogram or otherwise, or tamboured, appliquéd, or scalloped by hand or machinery; edgings, insertings, galloons, nets, nettings, veils, veilings, neck rufflings, ruchings, tuckings, flouncings, flutings, quillings, ornaments, all the foregoing, of whatever material composed; woven fabrics or articles from which threads have been omitted, drawn, punched, or cut, leaving open spaces in which figures or designs are formed by threads other than the threads of the fabric alone or in combination with the threads of the fabric not including hemstitching or spoke stitching, and articles made in whole or in part of any of the above materials; all the foregoing, 60 per cent ad valorem.

369. Chamois skins, 15 per cent ad valorem; pianoforte, pianoforte action, and glove leathers, 10 per cent ad valorem.

370. Bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, made wholly of or in chief value of leather, not jewelry, and manufactures of leather, or of which leather is the component material of chief value, not specially provided for in this section; all the foregong whether or not permanently fitted and furnished with traveling, bottle, drinking, dining, or luncheon, and similar sets, 30 per cent ad valorem.

371. Gloves, not specially provided for in this section, made wholly or in chief value of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent, namely:

372. Men's, women's, or children's "glacé" finish, Schmaschen (of sheep origin), not over 14 inches in length, $1 per dozen pairs; over 14 inches in length, 25 cents per dozen pairs for each additional inch in excess of 14 inches.

373. All other gloves wholly or in chief value of leather, not over 14 inches in length, $2 per dozen pairs; over 14 inches in length, 25 cents per dozen for each additional inch in excess of 14 inches.

374. In addition to the foregoing rates there shall be paid the following cumulative duties: On all leather gloves when lined with cotton or other vegetable fiber, 25 cents per dozen pairs; when lined with a knitted glove or when lined with silk, or wool, 50 cents per dozen pairs; when lined with fur, $2 per dozen pairs; on all piqué and prixseam gloves, 25 cents per dozen pairs.

375. Glove tranks, with or without the usual accompanying pieces, shall pay 75 per cent of the duty provided for the gloves in the fabrication of which they are suitable.

376. Harness, saddles, saddlery in sets or in parts, finished or unfinished, not specially provided for in this section, 20 per cent ad valorem.

377. Manufactures of amber, asbestos, bladders, catgut, or whip gut or worm gut, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 10 per cent ad valorem; yarn and woven fabrics composed wholly or in chief value of asbestos, 20 per cent ad valorem.

378. Manufactures of bone, chip, grass, horn, india rubber or guttapercha, palm leaf, quills, straw, weeds, or whalebone, or of which any of them is the component material of chief value not otherwise specially provided for in this section, shall be subject to the following rates: India rubber or gutta-percha, 10 per cent ad valorem; palm leaf, 15 per cent ad valorem; bone, chip, horn, quills, and whalebone, 20 per cent ad valorem; grass, straw, and weeds, 25 per cent ad valorem; combs composed wholly of horn or of horn and metal, 25 per cent ad valorem. The terms "grass" and "straw" shall be understood to mean these substances in their natural state, and not the separated fibers thereof.

379. Ivory tusks in their natural state, or cut vertically across the grain only, with the bark left intact, 20 per cent ad valorem; manufactures of ivory or vegetable ivory, or of which either of these substances is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem; manufactures of mother-of-pearl and shell, plaster of Paris, papier-mâché, and vulcanized india rubber known as "hard rubber," or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem; shells engraved, cut, ornamented, or otherwise manufactured, 25 per cent ad valorem.

380. Masks, composed of paper or pulp, 20 per cent ad valorem.

381. Matting made of cocoa fiber or rattan, 5 cents per square yard; mats made of cocoa fiber or rattan, 3 cents per square foot.

382. Moss and sea grass, eelgrass, and seaweeds, if manufactured or dyed, 10 per cent ad valorem.

383. Musical instruments or parts thereof, pianoforte actions and parts thereof, strings for musical instruments, not otherwise enumerated in this section, cases for musical instruments, pitch pipes, tuning forks, tuning hammers, and metronomes; strings for musical instruments, composed wholly or in part of steel or other metal, all the foregoing, 35 per cent ad valorem.

384. Phonographs, gramophones, graphophones, and similar articles, or parts thereof, 25 per cent ad valorem.

385. Violin rosin, in boxes or cases or otherwise, 10 per cent ad valorem.

386. Paintings in oil or water colors, pastels, pen and ink drawings, and sculptures, not specially provided for in this section, 15 per cent ad valorem.

387. Peat moss, 50 cents per ton.

388. Pencils of paper or wood, or other material not metal, filled with lead or other material, pencils of lead and slate pencils, all the foregoing, 25 per cent ad valorem.

389. Pencil leads not in wood or other material, 10 per cent ad valorem.

390. Photographic dry plates or films, not otherwise specially provided for in this section, 15 per cent ad valorem. Photographic-film negatives or positives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, including herein all moving, motion, motophotography or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made, 20 per cent ad valorem.

391. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, 25 per cent ad valorem; other pipes and pipe bowls of whatever material composed, and all smokers' articles whatsoever, not specially provided for in this section, including cigarette books, cigarette-book covers, pouches for smoking or chewing tobacco, and cigarette paper in all forms, except cork paper, 50 per cent ad valorem.

392. Plush, black, known commercially as hatters' plush, composed of silk, or of silk and cotton, such as is used for making men's hats, 10 per cent ad valorem.

393. Umbrellas, parasols, and sunshades covered with material other than paper or lace, not embroidered or appliquéd, 35 per cent ad valorem. Sticks for umbrellas, parasols, or sunshades, and walking canes, finished or unfinished, 30 per cent ad valorem.

394. Waste, not specially provided for in this section, 10 per cent ad valorem.

395. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles not enumerated or provided for in this section, a duty of 10 per cent ad valorem, and on all articles manufactured, in whole or in part, not provided for in this section, a duty of 15 per cent ad valorem.

396. That each and every imported article, not enumerated in this section, which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this section as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this section, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

FREE LIST.

That on and after the day following the passage of this act, except as otherwise specially provided for in this act, the articles mentioned in the following paragraphs shall, when imported into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be exempt from duty:

397. Acids: Acetic or pyroligneous, arsenic or arsenious, carbolic, chromic, fluoric, hydrofluoric, hydrochloric or muriatic, nitric, phosphoric, phthalic, prussic, silicic, sulphuric or oil of vitriol, and valerianic.

398. Aconite.

399. Acorns, raw, dried or undried, but unground.

400. Agates, unmanufactured.

401. Agricultural implements: Plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, wagons and carts, and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

402. Albumen, blood, and albumen, not specially provided for in this section.

403. Alcohol, methyl or wood.

404. Ammonia, sulphate of and nitrate of.

405. Any animal imported by a citizen of the United States, specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed, and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *And provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of

such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

Horses, asses, cattle, mules, sheep, swine, and goats straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, shall be dutiable unless brought back to the United States within six months, in which case they shall be free of duty, under regulations to be prescribed by the Secretary of the Treasury: *And provided further*, That the provisions of this act shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of customs or other officers of the United States at the date of the taking effect of this act.

406. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

407. Annatto, roucou, rocoa, or orleans, and all extracts of.

408. Antitoxins, vaccine virus, and all other serums derived from animals and used for therapeutic purposes.

409. Apatite.

410. Arrowroot in its natural state and not manufactured.

411. Arsenic and sulphide of arsenic, or orpiment.

412. Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, iron or steel drums of either domestic or foreign manufacture, used for the shipment of acids, or other chemicals, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates or films of American manufacture (except moving-picture films), exposed abroad, whether developed or not, and films from moving-picture machines, light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury; articles exported from the United States for repairs may be returned upon payment of a duty upon the value of the repairs under conditions and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: *And provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon: *And provided further*, That the provisions of this paragraph shall not apply to animals made dutiable under the provisions of paragraph 405.

413. Asafetida.

414. Asbestos, unmanufactured.

415. Ashes, wood and lye of, and beet-root ashes.

416. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, sea, Russian sea, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or other material not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard.

417. Balm of Gilead.

418. Barks, cinchona or other, from which quinine may be extracted.

419. Bauxite or beauxite, crude, not refined or otherwise advanced in condition from its natural state.

420. Beeswax.

421. Bells, broken, and bell metal, broken and fit only to be remanufactured.

422. Bibles, comprising the books of the Old or New Testament, or both, bound or unbound.

423. All binding twine manufactured from New Zealand hemp, manila, istle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding 600 feet to the pound.

424. Birds and land and water fowls, not specially provided for in this section.

425. Biscuits, bread, and wafers, not specially provided for in this section.

426. Bismuth.

427. Bladders, and all integuments, tendons and intestines of animals and fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for in this section.

428. Blood, dried, not specially provided for in this section.

429. Blue vitriol, or sulphate of copper; acetate and subacetate of copper, or verdigris.

430. Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use. Press cloths composed of camel's hair, imported expressly for oil milling purposes, and marked so as to indicate that it is for such purposes, and cut into lengths not to exceed 72 inches and woven in widths not under 10 inches nor to exceed 15 inches and weighing not less than one-half pound per square foot.

431. Bones, crude, burned, calcined, ground, steamed, but not otherwise manufactured, and bone dust or animal carbon, bone meal, and bone ash.

432. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

433. Books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts, which shall have been printed more than 20 years at the date of importation, and all hydrographic charts, and publications issued for their subscribers or exchanges by scientific and literary associations or academies, or publications of individuals for gratuitous private circulation, not advertising matter, and public documents issued by foreign governments.

434. Books and pamphlets printed chiefly in languages other than English; also books and music, in raised print, used exclusively by the blind.

435. Books, maps, music, engravings, photographs, etchings, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

436. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

437. Borax, crude and unmanufactured, and borate of lime, soda, and other borate material, crude and unmanufactured, not otherwise provided for in this section.

438. Bran and wheat screenings.

439. Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.

440. Brazilian pebble, unwrought or unmanufactured.

441. Bristles, crude, not sorted, bunched, or prepared.

442. Bromin.

443. Broom corn.

444. Buckwheat and buckwheat flour.

445. Bullion, gold or silver.

446. Burgundy pitch.

447. Burrstones, manufactured or bound up into millstones.

448. Cadmium.

449. Calcium, acetate of, brown and gray, and chloride of, crude; calcium carbide and calcium nitrate.

450. Cash registers, linotype and all typesetting machines, sewing machines, typewriters, shoe machinery, cream separators, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, all the foregoing whether imported in whole or in parts, including repair parts.

451. Castor or castoreum.

452. Catgut, whip gut, or worm gut, unmanufactured.

453. Cerium, cerite, or cerium ore.

454. Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured.

455. Charcoal, blood char, bone char, or bone black, not suitable for use as a pigment.

456. Chromate of iron or chromic ore.

457. Chromium, hydroxide of, crude.

458. Common blue clay and Gross-Almerode glass-pot clay, in cases or casks, suitable for the manufacture of crucibles and glass melting pots or tank blocks.

459. Coal, anthracite, bituminous, culm, slack, and shale; coke; compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquets or other form.

460. Coal tar, crude, pitch of coal tar, wood or other tar, and products of coal tar known as naphthalin, phenol, and cresol.

461. Cobalt and cobalt ore.

462. Cocculus indicus.

463. Cochineal.

464. Cocoa, or cacao, crude, and fiber, leaves, and shells of.

465. Coffee.

466. Coins of gold, silver, copper, or other metal.

467. Coir, and coir yarn.

468. Composition metal of which copper is the component material of chief value, not specially provided for in this section.

469. Copper ore; regulus of, and black or coarse copper, and copper cement; old copper, fit only for remanufacture, copper scale, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for in this section.

470. Copperas, or sulphate of iron.

471. Coral, marine, uncut, and unmanufactured.

472. Cork wood, or cork bark, unmanufactured, and cork waste, shavings, and cork refuse of all kinds.

473. Corn or maize.

474. Corn meal.

475. Cotton, and cotton waste or flocks.

476. Cryolite, or kryolith.

477. Cudbear.

478. Curling stones, or quoits, and curling-stone handles.

479. Curry, and curry powder.

480. Cuttlefish bone.

481. Dandelion roots, raw, dried or undried, but unground.

482. Divi-divi.

483. Dragon's blood.

484. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, gum resin, herbs, leaves, lichens, mosses, logs, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for in this section, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol shall be admitted free of duty under this paragraph.

485. Eggs of birds, fish, and insects (except fish roe preserved for food purposes): *Provided, however*, That the importation of eggs of game birds or eggs of birds not used for food, except specimens for scientific collections, is prohibited: *Provided further*, That the importation of eggs of game birds for purposes of propagation is hereby authorized, under rules and regulations to be prescribed by the Secretary of the Treasury.

486. Emery ore and corundum.
487. Fans, common palm-leaf, plain and not ornamented or decorated in any manner, and palm leaf in its natural state, not colored, dyed, or otherwise advanced or manufactured.
488. Felt, adhesive, for sheathing vessels.
489. Fibrin, in all forms.
490. Fresh-water fish, and all other fish not otherwise specially provided for in this section.
491. Fish skins.
492. Flax straw.
493. Flint, flints, and flint stones, unground.
494. Fossils.
495. Fruits or berries, green, ripe, or dried, and fruits in brine, not specially provided for in this section.
496. Fruit plants, tropical and semitropical, for the purpose of propagation or cultivation.
497. Gambier.
498. Glass enamel, white, for watch and clock dials.
499. Glass plates or disks, rough-cut or unwrought, for use in the manufacture of optical instruments, spectacles, and eyeglasses, and suitable only for such use: *Provided, however,* That such disks exceeding 8 inches in diameter may be polished sufficiently to enable the character of the glass to be determined.
500. Gloves, made wholly or in chief value of leather made from horsehides, pigskins, and cattle hides of cattle of the bovine species, excepting calfskins, whether wholly or partly manufactured.
501. Goldbeaters' molds and goldbeaters' skins.
502. Grasses and fibers: Istle or Tampico fiber, jute, jute butts, manila, sisal grass, sunn, and all other textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for in this section.
503. Grease, fats, vegetable tallow, and oils (excepting fish oils), natural and uncompounded, such as are commonly used in soap making or in wire drawing, or for stuffing or dressing leather, not specially provided for in this section.
504. Guano, manures, and all substances used only for manure, including basic slag, ground or unground, and calcium cyanamid or lime nitrogen.
505. Gum copal, damar, and kauri.
506. Gutta-percha, crude.
507. Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this section.
508. Hide cuttings, raw, with or without hair, and all other glue stock.
509. Hide rope.
510. Hides of cattle, raw or uncured, or dry, salted, or pickled.
511. Hones and whetstones.
512. Hoofs, unmanufactured.
513. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity.
514. Hop roots for cultivation.
515. Horns and parts of, including horn strips and tips, unmanufactured.
516. Ice.
517. India rubber, crude, and milk of, and scrap or refuse india rubber, fit only for remanufacture.
518. Indigo, natural or synthetic, dry or suspended in water.
519. Iodine, crude, or resublimed.
520. Ipecac.
521. Iridium, osmium, palladium, rhodium, and ruthenium and native combinations thereof with one another or with platinum.
522. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites.
523. Jalap.
524. Jet, unmanufactured.
525. Joss stick or joss light.
526. Junk, old.
527. Kelp.
528. Kieserite.
529. Kyanite, or cyanite, and kainite.
530. Lac dye, crude, seed, button, stick, and shell.
531. Lactarene or casein.
532. Lard.
533. Lava, unmanufactured.
534. All leather not specially provided for in this section and leather board or compressed leather; leather cut into shoe uppers or vamps or other forms suitable for conversion into boots or shoes; boots and shoes made wholly or in chief value of leather; leather shoe laces, finished or unfinished; harness, saddles, and saddlery, in sets or parts, finished or unfinished, composed wholly or in chief value of leather.
535. Leeches.
536. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per cent of alcohol.
537. Lifeboats and life-saving apparatus specially imported by societies and institutions incorporated or established to encourage the saving of human life.
538. Lithographic stones, not engraved.
539. Litmus, prepared or not prepared.
540. Loadstones.
541. Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.
542. Magnesite, crude or calcined, not purified.
543. Manganese, oxide and ore of.
544. Manna.
545. Manuscripts.
546. Marrow, crude.
547. Marshmallow or althea root, leaves or flowers, natural or unmanufactured.
548. Meats: Fresh beef, veal, mutton, lamb, and pork; bacon and hams; meats of all kinds, prepared or preserved, not specially provided for in this section.
549. Medals of gold, silver, or copper, and other metallic articles actually bestowed as trophies or prizes, and received and accepted as honorary distinctions.
550. Meerschaum, crude or unmanufactured.
551. Milk and cream, including milk or cream preserved or condensed, or sterilized by heating or other processes, and sugar of milk.
552. Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof showing that they are in no way artificially prepared and are only the product of a designated mineral spring.
553. Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for in this section.
554. Miners' rescue appliances, designed for emergency use in mines where artificial breathing is necessary in the presence of poisonous gases, to aid in the saving of human life, and miners' safety lamps and parts, accessories, and appliances for cleaning, repairing, and operating all the foregoing.
555. Models of inventions and of other improvements in the arts, to be used exclusively as models and incapable of any other use.
556. Moss, seaweeds, and vegetable substances, crude or unmanufactured, not otherwise specially provided for in this section.
557. Myrobolans, fruit.
558. Cut nails and cut spikes of iron or steel, horseshoe nails, hobnails, and all other wrought-iron or steel nails not specially provided for in this section; wire staples, wire nails made of wrought iron or steel, spikes, and horse, mule, or ox shoes, of iron or steel, and cut tacks, brads, or sprigs.
559. Needles, hand sewing and darning.
560. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications issued within six months of the time of entry, devoted to current literature of the day, or containing current literature as a predominant feature, and issued regularly at stated periods, as weekly, monthly, or quarterly, and bearing the date of issue.
561. Nuts: Marrons, crude; coconuts in the shell and broken coconut meat or copra, not shredded, desiccated, or prepared in any manner.
562. Nux vomica.
563. Oakum.
564. Oatmeal and rolled oats and oat hulls.
565. Oil cake.
566. Oils: Birch tar, cajeput, cōconut, cod, cod liver, cottonseed, croton, ichthyol, juglandium, palm, palm-kernel, soya-bean, and olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; Chinese nut oil, nut oil or oil of nuts not specially provided for in this section; petroleum, crude or refined, and all products obtained from petroleum, including kerosene, benzine, naphtha, gasoline, paraffin, and paraffin oil; lubricating oils not specially provided for in this section; and also spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries.
567. Oleo stearin.
568. Orange and lemon peel, not preserved, candied, or dried.
569. Orchil, or orchil liquid.
570. Ores of gold, silver, or nickel, and nickel matte; ores of the platinum metals; sweepings of gold and silver.
571. Paper stock, crude, of every description, including all grasses, fibers, rags, waste, including jute waste, shavings, clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for in this section, including old gunny cloth and old gunny bags, used chiefly for paper making.
572. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued at not above 2½ cents per pound, decalcomania paper not printed.
573. Parchment and vellum.
574. Paris green and London purple.
575. Pearl, mother of, and shells, not sawed, cut, polished, or otherwise manufactured, or advanced in value from the natural state.
576. Personal effects, not merchandise, of citizens of the United States dying in foreign countries.
577. Pewter and britannia metal, old, and fit only to be remanufactured.
578. Philosophical and scientific apparatus, utensils, instruments, and preparations, including bottles and boxes containing the same, specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, and articles solely for experimental purposes, when imported by any society or institution of the character herein described, subject to such regulations as the Secretary of the Treasury shall prescribe.
579. Phosphates, crude.
580. Phosphorus.
581. Plants, trees, shrubs, roots, seed cane, and seeds, imported by the Department of Agriculture or the United States Botanic Garden.
582. Platinum, unmanufactured or in ingots, bars, plates, sheets, wire, sponge, or scrap, and vases, retorts, and other apparatus, vessels, and parts thereof, composed of platinum, for chemical uses.
583. Plumbago.
584. Potash: Crude, or "black salts"; carbonate of and sulphate of, crude or refined; hydrate of, crude or refined, when not containing more than 15 per cent of caustic soda; nitrate of, or saltpeter, crude; and muriate of.
585. Potatoes, and potatoes, dried, desiccated, or otherwise prepared, not specially provided for in this section.
586. Professional books, implements, instruments, and tools of trade, occupation, or employment in the actual possession of persons emigrating to the United States owned and used by them abroad; but this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel; but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided,* That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in case application shall be made therefor.
587. Pulu.
588. Quinine, and its combinations with acids and compounds, not subject to duty in this section.
589. Radium and salts of, radioactive substitutes, selenium and salts of.
590. Rags, not otherwise specially provided for in this section.

591. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails.
592. Rennets, raw or prepared.
593. Rye and rye flour.
594. Sago, crude, and sago flour.
595. Salicin.
596. Salep, or salop.
597. Salt.
598. Santonin.
599. Seeds: Cardamom, cauliflower, celery, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mangelwurzel, mustard, rape, St. John's bread or bean, sorghum, sugar beet, and sugar cane for seed; bulbs and bulbous roots, not edible and not otherwise provided for in this section; all flower and grass seeds; coniferous evergreen seedlings; all the foregoing not specially provided for in this section.
600. Sheep dip containing five one-hundredths of 1 per cent of arsenic or more, not specially provided for in this section.
601. Shotgun barrels, in single tubes, forged, rough bored.
602. Shrimps, lobsters, and other shellfish.
603. Silk cocoons and silk waste.
604. Silk, raw, in skeins reeled from the cocoon, or rereeled, but not wound, doubled, twisted, or advanced in manufacture in any way.
605. Silkworm eggs.
606. Skeletons and other preparations of anatomy.
607. Skins of hares, rabbits, dogs, goats, and sheep, undressed.
608. Skins of all kinds, raw, and hides not specially provided for in this section.
609. Soda arseniate of, sulphate of, crude, or salt cake and niter cake, soda ash, silicate of, nitrate of, or cubic nitrate.
610. Soya beans.
611. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.
612. Spunk.
613. Spurs and stilts used in the manufacture of earthen, porcelain, and stone ware.
614. Stamps: Foreign postage or revenue stamps, canceled or uncanceled, and foreign government stamped post cards bearing no other printing than the official imprint thereon.
615. Statuary and casts of sculpture for use as models or for art educational purposes only; regalia and gems, where specially imported in good faith for the use and by order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, seminary of learning, orphan asylum, or public hospital in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe; but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing apparel, nor personal property of individuals.
616. Stone and sand: Burrstone in blocks, rough or unmanufactured; rotten stone, tripoli, and sand, crude or manufactured; cliff stone, freestone, granite, sandstone, and limestone, unmanufactured, and not suitable for use as monumental or building stone; all of the foregoing not specially provided for in this section.
617. Strontia, oxide of, protoxide of strontian, and strontianite or mineral carbonate of strontia.
618. Strychnia or strychnine, and all salts thereof.
619. Sulphur in any form, brimstone, and sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur.
620. Sumac, ground or unground.
621. Swine.
622. Tagua nuts.
623. Talcum, steatite, and French chalk, crude and unground.
624. Tallow.
625. Tamarinds.
626. Tanning material: Extracts of quebracho, of nutgalls, of Persian berries, of hemlock bark, of sumac, extracts of oak and chestnut; and other barks and woods other than dyewoods such as are commonly used for tanning not specially provided for in this section; nuts and nutgalls and woods used expressly for dyeing or tanning, whether or not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process; and articles in a crude state used in dyeing or tanning; all the foregoing not containing alcohol and not specially provided for in this section.
627. Tapioca, tapioca flour, cassava or cassady.
628. Tar and pitch of wood.
629. Tea and tea plants: *Provided*, That the cans, boxes, or other containers of tea packed in packages of less than 5 pounds each shall be dutiable at the rate chargeable thereon if imported empty: *Provided further*, That nothing herein contained shall be construed to repeal or impair the provisions of an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, and any act amendatory thereof.
630. Teeth, natural, or unmanufactured.
631. Terra alba, not made from gypsum or plaster rock.
632. Terra japonica.
633. Tin ore, cassiterite or black oxide of tin, tin in bars, blocks, pigs, or grain or granulated, and scrap tin: *Provided*, That there shall be imposed and paid upon cassiterite, or black oxide of tin, and upon bar, block, pig tin and grain or granulated, a duty of 4 cents per pound when it is made to appear to the satisfaction of the President of the United States that the mines of the United States are producing 1,500 tons of cassiterite and bar, block, and pig tin per year. The President shall make known this fact by proclamation, and thereafter said duties shall go into effect.
634. Tobacco stems.
635. Tungsten-bearing ores of all kinds.
636. Turmeric.
637. Turpentine, Venice, and spirits of.
638. Turtles.
639. Type, stereotype metal, electrotype metal, linotype composition, all of the foregoing, old and fit only to be remanufactured.
640. Uranium, oxide and salts of.
641. Valonia.
642. Wafers, unleavened or not edible.
643. Wax, vegetable or mineral.
644. Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall include only such articles as were actually owned by them and in their possession abroad at the time of or prior to their departure from a foreign country, and as are necessary and appropriate for the wear and use of such persons and are intended for such wear and use, and shall not be held to apply to merchandise or articles intended for other persons or for sale: *Provided*, That in case of residents of the United States returning from abroad all wearing apparel, personal and household effects taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury: *Provided further*, That up to but not exceeding $100 in value of articles acquired abroad by residents of the United States for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, shall be admitted free of duty.
645. Whalebone, unmanufactured.
646. Wheat flour and semolina: *Provided*, That wheat flour shall be subject to a duty of 10 per cent ad valorem when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on wheat flour imported from the United States.
647. Barbed wire, galvanized wire not larger than No. 6 and not smaller than No. 14 wire gauge of the kind commonly used for fencing purposes, galvanized wire fencing composed of wires not larger than No. 6 nor smaller than No. 14 wire gauge, and wire commonly used for baling hay or other commodities.
648. Witherite.
649. Wood: Logs, timber, round, unmanufactured, hewn or sawed, sided or squared; pulp woods, kindling wood, firewood, hop poles, fence posts, handle bolts, shingle bolts, gun blocks for gunstocks rough hewn or sawed, or planed on one side; hubs for wheels, posts, heading bolts, stave bolts, last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks or sticks, rough hewn, sawed, or bored; sawed boards, planks, deals, and other lumber, not further manufactured than sawed, planed, and tongued and grooved; clapboards, laths, pickets, palings, staves, shingles, ship timber, ship planking, broom handles, sawdust, and wood flour; all the foregoing not specially provided for in this section.
650. Woods: Cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough, or hewn only, and red cedar (Juniperus virginiana) timber, hewn, sided, squared, or round; sticks of partridge, hair wood, pimento, orange, myrtle, bamboo, rattan, reeds unmanufactured, india malacca joints, and other woods not specially provided for in this section, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.
651. Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached: *Provided*, That if any country, dependency, province, or other subdivision of government, shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge, or license fee, or otherwise) upon printing paper, mechanically ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp, the amount of such export duty or other export charge upon an equal amount of mechanically ground wood pulp, or chemical wood pulp, or upon an amount of wood for use in the manufacture of wood pulp necessary to manufacture such chemical wood pulp, or upon an amount of printing paper ordinarily manufactured from such wood pulp, shall be imposed as a duty upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government; and if any country, dependency, province, or other subdivision of government shall prohibit the exportation of printing paper, mechanically ground wood pulp, chemical wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed a duty of one-tenth of 1 cent per pound upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government.
652. Wool of the sheep, hair of the camel, and other like animals, and all wools and hair on the skin of such animals.
653. Wool wastes: All noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and all other wastes not specially provided for in this section.
654. Works of art, including paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen and ink or pencil and water colors, etchings not to exceed 20 numbered impressions, and engravings not to exceed 20 numbered impressions, and lithographs not to exceed 20 numbered impressions and original sculptures, including not more than two replicas or reproductions of the same; but the term "sculpture" as used in this section shall be understood to include professional productions of sculptors only, whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, or alabaster, or from metal, or cast in bronze or other metal or substance, or from wax or plaster, made as the professional productions of sculptors only; and the word "painting" as used in this section shall not be understood to include any articles of utility, nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings" and "engravings" as used in this section shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools and not such as are printed from plates or blocks etched or engraved by photochemical or other mechanical processes.
655. Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in cases where application therefor shall be made.
656. Works of art, collections in illustration of the progress of the arts, sciences, agriculture, or manufactures, photographs, works in terra cotta, parian, pottery, or porcelain, antiquities and artistic copies thereof in metal or other material, imported in good faith for exhibition at a fixed place by any State or by any society or institution established for the encouragement of the arts, science, agriculture, or

education, or for a municipal corporation, and all like articles imported in good faith by any society or association, or for a municipal corporation, for the purpose of erecting a public monument, and not intended for sale nor for any other purpose than herein expressed; but bond shall be given under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject, at any time, to examination and inspection by the proper officers of the customs: *Provided,* That the privileges of this and the preceding section shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

657. Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution or to any State or municipal corporation or incorporated religious society, college, or other public institution, including stained or painted window glass or stained or painted glass windows, and except any article, in whole or in part, molded, cast, or mechanically wrought from metal within 20 years prior to importation; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

658. Works of art (except rugs and carpets), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced more than 100 years prior to the date of importation, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe.

659. Zaffer.

SECTION II.

A. That there shall be levied, assessed, and paid annually upon the entire net income arising or accruing from all sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad, and to every person residing in the United States, though not a citizen thereof, a tax of 1 per cent per annum upon such income over and above $4,000; and a like tax shall be assessed, levied, and paid annually upon the entire net income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

In addition to the income tax provided under this section (herein referred to as the normal income tax), there shall be levied, assessed, and collected upon the net income of every individual an additional income tax (herein referred to as the additional tax) of 1 per cent per annum upon the amount by which the total net income exceeds $20,000 and does not exceed $50,000, and 2 per cent per annum upon the amount by which the total net income exceeds $50,000 and does not exceed $100,000, and 3 per cent per annum upon the amount by which the total net income exceeds $100,000. All the provisions of this section relating to individuals who are to be chargeable with the normal income tax, so far as they are applicable, shall apply to the levy, assessment, and collection of the additional tax imposed under this section. Every person subject to this additional tax shall, for the purpose of its assessment and collection, make a personal return of his total net income from all sources, corporate or otherwise, for the preceding calendar year.

B. That, subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any lawful business carried on for gain or profit, or gains or profits and income derived from any source whatever, including the income from but not the value of property acquired by bequest, devise, or descent: *Provided,* That the proceeds of life insurance policies paid upon the death of the person insured or payments made by or credited to the insured, on life insurance, endowment, or annuity contracts, upon the return thereof to the insured at the maturity of the term mentioned in the contract, shall not be included as income.

That in computing net income for the purpose of the normal tax there shall be allowed as deductions the necessary expenses actually incurred in carrying on any business, not including personal, living, or family expenses; all interest accrued and payable within the year by a taxable person on indebtedness; all national, State, county, school, and municipal taxes accrued within the year, not including those assessed against local benefits; losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; debts actually ascertained to be worthless and charged off during the year; also a reasonable allowance for the exhaustion, wear, and tear of property arising out of its use or employment in the business, but no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made; no deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate; the amount of income received or payable from any source at which the tax upon such income, which is or will become due, under the provisions of this section, has been withheld for payment at the source in the manner hereinafter provided, shall be deducted; but in all cases where the tax upon the annual gains, profits, and incomes of a person is required to be withheld and paid at the source as hereinafter provided, if such annual income, except that derived from interest on corporate or United States indebtedness, does not exceed the rate of $4,000 per annum, or if the same is uncertain, indefinite, or irregular in the amount or time during which it shall have accrued, and is not fixed or determinable, the same shall be included in estimating net annual income to be embraced in a personal return; also the amount received as dividends upon the stock, or from the net earnings of any corporation, joint-stock company, association, or insurance company which is taxable upon its net income as hereinafter provided shall be deducted. The net income from property owned and business carried on in the United States by persons residing elsewhere shall be computed upon the basis prescribed in this paragraph and that part of paragraph G of this section relating to the computation of the net income of corporations, joint-stock and insurance companies, organized, created, or existing under the laws of foreign countries, in so far as applicable.

C. That in computing net income under this section there shall be excluded the interest upon the obligations of a State or any political subdivision thereof, and upon the obligations of the United States or its possessions the principal and interest of which are now exempt by law from Federal taxation; also the compensation of the present President of the United States during the term for which he has been elected, and of the judges of the Supreme and inferior courts of the United States now in office, and the compensation of all officers and employees of a State or any political subdivision thereof.

D. That there shall be deducted from the amount of the net income of each of such persons, ascertained as provided herein, the sum of $4,000: *Provided,* That only one deduction of $4,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or husband and wife, but if the wife is living permanently apart from her husband she may be taxed independently; but guardians shall be allowed to make deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family and have joint property interests the aggregate deduction in their favor shall not exceed $4,000; and said tax shall be computed upon the remainder of said net income of such person for the year ending December 31, 1913, and for each calendar year thereafter; and on or before the 1st day of March, 1914, and the 1st day of March in each year thereafter, a true and accurate return, under oath or affirmation, shall be made by each person of lawful age, except as hereinafter provided, subject to the tax imposed by this section, and having a net income of $3,500 or over for the taxable year, to the collector of internal revenue for the district in which such person resides or has his principal place of business, or, in the case of a person residing in a foreign country, in the place where his principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income from all separate sources and from the total thereof, deducting the aggregate items or expenses and allowance herein authorized; guardians, trustees, executors, administrators, agents, receivers, conservators, and all persons, corporations, or associations acting in any fiduciary capacity, shall make and render a return of the net income of the person for whom they act, subject to this tax, coming into their custody or control and management, and be subject to all the provisions of this section which apply to individuals; and also all persons, firms, companies, copartnerships, corporations, joint-stock companies or associations, and insurance companies, except as hereinafter provided, in whatever capacity acting, having the control, receipt, disposal, or payment of fixed or determinable annual gains, profits, and income of another person subject to tax, shall in behalf of such person make and render a return, as aforesaid, but separate and distinct, of the portion of the income of each person from which the normal tax has been thus withheld, and containing also the name and address of such person or stating that the name and address or the address, as the case may be, are unknown: *Provided,* That in either case above mentioned no return of income not exceeding $3,500 shall be required: *Provided further,* That persons liable only for the normal income tax, on their own account or in behalf of another, shall not be required to make return of the income derived from dividends on the capital stock or from the net earnings of corporations, joint-stock companies or associations, and insurance companies taxable upon their net income as hereinafter provided; and the collector or deputy collector shall require every list to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated: *Provided,* That no such increase shall be made except after due notice to such party and upon proof of the amount understated; or if the list or return of any person shall have been increased by the collector, such person may be permitted to prove the amount liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector. If dissatisfied with the decision of the collector, such person may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish sworn testimony of witnesses to prove any relevant facts.

E. That all assessments shall be made and all persons shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said assessments shall be paid on or before the 30th day of June, except in cases of refusal or neglect to make such return and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such person or persons immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the 30th day of June in any year, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same became due, except from the estates of insane, deceased, or insolvent persons.

All persons, firms, copartnerships, companies, corporations, joint-stock companies or associations, and insurance companies, in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, agents, receivers, conservators, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensation, remuneration, emoluments, or other fixed or determinable annual gains, profits, and income of another person, exceeding $4,000 for any taxable year, other than dividends on capital stock, or from the net earnings of corporations and joint-stock companies or associations subject to like tax, who are required to make and render a return in behalf of another, as provided herein, to the collector of his, her, or its district, are hereby authorized and required to deduct and withhold from such annual gains, profits, and income such sum as will be sufficient to pay the normal tax imposed thereon by this section, and shall pay to the officer of the United States Government authorized to receive the same; and they are each hereby made personally liable for such tax. In all cases where the income tax of a person is withheld and deducted and paid or to be paid at the source as aforesaid, such person shall not receive the benefit of the exemption of $4,000 allowed herein except by an application for refund of the tax unless he shall, not less than 30 days prior to the day on which the return of his income is due, file with the person who is required to withhold and pay tax for him, an affidavit claiming the benefit of such exemption; nor shall any person under the foregoing conditions be allowed the benefit of any deduction provided for in subsection B of this section unless he shall, not less than 30 days prior to the day on which the return of his income is due, file either with the person who is required to withhold and pay tax for him a true and correct return of his annual gains, profits, and income from all other sources, and also the deductions asked for, and the showing thus made shall then become a part of the return to be made in his behalf by the person required to withhold and

pay the tax, or such person may likewise make application for deductions to the collector of the district in which return is made or to be made for him: *Provided*, That the amount of the normal tax hereinbefore imposed shall be deducted and withheld from fixed and determinable annual gains, profits, and income derived from interest upon bonds, mortgages, or other indebtedness of corporations, joint-stock companies or associations, insurance companies, and also of the United States Government not now exempt from taxation, whether payable annually or at shorter or longer periods, although such interest does not amount to $4,000, subject to the provisions of this section requiring the tax to be withheld at the source and deducted from annual income; and likewise the amount of such tax shall be deducted and withheld from coupons, checks, or bills of exchange for or in payment of interest upon bonds of foreign countries and upon foreign mortgages or like obligations (not payable in the United States), and also from coupons, checks, or bills of exchange for or in payment of any dividends upon the stock or interest upon the obligations of foreign corporations, associations, and insurance companies engaged in business in foreign countries; and the tax in each case shall be withheld and deducted for and in behalf of any person subject to the tax hereinbefore imposed, although such interest, dividends, or other compensation does not exceed $4,000, by any banker or person who shall sell or otherwise realize coupons, checks, or bills of exchange drawn or made in payment of any such interest or dividends (not payable in the United States), and any person who shall obtain payment (not in the United States) in behalf of another of such dividends and interest by means of coupons, checks, or bills of exchange, and also any dealer in such coupons who shall purchase the same for any such dividends or interest (not payable in the United States), otherwise than from a banker or another dealer in such coupons; but in each case the benefit of the exemption and the deduction allowable under this section may be had by complying with the foregoing provisions of this paragraph.

Nothing in this section shall be construed to release a taxable person from liability for income tax.

The tax herein imposed upon annual gains, profits, and income not falling under the foregoing and not returned and paid by virtue of the foregoing shall be assessed by personal return. Any person for whom return has been made and the tax paid, or to be paid as aforesaid, shall not be required to make a return unless such person has other net income, but only one deduction of $4,000 shall be made in the case of any such person.

F. That if any person, corporation, joint-stock company, association, or insurance company liable to make the return or pay the tax aforesaid shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, such person shall be liable to a penalty not exceeding $500. Any person required by law to make, render, sign, or verify any return who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this section to be made shall be guilty of a misdemeanor, and shall be fined not exceeding $1,000 or be imprisoned not exceeding one year, or both, at the discretion of the court, with the costs of prosecution.

G. That the normal tax hereinbefore imposed upon individuals likewise shall be levied, assessed, and paid annually upon the entire net income arising or accruing from all sources during the preceding calendar year to every corporation, joint-stock company or association, and every insurance company, organized in the United States, no matter how created or organized, but not including partnerships; but if organized, authorized, or existing under the laws of any foreign country, upon the amount of net income arising or accruing by it from business transacted and capital invested within the United States during such year: *Provided, however*, That nothing in this section shall apply to labor, agricultural, or horticultural organizations, or to mutual savings banks not having a capital stock represented by shares, or to fraternal beneficiary societies, orders, or associations operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members, nor to domestic building and loan associations, nor to cemetery companies, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual.

Second. Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint-stock company or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses paid within the year out of income in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any; and in the case of mines an allowance for depletion of ores and all other natural deposits on the basis of their actual original cost in cash or the equivalent of cash; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: *Provided further*, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves; (third) interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year: *Provided*, That in the case of bonds or other indebtedness, which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed shall be allowed; and in the case of a bank, banking association, or trust company, interest paid within the year on deposits; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory, or Government of any foreign country, as a condition to carry on business therein: *Provided*, That in the case of a corporation, joint-stock company or association, or insurance company, organized, authorized, or existing under the laws of any foreign country, such net income shall be ascertained by deducting from the gross amount of its income received within the year from business transacted and capital invested within the United States (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any, and in the case of mines an allowance for depletion of ores and all other natural deposits on the basis of their actual original cost in cash or the equivalent of cash; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: *Provided further*, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves; (third) interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year which the gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States: *Provided*, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed shall be allowed; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof as a condition to carry on business therein. In the case of assessment insurance companies the actual deposit of sums with State or Territorial officers, pursuant to law, as additions to guarantee or reserve funds shall be treated as being payments required by law to reserve funds.

Third. The tax herein imposed shall be computed upon its entire net income for the year ending December 31, 1913, and for each calendar year thereafter: *Provided, however*, That any corporation, joint-stock company or association, or insurance company subject to this tax may designate the last day of any month in the year as the day of the closing of its fiscal year and shall be entitled to have the tax payable by it computed upon the basis of the net income ascertained as herein provided for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis of the net income for the calendar year preceding the date of assessment; and it shall give notice of the day it has thus designated as the closing of its fiscal year to the collector of the district in which its principal business office is located at any time not less than 30 days prior to the date upon which its annual return shall be filed. All corporations, joint-stock companies or associations, and insurance companies subject to the tax herein imposed, computing taxes upon the income of the calendar year, shall, on or before the 1st day of March, 1914, and the 1st day of March in each year thereafter, and all corporations, joint-stock companies or associations, and insurance companies, computing taxes upon the income of a fiscal year which it may designate in the manner hereinbefore provided, shall render a like return within 60 days after the close of its said fiscal year, and within 60 days after the close of its fiscal year in each year thereafter, or in the case of a corporation, joint-stock company or association, or insurance company, organized or existing under the laws of a foreign country, in the place where its principal business is located within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, shall render a true and accurate return under oath or affirmation of its president, vice president, or other principal officer, and its treasurer or assistant treasurer, to the collector of internal revenue for the district in which it has its principal place of business, setting forth (1) the total amount of its paid-up capital stock outstanding, or if no capital stock, its capital employed in business at the close of the year; (2) the total amount of its bonded and other indebtedness at the close of the year; (3) the gross amount of its income, received during such year from all sources, and if organized under the laws of a foreign country the gross amount of its income received within the year from business transacted and capital invested within the United States; (4) the total amount of all its ordinary and necessary expenses paid out of earnings in the maintenance and operation of the business and properties of such corporation, joint-stock company or association, or insurance company within the year, stating separately all rentals or other payments required to be made as a condition to the continued use or possession of property, and if organized under the laws of a foreign country the amount so paid in the maintenance and operation of its business within the United States; (5) the total amount of all losses actually sustained during the year and not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: *Provided further*, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves; and in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, all losses actually sustained by it during the year in business conducted by it within the United States, not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: *Provided further*, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves; (6) the amount of interest accrued and paid within the year on its bonded or other indebtedness not exceeding its paid-up capital stock, outstanding at the close of the year, or if no capital stock, the amount of interest paid within the year on an amount of indebtedness not exceeding the amount of capital em-

ployed in the business at the close of the year, and in the case of a bank, banking association, or trust company, stating separately all interest paid by it within the year on deposits; or in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded or other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, or if no capital stock, the amount of capital employed in the business at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States; (7) the amount paid by it within the year for taxes imposed under the authority of the United States and separately the amount so paid by it for taxes imposed by the Government of any foreign country as a condition to carrying on business therein; (8) the net income of such corporation, joint-stock company or association, or insurance company, after making the deductions in this subsection authorized. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue.

All assessments shall be made and the several corporations, joint-stock companies or associations, and insurance companies shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said assessment shall be paid on or before the 30th day of June: *Provided*, That every corporation, joint-stock company or association, and insurance company, computing taxes upon the income of the fiscal year which it may designate in the manner hereinbefore provided, shall pay the taxes due under its assessment within 120 days after the date upon which it is required to file its list or return of income for assessment; except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint-stock company or association, or insurance company immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the 30th day of June in any year, or after 120 days from the date on which the return of income is required to be made by the taxpayer, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due.

Fourth. When the assessment shall be made, as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.

If any of the corporations, joint-stock companies or associations, or insurance companies aforesaid, shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint-stock company or association, or insurance company shall be liable to a penalty of not exceeding $10,000.

H. That the word "State" or "United States" when used in this section shall be construed to include any Territory, Alaska, the District of Columbia, Porto Rico, and the Philippine Islands, when such construction is necessary to carry out its provisions.

J. That sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the 1st day of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law within 10 days from the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid, shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person or corporation, company or association, and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding 30 days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

K. That it shall be the duty of every collector of internal revenue, to whom any payment of any taxes other than the tax represented by an adhesive stamp or other engraved stamp is made under the provisions of this section, to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

L. That jurisdiction is hereby conferred upon the district courts of the United States for the district within which any person summoned under this section to appear to testify or to produce books shall reside, to compel such attendance, production of books, and testimony by appropriate process.

M. That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this section, are hereby extended and made applicable to all the provisions of this section and to the tax herein imposed.

N. That the provisions of this section shall extend to Porto Rico and the Philippine Islands: *Provided*, That the administration of the law and the collection of the taxes imposed in Porto Rico and the Philippine Islands shall be by the appropriate internal-revenue officers of those governments, and all revenues collected in Porto Rico and the Philippine Islands thereunder shall accrue intact to the general governments thereof, respectively: *And provided further*, That the jurisdiction in this section conferred upon the district courts of the United States shall, so far as the Philippine Islands are concerned, be vested in the courts of the first instance of said islands: *And provided further*, That nothing in this section shall be held to exclude from the computation of the net income the compensation paid any official by the governments of Porto Rico and the Philippine Islands or the political subdivisions thereof.

SECTION III.

A. That the act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended, be further amended to read as follows:

"B. That all merchandise imported into the United States shall, for the purpose of this act, be deemed and held to be the property of the person to whom the same is consigned; and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof; and in case of the abandonment of any merchandise to the underwriters the latter may be recognized as the consignee. That for the purposes of this act bringing or causing merchandise to be brought within the territorial limits of the United States shall be construed to be an

attempt to enter or introduce the same into the commerce of the United States.

"C. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made, or, if purchased, or agreed to be purchased, in the currency actually paid, agreed upon, or to be paid therefor, shall contain a correct, complete, and detailed description of such merchandise and of the packages, wrappings, or other coverings containing it, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or price agreed upon, fixed, or determined, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or agreement of purchase, or by the duly authorized agent of such purchaser, seller, manufacturer, or owner.

"D. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consular officer of the United States of the consular district in which the merchandise was manufactured, or purchased, or contracted to be delivered from, or when purchases or agreements for purchase are made in several places, in the consular district where the merchandise is assembled for shipment, as the case may be, for export to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, seller, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true and was made at the place from which the merchandise is to be exported to the United States; that it contains, if the merchandise was obtained by purchase, or agreement for purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, or agreed to be purchased, and the actual cost thereof, or price agreed upon, fixed, or determined, and of all charges thereon, as provided by this act; and that no discounts, rebates, or commissions are contained in the invoice but such as have been actually allowed thereon, and that all drawbacks or bounties received or to be received are shown therein; and when obtained in any other manner than by purchase, or agreement of purchase, the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it includes all charges thereon as provided by this act, and the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to anyone. If the merchandise was actually purchased, or agreed to be purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is that which was actually paid for the merchandise by the purchaser, or agreed to be paid, fixed, or determined.

"E. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding $100 in value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice; and no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from which the same has been imported, which statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy, and it shall be lawful for the collector or his deputy to examine the deponent under oath, touching the sources of his knowledge, information, or belief in the premises, and to require him to produce any letter, paper, or statement of account in his possession, or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof, and in default of such production, when so requested, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such letter, paper, or statement for the purpose of avoiding any additional duty, penalty, or forfeiture incurred under this act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded; and no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee, or agent thereof: *Provided*, That the Secretary of the Treasury may make regulations by which books, magazines, and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series. And when entry of merchandise exceeding $100 in value is made by a statement in the form of an invoice, the collector shall require a bond for the production of a duly certified invoice.

"F. That whenever merchandise imported into the United States is entered by invoice, a declaration upon a form to be prescribed by the Secretary of the Treasury, according to the nature of the case, shall be filed with the collector of the port at the time of entry by the owner, importer, consignee, or agent, which declaration so filed shall be duly signed by the owner, importer, consignee, or agent before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, under regulations to be prescribed by the Secretary of the Treasury: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel which should otherwise be embraced in said entry have not been received at the date of the entry the declaration may state the fact, and thereupon such merchandise, of which the invoices or bills of lading are not produced, shall not be included in such entry, but may be entered subsequently.

"G. That if any consignor, seller, owner, importer, consignee, agent, or other person or persons, shall enter or introduce, or attempt to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall make any false statement in the declarations provided for in paragraph F without reasonable cause to believe the truth of such statement, or shall aid or procure the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, or shall be guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such person or persons shall upon conviction be fined for each offense a sum not exceeding $5,000, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court: *Provided*, That nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided by law.

"H. That if any consignor, seller, owner, importer, consignee, agent, or other person or persons shall enter or introduce, or attempt to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall make any false statement in the declarations provided for in paragraph F without reasonable cause to believe the truth of such statement, or shall aid or procure the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, or shall be guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties or any portion thereof, accruing upon the merchandise or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates.

"I. That the owner, consignee, or agent of any imported merchandise may, at the time when he shall make entry of such merchandise, but not after either the invoice or the merchandise has come under the observation of the appraiser, make such addition in the entry to or such deduction from the cost or value given in the invoice or pro forma invoice or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of importer merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per cent of the total appraised value thereof for each 1 per cent that such appraised value exceeds the value declared in the entry: *Provided*, That the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to 75 per cent of the appraised value of such article or articles. Such additional duties shall not be construed to be penal, and shall not be remitted nor payment thereof in any way avoided except in cases arising from a manifest clerical error, nor shall they be refunded in case of exportation of the merchandise, or on any other account, nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than 75 per cent, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in case of forfeiture for violation of the customs laws, and in any legal proceeding other than a criminal prosecution that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: *Provided further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to merchandise entered by a pro forma invoice or statement in the form of an invoice, and no forfeiture or disability of any kind incurred under the provisions of this section shall be remitted or mitigated by the Secretary of the Treasury. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

"J. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in paragraph L of this act. When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same: *Provided*, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported when consigned by a person other than the manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

"K. That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

"L. That when the actual market value, as defined by law, of any article of imported merchandise, wholly or partly manufactured and subject to an ad valorem duty, or to a duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, such officer shall use all available means in his power to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture, such cost of production to include the cost of materials and of fabrication, and all general expenses to be estimated at not less than 10 per cent, covering each and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of not less than 8 nor more than 50 per cent upon the total cost as thus ascertained; and in no case shall such merchandise be appraised upon original appraisal or reappraisement at less than the total cost of production as thus ascertained. The actual market value or wholesale price, as defined by law, of any imported merchandise which is consigned for sale in the United States, or which is sold for exportation to the United States, and which is not actually sold or freely offered for sale in usual wholesale quantities in the open market of the country of exportation to all purchasers, shall not in any case be appraised at less than the wholesale price at which such or similar imported merchandise is actually sold or freely offered for sale in usual wholesale quantities in the United States in the open market, due allowance by deduction being made for estimated duties thereon, cost of transportation, insurance and other necessary expenses from the place of shipment to the place of delivery, and a commission not exceeding 6 per cent, if any has been paid or contracted to be paid on consigned goods, or a reasonable allowance for general expenses and profits (not to exceed 8 per cent) on purchased goods; and with reference to the appraisement of all imported merchandise, whether purchased or consigned, the Secretary of the Treasury is authorized and empowered to determine the existence or nonexistence of a foreign market, and such determination shall be binding and conclusive upon all persons and interests.

"M. That the appraiser shall revise and correct the reports of the assistant appraisers as he may judge proper, and the appraiser, or, at ports where there is no appraiser, the person acting as such, shall report to the collector his decision as to the value of the merchandise appraised. At ports where there is no appraiser the certificate of the customs officer to whom is committed the estimating and collection of duties, of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisement of such merchandise. If the collector shall deem the appraisement of any imported merchandise too low, he may, within 60 days thereafter, appeal to reappraisement, which shall be made by one of the general appraisers, or if the importer, owner, agent, or consignee of such merchandise shall deem the appraisement thereof too high, and shall have complied with the requirements of law with respect to the entry and appraisement of merchandise, he may within 10 days thereafter appeal for reappraisement by giving notice thereof to the collector in writing. Such appeal shall be deemed to be finally abandoned and waived unless within 2 days from the date of filing thereof the person who filed such notice shall deposit with the collector of customs a fee of $1 with respect to each appraisement objected to. Such fee shall be deposited and accounted for as miscellaneous receipts, and in case the appeal in connection with which such fee was deposited shall be finally sustained, in whole or in part, such fee shall be refunded to the importer, with the duties found to be collected in excess, from the appropriation for the refund to importers of excess of deposits. The decision of the general appraiser in cases of reappraisement shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall deem the reappraisement of the merchandise too high, and shall, within 5 days thereafter, give notice to the collector, in writing, of an appeal, or unless the collector shall deem the reappraisement of the merchandise too low, and shall within 10 days thereafter appeal for re-reappraisement; in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of 9 general appraisers, to be by rule thereof duly assigned for determination. In such cases the general appraiser and boards of general appraisers shall proceed by all reasonable ways and means in their power to ascertain, estimate, and determine the dutiable value of the imported merchandise, and in so doing may exercise both judicial and inquisitorial functions. In such cases hearings may in the discretion of the general appraiser or Board of General Appraisers before whom the case is pending be open and in the presence of the importer or his attorney and any duly authorized representative of the Government, who may in like discretion examine and cross-examine all witnesses produced. The decision of the appraiser, or the person acting as such (in case where no objection is made thereto, either by the collector or by the importer, owner, consignee, or agent), or the single general appraiser in case of no appeal, or of the board of 3 general appraisers, in all reappraisement cases, shall be final and conclusive against all parties and shall not be subject to review in any manner for any cause in any tribunal or court, and the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of the duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law; and no reappraisement or re-reappraisement shall be considered invalid because of the absence of the merchandise or samples thereof before the officer or officers making the same.

"N. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, or upon merchandise on which duty shall have been assessed, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within 30 days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within 15 days after the payment of such fees, charges, and exactions, if dissatisfied with such decision imposing a higher rate of duty, or a greater charge, fee, or exaction, than he shall claim to be legally payable, file a protest or protests in writing with the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Each protest shall be limited to a single article or class of articles, and to a single entry or payment; and issues of classification shall not be joined with other issues in the same protest. Such protest shall be deemed to be finally abandoned and waived unless within 30 days from the date of filing thereof the person who filed such notice or protest shall have deposited with the collector of customs a fee of $1 with respect to each protest. Such fee shall be deposited and accounted for as miscellaneous receipts, and in case the protest in connection with which such fee was deposited shall be finally sustained in whole or in part, such fee shall be refunded to the importer, with the duties found to be collected in excess, from the appropriation for the refund to importers of excess of deposits.

"Upon such payment of duties, protest, and deposit of protest fee, the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of nine general appraisers, for due assignment and determination as provided by law; such determination shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an appeal shall be filed in the United States Court of Customs Appeals within the time and in the manner provided for by law.

"O. That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers, or the collectors, as the case may be, may cite to appear before them, and examine upon oath any owner, importer, agent, consignee, or other person touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise then under consideration or previously imported, in ascertaining the dutiable value or classification thereof; and they, or either of them, may require the production of any letters, accounts, contracts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed and preserved for use or reference until the final decision of the collector, appraiser, or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be; and such evidence shall be given consideration in all subsequent proceedings relating to such merchandise.

"P. That if any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a general appraiser, or a board of general appraisers, or a local appraiser, or a collector, he shall be liable to a penalty of not less than $20 nor more than $500, to be summarily imposed by the collector or chief officer of customs in the customs collection district where the citation issued; and upon the report of such officer to the district court in the judicial district where such citation issued, the amount of such penalty shall be forthwith entered upon the docket of such court against the person so fined, and such entry shall have the full force and effect of a judgment of said court; and if such person be the owner, importer, or consignee, the appraisement which the Board of General Appraisers or local appraiser, or collector where there is no appraiser, may make of the merchandise shall be final and conclusive; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or Board of General Appraisers, or local appraiser or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited, or the value thereof may be recovered from him.

"Q. That all decisions of the general appraisers and of the boards of general appraisers respecting values and rates of duty shall be preserved and filed, and shall be open to inspection under proper regulations to be prescribed by the Secretary of the Treasury. All decisions of the general appraisers shall be reported forthwith to the Secretary of the Treasury and to the Board of General Appraisers on duty at the port of New York, and the report to the board shall be accompanied, whenever practicable, by samples of the merchandise in question, and it shall be the duty of the said board, under the direction of the Secretary of the Treasury, to cause an abstract to be made and published of such decisions of the appraisers as they or he may deem important, and of the decisions of each of the general appraisers and boards of general appraisers, which abstract shall contain a general description of the merchandise in question, a statement of the facts upon which the decision is based, and of the value and rate of duty fixed in each case, with reference, whenever practicable, by number or other designation, to samples deposited in the place of samples at New York, and such abstracts shall be issued from time to time, at least once in each week, for the information of customs officers and the public.

"R. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value shall be held to be the price at which such merchandise is freely offered for sale to all purchasers in said markets, in the usual wholesale quantities, and the price which the seller, shipper, or owner would have received, and was willing to receive, for such merchandise when sold in the ordinary course of trade in the usual wholesale quantities, including the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would be subjected if separately imported. That the words 'value' or 'actual market value,' or 'wholesale price,' whenever used in this act, or in any law relating to the appraisement of imported merchandise, shall be construed to be the actual market value or wholesale price of such, or similar merchandise comparable in value therewith, as defined in this act.

"S. Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles.

"T. That in all suits or informations brought, where any seizure has been made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant, and in all actions or proceedings for the recovery of the value of merchandise imported contrary to any act providing for or regulating the collection of duties on imports or tonnage, the burden of proof shall be upon the defendant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

"U. That if any person, persons, corporations, or other bodies selling, shipping, consigning, or manufacturing merchandise exported to the United States shall fail or refuse to submit to the inspection of a duly accredited investigating officer of the United States, when so requested to do, any or all of his books, records, or accounts pertaining to the value or classification of such merchandise, then the Secretary of the Treasury, in his discretion, is authorized while such failure or refusal continues to exclude from entry any and all merchandise sold, shipped, consigned, or manufactured by such person, persons, corporations, or other bodies and imported into the United States.

"V. That if any person, persons, corporations, or other bodies engaged in the importation of merchandise into the United States or engaged in dealing with such imported merchandise shall fail or refuse to submit to the inspection of a duly accredited investigating officer of the United States, upon request so to do from the chief officer of customs at the port where such merchandise is entered, any or all of his books, records, or accounts pertaining to the value or classification of any such imported merchandise, then the Secretary of the Treasury, in his discretion, is authorized while such failure or refusal continues, to exclude from entry any and all merchandise consigned or shipped, or intended for delivery, to such person, persons, corporations, or other bodies so failing or refusing.

"W. That there shall be established in each of the consulates of the United States a registry of commissionaires or purchasing agents; that no person shall be permitted to register as such except upon some affirmative showing of his agency by affidavit indicating the scope of such agency, the parties thereto, the duration, the merchandise to which it relates, the terms and conditions of its exercise, and the commissions involved, the truth of each of which affidavits shall be verified by investigation of the consul before registration is permitted; no such registration shall be permitted unless the agency is operative in the open market exclusively and the commissions provided for are the usual and ordinary commissions prevalent in the trade. Each invoice in which an item of commission appears covering merchandise shipped from any consular district where such registry has been established shall have included in the certificate of the consul a statement that the party claiming in the invoice to be the agent of the purchaser appears on the registry of the consulate as such, and in the absence of such certificate no officer shall allow as nondutiable any item of commission appearing on such invoice or claimed on behalf of any importer.

"No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be and that he is a credible person and that the statements made under such oath are true, and he shall thereupon, by his certificate, state that the person is the person he represents himself to be, is a credible person, and he believes the statements made in his oath to be true. No consular officer shall certify to the truth of the values stated in any invoice.

"X. That where merchandise purchased or manufactured in different consular districts in the same country is assembled for shipment and embraced in a single invoice and consulated at the shipping point, such invoice shall have attached thereto the original bills or invoices or statements in the nature of such, showing the prices actually paid, contracted to be paid, fixed, or determined, and in connection with each such purchase or consignment the invoice shall state all charges and expenses as provided in paragraph R of this act.

"Y. No allowance shall be made in the estimation and liquidation of duties for shortage or nonimportation caused by decay, destruction, or injury to fruit or other perishable articles imported into the United States whereby their commercial value has been destroyed, unless under regulations prescribed by the Secretary of the Treasury. Proof to ascertain such destruction or nonimportation shall be lodged with the collector of customs of the port where such merchandise has been landed, or the person acting as such, within 10 days after the landing of such merchandise. The provisions hereof shall apply whether or not the merchandise has been entered, and whether or not the duties have been paid or secured to be paid, and whether or not a permit of delivery has been granted to the owner or consignee. Nor shall any allowance be made for damage, but the importers may within 10 days after entry abandon to the United States all or any portion of goods, wares, or merchandise of every description included in any invoice and be relieved from the payment of duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to 10 per cent or more of the total value or quantity of the invoice. The right of abandonment herein provided for may be exercised whether the goods, wares, or merchandise have been damaged or not, or whether or not the same have any commercial value: *Provided further*, That section 2899 of the Revised Statutes, relating to the return of packages unopened for appraisement, shall in no wise prohibit the right of importers to make all needful examinations to determine whether the right to abandon accrues, or whether by reason of total destruction there is a nonimportation in whole or in part. All merchandise abandoned to the Government by the importers shall be delivered by the importers thereof at such place within the port of arrival as the chief officer of customs may direct, and on the failure of the importers to comply with the direction of the collector or the chief officer of customs, as the case may be, the abandoned merchandise shall be disposed of by the customs authorities under such regulations as the Secretary of the Treasury may prescribe, at the expense of such importers. Where imported fruit or perishable goods have been condemned at the port of original entry within 10 days after landing, by health officers or other legally constituted authorities, the importers or their agents shall, within 24 hours after such condemnation, lodge with the collector, or the person acting as collector, of said port, notice thereof in writing, together with an invoice description and the quantity of the articles condemned, their location, and the name of the vessel in which imported. Upon receipt of said notice the collector, or person acting as collector, shall at once cause an investigation and a report to be made in writing by at least two customs officers touching the identity and quantity of fruit or perishable goods condemned, and unless proof to ascertain the shortage or nonimportation of fruit or perishable goods shall have been lodged as herein required, or if the importer or his agent fails to notify the collector of such condemnation proceedings as herein provided, proof of such shortage or nonimportation shall not be deemed established and no allowance shall be made in the liquidation of duties chargeable thereon.

"Z. That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained or estimated duties, or payments made upon appeal, more money has been paid to or deposited with a collector of customs than, as has been ascertained by final liquidation thereof, the law required to be paid or deposited, the Secretary of the Treasury shall direct the Treasurer to refund and pay the same out of any money in the Treasury not otherwise appropriated. The necessary moneys therefor are hereby appropriated, and this appropriation shall be deemed a permanent indefinite appropriation; and the Secretary of the Treasury is hereby authorized to correct manifest clerical errors in any entry or liquidation for or against the United States, at any time within one year of the date of such entry, but not afterwards: *Provided*, That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

"AA. That from and after the taking effect of this act, no collector or other officer of the customs shall be in any way liable to any owner, importer, consignee, or agent of any merchandise, or any other person, for or on account of any rulings or decisions as to the classification of said merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent of such merchandise might, under this act, be entitled to appeal from the decision of said collector or other officer, or from any board of appraisers.

"BB. That any person who shall give, or offer to give, or promise to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or of the liquidation of the entry thereof, or shall by threats or demands or promises of any character attempt to improperly influence or control any such officer or employee of the United States as to the performance of his official duties shall, on conviction thereof, be fined not exceeding $2,000, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court; and evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such giving or offering or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not done with an unlawful intention.

"CC. That any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact, or receive from any person, directly or indirectly, any money or thing of value in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or liquidation of the entry thereof, on conviction thereof shall be fined not exceeding $5,000, or be imprisoned at hard labor not more than two years, or both, in the discretion of the court; and evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

"DD. That any baggage or personal effects arriving in the United States in transit to any foreign country may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained, without the payment or exaction of any import duty, or to be forwarded by such collector to the collector of the port of departure and to be delivered to such parties on their departure for their foreign destination, under such rules and regulations as the Secretary of the Treasury may prescribe."

SECTION IV.

A. That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however*, That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

B. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same.

C. That there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 50 per cent of their total value, or 20 per cent in case of manufactures of tobacco, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty: *And provided further*, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof, under a through bill of lading, from the country of origin to the country of destination: *Provided*, That direct shipment shall include shipments in bond through foreign territory contiguous to the United States: *Provided, however*, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damages as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as

the case may be, and that its condition has not been changed except for such damage as may have been sustained: *And provided*, That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands, a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise, shipped from said islands to the United States, shall be exempt from the payment of any tax imposed by the internal-revenue laws of the Philippine Islands: *And provided further*, That there shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture; such tax to be paid by internal-revenue stamps or otherwise, as provided by the laws in the Philippine Islands; and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of the United States: *And provided further*, That in addition to the customs taxes imposed in the Philippine Islands, there shall be levied, collected, and paid therein upon articles, goods, wares, or merchandise imported into the Philippine Islands from countries other than the United States, the internal-revenue tax imposed by the Philippine Government on like articles manufactured and consumed in the Philippine Islands or shipped thereto for consumption therein, from the United States: *And provided further*, That from and after the passage of this act all internal revenues collected in or for account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the insular treasury: *And provided further*, That section 13 of "An act to raise revenue for the Philippine Islands, and for other purposes," approved August 5, 1909, is hereby repealed.

D. That articles, goods, wares, or merchandise going into Porto Rico from the United States shall be exempted from the payment of any tax imposed by the internal-revenue laws of the United States.

E. That whenever any country, dependency, colony, province, or other political subdivision of government shall pay or bestow, directly or indirectly, any bounty or grant upon the exportation of any article or merchandise from such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by manufacture or otherwise, there shall be levied, and paid, in all such cases, in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The net amount of all such bounties or grants shall be from time to time ascertained, determined, and declared by the Secretary of the Treasury, who shall make all needful regulations for the indentification of such articles and merchandise and for the assessment and collection of such additional duties.

F. Subsection 1. That all articles of foreign manufacture or production, which are capable of being marked, stamped, branded, or labeled, without injury, shall be marked, stamped, branded or labeled in legible English words, in a conspicious place that shall not be covered or obscured by any subsequent attachments or arrangements so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

All packages containing imported articles shall be marked, stamped, branded, or labeled so as to indicate legibly and plainly, in English words, the country of origin and the quantity of their contents, and until marked in accordance with the directions prescribed in this section no articles or packages shall be delivered to the importer.

Should any article or package of imported merchandise be marked, stamped, branded, or labeled so as not accurately to indicate the quantity, number, or measurement actually contained in such article or package, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provision.

F. Subsection 2. If any person shall fraudulently violate any of the provisions of this act relating to the marking, stamping, branding, or labeling of any imported articles or packages; or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall upon conviction be fined in any sum not exceeding $5,000, or be imprisoned for any time not exceeding one year, or both.

G. Subsection 1. That all persons are prohibited from importing into the United States from any foreign country any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles shall be proceeded against, seized, and forfeited by due course of law. All such prohibited articles and the package in which they are contained in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as hereinafter prescribed, unless it appears to the satisfaction of the collector of customs that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subsection.

G. Subsection 2. That whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not more than 10 years, or both.

G. Subsection 3. That any circuit or district judge of the United States, within the proper district, before whom complaint in writing of any violation of the two preceding sections is made, to the satisfaction of such judge, and founded on knowledge or belief, and if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal or any deputy marshal in the proper district, directing him to search for, seize, and take possession of any such article or thing mentioned in the two preceding sections, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error.

H. Subsection 1. That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect, or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States and to such officers or agents of the United States in foreign countries as he shall judge necessary.

H. Subsection 2. That any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding $500, or imprisoned not exceeding one year, or both, in the discretion of the court.

I. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

J. Subsection 1. That a discriminating duty of 10 per cent ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade.

J. Subsection 2. That no goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

J. Subsection 3. That the preceding subsection shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

J. Subsection 4. That machinery or other articles to be altered or repaired, molders' patterns for use in the manufacture of castings intended to be and actually exported within six months from the date of importation thereof, commercial travelers' samples solely for use in taking orders for merchandise, articles intended solely for experimental purposes, and automobiles, motor cycles, bicycles, aeroplanes, airships, balloons, motor boats, racing shells, teams, and saddle horses, and similar vehicles and craft brought temporarily into the United States by nonresidents for touring purposes or for the purpose of taking part in races or other specific contests, may be admited without the payment of duty under bond for their exportation within six months from the date of importation and under such regulations and subject to such conditions as the Secretary of the Treasury may prescribe: *Provided*, That no article shall be entitled to entry under this section that is intended for sale or which is imported for sale on approval.

J. Subsection 5. That all materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership, or for the purpose of being employed in the foreign or domestic trade, and all such materials necessary for the building of their machinery, and all articles necessary for their outfit and equipment, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purposes no duties shall be paid thereon.

J. Subsection 6. That all articles of foreign production needed for the repair of American vessels may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

J. Subsection 7. That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States.

K. The privilege of purchasing supplies from public warehouses, free of duty, and from bonded manufacturing warehouses, free of duty or of internal-revenue tax, as the case may be, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privileges toward the vessels of war of the United States in its ports.

L. That whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its

limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe.

M. That all articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class 6: *Provided*, That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: *Provided further*, That the manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps.

Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

No articles or materials received into such bonded manufacturing warehouse shall be withdrawn or removed therefrom except for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the collector of the port, who shall certify to such shipment and exportation, or ladening for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation, and the name of the vessel: *Provided*, That the waste material or by-products incidents to the processes of manufacture in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected, by law, if such waste or by-products were imported from a foreign country. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer.

A careful account shall be kept by the collector of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturers containing a detailed statement of all imported merchandise used by him in the manufacture of exported articles.

Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom.

The provisions of Revised Statutes 3433 shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this act and to the merchandise conveyed therein.

N. That the works of manufacturers engaged in smelting or refining, or both, of ores and crude metals, may upon the giving of satisfactory bonds be designated as bonded smelting warehouses. Ores or crude metals may be removed from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon and there smelted or refined, or both, together with other ores or crude metals of home or foreign production: *Provided*, That the several charges against such bonds may be canceled upon the exportation or delivery to a bonded manufacturing warehouse, established under section M of this section, of the actual amount of metal produced from the smelting or refining, or both, of such ores or crude metals: *And provided further*, That said metal may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom upon the payment of the duties chargeable against it in that condition: *Provided further*, That all labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury, and at the expense of the manufacturer: *Provided further*, That all regulations for the carrying out of this section shall be prescribed by the Secretary of the Treasury.

O. That upon the exportation of articles manufactured or produced in the United States by the use of imported merchandise or materials upon which customs duties have been paid, the full amount of such duties paid upon the quantity of materials used in the manufacture or production of the exported product shall be refunded as drawback, less 1 per cent of such duties: *Provided*, That where a principal product and a by-product result from the manipulation of imported material and only the by-product is exported, the proportion of the drawback distributed to such by-product shall not exceed the duty assessable under this act on a similar by-product of foreign origin if imported into the United States. Where no duty is assessable upon the importation of a corresponding by-product, no drawback shall be payable on such by-product produced from the imported material; if, however, the principal product is exported, then on the exportation thereof there shall be refunded as drawback the whole of the duty paid on the imported material used in the production of both the principal and the by-product, less 1 per cent, as hereinbefore provided: *Provided further*, That when the articles exported are manufactured in part from domestic materials, the imported materials or the parts of the articles manufactured from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: *And provided further*, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe

That on the exportation of flavoring extracts, medicinal or toilet preparations (including perfumery) hereafter manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used: *Provided*, That no other than domestic tax-paid alcohol shall have been used in the manufacture or production of such preparations. Such drawback shall be determined and paid under such rules and regulations, and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation, as the Secretary of the Treasury shall prescribe.

That the provisions of this section shall apply to materials used in the construction and equipment of vessels built for foreign account and ownership, or for the government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported.

P. That upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles, except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported, but proof of the identify of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury.

Q. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

R. That whenever articles are exported to the United States of a class or kind made or produced in the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall, in addition to the duties otherwise established, be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned, and the said fair market value thereof for home consumption, provided that the said special duty shall not exceed 15 per cent ad valorem in any case and that goods whereon the duties otherwise established are equal to 50 per cent ad valorem shall be exempt from such special duty.

"Export price" or "selling price" or "price at which such goods are consigned" in this section shall be held to mean and include the exporter's price for the goods, exclusive of all charges thereon after their shipment from the place whence exported directly to the United States.

The Secretary of the Treasury shall make such rules and regulations as are necessary for the carrying out of the provisions of this section and for the enforcement thereof.

S. That the President shall cause to be ascertained each year the amount of imports and exports of the articles enumerated in the various paragraphs in section 1 of this act and cause an estimate to be made of the amount of the domestic production and consumption of said articles, and where it is ascertained that the imports under any paragraph amount to less than 5 per cent of the domestic consumption of the articles enumerated he shall advise the Congress as to the facts and his conclusions by special message.

T. That, except as hereinafter provided, sections 1 to 42, both inclusive, of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed: *Provided*, That nothing in this act shall be construed to repeal or in any manner affect the following numbered sections of the aforesaid act approved August 5, 1909, viz: Subsection 29 of section 28 and subsequent provisions relating to the establishment and continuance of a customs court; subsection 30 of section 28, providing for additional attorneys; subsection 12 of section 28 and subsequent provisions, establishing a Board of General Appraisers of merchandise; sections 30, 31, 32, 33, and 35, imposing an internal-revenue tax upon tobacco; section 36, providing for a tonnage duty; section 39, authorizing the Secretary of the Treasury to borrow on the credit of the United States to defray expenditures on account of the Panama Canal; section 40, authorizing the Secretary of the Treasury to borrow to meet public expenditures: *Provided further*, That all excise taxes upon corporations imposed by section 38 that have accrued or have been imposed for the year ending December 31, 1912 shall be returned, assessed, and collected in the same manner and under the same provisions, liens, and penalties as if section 38 continued in full force and effect; but the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said repeal or modification; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the passage of this act under any statute embraced in or changed, modified, or repealed by this act may be prosecuted or punished in the same manner and with the same effect as if this act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prose-

cution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this act, shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this act, may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed.

U. That unless otherwise herein specially provided, this act shall take effect on the day following its passage.

Mr. SIMMONS. I now ask unanimous consent for the present consideration of the resolution which I have sent to the desk.

The VICE PRESIDENT. The Secretary will read the resolution submitted by the Senator from North Carolina.

The Secretary read as follows:

Resolved, That 5,000 copies of H. R. 3321, "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," be printed for the use of the Senate folding room.

Mr. SMOOT. Mr. President, I simply want to call the Senator's attention to the fact that, if that resolution be passed, it will be sent back by the Public Printer, because it will cost more than $500 to print that number of copies of the bill. I know that 2,175 copies of the tariff bill cost $500 to print, because they have been printed for the other House. If the resolution is passed, the Printing Office will not be able to print the number of copies suggested, as the work would cost more than $500.

Mr. SIMMONS. In the light of the information given by the Senator from Utah, I will change the resolution so as to read "2,000 copies."

Mr. SMOOT. The Senator can make the number 2,150, if he desires, but 2,000 will be all right.

Mr. SIMMONS. I will make the number 2,000.

The VICE PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi still has the floor.

Mr. WILLIAMS. I now move that the Senate adjourn.

Mr. CLARKE of Arkansas. I desire to make a parliamentary inquiry. The Chair made the announcement that the Senator from Mississippi "still has the floor." There would have been no possible objection to the announcement of the Chair that the Senator from Mississippi had the floor, but I protest against any Senator taking the floor and doling it out to other Senators. There is no rule under which that can be done. It is a practice that can be abused, and it is one that has been repudiated by the Senate. On this particular occasion I shall not press the matter, but I do intend to insist that that shall not happen any more. A Senator has no such right.

The VICE PRESIDENT. The Chair is informed that the Senator from Arkansas is right.

Mr. WILLIAMS. In this particular case I obtained the floor to move an adjournment, and yielded to the Senator from North Carolina [Mr. SIMMONS].

Mr. CLARKE of Arkansas. A Senator has no right to farm out the time under our code of rules here.

Mr. WILLIAMS. I merely yielded.

The VICE PRESIDENT. The Chair will announce, for the benefit of the Senator from Arkansas, that he has been informed by those who know that the statement of the Senator from Arkansas is correct, and that no Senator can farm out the floor.

Mr. CLARKE of Arkansas. Of course that is right.

Mr. WILLIAMS. I was not farming out the floor. I simply yielded to an interruption.

Mr. CLARKE of Arkansas. The Senator had no right to yield, and when he yielded he went off the floor. He had no right to dole it out to anybody.

Mr. WILLIAMS. I now move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

Mr. JAMES. Mr. President——

Mr. GALLINGER. The motion is not debatable.

The VICE PRESIDENT. The Senator from Nebraska will state his parliamentary inquiry.

VALORIZATION OF COFFEE.

Mr. NORRIS. At the last session of the Senate I announced that immediately upon the close of the morning business to-day I desired to address the Senate upon the reply of the Attorney General to Senate resolution 58. I will say I have not been permitted to do that because other matters have intervened. In case I desire, as I do, at the conclusion of the morning business or the unfinished business at the next session, to address myself to that subject, is it necessary to make that announcement again now?

The VICE PRESIDENT. It is.

Mr. NORRIS. Then, I desire to give that notice now.

Mr. WILLIAMS. Mr. President, I ask for the regular order.

Mr. JAMES. Mr. President——

Mr. WILLIAMS. A motion to adjourn has been made, and that motion is not debatable.

The VICE PRESIDENT. The question is upon the motion of the Senator from Mississippi that the Senate adjourn. [Putting the question.] The noes seem to have it, and the motion is lost.

Mr. WILLIAMS. I ask for a division.

The Senate refused to adjourn, there being, on a division—ayes 5, noes 45.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Was the presence of a quorum disclosed?

The VICE PRESIDENT. The Chair takes the figures as given to him by the Secretary. The Chair refuses to act as a counting official.

Mr. BACON. I call for the regular order.

Mr. WILLIAMS. I mean, was the presence of a quorum disclosed on the figures given by the Secretary?

The VICE PRESIDENT. Fifty Senators responded to the call for a division.

Mr. WILLIAMS. That was all of my parliamentary inquiry.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia [Mr. BACON] that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 14 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 56 minutes p. m.) the Senate adjourned until Tuesday, May 13, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 9, 1913.

COLLECTOR OF INTERNAL REVENUE.

Louis Murphy, of Iowa, to be collector of internal revenue for the third district of Iowa, in place of Michael J. Tobin, superseded.

COLLECTOR OF CUSTOMS.

John Purroy Mitchel, of New York, to be collector of customs for the district of New York, in the State of New York, in place of William Loeb, jr., resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 9, 1913.

PROMOTIONS IN THE NAVY.

Capt. Robert S. Griffin to be engineer in chief and Chief of the Bureau of Steam Engineering, with the rank of rear admiral.

Commander Victor Blue to be Chief of the Bureau of Navigation, with the rank of rear admiral.

Lieut. Charles P. Huff to be lieutenant commander.

Paymaster John H. Merriam to be pay inspector.

Boatswain William Fremgen to be chief boatswain.

TO BE CHIEF CARPENTERS.

Robert Morgan.
James P. Shovlin.
John A. Price.
Alfred R. Hughes.
James L. Jones.

APPOINTMENTS IN THE NAVY.

Lloyd Noland to be assistant surgeon, Medical Reserve Corps.

Milton J. Rosenau to be assistant surgeon, Medical Reserve Corps.

George A. Stowell to be second lieutenant, Marine Corps.

COLLECTOR OF INTERNAL REVENUE.

Ben Marshall to be collector of internal revenue for the seventh district of Kentucky.

RECEIVER OF PUBLIC MONEYS.

Mrs. Annie G. Rogers to be receiver of public moneys at Leadville, Colo.

REGISTER OF THE LAND OFFICE.

H. Frank Woodcock to be register of the land office at The Dalles, Oreg.

POSTMASTERS.

ALASKA.

Minnie E. Swineford, Ketchikan.

GEORGIA.

B. T. Baker, Woodbury.

KENTUCKY.

Cleo W. Brown, Mount Vernon.
Charles M. Griffith, Russellville.
Orrin Derby Todd, Shelbyville.
John C. Carrithers, Taylorsville.
Ernest W. McClure, Leitchfield.

SOUTH DAKOTA.

G. C. Knickerbocker, Eureka.

TENNESSEE.

Clarence W. Moore, Smithville.
Charles E. Rodes, Manchester.
William Brewer, Woodbury.
J. R. Brown, Cleveland.

WITHDRAWALS.

Executive nominations withdrawn from the Senate May 9, 1913.

COLLECTOR OF INTERNAL REVENUE.

Louis W. Murphy, of Iowa, to be collector of internal revenue for the third district of Iowa, in place of Michael J. Tobin, superseded, is hereby withdrawn because of error in name.

COLLECTOR OF CUSTOMS.

John Purroy Mitchel, of New York, to be collector of customs for the district of New York, in the State of New York, in place of William Loeb, jr., resigned, is hereby withdrawn because of error in spelling name.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 9, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

For all the tokens of Thy care, O God our Father, which come to us in sunshine and shadow, joy and sorrow, hope and disappointment, faith and doubt, victory and defeat, we thank Thee, and most earnestly pray that they may have their perfect work, fitting us for the now and the then, the here and the there, in the great fields of endeavor which wait on us; that we may grow day by day into the likeness of our Maker after the similitude of the Master. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. If there be no objection, the Journal will be considered as approved.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to call attention to what I think is an error in the Journal. The recital is that I offered a motion to recommit, and then the next recital is that the gentleman from Kansas [Mr. MURDOCK] offered a substitute, and next that the gentleman from Alabama [Mr. UNDERWOOD] raised the point of order against my original motion, and that after discussion the point of order was sustained. Then the Journal does not show that I offered another motion to recommit, which was finally received and acted upon by the House without any point of order. That is omitted entirely, and the recital is that the vote was taken on the substitute offered by the gentleman from Kansas, and then that the vote was taken on my original motion. In other words, reference to my motion to recommit, on which the vote was taken, is entirely omitted from the Journal.

The second motion to recommit not having been read in the House, the text of that motion was omitted from the RECORD, although the RECORD correctly recites the fact that my second motion to recommit was made. I think the error in the Journal occurs in that way.

The SPEAKER. The gentleman states the matter correctly. The way it occurred was this: The gentleman from New York first offered a motion to recommit, which the Chair ruled out of order. The gentleman from Kansas [Mr. MURDOCK] never did offer any substitute or amendment to that motion. After that motion of the gentleman from New York was disposed of by the vote taken on the appeal, and so forth, then the gentleman from New York [Mr. PAYNE] offered a second motion to recommit with instructions, the instructions being identical with those in the motion which was ruled out of order, except that the second motion left out the proposition about the tariff commission or board, whichever it is. When the gentleman from New York [Mr. PAYNE] offered that second motion to recommit the gentleman from Kansas [Mr. MURDOCK] offered his substitute, and the vote was taken on the motion of the gentleman from Kansas [Mr. MURDOCK]. He demanded a division, and there was a division. Then he demanded the yeas and nays, but did not muster enough Members to get the yeas and nays. Then the vote was taken on the second motion of the gentleman from New York [Mr. PAYNE].

Mr. MANN. I suggest that the Journal ought to show in full the two motions offered by the gentleman from New York.

The SPEAKER. Of course.

Mr. MURDOCK. The RECORD does not show the text of the two motions to recommit.

Mr. PAYNE. It does not print in full the second motion that I made. It states that I made the motion.

The SPEAKER. Of course, that part of the Journal is made up from the RECORD, and if the RECORD did not contain it the Journal would not contain it. For the benefit of those who come after us, both the Journal and RECORD should be corrected in that respect. It ought to be set out in full as it actually was, and both corrections will be made.

SWEARING IN OF A MEMBER.

Mr. FINLEY. Mr. Speaker, my colleague, Representative Elect RICHARD S. WHALEY, from the first district of South Carolina, is present, and his credentials are on file. I wish to present him to take the oath of office.

The SPEAKER. Where are the credentials?

Mr. FINLEY. Mr. Speaker, I understand his credentials have been sent to the Clerk of the House.

Mr. MANN. The credentials not being at the desk, let me ask the gentleman from South Carolina, is there any contest?

Mr. FINLEY. None at all; not a vote against him.

Mr. MANN. I do not object to his being sworn in.

Mr. WHALEY appeared at the bar of the House and took the oath of office.

CHARLES C. GLOVER.

Mr. DAVIS of West Virginia. Mr. Speaker, I offer a privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from West Virginia offers a privileged resolution, which will be read by the Clerk.

The Clerk read as follows:

House resolution 99.

Resolved, That the Speaker do issue his warrant directed to the Sergeant at Arms commanding him to take in custody wherever to be found the body of Charles C. Glover, of the city of Washington, in the District of Columbia, and the same in custody to keep, and that the said Charles C. Glover be forthwith brought to the bar of the House of Representatives on this the 9th day of May, 1913, to answer the charge that he, on Friday, April 18, 1913, in the city of Washington, D. C., committed an assault upon the person of Representative THETUS W. SIMS, a Representative in the Sixty-third Congress from the State of Tennessee, because of words spoken by the said Representative SIMS in debate on the floor of the House of Representatives while the House was in regular session during the Sixty-second Congress, and that in committing said assault Charles C. Glover has been guilty of a breach of the privileges and a contempt of the House of Representatives; and that the said Charles C. Glover be furnished with a copy of this resolution and a copy of the report of the select committee of the House of Representatives appointed to investigate the charge made against him in the House of Representatives.

Mr. DAVIS of West Virginia. Mr. Speaker, before proceeding to discuss the resolution I should be glad if we could agree on some time for debate. I would like to inquire if it is anticipated that the resolution will be opposed?

Mr. MANN. I understand, Mr. Speaker, that the gentleman from Kansas [Mr. CAMPBELL] desires for himself one hour in opposition to the resolution. Whether there are other gentlemen who desire to be heard upon it on this side of the House at present I am not informed.

Mr. DAVIS of West Virginia. I will ask the gentleman from Kansas if he is advised that there are others in sympathy with him who desire to speak?

Mr. CAMPBELL. I am not advised as to whether anyone else will participate in the discussion against the adoption of the resolution or not. I have not talked with anyone who has expressed an intention of doing so, although many Members have stated that they might get into the discussion if an opportunity was offered.

Mr. DAVIS of West Virginia. How much time does the gentleman from Kansas desire?

Mr. CAMPBELL. I should like the privilege of an hour. Whether I shall occupy all the time or not I do not know.

Mr. MANN. How much time does the gentleman from West Virginia think will be required by those in favor of the resolution?

Mr. DAVIS of West Virginia. I am advised, Mr. Speaker, that probably three hours will be consumed by those who desire to speak in favor of the resolution.

Mr. CAMPBELL. Then I would suggest that the matter be left open as to those who oppose the resolution. I think the

House will take notice of the fact that the membership has been very busy within the last two weeks, since this matter came up, and little opportunity has been offered to inquire into the case involved in this unusual proceeding, and it may be that Members, after hearing the discussion, will feel justified in taking part in it in opposition to it.

Mr. MANN. I will suggest to the gentleman from West Virginia that if we should have two hours and a quarter or two hours and a half on each side, that that would probably cover the time.

Mr. DAVIS of West Virginia. I am satisfied that that would be enough. In view of the limited evidence of any intention to oppose the resolution, I think we can hardly make an even division of the time. I do not want to be unfair about it.

Mr. MANN. There are several gentlemen on the other side who have indicated that they may desire time in opposition to the resolution, and I believe there are several gentlemen on the other side who desire to be heard in favor of the resolution. I suggest two hours and a half on each side of the House, and we will endeavor to give time on this side to those in favor of the resolution.

Mr. COVINGTON. If the gentleman from Illinois expects to take care of those on that side who support the resolution, that will be agreeable.

Mr. MANN. We will take care of them, in part anyhow. I think there will be no trouble about that.

Mr. DAVIS of West Virginia. Then, Mr. Speaker, I ask unanimous consent that general debate on this resolution be limited to five hours, two hours and a half to be controlled by myself and two hours and a half by the gentleman from Illinois.

Mr. MURDOCK rose.

The SPEAKER. Will the gentleman from West Virginia yield to the gentleman from Kansas?

Mr. DAVIS of West Virginia. Yes.

Mr. MURDOCK. I would like to say to the gentleman from West Virginia that I would like to make an arrangement for time, although I do not known that anyone desires to speak on it. Will the gentleman from Illinois give me some time?

Mr. MANN. Oh, yes; the gentleman would be entitled to a portion of the time.

Mr. DAVIS of West Virginia. Then, Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to five hours, two hours and a half of which is to be controlled by myself and two hours and a half by the gentleman from Illinois; that at the end of that time the previous question be considered as ordered on the resolution and all amendments thereto.

Mr. MANN. The gentleman asks that the previous question be considered as ordered on the resolution and all amendments thereto. I would like to couple with that the right of gentlemen to offer amendments.

Mr. DAVIS of West Virginia. I have no objection to that.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that debate on this resolution be limited to five hours, one half of the time to be controlled by himself and the other half to be controlled by the gentleman from Illinois [Mr. MANN]; that at the end of the five hours, or sooner if the debate ends, the previous question shall be considered as ordered on the resolution and all amendments thereto. Is there objection?

There was no objection.

Mr. DAVIS of West Virginia. Mr. Speaker, the resolution which has just been read from the Clerk's desk is offered by unanimous instruction of the special committee created by House resolution No. 59.

By that resolution the committee was charged with a double duty—first, to investigate whether or not a current rumor to the effect that an assault has been committed upon a Member of the House because of words spoken on this floor was or was not true; and, second, if that rumor were found to be true to recommend to the House such procedure as should be thereupon had. In conformity with the resolution your committee proceeded to investigate the facts, and reports that such an assault as reported in fact occurred. It is well, perhaps, that the facts should be beyond all possibility of dispute, and that the House can proceed to such action as its judgment may direct without fear that any person will be injured or any inadvertent error committed because of a conflict of testimony. By the testimony of eyewitnesses present at the time of the occurrence, by subsequent oral statements made by the gentleman now accused and later by his voluntary written admission, it conclusively appears that on the 18th day of April last Mr. Charles C. Glover made a personal attack upon Representative THETUS W. SIMS, of Tennessee, and that the provoking cause of that attack was words spoken by Representative SIMS upon the floor of this House during the sessions of the Sixty-second Congress.

With the questions of fact so simplified, Mr. Speaker, there remains to be considered by the House the law affecting its power, and if it shall conclude that it has power and disposition to punish, the appropriate punishment will then be determined upon. Your special committee is not divided in opinion either as to the law of the case or the course to be pursued.

It is not necessary to indulge in any discussion of the general scope of congressional privilege or to attempt any detailed definition of the privileges of the House. Again and again, both this body and the courts have declined to catalogue, limit, or define either the privileges of the House or of its Members, for the very obvious reason that an incomplete definition might afterwards be treated as a surrender of privileges rightfully belonging to the House. By the admitted facts, however, as I have stated, it is clear that in this instance a constitutional privilege of the highest and most sacred character has been invaded.

Mr. DYER. Mr. Speaker, will the gentleman yield for a question at this time?

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Missouri?

Mr. DAVIS of West Virginia. I do.

Mr. DYER. Did the committee which had this matter under consideration go into the statements made by the gentleman from Tennessee [Mr. SIMS], which apparently were what caused the dispute or assault? Did the committee take that into consideration, or did the committee deem it pertinent to the question at issue to go into the matter of what was said by the gentleman from Tennessee upon the floor of this House which caused the assault by Mr. Glover?

Mr. DAVIS of West Virginia. The committee did not in any particular enter into that question, and it may as well be stated now as later that the committee did not regard this controversy as in any sense a personal one between the gentlemen involved. It did not concern itself with the degree of provocation which the accused believed he had suffered, nor did it attempt to determine whether the charges which were the cause of his irritation were well founded or not, and for reasons which I shall assign in a moment the committee believes that to be absolutely immaterial to the question before the House.

Mr. CULLOP. Will the gentleman yield?

Mr. DAVIS of West Virginia. Yes.

Mr. CULLOP. What difference would it make as to whether you had examined into that question or not, because that is not the gravamen of the action? The gravamen of the action is the attack on the Member, irrespective of what brought it about.

Mr. DAVIS of West Virginia. Mr. Speaker, I yielded to the gentleman for a question, and I think I have already answered the question. I agree with the statement of the gentleman which followed his question.

The SPEAKER. The Chair desires to admonish Members that the rule about interruptions is that the gentleman who desires to interrupt shall first address the Chair, and then the Chair asks the gentleman who has the floor whether he will yield; and gentlemen must not address each other in the second person. The rule at first does not seem to have any great amount of sense in it, but when it is considered in all its bearings it will be seen that that is the way to keep order in the House.

Mr. GILLETT. Mr. Speaker, will the gentleman allow a question?

Mr. DAVIS of West Virginia. Yes.

Mr. GILLETT. Would not the provocation which was offered have some bearing upon the amount of punishment inflicted by the House?

Mr. DAVIS of West Virginia. In my judgment it would not. That is a matter which, of course, every Member of the House must for himself determine.

Mr. GILLETT. The gentleman, I presume, will deal with that point in due course.

Mr. DAVIS of West Virginia. That will naturally arise in the course of the proceedings. Now, with the permission of the House, I shall decline to yield further until I have made my statement.

The SPEAKER. The gentleman from West Virginia gives notice that he declines to yield further.

Mr. DAVIS of West Virginia. In opening the discussion of this resolution I desire on behalf of the committee to give a brief outline of the position they have assumed, and until I have stated it with reasonable fullness I must ask to be excused from yielding to further questions.

The constitutional privilege which has been invaded is, of course, Mr. Speaker, in the mind of every Member of the

House. The sixth clause of Article I of the Constitution provides that Senators and Representatives shall be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same, and that for any speech or debate in either House they shall not be questioned in any other place. These two great immunities are the defense and the support of every legislative body. They are indispensable to the proper exercise of its functions, and even if not provided by the express language of the Constitution, the very necessity of the case and the whole history of parliamentary government would have justified the conclusion that they had been conferred by implication. How vital the makers of the Constitution deemed this freedom of speech becomes at once apparent when we consider the sweeping language in which it was conferred.

In the first place, the express language of the Constitution is that Senators and Representatives shall not be questioned in any other place, thus making the immunity absolutely unrestricted in point of space, whether it be a court, a similar assembly, a popular gathering, a public highway, or a private chamber. All are included in this general phrase.

In the second place, this immunity is left absolutely unrestricted in point of time. No attempt is made to set a period beyond which a Member shall be no longer protected; but from the moment when words are spoken upon this floor to the very day of his death there is extended over him at all times the shield of the Constitution.

This immunity again arises not from some but from all forms of congressional activity. While the language of the Constitution is "for any speech or debate," it has been repeatedly held both by this body and by the courts that these words include everything that may be done upon this floor. As the Supreme Court of the United States has said in Kilbourn *v.* Thompson (103 U. S., 168):

> It would be a narrow view of the constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in a session of the House by one of its Members in relation to the business before it.

And, lastly, Mr. Speaker, it may be observed that this immunity is not only unlimited in space and time and subject matter, but is equally so as to the manner in which it may be infringed.

That is to say, the Constitution, in using the word "questioned," adds to this immunity an element equally sweeping and all inclusive with those which I have named. It is intended by this language to provide not only that a Member shall not be questioned in a court of law, either by civil action or criminal proceeding, but that he shall not be questioned in any other way which may tend to put him in fear. He is to enjoy absolute and unrestricted freedom of debate and action, knowing that there is neither court nor official nor man nor mob that can assail him for the words that he has used. He is protected from personal assault by force and arms. He is even protected from verbal abuse and assault for this cause. As stated in the report, it is obvious that if one may not question a Member for words spoken in debate under the processes of law, he can not do so by taking the law into his own hands.

Now, what I have said so far relates primarily to the immunity which the Member himself enjoys, and from this standpoint I believe it has been correctly described; but in the case now under discussion we are not concerned with the personal immunity enjoyed by the gentleman from Tennessee [Mr. SIMS]. He has the right to plead that immunity at any time when attack may be made upon him and to use it for his own protection wheresoever he may choose, but the reason for the resolution now before the House is that the House itself has an interest in the immunity wholly apart from that of the individual Member. It will be at once conceded not only that each Member should be left free in counsel and debate, but that the House as an aggregate whole must enjoy a similar freedom, and that as an aggregate whole composed of individual units it has a right to the free participation of each one of its constituent Members. Thus, whenever the privilege of a single Member is invaded, whenever he is deprived of the protection afforded to him by the Constitution, the collective whole, of which he is but a single unit, is weakened just that much. If his attendance upon Congress is prevented, the numerical strength of the body is diminished. If in his actions in Congress he is intimidated, the moral force of the body is impaired to that extent. So it is that every parliamentary body of which any record has been preserved has always treated an attack upon the constitutional privileges of a member as an attack upon itself.

Now, it may be asked whether the interest which the House sustains in a Member's privilege and the right to punish its invasion is as imperishable and as permanent as the Member's interest in his own privilege. It is not necessary for the present case to determine that question. I confess, speaking only for myself and not for the members of the special committee, that I think the time does come when the House as a House ceases to be interested in the protection of a Member's privilege, but I think that time comes only when the Member has ceased to be a part of this body. So long as he is a Member of the body, the injury done to him weakens its joint and coordinate strength.

The speech or debate may have been made in a preceding Congress, as in this instance, or they may have been uttered in the present Congress; but, in the opinion of myself and my colleagues, the wrong and injury that is done to the House itself is not measured by this consideration. If a Member having uttered the objectionable words in a preceding Congress enters this body, he comes in clothed with the imperishable cloak of an immunity already earned, and in order that in this present session he may join his co-Members in the full and untrammeled performance of their common functions he is entitled to all the protection which the Constitution gives him. If his constitutional protection is denied him or his constitutional right invaded, it does not matter to the House as a House when the Member secured his immunity, but it does grievously matter to the House when the attack is made upon him. If in after years a Member goes from this body back to the ranks of private citizenship of the country and is then questioned for his speeches or debates, it may well be that as to the House he then stands on the same plane as other private citizens.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. DAVIS of West Virginia. I will.

Mr. MADDEN. What is the remedy for a man who has served here but is now a private citizen?

Mr. DAVIS of West Virginia. He has his remedy under the civil law. He may plead his immunity in bar of a civil action. He may plead it in bar of a criminal prosecution; and as to his body, his person, his good name, he has the same protection that every other man has under the civil and criminal law.

Mr. MARTIN. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from South Dakota?

Mr. DAVIS of West Virginia. If the gentleman will be good enough to make it very short, I will.

Mr. MARTIN. The gentleman has stated that, in his opinion, the interest of the House in the immunity of the Member may cease when the Member leaves this body. I would like to suggest to the gentleman whether he may not be in error upon that point. Is it not likely that if a Member could be called to violent account for official statements made on the floor of the House when he is a Member, and it could be known that he would be called to account for it when his membership ceases, it would interfere with the full and free utterance of Members of the House?

Mr. DAVIS of West Virginia. I recognize the force of the gentleman's suggestion, and I ask the pardon of the House for interjecting my own opinion, and thus, to that extent, raising an issue foreign to the case we are considering.

The SPEAKER. The gentleman from West Virginia [Mr. DAVIS] a few moments ago asked that he be not interrupted until he gets through with his argument in the matter, and the Chair will do his best to keep everybody off of him [applause], and hopes the Members themselves will pay attention to the gentleman's request not to be interrupted.

Mr. DAVIS of West Virginia. Now, Mr. Speaker, the position which I have outlined in these general terms is amply supported by the precedents of this House, by the precedents of other parliamentary bodies, and by the decisions of the courts. Within the limited time that I expect to occupy I can not hope to call attention to all these precedents or to discuss them in full.

The recorded cases in England run back to the middle of the sixteenth century, and from that date to this the House of Commons has regarded an attack upon its members for words spoken in debate as a breach of the privileges of the House and a contempt of its authority. This contempt it has again and again punished.

The colonial assemblies claimed a similar privilege and power. In 1691 the Assembly of New York, for instance, took into custody George Webb for insulting and R. Richards for assaulting a member. Before the formation of the present Government, while Congress sat under the Articles of Confederation, a challenge was sent in the year 1777, under the dueling custom then in force, to a distinguished Member of that Congress, Gunning Bedford, by reason of words spoken in debate.

This was held to be an infraction of the privileges of Congress and was punished as such.

In the year 1832 there occurred the famous attack of Samuel Houston upon William Stanberry, a Member of the House from the State of Ohio, for words spoken in debate upon the floor. Houston, who had been a Member of this House but was no longer so, attacked Stanberry on the street but a short distance from this building and grievously wounded him. The matter was called to the attention of the House by a proceeding similar to that we have suggested here, and after a most exhaustive debate—a debate the reading of which will more than repay those who have the time and inclination to indulge in it—after the power of the House to punish had been challenged in the most adroit and skillful of arguments and had been defended with even greater ability, the House decided by an emphatic majority that its privileges had been invaded, called the offender to the bar of the House in the custody of the Sergeant at Arms, and inflicted upon him an appropriate punishment.

Again, in the year 1857, two Members of the House went to the Senate Chamber at the other end of the Capitol and inflicted upon the person of Charles Sumner, a Senator from Massachusetts, a serious assault. The Senate considered the matter and decided that it had no power over the person of a Member of the coordinate branch of Congress, but remanded the offenders to their own House for punishment. The committee of the Senate, which recommended this action, added to its report by way of friendly admonition to the coordinate branch that—

> The judgment of the House has always held an assault upon a Member for words spoken in debate to be a violation of the privileges of the House.

We need not take time to discuss the subsequent history of the case, but the House took the position that its offending Members were punishable.

In the year 1865 a Member of the House was assaulted by reason of his official action. William D. Kelley was attacked by A. P. Field, who, not content with insulting him at a public table, followed this with a violent attack with an open knife, inflicting a painful wound upon Kelley, and threatening to shoot him before he went to bed. It is not surprising that the House considered this a breach of privilege, and it must be conceded that the penalty of a reprimand at the bar of the House seems hardly appropriate to the offense. In delivering his reprimand, Speaker Colfax said:

> In this Hall assemble those who have been chosen by the suffrage of their constituents throughout the continental area of the Republic to deliberate and decide upon the gravest matters of national concern. Differing, often widely, from each other, their acts and votes on many questions may prove distasteful to large portions of the people for whom they legislate, and the Constitution has therefore wisely declared that no Representative shall be questioned elsewhere for words spoken here in debate. Accountable as every Representative is to this body with which he is associated, to which is reserved the right of expulsion for whatever renders him unworthy of its membership, the House has repeatedly decided that menace or assault by one Member upon another is a flagrant breach of privilege, rendering the offender amenable to whatever proper punishment it may see fit to inflict. And while thus subjecting a sworn associate to its discipline, it claims and exercises the right to fix the penalty against those not of the body itself who endeavor by threat or attack to interfere with the freest action of its Members.

Before the legislatures of the various States many similar proceedings have been had. In my judgment, Mr. Speaker, we are entirely justified in following these parliamentary precedents. The soundest motives of public policy and the most irrefutable reasons warrant our doing so, but we have the added support of learned text writers and distinguished jurists. Mr. Cushing, in his "Law of Legislative Assemblies," undertakes the bold task of enumerating the collective or aggregate privileges of a legislative assembly. I read from page 246 of the ninth edition:

> 610. The rights and immunities incident to or conferred upon a legislative assembly, considered as an aggregate body, are founded in the same general reason upon which those of the individual members rest, namely, to enable the assembly to perform the functions with which it is invested in a free, intelligent, and impartial manner.
>
> 611. The privileges of this kind, which belong to each branch of a legislative assembly, may be classified and arranged under the following heads, namely:
>
> 1. To judge of the returns, elections, and qualifications of its members.
> 2. To choose its own officers and remove them at pleasure.
> 3. To establish its own rules of proceeding.
> 4. To have the attendance and service of its members.
> 5. To be secret in its proceedings and debates.
> 6. To preserve its own honor, dignity, purity, and efficiency by the expulsion of an unworthy or the discharge of an incompetent member.
> 7. To protect itself and its members from personal violence.
> 8. To protect itself and its members from libelous and slanderous attacks.
> 9. To protect itself and its members from corruption.
> 10. To require information touching public affairs from the public officers.
> 11. To require the opinion of the judges and other law officers on important occasions.
> 12. To investigate, by the testimony of witnesses or otherwise, any subject or matter in reference to which it has power to act, and consequently to protect parties, witnesses, and counsel in their attendance when summoned or having occasion to attend for that purpose.
> 13. To be free from all interference of the other coordinate branch and of the executive and judiciary departments in its proceedings on any matter depending before it.

Later on he says (p. 251):

> 628. All attacks upon the persons of the members or officers of a legislative assembly or others attending and privileged, as witnesses and parties, whether by actual violence or by threats, and all disorders in, near, or about the place of sitting have been always deemed high breaches of privilege and punishable accordingly.

One after another of the highest courts of the various States have declared that the authority to punish a breach of privilege is a necessary incident, inherent in the very organization of legislative bodies as well as in courts of law or equity, independent of statutory provisions. I quote some of these authorities:

> The authority to punish contempts is a necessary incident, inherent in the very organization of all legislative bodies and of all courts of law or equity, independent of statute provisions. (State *v.* Mathews, 37 N. H., 450.)
>
> The right to punish for contempts in a summary manner has long been admitted as inherent in all courts of justice and in legislative assemblies, founded upon great principles which are coeval and must be coexistent with the administration of justice in every country—the power of self-protection. And it is only where this right has been claimed to a greater extent than this and the foundation sought to be laid for extensive classes of contempts, not legitimately and necessarily sustained by these great principles, that it has been contested. It is a branch of the common law brought from the mother country and sanctioned by our Constitution. The discretion involved in the power is necessarily in a great measure arbitrary and undefinable, and yet the experience of ages has demonstrated that it is compatible with civil liberty and auxiliary to the purest ends of justice and to the proper exercise of the legislative functions, especially when these functions are exerted by a legislative assembly. (Neel *v.* State, 9 Ark., 259.)
>
> I find it asserted and uniformly conceded a common-law principle that not only may a legislative body inflict punishment on its members who may be guilty of contempt, but it may impose like penalties on other persons who may commit disorder in the presence of such body or who may ignore or treat with contempt its lawful process or be guilty of such other acts before the House or its committee as will tend directly and necessarily to defeat, embarrass, or obstruct its proceedings. This is a power inherent in the House or bodies composing the legislative branch, and for the exercise thereof no express constitutional provision is required; such power exists whether so conferred or not. (Lowe *v.* Summers, 69 Mo. App., 649.)
>
> The right of punishing for contempts by summary conviction is inherent in all courts of justice and legislative assemblies and is essential for their protection and existence. It is a branch of the common law adopted and sanctioned by our State constitution. The discretion involved in this power is in a great measure arbitrary and undefinable, and yet the experience of ages has demonstrated that it is perfectly compatible with civil liberty and auxiliary to the purest ends of justice. (Yates *v.* Lansing, 9 Johns., 417.)

Across the water the courts of England have always held that the House of Commons possessed this power. In the case of Burdett *v.* Abbott (14 East's Repts., 1), Lord Ellenboro describes the power and the reason for its existence in this language:

> The privileges which belong to them seem at all times to have been, and necessarily must be, inherent in them, independent of any precedent; it was necessary that they should have the most complete personal security to enable them freely to meet for the purpose of discharging their important functions, and also that they should have the right of self-protection—I do not mean merely against acts of individual wrong—for poor and impotent indeed would be the privileges of Parliament if they could not also protect themselves against injuries and affronts offered to the aggregate body which might prevent or impede the full and effectual exercise of their parliamentary functions. This is an essential right necessarily inherent in the supreme legislature of the Kingdom, and of course as necessarily inherent in the Parliament assembled in the two Houses as in one. The right of self-protection implies, as a consequence, a right to use the necessary means for rendering such self-protection effectual. Independently, therefore, of any precedents or recognized practice on the subject, such a body must a priori be armed with a competent authority to enforce the free and independent exercise of its own proper functions, whatever those functions might be.

Of course, it has been asserted that precedents arising in the House of Commons are without authority here because of the historical fact that in the dim past Commons and Lords sat as a single body, with judicial and legislative power, and because of the suggestion that when they separated the right to try and punish for contempt was retained by the Commons as a sort of judicial residuum and not as inherent in the constitution of the House itself. But, echoing the words of Lord Ellenboro, this seems more a matter of antiquarian curiosity than legal importance. The decisions of the State courts with reference to the State legislatures may also be objected to as precedents for this body, because State legislatures are not restricted by the doctrine of granted or delegated power.

But we need not perplex ourselves with these fine distinctions, for there is ample warrant in express decisions for this claim of power by the House of Representatives.

In the famous case of Anderson *v.* Dunn (6 Wheat., 204) the question was raised and decided by the Supreme Court of the United States as long ago as the year 1832. For offering

a bribe to influence a Member's action on this floor. John Anderson was held in contempt of the House, arrested, and punished. After his discharge he brought an action of trespass against the Sergeant at Arms of the House for false arrest. The court held without dissent that the House had power to investigate and punish a breach of its privilege, and that the warrant of the House to its Speaker was an absolute defense to the suit brought against him.

This decision was accepted without question and followed year after year for half a century.

In 1848 the Senate imprisoned James Nugent for publishing a secret treaty, and the Circuit Court of the United States for the District of Columbia refused to discharge him upon habeas corpus.

In the year 1860 the question arose on a curious state of facts before the Superior Court of the State of New York. A debtor in the State of New York was under imprisonment for debt when the House of Representatives found him guilty of a contempt in refusing to testify before it. The Sergeant at Arms was dispatched to New York, took the debtor from the custody of the sheriff, and set him at the bar of the House. Thereupon his creditor sued the sheriff for permitting him to escape, and the sheriff defended by setting up the process of the House of Representatives. The court held that upon a charge of contempt and breach of privilege the House has power to cause the person charged to be taken into custody and brought to its bar to answer. (See Wickelhausen *v.* Willett, 10 Abbott's Prac. Repts., 164, and 1 Keyes, 521.)

In 1874 there occurred the famous case of Stewart against Blaine, where suit was brought against Mr. Speaker Blaine for causing the arrest of a contumacious witness. The Supreme Court of the District of Columbia held that the House of Representatives has power to punish for contempt, and that its order directing a commitment is a complete protection to the Speaker who directs the Sergeant at Arms to take the offender into custody. In this case the court said:

> The question of power to punish for contempt in the case now before the court was settled by the Supreme Court of the United States in the case of Anderson *v.* Dunn (6 Wheat., 204) more than half a century ago after a stout contest and upon thorough deliberation. This authority has been uniformly acquiesced in for over 50 years, and until reversed must be regarded as conclusive with this court. (See Stewart *v.* Blaine, 1 McArthur, 453.)

When the application of Richard B. Irwin for release from the custody of Ben G. Ordway, Sergeant at Arms of the House in 1874, was made, Judge Arthur McArthur, of the Supreme Court of the District of Columbia, followed the same doctrine.

Now, I know it will be said that the Supreme Court about faced on this question, and that after subordinate courts had followed Anderson against Dunn for over half a century, in the case of Kilbourn *v.* Thompson (103 U. S., 168), decided in 1880, the court changed its ruling and declared the House powerless to protect itself. I shall not take time to analyze that case because I know that other gentlemen will speak in the course of this debate who are fully prepared to do so. It is discussed at some length in the report filed by your committee, and I simply call attention to the fact that so far from deciding that the House is without power to punish for contempt, the court, in the Kilbourn case, expressly reserved that question and finally decided but two single propositions, viz:

First. That the courts have the right to inquire whether in punishing for contempt in a given case Congress has exceeded its power; and

Second. That where Congress attempts an investigation of a subject into which it has no jurisdiction to inquire it has no power to punish for contempt a witness who refuses to testify. And as against the discussion indulged in by the learned justice who wrote the opinion in the Kilbourn case, I offer the subsequent declaration made by the same court in the Chapman case (166 U. S., 661), to the effect that—

> Congress can not divest itself or either of its Houses of the inherent power to punish for contempt.

Now, Mr. Speaker, I have no desire to trespass further upon the time of the House in opening this discussion. I think it proper to repeat what I have already stated, that this proceeding is in no sense a private controversy nor should it be so treated. I think it proper further to say that the gentleman from Tennessee [Mr. SIMS], whose personal privilege has been invaded, has at no time sought to make this body the avenger of his injury. This proceeding was not instigated by him nor has he moved your committee to any action in regard to it. His appearance before us was in no sense voluntary and his attitude has been dignified and beyond the reach of criticism.

But the Constitution has drawn around every Member of the House and around the House itself a circle of fire not to be lightly invaded nor to be entered upon without penalty and punishment. It has clothed this body with ample power to protect itself without awaiting the express action of the coordinate branch and without appealing to the Executive or the judiciary. It has made it the forum for free and unrestricted debate. The grant of these powers and these privileges makes it not only the right, but the duty of the House to defend them against all attack. Therefore, Mr. Speaker, acting under instructions heretofore given us, your committee moves the adoption of the resolution just submitted. [Applause.]

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from South Dakota?

Mr. DAVIS of West Virginia. I do.

Mr. MARTIN. Mr. Speaker, I understood in answer to the question of the gentleman from Massachusetts [Mr. GILLETT] that probably the gentleman from West Virginia would give the House his view as to whether the extent of provocation ought to be considered in connection with the measure of punishment. I think that the courts would generally take that into consideration. Does the gentleman consider that the nature or character of the provocation which might be given would be a proper matter to consider in connection with the extent of punishment to be meted out by the House?

Mr. DAVIS of West Virginia. Mr. Speaker, I can only repeat what I said before—that I think every Member of this House having to vote on that question, and it being solely a question addressing itself to his individual discretion, must resort to such information as he thinks proper to move upon his discretion. For myself, I think the testimony taken by the committee and appearing in the RECORD furnishes all the information which is needed for a just and correct determination as to the question of punishment.

Mr. FOWLER rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. FOWLER. To propound a question to the gentleman who has just concluded his remarks.

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Illinois [Mr. FOWLER]?

Mr. DAVIS of West Virginia. Mr. Speaker, I must decline to take further time.

The SPEAKER. The gentleman declines to yield and asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Speaker, it is only one short question that I desire to ask.

Mr. DAVIS of West Virginia. Mr. Speaker, if the gentleman persists, I will endeavor to answer his question.

Mr. FOWLER. Mr. Speaker, this assault was committed because of words spoken in another Congress. Suppose the Sixty-third Congress should pass this by, and that it did not see fit to call the assailant to account for his deed, does the gentleman think that the Sixty-fourth Congress under the powers of the Constitution would have a right to call in question the assault and battery which has been committed during this Congress?

Mr. DAVIS of West Virginia. Mr. Speaker, I must decline to enter into a discussion of that question, because it raises an hypothesis in no way related to this case.

Mr. FOWLER. I only wanted information, because I thought the gentleman had gone into the question fully.

Mr. DAVIS of West Virginia. Mr. Speaker, if the gentleman had been in the Hall earlier, he would have heard that or a similar question propounded and a discussion upon it, which, however, I am frank to admit was somewhat of a digression.

Mr. FOWLER. I have been here all of the time and I have heard no such question asked.

Mr. DAVIS of West Virginia. Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Speaker, it is certainly with no degree of pleasure that I rise to support the adoption of this resolution. This whole affair, in any view we may take of it, is exceedingly unfortunate. To me it seems hardly essential that I enter into any extended discussion of the legal features of the case after the presentation of the splendid report and the very able argument of the gentleman from West Virginia [Mr. DAVIS]. That the Congress of the United States has power to punish an offender for a breach of its privilege seems to be so very clear as not to admit of debate. A deliberative body like this is in many respects analogous to a judicial tribunal, and the power is inherent in every judicial tribunal to protect itself in order that in an orderly way it may administer the law to protect

life, liberty, and property. So the power is inherent in a deliberative body, the lawmaking body, to protect itself and its membership for the same purpose. But there has been a question raised from the very beginning of jurisprudence as to the extent of the inherent power that exists both in legislative and judicial bodies. It has never, however, in all the history of these proceedings been questioned that a court had the power to punish for a contempt committed in its presence. Nobody disputes that. It was never disputed that a court had the power to punish for the violation of its processes issued for the purpose of the enforcement of law.

But it has been questioned at times as to how far the power of the judicial tribunal extends for the punishment of one using opprobrious and offensive language against the judges of a court, but the consensus of opinion seems to be that where such language tended to bring into ridicule and contempt a tribunal that the power existed. As to the question of the punishment that was always left to the sound judgment and discretion of the court and had no other limitation in the absence of a statute. That same rule would apply to a deliberative body; but the framers of the Federal Constitution wisely foresaw the troubles that might arise along this line, and for the protection of a Member of the House and the integrity of a legislative body they placed an express provision in the Constitution of the United States that prevented any Representative or Senator from being questioned for any words spoken in debate save on the floor of the body where spoken. This is essential to maintain the integrity of the body and the sanctity of its deliberations. Therefore you do not have to resort to the implied power to punish for contempt as inherent in these bodies, but there stands the expressed constitutional prohibition against conduct destructive of the welfare of the legislative power. It is no dormant provision lying in the Constitution that needs a legislative enactment to give it vitality. It stands there as a shield to law and order of the men called upon to participate in the deliberations of the country. It was wisely, it was purposely, placed there; it was placed there to meet the exigencies of a case like this. It may be said that no punishment has been provided by statute. I remarked before, the question of punishment is limited only by the sound judgment and discretion of the tribunal offended. Gentlemen have said that because the words were spoken in one Congress and the offense was committed after the meeting of another that possibly this House would be without jurisdiction. The Congress is a continuous body. It never dies. Its membership may die, but the Congress lives forever, just as the courts of your country do. This power to punish exists so long as it has the will to punish for the infraction of its dignity and its constitutional rights and privileges. But, as I remarked, I will desist from any lengthy discussion of the legal questions involved on account of the presentation that has already been made.

In answer to the distinguished gentleman who stated that the facts ought to be made known clearly here that led up to and induced such infraction of the rules of the House as a basis to enable us to determine the measure of punishment if the House agrees that this offender should be punished I concur. While the right to punish exists upon confessions made by Mr. Glover, the real facts that induced this assault ought to be brought to the consideration of the House. I have therefore prepared a brief statement, an abstract of the facts as they appear from the record and in the evidence, that shows the foundation of this whole assault and the animus and the contempt that lies in it. Permit me to read just for a moment a page or two. I take this question from its inception, and I now present you the facts upon which you must act. I think there is no question about your legal power. For several years prior to March 3, 1909, there had been pending before the House and Senate a proposition by way of a bill or amendment to a bill to accept and pay for about 100 acres of land situated between Connecticut and Massachusetts Avenues, Washington, D. C., and running out westwardly to the Cathedral School, on which Mr. C. C. Glover held an option from the owners, at the price of $420,000, or about $4,000 per acre. Mark you this: It is an option held and owned by him, the land to be used for a park or park purposes. Mr. Glover had appeared before the Appropriations Committee of the House of Representatives to advocate legislation authorizing the purchase of the land upon which he held the option. What he said before that committee appears in print. The hearing was had on the 15th day of May, 1908. In the hearing he claimed the land was advancing in value very rapidly, and that unless the Government accepted the land at the price named in his option a much higher price would have to be paid for the land. Finally a bill was passed in the Senate in 1908, being Senate bill No. 4441, Sixtieth Congress, making an appropriation of $423,000 with which to acquire the land. On the 26th day of May, 1908, a motion to suspend the rules and pass Senate bill No. 4441 was made in the House. The bill failed to pass by a vote of 164 to 57. It remained on the calendar, and on the 3d of March, 1909, being the last day of that Congress, a motion was again made to suspend the rules and pass the bill.

Mr. DYER. Will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. DYER. Will the gentleman state to the House what he is reading from; is that the speech of Mr. SIMS?

Mr. MOON. Oh, no; it is not a speech of anybody's; it is an abstract from the record showing the facts. I refer to the record and the pages.

Mr. DYER. Is it testimony before the committee?

Mr. MOON. Yes; I have given you the date.

Mr. CLAYTON. You are on the statement of facts.

Mr. MOON. It is an abstract, as I stated before, of the record of facts.

Mr. SIMS took no part in the discussion that took place when the bill was under consideration on the 26th of May, 1908, but was yielded five minutes' time in opposition to the bill when it was considered under motion to suspend the rules and pass the bill on March 3, 1909.

In his speech at that time he said in substance that the price named in the option was much lower than had been asked for the land covered by the option prior thereto. He made this statement as a refutation of the claim made in behalf of the bill that the land was rapidly advancing in price. But in addition to these statements as to the value of the land he charged that a Member of the House at that time owned an interest in some of the land covered by the Glover option, and that the fact that a Member owned part of the land had been kept secret by Mr. Glover. He strongly opposed the passage of the bill on that account. On March 3, 1909, the bill again failed of passage by a vote of 192 against it to 31 for it.

Let me stop here to observe for a moment, Is it cause for an assault on a man that he attempts to stop the passage of a bill of this character, tending to speculate on the National Treasury when sitting in the House at the time of the passage?

On December 30, 1912, being 3 years and 10 months from the time Mr. SIMS made the speech against this bill on March 3, 1909, Mr. C. C. Glover, under oath, in a statement before a subcommittee of the House Committee on the District of Columbia, not bearing on the matters then under investigation by said subcommittee, but referring to the attempt to pass Senate bill 4441, on March 3, 1909, said that a statement which Glover claimed Mr. SIMS had made in his speech on March 3, 1909, with reference to the price he. Glover, had asked for the land, was an "absolute and unqualified falsehood."

What is the meaning of that? Does not that show malice? Does not that show the degree of enmity was so exceedingly great that after so long a lapse of time the truth that had been made known in reference to the conduct of this man still so hurt him that he took an opportunity on an occasion when such matters should not have been mentioned to denounce SIMS as an unqualified liar?

C. C. Glover caused to be printed in full his statement about Mr. SIMS made before said subcommittee in a morning paper in the city of Washington. On January 15, 1913, Mr. SIMS arose to a question of personal privilege and made a reply to the charges of Mr. Glover before said subcommittee in defense of himself, which speech appears on page 1913 of the CONGRESSIONAL RECORD and following pages—January 15, 1913. In this speech there was no use of defamatory language against Mr. Glover, but notwithstanding this fact Glover had published in all the newspapers of Washington a statement of about 10 columns in length as paid advertising matter containing many charges against Mr. SIMS with reference to said option transaction, and in it published what he claimed to be a true copy of his original option on the land and the extension of same.

On February 5, 1913, Mr. SIMS again arose to a question of personal privilege in defense of himself against the charges made by Glover in the last statement of said Glover. In this last statement Mr. SIMS claimed that the statements of Glover before the subcommitee regarding the option and renewal or extension of same as to the length of time it had to run and as to the length of time of the extension as shown by the copy of option and extension as published in the newspapers by Glover was a false statement, and made under oath with full knowledge that it was false, as he showed by his statement in the papers that he had possession of the option and knew all its terms and stipulations. Both speeches of Mr. SIMS made January 15 and February 5, respectively, were made in defense of charges made against him by Mr. Glover and published by his direction and at his expense as paid advertising in the Wash-

ington newspapers, making charges of willful falsehood against Mr. SIMS as to material statements made on the floor of the House in connection with and pertinent to said Senate bill No. 4441.

In the charges made in the newspaper statement by Mr. Glover on January 25 he claimed that the charges made by Mr. SIMS in his five-minute speech March 3, 1909, caused said Senate bill to be defeated.

By possession of the papers he showed that he had knowledge and knew of the speculation. He knew that it had defeated this bill. That was the cause of his grievance against him. Not that SIMS had stood upon the floor of this House and used defamatory language in reference to him and sought under the protection of the Constitution to defend himself against Glover from such charges, but that SIMS had defeated a measure in which he had a pecuniary interest. Listen again.

In Mr. SIMS's speeches of January 15, 1913, and February 5, 1913, he showed that more than two years after the Senate bill 4441 was defeated part of the land embraced in and covered by the said option had been given by the owners of the lands to the Government or District of Columbia for park purposes, amounting to 17½ acres, and that by the defeat of the bill the Government had been saved a sum of about $70,000. The price of $4,000 per acre was the option price. Mr. Glover had stated in the hearing before the House Committee on Appropriations that not an acre of the land covered by his option could be purchased for less than $6,000 or $8,000 if said option expired. But it was shown by Mr. SIMS that after the option had expired, instead of asking and obtaining $6,000 or $8,000 per acre for every acre of the land, as had been stated to be the fact by Mr. Glover, that the owners actually gave away 17½ acres of the same.

It thus appears that by the action of Mr. SIMS in exposing the secret-option dealing by Mr. Glover with a Member of the House of Representatives, who at least would have had an opportunity to vote to take money out of the Treasury of the United States with which to pay for lands owned by himself and held by Glover under the option, the bill was defeated and a great public service rendered in bringing to light the means used in putting off on the Government at high prices lands so valueless as to be donated to the Government by the true owners of same after the bill had failed.

Now, another view of the facts. But I am reciting these facts to do that which ought to be done in every case, not only determining what ought to be done by the House toward an offender but if convicted the measure of his punishment.

In the statement of Mr. Frederick Steckman, made before the special committee under oath, he stated that Mr. Glover, in giving his version of his striking Mr. SIMS, said:

> Since Mr. SIMS made his last speech on the floor of the House we never met until to-day. I have in a way kept a lookout for him, but never went out of my way to find him.

Ah, here is a man offended because of the legitimate, honest, and patriotic conduct of a Member of the House. He seeks him day after day, but never passing much out of his way to find him. He keeps a lookout. What for? That he may call in question that which the Member said on the floor of the House, inflict a punishment upon him, and stand in contempt of the Congress or a breach of the constitutional privileges of the House of Representatives. Is that what he intended? Listen again.

This statement shows that from February 5 until April 18 he was looking out for Mr. SIMS. A brave man would have at least demanded a retraction and given notice to Mr. SIMS that in case of a refusal he would take steps to redress his wrongs. But instead he came up behind him, unobserved, and, according to his own statement, took the law into his own hands.

It is shown by the testimony of Hon. BEN JOHNSON, an honored and distinguished Member of this House, that said Glover, about the middle of February, 1913, expressed the regret that there was a law against dueling, as he desired to challenge Mr. SIMS to fight a duel. No man who does not desire to shed the blood of his fellow man wants the law against dueling repealed.

These are the substantial facts in the case.

The SPEAKER pro tempore (Mr. FLOYD). The time of the gentleman from Tennessee [Mr. MOON] has expired.

Mr. MOON. Will the gentleman from West Virginia give me a little more time?

Mr. DAVIS of West Virginia. Mr. Speaker, I yield to the gentleman 10 minutes.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. MOON] is recognized for 10 minutes more.

Mr. MOON. Mr. Speaker, the fact that this man wanted to fight a duel with Mr. SIMS about this transaction, about this legitimate discharge of duty on the part of the Representative from Tennessee [Mr. SIMS], shows that Mr. Glover had murder in his heart; it shows that he not only had a contempt for the proceedings of this House, but that he wanted to kill the man that had thwarted him in his attempt to thrust his arms into the Treasury of the United States.

But, you say, "How was he to be benefited?" He had an interest in that option. He concealed the combination he had made with a Representative in the House to have that land purchased, lying hard by his own land, which would be improved more than all others by the purchase of the additional land by the Government.

Now, Mr. Speaker, we have seen the extent of Mr. SIMS's offending. He stood here to protect the interests of the Government. He recited the facts as they existed. He defeated the attempt to speculate on the Treasury. That, I think, the House ought to commend.

Let us see Mr. Glover's attitude. He owned the option. He was concealing from Members the interest of those who were partners with him in the option. He was to be benefited in two ways, directly and indirectly, in the result. The option defeated, he naturally becomes very angry. Why? He is a man who has hitherto stood high in public esteem for benevolent conduct, for progressiveness. These cold-blooded facts, presented in this House, changed in his mind, as in the mind of every good citizen, his relation to the public, so far as their opinion of his beneficent conduct was concerned. He was no longer the benefactor but the greedy speculator.

I have no doubt that it so preyed upon his mind as to produce that condition mentally which assassins have who seek revenge for wrongs conceived. These things transpired long before the assault by Glover upon Mr. SIMS. The assault did not arise on a sudden heat of passion. It was not the result of exasperation from a sense of suddenly offended honor. It was cold-blooded and deliberate and premeditated. Did it not partake of all the elements of the dastardly crime of murder? He sought Mr. SIMS.

Ah, he said he had hunted for him. This time he goes out of the way to find him. He goes into the park. He lies in wait for him. He waits until he comes, and proceeds to accost him, like a bandit demanding his money: "Why did you speak of me as you did? I demand an apology from you," was his language.

Mr. SIMS mildly, but frankly, refused an apology. What did Mr. Glover do then? Look at the calculation of the man. Did he strike Mr. SIMS down? He could have felled him to the earth with one blow if that had been his purpose. Was that what he wanted? He wanted to use that mere technical assault and then desist; so he struck Mr. SIMS on the face slightly as Mr. SIMS turned his face upon him, and then desisted.

What for? We are fools if we can not draw the inference of fact as well as of law from this course of procedure. He did it in order that Mr. SIMS might become the violent aggressor, and that he, Glover, would no longer be at fault, but that SIMS should be forced and provoked to make an assault upon him which was not proportionate to that which Glover had made upon Mr. SIMS, one not commensurate with that offense, in order that Glover might kill him and have a pretext to invoke the doctrine of self-defense on the ground that SIMS, in response to a mere technical assault, was seeking to kill him—Glover.

Mr. Speaker, such methods have always been the tactics of purse-proud cowards that sought assassination. But there was no time for any further action. Only a moment intervened until a passer-by stood between them. Mr. SIMS could not, perhaps, have struck him if he had desired to, under those conditions.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Tennessee yield to the gentleman from South Dakota?

Mr. MOON. Yes.

Mr. DILLON. Is the gist of this offense assault and battery or is it the taking of a Member to task for words spoken in this Chamber?

Mr. MOON. Of course, it is the taking of a Member to task for words spoken in this Chamber; but if the House wants to know the malice and animus that provoked it, it must know the facts and the circumstances of the assault, so that it may determine the degree of the offense and the contempt that the man is guilty of.

Mr. DILLON. If that be true, then the assault and battery is a mere incident to the taking of the Member to task for words spoken in this House.

Mr. MOON. A Member may be taken to task in various ways, by assault and battery or otherwise.

Mr. DILLON. I want to know which is incidental, the assault and battery or the taking of the Member to task.

Mr. MOON. Of course the assault and battery is the means by which the man called in question the Member for the language used in the House. Everybody understands that it is for the breach of the privilege of the House, not the assault and battery upon Mr. SIMS.

Mr. Speaker, if SIMS had made the deadly assault I have referred to in response to the mere technical assault, then it would have afforded Glover the pretext to kill him. Do not the facts indicate that was his real purpose? What did he want to kill SIMS for? I take it, not for the loss of the money in this matter, but because of the degradation of his character before the public by the disclosure of these facts. Mr. Glover may be, and probably is, a very estimable gentleman under normal conditions, but surely he departed far from the path of rectitude and honor in this matter. Surely it took more courage on the part of Mr. SIMS, more of self-possession under the circumstances, not to resist the assault, knowing what it was intended for, in view of the threats that had been communicated to him, than it would have taken to defend himself effectually under the circumstances. Most of us would have had the impulse to strike back. Most of us would have done so; but I take it that the law-abiding man, who would not want murder to occur, who would not want the purposes of Glover to be carried out, would commend the conduct of Mr. SIMS under the circumstances.

Mr. Glover's conduct was not that of a law-abiding citizen. He evidently had no honorable purpose. It was not the evidence of a chivalrous nature. It was rather the dominancy of those low and debased instincts that sometimes creep out in human nature, the very essence of cowardice that degenerates into crime. Will it be said, here or anywhere, that the law-abiding citizen of this country who avoids assassination by failure to fall into the traps that men have set for his destruction is less brave, less chivalrous, less honorable than other men?

The SPEAKER pro tempore. The time of the gentleman from Tennessee has again expired.

Mr. DAVIS of West Virginia. I yield to the gentleman one minute more.

Mr. MOON. Mr. Speaker, I want to add just one word on the question of punishment. I surely have no desire to see this man punished. I have no personal grievance in the world against him. I only present the law and facts as they appear to me. If this House thinks that his offense was committed in an unguarded moment, in an hour of insanity, I would prefer to see this resolution wiped out of the way and nothing more done. This is not Mr. SIMS's prosecution. He has taken no part in it. He will take no part in it. Nothing you can do or ought to do will preclude him from that consideration of this question hereafter that he thinks it deserves. But, Mr. Speaker, if Mr. Glover was in the full possession of his faculties, if his conduct was malicious, if he intended felony, as the facts in this case would indicate, then it is a very high breach of the privileges of the House. A mere reprimand, under those conditions, would only add dignity to his offense and afford him pleasure to appear before you as a victim of the House whose dignity had been assaulted, but whose real dignity would seem to demand nothing more than a mere reprimand, where a punishment ought to be inflicted that would not only deter him and others from like offending, but give him time to reflect and to become a law-abiding citizen. [Applause.]

Mr. MANN. Mr. Speaker, I yield one hour to the gentleman from Kansas [Mr. CAMPBELL].

Mr. DAVIS of West Virginia. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAVIS of West Virginia. How much time has been consumed on this side?

The SPEAKER pro tempore. The gentleman from West Virginia has consumed 72 minutes. The gentleman from Kansas [Mr. CAMPBELL] is recognized for one hour.

Mr. CAMPBELL. Mr. Speaker, I take the position that the House of Representatives does not possess the inherent or the constitutional power to convert itself, by its sole resolution, into a judicial body with power to try the guilt or innocence, upon a question of fact, of a citizen when it is sought to exercise that power beyond the specified grants of the Constitution.

Let us see what we are doing in this case. The special committee appointed by the House has brought in a resolution that proposes, upon its adoption, to convert this House into a court—and in this case it should properly be called a police court—to try a case of assault and battery occurring in one of the parks of the city of Washington. But it is urged by the committee that this is done because the assault was committed by a citizen upon a Member of the House of Representatives for words spoken in debate upon the floor. I shall refer later to that. It is urged, therefore, that in order to preserve the ancient dignity of a parliamentary body and to preserve the privileges of the House of Representatives, we must assume the exercise of this extraordinary power.

The adoption of this resolution will convert the House into a court, and make of the Speaker, if you please, a police judge, authorizing such court to have a jury of 444 summoned from the remotest bounds of the Republic, a Republic so vast in extent of empire that these men come from regions of perpetual winter and zones of a never ending summer, all to try a case of assault and battery.

But, it is urged, we must preserve the dignity of the House of Representatives! The authority of the House of Representatives to assume such extraordinary power is based upon the ancient precedents of the Parliament of Great Britain to inflict punishment upon those who were guilty of contempt of its dignity.

It is stated by the chairman of the committee, in quoting a dictum of Lord Ellenborough in Burdette against Abbott, that Parliament had the inherent power to punish for all contempts of its authority or privileges. The Parliament of England exercised that power for generations, and, as the chairman of the committee well anticipated, the exercise of the authority and power to try a question after the fact as a court was because the Parliament of Great Britain had at one time been a portion of the supreme judicial power of Great Britain. When the Parliament divided the House of Commons still retained a residuum of that power and still exercises it to punish for certain contempts.

But the Constitution of the United States has not granted to this House the power and authority to try a man on a question after the fact for an alleged offense committed outside of its presence that is not specifically named in the powers granted by the Constitution. The Constitution specifically names those offenses of which this body is the judge and for the trial of which a contumacious witness in an impeachment case might be sent to jail by order of the Speaker of the House.

It is also judge of the election of its own Members. It may, and does, under the authority granted, convert itself into a trial court to try the question of fact whether or not a Member sits here by authority of his constituents, and may punish a contumacious witness in the trial of that question of fact.

But here it is proposed to try a question of fact after an assault and battery has been committeed in one of the parks of the District of Columbia. On what authority? The committee says upon the authority of an ancient necessity of the parliaments of the world to protect themselves from an invasion of their privileges by a citizen. But the Constitution limits the powers of Congress in the length to which it may go even to protect its privileges or dignity; it at the same time throws about every citizen of the Republic, no matter how humble he may be, no matter in what portion he may reside, the equal protection of the law and the right to a trial by jury for offenses committed against the law. The law forbidding assault and battery includes Members of Congress within the scope of its protection.

What is proposed by this resolution? The denial of the right of trial by jury in a case of assault and battery. What does this resolution propose? To deny the equal protection of the law. We are giving, in this case, by our sole resolution, a dignified court, with the Speaker of the House as its presiding officer and all these Members assembled from the farthest confines of this great country to act as jurors for the trial of one of the citizens of the District. We have not placed any limitation upon ourselves, and no one knows what punishment we may inflict. There are no limitations if we assume the power; if we assume the power it is absolute. The citizen may be reprimanded; he may be fined; he may be sent to prison. What, under the statement of the chairman of the committee, are the limitations? He says there are none, and we may send the respondent to the gallows or the electric chair; and it is claimed there is no appeal from our decision.

The proceeding is unusual and the punishment may be unusual; the court, when we are converted into one, will be unusual.

Mr. COVINGTON rose.

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Maryland?

Mr. CAMPBELL. I would prefer to go on, but I yield for a short question.

Mr. COVINGTON. Does the gentleman not know that the Supreme Court itself in the Anderson-Dunn case holds, and that in the unbroken line of constitutional authority in this case it is held, that the limitation of the House of Representatives for punishment is to such punishment as will expire at the time that the House itself shall pass out of existence?

Mr. CAMPBELL. Oh, yes; that is stated in the Anderson case, but we are not bound by the Anderson case, if the chairman of the committee, the gentleman from West Virginia [Mr. DAVIS] correctly stated the privileges of the House. The lex et consuetudo parliamenti has no limitations.

Mr. DAVIS of West Virginia. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from West Virginia?

Mr. CAMPBELL. Mr. Speaker, I am sure the gentleman from West Virginia will appreciate the necessity of my proceeding, but I yield.

Mr. DAVIS of West Virginia. I understood the gentleman to quote the chairman of the committee as saying that there was no limit except the lex et consuetudo parliamenti. Does not the gentleman admit that the punishment shall not exceed the life of the body which inflicts it?

Mr. CAMPBELL. Yes; but in the exercise of that power what are the limitations within that time? There are none, and there is no appeal from our decision when we assume to act.

But the right to punish for an assault upon a Member of the House is not up for the first time. The question was up in the Constitutional Convention, and on the 20th day of August, 1787, Mr. Pinckney submitted, among other things, this proposition:

> Each House shall be the judge of its own privileges, and shall have authority to punish by imprisonment every person violating the same, or who, in the place where the Legislature may be sitting and during the time of its sessions, shall threaten any of its Members for anything said or done in the House, or who shall assault any of its Members.

The fathers who gave us the Constitution and wrote that portion of these limitations, protections, and immunities into the Constitution which relate to the freedom of speech, which give immunity to a Member for speech or debate on the floor, refused to provide punishment for assault upon Members of the House by citizens outside of the House. They knew what every Member of this House may well know, that if this House assumes to convert itself into a police court to decide cases of assault and battery every time a Member of this House is assaulted for words uttered in debate we may at some time become a cheap police court, without dignity, privilege, or respect. What Member has not been questioned, who has in late years been a Member of this House, for words uttered in debate and for speech made upon the floor of the House and for votes cast here? Who of you upon either side of this Chamber has not been confronted by citizens and called to account because of a certain speech, because of what was said in a certain debate, or of a certain vote that you cast.

And yet it has not been presumed that we as Members were immune from being questioned elsewhere for words uttered in speech or debate on this floor. Who has not been questioned upon the stump, in public place—who has not been challenged that upon a certain day he said a certain thing and that when he said that he was false to his constituents? All of us have been questioned, almost assaulted, but yet it never entered into the mind of a Member so questioned and assaulted that he had a constitutional immunity from such questioning. The question of immunity relates wholly, therefore, to that immunity that may be pleaded in any formal body as a defense against any action, civil or criminal, that may be brought by anyone against a Member of the House for words uttered in debate, for speech made, for vote cast, for resolution offered, for vote upon a bill or a resolution. Yea, indeed, the Speaker of this House may plead immunity in this case, if this resolution is agreed to, and the committee bringing in the resolution may plead immunity, if the resolution be agreed to, in defense against an action for false imprisonment, if for the remainder of this Congress or this session the respondent should lie in jail, and thereafter bring action for damages against the Sergeant at Arms, the Speaker of the House, and the committee offering the resolution. The Sergeant at Arms may plead immunity in vain, under the warrant of the Speaker, but the Speaker and the committee and every Member who votes for the resolution may plead immunity, and the court will hold that they are immune for anything said or done in here.

Mr. POWERS rose.

Mr. CAMPBELL. I would rather not yield at this time. This very question has been decided by the Supreme Court of the United States. We do not need to go into the musty alcoves of the Library and bring down ancient decisions rendered at an ancient time, when the environment and judgment of men were vastly different from what they are to-day.

In the case of Kilbourn against Thompson, decided in 1880, the Supreme Court held that while the Sergeant at Arms was liable to Kilbourn for imprisoning him on the warrant of the Speaker, that Speaker Kerr and the Members in charge of the resolution could plead their immunity, as they did plead it, and they were discharged from any liability to the complainant, Kilbourn, but Thompson, the Sergeant at Arms, was held liable. We have a construction in that case of clause 6 of Article I, of the Constitution. It means that a Member for any speech or debate upon this floor may not be required to answer in any other place in any formal proceeding. Why was this clause inserted in the Constitution? We got that, with many other provisions, from Great Britain. It came to us from the mother of parliaments, the Parliament of Great Britain. There was an ancient struggle between that Parliament and the Kings of the British Empire. That struggle went through the reign of the Tudor and Stuart Kings. They were constantly at war with Parliament—members questioned elsewhere for what they said and did in Parliament; members fined; members punished; members imprisoned, members sent to the tower for what they said in debate. After the dethronement of the last of the Stuarts the first Parliament of William and Mary enacted that from that day no member of Parliament should be questioned in any court or elsewhere for words uttered in debate or speech made upon the floor of Parliament. And that language has come down to the parliaments that have succeeded since then. It was one of the Articles of the Confederation. It was made the law of many legislative bodies of the Colonies, and when the fathers prepared clause 6 of Article I they provided merely the limitation that a Member could not be questioned elsewhere for any speech or words uttered in debate upon the floor of the House of Representatives, and the Supreme Court of the United States has interpreted that to mean that a man could not be made to answer in court for words so uttered.

Mr. Speaker, the decisions of the privy counsel are contrary to the statement made by the chairman of the committee. In recent years that court has not given support to this ancient assumption of authority by Parliament. In Stockdale against Hansard, rendered in 1843, the privy counsel of Great Britain said that the power of Parliament to punish for contempt was not unlimited. It had assumed up to that time the omnipotent power that Blackstone described in his apostrophe to Parliament, but in the case of Stockdale against Hansard the unlimited authority to punish for contempt was specifically denied.

Now, upon the question as to what we are proceeding to do here: Without a law we are making one after the fact—after the assault in Farragut Square. There is no special punishment fixed by Congress or any other power for making an assault upon a Member of Congress, so we are passing a special law to cover that omission, not only of the Constitution, but of the Congress itself. We have power to legislate for the District and have legislated. We have covered cases of assaults. We have provided in the case of assaults in the District of Columbia as follows:

> Whoever unlawfully assaults or threatens another in a menacing manner shall be fined not more than $500 or be imprisoned not more than 12 months, or both.

So we are not without a law. We have made this law for any man who may chance to be within the confines of this District, for the protection of all, for the punishment of all. We did not say, "This law applies in all cases except in the case of an assault upon a Member of Congress." If we had said so, the law would have been unconstitutional. We have never undertaken to define it as a special offense against the law of this land to commit an assault upon the President of the United States, the Chief Justice of the Supreme Court, any Senator or any Member of the House. We could not do that if we would by the joint action of the Members of both branches of Congress and the approval of the President, and much less are we able to do so by adopting this resolution. We are attempting by the adoption of this resolution to do what the Congress of the United States with the consent of the President could not do—make it a special offense to commit an assault upon a Member of Congress out of the presence of Congress.

Why, the matter was considered——

Mr. MURRAY of Oklahoma. Will the gentleman yield for a question?

Mr. CAMPBELL. I would rather not yield.

Twelve years ago many bills were introduced in the House and in the Senate to make it an especial crime to assault or assassinate the President of the United States or the Vice Presi-

dent or anyone succeeding to that high office. The question was discussed in both ends of the Capitol. It was discussed from the pulpit; it was discussed in the press; it was discussed everywhere throughout the country; but, after mature deliberation, Congress in both of its branches came to the conclusion that it was not wise to single out even the President of the United States, or any man who might rightfully succeed to that high office, and give him the special protection of a special law, making it a special crime to commit an assault upon his person. Evidently Congress remembered that provision of our ancient guaranty of equal protection that has surrounded the citizens of this Republic from the day of its foundation, which grants to everyone the equal protection of the law and gives no one special protection.

Now, Mr. Speaker, speaking of the power of Congress to proceed without limitation, of the power to punish for contempt, the Supreme Court of the United States in Kilbourn *vs.* Thompson has followed the judgments of the recent decisions of the privy council. The ancient traditions that preceded and immediately followed the dictum of Lord Ellenborough, in Burdette against Abbott, in 1811, are no longer followed. We do not go to that remote past for authority for our action in matters to-day.

The world has been making some progress since then toward the equality of man and the right of every citizen to the equal protection of the law, denying also the right of the exercise of more than the authorized powers by any branch of the Government—we, the Legislature; yonder the Supreme Court, and yonder the Executive. We have our functions to perform and they are not judicial.

The case of Burdette against Abbott, decided by Lord Ellenborough in 1811, took the position, as stated by the gentleman from West Virginia [Mr. DAVIS], that Parliament had the inherent power, of necessity, to proceed without limitation in the matter of punishment for contempt of its dignity or authority. This case was followed by Justice Baron Parke, in 1836, in the case of Beaumont against Barrett. He followed the dictum of Lord Ellenborough in the Burdette case, and held:

The power of punishing contempts is inherent in every assembly possessing a supreme legislative authority, whether they are such as tend indirectly to obstruct their proceedings or directly to bring their authority into contempt.

In 1842 the case of Kielley against Carson was tried in the privy council, and the decision was rendered by the same eminent jurist. The case of Kielley against Carson was twice argued, and the last time before one of the greatest arrays of legal talent Anglo-Saxon jurisprudence has ever known at the same time. After the last argument Mr. Justice Baron Parke reversed the decision in Beaumont against Barrett and said that that latter decision was rendered upon the dictum of Lord Ellenborough, and that the case was decided immediately after the conclusion of the argument, and that it was not well considered, and then proceeded to analyze the rights of legislative bodies to try men charged for offenses committed outside of their presence after the fact. It will be interesting, therefore, to know some of the things that that eminent jurist gave utterance to upon this very vital question. He said, among other things:

But the power of punishing anyone for past misconduct as a contempt of its authority and adjudicating upon the fact of such contempt and the measure of punishment as a judicial body irresponsible to the party accused, whatever the real facts may be, is of a very different character and by no means essentially necessary for the exercise of its functions by a local legislature, whether representative or not.

The case of Kielley against Carson was a case of an assault upon a member by the name of Kent, of the Newfoundland Legislature, similar to the assault in this case. Kielley was punished: he was imprisoned; and brought his action against Carson, the sergeant at arms. The case was tried. The highest court in Newfoundland found against Kielley. The case was appealed to the privy council and was argued and reargued, as I have stated, and after exhaustive arguments the opinion held that the inherent right—the constitutional power—of punishing after the fact did not inhere in a legislative body.

Mr. DAVIS of West Virginia. Mr. Speaker, will the gentleman permit a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. DAVIS of West Virginia. Is it not a fact that that case was decided with reference to the power to punish, the legislature being that of the Province of Newfoundland?

Mr. CAMPBELL. Yes; it was the supreme legislative body of Newfoundland.

Mr. DAVIS of West Virginia. And is it not a fact that it differentiated in that particular from legislative bodies in general?

Mr. CAMPBELL. The court merely differentiated that legislative body from the British Parliament and not from legislative bodies in general. It simply said it was not like the British Parliament, which anciently had the authority to punish for contempt, which, under the lex et consuetudo parliamenti, exercised the power to punish for contempt. The opinion proceeds:

All these functions may well be performed without this extraordinary power—

That is, referring to the legislative functions—

and with the aid of the ordinary tribunals to investigate and punish contemptuous insults and interruptions.

We have had paraded here to-day all sorts of possible invasions upon the privileges of Congress; we have had Congress threatened with invasion from this quarter and that, destroying the liberty, the conscience, the right of the Members to speak without interruption, without fear, if you please. It was argued, therefore, that the power of punishing for contempt is necessary for our own preservation. The fact that we have the protection of the courts that we ourselves have created has been ignored. We have the protection of the laws that we ourselves have made. If they are sufficient for the rest of mankind, they should be good enough for us. If they are not sufficient, it is within our power to amend them and to add the necessary additional protection.

Mr. Justice Baron Parke, continuing his opinion in Kielley against Carson, said:

It is said, however, that this power belongs to the House of Commons in England; and this, it is contended, confers authority for holding that it belongs as a legal incident, by the common law, to an assembly with analogous functions. But the reason why the House of Commons has this power is not because it is a representative body with legislative functions, but by virtue of ancient usage and prescription; the lex et consuetudo parliamenti, which forms a part of the common law of the land, and according to which the high court of Parliament, before its division, and the Houses of Lords and Commons since, are invested with many peculiar privileges, that of punishing for contempt being one.

Construing this question, he said in that case:

There is no decision of a court of justice nor other authority in favor of the right, except that of the case of Beaumont *v.* Barrett (1 Moo. P. C., 59), decided by the judicial committee, the members present being Lord Brougham, Mr. Justice Bosanquet, Mr. Justice Erskine, and myself. Their lordships do not consider that case as one by which they ought to be bound on deciding the present question. The opinion of their lordships, delivered by myself, immediately after the argument was closed, though it clearly expressed that the power was incidental to every legislative assembly, was not the only ground on which that judgment was rested, and therefore was in some degree extrajudicial; but, besides, it was stated to be and was founded entirely on the dictum of Lord Ellenborough in Burdette *v* Abbott (14 East, 137), which dictum we all think can not be taken as an authority for the abstract proposition that every legislative body has the power of committing for contempt. The observation was made by his lordship with reference to the peculiar powers of Parliament, and ought not, we all think, to be extended any further.

We all therefore think that the opinion expressed by myself in the case of Beaumont *v.* Barrett (1 Moo. P. C., 59) ought not to affect our decision in the present case, and there being no other authority on the subject, we decide according to the principle of the common law, that the house of assembly have not the power contended for. They are a local legislature, with every power reasonably necessary for the proper exercise of their functions and duties, but they have not what they have erroneously supposed themselves to possess—the same exclusive privileges which the ancient law of England has annexed to the House of Parliament.

Do we possess an inherited power of trying a lawsuit in this body? Whence the authority? It was not granted by the Constitution, nor yet by the people. These are grants that were withheld from us. They belong yet to the people.

The question, however, of authority to punish for contempt has been elaborately argued by Mr. Justice Miller in the case of Kilbourn against Thompson, and I beg to take issue with the distinguished gentleman from West Virginia [Mr. DAVIS] in his conclusion as to the authority of that case upon this important question. The decision, the burden of the decision, is upon the authority of Congress as a Congress to try judicial questions. After commenting upon the case of Anderson against Dunn, which in specific language this decision modifies if, indeed, it does not reverse, it says:

We must therefore hold, notwithstanding what is said in the case of Anderson *v.* Dunn, that the resolution of the House of Representatives finding Kilbourn guilty of contempt and the warrant of its Speaker for his commitment to prison are not conclusive in this case, and the facts are no justification, because, as the whole plea shows, the House was without authority in the matter.

The powers of Congress itself, when acting through the concurrence of both branches, are dependent solely on the Constitution. Such as are not conferred by that instrument, either expressly or by fair implication from what is granted, are "reserved to the States respectively, or to the people." Of course, neither branch of Congress, when acting separately, can lawfully exercise more power than is conferred by the Constitution on the whole body, except in the few instances where authority is conferred on either House separately, as in the case of impeachments. No general power of inflicting punishment by the Congress of the United States is found in that instrument. It contains in the provision that no "person shall be deprived of life, liberty, or property without due process of law," the strongest implication against punishment by order of the legislative body. It has been repeatedly decided by this court, and by others of the highest authority, that this

means a trial in which the rights of the party shall be decided by a tribunal appointed by law, which tribunal is to be governed by rules of law previously established.

What law has been "previously established" for the government of the judicial body that you propose to create by this resolution? None. You will prescribe that after you have converted this body into a police court.

Continuing the court said:

An act of Congress which proposed to adjudge a man guilty of a crime and inflict the punishment would be conceded by all thinking men to be unauthorized by anything in the Constitution. That instrument, however, is not wholly silent as to the authority of the separate branches of Congress to inflict punishment. It authorizes each House to punish its own members. By the second clause of the fifth section of the first article, "Each House may determine the rules of its proceedings."

This case modified the dictum in the case of Anderson against Dunn, following the dictum of Lord Ellenborough in Burdette against Abbott. The case of Kilbourn against Thompson has not been modified by any decision since.

The general trend of public thought, the general trend of the world's great political movements, has been in the opposite direction from the power contended for in this resolution. It has been toward the taking away of assumed authority. It has been toward the taking away of assumed dignity. It has been toward the elevation of the citizen, rather than the granting of power for his degradation. Every movement in the last quarter of a century, and especially in the last decade, has been against the assumption of unusual authority that would lead to the infliction of unusual punishments upon any citizen for any cause.

The authority that we are assuming to exercise here to-day is the ancient authority of the Parliament of Great Britain. Is there a man here who will go back a century of time and plead before any forum in this Republic the practices and the traditions of the British Empire a century ago for his action here to-day? And yet that is exactly what you are doing in proposing the adoption of this resolution, making this body—a purely legislative body, one branch only of the Congress of the United States—a body with unlimited judicial power in a given case, granted by the House to itself without the warrant or authority of the Constitution.

I challenge any man upon this floor or elsewhere to point to a single provision of the Constitution that grants the authority that we are exercising here to-day of inflicting punishment upon a citizen for an offense committed outside of the presence of the House upon one of its Members.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. CLAYTON). The gentleman has eight minutes remaining.

Mr. CAMPBELL. We may pause at this point to see just how much too far we are pressing our authority, how much too far we are asserting our dignity, how much above the rest of mankind we are elevating ourselves, how much we claim for ourselves that we deny to other men. Anciently the Parliament of Great Britain claimed many privileges and immunities that were denied to other citizens. But the time has passed even in Great Britain when the ancient privileges and immunities and powers of Parliament are conceded by the people. I have here a book that I have had in my library for many years—The Mother of Parliaments. I find this:

The jealous care with which Parliament guarded its rights in olden days often threatened to bring the very name of privilege into contempt. The Commons especially acquired the pernicious habit of voting that whatsoever displeased them was an insult to Parliament—

That is what we are doing here—

requiring instant and drastic punishment. Books or sermons which criticized or reflected upon the doings of either House were condemned wholesale, confiscated, and publicly burnt by the common hangman; authors or preachers were imprisoned and otherwise penalized. "The Parliament men are as great princes as any in the world," says Selden, "when whatsoever they please is privilege of Parliament; no man must know the number of their privileges, and whatsoever they dislike is breach of privilege."

How is it to-day? Stockdale against Hansard decided that there are limitations to the powers and the privileges of Parliament. It may not imprison a man for contempt of its authority in all cases, as of old, and its public printer must respond in damages for publishing a defamatory article even when published by order of Parliament.

Further, from the Mother of Parliaments:

Impeachment, imprisonment, fines, confiscation of property, or committal to the Tower were among the penalties meted out with a lavish hand to all who gave offense to the Commons.

The most trivial faults, the most innocent acts were, from time to time, contempts of Parliament, and the offenders chastised with a barbarity which was out of all proportion to the nature of their misdeeds. So harmless an offense as crowding or jostling against a member of Parliament was at one time considered a crime.

Mr. Speaker, we are not so much above the rest of mankind after all. We are here in a representative capacity and bring a limited authority from the people with us.

I listened this morning to the solemn oath administered to a Member of this House. He declared in the presence of all mankind and Almighty God that he would support the Constitution of the United States; and yet within to-day's session he is asked to overstep that Constitution and convert one branch of Congress into a judicial body—convert it into a trial court to try a question after the fact touching the guilt or innocence of a private citizen.

Mr. Jefferson—and I shall conclude with that great authority—appealed to the Congress of the United States to restrain itself upon this very question. After marshaling the claims for inherent right and of necessity to punish for breach of privileges or dignity, together with the contentions against the exercise of that power, Mr. Jefferson says in his Manual:

But if one branch may assume its own privileges without control, if it may do it on the spur of the occasion, conceal the law in its own breast, and, after the fact committed, make its sentence both the law and the judgment on that fact; if the offense is to be kept undefined and to be declared only ex re nata, and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed.

Perhaps Congress in the meantime, in their care for the safety of the citizen, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case.

We have not defined either by rule or law the power we are asked to assume to-day, and until we have done this it ill becomes this great parliament of a free people to exercise such a power.

My brethren, we must protect the privileges, dignity, and authority of this House. We can do so in no better way than by not inviting the contempt of the public upon the privileges, dignity, and authority of this great body by assuming power beyond the limitations of the Constitution, to punish a citizen for an offense that is unknown to the law of the land. [Applause.]

Mr. DAVIS of West Virginia. Mr. Speaker, I yield 40 minutes to the gentleman from Maryland [Mr. COVINGTON].

[Mr. COVINGTON addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, I yield 30 minutes to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Speaker, we are here at this time to consider and determine, if we may, a grave and important question. It is not a question whether or not the controversy between Mr. SIMS and Mr. Glover created a sufficient cause or provocation on the part of Mr. Glover to make an assault. We are not to discuss or determine the question as to whether or not the things said of and concerning Mr. Glover by Mr. SIMS are true or false. We are here to settle and determine, if we can, the great question as to whether or not under the Constitution of the United States this body is clothed with power to protect itself against contempt, whether it has power to punish those that undertake to transgress the high privileges of this branch of Congress.

At the very inception of the investigation on the part of the committee we notified Mr. Glover of our desire to have his presence and such testimony as he saw fit to offer, and in response to our request he communicated to us by letter, in which he says:

The preamble of the resolution sets forth with substantial accuracy the facts of the incidents therein referred to.

In that resolution it was alleged and set out that Mr. Glover had made an attack upon Mr. SIMS for and on account of words spoken by Mr. SIMS upon the floor of this House. After having admitted these two fundamental facts, namely, that the assault had been made and that it had been made expressly on account of words spoken in this House, Mr. Glover proceeds to challenge in a courteous way the power and jurisdiction of this House to punish him for this act. He says:

Though advised that under any fair and reasonable interpretation of the conclusions announced by the Supreme Court of the United States in the case of Kilbourn v. Thompson (103 U. S., 168) the House of Representatives is without jurisdiction to pursue this inquiry and to take the action foreshadowed by the resolution in question, I have determined, as the result of personal reflection, to disregard this advice for the moment, reserving, however, the right to avail myself of the benefits thereof if it should at any time become necessary so to do.

Confronted by that frank statement, this committee gave its careful, considerate, and I might say judicial, consideration to the grave and important question as to whether or not there is under the nature of our Constitution power vested in the House of Representatives as a whole to protect itself and its Members from assault. In the consideration of that question it was

somewhat assigned to me to review and examine carefully the judicial decisions on this question. I shall confine myself in the discussion that I make to the one single constitutional question as to whether or not there is inherent power as determined by the courts of the United States lodged in this body to punish for contempt.

It is conceded by everybody, it is conceded by every court that has passed upon this question, that there is no express power in the Constitution given the House of Representatives to punish for contempt. I might say that it is conceded by everybody who has examined the question that there is in the Constitution no express power giving to the courts jurisdiction to punish for contempt of their authority.

It has been held, however, in every court of the land that has ever considered this question, in England and in this country, in State and Federal courts, that courts have the implied power—a power that grows out of their very office, grows out of the dignity of their jurisdiction—to determine and punish for contempt of the court.

Now, the clear-cut question is this: Has Congress, one of the coordinate branches of this Government, the same implied and necessary power to protect itself?

The first time that this question ever came before the Supreme Court of the United States was in the case of Anderson against Dunn. That case was one in which a certain person had offered a bribe to a Member of Congress. When the matter was brought before the House the same question was raised then that is raised now, and while entertaining the profoundest respect for the gentleman from Kansas [Mr. CAMPBELL], who argued the question here on the other side to-day, I feel that I am expressing no discourtesy when I say that gentlemen at that time expressed every argument that he has expressed, and I perhaps would not be going too far in saying that they expressed them with much greater cogency, clearness, and accuracy than did the gentleman from Kansas, who argued that side of the controversy. Notwithstanding the able arguments and all the arguments that are offered here to-day, the House by an overwhelming majority, as I remember, 4 to 1, decided the proposition that they had the power to punish for contempt, although it will be noted the contempt was not committed in the presence of the House.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. PROUTY. Mr. Speaker, just let me inquire if there is any time on the other side of the House that I can have, if I yield at this time.

Mr. DAVIS of West Virginia. How much time does the gentleman want in addition?

Mr. PROUTY. I can not tell, until I see how much time these other things take.

Mr. DAVIS of West Virginia. I think I can yield the gentleman some time.

Mr. PROUTY. Then, Mr. Speaker, I yield.

Mr. CAMPBELL. Mr. Speaker, does the gentleman from Iowa say that the House acts judicially when it votes on a resolution of this kind?

Mr. PROUTY. Not exactly judicially. I have not said that. The courts act judicially in protecting their power, and this body acts in accordance with its power and not as a judicial body. It acts as one of the great sovereign, independent departments of this Government in exercising those rights that are necessary for its preservation, and not the preservation of the courts.

Mr. CAMPBELL. Will the gentleman yield further?

Mr. PROUTY. Certainly.

Mr. CAMPBELL. And in passing upon a judicial question, a question of fact and a question of law, does it not become necessary for the House to act in a judicial capacity?

Mr. PROUTY. In a sense, in a judicial capacity, of course. Nobody can determine a question of fact unless he determines it at least with a judicial mind.

Mr. CAMPBELL. The gentleman cited the vote in the House of Representatives on resolutions of this kind as a precedent or as an authority for acting upon these resolutions.

Mr. PROUTY. Mr. Speaker, the gentleman will pardon me, but I did not yield for an argument. This is what I said, and I will repeat it, that this House in that case decided that it had the power. I did not say it was a judicial opinion from which an appeal might be taken to the Supreme Court of the United States, but I do say that the House in a clearly defined and in a better argued case than has been argued here to-day on either side—that is generous enough I am sure—after argument decided that it had the power. That case was taken to the Supreme Court of the United States, the case of Anderson against Dunn, and there every argument was presented to the Supreme Court that has been presented by my good friend here to-day, and after full and complete discussion, every phase that has been suggested here by my friend was gone into and repudiated and refuted by the learned judge who wrote that opinion. I will not read the case in full, but here is what the court says:

It is certainly true that there is no power given by the Constitution to either House to punish for contempt except when committed by their own Members, nor does the judicial nor criminal power given to the United States in part expressly extend to the infliction of punishment for contempt of either House or any coordinate branch of the Government. Shall we, therefore, decide that no such power exists? It is true that such a power, if it exists, must be derived from implication, and the genius and spirit of our institutions are hostile to the exercise of implied powers. Had the faculties of man been competent to the framing of a system of government which would have left nothing to implication, it can not be doubted that the effort would have been made by the framers of the Constitution. But what is the fact? There is not in the whole of that admirable instrument a grant of powers which does not draw after it others not expressed, but vital to their exercise; not substantive and independent, indeed, but auxiliary and subordinate.

But if there is one maxim which necessarily rides over all others in the practical application of government, it is that the public functionaries must be left at liberty to exercise the power which the people have intrusted to them. The interest and dignity of those who created them require the exertion of the powers indispensable to the attainment ends of their creation. No reason can be urged against the exercise of such power. The wretch beneath the gallows may repine at the fate which awaits him, and yet it is no less certain that the laws under which he suffers were made for his security.

The unreasonable murmurs of individuals against the restraints of society have a direct tendency to produce that worst of all despotisms which makes every individual the tyrant over his neighbor's rights. "The safety of the people is the supreme law" not only comports with but is indispensable to the exercise of those powers in their public functionaries, without which that safety can not be guarded. On this principle it is that courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum in their presence and submission to their lawful mandates, and, as a corollary to this proposition, to preserve themselves and their officers from the approach and insults of pollution. It is true that the courts of justice of the United States are vested, by express statute provision, with power to fine and imprison for contempt; but it does not follow, from this circumstance, that they would not have exercised that power without the aid of the statute or not in cases, if such should occur, to which such statute provision may not extend. On the contrary, it is a legislative assertion of this right as incidental to a grant of judicial power, and can only be considered either as an instance of abundant caution or a legislative declaration that the power of punishing for contempt shall not extend beyond its known and acknowledged limit of fine and imprisonment.

Now, I call the special attention of the gentleman from Kansas to this:

But it is contended that if this power in the House of Representatives is to be asserted on the plea of necessity, the ground is too broad and the result too indefinite; that the Executive and every coordinate, and even subordinate, branch of the Government may resort to the same justification, and the whole assume to themselves in the exercise of this power the most tyrannical licentiousness.

This is unquestionably an evil to be guarded against, and if the doctrine may be pushed to that extent it must be a bad doctrine and is justly denounced.

But what is the alternative? The argument obviously leads to the total annihilation of the power of the House of Representatives to guard itself from contempts and leaves it exposed to every indignity and interruption that rudeness, caprice, or even conspiracy, may meditate against it. This result is fraught with too much absurdity not to bring into doubt the soundness of any argument from which it is derived. That a deliberative assembly, clothed with the majesty of the people and charged with the care of all that is dear to them, composed of the most distinguished citizens, selected and drawn together from every quarter of the great Nation, whose deliberations are required by public opinion to be conducted under the eye of the public and whose decisions must be clothed with all that sanctity which unlimited confidence in their wisdom and purity can inspire—that such an assembly should not possess the power to suppress rudeness or repel insults is a supposition too wild to be suggested.

That decision has been in the books of the United States Supreme Court for something over half a century. It is found in Sixth Wheaton, page 228. There is only one case that seems to call in question the doctrine clearly announced and laid down in this case, and that is the case of Kilbourn against Thompson, referred to by Mr. Glover in his letter and referred to here by the gentleman from Kansas [Mr. CAMPBELL]. Now, to read that case casually, as I fear my friend has, one would reach the conclusion that it had overruled the fundamental principle announced by the Supreme Court in the case of Anderson against Dunn. But if he will take the pains to read that case carefully, and reread it, as I have many times, he will find that, while the court does indulge in much dictum that is not in accordance with the line of argument in the Anderson case, yet, when it finally comes up to the question, it then frankly says they do not pass upon the question. I read a small section from the case of Kilbourn against Thompson, found in One hundred and third United States Reports, on page 189, the same case which was called to your attention by the gentleman from Kansas [Mr. CAMPBELL]. Now, after having spent four or five pages discussing the question we have been discussing here to-day, the court says as follows:

We are of opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two Houses of the English Parliament, nor from the adjudged cases

in which the English courts have upheld these practices. Nor, taking what has fallen from the English judges, and especially the later cases, on which we have just commented, is much aid given to the doctrine that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation.

This latter proposition is one which we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or nonexistence of such a power in aid of the legislative function.

The court goes ahead and discusses the express powers of the Constitution as to Congress, and winds up with this statement:

Whether the power of punishment in either House by fine or imprisonment goes beyond this or not, we are sure that no person can be punished for contumacy as a witness before either House, unless his testimony is required in a matter into which that House has jurisdiction to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizen.

That was the point upon which that case was decided. As has been called to your attention by my colleagues, that was a case where the witness had refused to answer a question as to his private business, and the Supreme Court held that if it was a case where Congress undertook to inquire into private business, that was beyond the power of Congress, because such a right of privacy was protected by another provision of the Constitution.

But I assert now without fear of contradiction that there has never dropped from the pen of any judge, either in the Supreme Court or district court or in any State court of the United States the proposition for which my friend is contending, namely, that Congress has no inherent power to punish for contempt. These two cases have been referred to only once since, and that was in the case of Re Chapman, in which the court especially calls attention to the fact that in this Kilbourn case the question that they decided was the one that I have just now announced, namely, that Congress has no power to punish for contempt a man who refuses to answer a question that Congress has no right to ask him. And in that same opinion, as has been called to your attention in two separate places, the Supreme Court of the United States said that there is no question but that the Congress of the United States has the power to punish for contempt. That was the case where they tested the constitutionality of a law to punish for contempt. As I said, that is the last time that it has appeared in the court, so far as the Supreme Court is concerned. It has appeared, however, once since that in the Court of Appeals in the District of Columbia, in which it was clearly and unequivocally asserted that that was an inherent power vested in Congress, and it could not, even if it desired, divest itself of that authority.

Now, as I intimated in my remarks at the start, this is not a new question, and that every phase that has been here discussed has been discussed by Congress before. The gentleman from Kansas [Mr. CAMPBELL] made as the basis of his argument the proposition that a crime could not be punished until it was first defined and its punishment provided for. In other words, that we must create a crime by law.

I think, if the gentleman will reflect a minute, he will detect the absurdity of that proposition. There never has been any law, to my knowledge, in any State or in the United States defining just what contempt is. From the very nature of the thing, it is impossible. It may grow up in so many and so diversified situations and conditions that you could not possibly anticipate it by legislation. No court has ever undertaken to define and set down rules for its determination. Suppose, to illustrate what I mean, a man would walk up to a judge on the bench and spit in his face. Then the fellow would employ my good friend from Kansas [Mr. CAMPBELL] to defend him; and he would look through his statute books and would say: "I do not find anything in the statute books about spitting in a judge's face. Therefore he must go free, because no law has been made to meet such a case or punishment provided." This Congress had that proposition up once. It was once undertaken, and after an exhaustive discussion and consideration of the question they found it was impossible in the statute to define contempt. Contempt is anything that strikes at the authority or power or dignity or freedom of the tribunal, and it may be exercised by all the varied acts that human ingenuity can meditate or think about.

Now, the next thing the gentleman from Kansas [Mr. CAMPBELL] says is that he ought to be tried by a jury; that under our great free institutions every man is entitled to a trial by jury. Now, the gentleman is too good a lawyer to say that. There never was a contempt case until the recent act of Congress ever tried by a jury. It is one of the powers of the court to determine the facts and prescribe the punishment. It must be so, from the very nature of things.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. MOON). Does the gentleman yield?

Mr. PROUTY. With pleasure.

Mr. CAMPBELL. The gentleman concedes that the modern trend of thought led this Congress to pass a law giving the citizen the right of a trial by jury even in a contempt case?

Mr. PROUTY. Not in all contempt cases; only in certain contempt cases where the question of fact was involved.

Mr. CAMPBELL. Certainly.

Mr. PROUTY. But here the facts are admitted. There is no question of fact to be determined here. It is for us to determine the law; and, as I understand my good friend here now, he would have a jury called to determine the question of facts, when Mr. Glover himself admits the facts.

Now, think of that absurdity for a moment. You must sometimes consider what might happen in order to determine the powers that are necessary to prevent it. Suppose that this Congress should pass some law that was so obnoxious to the people in the District of Columbia that they would undertake to mob Congress. Supposing we should pass a law—for instance, an excise law or a law abolishing the half-and-half principle in the District—upon which these people would become so indignant that they would undertake to punish every man who spoke for it or voted for it on the floor of this House. Suppose we marched down here and they jumped on us and pounded us and beat us and assaulted us. My friend would say, "Your only remedy is to go down here to the police court, file an information, and call for a jury composed of the same men, surrounded by the same influences, aroused by the same situation, and call upon them to pass upon the question of the guilt or innocence of the fellows who have committed the assault."

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Kansas?

Mr. PROUTY. Yes.

Mr. CAMPBELL. In what respect would that differ from permitting the man who was assaulted to be the court and jury to try the man who committed the assault?

Mr. PROUTY. As I say, the court does pass upon it. But——

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. PROUTY. Will the gentleman from Illinois [Mr. MANN] give me some more time?

Mr. MANN. How much time does the gentleman desire?

Mr. PROUTY. Fifteen minutes.

Mr. MANN. Mr. Speaker, I yield to the gentleman 15 minutes more.

Mr. PROUTY. Just think for a moment, gentlemen, where the doctrine of the gentleman from Kansas [Mr. CAMPBELL] would lead us to. Under the Constitution a Member of Congress is not to be called to account for any of the things that he says on the floor of this House, and yet under the gentleman's application of that splendid protection that has been thrown around the sacredness of speech here a man attacks the gentleman upon the street for what he has said here, and he has no other right, no other power for his protection than is given to the hobo. The gentleman would simply have the right to file an information for assault and battery, and the humblest negro or the most vagrant hobo in this town has all of that right.

What did the Constitution intend to do when it said that no man should be called on or questioned for what he says upon the floor of this House at any other place? Why, my friend says, "There is ample protection and enforcement of that provision by filing an information in the police court and having the other fellow fined a few dollars."

Why, that is the right and the protection that the humblest citizen has, independent of this Constitution. I would like also to call the attention of the Members of Congress to this point, and it is one that has entered into my mind quite fully: What court, what power, can enforce this provision of the Constitution?

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield for a question?

Mr. PROUTY. With pleasure.

Mr. CAMPBELL. In what respect would a fine or a term of imprisonment imposed by the courts that we have constituted here in the District differ from either a fine or a term of imprisonment imposed by such a court as we might create out of Congress by the resolution of the House?

Mr. PROUTY. The difference is this: The courts have no power to limit or to gauge the punishment under this constitutional provision. Let us be frank about it. Suppose we were filing an information against a man down here for assaulting the gentleman for a speech made in this House. Suppose the gentleman should say he is a Member of Congress, and that for what he should say as a Member of Congress is not to be ques-

tioned in any place, and therefore the courts must determine the amount of punishment that should be meted out to the offender. Its mere statement shows its folly. You could not go into court and plead that proposition. I repeat that if this House has not the power to enforce that constitutional provision, there is nowhere vested in any court any power to enforce it or preserve it.

There is one other thought that I wish to call to the attention of this House. Several times it has been hinted at and intimated that this is a trivial matter that never ought to have been brought to this House—that it ought to have been settled in the police court or settled on the spot. If any of you have taken the pains to read the testimony in this case, you have found that Mr. Glover on more than one occasion said that if it was not for the dueling laws of Congress he would challenge this man to mortal combat. And if it had not been for a law that this Congress saw fit to put upon the statute books many years ago, it is more than probable, from the disposition shown by the respondent in this case, that we would here to-day be considering a case of homicide and not one of simple assault.

Mr. CAMPBELL. Would we have the right to try a case of homicide?

Mr. PROUTY. We would have the right to try a man for dueling, as I interpret the law. Yes; we would have a right to try a man for any insult that he offered to the Members of Congress for things that they said upon the floor. You would say, of course, that notwithstanding he had shot down Mr. SIMS upon the spot for words that he said upon this floor, there is no power in this House to punish him for contempt; and as I have called attention to before, very often, the situation in this town might have been such, there might have been such an inflaming of public sentiment as would have made it impossible to convict Mr. Glover by a jury of his peers, and therefore he would have gone unpunished for committing one of the gravest crimes against the dignity and power of the United States Congress.

Mr. CAMPBELL. Will the gentleman yield further?

Mr. PROUTY. Certainly.

Mr. CAMPBELL. Suppose the President of the United States had signed that law that was so offensive to the people of the District of Columbia, and that they should take their vengeance upon him. Is there any special crime for assassinating the President of the United States?

Mr. PROUTY. No; because there is nothing in the Constitution that says the President shall not be called in question for anything that he says. It is not supposed that the President will do much talking, although that has been violated considerably recently. [Laughter.] Everybody knows that as a fundamental principle of a republican form of government all men who make laws must be at liberty to discuss policies, measures, and men freely, untrammeled, without any fear of being called in question by the slugger upon the streets. [Applause.]

I yield back the remainder of my time.

Mr. MANN. How much time does the gentleman yield back?

Mr. PROUTY. Whatever I have.

The SPEAKER pro tempore (Mr. MOON). The gentleman yields back nine minutes.

Mr. MANN. I yield to the gentleman from Wisconsin [Mr. NELSON] 20 minutes. [Applause.]

Mr. NELSON. Mr. Speaker, having served with the gentleman from Kansas [Mr. CAMPBELL] in this House for a number of years, I, of course, know that he is a very able and astute lawyer; but if he has made good to-day in his constitutional argument he is the ablest constitutional lawyer this country has ever known. This follows because he has challenged—and I presume to his satisfaction has overthrown—the position taken by Chief Justice John Marshall on the implied powers of Congress, and specifically the position taken by him in the Anderson-Dunn case. Marshall was in the consulting room and on the bench when that opinion was passed upon and delivered; and though penned by another, the brain of Marshall molded this decision. Not only that, but the gentleman from Kansas has overthrown Mr. Justice Story, who sat as associate justice in the Anderson case, and who as a commentator on the Constitution strongly argues for the powers which the gentleman from Kansas denies.

As has been shown by my colleagues on the committee, the gentleman from Kansas has challenged an array of legal luminaries on the Constitution. I am going to call attention to one or two only, because my time is limited.

What Judge PROUTY has said is true. The gentleman from Kansas has shrewdly marshaled those arguments that have been put forward by minority committee reports and by attorneys in the cases referred to, but all of them have been overruled in both branches of Congress and by the decisions of the courts. He has not been able to produce a single case that sustains his point of view—not a single great authority on the Constitution.

In the case against Woods, where Mr. Bingham of Ohio, chairman of the Judiciary Committee, brought in the majority report, the House sentenced Mr. Woods to jail for three months because he had assaulted a Member of Congress, although in that case it is not entirely clear that he was assaulted in his official capacity, because the words spoken by him which induced the assault were uttered outside of the House.

Yet these able lawyers reported him guilty, and Mr. Bingham quotes in his argument Kent, Story, and Rowle, three of our most learned commentators on the Constitution, in support of the power of the House to punish an assault made upon a Member of the House as for contempt.

Now, I wish to read an interesting letter by the Attorney General of the United States, which is referred to by Mr. Bingham in the Woods case in 1870, although the letter was written in 1834. It is as follows:

ATTORNEY GENERAL'S OFFICE, *June 25, 1834.*

SIR: In answer to the question submitted to me on the memorial of Gen. Houston, who appears to have been indicted, convicted, and fined in the criminal court of this District for an assault on the person of a Member from the House of Representatives after having been previously punished by that House, for the same act, as a contempt and breach of privilege, I have the honor to state that, in my opinion, the proceedings of the House constituted no bar to the subsequent indictment and conviction. The fifth amendment to the Constitution of the United States, which provides that no person "shall be subject for the same offense to be twice put in jeopardy of life or limb," does not apply to cases of this sort. Courts and other bodies which have the power of punishing for contempts are invested with that power, and are supposed to employ it for the purpose of protecting themselves in the due exercise of their appropriate functions, and not for the purpose of vindicating the general law of the land, which may also have been violated by the same act. Technically, therefore, Gen. Houston has not been twice tried for the same offense. The act committed by him was one and the same, and it constituted but one indictable offense, and he was therefore liable to only one conviction on indictment. But if this act was also a breach of the privileges of the House of Representatives and a contempt of the House, they had a right to punish him for the contempt independently of the action of the criminal court, and so vice versa.

I am, sir, etc.,

B. F. BUTLER.

Then there is the more recent Chapman case, referred to frequently in this debate, which is another decision that is overturned by the great constitutional lawyer from Kansas. Who wrote this opinion? Chief Justice Fuller. Who sat on the bench and in the consulting room with him? Chief Justice, then Associate Justice, White. These jurists also go down before the onslaught of the gentleman from Kansas, for in that case the court directly held that the House "necessarily possesses the inherent power of self-protection," and asserts again and again that neither House of Congress can divest itself of the power to punish for contempt. The Attorney General's opinion just read is cited on the point that the assault constitutes two offenses—one against the House because of the violation of its inherent privileges, and the other against the individual assaulted, of which the courts of law have jurisdiction. Unquestionably, Mr. SIMS can have Mr. Glover prosecuted in the courts. But that is not our primary concern. The House has the constitutional right to protect a Member of this body, so that we do not have to appeal to a police court and be hampered in the discharge of our official duties every time an assault is made upon a Member of the House. Anyone can see plainly the reason why the House of Representatives must have the inherent right to punish for contempt.

But the report of the special committee was made so inclusive, and I believe conclusive, of the facts in the case, the precedents of both branches of Congress, the decisions of the courts, together with the reasons upon which these rest, that it would be wearisome repetition of authorities and arguments to go over them again in detail. I would rather take the time that is left to me to make some observations that may be of service to those who are most vitally concerned in this affair. I think it proper and right that I should express a personal thought, a sentiment, and a hope.

My thought is that up to the present moment the House of Representatives has acted in this case in a way that is entirely worthy of it—in a deliberate and dignified manner, which I am sure has commended itself to the membership of this House, to the people of this District and elsewhere, and will be approved by those who shall come after us when they shall have occasion to refer back to the precedent we are now making. The gentleman from Tennessee [Mr. GARRETT], with his usual tact and ability, instead of asking for summary action by the House, introduced a resolution calling for the appointment of a special committee to report and investigate, giving the committee authority, and clearly defining its duties. And the Speaker, with

his keen sense of the fitness of things and his thorough knowledge of the mental make-up of the older Members of the House, made no mistake in the appointment of the personnel of the committee save for one possible exception. I attribute my appointment to a generous friendship and good will, but it was singularly fortunate that the committee had the services of the former parliamentary expert of this body, Mr. CRISP, of Georgia, who gave the committee the benefit of his extended and reliable knowledge of parliamentary law, procedure, and precedents. We were also fortunate in having on that committee a gentleman who has had long experience on the bench, Mr. PROUTY, of Iowa, who reviewed thoroughly the decisions of the courts, and also such able lawyers, with keen analytical and logical minds, as J. HARRY COVINGTON, of Maryland, and JOHN W. DAVIS, of West Virginia, our chairman. Each member of the committee, feeling his responsibility to this House and his duty with reference to these two gentlemen, Mr. Glover and Mr. SIMS, divested himself of all bias and prejudice and independently made a survey of the entire field. When we came together we found ourselves in substantial agreement upon every proposition, which was fortunate, because it enabled us to make a unanimous report defining the rights of Members, the privileges of the House, and its power to punish for contempt.

I particularly wish to commend in this case the action of the gentleman from Tennessee [Mr. SIMS]. He did not bring this matter to the attention of the House, but when asked to come before the committee he did so and made a full, free, and frank statement of the facts, without any attempt to exaggerate or color them. Indeed, he rather minimized and deprecated the extent of the injury that he had suffered at the hands of Mr. Glover. I commend his course because it shows a high order of moral courage, not merely brute courage. The committee had special opportunity to learn the real facts.

It learned that Mr. Glover had permitted this controversy with Mr. SIMS to prey upon his mind. He had brooded over it, and if he was not beside himself, if he was not insane—I do not say that he was—yet he had permitted this matter to so strain his nervous tension that he had but little check upon his actions. Read the testimony of Mr. SIMS himself. Mr. SIMS is coming along, not thinking of danger. He had no hard feeling toward Mr. Glover. They had indulged in a controversy, as other men have upon this floor; but Members of the House have no lasting ill-will toward each other or toward other men with whom they differ. Suddenly some one, whom he found to be Mr. Glover, accosted him from behind and struck him. What impression did Mr. Glover make upon Mr. SIMS? I will quote passages from Mr. SIMS's testimony:

He had what I believed to be at the time, and so impressed me, an insane expression, a glare of the eyes, somewhat of a bluish pallor on the face.

Again:

He had an expression on his face which made me feel very apprehensive at the moment.

Again:

Because by that time I felt very apprehensive of an assault, but not an ordinary assault with the hand.

Again:

I was only watching his right hand and his right arm, with the only purpose which I arrived at coolly and deliberately, that if I saw his hand go toward his coat pocket or his trousers pocket to grab his arm. I had no other thought.

Again:

To be perfectly candid and clear about this matter, it was a very light stroke; and having come to the conclusion that I had come to, from his appearance, I regarded it as a provocative stroke, and I purposely and deliberately, for what I thought was my own best interest, declined to strike back or do anything that would justify an assault of the kind I felt from his appearance was intended.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. NELSON. Yes.

Mr. GOOD. Did the committee come to any conclusion as to whether or not Mr. Glover was sane or insane at the time of this assault?

Mr. NELSON. No.

Mr. GOOD. If I understood the gentleman correctly, he is reading from the testimony to show that Mr. Glover had brooded over this matter to such an extent that he was deranged.

Mr. NELSON. I have given the gentleman my theory of his mental attitude. This is what Mr. SIMS testified was the impression that Mr. Glover made upon him.

Mr. GOOD. That is what I was trying to get at. The gentleman's conclusion was that he was rather unbalanced in mind at that time.

Mr. NELSON. I said I would not say that, but that he had reached a state of nervous tension where he had but little check on his own action.

Mr. GOOD. If that is the case, does the gentleman think this is a tribunal to try an insane man?

Mr. NELSON. I did not say he was insane. The gentleman is putting a forced construction on what I said.

Mr. GOOD. Does the gentleman think this is a tribunal to try a man whose mind is unbalanced by reason of his brooding upon a subject at any time?

Mr. NELSON. That is not an issue here, and that is not a matter of defense, and I decline to yield further.

Mr. JOHNSON of South Carolina. He is not pleading insanity. All men are presumed to be sane.

Mr. NELSON. What was in Mr. Glover's mind? The testimony of Hon. BEN JOHNSON shows that months previously he had expressed regret that there was a law against dueling. But for this law he would have challenged Mr. SIMS. For what purpose? Obviously he wished either to wound or to kill Mr. SIMS. And others have heard the same remark. In fact, within the personal knowledge of members of the committee he uttered the same words. It is also in the testimony that he said to a newspaper man that he was on the lookout for Mr. SIMS. Now, all I desire to bring out is that if Mr. SIMS had not acted with a high degree of moral courage and self-control—for he has those passions we all have—instead of the comedy that caused the man up the tree to laugh, a tragedy might have been enacted in Farragut Square. I have served with Mr. SIMS in this body for seven years. I have never known a more fearless fighter on the side of public welfare on every question than he. When I first came here Mr. SIMS was on the District Committee. He very soon won my confidence, because he frequently demonstrated that he possessed the moral courage to resist all forms of special and selfish interests of gentlemen in the city of Washington who had legislative schemes to put through, and courageously exposed them on this floor.

Mr. SIMS is entitled to the praise of his colleagues and the approval of his constituents for his self-control. Had he repelled the assault with a counterblow it might have given him some personal satisfaction but little honor, for it would have been reported in the newspapers and said throughout the country: "There is another Member of Congress, one of those fire eaters of the South, who has so far forgotten the dignity of his high office as to engage in a brawl with a citizen in a public place." The House would have hesitated to order an investigation in that event, because it would not have cared to wash dirty linen in public.

I want to say a word now for Mr. Glover in this matter. Mr. Glover is a man of high standing socially and financially in this city. Undoubtedly this controversy between him and Mr. SIMS had worked upon his mind. He felt that his reputation among his fellow citizens had been injured. Deeply resentful, he forgot himself and took the law in his own hands. But he has frankly avowed his fault. He has stated that he never intended to infringe upon the privileges of this House nor hold it in contempt. I believe, therefore, that when the time comes for us to pass sentence upon him we should not play the part of a Shylock and insist upon the full pound of flesh, but rather let the quality of mercy season our justice, for mercy gives justice a flavor that is pleasing to man and to his Maker. I hope the House will adopt this resolution, approving thereby the findings of the committee upon the rights of Members, the privileges of the House, and the power of the House to punish for contempt. If we adopt this resolution by a nearly unanimous vote, it will stand as a landmark for all time to come in our parliamentary and constitutional history. Let the Sergeant at Arms arrest Mr. Glover, let him be reprimanded by the Speaker, and then be discharged from custody. The House will thus conclude what it has begun in the right spirit. Vindictiveness will have had no part in its action. Its course will have been dictated alone by the patriotic purpose to maintain the rights of Members, and to protect the power, the dignity, the safety, and the integrity of the proceedings of the House of Representatives of the American people, in discharging its constitutional duties.

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. NELSON. Yes.

Mr. CAMPBELL. Does the gentleman from Wisconsin think that a reprimand from the House of Representatives is more of a deterrent to citizens in the future from an assault upon the Members of Congress than a possible fine of $500 and languishing in the jail of the District of Columbia for a year, as the courts we have constituted are authorized to impose for assault?

Mr. NELSON. Answering the gentleman, I believe the present situation lends itself admirably to serving notice upon Mr. Glover, and every other person in this District, that under the Constitution we have the power and shall always reserve the

right to send any person to prison or to reprimand him, no matter how high he may stand socially and financially, when the privileges of the House have been invaded. The Member assaulted still has the right to go to the courts if he desires to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I yield the gentleman 10 minutes additional.

Mr. NELSON. As an individual citizen Mr. SIMS has the right to go to the courts of law, if he cares to do so, but the House is protecting him as an integral part of this body, and always will protect its Members when assaulted, harassed, or insulted in their official capacity, but as individuals they can also go to the courts of law for further redress.

Mr. DILLON. Mr. Speaker, I would like to ask the gentleman, in reference to this constitutional provision that a Member shall not be questioned for any speech or debate in any other place. Would you say that a speech that is made on the floor of this House could not be questioned at home, in the newspapers, or in the magazines?

Mr. NELSON. Not at all. The people have the right to question, in the sense of criticizing, provided that this does not directly interfere with the constitutional duty that you and I are here to discharge. Where there is something done that affects the integrity or the safety or the orderly discharge of our duties here, then the House has the right to act and to punish. An assault may keep a Member away from the House and may intimidate him, especially in a case like this, as Mr. Glover is still interested in park projects which will come before us; and if he or any other person may slap a Member in the face every time such private citizen disagrees with or is resentful of words spoken in debate, we shall not be safe in passing to and from this House or in the discharge of our public trust.

Mr. DILLON. The offense here is for words spoken in this House. That is the conclusion of the committee.

Mr. NELSON. Yes; that is the constitutional right we have.

Mr. DILLON. Suppose Mr. Glover in meeting Mr. SIMS had taken him to task for words spoken in this House and had done so in a manner that is a provocation, and then Mr. SIMS had defended himself, would you still contend that we can punish the attack, or take him to task for words spoken in this House?

Mr. NELSON. Answering the gentleman generally, he can make his own application. When the thing done clearly touches a Member in his official capacity then the House will take notice. If he gets into a brawl as to whether Walter Johnson is the best baseball pitcher, or some other fellow, then the House will not look into it. Whether the Member is assaulted in his official capacity or not must be determined in each particular case by the facts. Our select committee went into this question, and every other committee will do likewise. The committee will carefully consider whether or not the assault was made on the Member in his official capacity, a direct violation of his constitutional privilege, or not, and so report to the House. But if a Member engages in some common brawl, of course the House will not take notice.

Mr. DILLON. One other question. The gist of this offense constitutes the words spoken in this House and taking to task for the same. That is correct, is it not?

Mr. NELSON. That is the present case.

Mr. DILLON. I want to get instructed on this. It is an interesting question. Suppose that Mr. Glover had accosted the Member upon the street and said to him, "You have spoken these words in the House, and I call you a liar for what you have said, and I will burn your house down in order to get even with you." Now, the offense would not be the burning of the house, would it, but the offense would be taking him to task for what was said in the House of Congress?

Mr. NELSON. The gentleman, of course, can state cases so near the margin that it is difficult to determine whether it would be one or the other.

Mr. GARRETT of Texas. Let me suggest to the gentleman that this is not a hypothetical case. Here you have the specific charges and a plea of guilty.

Mr. DILLON. What I wanted to be instructed upon is that it is conceded there is no limitation to this punishment.

Mr. NELSON. Indeed there is. In the Anderson case the Supreme Court says it is limited to the life of the Congress.

Mr. DILLON. Suppose it is the last day of Congress and you could not punish? It seems to me the power must be continuous.

Mr. NELSON. I give the Supreme Court decision, and the gentleman having been a distinguished jurist himself can figure it out for himself.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to ask the gentleman a question before he takes his seat. I understood the gentleman from West Virginia to make the statement, but if he did not actually state it, it was subject to the deduction that a contempt might be committed by the publisher of a newspaper, commenting upon language spoken on the floor of the House by a Member, in a way that would be offensive, and it might constitute a contempt of the House. I would like to ask the gentleman if that is the opinion of the committee and that a newspaper publisher might be brought before this House and punished for contempt under such circumstances?

Mr. NELSON. I will answer the gentleman that such a case was passed upon by the Senate in the Duane case, where a newspaper man libeled the Senate, clearly slandered the Senate, where he was cited to appear, and was finally punished by the courts themselves.

Mr. BURKE of South Dakota. Was it a libel of a Senator or of the Senate as a whole?

Mr. NELSON. The Senate as a whole. Of course there is a distinction here. It must go to the very integrity, safety, and dignity of the House. A mere criticism by newspapers generally would not be considered. The House itself and the Speaker have decided that mere criticism by newspapers generally is not entitled to serious consideration, but anything which puts Members and Senators in the light of being criminals, grafters, of accepting bribes, or doing that through which Congress would lose the respect of the people, allows the House and both branches of Congress to order an investigation, and if the charges are found to be grossly untrue and libelous to punish the detractors.

Mr. DAVIS of West Virginia. Mr. Speaker, will the gentleman yield for a question?

Mr. NELSON. Yes.

Mr. DAVIS of West Virginia. If the gentleman will permit me, I understood the gentleman from South Dakota [Mr. BURKE] to quote my position to the effect that a libel on the House would be considered a breach of its privileges. That, perhaps, is a deduction from what I said, but it is not my language. My language, if the gentleman will permit, is that the phrase "questioned as to words spoken in debate" refers to questioning not only in a court of justice and not only questioning by a personal attack, but it may even include a questioning by words, and that is shown to be true by reason of the fact that the sending to a Member in former times of a challenge to a duel, which of course was a mere verbal assault, was treated as questioning of words spoken in debate and therefore a breach of privilege.

Now, it may be possible to argue from that, following the Duane case, to which the gentleman referred, that a libel might be so treated. But I did not so state, and I would not undertake to commit myself about that proposition.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. BURKE of South Dakota. I think it might be fairly stated that the remarks of the gentleman from West Virginia were subject to that deduction.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 26 minutes.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. Speaker, I have an amendment which I desire to send to the Clerk's desk and have read.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The Clerk read as follows:

Amend by striking out "and that in committing said assault Charles C. Glover has been guilty of a breach of the privileges and a contempt of the House of Representatives" and insert the following: "and that he appear and show cause, if any exists, why he should not be held in contempt of the House of Representatives."

Mr. TOWNER. Mr. Speaker, I think that the committee can have no objection to this amendment, and I think that the reason for it ought to satisfy the House that it should be adopted.

In the first place, it is understood by Members of the House that in this proceeding we stand in the position both as accusers and also as judges. At this time we are making the accusation. In the courts of nearly all of the States and in the courts of the United States when a contempt is committed outside of the presence of the court a citation is issued by the court for the person to appear and show cause, if any, why he should not be punished for a contempt of the court, and on that process the warrant is issued, and the person appears before the tribunal and has an opportunity to make his showing.

Analogous to that, Mr. Speaker, we are citing this man to appear and answer for a contempt of this body. It is not certainly our intention to try and find him guilty now; and yet

if we adopt this resolution as it is stated we will be doing so, because the language of the resolution is:

And that in committing said assault Charles C. Glover has been guilty of a breach of the privileges and a contempt of the House of Representatives.

Mr. DAVIS of West Virginia. Will the gentleman yield?

Mr. TOWNER. In just a moment I will. If we vote now for this resolution as it stands, we shall be determining in advance that he is in contempt of this House. I presume what we really mean is that we think he is in contempt of this House, and that we think so sufficiently strongly to cite him to appear and make his defense; but certainly we do not desire to try him in his absence, before he has had a right to appear and answer and show cause and make defense. We certainly do not desire to try him now and so estop ourselves from voting in his favor if he shall show that he ought not to be punished for a contempt of this House.

Mr. DAVIS of West Virginia. The gentleman will recall that under the resolution the committee were instructed to ascertain whether or not a contempt had been committed by an assault upon a Member for words spoken in debate. The committee were directed to ascertain that fact. They have reported the fact to be as rumored. If the House were to adopt that resolution, would it not do exactly what this resolution does by declaring that these acts were committed and that they constituted a contempt?

Mr. TOWNER. I think not. The gentleman is too good a lawyer not to know that a court never issues a citation for a man to appear and show cause why he should not be held in contempt unless it thinks he is in contempt. And by the passage of this resolution in the form I suggest this House will be saying that it believes that these acts on the part of Mr. Glover make him guilty of a contempt of this House; but they do not so decide and determine, as this resolution expressly states. They ought only to cite him to appear and answer and show cause, if any he has, why he should not be punished for a contempt of this House.

Mr. DAVIS of West Virginia. The gentleman is already advised by the reading of the report that there is another resolution to be offered following the adoption of this, or as an amendment to this, which will give to the accused his day in court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman five minutes more.

Mr. TOWNER. I am so advised, and that is only another reason why this language ought to be adopted, because we do not want to place ourselves at this time in the position of having determined already the guilt of the accused without his having an opportunity to be heard. We ought to say, if we so find, that we think he is in contempt, but we do not adjudge him so, and do not try and determine the case, as the language of this resolution would declare that we had, until he has had an opportunity to appear and show cause why such action should not be taken.

Mr. COVINGTON. Does not the gentleman know that every indictment at the criminal law contains this categorical form against the alleged offender, the statement that he has committed certain acts, and that those acts constitute a crime contrary to the act of assembly, or against the peace, government, and dignity of the State; and, notwithstanding the apparent adjudication by the grand jury, it sets forth succinctly the same fundamental principles that this resolution does, but yet he has his day in court.

Mr. TOWNER. But the gentleman ought to understand that this is not an indictment. An indictment is not found by the court or the jury that tries the case and determines the guilt. The indictment is found by the prosecutor, or the grand jury, an independent, outside party. He or it asserts the guilt of the defendant. But the judge, in an indirect charge for contempt, never asserts the guilt of the defendant. He only cites the defendant to appear, answer, and show cause if he can, why he should not be punished for a contempt of court. This is a different proceeding from a trial on an indictment. Gentlemen should realize that they ought not at the same time to charge and determine in advance the guilt of the defendant, and that without an opportunity of being heard; because if the House of Representatives by the passage of this resolution determines in advance that this man is guilty before he has had an opportunity before the bar of this House to show whether he is guilty or not, then the proceeding that may occur when he comes before this House will be a mere farce. We can not then determine whether or not he has shown cause why he should not be punished, for we will have already determined it against him. Of what use will it be for him to appeal to a body that has already found him guilty and has solemnly registered that finding in this resolution?

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARRETT of Texas. Does the gentleman recall the preamble in the resolution originally offered by the gentleman from Tennessee [Mr. GARRETT]?

Mr. TOWNER. I do not.

Mr. GARRETT of Texas. That preamble charged Mr. Glover with assaulting a Member in a public park in the city of Washington for language spoken upon the floor of this House. If that be true, would not that be an offense against this House and a violation of its privileges, and would not that be a contempt of the House?

Mr. TOWNER. I do not discuss the question as to whether it would or not.

Mr. GARRETT of Texas. If that be true, would it not?

Mr. TOWNER. I will not discuss that.

Mr. GARRETT of Texas. Does not Mr. Glover admit here that it is true?

Mr. TOWNER. That we do not know; and if it be true, of what use is it to cite him to appear and answer and show cause why he should not be punished for a contempt of the House? We are now determining in this resolution beforehand that he is guilty of a contempt, and we do so without his having his day in court. There is no court in America to-day that would punish any man for an infraction of its rules, or for anything that might be considered a contempt, that was indirect and not in the presence of the court, unless it first cited him to appear and allowed him an opportunity to show cause why such punishment should not be inflicted, and that is the course that is orderly and, I think, ought to be followed in this case.

Mr. DAVIS of West Virginia. I will yield two minutes to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Speaker, I do not desire to engage in any further discussion of the case except to call the attention of the House to a misapprehension which the gentleman from Iowa [Mr. TOWNER] seems to have in regard to the resolution which has been offered.

As a matter of fact, the committee has no pride of opinion with respect to the resolution. It simply followed the precedent established by the resolution in the Houston case in 1832, where the subject was most carefully considered by the House.

The gentleman from Iowa has utterly failed to see that this resolution does not declare Mr. Glover guilty of contempt. It states that the warrant shall be issued for C. C. Glover "to answer the charge that" an assault has been committed by Mr. Glover upon the gentleman from Tennessee [Mr. SIMS], and that that assault constitutes a contempt of the House.

And, Mr. Speaker, the second resolution goes on to provide, with careful regard for the rights of the accused, that he shall be asked if he desires to be heard—which every lawyer in this House knows to mean if he desires to have a trial, and that he shall be asked if he desires to have counsel. In other words, after Mr. Glover has been brought to the bar of the House, what is, in substance, the indictment—that is to say, the findings of fact—shall be read to him. He is thus informed of the charge against him, and he may plead his guilt or demand a trial. If he denies the findings of fact, the House shall proceed with the trial of the case. If he admits the charge, the resolution provides that the House shall proceed to take order in the matter—that is, to adopt a resolution either discharging or reprimanding or imprisoning Mr. Glover. In every way the constitutional safeguards of the citizen have been secured to him as they would be secured to him in any court in the land.

Mr. DAVIS of West Virginia. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 36 minutes left.

Mr. DAVIS of West Virginia. I yield 2 minutes to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Speaker, my colleague, whom I recognize as being a good lawyer and a good judge, for I have known him many years, has fallen into a mistake in reading this resolution. I presume that he read it hastily and did not notice exactly what it said. I want to call attention of the House to the fact that the criticism he makes is not germane. The resolution does not find him guilty, but it charges him with two things: First, of having committed certain acts therein set out; and, second, that those things constitute a contempt of this House. He is cited here to answer both charges. In the letter he wrote he admitted the fact as to the commission of the acts, but questions the jurisdiction of this tribunal to declare them in contempt or to exercise any jurisdiction over the matter. I want to read the resolution, leaving out the immaterial matter.

On page 14 of the report it says: "That the said Charles C. Glover shall be brought to the bar of the House of Representatives on a day to be fixed in said warrant to answer," and so forth.

Now, second, as to the contempt of the House: "And that in committing said assault Charles C. Glover has been guilty of a breach of the privilege and a contempt of the House of Representatives." When the case is here he is to answer two propositions: First, did he commit the acts charged; and, second, has he any reason to show why it is not contempt of this House? Then the House can pass upon the question whether or not he has shown any reason why there was no contempt. But we are simply asking him to come into this House and answer two questions: First, did you do the things; and, second, are you guilty of contempt in so doing?

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of West Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, it will be impossible for me in the short time which I have, to discuss any of the legal phases of this controversy. I have no doubt, however, that under the sixth section of the Constitution this House has the right to punish anyone who shall question anything that a Member may have said upon the floor of this House in debate. I have every confidence in the legal ability and the impartiality of the special committee which has this case in hand, and I shall vote to uphold the report of that committee.

It seems that this controversy between Mr. SIMS and Mr. Glover grew out of an option which Mr. Glover had upon some Rock Creek land. As I understand it, three bills were introduced in this House, one to sell that land upon which he had that option for $600.000. That bill was not passed in that Congress. The bill was reintroduced in the next Congress, and the price fixed in the second bill was $50,000 less than in the first bill. As I understand it a third bill was introduced fixing the sum at $423,000, being $177,000 less than the first bill.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Certainly.

Mr. COOPER. Will the gentleman permit me to say right there that that is one of the statements with which Mr. Glover in his newspaper article found so much fault. Both Mr. Andrus and Mr. SIMS made that statement, and it is not at all in accordance with the facts. The $600,000 price and the $500,000 price and the $423,000 price were successive reductions on a piece of property relating to Meridian Hill property and not to the Rock Creek property on which Mr. Glover had an option, which was never offered for any other price than $423,000; and Mr. SIMS acknowledged it here on the floor, but attempted to excuse himself by saying it was toward midnight when he made that statement, and yet the fact is that after he made the statement, as the record shows, and I have just been consulting it, the House, on motion of Mr. PAYNE, of New York, at 6 o'clock and 15 minutes took a recess until 10 o'clock on the same evening, showing that the statement was made during the afternoon instead of toward midnight.

Mr. THOMAS. Mr. Speaker, I decline to yield further. I am stating that those three bills were introduced, and the controversy came up over that matter. I do not know and I do not pretend to say who was right or who was wrong. I am not condemning Mr. Glover and I am not condemning Mr. SIMS, but I do know that Mr. SIMS in his speech upon the floor of this House declared that he did not intend to reflect upon Mr. Glover.

I am simply reciting the matter about which this controversy arose. Mr. Glover had no business and no right under the law to assault Mr. SIMS for words spoken in this House. As I understand it they are both about 60 years of age. I have never met Mr. Glover and I do not want to meet him, because I do not want my jaws slapped [laughter], but, as I understand it, he is an athlete. Well, we all know that Mr. SIMS is blessed or cursed, owing to the point of view, with an abnormal abdominal protuberance [laughter], and I think that Mr. Glover would have been just as much justified in assaulting a muscovy duck with both wings broken as he was in assaulting Mr. SIMS on that occasion. I think he had no right to do it. I have known Mr. SIMS ever since I have been in Congress. I am on a committee of which he is the chairman, and I can say that there is not in Congress a more honest, honorable, kinder-hearted man, and I do not believe that he would intentionally give offense to anyone.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. DAVIS of West Virginia. Mr. Speaker, does the gentleman from Illinois desire to occupy any more time?

Mr. MANN. How much more time have I remaining, Mr. Speaker?

The SPEAKER. Seventeen minutes. [Cries of "Vote!"]

Mr. MANN. Does anyone desire to be recognized for time in opposition to the resolution?

Mr. DAVIS of West Virginia. I will yield 15 minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MANN. First I yield 5 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I shall consume only two minutes. The fundamental error, as I view it, into which the gentleman from Kansas [Mr. CAMPBELL] and some other gentlemen have fallen is this, that the offense with which Mr. Glover is charged is not that of assault and battery, but of committing acts which tend to obstruct this House in the performance of its official functions.

If Mr. Glover and Mr. SIMS had had an altercation over some business matter and the same act had been committed by Mr. Glover by reason of some offense which he imagined had been given by Mr. SIMS, no one would contend that this House would have any jurisdiction. On the other hand, if Mr. Glover had simply threatened Mr. SIMS instead of actually striking some blows, the offense given this House would have been committed in the same manner. It is alleged and asked that this whole matter be relegated to the courts. The fact is that no court has any jurisdiction and no court can try the offense with which Mr. Glover is charged.

Mr. MANN. The gentleman yields back his time. I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I regret I was not able to be present when this debate began, and I have not had the time to examine this report as fully as I should have liked to have done, but I desire to state now the point which in my mind still remains in doubt. There is no doubt in my mind that the House of Representatives possesses power to punish for contempt, but whether or not the acts charged as contempt constitutes a contempt is not free from doubt in my mind. And for this reason, that the cases that are cited in this report are cases that necessarily interfere with the performance of the high functions of this House. For instance, two or three of those cases are attempted bribery. Of course, an attempted bribery tends to impede and frustrate the will of the people as expressed in legislation in the Congress and is self-evident contempt of the House. But the alleged ground against Mr. Glover in this case, as I understand it, is that he violated the provision of the Constitution which says that for any speech or words spoken in the House a Member shall not be questioned in any other place. Now, what is "questioning" in any other place? That is the exact point that we would like to have discussed in order to enable us to vote intelligently upon this case. Is the mere fact that you meet a Member on the street and say to him, "You voted against that bill yesterday; I have my opinion of you. What did you do it for?" Is that questioning or do the words in the Constitution, "shall not be questioned," mean you can not sue him for anything that he said, and if you bring an action for slander or libel for a false charge he could undoubtedly plead his privilege and that he could not therefore in law be questioned or held in damages. That is plain. But does that term go further than that and clothe him with any special right? Now, if the act of Mr. Glover to Mr. SIMS had tended directly to impede the proceedings of this House there would be no question in my mind that it would be contempt.

If he had sought to detain him from attending the sessions of the House, for instance; but that does not appear. It appears that Mr. SIMS was on his way from his residence, to where? Not to a session of the House but to an executive department of the Government. It may be true that he went there on official business, but it did not necessarily impede the work of the House in enacting legislation to stop him from going to the department when the House was not in session at the time. Therefore the act to prevent him from going to the department did not directly impede the proceedings in the House. Now, it seems to me that the case can be distinguished from a case of bribery which necessarily affects the dignity and the work of the legislative body, that this is a different case entirely. It did not directly keep Mr. SIMS from attending the sessions of the House as did the act of the sheriff who detained a Member on his way to attend a session of the House, cited in the report, and, therefore, it seems to me before I would be prepared to vote upon the final question of whether Mr. Glover is guilty of contempt of the House I should like to have a little more enlightenment upon that precise point. Do the words of the Constitution that are representative for words spoken here, "shall not be questioned in any other place," mean that he shall not be asked anything about it as was suggested by the gentleman from South Dakota [Mr. DILLON]? Does it mean that he shall not be criticized in a newspaper? If he were to be asked a question in a newspaper article or

severely condemned, does that come within the distinction of questioning him under the constitutional term? There is a very grave question in my mind now whether or not the acts that are reported to have been committed here by the committee do come within the exact definition of whether or not it really did interfere with the work of the House and therefore would be a direct contempt of the House of Representatives, unless the assault had a direct tendency to prevent Mr. SIMS from attending the sessions of the House, or to influence his action upon a matter pending therein, by preventing his attendance or by duress or fear, I doubt whether the acts constitute a contempt of the House. I reserve my right to decide that question in the event the case should go to trial.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. The House has heard very able arguments on both sides of the pending question, and it is not my disposition or desire to delay the vote upon it. I think, however, in the exercise of a great and fundamental and important power that is resident in the membership of the House of Representatives by virtue of the offices we hold, that we ought not to let an occasion like this pass without soberly realizing the extent of this power and the danger of its abuse.

To begin with, I agree entirely that an assault on a Member of Congress, whether during the time for which he is elected or thereafter, for words spoken upon the floor of the House, is an attack, not simply on the Member himself, but upon the House in its organized capacity, and I disagree with the suggestion made by the able gentleman from West Virginia, who made the opening speech on behalf of the committee, when he expressed his own personal view that when a Member's time of service ceases in the House of Representatives the House ceases to have interest in that question. I do not agree with that. I believe that it should be understood that if for words spoken by a Member of the House in the discharge of what he conceives to be his public duty, he could be assaulted violently and held to account after ceasing to be a Member of this body, it would very much embarrass the deliberations of the body. In the closing debates of a closing Congress, pending a possible change of administration, things may occur in heat, and if retiring Members could be called to an account immediately after the adjournment of Congress the beneficent influence of this protection would entirely disappear. If a man in debate on the 3d day of March, at the close of an administration, could be held to account day after to-morrow, on the 5th day of March, by violent assault or in any other way for what he said, that, I think, would very much undermine the effect of this necessary constitutional protection.

But I want to say another word, with the permission of the House, however, looking upon this great question from an entirely different angle. It is an extraordinary proceeding. It is an extraordinary power that is vested in the membership of the House. A man can not be held to account anywhere under the Constitution for statements he makes in official debate. Like the exercise of all great power, it should be used with moderation, and the privileges of debate ought not to be abused on the floor of the House. A man's reputation as a private citizen is just as dear and sacred to him as the reputation of a Member in his official capacity; and I never hear a Member in either branch of Congress assaulting the character and purposes of private citizens but that it seems to me it is in the nature of a reckless exercise of important constitutional power. I think that the statement of the gentleman from West Virginia that, in his opinion, it becomes unimportant to inquire into the nature or extent of the provocation for an assault of this kind, may not be absolutely well founded. I think the nature and extent of the provocation, whether the citizen is justly or unjustly assailed by a Member of the House, may be very properly taken into consideration in meting out punishment to the offender. I do not justify an assault upon a Member, no matter how great the provocation; but I do think, sitting, as we do here, as judges and jury and prosecutors, really, to judge of the question of the contempt of our own rights and immunities, it would be a very proper subject to inquire as to whether the provocation is great or little, for the purpose simply of determining what punishment ought to be administered.

Now, I am in entire accord with the recommendations of the committee. I have not made these observations to indicate anything to the contrary. I do believe that this unusual trial ought to be proceeded with. I realize, however, that in the very nature of the case the defendant is in an uneven contest. For that reason the House ought to mete out its conclusions with deliberation and with a just regard to the rights of others.

The SPEAKER. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

CHARLES C. GLOVER.

Mr. MANN. Mr. Speaker, I understand that the gentleman on the other side of the House is willing now to yield me eight minutes, on account of the time I have yielded.

Mr. DAVIS of West Virginia. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 29 minutes.

Mr. MANN. I would like to have a little more than eight minutes.

Mr. DAVIS of West Virginia. I will yield to the gentleman 10 minutes.

Mr. MANN. All right. I may ask for a little more later.

Mr. DAVIS of West Virginia. I think we may be able to accommodate the gentleman.

Mr. MANN. My Speaker, I yield 10 minutes, then, to the gentleman from Wisconsin [Mr. COOPER].

[Mr. COOPER addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, the law and facts in this case have already been very ably discussed. It is clear from the many precedents and from the many court decisions cited that this House has the inherent, the implied, and the express constitutional right and power to punish for contempt in cases of this kind. There is no room to reasonably doubt the fact that Mr. Glover made the assault as charged upon Mr. SIMS, and in doing so committed a contempt against this House.

It occurs to me, after listening several hours this afternoon to the circumstances and facts surrounding this case, to inquire what kind of District of Columbia special-privilege meat this man Glover must have eaten that he has grown so great that he feels free to make a brutal assault on any Member of this House, thus flinging insult and contempt at this House and at its honest legislative deliberations; and it seems that when this man then calmly, in that manner of self-assurance characteristic of men of his kind and business success, suggests that this House has no authority to defend itself from assaults of this character it is time that summary action should be taken. To-day one of the most severe indictments that the people of this country are bringing against our courts and legislative bodies is on account of the frequent long-drawn-out delays in performing their functions. I believe this is a rich opportunity for this House to set a good example for the courts and other legislative bodies in this country. I believe it is highly important—it is essential—that this case be soon finally concluded; that no commission of insanity be authorized, as was suggested a short time ago, nor that the recommendations of the committee be side-stepped in any way on mere technicalities.

I want to say that I wish to heartily congratulate the special committee that has had this matter in charge. They have most carefully considered the law and the facts and have brought in a resolution here that should be adopted. By adopting this resolution, by bringing Mr. Glover promptly to the bar of this House, by inflicting a just punishment upon him, and doing it without delay, will gain, I am sure, for this House not only the respect of the whole country but the respect of Mr. Glover as well.

Mr. MANN. Mr. Speaker, I am inclined to think myself that the immunity expressly granted by the Constitution only relates to proceedings in court—that words spoken in debate can not be used as a basis for a suit or criminal action brought against the Member speaking them. But I have no doubt whatever that this legislative body, as other legislative bodies must have, has the inherent power to protect its own Members from assaults. The Member of Congress who takes the floor, or who even votes, ought to know that when he steps outside of the Chamber of the House he will not be met by a set of men who, perhaps, have threatened him in advance with their physical disapproval if he has spoken or voted contrary to their wishes. [Applause.] And such a Member, if so assaulted, ought to feel that the House itself will punish the offender, and not require him to take his chances by making a complaint in the police court or bringing suit in the form of a civil action. [Applause.]

The protection of a Member is not for his own advantage, it is not for his own personal protection, but it is in order that the legislative body representing a great, free people shall be free to act according to the best judgment of its individual Members, without fear of those who happen to be locally surrounding the Chamber on the outside. I, for one, am in favor, whenever the question is raised before the House, of protecting not merely the dignity of the House but the sanctity of the proceedings in the House, by protecting the individual Members of the House when they are physically assaulted, when they leave the Chamber, for what they say or do here. [Applause.]

Mr. DAVIS of West Virginia. I yield 10 minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr MURRAY of Oklahoma. Mr. Speaker, the question before the House is hardly a question as to whether Mr. SIMS made a true statement on the floor of the House, nor is the question, on the other hand, primarily whether Mr. Glover was justified in making the attack. The question is as to the right the people of this country have given to their Members of Congress to encourage them in expressing their most inward secrets.

Now, the makers of our Constitution have left four provisions in relation to this matter: First, no man can be arrested while attending upon Congress; second, no Member shall be questioned in any other place for any statement made in debate; third, the provision for segregation of the Capitol site from any States of the Union by its location in the District. Does anyone suppose for a moment that this District was cut out only to build parks upon? Any man who is acquainted with constitutional history will understand that with certain delegated or reserved powers to the States, supreme so far as they exist, it would have been unwise to have established a government in any one of them, and so it was intended by those great statesmen who made this great Federal nationality, when they provided that the Capitol itself should be segregated, to give Congress complete control over it. I take it there is no doubt but that there exists the inherent power to punish as for contempt in every legislative body, just as it exists in every court of record under the common law.

I was surprised and astonished at the statement made by the gentleman from Kansas [Mr. CAMPBELL] when he undertook to say that no such power ever existed or could exist. I would not have been surprised, knowing his surroundings, if he had said, "I do not believe in the power," because I realize that the doctrine of I. W. W. ism, opposed as it is to every kind of supreme power, and so necessary to safe and stable government, would tear down the old flag and call it a dirty rag; but when this gentleman makes a declaration that such power to punish for contempt is not the law, he certainly can have but litle respect for his own opinion as a lawyer. But back of this we read in the history of the old republics of Germany, that these petty republics along the Rhine more than 2,000 years ago met together annually to legislate, and they encouraged each other to get on a drunk for three days and then to sober down and proceed to deliberate. This was thought necessary in those times because it was an encouragement for every individual in the state of intoxication to give out his most inward secrets, and if the American people could get from every Member of both Houses of Congress a straight declaration of his most inward secrets, it would be best for the American people.

The purpose of this provision and this power lodged in Congress is not to protect me; it is not to protect you; but to encourage the Members of this body to say what they desire to say about every man and every measure in order that the people may know that the Member is free from all fear. So it ceases to be a question of the protection of Mr. Glover or the protection of Mr. Sims. It is the maintenance of a doctrine that will encourage freedom of speech on the floor of this body, and I want to predict now to the gentleman from Kansas [Mr. CAMPBELL] that he may find in but a short time that he will be met in this city with thugs of the corporate interests if he gets as enthusiastic in opposition to that corporate interest as he has on the other side of this question.

Sooner or later the American people are going to understand that this is a corporate-ridden city and District, where the public-service corporations are oppressing the people; and when thousands of employees of the Government have to pay an extra charge to the public-service corporations, it means extra public salary. Whenever the people understand that, they are going to demand of Congress the absolute regulation and control of public-service corporations, and I warn the gentleman from Kansas, if he stands up here and makes the fight as earnestly in behalf of the people of this Republic as he does this individual [Glover], he may be met upon the street the next day by the thugs of the corporate interests of the District. If I am in Congress I expect to be standing with the people, and I expect Congress to protect me against any such assault; and so this is not a question of any individual right—this is a question of the interest of the great American people. Our forefathers knew that while here and there an individual may be slandered without redress, yet in this great body of the representatives of the people we must have free and open discussion. They knew another thing. They knew that an honest man has no fear of slander. It is the truth that hurts. I have been slandered and so have you, but it never hurt me, nor will it hurt any other honest man. It is the truth that hurts. And now I say in reply to the statement made by the gentleman a while ago that we ought to be very lenient in this punishment. I want to say, my friends, we have heard the arguments touching the tendency of the times; and what is that tendency? Is it against a constitutional Government with a national power? No. The tendency of the times is that we are against a Government that is too weak for the strong and too strong for the weak.

Mr. Glover is a man of wealth, and if he were an humble hodcarrier we would not be long making up our minds. Let us see that he bear the penalty just the same as the great, immortal Sam Houston, governor of two States, Member of Congress, once a President of a Republic which he carved out of the wilderness—the Lone Star Republic [applause] of Texas—a great general, a great statesman, and yet when he trespassed upon this power he had to suffer not only at the hands of the Congress but at the hands of the courts. After he was punished by Congress he was indicted and convicted in the court of the District of Columbia. Let us be just as square, and let us return to those days when the Government would be equally strong upon the strong as it was upon the weak. Let us convict this man if the evidence is true and give him sufficient punishment. [Applause.]

Mr. DAVIS of West Virginia. Mr. Speaker, how much time have I remaining?

The SPEAKER. Seven minutes.

Mr. DAVIS of West Virginia. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Speaker, I offer an amendment to the resolution now pending.

The SPEAKER. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

That when Charles C. Glover shall be brought to the bar of the House to answer the charge of having violated the privilege of the House of Representatives by having made an assault upon Representative THETUS W. SIMS, of the State of Tennessee, for words spoken by said Representative SIMS on the floor of the House of Representatives, the Speaker shall then cause to be read to the said Charles C. Glover the findings of facts by the special committee of the House charged with the duty of investigating whether or not the said assault had in fact been committed as alleged, and whether or not the said Charles C. Glover had violated the privileges of the House of Representatives by said assault. The Speaker shall then inquire of the said Charles C. Glover if he desires to be heard, and to have counsel, on the charge of being in contempt of the House of Representatives for having violated its privileges. If the said Charles C. Glover desires to avail himself of either of these privileges, the same shall be granted him; if not, the House shall thereupon proceed to take order in the matter.

Mr. COVINGTON. Mr. Speaker, I do not desire to discuss the amendment. I simply want to call attention——

Mr. MANN. Will the gentleman yield?

Mr. COVINGTON. I do.

Mr. MANN. As I understood the amendment read, that is the second resolution in the report of the committee?

Mr. COVINGTON. It is. It simply makes one continuous resolution. I simply want to state for the benefit of those Members who were not in the Chamber at the time the gentleman from Iowa [Mr. TOWNER] had time yielded to him, that there was offered an amendment to correct, as he thought, certain language in the first resolution offered upon the theory that the resolution was attempting in advance to charge Mr. Glover with being guilty of contempt before he had had an opportunity to answer and that as a matter of fact the amendment will do nothing that was not already set out succinctly in the resolution. It will make it necessary to demand a separate vote upon that amendment.

The SPEAKER. The Clerk will report the Towner amendment.

The Clerk read as follows:

Amend the resolution by striking out the clause "and that in committing said assault Charles C. Glover has been guilty of a breach of the privileges and a contempt of the House of Representatives" and insert in lieu thereof "and that he appear and show cause, if any exists, why he should not be held in contempt of the House of Representatives."

The question was taken, and the amendment was rejected.

The SPEAKER. Will the gentleman from Maryland give his attention? This last paper which the gentleman sent up here to the Clerk's desk is really part and parcel of the original resolution, is it not?

Mr. COVINGTON. That is true, Mr. Speaker, but at the time the gentleman from West Virginia [Mr. DAVIS], chairman of the committee, offered the resolution he offered what is apparently a separate resolution, the first part of that in the printed report, and this is the second part of that resolution.

The SPEAKER. The question is on the amendment offered by the gentleman from Maryland.

Mr. HAMILTON of Michigan. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAMILTON of Michigan. I want to ask the gentleman a question. As I understood the reading of his resolution, it does not contain the identical language of the resolution as printed.

Mr. COVINGTON. It is identically the language in the resolution.

Mr. HAMILTON of Michigan. Then the Clerk omitted about a line in reading it.

The SPEAKER. The Clerk will report the amendment again, without objection.

Mr. COVINGTON. Mr. Speaker, in order that there may be no misconception about it, I state that it will be the printed resolution.

The SPEAKER. The one you are going to have a vote on is the one the Clerk has in his hand.

Mr. MANN. Let the Clerk read it from the printed report, and then we will know what it is.

Mr. STAFFORD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STAFFORD. I would like to direct the attention of the gentleman from Maryland [Mr. COVINGTON] to the fact that in examining the resolution of the chairman of the committee, sent to the Clerk's desk this morning, there is a certain date stated, whereas in the resolution printed there is no certain date printed.

Mr. TOWNER. As I understand the gentleman from Maryland, this is one resolution instead of two? It will make it only one?

Mr. COVINGTON. That is the idea.

Mr. TOWNER. In other words, this resolution that is printed on page 14 is not to be considered as a separate resolution, but as a part of the resolution originally offered?

Mr. COVINGTON. That is precisely the intention.

Mr. MANN. Now it is the second resolution that is to be read?

The SPEAKER. The Chair understands that. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That when Charles C. Glover shall be brought to the bar of the House to answer the charge of having violated the privilege of the House of Representatives by having made an assault upon Representative THETUS W. SIMS, of the State of Tennessee, for words spoken by said Representative SIMS on the floor of the House of Representatives, the Speaker shall then cause to be read to the said Charles C. Glover the findings of facts by the special committee of the House charged with the duty of investigating whether or not the said assault had in fact been committed as alleged, and whether or not the said Charles C. Glover had violated the privileges of the House of Representatives by said assault. The Speaker shall then inquire of the said Charles C. Glover if he desires to be heard, and to have counsel, on the charge of being in contempt of the House of Representatives for having violated its privileges. If the said Charles C. Glover desires to avail himself of either of these privileges, the same shall be granted him; if not, the House shall thereupon proceed to take order in the matter.

The SPEAKER. The question is on the Covington amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the amended resolution.

Mr MANN. Mr. Speaker, in order that it may show the vote, I ask for a division.

The House divided; and there were—ayes 200, noes 4.

So the resolution as amended was agreed to.

Mr. COVINGTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COVINGTON. Is the Speaker now about to execute the action in warrant for the apprehension of Mr. Glover?

The SPEAKER. That is exactly what he is about to do.

Mr. COVINGTON. May I ask further from the Speaker if he knows from the Sergeant at Arms whether there is a reasonable certainty that the warrant will be executed this afternoon? I think the House may very well know that.

The SPEAKER. The Speaker does not know that. The Chair has been informed that Mr. Glover is within the building and can be very easily found. I do not know him of my own knowledge. I never saw the gentleman in my life. The precedents in the case seem to show that when Mr. Glover is brought in Members will not be allowed to confer with him until the matter is finished.

PRINT OF TARIFF BILL.

Mr. MANN. While we are not very active about business, I think there are one or two printing propositions that we might dispose of.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that 5,000 copies of H. R. 3321 may be printed, 1,000 copies to go to the document room and 4,000 copies to go to the folding room, for the use of the Members, in the form that the bill went to the Senate.

Mr. BARNHART. Mr. Speaker, would that necessitate a separate resolution?

Mr. MANN. No. That is under $500.

Mr. BARNHART. All right.

Mr. UNDERWOOD. One thousand copies to go to the document room and 4,000 copies to the folding room, in the form in which the bill went to the Senate.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that there shall be printed 5,000 copies of the tariff bill in the shape in which it went to the Senate, 1,000 copies for the use of the document room and 4,000 copies for the use of the folding room. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE TO PRINT.

Mr. MANN. Mr. Speaker, at the request of several gentlemen, I ask unanimous consent that those who have spoken on the Glover resolution before the House this afternoon shall have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that those who have spoken on this Glover matter to-day may have the right to print and extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, is that request granted?

The SPEAKER. It is.

Mr. CARLIN. For how long a time?

Mr. MANN. There is no limit of time. There were only a few gentlemen who spoke.

Mr. HUMPHREY of Washington. Unanimous consent has been granted.

SAN DIEGO EXPOSITION.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask unanimous consent, on behalf of the gentleman from California [Mr. KETTNER], for the consideration of a bill relating to the admission of goods to the exposition at San Diego, Cal. It is necessary for this to pass speedily in order that they may allow the laborers to dispose of the foreign exhibits as they come in, in the exposition buildings.

Mr. MANN. I think that might take a few minutes, and there is no trouble about taking it up to-morrow.

Mr. UNDERWOOD. Well, then, I will let it go over.

REPORT OF THE MONEY TRUST INVESTIGATION.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] asks unanimous consent for the present consideration of a resolution which he sends to the Clerk's desk, which the Clerk will report.

The Clerk read as follows:

House resolution 100.

Resolved, That there shall be printed 2,500 copies of the report of the Money Trust investigation, for the use of the House document room, at a cost of $452.32.

Mr. MANN. The cost does not want to go into the resolution itself. It is no part of the resolution.

Mr. FINLEY. I understand that; but it is for the information of the House.

Mr. MANN. It is reported at the bottom of the resolution.

Mr. FINLEY. It is at the bottom of the resolution, but it is no part of it.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire if there is any provision for these reports to be made available to the Members in the folding room? If they are sent to the document room there will be none at our command. I would like to have some at my command for the benefit of those who request them.

Mr. MANN. Mr. Speaker, I will say for the information of the gentleman from Wisconsin [Mr. STAFFORD] that the edition of 2,500 copies provided for by the resolution is practically the limit that the House can provide for by simple resolution. I

think the understanding is that if that does not supply the demand there will be at once a similar resolution to provide an additional allotment. If that does not suffice, the demand can be supplied by a concurrent resolution.

Mr. FINLEY. I will say to the gentleman from Wisconsin that this will not be the end of it if more copies are desired.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CHARLES C. GLOVER.

The SPEAKER signed and delivered to the Sergeant at Arms the following warrant:

HOUSE OF REPRESENTATIVES, UNITED STATES OF AMERICA,
Ninth day of May, 1913, ss:

To ROBERT B. GORDON, *Sergeant at Arms, greeting:*

Whereas the House of Representatives of the United States on the 9th day of May, 1913, then being in session in the city of Washington, D. C., did resolve that the Speaker do issue his warrant directed to the Sergeant at Arms commanding him to take into custody wherever to be found the body of Charles C. Glover, of the city of Washington, D. C., and the same in custody to keep, and that the said Charles C. Glover be brought to the bar of the House of Representatives on the 9th day of May, 1913, to answer the charge that he, on Friday, April 18, 1913, in the city of Washington, D. C., committed an assault upon the person of Representative THETUS W. SIMS, a Representative in the Sixty-third Congress from the State of Tennessee, because of words spoken by the said Representative SIMS in debate on the floor of the House of Representatives while the House was in regular session during the Sixty-second Congress, and that in committing said assault he, the said Charles C. Glover, has been guilty of a breach of the privileges and a contempt of the House of Representatives:

These are therefore to require you, Robert B. Gordon, Sergeant at Arms for the House of Representatives of the United States, forthwith to take into your custody the body of said Charles C. Glover, of the city of Washington, D. C., and him safely to keep, and to bring him before the bar of the House of Representatives on the 9th day of May, 1913; and all marshals and deputy marshals, civil officers of the United States, and every other person are hereby required to be aiding and assisting you in the execution thereof, for which this shall be your sufficient warrant.

Given under my hand this 9th day of May, 1913.

CHAMP CLARK,
Speaker of the House of Representatives.

In testimony of the authority of this warrant, witness the seal of the House of Representatives of the United States this 9th day of May, 1913.

SOUTH TRIMBLE,
Clerk of the House of Representatives.

The Sergeant at Arms made the following return:

RETURN.

HOUSE OF REPRESENTATIVES,
Washington, D. C., 9th day of May, 1913, ss:

To Hon. CHAMP CLARK, *Speaker, greeting:*

Received the within warrant on the 9th day of May, A. D. 1913, and pursuant to its command I did, on the 9th day of May, A. D. 1913, as directed, take into custody the body of said Charles C. Glover therein named and brought him forthwith to the bar of the House of Representatives.

Given under my hand this 9th day of May, 1913.

R. B. GORDON,
Sergeant at Arms, House of Representatives.

The Sergeant at Arms (Mr. Robert B. Gordon) appeared at the bar of the House, having in custody the respondent, Mr. Charles C. Glover.

The SERGEANT AT ARMS. Mr. Speaker, according to instructions, I now present the person of Charles C. Glover.

The SPEAKER. Mr. Glover, you will give heed to the findings of fact by the special committee, which the Clerk will report.

The Clerk read as follows:

FINDINGS OF FACT.

That Representative THETUS W. SIMS while on his way from his residence in the city of Washington to the Post Office Department on official business on Friday morning, April 18, 1913, was accosted in Farragut Square, in the city of Washington, by Charles C. Glover, who, after applying to him certain epithets, assaulted him by striking him in the face.

That the said Charles C. Glover committed the assault upon Representative SIMS because of statements made by Representative SIMS in debate on the floor of the House of Representatives at several times during the session of the House in the Sixty-second Congress, in which Congress the said Representative SIMS was also a Representative from the State of Tennessee.

The SPEAKER. Mr. Glover, do you desire to be heard, and to have counsel, on the charge of being in contempt of the House of Representatives, for having violated its privilege?

Mr. GLOVER. Mr. Speaker, I admit the facts to be as found, but earnestly disclaim all intention to show disrespect to this House or its Members, or to invade their privileges. Nor did I know, at the time of the occurrence, that I was doing either.

I express my deep regret and offer my sincere apology.

The SPEAKER. The Sergeant at Arms will furnish Mr. Glover with a chair.

Mr. Glover sat down.

Mr. CRISP. Mr. Speaker, I offer the following resolution in behalf of the special committee appointed by the House in charge of this investigation.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 101.

Resolved, That the Speaker do reprimand Charles C. Glover, now at the bar of the House, for the breach of privileges of the House by him committed; and that the said Charles C. Glover be thereupon discharged from further custody.

Mr. CRISP. Mr. Speaker, the House, by a practically unanimous vote, has just decided that it has the inherent power to punish for breach of its privileges, and it has decided that Mr. Glover is in contempt of this House for having made an assault upon Representative SIMS for the words used by him in debate.

This House, Mr. Speaker, will ever maintain and preserve its dignity, its integrity, and its right to legislate without interference from anyone; but while in my judgment the House will always maintain that right, it will never be vindictive or inflict punishment out of proportion to the offense committed against it. It will pass judgment in each case according to the facts of the case, always seasoning justice with mercy, for if we err, we prefer to do it on the side of mercy.

Mr. Speaker, there have been numerous cases of breach of privilege of the House, and I want to refer the House to the punishment inflicted in many of those cases.

In 1796 Mr. Gunn was reprimanded.

In 1816 Mr. Fry was reprimanded.

In 1818 John Anderson was reprimanded.

In the case in 1832, of Gen. Sam Houston, with which the Members of the House are familiar, he was reprimanded.

Mr. Field, who in 1865 made an assault upon Representative Kelly, wounding him with a knife, was discharged with a reprimand. And in every instance but one, while the House has always maintained its right to punish, it has inflicted a reprimand, that one exception being in the case of Patrick Woods.

Mr. Speaker, the object of punishment is to have a deterrent effect, and in my judgment the certainty of punishment, more than its severity, will accomplish that purpose.

The committee in its investigation made no report to the House as to the form the punishment in this case should take, because the committee did not know what the conduct of Mr. Glover at this time would be.

It is unquestionably and undeniably the right of the House of Representatives to punish for contempt by imprisonment in the jail of the District of Columbia during the term that this Congress lasts. But in view of the turn that this case has taken, in view of Mr. Glover having apologized to the House, and having expressed his regret for what occurred in this case, the committee have directed me to offer the resolution for a reprimand.

Mr. Speaker, to bring the matter to a close, I demand the previous question on the resolution.

The SPEAKER. The gentleman from Georgia demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to unanimously.

Mr. Glover rose.

The SPEAKER. Charles C. Glover, the House of Representatives, after thorough and patient investigation of both the law and the facts, made by a special committee of five eminent lawyers of the House, appointed by the Speaker, brought in a resolution declaring that you had violated the privileges of the House and acted in a manner derogatory to the dignity of the body by assaulting a Member for words spoken in debate on the floor of the House; and after full debate the House almost unanimously adopted that resolution.

The freedom of speech and the immunity from being questioned elsewhere for words spoken in debate on the floor of the House and also of the Senate, guaranteed by the Constitution, lie at the very root of our free institutions. You violated both grossly by your conduct. In your anger you struck a blow at constitutional government.

From the very inception of parliamentary government among English-speaking peoples the principles which I have stated have been universally adopted and practiced.

This is not a case of a Member of Congress against the prisoner at the bar. It is the House of Representatives in its assembled capacity asserting its freedom of speech and the dignity of the House, which are necessary for the free and wise transaction of the public business. It is not so much to punish an individual as it is for the public good, to the end that the Republic may endure.

The House passed a resolution directing the Speaker to issue his warrant and deliver it to the Sergeant at Arms for your arrest, and the same has been done. The mandate of the warrant has been complied with by the Sergeant at Arms by bringing your body to the bar of the House.

Acting with the moderation, the care, the wisdom, and the justice with which people of our race act, they gave you a chance to be heard either in person or by counsel in mitigation before they would determine the punishment for your very grave offense against the Constitution of your country. You elected to be heard in your own proper person; you have acknowledged the facts as charged; you have apologized to the House; you have expressed your regrets; you have asserted your ignorance of the fact that you were violating the privileges of the House and the Constitution of the United States. This statement on your part, no doubt, influenced the Members in the leniency of the punishment which they determined upon, and that was that the Speaker should reprimand you for your very grave offense.

It must be apparent that a Representative or a Senator in his individual capacity has no more rights than any other citizen of the Republic, and he is clothed by the Constitution with the immunity from being questioned elsewhere for words uttered in debate on the floor of the House so that they may speak their minds freely without fear and without embarrassment. This is for the public weal. If one person is permitted to go unpunished for an assualt upon one Representative for words spoken in debate on the floor of the House, every person can assault a Representative for words used in debate on the floor of the House, and free speech is at an end, free government is at an end.

Not only that, but to assault a Representative or a Senator for words spoken in debate on the floor of either House might compel a good man who does not want to kill anybody to perform that very act.

The Chair therefore reprimands you, Charles C. Glover, in the name of and by direction of the House of Representatives, and directs the Sergeant at Arms to remove you from the Hall of the House and to discharge you from custody.

Thereupon Mr. Glover left the Hall of the House.

ADDITIONAL DISTRICT JUDGE FOR EASTERN PENNSYLVANIA.

Mr. HENRY. Mr. Chairman, I submit the following privileged resolution from the Committee on Rules.

The Clerk read as follows:

House resolution 97 (H. Rept. 16).

Resolved, That immediately after the adoption of this rule the House shall proceed to the consideration of the bill H. R. 32, to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

Mr. HENRY. Mr. Speaker, just one minute, and I think I can convince the House that the resolution should be adopted immediately and the bill to which it refers passed promptly. The resolution has been unanimously reported by the Committee on Rules, and provides for the consideration of a bill that the Judiciary Committee would undoubtedly report favorably on at once. Therefore I move the previous question on the resolution and ask for its adoption.

The SPEAKER. The gentleman from Texas moves the previous question.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Has the gentleman debated it so that it will cut off further debate?

The SPEAKER. The Chair does not think that he debated it enough to do that.

Mr. HENRY. I hope the resolution will be adopted so that we can take up the bill.

Mr. MANN. It will not be if I can help it.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

Mr. MANN. Mr. Speaker, I did not know that such a resolution was coming in. The truth is I have had a rather unfortunate experience with the minority members of the Committee on Rules, because I rarely obtain any information concerning the rule to be reported to the House until it is reported in the House. I hope the gentleman from Kansas will take that chiding good-naturedly, because I think it is deserved.

Mr. CAMPBELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CAMPBELL. To ask the gentleman from Illinois if he will yield.

Mr. MANN. I will yield for an apology or an explanation. [Laughter.]

Mr. CAMPBELL. Mr. Speaker, I was informed last night that there would be a meeting of the Committee on Rules this morning at 11 o'clock for the purpose of holding a hearing, but that nothing would be done except to have the hearing. I stated to the chairman of the committee that if that was all that was to occur, in view of the fact that I expected to participate in the discussion of the privileged resolution which was to be brought up in the House this morning at 11 o'clock, I would not attend the meeting of the Committee on Rules, and I did not attend. That may be construed into an explanation or an apology by the gentleman from Illinois.

Mr. HENRY. Mr. Speaker, the gentleman from Kansas misapprehended what I said. I said that there would be a hearing and other matters to be considered, and a formal committee notice was issued, and the gentleman must have received it this morning.

Mr. CAMPBELL. I had the notice that the gentleman from Texas gave me last night.

Mr. HENRY. Yes; and the committee had a quorum present. There were two Republican members there this morning, and we had no other idea than to act on this particular matter.

Mr. CAMPBELL. My understanding of what the chairman of the Committee on Rules stated last night was that there was to be merely a hearing.

Mr. HENRY. Oh, several gentlemen came up to present their views about some other matters, and then we were to dispose of this matter.

The SPEAKER. The Chair will notify the gentleman from Illinois [Mr. MANN] that his time is running.

Mr. MANN. I know it. I do not know who was at the meeting. All I know is that I had no idea that such a resolution was coming in. What are the facts in the case? For many years certain lawyers in the judicial district taking in West Virginia, Virginia, and North Carolina have been endeavoring to obtain the appointment of a new judge.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

Mr. MANN. There are about 40 or 400 of them who desire to be appointed. I yield to the gentleman from Georgia.

Mr. HARDWICK. Mr. Speaker, this resolution is not the one to which the gentleman refers.

Mr. HENRY. Not at all.

Mr. HARDWICK. This is a resolution providing for another judge in the eastern district of the State of Pennsylvania.

Mr. MANN. I did not know that. I did not know that the gentleman from Pennsylvania had gotten in his work quite so soon. The House ought to have opportunity to know what is coming up. Here is a proposition brought into the House after 5 o'clock in the evening for the adoption of a rule to immediately take up a bill which nobody knows anything about, which has not been reported upon, to provide an additional United States judge. For 16 years, sitting in this House, I have heard gentlemen on the other side of the aisle assert time and again that there was too much litigation in the Federal courts, too many judges in the Federal courts, and that we ought to restrict the amount of business to be transacted in the Federal courts. In the judicial title revision act, which we passed three or four years ago, or less, we did restrict the amount of business which could be carried on in the Federal courts. We restricted the suits which could be commenced in the Federal courts and restricted the suits which could be removed from the State court to the Federal court. That side of the House has already announced its intention, through the appropriation act, that it proposes to abolish the Commerce Court, which will transfer four or five judges now in the Commerce Court to the circuits, where they can perform the work of district judges.

I had supposed that there was sufficient patronage to go to the Democratic side to last for a few weeks or a few months before you would commence to create new and needless places in order to provide appointments. I have no doubt that gentlemen will be able to produce the certificates of lawyers that they need more judges. I think you could provide 10 new Federal judges in the city of Chicago, and within a year obtain a petition signed by thousands of lawyers, many of whom had never been inside the Federal court, insisting that in order to get prompt disposition of litigation they must have a new or 10 new Federal judges. We have gone to the limit in providing United States court judges. What we ought to do is to further restrict the suits that can be brought in the Federal courts. Only recently in some act we provided a further restriction as to suits that could be brought, and provided that no suit could be brought in the Federal court against a State official for carrying out a State law. Much of the litigation in the Federal

courts in recent years has been in the form of injunction suits brought against State officials to prevent the enforcement of State laws, particularly those which related to railroad rates.

There are a number of propositions pending, some of which, I think, ought to be enacted into law, further restricting the litigation in the Federal courts. I do not believe that there is any occasion for taking the great mass of suits brought in the State courts out of the State courts and into the Federal courts, and yet we keep on adding to the Federal courts. A man who is now appointed a Federal judge in a great many cases thinks as soon as he is appointed a Federal judge his time is his own and he forgets to work very hard.

I do not know how much the political necessities may demand the appointment of this judge. I do not know whether this judge was asked for in the last session or not. I do not recall, but it was not granted; that I know. We have not added many new judges in the last few years. I do not think we ought to add any while we are taking away jurisdiction from them, while we know that the intention of the Democratic side of the House is to abolish the Commerce Court, which has four judges. I was referring awhile ago to the appointment of a circuit-court judge in the circuit immediately south of us—a proposition which has been pending before Congress for many years, bitterly opposed by the gentleman from North Carolina [Mr. WEBB], who defeated, with the aid of some of the rest of us, a proposition reported in here at one time to provide that circuit judge. That is in another bill now pending, and the reason I supposed that was to come up here was because a gentleman was endeavoring to persuade me to-day that that bill ought to pass. There is another job that somebody wants. Why, gentlemen, it will not be possible for the Democratic Party to provide enough new Federal judges to give every lawyer who wants a job a place—not all the disappointed ones. There will be many who will be asking patronage. I should have supposed the distinguished gentleman from Pennsylvania, for whom I have high regard, would have had enough trouble with the tariff bill and the disposition of patronage in Pennsylvania to satisfy him without asking for another place. The Lord knows I would hate to have that job. I have profound sympathy for anyone who has to distribute jobs or distribute patronage. I have profound sympathy for the President of the United States, upon whom rests the burden in some way of appointing thousands of persons to thousands of different places. I had hoped that we might at least pass through a special session of Congress, called to consider the tariff, without commencing the making of new places, unneeded, to provide jobs for disappointed job seekers. [Applause on the Republican side.]

Mr. HENRY. Mr. Speaker——

The SPEAKER. The gentleman from Illinois has seven minutes remaining.

Mr. HENRY. Mr. Speaker, the gentleman's speech was based on an erroneous idea altogether. We are not creating an additional place. If he had waited 15 minutes he would not have made the speech. I desire to yield 10 minutes to the gentleman from Pennsylvania [Mr. PALMER], who will convince, I think, every Member of this House that this bill should be passed and passed now.

Mr. PALMER. Mr. Speaker, the principal complaint of the distinguished gentleman from Illinois [Mr. MANN] seems to be that he does not know enough about this bill, and he takes the minority Members of the Rules Committee to task for not having informed him about this rule. I expect that is the reason why the distinguished gentleman from Illinois talked so much further beside the mark to-day than he usually does, for I feel quite convinced, as the gentleman from Texas has said, that if the gentleman from Illinois had known anything whatever about this bill—and, of course, he ought to have known about it, because his followers on the Committee on Rules should have advised him—he would not have made anything like the sort of argument that he has presented here.

Mr. Speaker, this bill provides for an additional judge for the eastern district of Pennsylvania, and it provides, also, that whenever a vacancy shall occur in the office of the district judge for the eastern district of Pennsylvania, senior in commission, such vacancy shall not be filled and thereafter there shall be but two district judges in said district. Now, the fact is that at the present time in this great eastern district of Pennsylvania there are two district judges. It comprises the city and county of Philadelphia and five large outlying counties, having a population altogether of something like two and a half million persons. The two judges are Judge Thompson and Judge Holland, Judge Holland being the senior in commission on that bench. Now, it is a difficult and delicate thing to say, but this House is, of course, entitled to know the whole truth about the matter, and the fact is that Judge Holland, who is senior in commission upon this bench, is now in such physical condition as to hold out absolutely no hope that he will ever be able to return to the bench. He is, I may truthfully say, a very sick man. He has been compelled to leave his work and go to the South in what everyone agrees is an absolutely vain search for health.

He has what I am advised is an absolutely incurable malady. Mr. Speaker, Judge Holland has been upon that district bench for nine years, appointed when the judgeship was created. He had been theretofore a United States district attorney. He is a man 53 years of age, has never received large salaries in the positions which he has occupied, has comparatively small means, and, consequently, it would be a great hardship upon him if, in order to give the people of Philadelphia the opportunity to have their cases decided promptly by that court, he would have to retire from the bench in order to permit a man to be put there in his place. It would not be fair to a man who has been such a great judge as Judge Holland has been in that court, when ill health of this kind has overtaken him, at the very time when he most needs the little salary which the place affords, to compel him to leave the bench, because this Congress would not put, for at most a very short time, an extra judge upon that bench.

The salary is $7,000 per annum.

This Congress has done this thing before in three or four cases. I think, in the Sixty-second Congress, it was done in the Baltimore district where Judge Morris had become incapacitated from a further service on the bench. And I doubt very much if the gentleman from Illinois [Mr. MANN], who has as kind a heart as any man in the House, interposed any objection.

Mr. MOORE. Will the gentleman yield?

Mr. PALMER. In just a minute. Congress passed a law to provide for an additional judge in that district, with a provision that when the vacancy occurred senior in commission it should be filled. The President appointed a judge to that place, Judge Morris soon thereafter died, and the court is now the same size that it was before.

Mr. MOORE. Do I understand from the gentleman's statement that the passage of this bill will not prejudice the position now held by Judge Holland?

Mr. PALMER. It would not.

Mr. MOORE. It does not mean the crowding out of the present judge?

Mr. PALMER. It does not. It means as it says. Judge Holland is senior in commission, and when a vacancy occurs in senior in commission it will not be filled. That means that Judge Holland would serve out his lifetime.

Mr. MOORE. It would be unfortunate, as the gentleman states, if Judge Holland, who has been a faithful judge, should by reason of his illness be forced out of his position through the passage of this bill. I wanted to have the gentleman's statement as to the effect of the bill.

Mr. PALMER. What I was referring to about the hardship on Judge Holland contemplated the answer some gentleman might make, that if a gentleman is incapacitated he ought to retire. That sometimes might be true, but sometimes it would be a hardship on a faithful public official, as in this particular case.

Mr. MOORE. There is no means by which a Federal judge can be retired on pay, and it would be well to have it understood that the bill does not dispossess a faithful judge.

Mr. PALMER. It would not. It means that Judge Holland would remain on the bench during life or good behavior, and another judge would do the work which he has been doing up to several months ago, when he was compelled to entirely give up, as my colleague knows.

Mr. BUTLER. Will the gentleman yield?

Mr. PALMER. I yield.

Mr. BUTLER. As my colleague knows, I have known Judge Holland well for 30 years. He has been my personal friend. I did not know until just now that his condition of health was as bad as the gentleman states it is. I know the gentleman states the facts as he has them, but I did not know until this very minute that it was anticipated that Judge Holland might die. I know he is a great sufferer, and I know he has been unable to attend to public business for some time. But I had not anticipated that Judge Holland's life might not be prolonged.

Mr. PALMER. I will say to my colleague it was a very difficult thing for me to say, and yet I feel the House is entitled to the information.

I have not seen Judge Holland personally for a long time, but members of the Philadelphia bar, of the very highest standing, men like Mr. William A. Glasgow, jr., Mr. Charles Biddle, Judge McPherson, who sits upon the same bench, and Judge

Gray, the circuit court judge in that district, came before the Committee on the Judiciary, and all of them who referred to Judge Holland's physical condition agreed with the statement that I now make, that it was such as to hold out absolutely no hope whatever that he could return to his work upon the bench.

Mr. BUTLER. Does my colleague know the condition of the public business in that court?

Mr. PALMER. I know that it is very much congested. I have a statement here, showing the number of days that the judges have been sitting on the bench, and the efforts that have been made to relieve the court by calling in outside judges, and I shall present that statement to the House during the consideration of the resolution. Again, Judge McPherson——

Mr. BUTLER. What request has Judge McPherson made?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. HENRY. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has nine minutes.

Mr. HENRY. Mr. Speaker, I yield four minutes more to the gentleman from Pennsylvania [Mr. PALMER].

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] is recognized for four minutes.

Mr. BUTLER. Will the gentleman speak of Judge McPherson's request?

Mr. PALMER. This bill was introduced in the last Congress, before the close of the Congress, and a hearing was held before the Committee on the Judiciary, which was attended by Judge George Gray, Judge McPherson, and many lawyers of the Philadelphia bar; and Judge Gray and Judge McPherson, as well as the lawyers, agreed in the statement to the committee that it was absolutely necessary for the proper conduct of the business of that court that this judgeship should be created temporarily.

Mr. BUTLER. Was a report made upon the bill?

Mr. PALMER. There was no report made upon the bill, although I think the Committee on the Judiciary was unanimously in favor of it, because the matter was drawn to my attention by the Philadelphia bar so late in the session that there could be no hope that the Committee on the Judiciary could be reached in the House in order to pass the bill through the House, and it was not reported on that account.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. PALMER. I yield.

Mr. AUSTIN. My recollection is that a bill was passed for the relief of Judge Ricks, of northern Ohio, a few years ago.

Mr. PALMER. There have been a number of bills of that kind passed. The most recent one was the Morris case, I think.

Mr. HENRY. In one of the Texas districts Judge Rector became incapacitated, and we passed such a bill as this, but he lived for several years, although he was unable to perform his duties on the bench. When he died there was no successor appointed for him.

Mr. BUTLER. I know that we shall lose that judgeship if Judge Holland unfortunately should die.

Mr. PALMER. Let me say to my colleague regarding Judge Holland's condition that this judgeship is being asked for by members of the Philadelphia bar whom he knows, and I am quite sure that he will agree that they would make no such request were the facts not as we state them. Men like John G. Johnson——

Mr. BUTLER. The statement of Judge McPherson would convince me of the necessity. I know him well.

Mr. PALMER. The committee on the creation of judicial vacancies as part of the Law Association of Philadelphia, which is the Bar Association, which takes charge of such matters, of which Mr. John G. Johnson, one of the leaders of the American bar, is chairman, unanimously adopted resolutions asking Congress to do this very thing.

If I have time, Mr. Speaker, if this rule is adopted, as I hope it will be, during the consideration of the resolution I shall be glad to show the House the amount of business which has been done in this court and the necessity for the judgeship, aside from the question of the physical incapacity of Judge Holland.

I want to say to the gentleman from Illinois [Mr. MANN] that he does me an injustice in intimating that we are attempting to get this place for political purposes. I introduced this bill in the Sixty-second Congress. I have no interest in it whatever. I agree with him exactly upon this patronage proposition. I wish I did not have any of it. But the Philadelphia bar have asked for the passage of the bill, and I have asked a Republican Congress to pass the bill, and I would have asked a Republican President to fill the position.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. How much time have I remaining?

The SPEAKER. Eleven minutes.

Mr. MANN. Mr. Speaker, the gentleman from Pennsylvania [Mr. PALMER] criticized me quite severely because I was not familiar with the details in reference to this matter. I plead guilty. Why should I know? Why should I be posted? Why should any Member of the House be posted on the subject of this bill or this rule? Since when did it become the policy in the House of Representatives, by a special rule, to call up what is almost a private bill, which never had been reported into the House or considered by a committee, to call it up without notice, for passage, and expect Members to know in regard to it?

I know a few other things that are not intimately connected with this proposition. One is that the Democrats in the Senate held up the appointment of two Federal judges in Chicago, where they were needed very much more than this one is needed in Philadelphia. They held up those appointments for a considerable period of time, and since Democrats in the Senate held up those appointments so long they are still held up by a Democratic President.

Mr. HUMPHREY of Washington. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. MANN. I do.

Mr. HUMPHREY of Washington. I just wanted to state that they did the same thing in the State of Washington, where business was very much congested, even after the judge had assumed his duties.

Mr. MANN. Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. PALMER] says that if this bill is considered in the House he will make the attempt to show the necessity for this judge, regardless of the illness of the present judge. I have no doubt that he will make that attempt.

I remember the Ohio case. We passed a bill to provide an additional judge, I think, in the southern or middle district of Ohio, with a provision that when one of the places became vacant it should not ever be filled. But when that place became vacant, if my recollection is correct, we passed another bill to provide an extra judge.

I opposed both of the propositions. I do not think there was any occasion in that case for the appointment of the extra judge.

Mr. PALMER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PALMER. The gentleman from Illinois did not oppose the Maryland case.

Mr. MANN. I did not.

Mr. PALMER. And when Judge Morris died there was no attempt to put another judge on the bench?

Mr. MANN. No.

Mr. PALMER. Well, I will say to the gentleman——

Mr. MANN. Let me say a word now.

Mr. PALMER. I should like to complete my statement.

Mr. MANN. Before that bill passed we had a complete understanding between many Members of the House that there should be no effort and no attempt made when Judge Morris died to put anybody in his place, if we passed a bill providing for an extra judge through the balance of his term of life.

Mr. PALMER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. PALMER. Permit me to say that I am perfectly willing and anxious to enter into exactly the same kind of an understanding.

Mr. MANN. Yes; but the gentleman himself has not the power.

Mr. PALMER. Well——

Mr. MANN. The gentleman is only one man in Congress, and while at present he may be the political boss of Pennsylvania—and I hope he is—and I hope he will continue so on the Democratic side, he might not.

Mr. PALMER. Well, if the gentleman will permit, the understanding in the case of Judge Morris was had, I suppose, with the gentleman who introduced the bill.

Mr. MANN. Oh, it was had with a good many gentlemen.

Mr. PALMER. I am satisfied that a good many gentlemen here would be willing to enter into that understanding, because nobody has any earthly notion of asking for an additional judge in Philadelphia.

Mr. MANN. The gentleman ought not to bring in a bill at this time of night without a chance for Members to know anything about it, and attempt to put it through in this way.

Mr. POU. Does not the bill itself provide that there shall be no appointment when a vacancy occurs?

Mr. MANN. It does; and that was the case in the Ohio matter. But the gentleman from Pennsylvania himself says that he will undertake to show to the House the need of three judges in this district where there are now only two. If he can show to the House now that they need three judges in the district, I fail to understand how he could enter into such an agreement fairly to himself that there shall be only two judges.

Mr. POU. Any agreement that might be entered into here would not be worth anything.

Mr. MANN. We discovered that in the last Congress when an agreement was entered into in regard to some international congress at Buffalo—and that is true of this Congress because the same provision was in the sundry civil bill—and then we discovered later that the agreement we entered into in regard to the California Exposition was good for nothing. In other words, gentlemen on the floor of the House who introduce bills and in good faith make statements are not able to carry them out, because they do not represent the sentiment of the people, and they are sidestepped, or perhaps they are retired from the Congress, and some one else carries it out. We had a distinct agreement on the floor as to the Buffalo Hygiene Congress, that there should be no appropriation asked for, and the gentleman who made the agreement kept it as far as he was concerned, but his colleague from the same city did not feel bound by the agreement and presented a case which secured an appropriation. He had it inserted at the other end of the Capitol and left in by the House conferees on the sundry civil bill, one of the conferees being subject to the influence of his colleague from the same State.

Mr. HENRY. Mr. Speaker, I am utterly surprised at the attitude of the gentleman from Illinois in this case.

Mr. MANN. The surprise is mutual.

Mr. HENRY. That may be true. When Justice Moody was stricken, Democrats of the Judiciary Committee, and every Democrat in this House, and every Republican on that side of the House, brought in a relief bill in order that that justice might retire on full pay, although he was not eligible under the general law.

The gentleman talks about being surprised in regard to this matter. A rule was introduced yesterday in this House, was referred to the Committee on Rules, and was taken up this morning, with his Republican colleagues sitting there and participating in the proceedings of the Rules Committee. They heard this case, and they thoroughly considered every phase of it and agreed to bring in a rule. It is a unanimous report of the Committee on Rules.

Now, if the gentleman from Illinois thinks that I am going to run to him every time I have an idea that I want to put something through this House—and he will be surprised if I do not—he will be entirely mistaken; nor do I think the gentlemen on that side ought to be required to do it. Here is a meritorious bill, and there ought to be no opposition to it. Every man on both sides of the House ought to be willing to vote for this bill to relieve a stricken judge, for it is a meritorious measure, introduced by the gentleman from Pennsylvania. Now, Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. LOGUE].

Mr. LOGUE. Mr. Speaker, being a practitioner in the eastern district of Pennsylvania, I can verify what my colleague, Mr. PALMER, has said. The work of the eastern district court is absolutely congested. We have a large volume of work there, many bankruptcy cases, a large civil trial list, and a large amount of equity business and criminal cases. At the present time, from my personal knowledge and acquaintanceship with the work of that court, it assures me that it is impossible for it to be kept in any way up to date.

I had occasion, a short time ago, to visit the home of Judge Holland, the town of Norristown, and from his friends there with whom I spoke I was assured of the fact that there was little hope of his recovery. His trouble at the present time is said to be tuberculosis. The man has performed his duty faithfully. He has served at times when he should have been relieved. He has given up only within the last few months, when absolutely compelled to do so and unable further to perform the duties. The bar of the eastern district, which embraces the member that my colleague has referred to, require it. Judge Witmer has been brought in from a distance to try an important conspiracy case—the lumber case. Other judges have been brought in to try cases that had to be disposed of. We need some one there who is able to devote all his time to this district, and not be limited to a judge of another district to help out the congestion. I know personally, from my experience and practice, of the necessity for this act, and have been urged by members of the bar, whose sole interest is not to fill a place, but to expedite and quickly clear up litigation, to urge its passage. In the interest of the administration of justice this should be done. I am perfectly satisfied that there will be no attempt to create a permanent additional judge out of this act.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. LOGUE. I do.

Mr. MOORE. I merely want to ask a question. Does the gentleman know whether Judge Witmer came in to try the lumber case to relieve Judge Holland?

Mr. LOGUE. Yes.

Mr. MOORE. That was the reason for it?

Mr. LOGUE. Yes.

Mr. MOORE. Does the gentleman know when Judge Holland left for the South?

Mr. LOGUE. In January Judge Holland left for the South. He became so sick there that he had to return to Norristown. I was in Norristown in a case the last week in March. I then met his son. From his statements regarding his father's condition it was manifest to me that Judge Holland had not improved.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The question is on the motion of the gentleman from Alabama that a call of the House be ordered.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 64, noes 37.

So a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Dupré	Kennedy, R. I.	Roberts, Mass.
Alexander	Eagan	Key, Ohio	Rouse
Allen	Edmonds	Kiess, Pa.	Rucker
Ansberry	Elder	Kinkead, N. J.	Saunders
Anthony	Esch	Kitchin	Scully
Baker	Estopinal	Knowland, J. R.	Sells
Baltz	Evans	Konig	Sharp
Barchfeld	Fairchild	Konop	Sherley
Bartholdt	Falconer	Korbly	Shreve
Bartlett	Fitzgerald	Lafferty	Sims
Beakes	Flood, Va.	Langley	Sisson
Borland	Floyd	Lazaro	Slayden
Bowdle	Fordney	Lee, Pa.	Slemp
Bremner	Fowler	L'Engle	Small
Britten	Francis	Lenroot	Smith, Idaho
Brockson	Frear	Lever	Smith, Md.
Broussard	Gard	Levy	Smith, J. M. C.
Brown, N. Y.	Gardner	Lewis, Md.	Smith, Saml. W.
Browne, Wis.	George	Lewis, Pa.	Smith, Minn.
Browning	Gerry	Linthicum	Smith, N. Y.
Bruckner	Gillett	McClellan	Stedman
Buchanan, Ill.	Glass	McDermott	Steenerson
Bulkley	Goldfogle	McGuire, Okla.	Stevens, Minn.
Burgess	Good	McKellar	Stevens, N. H.
Burke, Pa.	Goodwin, Ark.	McKenzie	Stout
Byrnes, S. C.	Gordon	Madden	Sullivan
Calder	Gorman	Mahan	Sumners
Callaway	Goulden	Maher	Switzer
Carew	Graham, Ill.	Manahan	Talbott, Md.
Carlin	Graham, Pa.	Merritt	Taylor, Ala.
Casey	Green, Iowa	Metz	Taylor, Ark.
Chandler	Greene, Mass.	Mondell	Taylor, Colo.
Church	Griest	Montague	Taylor, N. Y.
Clancy	Gudger	Morrison	Temple
Claypool	Guernsey	Moss, Ind.	Ten Eyck
Clayton	Hamill	Moss, W. Va.	Thacher
Connelly, Kans.	Hamilton, N. Y.	Mott	Thomson, Ill.
Connolly, Iowa	Hardy	Nelson	Towner
Cooper	Harrison, Miss.	Nolan, J. I.	Townsend
Copley	Hay	O'Brien	Vare
Covington	Helgesen	Oldfield	Volstead
Cramton	Hinebaugh	O'Leary	Wallin
Curley	Hobson	O'Shaunessy	Walsh
Curry	Holland	Page	Webb
Dale	Howard	Parker	Whitacre
Danforth	Howell	Patten, N. Y.	Wilder
Decker	Hoxworth	Peters	Wilson, N. Y.
Deitrick	Hughes, W. Va.	Platt	Wingo
Dent	Hulings	Plumley	Winslow
Difenderfer	Humphrey, Wash.	Post	Woodruff
Dillon	Johnson, Ky.	Powers	Young, N. Dak.
Donohoe	Johnson, S. C.	Quin	
Dooling	Kahn	Rauch	
Doremus	Kelley, Mich.	Riordan	

The SPEAKER. The roll call develops 192; not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that the Speaker be authorized to issue the warrant of the House for the arrest of the absentees.

The SPEAKER. The gentleman from Alabama moves that the Speaker be authorized to issue his warrant to arrest the absentees, and that the Sergeant at Arms arrest them and bring them into the House.

The motion was agreed to.

The SPEAKER. Two hundred and eighteen Members have responded to their names—a quorum; 216 Members constitute a quorum.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Do 216 Members constitute a quorum?

The SPEAKER. Two hundred and sixteen Members constiute a quorum.

Mr. MANN. I thought the whole number was 434.

The SPEAKER. Four hundred and thirty-five Members constitute the whole membership of the House; but one is dead and three have never been sworn in.

Mr. MANN. Are their names carried on the roll?

The SPEAKER. The Chair does not know whether their names are carried on the roll or not. They ought not to be. This matter was in a good deal of doubt for a long time until Speaker Henderson rendered a very elaborate written opinion in which he defined what constitutes a quorum as being one more than a majority of Members elect sworn in and living who have neither resigned nor been expelled.

Mr. MANN. The Chair states there are three Members who have not been sworn in; their names ought to be stricken off the roll.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. The Chair announced that 218 Members were present.

The SPEAKER. That is correct.

Mr. GARRETT of Tennessee. So this question does not arise——

The SPEAKER. This question is not at all acute; we have two more than enough to constitute a majority.

Mr. GARRETT of Tennessee. The previous question has been ordered?

The SPEAKER. The previous question has been ordered and a call of the House was ordered, and the gentleman from Alabama——

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama moves to dispense with further proceedings under the call.

Mr. HAMLIN. Mr. Speaker, I desire to be recorded as present.

The SPEAKER. That makes 219. The gentleman from Alabama moves to dispense with further proceedings under the call.

The question was taken, and the Speaker announced the ayes had it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois asks for a division.

The House divided; and there were—ayes 53, noes 19.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Nineteen gentlemen have risen, a sufficient number. The question is on dispensing with further proceedings under the call.

The question was taken; and there were—yeas 167, nays 0, answered "present" 2, not voting 264, as follows:

YEAS—167.

Abercrombie	Bryan	Edwards	Hamlin
Adair	Buchanan, Ill.	Elder	Hardwick
Aiken	Buchanan, Tex.	Falconer	Hayden
Anderson	Burke, Wis.	Farr	Helvering
Ashbrook	Campbell	Fergusson	Hensley
Avis	Caraway	Ferris	Hill
Bailey	Carr	Fess	Holland
Barkley	Cline	Fields	Houston
Barnhart	Collier	Finley	Hughes, Ga.
Barton	Conry	FitzHenry	Hull
Bathrick	Cox	Foster	Igoe
Beakes	Crisp	Francis	Jacoway
Beall, Tex.	Cullop	Frear	Johnson, S. C.
Bell, Cal.	Davenport	Gallagher	Johnson, Utah
Bell, Ga.	Dershem	Garner	Johnson, Wash.
Blackmon	Dickinson	Garrett, Tenn.	Keating
Booher	Dies	Garrett, Tex.	Keister
Borchers	Dixon	Gilmore	Kelley, Mich.
Bremner	Donovan	Gittins	Kelly, Pa.
Britten	Doughton	Goodwin, Ark.	Kennedy, Conn.
Brockson	Dunn	Goulden	Kennedy, Iowa
Brodbeck	Dyer	Greene, Vt.	Kettner
Brumbaugh	Eagle	Griffin	Kiess, Pa.
Kindel	Martin	Reed	Stone
Kirkpatrick	Mitchell	Reilly, Conn.	Stringer
Kreider	Moon	Reilly, Wis.	Sutherland
La Follette	Moore	Roberts, Nev.	Taggart
Langham	Murdock	Rogers	Talcott, N. Y.
Lee, Ga.	Murray, Mass.	Rothermel	Tavenner
Lee, Pa.	Murray, Okla.	Rubey	Taylor, Colo.
Lesher	Neeley	Rupley	Thomas
Lieb	Norton	Russell	Thompson, Okla.
Lindbergh	Oglesby	Sabath	Treadway
Lindquist	O'Hair	Scott	Underwood
Lloyd	Palmer	Seldomridge	Vaughan
Logue	Pepper	Sherwood	Walker
Lonergan	Peterson	Sinnott	Walters
McAndrews	Phelan	Sloan	Weaver
McGillicuddy	Porter	Sparkman	Williams
Maguire, Nebr.	Ragsdale	Stephens, Miss.	Willis
Mann	Raker	Stephens, Nebr.	Wilson, Fla.
Mapes	Rayburn	Stephens, Tex.	

ANSWERED "PRESENT"—2.

Bartlett Rouse

NOT VOTING—264.

Adamson	Eagan	Kinkead, N. J.	Rucker
Ainey	Edmonds	Kitchin	Saunders
Alexander	Esch	Knowland, J. R.	Scully
Allen	Estopinal	Konig	Sells
Ansberry	Evans	Konop	Shackleford
Anthony	Fairchild	Korbly	Sharp
Aswell	Faison	Lafferty	Sherley
Austin	Fitzgerald	Langley	Shreve
Baker	Flood, Va.	Lazaro	Sims
Barchfeld	Floyd, Ark.	L'Engle	Sisson
Bartholdt	Fordney	Lenroot	Slayden
Borland	Fowler	Lever	Slemp
Bowdle	French	Levy	Small
Broussard	Gard	Lewis, Md.	Smith, Idaho
Brown, N. Y.	Gardner	Lewis, Pa.	Smith, J. M. C.
Brown, W. Va.	Gerry	Linthicum	Smith, Md.
Browne, Wis.	Gillett	Lobeck	Smith, Minn.
Browning	Glass	McClellan	Smith, N. Y.
Bruckner	Godwin, N. C.	McCoy	Smith, Sami. W.
Bulkley	Goeke	McDermott	Smith, Tex.
Burgess	Goldfogle	McGuire, Okla.	Stafford
Burke, Pa.	Good	McKellar	Stanley
Burke, S. Dak.	Goodwin, Me.	McKenzie	Stedman
Burnett	Gordon	McLaughlin	Steenerson
Butler	Gorman	Madden	Stephens, Cal.
Byrnes, S. C.	Graham, Ill.	Mahan	Stevens, Minn.
Byrns, Tenn.	Graham, Pa.	Maher	Stevens, N. H.
Calder	Gray	Manahan	Stout
Callaway	Green, Iowa	Merritt	Sumners
Candler, Miss.	Greene, Mass.	Metz	Switzer
Cantrill	Gregg	Miller	Talbott, Md.
Carew	Griest	Mondell	Taylor, Ala.
Carlin	Gudger	Montague	Taylor, Ark.
Carter	Guernsey	Morgan, La.	Taylor, N. Y.
Cary	Hamill	Morgan, Okla.	Temple
Casey	Hamilton, Mich.	Morin	Ten Eyck.
Chandler, N. Y.	Hamilton, N. Y.	Morrison	Thacher
Church	Hammond	Moss, Ind.	Thomson, Ill.
Clancy	Hardy	Moss, W. Va.	Towner
Clark, Fla.	Harrison, Miss.	Mott	Townsend
Claypool	Harrison, N. Y.	Nelson	Tribble
Clayton	Haugen	Nolan, J. I.	Tuttle
Connelly, Kans.	Hawley	O'Brien	Underhill
Connolly, Iowa	Hay	Oldfield	Vare
Cooper	Hayes	O'Leary	Volstead
Copley	Heflin	O'Shaunessy	Wallin
Covington	Helgesen	Padgett	Walsh
Cramton	Helm	Page	Watkins
Crosser	Henry	Parker	Watson
Curley	Hinds	Patten, N. Y.	Webb
Curry	Hinebaugh	Patton, Pa.	Whaley
Dale	Hobson	Payne	Whitacre
Danforth	Howard	Peters	White
Davis, Minn.	Howell	Platt	Wilder
Davis, W. Va.	Hoxworth	Plumley	Wilson, N. Y.
Decker	Hughes, W. Va.	Post	Wingo
Deitrich	Hulings	Pou	Winslow
Dent	Humphrey, Wash.	Powers	Witherspoon
Difenderfer	Humphreys, Miss.	Prouty	Woodruff
Dillon	Johnson, Ky.	Quin	Woods
Donohoe	Jones	Rainey	Young, Mich.
Dooling	Kahn	Rauch	Young, N. Dak.
Doolittle	Kennedy, R. I.	Richardson	Young, Tex.
Doremus	Kent	Riordan	
Driscoll	Key, Ohio.	Roberts, Mass.	
Dupré	Kinkaid, Nebr.	Roddenbery	

During the calling of the roll the following occurred:

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The Clerk just called the name of Mr. GEORGE. I would like to inquire if Mr. GEORGE has been sworn in and whether his name should be on the roll?

The SPEAKER. The Chair will order the names of Mr. GEORGE, Mr. SULLIVAN, and Mr. BALTZ stricken from the roll. That will settle it.

Mr. GOULDEN. Mr. Speaker, Mr. GEORGE is in Europe and quite ill.

The SPEAKER. I am aware of that; and the other two gentlemen are quite sick. The Clerk will proceed with the calling of the roll.

The Clerk resumed and completed the calling of the roll.

So the proceedings under the call were dispensed with.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.
Mr BARTLETT with Mr. BUTLER.
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Until further notice:
Mr. WILSON of New York with Mr. BROWNE of Wisconsin.
Mr. BROWN of West Virginia with Mr. BURKE of Pennsylvania.
Mr. SCULLY with Mr. BROWNING.
Mr. BULKLEY with Mr. CARY.
Mr. BURGESS with Mr. COOPER.
Mr. BURNETT with Mr. CRAMTON.
Mr. BYRNES of South Carolina with Mr. BURKE of South Dakota.
Mr. BYRNS of Tennessee with Mr. CURRY.
Mr. CANDLER with Mr. DANFORTH.
Mr. CARLIN with Mr. DAVIS of Minnesota.
Mr. CARTER with Mr. DILLON.
Mr. CANTRILL with Mr. EDMONDS.
Mr. KORBLY with Mr. ESCH.
Mr. TAYLOR of Colorado with Mr. FORDNEY.
Mr. CLARK of Florida with Mr. GOOD.
Mr. CLAYPOOL with Mr. GOODWIN of Maine.
Mr. CLAYTON with Mr. GRAHAM of Pennsylvania.
Mr. CURLEY with Mr. GREENE of Massachusetts.
Mr. DAVIS of West Virginia with Mr. GRIEST.
Mr. DENT with Mr. GUERNSEY.
Mr. DIFENDERFER with Mr. HAMILTON of Michigan.
Mr. DONOHOE with Mr. HAUGEN.
Mr. FAISON with Mr. HAWLEY.
Mr. FLOOD of Virginia with Mr. HINDS.
Mr. GLASS with Mr. SLEMP.
Mr. GODWIN of North Carolina with Mr. KAHN.
Mr. RIORDAN with Mr. MERRITT.
Mr. GOLDFOGLE with Mr. KENNEDY of Rhode Island.
Mr. GRAHAM of Illinois with Mr. KINKAID of Nebraska.
Mr. GREGG of Texas with Mr. J. R. KNOWLAND.
Mr. GUDGER with Mr. LANGLEY.
Mr. HARDY with Mr. LENROOT.
Mr. HARRISON of New York with Mr. LEWIS of Pennsylvania.
Mr. HARRISON of Mississippi with Mr. MCGUIRE of Oklahoma.
Mr. HAY with Mr. MCKENZIE.
Mr. HEFLIN with Mr. MCLAUGHLIN.
Mr. HOWARD with Mr. MADDEN.
Mr. HUMPHREYS of Mississippi with Mr. MANAHAN.
Mr. JONES with Mr. MILLER.
Mr. JOHNSON of Kentucky with Mr. MONDELL.
Mr. KINKEAD of New Jersey with Mr. MOSS of West Virginia.
Mr. KITCHIN with Mr. NELSON.
Mr. LEVER with Mr. MOTT.
Mr. LEVY with Mr. PATTON of Pennsylvania.
Mr. LOBECK with Mr. PARKER.
Mr. MCCOY with Mr. PLATT.
Mr. MONTAGUE with Mr. PLUMLEY.
Mr. MORGAN of Louisiana with Mr. PROUTY.
Mr. OLDFIELD with Mr. ROBERTS of Massachusetts.
Mr. PADGETT with Mr. HAMILTON of New York.
Mr. PAGE with Mr. HAYES.
Mr. PETERS with Mr. PAYNE.
Mr. POU with Mr. HELGESEN.
Mr. SHACKLEFORD with Mr. SELLS.
Mr. SHARP with Mr. SHREVE.
Mr. SIMS with Mr. SMITH of Idaho.
Mr. SISSON with Mr. SMITH of Minnesota.
Mr. SLAYDEN with Mr. STAFFORD.
Mr. SMALL with Mr. STEENERSON.
Mr. SMITH of Texas with Mr. SWITZER.
Mr. TALBOTT of Maryland with Mr. TOWNER.
Mr. TAYLOR of Alabama with Mr. VARE.
Mr. UNDERHILL with Mr. VOLSTEAD.
Mr. WATKINS with Mr. WILDER.
Mr. WHITE with Mr. WINSLOW.
Mr. YOUNG of Texas with Mr. WOODS.
Mr. RAINEY with Mr. YOUNG of Michigan.
Mr. ASWELL with Mr. YOUNG of North Dakota.
Mr. RAUCH with Mr. SAMUEL W. SMITH.
Mr. RIORDAN with Mr. MERRITT.
Mr. ROUSE with Mr. J. M. C. SMITH.
Mr. RUCKER with Mr. FRENCH.
Mr. HUMPHREY of Washington with Mr. MORRISON.
Mr. SHERLEY with Mr. GILLETT.
Mr. STEDMAN with Mr. ANTHONY.
Mr. WEBB with Mr. HUGHES of West Virginia.
Mr. ALEXANDER with Mr. AINEY.
Mr. ALLEN with Mr. AUSTIN.
Mr. BORLAND with Mr. BARCHFELD.
Mr. FITZGERALD with Mr. CALDER.

Mr. ROUSE. Mr. Speaker, I voted "yea." I am paired with the gentleman from Michigan, Mr. J. M. C. SMITH, and wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. ROUSE was called, and he voted "present."

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 35, noes 93.

So the House refused to adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. PALMER. Mr. Speaker, I make the point of order that the point of order made by the gentleman from Illinois [Mr. MANN] is dilatory.

Mr. MANN. Oh, Mr. Speaker, the point of order that there is no quorum is not dilatory.

The SPEAKER. Evidently the House is so much short of a quorum that the Chair thinks the point of order made by the gentleman from Illinois is well taken.

Mr. MANN. It is a constitutional right, Mr. Speaker, to have a quorum present.

The SPEAKER. The Chair understands that. The point of order is sustained.

Mr. PALMER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] moves a call of the House. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 93, noes 31.

Mr. MANN. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands tellers. Those in favor of taking the vote by tellers will rise and stand until they are counted.

Mr. PALMER. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. What? That is dilatory.

Mr. PALMER. That will develop a quorum.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Evidently a sufficient number have arisen in the affirmative, and the Clerk will call the roll.

Mr. BURNETT. Mr. Speaker, what is the roll call on?

The SPEAKER. The question is on ordering a call of the House. Those in favor of it will vote "yea"; those opposed will vote "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 146, nays 47, answered "present" 3, not voting 235, as follows:

YEAS—146.

Abercrombie	Dershem	Jacoway	Reilly, Conn.
Aiken	Dickinson	Johnson, Ky.	Reilly, Wis.
Ainey	Dies	Johnson, S. C.	Richardson
Ashbrook	Doughton	Keating	Rothermel
Bailey	Driscoll	Kennedy, Conn.	Rubey
Barkley	Eagle	Kettner	Rupley
Barnhart	Edwards	Kindel	Russell
Bartlett	Elder	Kirkpatrick	Sabath
Bathrick	Falconer	Lee, Ga.	Seldomridge
Beakes	Fergusson	Lee, Pa.	Shackleford
Beall, Tex.	Ferris	Lesher	Sherwood
Bell, Ga.	Fields	Lieb	Sisson
Blackmon	Finley	Lloyd	Smith, Md.
Booher	Fitzhenry	Lobeck	Sparkman
Bremner	Foster	Logue	Stephens, Miss.
Brockson	Francis	Lonergan	Stephens, Nebr.
Brodbeck	Garner	McAndrews	Stephens, Tex.
Brown, W. Va.	Garrett, Tenn.	McGillicuddy	Stone
Brumbaugh	Garrett, Tex.	Maguire, Nebr.	Stringer
Buchanan, Ill.	Gilmore	Mitchell	Taggart
Buchanan, Tex.	Godwin, N. C.	Moon	Talcott, N. Y.
Burgess	Goodwin, Ark.	Murray, Mass.	Tavenner
Burke, Wis.	Goulden	Murray, Okla.	Taylor, Colo.
Burnett	Gray	Neeley	Temple
Byrns, Tenn.	Griffin	Norton	Thompson, Okla.
Candler, Miss.	Hamlin	Oglesby	Tribble
Caraway	Hammond	O'Hair	Underwood
Carr	Hardwick	Page	Vaughan
Chandler, N. Y.	Hayden	Palmer	Walker
Clark, Fla.	Helm	Pepper	Watson
Claypool	Helvering	Peterson	Weaver
Collier	Hensley	Phelan	Williams
Conry	Hill	Porter	Wilson, Fla.
Cox	Holland	Ragsdale	Young, Tex.
Crosser	Houston	Raker	The Speaker
Cullop	Hughes, Ga.	Rayburn	
Davenport	Igoe	Reed	

NAYS—47.

Anderson	Dyer	Kreider	Scott
Avis	Farr	La Follette	Sinnott
Barton	Fess	Langham	Sloan
Borchers	Frear	Lindquist	Smith, Idaho
Britten	Greene, Vt.	Mann	Stafford
Bryan	Hamilton, Mich.	Mapes	Sutherland
Butler	Johnson, Utah	Martin	Thomas
Campbell	Johnson, Wash.	Morgan, Okla.	Treadway
Cary	Keister	Morin	Walters
Curry	Kelley, Mich.	Murdock	Willis
Dillon	Kennedy, Iowa	Roberts, Nev.	Witherspoon
Dunn	Knowland, J. R.	Rogers	

ANSWERED "PRESENT"—3.

Hulings	Lewis, Md.	Rouse

NOT VOTING—235.

Adair	Esch	Key, Ohio	Rainey
Adamson	Estopinal	Kiess, Pa.	Rauch
Alexander	Evans	Kinkaid, Nebr.	Riordan
Allen	Fairchild	Kinkead, N. J.	Roberts, Mass.
Ansberry	Faison	Kitchin	Roddenbery
Anthony	Fitzgerald	Konig	Rucker
Aswell	Flood, Va.	Konop	Saunders
Austin	Floyd, Ark.	Korbly	Scully
Baker	Fordney	Lafferty	Sells
Barchfeld	Fowler	Langley	Sharp
Bartholdt	French	Lazaro	Sherley
Bell, Cal.	Gallagher	L'Engle	Shreve
Borland	Gard	Lenroot	Sims
Bowdle	Gardner	Lever	Slayden
Broussard	Gerry	Levy	Slemp
Brown, N. Y.	Gillett	Lewis, Pa.	Small
Browne, Wis.	Gittins	Lindbergh	Smith, J. M. C.
Browning	Glass	Linthicum	Smith, Minn.
Bruckner	Goeke	McClellan	Smith, N. Y.
Bulkley	Goldfogle	McCoy	Smith, Saml. W.
Burke, Pa.	Good	McDermott	Smith, Tex.
Burke, S. Dak.	Goodwin, Me.	McGuire, Okla.	Stanley
Byrnes, S. C.	Gordon	McKellar	Stedman
Calder	Gorman	McKenzie	Steenerson
Callaway	Graham, Ill.	McLaughlin	Stephens, Cal.
Cantrill	Graham, Pa.	Madden	Stevens, Minn.
Carew	Green, Iowa	Mahan	Stevens, N. H.
Carlin	Greene, Mass.	Maher	Stout
Carter	Gregg	Manahan	Sumners
Casey	Griest	Merritt	Switzer
Church	Gudger	Metz	Talbott, Md.
Clancy	Guernsey	Miller	Taylor, Ala.
Clayton	Hamill	Mondell	Taylor, Ark.
Cline	Hamilton, N. Y.	Montague	Taylor, N. Y.
Connelly, Kans.	Hardy	Moore	Ten Eyck
Connolly, Iowa	Harrison, Miss.	Morgan, La.	Thacher
Cooper	Harrison, N. Y.	Morrison	Thomson, Ill.
Copley	Haugen	Moss, Ind.	Towner
Covington	Hawley	Moss, W. Va.	Townsend
Cramton	Hay	Mott	Tuttle
Crisp	Hayes	Nelson	Underhill
Curley	Heflin	Nolan, J. I.	Vare
Dale	Helgesen	O'Brien	Volstead
Danforth	Henry	Oldfield	Wallin
Davis, Minn.	Hinds	O'Leary	Walsh
Davis, W. Va.	Hinebaugh	O'Shaunessy	Watkins
Decker	Hobson	Padgett	Webb
Deitrick	Howard	Parker	Whaley
Dent	Howell	Patten, N. Y.	Whitacre
Difenderfer	Hoxworth	Patton, Pa.	White
Dixon	Hughes, W. Va.	Payne	Wilder
Donohoe	Hull	Peters	Wilson, N. Y.
Donovan	Humphrey, Wash.	Platt	Wingo
Dooling	Humphreys, Miss.	Plumley	Winslow
Doolittle	Jones	Post	Woodruff
Doremus	Kahn	Pou	Woods
Dupré	Kelly, Pa.	Powers	Young, Mich.
Eagan	Kennedy, R. I.	Prouty	Young, N. Dak.
Edmonds	Kent	Quin	

So a call of the House was ordered.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "yea."

Mr. MANN. Is the gentleman from Connecticut [Mr. LONERGAN] recorded?

The SPEAKER. He is recorded.

Mr. MANN. I do not know whether he was present or not. His name was called. The gentleman from Missouri [Mr. LLOYD] answered, endeavoring to answer to his own name, and I heard the Clerk answer "Present" for Mr. LONERGAN. Now, if the gentleman from Missouri [Mr. LLOYD] is also recorded, I should like to inquire if Mr. LONERGAN is present.

The SPEAKER. Is Mr. LONERGAN present?

Mr. LONERGAN. Yes.

The SPEAKER. Did the gentleman vote?

Mr. LONERGAN. I did. I voted "yea."

The result of the vote was announced as above recorded.

The SPEAKER. A call of the House is ordered.

ADJOURNMENT.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Saturday, May 10, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a letter from the former Secretary of War in relation to the employment of clerks and messengers in the Philippine Islands (H. Doc. No. 46), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 4928) for the relief of the Iowa Tribe of Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. DENT: A bill (H. R. 4929) to promote the safety of travelers and employees upon railroads engaged in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4930) to promote the safety of travelers and employees upon railroads engaged in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4931) to prevent false advertising in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SCULLY: A bill (H. R. 4932) appropriating money for the improvement of the Raritan River, N. J.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 4933) appropriating money for the improvement of the Shrewsbury River, N. J., up to Red Bank on the North Branch and to Branchport on the South Branch; to the Committee on Rivers and Harbors.

By Mr. YOUNG of Michigan: A bill (H. R. 4934) providing for the erection of a public building at Calumet, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4935) providing for the purchase of a site and the erection of a public building thereon at Hancock, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. LEVY: A bill (H. R. 4936) to amend section 605 of subchapter 4 of the District of Columbia Code; to the Committee on the District of Columbia.

By Mr. BEALL of Texas: A bill (H. R. 4937) extending to the port of Dallas, Tex., the privileges of section 7 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; to the Committee on Ways and Means.

By Mr. FERRIS: A bill (H. R. 4938) providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; to the Committee on the Public Lands.

Also, a bill (H. R. 4939) providing method of filling vacancies of any register or receiver of any district land office until a proper successor can be appointed and qualified; to the Committee on the Public Lands.

By Mr. HENSLEY: A bill (H. R. 4940) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; to the Committee on Labor.

By Mr. GARDNER: A bill (H. R. 4941) providing for new rates of duty on certain classes of cotton goods; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 4942) to fix the times and places of holding the district court for the district of Arizona and creating divisions thereof; to the Committee on the Judiciary.

By Mr. HENRY: Resolution (H. Res. 98) authorizing the creation of a House committee to be known as the committee on roads; to the Committee on Rules.

By Mr. CURLEY: Memorial of the Legislature of Massachusetts, opposing State control of national forests; to the Committee on Agriculture.

By Mr. PETERS: Memorial of the Legislature of Massachusetts, in opposition to State control of national forests; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 4943) granting a pension to Charlotte S. Manley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4944) granting an increase of pension to Mary Quinlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4945) granting an increase of pension to Harvey G. Van Horn; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 4946) for the relief of Charles A. Bess; to the Committee on Military Affairs.

By Mr. BAILEY: A bill (H. R. 4947) to correct the military record of Thomas Amick; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 4948) granting a pension to Mary L. Miller; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 4949) for the relief of Hiram Smith and John R. W. Smith; to the Committee on War Claims.

Also, a bill (H. R. 4950) for the relief of the heirs of William Elliott; to the Committee on War Claims.

By Mr. CARAWAY: A bill (H. R. 4951) granting an increase of pension to William A. Yantis; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 4952) to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903; to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 4953) granting an increase of pension to Thomas D. Bumgarner; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 4954) granting an increase of pension to George R. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4955) granting an increase of pension to Matilda Fellows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4956) granting an increase of pension to Henry Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4957) granting an increase of pension to Andrew W. Duggan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4958) granting an increase of pension to Tamma A. Lloyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4959) granting an increase of pension to Martha E. Raper; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 4960) granting a pension to Fred W. Nisbett; to the Committee on Pensions.

Also, a bill (H. R. 4961) granting an increase of pension to Regina F. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4962) for the relief of David R. B. Winniford; to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 4963) granting a pension to William Galvin; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 4964) granting an increase of pension to Amelia Walker; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 4965) for the relief of Mrs. A. C. Budd and others, heirs at law of the late Elias Bryan; to the Committee on War Claims.

By Mr. REILLY of Connecticut: A bill (H. R. 4966) to remove the charge of desertion from the military record of Thomas B. Smith; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 4967) granting an increase of pension to Charlotte S. Norton; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 4968) granting a pension to Daniel Lawlor; to the Committee on Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 4969) granting a pension to Charles H. Haring; to the Committee on Pensions.

Also, a bill (H. R. 4970) granting a pension to Albert J. Pepin; to the Committee on Pensions.

Also, a bill (H. R. 4971) granting a pension to Charles H. Brown; to the Committee on Pensions.

Also, a bill (H. R. 4972) granting a pension to George L. Steward, alias George Smith; to the Committee on Pensions.

Also, a bill (H. R. 4973) granting a pension to Fred Brassel; to the Committee on Pensions.

Also, a bill (H. R. 4974) granting a pension to Fred Hugoboom; to the Committee on Pensions.

Also, a bill (H. R. 4975) granting an increase of pension to Frank Laplante; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4976) granting an increase of pension to Lewis Van Skyhawk; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 4977) granting an increase of pension to Emma S. Grogan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4978) for the relief of A. H. Holloway; to the Committee on Claims.

Also, a bill (H. R. 4979) to remove the charge of desertion from the military record of Albert C. Raymond; to the Committee on Military Affairs.

By Mr. SMITH of Maryland: A bill (H. R. 4980) for the relief of Charles C. Serrin; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Miland H. Benjamin, Batavia, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also (by request), petition of E. C. Dickenhorst, of Troy, Mo., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petitions of J. A. Thompson and C. M. Thompson, of Newark, and William S. Kinney, of Wooster, Ohio, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. DALE: Petitions of members of the Confectioners and Ice Cream Manufacturers' Protective Association of New York City, favoring reduction of the duty on rock salt; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the New York and New Jersey Live Stock Exchange, of Jersey City, N. J., against the tax on live stock; to the Committee on Ways and Means.

Also, petition of R. E. Maxwell, of Curran, Ill., against mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Philadelphia Stationers' Association, of Philadelphia, Pa., against the passage of legislation relative to the right of manufacturers to fix retail prices, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petitions of sundry citizens of Brooklyn, N. Y., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Confectioners and Ice Cream Manufacturers' Protective Association of New York, favoring reduction of the duty on rock salt; to the Committee on Ways and Means.

By Mr. HAYES: Petition of W. J. Gothenom, of Maurertown, Va.; Gautuer & Mattern Co., of San Francisco, Cal.; F. Balisdell, of Santa Cruz, Cal.; P. M. O'Connor, of Santa Clara, Cal.; and L. A. Foster, of Santa Cruz, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of H. Weber, of Pleasanton, Cal.; J. A. Ivill, of Downey, Cal.; and J. W. Colanton, Norwalk, Cal., protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

By Mr. KINDEL (by request): Petition of Quitman Brown, G. W. McClaine, and William Tew, of Sterling, Colo., relative to the tariff on sugar; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of the New York and New Jersey Live Stock Exchange, Jersey City, N. J., favoring the placing of live stock on the free list; to the Committee on Ways and Means.

Also, petition of the Lithographers Foreman's Club of New York, protesting against the reduction of the tariff on lithographic work; to the Committee on Ways and Means.

By Mr. MONTAGUE: Petition of the Chamber of Commerce of Richmond, Va., against the reorganization of the customs service; to the Committee on Ways and Means.

By Mr. POU: Affidavit to accompany bill for the relief of Mrs. A. C. Budd and others, heirs at law of Elias Bryan, deceased; to the Committee on War Claims.

By Mr. TUTTLE: Petition of the board of trade of the city of Newark, N. J., against the provision in the sundry civil bill which confers a privilege to one class as against another class, etc.; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Hon. J. Q. A. Campbell, of Bellefontaine, Ohio, against free tolls on the Panama Canal and in favor of the maintenance of the Hay-Pauncefote treaty; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 10, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, our hearts go out to Thee in gratitude for Thy goodness and for Thy wonderful works to the children of men. Especially do we thank Thee for the reflection of Thy love in the patient, tender, sweet, affectionate ministrations of mother, who on the morrow will receive the spontaneous tribute of love and respect poured out by thousands in her memory, a most potent factor in shaping the destiny of men and of nations. Surely "the hand that rocks the cradle rules the world." She was first to greet us when we came into

life; she will be first to greet us when we pass from the endearing scenes of earth to the bright beyond; and as she ministered to our wants and taught us every manly virtue here, so she will lead us on to the nobler, grander things which await us there. As we wear the flower, token of her love and purity, so may we ever keep warm and pure her memory in our hearts, and all praise shall be Thine in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to discharge the Committee on Appropriations from further consideration of House joint resolution 80, and consider the same in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge the Committee on Appropriations from further consideration of House joint resolution 80 and put the same on its passage.

Mr. PALMER. Mr. Speaker, reserving the right to object, when the House adjourned yesterday the previous question had been ordered on a resolution reported from the Committee on Rules. Is not that the unfinished business?

The SPEAKER. It is.

Mr. PALMER. Would the consideration of this resolution by unanimous consent interfere with that?

The SPEAKER. Not at all.

Mr. PALMER. To be called up immediately after the disposition of this resolution?

The SPEAKER. No; not immediately. The gentleman from Virginia has a matter he wishes to dispose of.

Mr. MANN. The unfinished business can be called up any time when the regular order is demanded.

Mr. GARNER. Mr. Speaker, I want to call the Speaker's attention to a bill alluded to by the gentleman from Alabama [Mr. UNDERWOOD] yesterday, when the gentleman from Illinois [Mr. MANN] suggested that it go over until this morning. It is a bill relating to an exposition at San Diego.

Mr. MANN. That is a matter of unanimous consent.

Mr. GARNER. I simply want to call attention to it before the regular order is demanded.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD], chairman of the Committee on Foreign Affairs in the last Congress, and probably to be in this, has a small matter that he wants disposed of. The rights of the gentleman from Pennsylvania will be preserved.

Mr. PALMER. I wanted to call attention to it because we had difficulty in getting a quorum yesterday and Members are leaving the city rapidly, and I do not want very much business to intervene.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution as follows:

House joint resolution 80.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to carry out effectively the provisions of sections 5 and 8 of the act making appropriations for the service of the Post Office Department, approved August 24, 1912, the following additional sums, being deficiencies for the service of the fiscal year 1913, namely:

For temporary and auxiliary clerks in post offices, $300,000.

For substitute, auxiliary, and temporary city delivery carriers, $200,000.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand the provisions of the resolution are for the purpose only of making appropriations for two items of $300,000 each, the necessity of which arises because of the large amount of business under the parcel-post law.

Mr. FITZGERALD. It is due to two causes—section 5 of the Post Office bill, in relation to the 8-in-10 hour provision, and the other the parcel post.

The amount of business done since the establishment of the parcel-post system has been beyond all expectations. I have here correspondence from the Post Office Department which sets out the matter in full. The First Assistant Postmaster General states that unless this money be made available by the 15th of May it will be necessary to curtail the service, and it will be utterly impossible to handle the postal business that will accrue. It is the expectation that after the committees have been appointed, which I understand will be by the 1st of June, there will be a large number of matters which will require consideration and probably action by Congress, and that some time during the month of June the Committee on Appropriations will be required to report an urgent deficiency appropriation bill. This is a matter, however, for which provision must be made prior to that time unless there is to be some serious interference with the postal service.

I make this statement about an urgent deficiency bill because a large number of Members have called attention to matters which they believe require attention. This notice should be an assurance that there will be an effort to have considered a number of matters which it is believed are sufficiently urgent to be provided for at this session rather than to wait until the regular session in December.

Mr. MANN. What is the request of the gentleman at this time?

Mr. FITZGERALD. To consider this resolution in the House as in Committee of the Whole House on the state of the Union, and I ask, in connection with what I have said, to insert certain correspondence in the RECORD. When this matter was first called to my attention by the Post Office Department I suggested that perhaps the deficiencies might be in services in which the department was entitled under the law to incur a deficiency, and at my suggestion the department submitted to the Comptroller of the Treasury certain matters to ascertain whether deficiencies could be incurred. The Comptroller upon examination decided that it was not a matter for him to determine, but was a matter of law that should be referred to the Attorney General. The matter was referred to the Attorney General, and he decided that in these appropriations for services for which provision is to be made the department could not incur a deficiency without violating the law. It therefore became necessary to make immediate provision to maintain the service.

Mr. MONDELL. Mr. Speaker, reserving the right to object, the Post Office appropriation act, which is referred to in this resolution, contained a provision authorizing the Postmaster General to readjust the contracts of star-route carriers. That was the only provision contained in the law authorizing a readjustment of existing contracts and increased contract payments. It was intended to meet the increased cost of carrying the star routes by reason of the establishment of the parcel post. I have not any doubt but that these items are necessary as deficiency items, and should be provided for at this time, but I want to ask the gentleman from New York whether he has taken into consideration the deficiencies that it will probably be necessary to provide for in the increased cost of the star-route service?

Mr. FITZGERALD. Mr. Speaker, I have not given it any consideration, because the department has not made any suggestion about it. The star-route contract service, however, would be in a different category. If the department is authorized to make the contracts, the work would be performed and a deficiency might legally be incurred, in my opinion, under such a situation. This is for the employment of clerks and carriers, temporary and auxiliary, and, under the law, although the duty of rendering certain services is imposed upon the department, they must be rendered within the appropriations made for the purpose by Congress. A deficiency can not be incurred so as to create a liability in excess of the appropriations made by Congress.

Mr. MONDELL. Is it the gentleman's opinion that additional payments that may be required by reason of the readjustment of star-route contracts could be paid without incurring liability on the part of the authorities?

Mr. FITZGERALD. As long as they are authorized and are contract obligations, they will be certified to Congress and carried as a number of such items are.

Mr. MONDELL. I hope there is no doubt about it. There has been some doubt about it in the minds of the post-office officials. If there is any doubt, I hope they will communicate with the gentleman and inform him as to the necessity for deficiency appropriations.

Mr. FITZGERALD. I have not examined the matter recently. I express my opinion. In any event the officials of the Post Office Department are apparently not alarmed about that situation. This is a situation that requires immediate attention. Otherwise within a very few days the accumulation of mail matter will become so great that the entire postal service will be congested.

Mr. MONDELL. Mr. Speaker, the gentleman says they are not alarmed about it. I have discovered this. The gentleman uses the term "alarmed." I adopt his term. They do not seem to be so much disposed to become alarmed over a matter that affects the country districts as they do over a matter that affects city delivery or employees in the large offices. I suppose that is natural.

Mr. BARTLETT rose.

Mr. MONDELL. If the gentleman will allow me to continue. There has been in the minds of the officials of the department

some question as to whether they have authority to incur a deficiency to make the payments that will become necessary under the provisions to which I have referred for increase of pay for star-route carriers. Whether or no they have finally concluded they have authority to do that, I do not know, but if they have not it will become necessary at an early date to make some provision with regard to it, and I am sure the gentleman from New York will make such a provision if the department calls it to his attention.

Mr. BARTLETT. Mr. Speaker, replying to the suggestion of the gentleman from Wyoming, I know that the Fourth Assistant Postmaster General has taken up the matter in a number of instances in my own district, and I apprehend will be glad to do so at the request of the gentleman from Wyoming or any other gentleman, of having the mails on the star routes weighed.

They are being weighed now for the purpose of determining whether or not the compensation of the contractors who carry the mails on the star routes shall be increased by reason of the increased amount of mail carried growing out of the establishment of the parcel post. As the gentleman understands the carrying of star routes is a matter of contract fixed from time to time between the department and those who carry them, and if it shall appear, so I have been informed by the Fourth Assistant Postmaster General and informed before in several cases, from the weighing of the mail that the present compensation was not adequate with the burdens that have been increased by reason of the fact of the adoption of the parcel post going over star routes, then they would take steps looking to permitting a change of the contract by reason of that fact and allow additional compensation. I know from my own inquiries of the Fourth Assistant Postmaster General that they are inquiring into that matter.

Mr. MONDELL. Mr. Speaker, I have no doubt about the fact that the department is proceeding to make the necessary inquiry and investigation under the provisions of law to which I have referred. I have conferred with the department officials a number of times in regard to it, and I am aware of the fact that they contemplate a reweighing.

Mr. BARTLETT. Not only contemplate it, but are doing it now.

Mr. MONDELL. I presume that the weighing is now under way, and when the reweighing is completed the probability is that as to a considerable number of contracts the Government will be found to be obligated for an additional sum by reason of the parcel post. The only question I had in mind was, Is the department authorized to meet this additional obligation by creating a deficiency without officials incurring liability under the law for so doing? The gentleman from New York [Mr. FITZGERALD], who is the highest authority in such matters, seems to think they have. I agree with him. I trust the sums found due will be paid promptly.

Mr. FITZGERALD. In my opinion, it being a contract obligation, the department will use the appropriation available to meet this obligation, as far as the appropriation will permit, and the balance due will be certified as an audited claim and carried in a deficiency bill as a matter of course. That is the usual course.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am in entire accord with the purpose of the gentleman from New York; but in connection with the phraseology as carried in the appropriation act for this service I find the wording in this resolution is not in the same language. This phraseology is stereotyped in the Post Office appropriation bill, and I think it should be limited as limited in the appropriation act to clerks at first and second class offices, so as to read, "for temporary and auxiliary clerks at first and second class offices, $300,000." While we make provision under the law for allowances in the third-class offices, still it is not a direct appropriation for clerk hire, but as salary and allowance to postmasters. I have before me the Post Office acts of the respective years, and I think the phraseology should be limited to the language as contained there, so that the money could not be applied to any other purpose than that now authorized by law.

Mr. FITZGERALD. If the gentleman will read the prior part of the joint resolution, it is:

To enable the Postmaster General to carry out effectively the provisions of sections 5 and 8 of the act making appropriations—

And so forth.

Mr. STAFFORD. Sections 5 and 8 refer to all post offices. That would refer to third-class and fourth-class post offices.

Mr. FITZGERALD. Five does not; the gentleman is mistaken about that.

Mr. STAFFORD. I can give the gentleman the phraseology as carried in the Post Office appropriation act.

Mr. FITZGERALD. "Section 5. After March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices."

Mr. STAFFORD. That refers only to one branch of the resolution proposed by the gentleman. There is another purpose. Also section 8——

Mr. FITZGERALD. That is for the parcel post.

Mr. STAFFORD. That may occasion increased business at all classes of post offices.

Mr. FITZGERALD. That is what I wish. In case it does, we want these substitute officers.

Mr. STAFFORD. It should be limited for clerk hire at first and second class offices.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

Mr. FITZGERALD. That is equivalent to an objection.

The SPEAKER. The regular order is to put this question for unanimous consent.

Mr. MANN. If the gentleman demands the regular order, that is equivalent to an objection.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry. As I understand the situation, the question before the House is a request for unanimous consent.

The SPEAKER. That is it.

Mr. CARLIN. Now, the regular order is for the Speaker to put that request, as I understand it.

Mr. MANN. The demand for the regular order has always been held as equivalent to an objection.

The SPEAKER. This is not debatable. If the gentleman desires to object, let him object.

Mr. CARLIN. I do not want to object. I asked for the regular order, which I understood to be the request for unanimous consent.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. STAFFORD. Reserving the right to object, I would like——

Mr. CARLIN. I do not understand he has the right to reserve the right to object when the regular order is demanded.

Mr. MANN. If the regular order is demanded, that is equivalent to an objection.

The SPEAKER. That is true, and if the gentleman from Virginia [Mr. CARLIN] wants to object there is no power on earth to keep him from objecting.

Mr. CARLIN. I do not desire to object.

The SPEAKER. The gentleman should withdraw the demand for regular order, then.

Mr. CARLIN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. My recollection is that at the last session of Congress this question arose and the Speaker ruled that the regular order was for the Speaker to put the request for unanimous consent.

Mr. MANN. That was on a call of the Unanimous Consent Calendar.

The SPEAKER. The Chair, I think, did rule that way, but the position of the gentleman from Illinois [Mr. MANN] is undoubtedly correct.

Mr. CARLIN. Then I withdraw the demand for the regular order if that is the case. This is simply the beginning of a filibuster——

The SPEAKER. There is no necessity for answering such a remark.

Mr. STAFFORD. Will the gentleman have an objection to inserting, after the word "clerks," the words "for first and second class offices"?

Mr. FITZGERALD. If the gentleman offers such an amendment, I shall antagonize it. This resolution has been prepared by men who are familiar with the law and the work of the department, and this legislation is what is needed. Under the circumstances I can not accept the gentleman's suggestion.

Mr. STAFFORD. The gentleman says it has been prepared by gentlemen who are familiar with it. May I inquire if it has been submitted to any member of the Post Office Committee?

Mr. FITZGERALD. Yes; the chairman of the Committee on Post Offices and Post Roads has seen it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to publish certain correspondence in the RECORD. Is there objection?

There was no objection.

The following is the correspondence referred to:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, April 30, 1913.

(Memorandum for Mr. FITZGERALD.)

Referring to your call this morning and your request for a brief of the points which were discussed in connection with the need for additional funds for the postal service under this bureau I beg to submit the following:

The appropriations for temporary and auxiliary clerk hire at first and second class offices and for auxiliary and temporary letter carriers will require additions of $300,000 each, or a total of $600,000, to maintain the service during the remainder of the current fiscal year.

The department's estimates for appropriations for the fiscal year 1913 did not take into consideration the establishment of the parcel-post service on January 1, 1913, and the 8-hour-in-10 law for clerks and carriers which became operative on March 4, 1913. To carry out the provisions of the eight-hour law Congress increased the department's estimate for temporary and auxiliary clerk hire by $500,000 and that for auxiliary and temporary letter carriers by $400,000, but no increase was made in these appropriations on account of the parcel-post service. However, the appropriation for auxiliary and temporary letter carriers has been supplemented by $200,000 by allotment from the appropriation of $750,000 made to carry out the provisions of the parcel-post law.

The appropriation of $850,000 for temporary and auxiliary clerk hire (which includes the increase of $500,000 to carry out the eight-hour law) has been exhausted. In readjusting the schedules of clerks to comply with the provisions of the eight-hour law it has been necessary to authorize $474,470 from the appropriation for temporary and auxiliary clerk hire, and in addition to allow 754 regular clerks from the appropriation for clerks at first and second class offices. On the basis of the reports so far received from postmasters of the amounts actually expended on account of the parcel-post service it is estimated that $200,000 has been expended for this purpose during the quarter ended March 31 last. It is only reasonable to assume that at least this sum will be required for the same purpose during the quarter ending June 30 next, and it is estimated that $100,000 additional will be required to provide for the normal growth of the service and for emergencies which can not be foreseen. Specific requests already received for allowances from this appropriation for the June quarter amount to $75,000.

The appropriation of $1,600,000 for auxiliary and temporary letter carriers, which was increased to $1,800,000 by an allotment of $200,000 from the parcel-post appropriation, was exceeded by more than $25,000 at the close of the March quarter. Owing to the inadequacy of the appropriation for regular letter carriers it has been necessary to authorize from the appropriation for temporary and auxiliary carriers the employment of temporary carriers at 30 cents an hour to meet the needs of the service. The estimate of $300,000 to supplement this appropriation is based on the reports of postmasters showing the amounts which will be required during the remainder of the fiscal year on account of the parcel-post service, to carry out the eight-hour law, and to provide for the ordinary needs of the service, augmented by $44,000 to provide temporary carriers at 30 cents an hour to fill vacancies on the regular force, for additions to the regular force, and to meet emergencies. In appointing temporary carriers at 30 cents an hour to fill vacancies on the regular force and as additions to the regular force it is the purpose of the department to utilize the small balance which will accumulate in the appropriation for regular carriers to pay for the overtime of regular carriers under the eight-hour law.

DANIEL C. ROPER,
First Assistant Postmaster General.

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POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, May 6, 1913.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR MR. FITZGERALD: I inclose a copy of a letter addressed to the Secretary of the Treasury by the Postmaster General to-day, recommending that a joint resolution be passed by Congress appropriating $300,000 for temporary and auxiliary clerks in post offices and $300,000 for substitute, auxiliary, and temporary city letter carriers, to be immediately available. These amounts are necessary for the administering of sections 5 and 8 of the postal-service act of August 24, 1912, during the remainder of the current fiscal year.

The question as to whether a deficiency could be incurred in these appropriations was submitted to the Comptroller of the Treasury for a decision, and he stated that it was a question of law that should be decided by the Attorney General, who informed the Postmaster General that no deficiency could be incurred. It will therefore be necessary to have a joint resolution passed by Congress, and owing to the exigencies of the case, may I ask that this matter receive your prompt attention.

Very truly, yours,

DANIEL C. ROPER,
First Assistant Postmaster General.

—

MAY 6, 1913.

Hon. WILLIAM G. MCADOO, *Secretary of the Treasury.*

SIR: Section 5 of the postal-service act of August 24, 1912, provides:

"That on and after March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than 8 hours a day: *Provided*, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly."

Section 8 of the same act made provision for the establishment of a general parcel-post service on January 1, 1913.

For the purpose of administering section 5, the estimate for temporary and auxiliary clerk hire submitted by the Post Office Department for the year 1913 was increased $500,000 and that for auxiliary and temporary carriers $400,000, but no increase was made in either of these appropriations for administering section 8.

The appropriations for temporary and auxiliary clerk hire and auxiliary and temporary carriers have not been sufficient to carry out the provisions of section 5 and to provide for the parcel-post service, and are exhausted. It is estimated that $300,000 additional will be needed in each of these appropriations to provide for the service during the remainder of this fiscal year.

In the opinion of the Attorney General a deficiency can not be incurred in these appropriations, and to avoid serious embarrassment to the service the department finds it necessary to ask Congress for additional funds to meet the immediate needs of the service.

It is therefore recommended that a joint resolution of Congress embodying the following draft of legislation be passed at the earliest possible date:

"To enable the Postmaster General to carry out effectively the provisions of sections 5 and 8 of the act approved August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000 for temporary and auxiliary clerks in post offices and $300,000 for substitute, auxiliary, and temporary city delivery carriers, which shall be immediately available."

Owing to the exigencies of the case, may I ask that this matter receive your prompt attention.

Respectfully,

A. S. BURLESON,
Postmaster General.

—

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 7, 1913.

Hon. JOHN J. FITZGERALD,
House of Representatives.

MY DEAR MR. FITZGERALD: With further reference to the request for a deficiency appropriation of $300,000 for auxiliary and temporary clerks in post offices and $300,000 for substitute, auxiliary, and temporary city delivery carriers, I have the honor to state that the act making appropriations for the service of the Post Office Department for the year ending June 30, 1913, provides:

"SEC. 5. That on and after March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than 8 hours a day: *Provided*, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly. * * *

"That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service."

Section 8 of the same act provides for the establishment of a general parcel post on January 1, 1913.

The estimate submitted by the department for temporary and auxiliary clerk hire for the fiscal year 1913 was $350,000, and for substitute, auxiliary, and temporary city delivery carriers $1,200,000. For the purpose of administering section 5 the appropriation for temporary and auxiliary clerk hire for the fiscal year 1913 was increased $500,000, and that for substitute, auxiliary, and temporary city delivery carriers $400,000, but no increase was made for the purpose of administering section 8. Experience has demonstrated, however, that the increase in these appropriations was not sufficient even to provide for administering section 5, which is illustrated by the fact that it has required 754 additional clerks and $474,470 auxiliary service to place the 8-in-10-hour law for clerks into effect. In the city delivery unusual demands on account of the growth of the service have depleted the appropriation for auxiliary and temporary carriers, so that although increased by an allotment of $275,000 from the appropriation for parcel post, it is inadequate to provide for the increased force necessary to carry out sections 5 and 8.

The establishing of the parcel-post service required allowances from these appropriations that could not be anticipated at the time the act was passed. The cost for auxiliary and temporary clerk hire for this service for the March quarter amounts to $103,245, and all expenditures have not yet been reported. Allowances aggregating $176,790 have been made for the March quarter on account of the parcel-post service from the appropriation for auxiliary and temporary carriers. There are on file requests for allowances for auxiliary clerks amounting to $118,406 and for auxiliary carriers $240,000, which can not be acted upon until additional appropriations are secured, and based on the requests received it is estimated that at least $300,000 in each of these appropriations will be required to provide clerks and carriers to properly handle the mail until June 30.

Both of these appropriations are now exhausted, and allowances requested by postmasters, and in most instances representing expenditures already made, aggregating $358,406, await the immediate action of the department. Hence, unless additional funds are provided immediately it will be necessary forthwith to greatly embarrass the service by serious curtailments.

Very truly, yours,

DANIEL C. ROPER,
Acting Postmaster General.

—

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 9, 1913.

Hon. JOHN J. FITZGERALD,
House of Representatives.

MY DEAR MR. FITZGERALD: Referring to my letter to you of the 7th instant, with regard to the urgent necessity for a deficiency appropriation to supplement the appropriations for auxiliary and temporary letter carriers and post-office clerks, I beg to call your attention to the fact that these appropriations are now completely exhausted, due to the department's efforts to carry out the provisions of sections 5 and 8 of the Post Office appropriation act, approved August 24, 1912. The expenditures actually made from these appropriations thus far, together with the allowances already authorized for the remainder of the present fiscal year, exceed the appropriations, and in addition there are now awaiting action by the department requests for allowances chargeable to these appropriations which aggregate $358,406. Unless, therefore, the additional appropriation of $600,000 is made immediately available, in order not to violate the law by exceeding the appropriations made by Congress, it will be necessary to cancel and take up the unexpended balances of allowances already authorized for this quarter and to make no further allowances. It will be necessary to take this action not later than the 15th instant, and as a result it will be utterly impossible to handle the mail in post offices or to deliver it in cities, and as a consequence there will be such a congestion as to completely demoralize the postal service and paralyze the business and social interests of the country.

Very sincerely,

A. S. BURLESON,
Postmaster General.

The SPEAKER. The question is on the third reading of this House joint resolution.

Mr. MANN. Will it not have to be read for amendment?

The SPEAKER. The Clerk will read the resolution for amendment.

The Clerk read the resolution in full.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. MCKELLAR, by unanimous consent, was granted leave of absence for three days, on account of illness.

ADDITIONAL DISTRICT JUDGE FOR EASTERN PENNSYLVANIA.

Mr. PALMER. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is to vote on the resolution brought in by the Committee on Rules. Those in favor of the resolution will say "aye"; those opposed, "no."

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 126, noes 53.

So the resolution was agreed to.

The SPEAKER. The Clerk will report the bill.

Mr. MANN. What was the resolution that passed, Mr. Speaker?

The SPEAKER. The resolution was to take up the bill. The Clerk will report the resolution for purposes of information.

The Clerk read as follows:

Resolved, That immediately after the adoption of this rule the House shall proceed to the consideration of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This special rule simply provides for the immediate consideration of the bill, and the rules of the House provide that all such bills shall be considered in the Committee of the Whole. Does not this bill now have to be considered in Committee of the Whole?

The SPEAKER. The resolution provides—

That immediately after the adoption of this rule the House shall proceed to the consideration of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The Chair is inclined to think that the point of order made by the gentleman from Illinois [Mr. MANN] is well taken.

Mr. PALMER. Mr. Speaker, I do not know how the Chair is going to rule, but if he has in mind the sustaining of the point of order I would like to be heard for a minute.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. PALMER. Mr. Speaker, the gentleman from Illinois [Mr. MANN] has made a point of order or a suggestion which I presume he meant as a point of order.

Mr. MANN. I submitted a parliamentary inquiry.

Mr. PALMER. Is the gentleman making a point of order?

Mr. MANN. There is no occasion to make a point of order. There is nothing to make a point of order on yet. I submitted a parliamentary inquiry so that if the Chair intimated or stated that it was necessary to go into the Committee of the Whole the gentleman from Pennsylvania would have the information, and then could move to go into Committee of the Whole; otherwise not.

Mr. PALMER. The gentleman's inquiry called for an expression from the Chair upon a matter of order.

I simply want to say in regard to that matter, Mr. Speaker, that this resolution simply provides that forthwith the House shall proceed to the consideration of the bill H. R. 32. The language of the rule, as I understand, follows the language of the rule which was brought into the House by the Committee on Rules for the consideration of an appropriation bill earlier in the session, at which time the Speaker submitted the bill to the House without going into the Committee of the Whole House on the state of the Union, where, in the absence of such a rule, the appropriation bill would have gone. It seems to me, under the language of the rule that the House shall proceed to the consideration of this bill, there can be no doubt that it must be considered in the House.

Mr. MANN. Mr. Speaker, has the gentleman from Pennsylvania [Mr. PALMER] finished?

Mr. PALMER. Yes.

Mr. HENRY. Mr. Speaker, does not the rule specifically state that the House shall proceed to consider the bill in the House?

The SPEAKER pro tempore (Mr. ALEXANDER). That part of the rule has been stricken out.

Mr. HENRY. I know nothing about that. I have copied exactly the language of the resolution down to a certain point—down to the word "Pennsylvania." How is it stricken out?

The SPEAKER pro tempore. The resolution is as follows:

That immediately after the adoption of this rule the House shall proceed to the consideration of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The words "in the House" have been stricken out.

Mr. HENRY. Mr. Speaker, it ought not to be stricken out, because I did not strike it out. I will read from the resolution from which it was taken. House resolution 97 was introduced by the gentleman from Alabama [Mr. CLAYTON], and it read as follows:

Resolved, That immediately after the adoption of this rule the House shall proceed to the consideration *in the House* of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

And there I stopped, precisely in the language of this resolution. It was so copied, and if the words "in the House" have been stricken out I know nothing about that. I do not charge that anybody has done it, but the resolution was written so as to make this a privileged bill. Such was the object.

Mr. MANN. Mr. Speaker, I plead not guilty. I have never seen the paper.

Mr. HENRY. Why, certainly; I know you had nothing to do with it.

Mr. MANN. And I am very sure that I will plead not guilty for the reading clerks, that they did not strike it out. Probably the gentleman has had a moment when he forgot what he was doing.

Mr. HENRY. No.

Mr. MANN. The resolution which was read to the House, submitted to the House, and voted upon by the House was the resolution without the words "in the House."

Mr. HENRY. They were in it when I offered it.

Mr. MANN. It was not so reported to the House when it was originally read, and it was for that reason I asked to have it reported again this morning.

The SPEAKER pro tempore. The Chair calls attention to the resolution as printed in the RECORD.

Mr. HENRY. I ask unanimous consent that the pencil mark or pen mark striking out those words be erased, because those words should not be stricken out.

The SPEAKER pro tempore. The Chair calls attention to the RECORD of yesterday, as showing how the resolution was presented:

Mr. HENRY. Mr. Chairman, I submit the following privileged resolution from the Committee on Rules.

The Clerk read as follows:

"*Resolved*, That immediately after the adoption of this rule the House shall proceed to the consideration of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania."

So it appears that the resolution as presented had those words stricken out.

Mr. HENRY. I do not doubt that it is in the RECORD that way, but that is not as I drew it and not as I offered it.

The SPEAKER pro tempore. Of course the Chair can only take the resolution as presented.

Mr. HENRY. I do not impeach anyone as having changed the resolution, but it was simply copied, and I ask unanimous consent that it be corrected so as to conform with the way it was drawn.

Mr. MANN. But the gentleman did not present it that way, and of course he can not correct it. It has been passed by the House. A motion to reconsider is not in order. The gentleman can move to go into Committee of the Whole.

Mr. PALMER. I will get at it in a moment. Wait until I get a ruling on it.

The SPEAKER pro tempore. In the present form of the resolution the Chair certainly holds that it is in order to move to go into Committee of the Whole. There is nothing on the face of the resolution to indicate to the Chair that this bill is to be considered in any other manner than in the ordinary way under the rules.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. DONOVAN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Connecticut objects.

Mr. PALMER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32.

Mr. FITZGERALD. Pending that, I ask unanimous consent that the general debate be limited to 40 minutes, 20 minutes on a side.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. PALMER] moves that the House resolve itself into the Committee of the Whole House on the state of the Union on the bill H. R. 32, and pending that the gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the debate on the bill be limited to 40 minutes. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

PANAMA CALIFORNIA EXPOSITION.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from Pennsylvania object to my asking unanimous consent to dispose of a bill that I think will take only a minute? If it takes longer, I will withdraw it.

Mr. PALMER. Pending my motion.

Mr. UNDERWOOD. Pending that, I ask unanimous consent for the immediate consideration of the bill (H. R. 4234) providing certain legislation for the Panama California Exposition, to be held in San Diego, Cal., during the year 1915.

Mr. MANN. To consider it in the House?

Mr. UNDERWOOD. Yes; to consider it in the House as in Committee of the Whole.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to require the Panama California Exposition Co., of San Diego, Cal., to deposit with a depository, to be named by the Secretary of the Treasury, such sum or sums of money as in the discretion of the Secretary shall be necessary to cover awards, medals, certificates, prizes, and premiums, and all other obligations incurred by said corporation with exhibitors at the Panama California Exposition, which money shall be held by said depository as a pledge to the United States Government for a faithful fulfillment of the above obligations; or the Secretary of the Treasury may, in lieu of such cash pledge, accept a good and sufficient bond from said exposition company, to be approved by him and conditioned for the faithful performance of every liability or obligation incurred by said exposition company in respect to exhibitors at said exposition, to be held in San Diego, Cal., during the year 1915.

SEC. 2. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Panama California Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

Mr. UNDERWOOD. Mr. Chairman, I desire to say that this is the usual form of a bill that is passed where an exposition is held. The bill is before the Ways and Means Committee and could be reported by that committee, but the committee, of course, has been engaged several weeks in the consideration of a tariff bill and did not have a chance to consider it. The emergency arises because if it is not considered to-day it will have to go over until the 1st of June, and the Brazilian Government want to start their building and bring their artisans in to build it. They can do so under the general law of the United States when the exposition is recognized by the Government, but they can not do it until it is recognized. This is merely the usual resolution for awarding the medals, and it operates as a recognition of the exposition and then the general statute applies and enables them to start work at once. That is the only emergency in the case. They are anxious to get it up. The bill has been before the committee, and I have been somewhat derelict, but I could not help it, because I was engaged in the House.

Mr. MANN. Mr. Speaker, I shall not object to the consideration of the bill or its passage, although I doubt very much if the bill in all its parts is a privileged bill, even if it had been reported by the Committee on Ways and Means. I call attention to the fact that the bill directs the Secretary of the Treasury to require the exposition company to deposit a sum of money with the Secretary of the Treasury or with a depository. I do not believe that we have the power to require this company, which is a private organization, without any authority from the General Government, to deposit any funds at all. But, as I understand it, the company desires the legislation, and while I do not think it is a very good precedent, I shall make no objection.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection to the present consideration of the bill in the House as in Committee of the Whole?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INTERNATIONAL CONFERENCE ON EDUCATION.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 82.

Resolution authorizing the President to accept an invitation to participate in an international conference on education.

Resolved, etc., That the President is hereby authorized to accept an invitation extended by the Netherlands Government to the Government of the United States to participate by delegates in an international conference on education to be held at The Hague in the year 1913: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or other expenses incurred in connection with said conference.

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Virginia if this resolution has been submitted to the gentleman from New York [Mr. FITZGERALD], who is likely to be the chairman of the Committee on Appropriations?

Mr. FLOOD of Virginia. Yes; it was submitted to him.

Mr. MANN. The gentleman from Virginia [Mr. FLOOD] is likely to be chairman of the Committee on Foreign Affairs.

Mr. FLOOD of Virginia. I hope so.

Mr. MANN. I understand both gentlemen understand that there is to be no appropriation under this resolution?

Mr. FLOOD of Virginia. The resolution provides that there shall be no appropriation.

Mr. MANN. I am not asking about that. We have had so many examples where a resolution provided for no appropriation, but gentlemen had their fingers crossed when it was passed. [Laughter.]

Mr. FLOOD of Virginia. I do not think that the Committee on Appropriations or the Committee on Foreign Affairs would report an appropriation after the adoption of this resolution.

Mr. MANN. I do not suppose they would, but I thought likely that at some time or other the distinguished body at the other end of the Capitol might insert a provision in one of the appropriation bills which would be agreed to in conference.

Mr. FITZGERALD. So far as I am concerned, Mr. Speaker, there will be no such agreement. I think it would be well that the President should understand that if it is approved by him it is to be lived up to, and in good faith.

Mr. FLOOD of Virginia. If I should represent the Committee on Foreign Affairs, I would not agree in conference to an appropriation after the adoption of this resolution.

Mr. MANN. Gentlemen will remember that at the last session the President of the United States, considering the matter so important, sent a message to Congress declaring that Congress ought not in any case to authorize him to accept an invitation to participate in these international conventions unless Congress intended to provide the necessary money to take care of the delegates.

I do not know whether the present President will have the same influence in the future brought to bear upon him that President Taft had, but the influence was strong enough on President Taft to get him to send a special message to Congress upon the subject.

Mr. FLOOD of Virginia. Mr. Speaker, in this case the necessary money to defray the expenses of this conference has already been raised and has been deposited for this purpose, and there could scarcely be any occasion for these delegates to ask for an appropriation.

Mr. GARNER. The gentleman has every reason to believe that there will be no appropriation asked?

Mr. FLOOD of Virginia. I do not think there is any prospect that they would ask for an appropriation. If they do, they certainly will not get it.

The occurrences which make this resolution necessary are as follows:

On March 12, 1912, the Acting Secretary of the Interior, at the suggestion of the Commissioner of Education, requested the Department of State to ascertain from the Netherlands Government whether it would be agreeable to that Government to have the conference meet at The Hague in the fall of 1912, and, if so, whether the Netherlands Government would be willing to invite the participation of the Governments in the conference. Attention was called to the fact that no special appropriation by Congress would be needed to insure participation by this Government, and that a sum of money sufficient to cover clerical and other incidental expenses had been offered by private parties.

On March 19, 1912, the Acting Secretary of State advised the Secretary of the Interior that the American minister at The Hague was instructed to make informal inquiry regarding the matter.

On June 19, 1912, the Secretary of State advised the Secretary of the Interior that in a dispatch, No. 75, of May 29, 1912, the American minister reports that the Netherlands Government will have no connection with the proposed conference, and that it would not be consistent to send invitations requesting other Governments to be represented, on account of another conference on that date.

On July 15, 1912, the Secretary of State forwarded to the Secretary of the Interior dispatch No. 80, of June 26, 1912, from the American minister, stating that the Netherlands Government agrees in principle to the calling of the conference, but suggests that for reasons stated it is deemed preferable to fix another date, and requests that the program of the proposed conference be forwarded.

On December 10, 1912, the Secretary of the Interior informs the Secretary of State that the inquiries of the Netherlands Government regarding program and method of financing the proposed conference were fully answered in person by Mrs. Fannie Fern Andrews, special collaborator of the Bureau of Education, who visited The Hague in October and November, 1912, and had several conferences with the minister of foreign affairs. Suggests that the conference be held during August or September, 1913. Advises that the sum of $5,000 for the expenses of the conference will be at once deposited by Mrs. Andrews with the State Department for transmittal to the Netherlands Government.

On December 14, 1912, Mrs. Fannie Fern Andrews sent to the State Department a check for $5,000 for transmission to the Netherlands Government for the expenses of the conference.

On February 4, 1913, Secretary of State forwarded to the Secretary of the Interior an invitation from the Netherlands Government to the Government of the United States to participate by official delegates in an international conference on education to be held at The Hague, September, 1913.

On February 11, 1913, Interior Department advises Secretary of State that matter has been referred to Commissioner of Education and will forward names of persons who may be recommended for appointment as official delegates.

On March 15, 1913, Interior Department recommends that the Government of the United States formally accept invitation and forwards tentative list of topics for program.

On March 27, 1913, Acting Secretary of State advises Secretary of Interior that by reason of a provision in the deficiency act approved March 4, 1913, this Government is prohibited from accepting an invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the resolution was passed was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR EASTERN PENNSYLVANIA.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania [Mr. PALMER] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32, with Mr. HAY in the chair.

Mr. PALMER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PALMER. Mr. Chairman, this bill was discussed at some length in the House yesterday afternoon when the rule was brought in from the Committee on Rules providing for its consideration. However, as there are doubtless many Members here to-day who did not hear that discussion, I will briefly repeat some of the things which were then said.

This bill is a bill to authorize the President to appoint a district judge for the eastern district of Pennsylvania, and it contains a provision in section 2—

that whenever a vacancy shall occur in the office of the district judge for the eastern district of Pennsylvania, senior in commission, such vacancy shall not be filled, and thereafter there shall be but two district judges in said district.

The explanation of the bill lies in the fact that in the eastern district of Pennsylvania at the present time we have two district judges, one of whom is entirely incapacitated by reason of his physical condition from the performance of services upon the bench. Those two judges are Judges Thompson and Holland. Judge Holland is suffering from an incurable disease, and has been obliged to give up his work upon the bench. He has not been able to sit in the trial of cases for many months, and, as was stated here yesterday, though it is a difficult and delicate statement to say, it is nevertheless the cold, hard truth that his condition is such that none of his friends or associates or medical advisers has any hope whatever that he will be able to return to the bench. This proposition, therefore, is to permit the President to appoint a judge upon this bench to relieve the court in its present congested state of business, and when a vacancy occurs, senior in commission—that is to say, when Judge Holland retires from any cause—the vacancy created by his retirement is not to be filled, so that there will continue to be in the future as in the past two judges in this district.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. PALMER. Yes.

Mr. HAMLIN. I believe there are now about 98 district judges in the United States, and I think fully half of them do not work over half of the time. Why could not one of them be detailed to clear up that docket over there?

Mr. PALMER. Mr. Chairman, I would say to the gentleman that outside judges have been detailed to help clear up the docket. They have been sitting there a great deal, but they have not been able to get outside judges there for a sufficient length of time to anywhere near catch up with the business. That is the same question which the Committee on the Judiciary, at the time this bill was before it, put to Judge Gray, who is a judge in that circuit. He explained how it was impossible to get enough services from judges in that section or anywhere else to keep this work down. The business of the circuit is rapidly growing. It is one of the largest in the country. New Jersey, of course, is in this circuit, and with the recent prosecutions there the business has been very largely increased. They have tried their best to keep this work down in the way suggested by the gentleman from Missouri, and all of the judges on the bench say it is not a sufficient remedy.

Mr. HAMLIN. It seems to me that with the great number they have to draw from they could do it. Under this bill you intend to create an additional judge.

Mr. PALMER. Well, you can not compel these judges to come down there to sit and you can not go out of the circuit to get them. Judge Gray says he has worked upon the problem, he has given a good deal of attention to it, he has got others to help, but still he could not get the relief the court requires. The judge must be from the same circuit, as the gentleman knows, in order to appear in the court.

Mr. HAMLIN. I understand, but there are quite a few even there.

Mr. PALMER. There are quite a few, but it is quite a busy circuit at that.

Mr. HAMLIN. I do not like the idea of making new offices and having a funeral before a man dies.

Mr. PALMER. I do not either, Mr. Chairman. I would not create any additional judgeship; I am not in favor of that. I am in favor, however, of having the business of a great district done by giving the people of that district as many judges as they have had for many years past. There is no gainsaying what this proposition is. Judge Holland has been a faithful public servant. He has been upon the bench for a great many years, and before that was United States attorney. He is a

man of comparatively small means; has not been able to earn money because he has been giving the best days of his life to the service of his country upon the bench. It is a question of time when his physical condition will be such that he can not work at all. He has not the means to permit him to retire without pay. He is not old enough to retire under the statute with pay, and this proposes simply to give the people of that district their two judges until Judge Holland retires or until he can come back to work.

Mr. MOORE. Will the gentleman yield for a question?

Mr. PALMER. I yield to my colleague from Pennsylvania [Mr. MOORE].

Mr. MOORE. Assuming that the facts are correctly stated by the gentleman as to the health of Judge Holland, would the gentleman consent to an amendment to his bill in the nature of a substitute for section 2 providing for the retirement of the judge senior in commission? I have drawn one here which seems to me to meet the question which the gentleman has just dilated upon and which seems to meet the delicate situation which confronted us last night. My amendment would provide:

That immediately after the passage of this act the district judge for the eastern district of Pennsylvania, senior in commission, shall be retired without abatement of pay.

Mr. PALMER. I will say this to the gentleman. I have, as he has, the highest regard for Judge Holland. I would not do anything to injure him or to hurt him. I was obliged to say here yesterday, for the information of the House, as I am obliged to say to-day, that in my judgment he never can get well, but it is one of the symptoms of the peculiar malady under which he is suffering that he believes that he is going to get back to work. The gentlemen of the House know to what I refer. It is the most common symptom of the disease that the patient is confident that he is going to get well. Judge Holland is not asking to be retired; he wants to work.

Mr. MOORE. That is true.

Mr. PALMER. And I would hate to volunteer to retire him from the bench when he does not want to go.

Mr. MOORE. Let me call the gentleman's attention to the phraseology of his bill, section 2, "that whenever a vacancy shall occur in the office," and so forth. It is specific in the third line in its application to the "judge senior in commission." That might be interpreted to apply to a future situation.

Mr. PALMER. It might apply to retirement for any cause.

Mr. CLAYTON. Mr. Chairman, I want to say in reply to the suggestion of the gentleman from Pennsylvania [Mr. MOORE] that the bill in this case follows the precedents in like cases, and that the suggestion that the gentleman makes is entirely a new departure in legislation affecting district judges. The cases where a judge who has not reached the age of 70 years and who has not sat upon the bench for at least 10 years, the two facts concurring, I may say the only cases in the history of the country where a judge has been allowed to retire under such special legislation was the case of Mr. Justice Hunt, of the Supreme Court of the United States, and then recently, as many of us here will remember, Mr. Justice Moody, of the Supreme Court of the United States; but no such legislation as that was ever had with respect to the retirement of district judges.

Legislation like that proposed in this bill has abundant precedents. For instance, I can recall several of them that have happened since my service on the Committee on the Judiciary. I recall the case of Judge Ricks, of Ohio, and the case of Judge Rector, of Texas, and the case of Judge Morris, of Maryland. In each one of those cases a bill was passed which I think was identical in phraseology with this bill. At least that is my recollection. It provided, just as this bill provides, that whenever a vacancy shall occur in the office of the district judge for the particular district then sought to be legislated about, the senior in commission, such vacancy shall not be filled, and that thereafter there shall be but two district judges in said district. So we are following the legislative precedents, and I think that the measure now proposed and pending before the House is better than that suggested by the gentleman from Pennsylvania [Mr. MOORE]. And I think it is less cruel to Judge Holland to offer it in this form than in the form suggested by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Will the gentleman yield for one question? The gentleman is satisfied, then, that this section 2 applies specifically to the judge senior in commission in this instance only, and would not apply to any other judge, senior in commission, after the present emergency had passed?

Mr. CLAYTON. Undoubtedly, that is my opinion.

Mr. PALMER. Mr. Chairman, this bill was introduced in the Sixty-second Congress. It was considered by the Committee on the Judiciary, and it was the unanimous opinion of that committee that it should be reported favorably and passed. Unfortunately, however, Judge Holland's condition became acute, so that it was known positively that he could not return to the bench, so late during the last session of the Sixty-second Congress that when the Judiciary Committee had had its hearing and determined upon the matter business in the House was in such a state that we could not hope to have the bill passed. The creation of this judgeship, if you may call it so, is asked by the unanimous opinion of the bench and bar of Philadelphia, and it is asked solely on account of Judge Holland's condition and because of the business before the court requiring a strong man to sit on that bench, and with no notion whatever of any permanent increase of the number of judges in that district court.

The gentleman from Illinois [Mr. MANN] yesterday voiced a suspicion that seems to be lurking in his mind, that once this temporary judgeship should be created, when a vacancy did occur there would be an effort made to make the judgeship permanent. I called his attention to the fact that in the Judge Morris case the same kind of a law had been passed, and upon Judge Morris's death no attempt was made to increase the size of the bench in that district. I think the gentleman from Illinois [Mr. MANN] supported that bill with that understanding. He challenged my right or my power to make any such understanding in this matter, and therefore I have brought here to-day the resolutions adopted by the committee on judicial vacancies of the Law Association of the City of Philadelphia, at a meeting held February 11, 1913. The law association is the bar association of that city. They say:

Whereas at the present time in the eastern district of Pennsylvania there is an absolute necessity, in consequence of the great pressure of business, for the constant attendance of two district judges; and
Whereas the condition of the business in the other districts of the third circuit is such that it is almost impossible to secure the attendance of a judge from another district; and
Whereas Judge Holland's indisposition makes it impossible for him to give that constant attendance which for so many years he did give to the business of the court with great satisfaction to the bar: Therefore be it

Resolved, That we would regard the resignation of Judge Holland at the present time as not being in the interest of the public.

Resolved further, That we most earnestly urge the creation of a third district judgeship for this district, with a proviso that, in case of the death or retirement of the senior in commission, such vacancy shall not be filled, and that thereafter there shall be but two district judges in said district.

Resolved further, That a copy of these resolutions be signed by all the members of the committee, to be forwarded to the chairman of the Judiciary Committee of the House of Representatives.

The character and standing of the men who signed these resolutions are an absolute assurance to the Congress of the United States that thereafter when a vacancy senior in commission shall happen there shall be but two district judges in said district.

This is signed, Mr. Chairman, first, by John G. Johnson, than whom there is no greater lawyer or more high-minded gentleman at the bar in America. It is also signed by Charles E. Morgan; John Hampton Barnes; Frank C. Pritchard, vice chancellor law association; Samuel Dickson; Henry P. Brown; Alfred Moore; George Pepper; Dimner Beeber; William A. Glasgow, jr.; Hampton L. Carson, formerly attorney general of Pennsylvania; Alexander Simpson, jr.; Joseph de F. Junkin; Ernest L. Tustin; Francis Fisher Kane; James Collin Jones; George Wentworth Carr; and F. B. Bracken.

These gentlemen are leaders of the Philadelphia bar. They are the officers of the Philadelphia Bar Association, and they have solemnly resolved and sent their resolutions here to be filed with the Committee on the Judiciary in favor of this bill, and to provide that after a vacancy shall occur there shall be but two judges in that district.

Mr. HULINGS. Will the gentleman allow a question?

Mr. PALMER. I will yield.

Mr. HULINGS. How long has this disability of Judge Holland's continued?

Mr. PALMER. He has been a very sick man for several years, and he has been upon the bench when his friends and the members of the bar appearing in the court believed he ought not to be there. But for many months he has been unable to do anything whatever.

Mr. HULINGS. Well, now, has the business in that district in consequence of his disability been appreciably dammed up and accumulated?

Mr. PALMER. It certainly has.

Mr. HULINGS. Have you any facts as to that point?

Mr. PALMER. Yes. At the hearing before the Committee on the Judiciary upon this bill in February last there was pres-

ent a large committee of the Philadelphia bar, and in addition to that Judge John B. McPherson, of that circuit, and Judge George Gray, of that circuit court. These gentlemen agree, not only as to Judge Holland's unfortunate condition, but also as to the necessity of having another judge upon the bench in the district at this time, and as Judge McPherson is probably more familiar with the situation than any other man, I want to refer to what he says upon that very subject. He says:

In 1903, at the time when the new district judgeship was asked for, the judges, both the district and circuit judges, who of course at that time did a good deal of district work, were actually engaged in court disposing of cases 189 days. In 1908, five years later, two district judges were in court, engaged in disposing of cases 398 days, and during the year ending July 1, 1912, owing to Judge Holland's illness, there was only one judge available, and the judges were upon the bench 333 days during that time, Judge Holland being practically incapacitated altogether, so that it was almost entirely the work of one judge. That, as you will see, amounted to being in court practically every business day of the year.

The amount of judgments is an indication of the increasing business. In 1903 it was about $650,000, in 1908 it was about $1,700,000, and in 1912 it was over $1,900,000. The business that the judges are asked to do is this: Civil trials before a civil jury, 16 weeks; that means 8 weeks for each judge; criminal trials about the same number of weeks, depending upon the length of the calendar. Then there are eight argument periods during the year, varying in length, of course, depending upon the amount of business, but it will suffice to say that it requires at least a week for each of those periods.

Then during each week there are at least 3 regular motion days, when the court sits and disposes of any business that may come before it, not deemed of sufficient importance to go upon the regular list; but those are sometimes prolonged until half a day is taken up in the disposition of a motion.

Then there is another matter which is now of very considerable importance. That is the naturalization business. In Philadelphia, unfortunately, the judges of the State courts refuse to naturalize, so that all of the business is in the Federal courts. Now, in 1903 the district courts heard and granted 1,725 applications. In 1912 the number had nearly doubled—3,250—and it is to be remembered that by the act of 1906 the time of these hearings has been increased one-third, because there are now two witnesses to be heard, whereas under the prior statute one only was heard. One lawyer informs me that applications are being filed much more rapidly than heretofore, and that in a short time it will take nearly a year before an applicant can be heard.

Then there is another matter—the bankruptcy business—in the interest of speedily disposing of the bankruptcy business. There has never been a fixed time for the hearing of bankruptcy cases. The custom has been to have the clerk keep a list of such cases, and whenever there were half a dozen, or something like that, the court would fix a special time to hear them. It takes certainly twice as long now to dispose of bankruptcy business as it did in 1908, for not only has the number of applications increased over 25 per cent more now than they were in 1903, but the questions to be decided are more numerous, and can not be, as the act contemplates, disposed of speedily.

Now, he adds that he, in trying to keep the business down, as I have stated, sent for these other judges, got them on the bench as frequently as he was able to, and still the business accumulates. I am told by the bar that Judge Thompson, the associate of Judge Holland, has not taken a day's vacation for a couple of years. He has been constantly at work, sitting in court day after day and working at night; and the same thing is practically true of Judge McPherson.

Mr. Chairman, if there ever was a case where relief ought to be granted to a judicial district, it is this; temporary relief only, at most, I am sorry to say, because I recognize that this is but for a very short time, and my consideration for Judge Holland makes me regret to say that. But there never was a case where there was better reason for Congress to help out a great judicial district than in this case.

Mr. Chairman, I reserve the balance of my time.

Mr. HULINGS. Mr. Chairman, I regretted yesterday to see that this House was making judicial appointments a matter of partisan politics. The only question should be, Does the public service require another judge? It seems to me that the whole case is concluded by the statements of the gentleman from Pennsylvania [Mr. PALMER]. If his statements are facts—and I believe them to be facts—this bill ought to pass. A matter of this kind should not enter into the field of partisan politics at all.

Mr. DONOVAN. Mr. Chairman, I would like to ask the gentleman how many district judges there are now in the United States?

Mr. PALMER. The gentleman from Alabama [Mr. CLAYTON] informs me that the number is 98.

Mr. CLAYTON. About that.

Mr. DONOVAN. Mr. Chairman, this is a position that carries $7,000 a year, and it means for life. There are 98 of them. Where there is a death of one of them now a whole State gets along without the position being filled.

A very timely suggestion was made by the gentleman from Missouri [Mr. HAMLIN]—could not some other judge fill that position under the circumstances? Fill it? Yes, Mr. Chairman. You could dispense with 25 of them and still have a sufficient number to perform the duties of these positions.

Let us see what it amounts to. More than three-quarters of the cases, I repeat to the gentleman from Pennsylvania or any other legal gentleman, more than three-quarters of the cases brought to the district courts are for violations of the internal-revenue laws. Some inspector or special officer marching through some town picks up a few tobacco clerks or tobacco-store proprietors and hales them before the court for failing to scratch an internal-revenue stamp. Then there are whisky cases, and 'twixt all these statute-made crimes 75 per cent of the cases are furnished. Now notice the persistency and determination with which this matter is pushed, throwing aside all fair procedure, to bring about this legislation to get another judge appointed. Why did it not come through the regular channel, with due notice, so that every Member could come here and take part? But no; as in all cases of a similar character, they have to resort to the proceedings which we have seen here. Now let us see. Suppose it had been the case of a mere manufacturer, and he had pleaded for a few moments' consideration, would he have gotten it? I submit to you gentlemen that he would not.

Mr. Chairman, I wish to make the point that there is no quorum present. I am entitled to have a quorum listen to me when I am talking, and there is no quorum here.

The CHAIRMAN. The gentleman from Connecticut raises the point of no quorum present. The Chair will count. [After counting.] One hundred and forty-one Members, a quorum of the Committee of the Whole.

Mr. MOORE. Mr. Chairman, I feel it a duty to Judge Holland that I should make a brief statement with regard to this matter. If the bill could be so framed that it would provide for his retirement, it would be much more satisfactory to me; but if the gentlemen on the other side who are in control do not consent to that change, I shall not oppose the bill as it is drawn.

The facts as stated by the gentleman from Pennsylvania [Mr. PALMER] are essentially true. Judge Holland has been a very ill man for some time past. For four or five years he has been ailing, but with a devotion and a persistence most commendable he has been performing his duties upon the bench and at chambers. He was unable a few months ago to undertake the trial of a great conspiracy case that occupied three or four weeks, and a judge from the middle district had to be brought in to relieve him; but he was at chambers as late as last week. Judge Holland does not believe that he is so sick as others believe him to be, and, like all men who are ill and have a devotion to their duty and a desire not to be unduly crowded into the grave, he feels that he will recover. That is the delicate part of this whole situation. That the business of the court is crowded is confirmed by inquiries that I have made over the phone this morning from those in Philadelphia who are well posted and who know. There is a rush of business, the calendar is full, and but one judge is sitting and able to transact the business. The fact that Judge Holland appeared at chambers last week does not indicate that he was able to take his position upon the bench, but that he is hopeful that he will be restored to health is true.

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE. Certainly.

Mr. SLOAN. Has the gentleman any assurance that if the bill is passed and a judge appointed that he might in a reasonable time be confirmed? Is it not about as bad to have a congestion in the Senate as in the courts? I refer especially to the judgeship in the State of Washington and of the Chicago district.

Mr. MOORE. I understand the gentleman's question. I do not want in this instance to impute to gentlemen in charge of the bill any political motives. That the appointee, if the bill passes, will be a Democrat goes without question, and I think it is entirely fair, in view of what happened during the last campaign, that a Democrat should be appointed.

Mr. COX. Will the gentleman yield?

Mr. MOORE. I will.

Mr. COX. There are four members of the Commerce Court that will be abolished unless an appropriation is made between now and the 1st of July. What is going to be done with those four members of the court? Can the gentleman tell the House?

Mr. MOORE. I have not the slightest idea.

Mr. COX. Does the gentleman know of anything in the law or the Constitution which would prevent one of the members of that court from being detailed to do this work?

Mr. MOORE. The gentleman from Indiana is a good constitutional lawyer, and I am no lawyer at all. He is better versed on those questions than I am. Whether it will be possible to detail a justice of the Commerce Court after his term of office has expired I do not know, and I do not know whether his services would be available or not.

Mr. COX. I have not looked up the question, but I remember of reading in the RECORD where able lawyers in the Senate investigated it last winter and arrived at the conclusion that while Congress had the power to practically abolish the court by refusing to appropriate money to run the machinery, yet at the same time it could not cut the judges out of their salary.

Mr. MOORE. The question was raised, and I think there is a serious question as to whether we can cut them out of their salaries.

Mr. COX. I know that was the opinion of some able lawyers in the Senate.

Mr PALMER. If the gentleman from Pennsylvania will yield, I would like to answer the gentleman's suggestion.

Mr. MOORE. I yield.

Mr. PALMER. Under the law, as I understand it, the judges of the Court of Commerce could be assigned to other work as circuit judges by the Supreme Court of the United States, so that there would be no way of controlling their coming to the relief of this circuit. Besides that, a circuit judge does not sit in a district court for the trial of cases as the judge who is incapacitated has been doing. I think that was the intent and probably the language of the act establishing the Commerce Court, which led the judges to be assigned to circuit-court work.

Mr. MANN. Will the gentleman yield?

Mr. PALMER. I have not the floor.

Mr. MOORE. I yield.

Mr. MANN. I hope the gentleman from Indiana will consider that he has not yet had his question answered. When I take the floor I will endeavor to answer it.

Mr. PALMER. Of course, the gentleman from Illinois knows a great deal more than I do, and I would be glad to have the gentleman from Illinois answer the question if he can.

Mr. MANN. I was not criticizing the gentleman from Pennsylvania. I am sorry that he thinks I was. I was going to take the question up when I made some further remarks to the House.

Mr. COX. If the gentleman from Pennsylvania will yield further——

Mr. MOORE. I do.

Mr. COX. I would like to ask him this question: Whether or not there is anything in the law now in force governing the assignment or detailing of circuit judges to sit with other circuit judges throughout the United States that would prevent the members of the Commerce Court from being detailed to sit in the trial of a case in the district court?

Mr. MOORE. I think it is a safe answer to the gentleman's question to say that that question has not yet been determined. It has been raised, and it might be raised in this particular instance. I did raise it in a small way with the gentleman from Alabama [Mr. CLAYTON] a little while ago, when I suggested that possibly the appointment of a new judge here might mean that the bill as written would cover cases of judges in the future as well as in the present instance, but the gentleman from Alabama, who is a good lawyer, thought it would not, and applied only to this case. Now, Mr. Chairman, the facts, as I said a moment ago, are as the gentleman from Pennsylvania [Mr. PALMER] has stated them in regard to the urgency of a second judge upon this bench. We have been deprived for a short period of the services of this judge, who is sick. That politics are behind this proposition I am not prepared to assert. That a partisan or Democrat would be appointed is to be expected, in view of the political complexion of the administration, and with that I have no fault to find. We do not complain of judges in our district or city because they belong to one party or another. We believe that once appointed to the bench, whether the man is Republican or Democrat, he will determine cases judicially on the evidence as brought before him; but the real question here is whether we shall gently retire this judge without his consent, or whether we shall boldly appoint some one over his head on the ground that he is a sick man and unable to perform his duties. I would prefer to have the retirement plan; but if the gentlemen do not consent to that, although this judge may live for many years, 10, 12, or 15—he believes he will get well, as I said—if the gentlemen prefer not to enter upon the retirement plan now, in view of the precedent it might establish, I am satisfied to vote for this bill as it is, with the understanding, of course, that it does not retire without pay this judge, who is faithful, who is desirous of performing his duty, and whose tenure has not expired.

Mr. MANN. Mr. Chairman, I think on the whole that the gentleman from Pennsylvania [Mr. PALMER] has made out a pretty good case, and that if any additional judge is to be provided anywhere he might properly be provided in this case. I appreciate facts, and I think we must all appreciate the fact that is made known to us here, that one of the present judges through physical ailment ought not to be asked to perform the ordinary duties of a judge, at least all of the time, and that the amount of business in the district probably requires the services of more than one judge. Nor do I object to the form of the bill, which provides that practically upon the death of the present senior district judge the vacancy caused by his death shall not be filled. That is what I understand the bill to mean.

But, after all, Mr. Chairman, I do not see any necessity at this time for providing any new Federal judges. The Commerce Court consists of five circuit judges. There is one vacancy in that court, which the President can fill at any time by appointment, at least before the court is abolished. There are four circuit judges—circuit judges at large—under the act of Congress providing for them, subject to assignment now by the Supreme Court to work in any circuit of the United States, and when one of them is assigned in any circuit court the law further provides that the senior circuit judge of the circuit may assign any of these circuit judges to work in the district court.

Mr. PALMER. Of the circuit—may assign a circuit judge of the circuit.

Mr. MANN. May assign one of these circuit judges who is assigned in the circuit.

Mr. PALMER. I have the Judicial Code before me, but I would not, of course, undertake to correct the gentleman.

Mr. MANN. I am quite willing to be corrected if the gentleman has the information.

Mr. PALMER. All I was relying upon in the suggestion I made to the gentleman was the eighteenth section of chapter 1 of the Judicial Code, which provides:

SEC. 18. Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge, or associate justice, or Chief Justice, shall designate and appoint any circuit judge of the circuit to hold said district court.

Mr. MANN. Yes; I drew that provision exactly as it reads in the law by amendment on the floor of the House.

Mr. PALMER. The Commerce Court judges are circuit judges.

Mr. MANN. Yes; and may be assigned to any circuit, and when they are so assigned under the law they are judges of that circuit. That provision was not in the judicial title act as it was presented to the House from the Committee on Revision of the Laws, and the language of the law now was drawn by me on the floor of the House to meet the very proposition of the assignment of these Commerce Court judges in part, and other circuit judges, where there was necessity for these judges to do work in the district court instead of the court of appeals. We abolished the circuit courts by the judicial title act and provided that all of the nisi prius jurisdiction should be in the district court. In some of the circuits at that time there were four circuit judges, and there was probability that there would be additional circuit judges appointed to different circuits by assignment from the Commerce Court. That was before there was talk of abolishing that court.

Now, the proposition is to abolish the Commerce Court but to retain the circuit judges upon the Commerce Court, and I take it that it is the policy of the other side of the House, because it is absolutely essential to make an appropriation to support the Commerce Court after the 1st of July or else abolish the court and transfer the jurisdiction which that court possesses over suits relating to railway transportation, and so forth, back to district courts, and, as I understand, that is the policy. Now, if we have these four additional circuit judges out of the Commerce Court, the Supreme Court of the United States, which is, presumably, or can easily be made, familiar with the necessities of the different circuits and districts, can assign one of these circuit judges to the work at Philadelphia, and he can then be assigned to work in the district courts, which is the only place where he can work. There is no place—I call the attention of the gentleman from Pennsylvania to the fact—there is no place where these Commerce Court judges can be assigned to do simply the work of a court of appeals, unless one of them can be so assigned to the circuit right south of us here, because in all of the other circuits they now have three circuit judges to sit as the court of appeals, which is the entire number that can be used. In the circuit at Chicago they now have four circuit judges, who are available on the circuit court of appeals under the law, although there is a vacancy in one of them which could be filled with an additional Commerce Court judge, who I think would like to be sent there but possibly ought not to be. I agree with the gentleman from Pennsylvania that the circumstances which he has narrated entitle the people

of the city of Philadelphia to relief, but I think it is just as feasible and would be done just as quickly to transfer one of the Commerce Court judges to that circuit and give him the work in that district without creating an additional district judge. The truth is that we have too many United States judges now. There are a large number of them in many places who are not very fully occupied, and instead of constantly increasing the number we ought to have those who are appointed doing the work, occupying their time, and, if necessary, restrict the jurisdiction of the Federal court and have more of it done by the State court.

Mr. COX. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX. Can the gentleman inform the committee whether or not any one of the members of the Commerce Court is a citizen of the district in which Philadelphia is situated?

Mr. MANN. Not one of them is. The judge from Pennsylvania who was appointed on the Commerce Court, and the only one from that State, is, unfortunately, for himself at least, not now filling that place.

Mr. COX. I never thought about that.

Mr. MARTIN. Is that the vacancy that exists?

Mr. MANN. It is.

Mr. MARTIN. Of course that vacancy can be filled, if the administration so desires.

Mr. MANN. It could be filled, but, I take it, it probably would not be filled by the President pending the determination of what is to be done concerning the Commerce Court.

Mr. MARTIN. Will the gentleman yield? Did I understand the gentleman correctly, that there is no work upon the circuit court of appeals of the United States to which any of these judges could be assigned except in the district south of us?

Mr. MANN. Oh, yes; they could be assigned any place and do work, but usually the circuit court has now three circuit judges to sit on the circuit court of appeals, and the circuit court of appeals only consisting of three, of course they can call upon the district judge besides, except the one circuit to the south of us.

Mr. MARTIN. Then, if the policy of the administration has foreshadowed by the open opposition that has been put forward in the last year or two in the efforts to abolish this Commerce Court shall continue, to what services could these circuit judges, now members of this Commerce Court, be actually assigned except services just like the one now existing in the eastern district of Pennsylvania?

Mr. MANN. Why, it is the only way, or some of the present circuit judges now on the circuit court of appeals will go to work on the district courts—nothing else for them to do. It is either do that or do nothing, and, I suppose, I would not like to charge that against them.

Mr. LOGUE. Mr. Chairman, in reply to the gentleman from Connecticut, I beg leave to state that, being engaged in the practice of my profession before this court, the work there is not of the character that has been intimated. It is not police-justice work. It involves large questions.

The reference that has been made by my colleague [Mr. MOORE] to the case that brought Judge Witmer to try there recently, was a case involving one of the greatest frauds to be heard by the criminal side of the court that has ever been perpetrated in the United States. It occupied in trial some seven weeks. There are in the city of Philadelphia seven referees in bankruptcy. The bankruptcy business has grown immensely. There are constant appeals from the decisions of referees, the trial of cases occupying not only the weeks, as stated by my colleague [Mr. PALMER], but has been extended, motions for new trials to be heard, arguments on other branches, the equity side to be considered, and an immense number of contested rebate suits brought in this court, involving hundreds of thousands of dollars, and some of them, to my personal knowledge, taking several weeks to try. I consider that a judge in the eastern district, even with the two of them there, who half attends to his duties, who sits in on the motion list, and pays heed to what is presented to him, who listens to the arguments for new trials, and pays attention to the brief, that takes part in the criminal and civil trials, has his time fully occupied.

I had occasion to visit Judge Thompson recently. He showed to me the mass of work that he was unable to reach and give proper attention. He is working from 9 o'clock in the morning until late at night.

This is not a plea simply for a place for some one; it is a plea on behalf of congested business.

Mr. DONOVAN. Will the gentleman permit an interruption right here?

Mr. LOGUE. Certainly.

Mr. DONOVAN. You can save your friend, as the gentleman suggested, a great deal of labor. There is an army of lawyers that will be willing to take his place, and probably will fill it just as well intellectually. There is no dearth of men for these positions, and if you will make a move to cut down these great positions to 75 you will still be able to fill them. In my opinion you do not need to worry in that regard.

Mr. LOGUE. I would rather be active as to the kindly consideration of a man who has sacrificed the best years of his life in public duties at what I consider an inadequate salary—a man who has sat there at times when his duty to himself and his family called for him to be off the bench and in his bed, a man who was given by his disease to such paroxysms of coughing that he would temporarily have to leave the bench and go to his room and lie down on a couch. I would rather pay a tribute to the worth of men and preach the doctrine that the laborer is worthy of his hire, and that men faithful in public service will recognize that the performance of duty means something, and that they are not to be relegated to the poorhouse in time of infirmity. [Applause.] The younger members of the bar are not seeking the position at the expense of injustice to a well-tried public servant. It is public duty and public work that I am pleading for, in the interest of the quick administration of justice, which to my mind brings about always the best results. Litigants grow tired, people become weary, of the lack of prosecution of civil cases. They grow disrespectful by reason of the failure to quickly move on the criminal side of the court. The quick administration of justice, to my mind, does much for public good, and it is not only for the private litigant but for all that I urge that this bill should receive favorable consideration, not in the favor of anyone but in the belief of a public stress and in the interest of the public business. [Applause.]

Mr. CLAYTON. Mr. Chairman, I do not desire to occupy much of the time of the committee, but it seems to me that some gentlemen labor under a misapprehension as to the real purpose of this bill. Its purpose is not to create a new judgeship. It is in effect to provide for the filling of an existing judgeship, because the judge who now has that position is unable, and permanently unable, to discharge the duties of the office.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. CLAYTON. Certainly.

Mr. DONOVAN. There are other cases more aggravated than this one and no move has been made to fill the positions. The duties have been performed by transfer of judges from other circuits. There have been cases of death where an entire State is left without a judge. Those duties are performed by transfer and the same thing could be done here.

Mr. CLAYTON. Well, the gentleman is in possession of information that I have never received myself. The lamentable condition to which the gentleman from Connecticut calls attention has never been made known to the Committee on the Judiciary.

The gentleman has been giving us some wonderful information, and I can say to the gentleman in all good humor that I hope he will bring the cases which he has in his knowledge, and which he has just mentioned, to the attention of the House; and if he will introduce bills to provide for these cases that he mentions—and they ought to be provided for, if they exist anywhere except in his imagination—we will undertake to have the Committee on Rules bring in a rule similar to this in order to do the right thing in those cases. Or if the Committee on the Judiciary is formed soon, I have no doubt that committee will report bills and that the House will legislate in those cases.

Mr. Chairman, I do not know of any such cases as my honorable friend from Connecticut has referred to; but, of course, no man—I do not care how long he has served in this House—can undertake to have a perfect knowledge of the whole country, although he may have been studying this question of the proper administration of public justice for 16 years or longer. But we are always glad to have enlightenment.

Now, Mr. Chairman, when diverted I was directing the attention of the House to what this case is. This bill is not for the purpose of creating a new judgeship as we ordinarily understand that term. It is to provide for the filling of an office now held by one who seems to be a dying man. We do not know how soon the breath will leave his body. The public business in the meantime is piling up. The public necessity is becoming more urgent every day for a live man to discharge the duties of this high and important office. The man who happens to fill it now, and who will fill it as long as the breath is in his body, is unable to discharge the duties of his office, and hence this case

is urgent. It is a sad case, it is true, because it has connected with it the deplorable condition of this judge; so that, I say, the case in effect is simply to provide for the appointment of his successor now.

And it is not without precedent. I can recall several such cases, as I undertook to do awhile ago. It will be remembered by the older Members of this House, including the distinguished gentleman from Illinois [Mr. MANN]—for I think he and I came into Congress about the same time—that in the case of Judge Ricks, I believe his name was, a judge out there in Ohio, who was suffering from an incurable malady, a judge was appointed under a bill similar to this, because it was made manifest to the Committee on the Judiciary and it was made apparent to the House that the judge was suffering from an incurable malady and that in the meantime the public was suffering from an inadequate administration of justice.

And in the case of Judge Rector, of Texas, who was suffering from mental decay—softening of the brain I believe it was—he could not have resigned if he had wanted to because his condition was such that he could not perform that act; and Judge Lanham, of Texas, a Member of this House and a member of the Committee on the Judiciary, afterwards governor of Texas, reported the bill from the Committee on the Judiciary to provide for a successor of Judge Rector, just as in this case.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MARTIN. About how long has this present incumbent been in this critical condition?

Mr. CLAYTON. Well, for something like a year or more. But his condition has been growing worse, and it became very much worse last winter; his case became perfectly hopeless and he became practically helpless last winter. So that is the case that we have before the House now, Mr. Chairman.

I want to remind the House, too, that we hear much in these days about the delays of the courts. We are all familiar with the old maxim that justice ought to be without bargain, sale, or denial; to which we might add that it ought to be without undue delay, because long delay is frequently the denial of justice. That is the case here. The long delay in business there amounts in many cases to a denial of public justice. Judge Gray appeared before the Committee on the Judiciary in February last. And right here permit me to say that that committee at their session were of the unanimous opinion, no party lines being drawn, that this bill ought to pass at that time, but the condition of the work before the House was such that it was known that it could not pass at that session, and the assurance was given that the committee would act favorably upon it at this session.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CLAYTON. Certainly.

Mr. MANN. Was it not just as easy to bring in a rule at the last session as it is at this session? It seems to be very easy at this session.

Mr. CLAYTON. We were informed that it was not.

Mr. MANN. We had several——

Mr. CLAYTON. We were told that there was pressure of other matters, and, as the distinguished gentleman from Illinois knows, the committee had quite a number of things upon the calendar, and had business elsewhere, if he will remember, and it was impossible to get this matter before the House and to get it passed.

Mr. MANN. I remember that there was plenty of opportunity——

Mr. HARDWICK. I wish to suggest to my friend from Illinois that at the end of the last session we were so congested with necessary appropriation bills that if we had opened the floodgates to anything else, even the appropriation bills might have failed.

Mr. MANN. They did open the floodgates. They did report special rules.

Mr. HARDWICK. No, sir; they did not.

Mr. MANN. For chicken feed.

Mr. CLAYTON. I was informed of that condition, and the gentleman from Pennsylvania [Mr. PALMER], who was the author of the bill, appeared before the committee, and he and the committee tried to devise some plan by which, in the judgment of the committee and himself, we could possibly have this legislation enacted at the last session, and we reached the conclusion that it could not be done at that time.

Now, Mr. Chairman, Judge Gray, who is the senior circuit judge in that circuit over there, appeared before the committee, with a number of distinguished lawyers from Philadelphia, and all testified. I want to quote a little from Judge Gray. He was asked whether the condition of the court at Philadelphia could be relieved or cared for by the designation of other judges. He said:

"Well, as to that question, I am glad to have an opportunity to say a word. I had not expected to speak at all. Prior to January, 1912—I say that because I do not know the exact month—in the latter part of 1911 Judge Holland's physical condition was so apparent to all of us who came in contact with him from time to time that we consulted together, the circuit judges, and finally he was told that he ought to take a vacation. His physician had advised him that he could not continue with his work, and we agreed that he should take a vacation for six months, I think it was, and we told him we would relieve him, and that he should go away and not worry about his business."

Mr. FARR. What was the date of that?

Mr. CLAYTON. Judge Gray was making this statement on the 14th day of February last. He continued:

"It fell to my lot as senior circuit judge to render assistance during his absence. That assistance was rendered, but at a good deal of inconvenience to the district judges who were called upon. Judge Witmer, from the middle district, was called upon, also the judges from New Jersey and Delaware when we could get them—all took their turns in the transaction of this business. Judge Holland came back in October or November, 1912, and made what has been called here, without exaggeration, a heroic attempt to do the work he had left. I saw him during these intervals, and, as Mr. Glasgow has said, you had but to look at him to realize that his life's work is done. It is a very delicate thing to pronounce the doom of a man for whom you have a high regard, and, like a member of your own family, you hope against hope. I hope he can come back, but I feel, as I have said, that he will never do any more judicial work, and the congestion now in the district is enhanced by the fact that one of the judges—there are two district judges in the district of New Jersey, and one of these has been a very hard-working judge—has been advised by his physician that he must not attempt to try any jury cases, that it is not advisable from a medical standpoint. So we are not only cut off from relief in that direction, but business in that district is also congested. I understand that Judge Witmer has gone to Florida for a few weeks, which makes it very hard for us to get help. We are trying to get as much assistance as we can from the circuit, but we have been compelled lately to go outside. We are now trying to get a judge assigned from Ohio, where we have found one who is willing to come. We are also trying to get one from Tennessee. I saw the Chief Justice yesterday and he said he would make the appointment. There is one matter I should like to speak of which is a very important factor, and that is the increasing business of the circuit court. The circuit court of appeals has all it can do. The State of New Jersey has one circuit court, and we all know that the most important corporations we have in the country and that come under the criticism in the Sherman antitrust law have been corporations in the State of New Jersey, and necessarily the litigation that has ensued and is liable to ensue will come within our circuit court, and that is a very large factor to be considered in estimating the amount of business that will come before the appellate court. Now, I have only to say that my personal opinion is such as the members of the bar have given, that Judge Holland will never sit on the bench again."

The chairman asked him:

"Do you think, Judge, that any assignment of district judges is possible to take care of or relieve this situation in Philadelphia?"

To which Judge Gray responded:

"It has ceased to be a temporary emergency, and it will have to be provided for permanently. Now, I have only to say that my personal opinion is such as the Members have given, that Judge Holland will never sit on the bench again."

The chairman asked him:

"You do not think, then, Judge, that any assignment of district judges is possible to take care of or relieve this situation in Philadelphia?"

Judge Gray answered:

"It has ceased to be a temporary emergency, and will have to be provided for permanently."

This assignment of judges, as Members of the House who are familiar with the subject know, is simply to reach emergency cases. Here is not a case of emergency, but one that exists now and will continue to exist and can not be relieved until a judge is appointed permanently to do the work there.

The chairman again asked Judge Gray:

"You can have some measure of relief in that way, but not adequate relief until you have a good judge, strong and vigorous and able to do the full work of a judge?"

Judge Gray answered:

"I have no doubt about that, sir."

Then, again, the chairman said:

"The committee will want to be persuaded that Judge Holland has an incurable malady and that the situation is such that there ought to be another judge at this time, that you can not take care of it by the temporary assignment of other district judges."

To which Judge Gray said:

"That is a fact, Mr. Chairman."

The chairman again said:

"I understand you to say that his condition is incurable, in your opinion, and that the temporary assignment of other district judges can not take care of the situation there adequately."

Judge Gray replied:

"I have not heard in the last two or three months any other opinion than that he doubtless will never be on the bench again to do the work of a judge."

Mr. MARTIN. When was this statement taken?

Mr. CLAYTON. On the 14th of February last.

Mr. MARTIN. Before whom?

Mr. CLAYTON. Before the Committee on the Judiciary, in the House Office Building, overlooking the Congressional Library. [Laughter.]

Mr. MARTIN. I wanted to know if it was before a duly authorized body.

Mr. CLAYTON. Yes; taken by the Judiciary Committee at a regular meeting.

Mr. MARTIN. Why did not the committee act at that time?

Mr. CLAYTON. I undertook to explain that a little while ago, and I will do it again if the gentleman desires.

Mr. MARTIN. I heard the gentleman's explanation before.

Mr. CLAYTON. Then my explanation did not explain to the gentleman's satisfaction, which I regret.

The chairman again asked Judge Gray:

"All these matters falling under your jurisdiction and under your observation, I am quite sure the committee will value your opinion very highly. You concur in the view expressed by members of the bar that it is absolutely necessary for the correct administration of justice that this bill be passed providing for the appointment of another judge?"

And Judge Gray replied:

"That is my opinion, Mr. Chairman."

Mr. HARDY. Will the gentleman yield?

Mr. CLAYTON. With great pleasure.

Mr. HARDY. The fact is, I hardly know how I feel like voting on the question, but I want to ask the gentleman as to the suggestion made by the gentleman from Illinois a moment ago, whether or not one of these Commerce Court judges could not be assigned permanently to this place; and if so, what objection is there to it?

Mr. CLAYTON. He certainly could not be assigned right now. I do not think it would be advisable, because the Commerce Court is in existence. What will become of it after the 1st of July I do not know, but it is still in existence now, and it is now doing business. But the situation in this case demands a judge resident in the city of Philadelphia. In that great commercial metropolis, in that great business center, there is so much commerce and so much litigation that it is necessary to have not only one judge but two judges there. Everybody knows that much of the business of a judge is in granting interlocutory orders in hearing matters outside of the mere ordinary court trials where there is a jury. He frequently tries matters at chambers, and for the correct administration of justice it is necessary to have these two judges. If I had time I would like to read to the House the testimony given by the lawyers, not only as to the condition of this judge, but as to the condition of the public business. All the testimony shows conclusively, in my opinion, that there ought to be another good, strong, live, vigorous judge there all the time. Judge Thompson, the other distinguished judge, sits on the bench, I think, according to this testimony, longer than any other judge in the United States, and yet the business is piling up on him.

He works day in and day out, practically, trying to dispose of the business in the court, in the ordinary courthouse trial and sitting to hear matters in chambers. He can not do it, however. He is doing his best, and some of the members of the bar informed the committee that if Judge Thompson were compelled to keep up his work his health would eventually fail. I think, Mr. Chairman, that this bill calls for immediate legislation. I think it is of such emergency nature and so meritorious that it ought to pass at once, and I hope that it will receive the approval of the House.

Mr. FARR. Mr. Chairman, there is no special need at this time, in this unusual way, to pass this bill providing for the appointment of an additional judge in the eastern district. Judges from other districts can be assigned for some months hence to do what necessary work is to be done, just as in the past. It surprises me that not one of the members from the great city of Philadelphia has not discovered the situation in that city, if it be so serious as alleged, and acted in this matter. Judge Holland does not want to be retired. He has not intimated to any friend of his in the House from Pennsylvania that he wants to be relieved.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FARR. Certainly.

Mr. MOORE. I did not quite get the drift of the gentleman's remarks about the Members from Philadelphia not being alive to their duty.

Mr. FARR. I said if the necessities were so great, that certainly some gentleman—live factors as are the Representatives from the city of Philadelphia—would be aware of that condition and would do his duty here.

Mr. MOORE. Did the gentleman listen to my statement a few moments ago?

Mr. FARR. I did.

Mr. MOORE. Did I not say that there was a congestion of business in this court?

Mr. FARR. Oh, there is more or less of a congestion of business in every court.

Mr. MOORE. And that last week this judge was at his office?

Mr. FARR. I was coming to that. Judge Holland is not so ill, according to the testimony of the gentleman from Pennsylvania [Mr. MOORE] but that he was able to go to his office last week. I want to assure this House now that I do not believe Judge Holland is in sympathy with this movement. His name has been used here frequently, and much sympathy has been expressed for him and the inference allowed to prevail that they were acting in concert with his wishes, which is not true.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. DYER. I would like to ask the gentleman if he does not think it would be embarrassing to Judge Holland to indicate his wish to have this action taken under the circumstances?

Mr. FARR. No.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes. I will yield, although the gentleman refused to yield to me.

Mr. PALMER. Has Judge Holland communicated to my colleague his opposition to this proposition?

Mr. FARR. No; he has not.

Mr. PALMER. What is the gentleman's authority for saying that?

Mr. FARR. Because I am convinced he is not. I know that none of our Members has taken any interest in the matter—that is, none of the Members from that judicial district. The gentleman belongs in another district.

Mr. PALMER. I beg the gentleman's pardon. His ignorance upon that is like his lack of knowledge on the other proposition. A part of my congressional district is in that judicial district.

Mr. FARR. I should have said where the gentleman lives is not in that district. There is no special reason at this time, Mr. Chairman, for passing on this bill. This is not the proper way in which to do so. A count shows that nearly three-fourths of the Members of this House are not here.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. MOORE. Is the gentleman's district in the eastern judicial district of Pennsylvania?

Mr. FARR. In the middle.

Mr. MOORE. Is it not true that the judge who sits in the middle district came to the eastern district to relieve Judge Holland in the Lumber Conspiracy trial a few weeks ago?

Mr. FARR. Oh, judges come from different districts into other districts to relieve, quite frequently. That is a common matter.

Mr. MOORE. Is there not a question now as to the appointment of a judge in the middle district?

Mr. FARR. Not that I know. The chances are that you will have three judges in the eastern or Philadelphia district. No one on this floor has a right to say that Judge Holland is afflicted with an incurable disease. There is no testimony here from any physician, and, as I before said, the gentleman from Pennsylvania [Mr. BUTLER] last night expressed his surprise at the statement of the gentleman from Pennsylvania [Mr.

PALMER] that Judge Holland was in the serious condition stated by Mr. PALMER. And yet the gentleman from Philadelphia [Mr. BUTLER] is an intimate friend of Judge Holland.

Mr. DONOVAN. Mr. Chairman——

Mr. FARR. There is sufficient doubt, at least, Mr. Chairman, in my mind, to prevent me from voting intelligently upon it, and in view of the fact that so many Members are absent from this House it is an inopportune time to create this new judge. There has been ample time during the months past in which they say this court has been congested to have acted, and yet not one gentleman representing this great city of Philadelphia has moved in this direction.

Mr. DONOVAN. Now, Mr. Chairman, perhaps we can find this fly in the ointment. I understand the gentleman to say that none of the Congressmen of that district which this district court judge covers has taken any interest in it. Is that true?

Mr. FARR. Not one that I have discovered.

Mr. DONOVAN. Now, we have got the Ethopian in the wood pile. Politics is the reason, I understand. It has been turned into a political question of $7,000 a year for life. Oh, it is a delightful prize.

Mr. FARR. I will say in fairness to the gentleman from Pennsylvania [Mr. PALMER], that I really did not know that any part of his congressional district was in the eastern, or Philadelphia, judicial district; but he lives so far away from this point and is so little in touch with it that it seems to me a little bit out of the ordinary for him to have introduced this bill; but I make no imputation whatever upon the motives of the gentleman. I think this bill comes in at an inopportune time, and that Congress ought not to create an additional judgeship in this unusual way. I think that Judge Holland ought to have a chance to use the six months vacational period that was given him, and the fact that he was at his office within the last week, as stated by the gentleman from Pennsylvania [Mr. MOORE], and that the gentleman from Pennsylvania [Mr. BUTLER], who is intimately acquainted with him, has no knowledge that his illness is as serious as is stated, and the additional fact that he is only a little over 50 years of age, all would indicate to me that we are going to have three judges in that district instead of two who are now there.

Mr. PALMER. Mr. Chairman, this eastern district of Pennsylvania covers the entire city of Philadelphia and a number of adjoining counties. It includes all of the congressional districts of all the gentlemen who represent the city of Philadelphia, includes the district represented by Mr. BUTLER, the district represented by Mr. DIFENDERFER, part of the district represented by Mr. ROTHERMEL, and a part of the district represented by myself, and it seems to me that as a part of my district is comprised within the judicial district there can be no impropriety in my having introduced this bill. In addition to that, Mr. Chairman, every Member of this House whose district, or parts of whose district are included within that judicial district, with one exception, has told me that he is in favor of this bill, and the one exception happens to be a Member from the city of Philadelphia, whom I have not been able to see upon the matter and who is not here to-day, but I am advised by others that he also approves of this measure. The reason I introduced the bill was simply that a personal friend, who was a member of the committee on judicial vacancies in Philadelphia, called it to my attention and asked me to introduce the measure. Now, I confess that the gentleman from Pennsylvania [Mr. FARR] has shown his courage even if by the showing of it he has also exhibited his bad judgment on this proposition, for he has had the temerity, while acknowledging that he has no information on the subject whatever, to place his judgment against the leaders of the Philadelphia bar, from John G. Johnson down, and the judges of the courts like Judge George Gray and Judge McPherson and the personal friends and intimate associates of Judge Holland, who declare that his condition is as I have stated it upon this floor; yet the gentleman from Pennsylvania [Mr. FARR] says he is well enough to go back upon the bench, because he is only a little over 50 years old, and that is a presumption that he will go back——

Mr. FARR. Will the gentleman yield?

Mr. PALMER. There is no presumption arising in favor of a man at that time of life who for years has suffered the ravages of the disease with which Judge Holland is afflicted, and the gentleman knows it.

Mr. FARR. I simply stated that there was no report from a physician.

Mr. PALMER. No; that was not the statement. If the gentleman had simply stated that, it would have been quite a different matter. There was not any necessity for a report of a physician when Judge Gray and Judge McPherson say that any man by looking at Judge Holland would know what his condition is.

Mr. FARR. I hope he may come back.

Mr. PALMER. I hope he may come back; but the gentleman ought not to put his opinion on a matter against the unanimous opinion of everybody who knows anything about it.

Mr. MOORE. Will the gentleman yield a few moments to me?

Mr. PALMER. I am anxious to conclude debate.

Mr. MOORE. So am I.

Mr. PALMER. I thought I would now move to go into the House and limit debate. When the House again resolves itself in the Committee of the Whole the gentleman can be recognized under the five-minute rule.

Mr. MOORE. I want to say that I am a little surprised at the statement of my colleague [Mr. FARR], who apparently does not know anything about this situation and who does somewhat impugn the information of the gentlemen who represent the Philadelphia district. Judge Holland does not live in Philadelphia. He is a resident of Montgomery County. I do not know whether Judge Whitaker Thompson votes in Philadelphia. This is not primarily a Philadelphia proposition; it as an eastern-district proposition.

But what I did want to say is that I personally know Judge Holland. I have been in frequent consultation with Judge Holland in days gone by; have dined with him occasionally; have seen him riding out for the benefit of his health; have watched him as he came and went; and have seen him within the last three months. I had a conversation with him not long ago, when he intimated that there was a question about his health and his ability to continue to serve. He then said, "I will fool them yet." It was the hope of a man hoping against this malady which has been referred to; it was the hope of a man who believed he would get better; but the fact remains he has not gotten better and that he has not been able recently to serve on the bench.

As a Representative of a Philadelphia district and as a friend of the judge, I would have hesitated to introduce the question of his malady at all, and, as a matter of kindness to a friend, though I may have been lacking in my duty as a Representative of Philadelphia, as intimated by the gentleman from Pennsylvania [Mr. FARR], I still would have hesitated about bringing this question before the House and prolonging it as it has been prolonged.

I have listened for the last hour or two to questions affecting the health of the judge. It has been so delicate a matter that I have felt that as an act of kindness to a friend, as well as in justice and fairness to ourselves as Members of a legislative body, we should act upon this measure quickly and without unnecessarily emphasizing the personal details.

Mr. FARR. Will the gentleman permit me to say one thing?

Mr. PALMER. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. I hope the gentleman will not make that motion.

Mr. MARTIN. Will the gentleman allow me a question before he puts that motion?

Mr. MANN. The gentleman from Pennsylvania [Mr. PALMER] will notice that he used most of the time on that side of the House in favor of the bill.

Mr. PALMER. If there is anybody over there who desires time——

Mr. MANN. The gentleman from South Dakota [Mr. MARTIN] has endeavored to get recognition, and was entitled to recognition when the gentleman from Pennsylvania [Mr. MOORE] was recognized.

Mr. PALMER. I will not insist upon it if the gentleman from South Dakota desires to address the committee. He will have an opportunity under the five-minute rule, of course.

Mr. MARTIN. Mr. Chairman, I was seeking recognition, and did not want to be discourteous to the gentleman.

To me it is a little humorous, if we can admit humor into a situation that is surrounded with the solemnity that is sought to be thrown about this bill, to witness the spectacle of the gentleman from Alabama [Mr. CLAYTON], chairman of the great Committee on the Judiciary in the last Congress and undoubtedly to be chairman of that same committee in this, reading pages of important testimony taken before that committee last February and stating to the House that in his judgment it is absolutely necessary that immediate action should be had in an emergency measure, and without any sufficient explanation of why the emergency was not acted upon when the testimony was brought to the attention of his committee.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. MARTIN. Certainly.

Mr. CLAYTON. I undertook to tell why that was so. I was unfortunate in not having the attention of the gentleman.

Mr. MARTIN. The gentleman had my attention.

Mr. CLAYTON. Therefore, for his understanding, I will ask him to read to-morrow morning that portion of my remarks in the RECORD.

Mr. MARTIN. I heard every word the gentleman said, and listened to it intently. His explanation was that the last Congress was one in which appropriation bills were entitled to precedence.

Mr. CLAYTON. I will say to the gentleman he may put his own construction on what I said, but I dissent very radically from the opinion he expressed of what I did say.

Mr. MARTIN. Well, the gentleman from Alabama [Mr. CLAYTON] may possibly dissent from it when he has heard my opinion, but the explanation that the gentleman made was in substance what I am going to say when I state it.

Mr. CLAYTON. I do not agree that it is in substance what you are going to say. I will say that in advance.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. Certainly.

Mr. MANN. The gentleman from Alabama [Mr. CLAYTON] having expressed his opinion about something which he has not yet heard and can not know about, does the gentleman from South Dakota [Mr. MARTIN] think that the gentleman from Alabama proceeded on the same theory in the discussion of this case? [Laughter.]

Mr. CLAYTON. I may say that I am so familiar with the mental processes of the gentleman from South Dakota that I know in advance that I can not agree with him. [Laughter.]

Mr. MARTIN. Well, some gentlemen are very wise when they do not know the facts.

Mr. CLAYTON. And some are not wise even after some gentleman has told them the facts.

Mr. MARTIN. I think it was the great Socrates who said that he considered himself the wisest of men because, although he lived in an ignorant age, he knew his ignorance, while his fellow creatures did not know theirs. Others were ignorant, but thought themselves wise.

Mr. CLAYTON. There we have a modern Socrates. [Laughter.]

Mr. MARTIN. I will not yield further, Mr. Chairman, to interruptions of that kind.

Now, perhaps the Members of the House have no doubt about the facts, but they will be able to compare what the gentleman from Alabama has said and what I am about to say in the RECORD in the morning, and they can reach their own conclusions therefrom. My understanding is that the explanation of the gentleman from Alabama [Mr. CLAYTON] as to why action was not taken in this case, upon testimony introduced before his committee when he was chairman of the Committee on the Judiciary, and the committee was then in shape to act, while we have no committee now——

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Virginia?

Mr. MARTIN. Let me finish at least a sentence. The gentleman's explanation was, in substance, that at that time the House was necessarily giving precedence to the appropriation measures, and it was quite a difficult proposition to get through all the appropriation bills at the last session of Congress.

Now I will yield to the gentleman.

Mr. CARLIN. I call the gentleman's attention to the fact that this hearing was not had before the Committee on the Judiciary until the 14th day of February, and had that committee acted, or tried to act, it would have found that there was no other call that the committee had, under the call of committees, between that time and the 4th day of March, which was the day of adjournment. There was no Calendar Wednesday after the 14th of February to which we were entitled, and therefore it was a matter resting entirely with the Rules Committee.

Mr. MARTIN. Yes. But you have no Committee on the Judiciary at all now, and you had a Rules Committee then as now. You could have acted at the last session with a better compliance with the rules than you are acting now.

Mr. CARLIN. There was no opportunity offered.

Mr. MANN. There was a Committee on Rules at that time.

Mr. MARTIN. Exactly. And there was also a Committee on the Judiciary, which had already heard testimony on the case, which the distinguished gentleman from Alabama [Mr. CLAYTON] says is overwhelming and convincing—so much so that action ought now to be taken. The Committee on the Judiciary at the last Congress and, if I am not entirely mistaken, after this date of the 14th of February——

Mr. CARLIN. I did not hear the gentleman. I did not catch his remarks.

Mr. MARTIN. I was saying that the Committee on the Judiciary at the last session of Congress and, if I am not entirely mistaken, after the 14th day of February, brought important business from that committee before this House, which was acted upon and which became law, among other things, the celebrated Webb bill.

Mr. CARLIN. Yes; that came up before the 14th of February, according to my impression, but the Rules Committee gave that consideration.

Mr. MARTIN. My impression is that the committee brought in the Webb bill after the 14th of February. The gentleman knows very well, conceding the correctness of all that he states, that we could have had a rule brought in then with greater propriety than it is brought in now.

Mr. CARLIN. But, Mr. Chairman——

Mr. MARTIN. I will not yield to debate with the gentleman, although I will submit to a question. I remember a very important piece of legislation that was brought from that committee—the Committee on the Judiciary—in the closing days of Congress, and I think was acted on during one of the first days of March—a bill that would prevent the Federal courts from interfering with State courts in the enforcement of State statutes until the constitutionality of such laws should be passed upon first by the supreme court of the State. That committee also brought other matters before this body, and often they were without any special intervention by means of a rule; and they could have passed this bill, in my judgment, at that time without any intervention of the Committee on Rules whatever. Certainly it could have been passed by a rule, and we had the Rules Committee in operation then as now.

This is an emergency proposition, however you clothe it, and it is an emergency situation, and nothing else. The emergency has existed for at least a year and a half. The gentleman from Alabama [Mr. CLAYTON], in answer to a question from me as to how long this judge had been critically ill, said he had been ill for something over a year, and that he became more seriously ill, if not entirely disabled, last winter.

All of that time has intervened, and his committee had the full case before them with jurisdiction to act, and still they delayed action. Now, there may be some other explanation, and the explanation already given by the gentleman may be entirely satisfactory to the other Members of the House. It does not convince me that action upon this important bill, which was then pending, having been previously introduced by the gentleman from Pennsylvania [Mr. PALMER] was delayed because of the inability of the Committee on the Judiciary to get a hearing in this House upon that important proposition at that time.

I think that our brethren upon the other side of the Chamber ought to be consistent upon this question of the Federal courts and the Federal judiciary. They have made several efforts to repeal the Commerce Court act. They have practically repealed it in effect, by refusing to appropriate for it for the coming fiscal year. What will be the status on the 1st day of July? There are four of these regularly commissioned circuit judges of the United States who will be without any compensation to serve upon the Commerce Court. Everybody knows that their salaries will have to be paid. Everybody knows that we can not by failure to appropriate for their salaries deprive them of their life positions, or of compensation for the same. There is no reason in the world why one of these judges after the 1st day of July can not be assigned to service in the eastern circuit of Pennsylvania.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. Certainly.

Mr. DYER. The gentleman does not know, does he, that this Commerce Court will be finally abolished? Does he not know that there is a strong effort now being made by a great many people and business concerns to have this court retained?

Mr. MARTIN. Unfortunately, perhaps, for the country, the people and the business concerns of the country do not have in their charge the creation or the dismemberment of the courts. That is done by the Congress, and the Congress as at present constituted and as it has been constituted for the past two years is against this Commerce Court. It has refused to appropriate for it, and in my judgment, undoubtedly will abolish the court.

Mr. DYER. The gentleman does not know that this Congress will do that, does he? I will ask him if the Committee on Appropriations report an appropriation to take care of this court, will not the life of it be continued?

Mr. MARTIN. If they should; but I do not suppose the gentleman has any intimation—I certainly have none—or any

expectation that the Appropriations Committee will report any such appropriation, after the whole course of the committee to the contrary.

This is an emergency situation. You have waited for a year and a half, up to date, without meeting it. You have had the testimony before you showing the great stress and necessity of it for some months. You have not acted when you could have acted. Now, if you will just wait less than 60 days more you will have four judges in all probability, either one of whom you can assign to that circuit and so relieve this situation.

Mr. BURKE of South Dakota. And the committees will be appointed on the 1st of June.

Mr. MARTIN. As my colleague suggests, on the 1st of June the committees will be appointed and you will then have a Committee on the Judiciary to act upon this question in regular form. It seems to me that no change has arisen in this emergency between the 14th day of February and this, the 10th day of May, to make this remarkable and unusual procedure justifiable at this time.

Mr. MANN. Mr. Chairman, I ask unanimous consent that general debate on the bill be now closed.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that general debate on this bill be now closed. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States shall appoint an additional district judge for the eastern district of Pennsylvania, by and with the advice and consent of the Senate, who shall reside in said district and shall possess the same qualifications and have the same power and jurisdiction and receive the same salary now prescribed by law in respect of the present district judges therein.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Add, at the end of line 9, the following:

"*Provided, however,* That the President shall make public all indorsements made in behalf of any applicant for appointment as such district judge."

[Laughter.]

Mr. MANN. Mr. Chairman, I shall not vote for my own amendment; but we have had two roll calls in the House in the last Congress, on which practically all of the Democratic Members voted for an amendment somewhat similar to this, providing, however, in reference to all judges, both district, circuit, and supreme.

I did not offer the amendment in that shape. Possibly I should have done so and permitted the gentleman from Pennsylvania to make a point of order against it, but I have preferred to offer an amendment which is germane. So I have offered this amendment, which has been twice voted for on roll calls by the Democratic side of the House. I have offered it to see whether they have the same opinion now that they held before, when there was a Republican President.

Mr. PALMER. Mr. Chairman, I am opposed to this amendment, but the gentleman from Illinois has relieved me from the necessity of making any argument against it. He says himself that he is opposed to it, that he does not believe in it, and so we all ought to be agreed on the proposition. I would have no objection myself to such a provision in the law in relation to all appointments of judges or any other officers, but I do not believe it is good practice to start in upon such a course with respect to a single nomination.

Mr. MANN. I would like to ask the gentleman if he voted for the Cullop amendment?

Mr. PALMER. I think I voted for the Cullop amendment, but I would not be certain.

Mr. MURDOCK. Mr. Chairman, can we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, I voted against the Cullop amendment, and I have a very distinct recollection of it, because at a subsequent time I was reminded of it very frequently in a campaign for nomination for Congress in my district. I intend to vote against this amendment. I do not think it is a matter that ought to be treated lightly. I think it is fair to us who voted against it before, and fair to me, to give the reasons that will impel me to vote against it, and what impelled me to vote against it before.

The fact is, it is beyond the constitutional power of Congress to provide any such limitation upon the Executive. If the President of the United States should to-morrow issue a proclamation requiring that all Members of Congress before they voted upon any matter of legislation should make public the indorsement or the communications that they had received in regard to that legislation, such a proclamation would be laughed to scorn, and it would be said that the President had exceeded his constitutional power in an effort to interfere with the action of the Representatives in Congress in voting on matters of legislation.

The same Constitution which gives the Congress of the United States the legislative power imposes upon the President the duty, with the advice and consent of the Senate, to appoint judges and other officers therein named. He may make the appointment on indorsement, he may make the appointment without indorsement, he may make it despite indorsement. There can be no obligation laid upon him by the legislative branch that can interfere with his constitutional performance of that function of appointment.

It was upon this proposition, not that I objected to any publicity about it, but upon this fundamental proposition that I voted against the Cullop proposition, and for that reason I shall vote against this.

Mr. MADDEN. Mr. Chairman, I recollect very well when we were considering the creation of a new district court in Chicago some time ago, the necessity for which was undoubted, that nearly every Democrat in the House voted for the Cullop amendment which, in effect, is the same amendment as now offered by my colleague this afternoon. I was very much interested in the creation of that new district court, because of the need of such a court. I was enthusiastically in favor of the legislation until after the gentleman from Indiana [Mr. CULLOP] introduced his amendment. When the question of the creation of a court under the conditions provided came up for a vote, I voted against the bill. I would vote against this amendment, but I hope that if the bill now before the House is finally enacted into law that the Members of the House will have an opportunity to put themselves on record, either for or against this amendment, and I say that with the hope that those Democrats who then voted for the other amendment may have an opportunity to let the public know whether they are still of the same opinion.

Mr. HARDY. Mr. Chairman, I want to put myself on record in this matter. I am not absolutely sure of just how the Cullop amendment was framed or worded, or what phase of that amendment I voted on, and it may be that my vote to-day will not be thoroughly consistent with my vote then, but that does not concern me. I wish to express my attitude now, in conformity with what I believe to be right. If the amendment of the gentleman from Illinois is changed a little, I will vote for it. I am perfectly willing to go on record now as voting for a proposition that when the President of the United States appoints a Federal judge he should and ought to be willing to let the country know upon whose indorsement he appoints the judge. But when it comes to the question of making public the indorsements of every other applicant for that office, which are frequently coupled with criticisms of this man and that man, I do not believe the indorsements of persons not appointed ought to be made public. The people have no concern with the indorsements of persons who are not appointed to office. If the amendment is so altered as to require the President to make public only all the indorsements of the man he appoints to serve the people, I would vote for it.

Mr. MANN. Does the gentleman remember what the provisions in the Cullop amendment were?

Mr. HARDY. I have already said that I do not remember the provisions in the Cullop amendment.

Mr. MANN. Mr. Chairman, will the gentleman permit me to read it to him?

Mr. HARDY. Yes.

Mr. MANN. "He shall make public all indorsements made in behalf of any applicant." The gentleman voted for that, I believe.

Mr. HARDY. I do not know whether I did or not.

Mr. MANN. I will inform the gentleman, then, that he did twice; at least once on a roll call.

Mr. HARDY. I take it for granted the gentleman is right, and I am making this statement to show now just what my full deliberation upon the subject has led me to conclude, and that is, that the President ought to be willing and ought to make public the indorsements of the candidate whom he appoints, but I do not believe he ought to make public the indorsements of others.

Mr. MANN. The gentleman voted for it at the time.

Mr. HARDY. The gentleman has heard me state that I accept his statement as to my vote, and he has probably heard me

state also that my present expression of opinion may not be entirely consistent with that vote. I care more to do now what I think is right than to be consistent.

Mr. MANN. I have sent to find out whether the gentleman voted for it about six months after the first time. There were two roll calls in the House, some time apart.

Mr. HARDY. I will be glad if the gentleman will state the proposition and just how I voted upon it, but I am not much concerned with that. I want to state my judgment now, and expect to vote now in accordance with that judgment. I shall offer an amendment to the amendment of the gentleman from Illinois, to make it conform to the ideas I am now presenting.

Mr. CULLOP. Mr. Chairman, I am very glad that we have convinced the Republicans at this late day of the merit of the proposition now pending before the House.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. I can not now. This is no new doctrine for that side of the House. In 1867 the Republican Party passed the civil tenure-of-office act, which not only required the President to make public all of the indorsements upon which he appointed a candidate, but to furnish the public the proof upon which he removed any person holding an office, and his reasons for so doing. It is no new doctrine. If it was constitutional then to require the President to furnish indorsements upon which a candidate was appointed, it is constitutional now. There is not a single constitutional objection that can be successfully urged against this amendment. No President, so far as I can find, has ever hesitated when called upon to make such indorsements public and take the people into his confidence. All have courted publicity rather than secrecy in the discharge of public duty, and more especially so in the appointment of public officials Why should not the President make public, as much as any other person, the indorsement upon which he appoints a man to office? What secrecy is there about it? Why should there be any secrecy about the controlling power or motive behind the appointment of any candidate to fill a public office? The official making the appointment ought to be proud as well as the candidate of the indorsements upon which the appointment is made. The public has a right to know who are responsible for the selection of a public officer; it is interested and should be fully advised. It is a matter of public concern; it is a matter of public importance; and it is proper and just; and our Republican friends should not complain of the doctrine, because they first instituted it in this country in 1867, when they passed the civil tenure-of-office act to control the appointments of and to prevent the removal from office by Andrew Johnson as President of the United States.

Mr. BARTLETT. That was repealed long ago, was it not?

Mr. CULLOP. That has been repealed, but all the time that it was on the statute books nobody tested the constitutionality of the act. Go through all of the decisions in which the question of the validity of that act was involved in the courts, and the constitutionality of the act was never raised or presented for decision. This amendment involves a very wholesome principle, and one which, if enacted, will serve a most useful purpose. I do not think that the present President of the United States would hesitate for a single moment—and I do not see why he should hesitate or why any other appointing power should hesitate—to make public the indorsements of every candidate for office applying for an appointment.

It will do much to protect the courts from unjust criticism which might cast a cloud on the title of some Federal judges and weaken their influence as well as reflect upon the integrity of the appointing power, either or both of which would injure the standing of the court and the influence it should exert in the community. I believe in preserving the integrity of our courts, in protecting them from criticism as far as possible, and in upholding their influence. I believe the adoption of this amendment will be of great benefit in bringing about this result. We all know that too often unjust and severe criticism—criticism for which there is no real cause—is made on the courts of this country because of the secrecy surrounding their selection. Publicity will cure this evil and remove the source for this criticism. It will allay the complaints too often founded on suspicion arising from imaginary causes. Everything should be done to preserve the integrity of our courts. Once let them fall into disrepute and a serious blow, an irreparable injury, has been done our institutions. In their purity and integrity rests the future of the Republic.

A similar amendment to this was adopted by this House in the last Congress and was indorsed by a plank in the Baltimore platform. The Democrats of the Union indorsed it at the last election, and we should adopt it here and now. Some have objected to this amendment because they assert that it encroaches on the constitutional power of the President. In this they are mistaken. They confuse the power of appointment with the power of removal. The Constitution vests the power of removal from office in the President, but it does not invest him with sole power of appointment. He can only appoint with the advice and consent of the Senate. He can remove from office without the cooperation of the Senate or any other body. That power is lodged in him alone. This amendment only provides the manner of procedure in appointing persons to office, and hence it does not divest him of any constitutional rights. It has never been contended in any of the cases where this question arose for determination that it did, but, on the contrary, it has always been asserted the right of providing the procedure was vested in Congress to declare by legislative enactment. I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HAMLIN. Mr. Chairman, I do not believe that I can vote for this bill. I feel that there has not been sufficient reasons stated here to indicate that the public service would suffer greatly by waiting until the beginning of the next term of Congress to pass this bill. It seems to me that there is too much haste about this matter at this particular time, for what reason I do not know, but I do know that the summer season is coming on, when the courts are not usually in session. They take the summer vacation, and by the time that the busy season for the courts will come again Congress will be in session and we will then have a Committee on the Judiciary to consider this matter, and it can then come up in the regular way. Again, for the next few months undoubtedly some other regular judge can be assigned to assist in that work. For these reasons I think I shall vote against the bill.

As to the amendment offered by the gentleman from Illinois, I want to make a few suggestions. I do not recall how I voted upon the so-called Cullop amendment——

Mr. FARR. The gentleman voted right.

Mr. HAMLIN. But I shall vote for this amendment. [Applause.] And I shall do it for this reason: There is no use in our trying to conceal the fact that in the appointment of Federal judges throughout the country the opinion has gotten full possession of the people, or the people are in full possession of the opinion, that many of those men have been appointed upon very questionable indorsements; that certain large, influential, special interests in this country have dictated the appointments of the Federal judiciary. Whether that be true or false it is not necessary for me to express an opinion at this time. This bill provides for the appointment of a Federal judge. If this bill becomes a law, I have that confidence in our President to believe that he will not appoint a man upon any such questionable indorsement. I do not believe that he will hesitate to let the country know who indorsed the man that he appoints. If he exercises his perfect right to appoint upon his own initiation, he will not object to letting the people know it, and the people will indorse his act, for they have confidence in him. I believe, especially in view of the opinion that prevails in the country that the Federal judiciary has not always been fair and that that fact is due largely to the influence that brought about their appointment to the bench, that this amendment ought to be adopted. For if the time should ever come when the people shall lose confidence in the courts, then the main bulwark of our Government will be broken down. Democrats, of course, ought to vote for this amendment, for our platform declares for this very thing.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. GARRETT of Tennessee. Does my friend make any distinction between the matter of policy and the matter of power? I am placing my position upon the ground that Congress has not the power to make such a requirement; I am not objecting to the policy.

Mr. HAMLIN. If we do not have the power, then the President may disregard this provision of the bill if he chooses, but I am sure that he will not disregard it, for I believe he wants the people to know not only what he does but why he does it.

Mr. CULLOP. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. CULLOP. Is this a question of power or is it only a question of procedure? Is not it only a question of procedure?

Mr. HAMLIN. I think this, that if the President should positively refuse to give the people that information I know of no way we could compel him to do it. I am frank to say that.

Mr. CULLOP. Will the gentleman permit another question?

Mr. HAMLIN. Yes.

Mr. CULLOP. Are there not laws in certain cases regarding appointments, defining the manner of procedure in regard to them?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CULLOP. I ask that the gentleman have two minutes additional.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Missouri have two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. CULLOP. If the law defines the manner in which the appointment shall be made, what constitutional provision, if any, does that invade?

Mr. HAMLIN. Oh, I do not know that it invades the Constitution. I do not think that it does, but there may be something in what my friend from Tennessee says, that it is doubtful whether the legislative body would have the authority to say to the Executive what he should do in relation to making appointments. Perhaps we could not compel him to make public these indorsements, but I believe that the people of this country, to whom he is responsible, would hold him and his party responsible for refusing the request for this publicity.

Mr. HARDY. Will the gentleman yield there for just a moment? Does not the gentleman think under his own remarks that the amendment ought to be amended so as to make it necessary for the President only to make public the indorsements of the man he does appoint?

Mr. HAMLIN. Oh, yes; with those whom he does not appoint we have no concern at all. I think the gentleman is entirely right about that.

Mr. PALMER. Mr. Chairman, I move that all debate on the pending paragraph and all amendments thereto be now closed.

Mr. DYER. Mr. Chairman——

Mr. HARDY. The question is not debatable.

Mr. DYER. I do not desire to debate, but I wish to offer an amendment to the amendment.

The CHAIRMAN. The gentleman will have an opportunity to do that. The gentleman from Pennsylvania moves that all debate on the paragraph and all amendments thereto be now closed.

Mr. DYER. Will the gentleman yield for a question?

Mr. BRYAN. Division, Mr. Chairman.

Mr. HARDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] demands a division on the question of closing debate on the paragraph and all amendments thereto.

The committee divided; and there were—ayes 126, noes 23.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words "any applicant," in the second line, and insert in lieu thereof the words "the person appointed," so that the amendment will read:

"*Provided, however*, That the President shall make public all indorsements made in behalf of the person appointed as such judge."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MANN. Mr. Chairman, the amendment as reported does not agree with itself. What the gentleman wishes to move to strike out is "any applicant for appointment." The Clerk read "any applicant."

Mr. HARDY. It should be "any applicant for appointment." I ask unanimous consent to modify the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment in accordance with the statement of the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Texas [Mr. HARDY] to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. PALMER. Division, Mr. Chairman.

The committee divided; and there were—ayes 85, noes 52.

So the amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the eastern district of Pennsylvania, senior in commission, such vacancy shall not be filled, and thereafter there shall be but two district judges in said district.

Mr. PALMER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. DONOVAN. Mr. Chairman, I make a point of no quorum.

The CHAIRMAN. The Chair overrules the point of order. On the last question taken 137 were counted as present, which is more than a quorum in the committee.

The motion of the gentleman from Pennsylvania [Mr. PALMER] was agreed to.

Accordingly the committee rose; and Mr. ALEXANDER having resumed the chair as Speaker pro tempore, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, and had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. PALMER. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

Mr. MANN. I hope the gentleman will not make that motion.

Mr. PALMER. You certainly do not want any more debate on this little bill?

Mr. MANN. I do not desire to have any more debate at all. I am willing to come to an understanding that there will be no more debate. I do not know that the occasion will arise, but it might arise, and, if it does, this will be the unfinished business during all the recess.

Mr. PALMER. I have no objection to this bill being unfinished business. I believe it will be disposed of here to-day, however. There is a quorum present, I think.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of line 9 the following: "*Provided, however*, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays. We do not wish to filibuster and take up unnecessary time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 84, answered "present" 6, not voting 169, as follows:

YEAS—171.

Abercrombie	Dixon	Hensley	Raker
Aiken	Doremus	Hill	Reed
Allen	Doughton	Hinebaugh	Reilly, Wis.
Anderson	Dyer	Hughes, Ga.	Roddenbery
Ashbrook	Eagle	Hulings	Rogers
Austin	Elder	Hull	Rubey
Bailey	Faison	Igoe	Rupley
Barkley	Falconer	Jacoway	Russell
Barton	Farr	Keating	Sabath
Beall, Tex.	Fergusson	Kelly, Pa.	Scott
Bell, Cal.	Ferris	Kennedy, Iowa	Sherwood
Bell, Ga.	Fess	Key, Ohio	Sinnott
Bowdle	Fields	Kinkead, N. J.	Smith, Minn.
Brown, W. Va.	Fitzgerald	Kirkpatrick	Smith, Tex.
Brumbaugh	FitzHenry	Knowland, J. R.	Stafford
Bryan	Flood, Va.	Lafferty	Steenerson
Buchanan, Ill.	Foster	La Follette	Stephens, Cal.
Buchanan, Tex.	Fowler	Langley	Stephens, Miss.
Burke, Wis.	Francis	Lewis, Pa.	Stephens, Nebr.
Callaway	Frear	Lieb	Stephens, Tex.
Candler, Miss.	Gallagher	Lloyd	Stone
Cantrill	Gard	Lobeck	Stringer
Carr	Garrett, Tex.	Lonergan	Tavenner
Carter	Gilmore	McDermott	Taylor, Ark.
Cary	Goeke	Maguire, Nebr.	Taylor, Colo.
Chandler, N. Y.	Goodwin, Ark.	Manahan	Temple
Church	Goodwin, Me.	Mapes	Thacher
Collier	Gorman	Mitchell	Thomas
Connelly, Kans.	Goulden	Moon	Thompson, Okla.
Connolly, Iowa	Graham, Ill.	Morgan, Okla.	Treadway
Copley	Gray	Murdock	Vaughan
Cox	Green, Iowa	Murray, Mass.	Walker
Crisp	Gregg	Murray, Okla.	Walters
Crosser	Hamlin	Neeley	Watkins
Cullop	Hardwick	Nelson	Watson
Davenport	Hardy	Nolan, J. I.	Whaley
Davis, Minn.	Hawley	Norton	Williams
Decker	Hayden	Oldfield	Willis
Deitrick	Heflin	Peterson	Wilson, Fla.
Dent	Helgesen	Phelan	Wingo
Dershem	Helm	Porter	Young, N. Dak.
Dickinson	Helvering	Rainey	Young, Tex.
Dillon	Henry	Ragsdale	

NAYS—84.

Alexander	Driscoll	Lee, Ga.	Post
Avis	Eagan	Lee, Pa.	Pou
Baker	Floyd, Ark.	Lesher	Powers
Bartlett	French	Logue	Rayburn
Beakes	Garrett, Tenn.	McAndrews	Reilly, Conn.
Blackmon	Gittins	McGuire, Okla.	Richardson
Booher	Greene, Mass.	McLaughlin	Roberts, Nev.
Borchers	Greene, Vt.	Madden	Rothermel
Britten	Hamill	Mann	Saunders
Brodbeck	Hamilton, Mich.	Martin	Slayden
Burgess	Hammond	Montague	Sloan
Burke, S. Dak.	Hay	Moore	Smith, Idaho
Burnett	Hinds	Morgan, La.	Sparkman
Byrnes, S. C.	Holland	Morrison	Talcott, N. Y.
Byrns, Tenn.	Howard	O'Hair	Townsend
Caraway	Humphrey, Wash.	O'Shaunessy	Tuttle
Clancy	Humphreys, Miss.	Page	Underhill
Claypool	Johnson, Utah	Palmer	Underwood
Curry	Keister	Payne	Weaver
Davis, W. Va.	Kennedy, Conn.	Platt	Wilder
Donovan	Korbly	Plumley	Young, Mich.

ANSWERED "PRESENT"—6.

Adamson	Covington	Fairchild	Garner
Clayton	Dunn		

NOT VOTING—169.

Adair	Evans	Lazaro	Shackleford
Ainey	Finley	L'Engle	Sharp
Ansberry	Fordney	Lenroot	Sherley
Anthony	Gardner	Lever	Shreve
Aswell	Gerry	Levy	Sims
Barchfeld	Gillett	Lewis, Md.	Sisson
Barnhart	Glass	Lindbergh	Slemp
Bartholdt	Godwin, N. C.	Lindquist	Small
Bathrick	Goldfogle	Linthicum	Smith, J. M. C.
Borland	Good	McClellan	Smith, Md.
Bremner	Gordon	McCoy	Smith, N. Y.
Brockson	Graham, Pa.	McGillicuddy	Smith, Saml. W.
Broussard	Griest	McKellar	Stanley
Brown, N. Y.	Griffin	McKenzie	Stedman
Browne, Wis.	Gudger	Mahan	Stevens, Minn.
Browning	Guernsey	Maher	Stevens, N. H.
Bruckner	Hamilton, N. Y.	Merritt	Stout
Bulkley	Harrison, Miss.	Metz	Sumners
Burke, Pa.	Harrison, N. Y.	Miller	Sutherland
Butler	Haugen	Mondell	Switzer
Calder	Hayes	Morin	Taggart
Campbell	Hobson	Moss, Ind.	Talbott, Md.
Carew	Houston	Moss, W. Va.	Taylor, Ala.
Carlin	Howell	Mott	Taylor, N. Y.
Casey	Hoxworth	O'Brien	Ten Eyck
Clark, Fla.	Hughes, W. Va.	Oglesby	Thomson, Ill.
Cline	Johnson, Ky.	O'Leary	Towner
Conry	Johnson, S. C.	Padgett	Tribble
Cooper	Johnson, Wash.	Parker	Vare
Cramton	Jones	Patten, N. Y.	Volstead
Curley	Kahn	Patton, Pa.	Wallin
Dale	Kelley, Mich.	Pepper	Walsh
Danforth	Kennedy, R. I.	Peters	Webb
Dies	Kent	Prouty	Whitacre
Difenderfer	Kettner	Quin	White
Donohoe	Kiess, Pa.	Rauch	Wilson, N. Y.
Dooling	Kindel	Riordan	Winslow
Doolittle	Kinkaid, Nebr.	Roberts, Mass.	Witherspoon
Dupré	Kitchin	Rouse	Woodruff
Edmonds	Konig	Rucker	Woods
Edwards	Konop	Scully	
Esch	Kreider	Seldomridge	
Estopinal	Langham	Sells	

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. SISSON with Mr. TOWNER.

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. CLAYTON with Mr. GRAHAM of Pennsylvania.

Mr. GLASS with Mr. SLEMP.

Mr. WEBB with Mr. HUGHES of West Virginia.

Mr. CARLIN with Mr. HAMILTON of New York.

Mr. DONOHOE with Mr. KIESS of Pennsylvania.

Mr. ASWELL with Mr. LINDQUIST.

Mr. DALE with Mr. CALDER.

Mr. ROUSE with Mr. J. M. C. SMITH.

Mr. SHERLEY with Mr. GILLETT.

Mr. STEDMAN with Mr. ANTHONY.

Mr. RUCKER with Mr. PARKER.

Mr. BATHRICK with Mr. CAMPBELL.

Mr. BORLAND with Mr. BARTHOLDT.

Mr. CLARK of Florida with Mr. BROWNE of Wisconsin.

Mr. CLINE with Mr. BURKE of Pennsylvania.

Mr. CURLEY with Mr. DANFORTH.

Mr. DIES with Mr. CRAMTON.

Mr. DIFENDERFER with Mr. EDMONDS.

Mr. DUPRÉ with Mr. ESCH.

Mr. EDWARDS with Mr. GOOD.

Mr. FINLEY with Mr. GRIEST.

Mr. GODWIN of North Carolina with Mr. JOHNSON of Washington.

Mr. GOLDFOGLE with Mr. KAHN.

Mr. HARRISON of New York with Mr. FORDNEY.

Mr. HARRISON of Mississippi with Mr. KENNEDY of Rhode Island.

Mr. HOUSTON with Mr. KREIDER.

Mr. JOHNSON of Kentucky with Mr. LANGHAM.

Mr. JOHNSON of South Carolina with Mr. MCKENZIE.

Mr. JONES with Mr. MILLER.

Mr. KITCHIN with Mr. MERRITT.

Mr. KONOP with Mr. MONDELL.

Mr. LEVER with Mr. MORIN.

Mr. LEVY with Mr. MOSS of West Virginia.

Mr. LINTHICUM with Mr. MOTT.

Mr. MCCOY with Mr. PATTON of Pennsylvania.

Mr. MCKELLAR with Mr. PROUTY.

Mr. PADGETT with Mr. ROBERTS of Massachusetts.

Mr. PATTEN of New York with Mr. SELLS.

Mr. PETERS with Mr. WINSLOW.

Mr. PEPPER with Mr. SHREVE.

Mr. SHACKLEFORD with Mr. SAMUEL W. SMITH.

Mr. SHARP with Mr. SUTHERLAND.

Mr. SIMS with Mr. WOODS.

Mr. SMALL with Mr. VARE.

Mr. STANLEY with Mr. VOLSTEAD.

Mr. TALBOTT of Maryland with Mr. SWITZER.

Mr. WHITE with Mr. GUERNSEY.

Mr. LAZARO with Mr. HAUGEN.

Mr. CASEY with Mr. HAYES.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BARNHART with Mr. AINEY.

Mr. MCCLELLAN with Mr. HOWELL.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. PALMER, a motion to reconsider the last vote was laid on the table.

MOTHERS' DAY.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

House resolution 103.

Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

Whereas we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountain head of the state; and

Whereas the American mother is doing so much for the home, the moral uplift, and religion, hence so much for good government and humanity: Therefore be it

Resolved, etc., That as a token of our love and reverence for the mother the President and his Cabinet, United States Senators, Representatives of the House, and all officials of the Federal Government are hereby requested to wear a white carnation or some other white flower Sunday, May 11, in observance of Mothers' Day.

[Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. HEFLIN. Mr. Speaker, I do not desire to take the time of the House. I simply ask for the present consideration and adoption of the resolution.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Reserving the right to object, I hope the gentleman from Alabama who introduced this resolution will tell us something about it. We would like to hear at least a 10-minute speech from him. [Applause.]

Mr. HEFLIN. Mr. Speaker, the resolution speaks for itself. [Applause.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

FRIEDMANN TREATMENT FOR TUBERCULOSIS.

Mr. NEELEY. Mr. Speaker, I ask unanimous consent to print as a House document a report on the present status of the investigation of the Friedmann treatment for tuberculosis by the Public Health Service, by Dr. J. F. Anderson and Dr. A. M. Stimson.

The SPEAKER pro tempore. Is there objection to the request?

Mr. FITZGERALD. Has not this been printed by the Public Health Service?

Mr. NEELEY. It has not.

Mr. FITZGERALD. It should be printed by the Public Health Service and charged to their appropriation and not to the House appropriation. Therefore I object.

The SPEAKER pro tempore. The gentleman from New York objects.

CONTESTED-ELECTION CASE—MACDONALD AGAINST YOUNG.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. I hope the gentleman will withhold that motion for a moment. I ask unanimous consent that the gentleman from Michigan [Mr. YOUNG] be permitted to address the House for one hour in reference to his contested-election matter.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Michigan [Mr. YOUNG] be permitted to address the House for one hour on his contested-election case. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I have no objection to the gentleman proceeding, but I should like to ask the gentleman from Michigan if he proposes to go into the controverted points of the case?

Mr. YOUNG of Michigan. Somewhat.

Mr. MURDOCK. Will there be an opportunity to answer, or not?

Mr. YOUNG of Michigan. I take it so.

Mr. MURDOCK. To consider the merits of the case?

Mr. YOUNG of Michigan. Undoubtedly.

Mr. MANN. The gentleman is not seeking to bring the case up for a final vote, but it may develop something that it is proper for the House to have.

Mr. GARRETT of Tennessee. Reserving the right to object, of course this presents a somewhat delicate matter. The kind personal regard I have for the gentleman from Michigan and for the gentleman from Illinois constrains me not to object, yet at the same time it is a very unusual request, so far as I know. I make no objection.

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois a question. It is now 4 o'clock, and the request is for an hour for the gentleman from Michigan. Does he not think there ought to be a chance to reply, if the matter is to develop any controversy?

Mr. MANN. I think if anybody desires to reply, he ought to have the opportunity at once.

Mr. MURDOCK. What about the proposition for unanimous consent? It will be rather difficult to obtain that at 5 o'clock.

Mr. MANN. I should say not. If there was anybody who desired to reply, I am sure that no one would object at that time.

Mr. MURDOCK. Do you think in that case I will be able to get unanimous consent?

Mr. MANN. I have not the slightest doubt about it.

Mr. MURDOCK. I ask unanimous consent that at the end of the hour of the gentleman from Michigan we have an hour.

Mr. FITZGERALD. Who?

Mr. MURDOCK. Or half an hour.

Mr. FITZGERALD. Who?

Mr. MURDOCK. Myself and the gentleman from Illinois [Mr. HINEBAUGH].

Mr. MANN. I think there ought to be no objection to that.

Mr. MURDOCK. Mr. Speaker, I couple with the request of the gentleman from Illinois and the gentleman from Michigan the further request that half an hour be given to us to reply to the gentleman from Michigan. I will modify that request by making it an hour, an equal time with that given by the gentleman from Michigan [Mr. YOUNG].

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan [Mr. YOUNG] be permitted to address the House for one hour on his contested-election case, and the gentleman from Kansas asks that at the conclusion of the remarks of the gentleman from Michigan he be given an hour to address the House in answer to the gentleman from Michigan. Is there objection?

Mr. HARDWICK. Reserving the right to object, can not we do this on Monday?

Mr. MANN. There is a question whether it ought to be done on Monday, under the practical gentlemen's agreement that we had yesterday.

Mr. CLAYTON. Mr. Speaker, I desire some information. Whatever the gentleman from Michigan may say or do, as I understand it, it can in no way affect the legal status of the case of the contestant.

Mr. MANN. I assume that to be true.

Mr. CLAYTON. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois and the request of the gentleman from Kansas?

There was no objection.

Mr. YOUNG of Michigan. Mr. Speaker, after 10 years of service in this body I have received from my State a certificate of election to the Sixty-third Congress and have been sworn in as a Member. My right to retain that seat, however, is the subject of a contest duly served on me by one William J. MacDonald, who claims to have been elected to that office as the candidate of the Bull Moose Party. The unofficial returns indicated that he had been so elected. Almost immediately after the result was announced I was urged to contest his election. I was told by one gentleman, in whom I had confidence, that for reasons he gave me he believed that in certain precincts he named there had been substantial errors against me in the count.

The campaign had been one of great excitement. During the 40 years in which I have participated, to some extent, in politics I have never known an election where falsehood and misrepresentation were so rife—misrepresentation so well calculated to prejudice the electors against me. Nor have I known one in which there had been so many suspiciously sudden conversions, conversions in some cases inexplicable by any of the ordinary rules that govern honest human conduct and in others so sudden that they made that of Saul of Tarsus seem, by comparison, as long drawn out as the wanderings of the children of Israel in the wilderness.

Soon statements were made to me, with a considerable degree of particularity and detail, of the alleged corrupt use of money in favor of the Bull Moose candidate. Nevertheless, I dismissed those things from my mind and accepted the result with that equanimity that waits on a good digestion and an equable temper.

Great was my surprise, therefore, on December 10 last to receive a telegram stating that the board of State canvassers, the body which in Michigan certifies finally the election of Representatives in Congress, had found that I was elected and had forwarded to me a certificate of such election.

It seems that the board found the result to be that H. OLIN YOUNG received 18,190 votes, William J. MacDonald received 17,975 votes, John Power received 10,322 votes, William O. Trezise received 1,077 votes, and Sheldon William J. McDonald received 458 votes.

These latter votes were all cast in the county of Ontonagon. This gave me a plurality of 215 votes, and the certificate was issued to me accordingly.

It is claimed on behalf of the contestant that the 458 votes cast for Sheldon William J. McDonald should have been counted for him. If so counted, he would have, on the face of the returns, a plurality of 243 votes over me.

I was asked if I would accept the certificate of election. The contestant had refrained from filing any such statement of his campaign expenses and the source of his campaign funds, as is required by law. A recollection of the gross misrepresentations of the campaign and the allegations of fraud naturally recurred to my mind. I believed that I ought to see what time and investigation would develop in regard to the entire matter, and so stated that I would accept the certificate of election. Mr. MacDonald immediately announced that he would contest. My refusal to accept the certificate of election would not have elected Mr. MacDonald. He would have been still compelled either to submit his fortunes to the chances of a new election or to have proven in this body a right to a seat here. Its only possible effect would have been to delay, perhaps for a considerable time, the determination of the question here. There was no tribunal in existence to which the contest could be submitted, nor would there be one until the Sixty-third Congress convened and the election committees were appointed. No one could be prejudiced by the necessary delay and investigation.

For so doing I was subjected to a storm of censure and abuse from Bull Moose sources and from a very few politicians from other parties who could not restrain their longing for Bull Moose approval and votes.

Mr. MacDonald then brought a mandamus proceeding before the supreme court of the State, praying that the board of State canvassers be directed to reconvene and count for him the 458 votes cast in Ontonagon County for Sheldon William J. McDonald. The court unanimously refused his prayer. To neither the proceedings before the board of State canvassers or to that before the supreme court was I a party or present or in any way represented.

I know it has been asserted in the heat of a political campaign and from high sources that the court had no jurisdiction over the question and refused to act because of this want of jurisdiction. This claim is based upon the fact that the House of Representatives, under the Constitution of the United States, is the judge of the election returns and qualifications of its Members, but that contention will not bear one moment's careful examination. It is true, of course, that the court has not final jurisdiction over election of Members of Congress, but it does have jurisdiction over the various boards and minor governmental agencies of the State, including the board of State canvassers, to compel them to carry out their duties in conformity with the law of the State. It has frequently exercised this jurisdiction over the State board of canvassers. It did so in the case of Wheeler against Board of Canvassers, reported in the Ninety-fourth Michigan, at page 448. Wheeler was a candidate for the State senate, and on the face of the returns was defeated. He asked for a recount under a State statute. The court took jurisdiction of the case and held that the statute providing for a recount did not apply to any officer who on election would become a member of a body that itself was the final judge of the election of its members, and so refused to order the recount. To repeat, it refused to grant the relief, not because it had no jurisdiction, but because the applicant was not entitled to the relief asked for for the reason that the statute he relied on did not apply to his case.

In the case of Belknap against Board of Canvassers, reported in the same volume of reports, namely, Ninety-fourth Michigan, at page 516, the Supreme Court again exercised jurisdiction in a similar case and did grant the relief prayed for.

Belknap was a candidate for Representative in Congress from the Grand Rapids district in Michigan, now known as the fifth district. On the face of the returns Belknap had a majority of 9 votes. His opponent, Richardson, asked for and obtained a recount of the votes cast in Ionia County. The recount resulted in giving a majority of 19 votes to Richardson. The board of canvassers of Ionia County reported the result of the recount, instead of the result of the first count, to the State board of canvassers. That board accordingly issued its certificate to Richardson. Belknap then applied to the supreme court for a writ of mandamus to require the board of county canvassers of Ionia County to reconvene and recanvass and report the vote to the State board of canvassers according to the original count. After a full hearing the supreme court granted the relief asked for and directed the board of county canvassers of Ionia County to reconvene and recanvass the vote according to the original count, and report the same to the State board of canvassers, and directed the State board of canvassers to again reconvene and recanvass the vote for Member of Congress, substituting the new return of the board of Ionia County for the one they had first made. This was done, and the State board of canvassers, under the direction of the supreme court, issued a certificate to Belknap. The supreme court based its decision in this case on exactly the same ground that it did its decision in the Wheeler case, namely, that the statute providing for a recount did not apply to officers who would become members of a body that itself was the final judge of election of its members. Wheeler asked for such a recount and was refused; Belknap asked that such a recount be set aside, and his prayer was granted. In view of these two decisions it is a little late for anyone to claim that the supreme court has no jurisdiction over the board of State canvassers to compel it to do its duty under the law.

The only logical conclusion, therefore, that can be drawn from the decision of the supreme court in refusing the application of Mr. MacDonald for a mandamus to compel the State board of canvassers to reconvene and recanvass the vote, and count for him the 458 votes cast in Ontonagon County for Sheldon William J. McDonald, is that under the laws of the State of Michigan he was not entitled to the relief prayed for. For the supreme court to have granted that relief would have been to reverse its own uniform and unvarying decisions for a period of 70 years.

No sooner had the board of State canvassers acted in the matter than the contestant, as quoted in the newspapers, denounced their action as "a dirty political trick." The chorus of denunciation was swelled by many newspapers which profess to be the special champions of honesty and fair dealing in politics. When the supreme court refused the application of Mr. MacDonald for a mandamus its members were immediately embraced within the storm of vituperation, which grew in violence as the time approached when it was expected that this body would act upon the matter.

Theodore Roosevelt, on March 29, at Detroit, in a public speech, according to the printed form thereof furnished by him to the press, said of these acts of the canvassing board and the supreme court, that he had come to Michigan—

to ask all good citizens, without regard to party, to condemn the organization responsible for the theft and to condemn every individual responsible for it, whether by acts of omission or commission.

In particular it appears—

He said—

that it was the right and duty of the court to undo the wrong done by the reactionary election officials. Two of the judges who made themselves responsible for the wrong by refusing to undo it are now up for reelection.

And so forth.

Again he denounced their action as "swindling and cheating" and as "treason to the people." One of Mr. Roosevelt's leading adherents said it was wrong to describe Mr. Roosevelt's language as "an attack upon the court"; that it was only moderate and proper criticism. The people of Michigan, however, have just reelected both of the judges thus denounced by a vote of two to one over their so-called Progressive opponents.

The Washington Times, under the management of Frank A. Munsey, who on occasion uses his magazine as an adjunct to his stock speculations and in articles therein professedly for the enlightenment of the public booms stocks he happens to hold—the Washington Times, I say, in an editorial in its issue of April 10, 1913, among other things said:

But Mr. YOUNG is not entitled to that seat, was not elected to it, and got it only because a trick, a technicality, and an accident conspired to give a partisan election board the chance to issue the credentials.

No language could be used more directly asserting that the board was merely looking for an excuse to do a dishonorable and disreputable thing. Finally, the resolution offered on the first day of this session by the gentleman from Illinois [Mr. HINEBAUGH] contains this allegation:

Whereas the said board of canvassers of the State of Michigan arbitrarily and without authority of law caused a certificate of election to be issued to said H. Olin Young, when in truth and in fact said certificate should have been issued to William J. MacDonald.

And so forth.

This new exponent of decency and fairness in politics immediately moved the previous question, and attempted to cut off all debate upon a resolution of which the House knew absolutely nothing, except from the newspapers. The House, however, by a vote of 266 to 26, adopted instead the resolution of the gentleman from New York [Mr. FITZGERALD], that, as my credentials were regular in form, I be immediately sworn in.

It may be interesting for the House to know that the gentleman from Illinois [Mr. HINEBAUGH] and the gentleman from Kansas [Mr. MURDOCK] have formally entered their appearance in the contest upon which they expect to sit as judges as attorneys for the contestant.

Why did the gentleman from Illinois, who occupies this dual position, and his Progressive friends fear debate on this resolution? Was he afraid the facts might come before the House? Did he fear that the falsity of the assertions in the resolution might appear before action was taken, unless it was precipitated?

There may be a grave difference of opinion as to whether the law under which the officials of Michigan acted is a wise or an unwise law. There may be grave difference of opinion as to whether it is a just or an unjust law. Many Members of this House may feel that in the wider and broader jurisdiction of the House it would not be best to follow the law of Michigan.

But before I take my seat, if I am given sufficient time, I shall make it so clear that no honest and conscientious man will ever again deny it that there was no trick and no technicality in the action of the election commissioners and canvassing board of Ontonagon County; that the board of State canvassers were not seeking an excuse to act arbitrarily or in violation of law, but that they performed their duty under the law in the only way they could have done it without committing a crime. Is that language strong? It is not my own. It is the language of the Supreme Court of Michigan. I shall show that the supreme court could not have acted differently without overthrowing all of its own precedents for a long series of years. The law applied in this case was not made for the occasion. It had been the settled law of the State for 70 years. It was almost coeval with the life of the State itself.

How did it happen that in Ontonagon County the name of the candidate of the National Progressive Party for Congress appeared upon the ballot as "Sheldon William J. McDonald"? Was it the result of a trick, as stated by Frank A. Munsey's newspaper? Oh, no. One Joseph M. Rogers was the nominee for Congress selected at the primary by the National Progressive Party. He declined to run, and some gentlemen claiming to be the congressional committee of the party, though they were not such committee, notified the several election commissioners of the district that they had selected William J. Mac-

Donald to fill the vacancy. Later, on October 14, 1912, the chairman and secretary of the State central committee of the National Progressive Party certified the name of the candidate for Congress of that party as William J. McDonald. The election commissioners of Ontonagon County placed that name upon the copy of the ballot and gave the same to the printer to be printed. The law makes it the duty of the board to correct all errors in the names of candidates when discovered. After this ballot was placed in the hands of the printer, namely, on October 15, 1912, a telegram was received by the board from Charles F. Hoffman, secretary of the State central committee of the National Progressive Party, in the following words, after the date:

Congressman twelfth district should be Sheldon William J. McDonald, correct.

(Signed) CHARLES F. HOFFMAN.

The board consulted and then notified the printer to make the change in the name on the ballot, and it was done. The telegram as received was introduced in evidence. The operator at Ontonagon swears that he made no error; that he took it as he received it. John Garvin, who was the instrument of the board in this business, swears that he acted in good faith, supposing "Sheldon William J. McDonald" to be the name of the candidate of the National Progressive Party, and there is no contradictory evidence. Mistake there undoubtedly was, but no trick and no technicality. The State central committee of the Progressive Party failed to take the ordinary precaution of having the message repeated or of following it by a letter of confirmation. The law requires that a proof copy of the ballot shall be on file with the county clerk for 10 days previous to the election and shall be open to inspection to all candidates and the chairmen of political committees.

This was done, and no one discovered that there was a mistake—no one discovered it on election day. It was due to the carelessness of the National Progressive committee itself. But the contestant and the members of his party, instead of admitting this patent fact, have made the welkin ring with cries of fraud, trick, and corruption. So much for that charge.

Now, as to the board of State canvassers: Did they, as stated in the resolution of the gentleman from Illinois, act arbitrarily and without authority of law? On the contrary, that board under the law had no right to inquire whether votes cast for a man by one name were intended for a man having a different name. Let that be clearly understood. Its duties are ministerial only. The certificate, issued on its findings, however, gives a prima facia right to the office. The board of State canvassers of Michigan is composed of three gentlemen of as high character, as honorable and as conscientious as any to be found in that or any other State. In this instance they performed a high ministerial duty in the only way they could perform it, without violating their oaths of office and committing a crime.

I noticed, sir, the other day, that three Representatives from Michigan voted for the resolution of the gentleman from Illinois. Do they believe that the members of the board of State canvassers—Frederick C. Martindale, A. E. Sleeper, and Huntley Russell—acted arbitrarily and without authority of law? I believe that each of them knew the exact contrary.

This is an old question in Michigan. The first case dealing with it was that of The People against Tisdale, a quo warranto proceeding to decide the right of Tisdale to retain the office of sheriff of Jackson County. It is reported on page 59 of First Douglass, the first volume of law reports of the State of Michigan. It was disposed of at the January term of 1843, over 70 years ago. It appeared that Henry Tisdale had received 822 votes, James A. Dyer had received 820 votes, Jas. A. Dyer had received 1 vote, and J. A. Dyer had received 6 votes. Tisdale was declared elected and assumed the duties of the office. The applicant, Dyer, offered to show by voters who claimed to have cast the votes for Jas. A. Dyer and J. A. Dyer that they intended thereby to vote for James A. Dyer, and it was also claimed that there was no other resident of the county named Dyer who had the initials "J. A." The court decided that the intention of the voter, when questioned in a judicial proceeding under the law of Michigan, must be determined from an inspection of the ballot and in no other way, and that votes cast for J. A. Dyer could not be counted for James A. Dyer, and that no evidence could be introduced to prove that they were intended for James A. Dyer. It further held that "Jas." was a well-known abbreviation for James and that the vote for Jas. A. Dyer should be counted for James A. Dyer. But this did not change the result. In this case, among other things, the court said:

These statutory provisions designate the acts which shall constitute an election to the office and the evidence of such election. The voter declares his designation of the individual of his choice by depositing his ballot in writing on a paper ticket containing the name of the person for whom he intends to give his vote. The law has provided this as the means, and the only means, by which he can effectually give evidence of his choice. The evidence contained in his ballot is made the foundation of the statements to be prepared, both by the inspectors of the election and the county canvassers, and also of the certificate of election issued by the latter. In The People ex rel. Yates *v.* Ferguson (8 Cow. R., 102) it is said that "the canvassers have no means of examining witnesses or of receiving any evidence besides what was upon the ballot itself," and in The People *v.* Van Slyck (4 Cow. R., 297) their duties are expressly declared to be ministerial. "They must ascertain the number of votes given, but they have no right to controvert the votes of the electors." In other words, the vote itself is the only thing which can be received and acted upon as evidence by them. This is nevertheless the very tribunal to which the law has committed the determination of the result of an election and upon whose certificate the elected assumes the duties of the office, with the full right to hold until ousted by the mandate of a higher tribunal. We are here to inquire whether, when the question as to the result of an election is presented to this court, testimony of different kind can be admitted.

It is not contended that the votes given for J. A. Dyer can be counted for James A. Dyer, unless evidence is admissible to show that the voters intended them for him. The name is required by law to be written upon the ballot. This is not the name of James A. Dyer. It is not the designation by written characters of that individual. The Constitution and the statutes having said who shall be voters and the manner of exercising that high prerogative. It is difficult to see how a different rule as to the evidence of the intention of a voter can obtain on an issue joined in this court from that which prevails before the canvassers.

It seems to be supposed that before a jury on an issue awarded from this court to try the rights to an office, the inquiry will be what was the intention of the voter by the initials used in his vote. This the relator offers to show by oral testimony. It is a full answer to such claim to say that the statute has not merely authorized the voter to express his intention by designating an individual for the office, but has required him to do it in a particular manner, to wit, by depositing a ballot with his name written upon it. Any other manner, however fully it should designate the person intended, would be ineffectual. The illiterate voter who is unable to read a letter upon his ballot and who is consequently exposed to deception by which he may aid in electing the very candidate he opposes, can express his intention effectually in no other way. The blind man may exercise the right of an elector, but he must do it by written ballot, though he may have no knowledge of what is written upon it.

The inquiry before a jury on the trial of an issue of this character would not be what the voter intended, but what intention he had expressed in the manner pointed out by statute, to wit, by his written ballot; and this, of course, would confine the testimony to the ballots themselves or the proper certificate of the contents. Extraneous testimony of intention would, of course, be rejected by a jury, as well as before the canvassers.

If we were to give a forced construction to the statute by which extraneous and parol evidence of the intention of the voter, not expressed by his ballot, were to be admitted, I fear we should adopt a principle of most dangerous tendency. Where should the rule find its limits? If, when an initial is used, the testimony of the voter as to his intention may give it to one whose name is not expressed by it, why should not the same testimony of intention change a vote given by the voter who can not read and finds he has been deceived and given his ballot for one whom he never intended to support? It is to be feared, too, that such a practice once adopted would open the door to constant litigation, and the frequent commission of the crimes of perjury and subornation of perjury. Such a result, it is true, ought not to be presumed; but we can not close our eyes to the tendency in that respect of the practice sought to be established by the relator.

Upon a view of the whole question we are all of the opinion that neither the canvassers nor a jury on the trial of an issue of fact from this court to try the respondent's right to the office of sheriff could go behind votes given at the ballot boxes to ascertain the intention of the voters.

We are aware of the decision of this question in the case of The People ex. rel. Yates *v.* Ferguson by the Supreme Court of the State of New York. The decisions of that highly respected court are always entitled to great weight; but in a question presented here for the first time of great practical importance, we can not surrender the convictions of our own minds to an authority whose reasoning does not convince us.

The question next arose in the case of The People against Higgins, reported in Third Michigan, page 233, and decided in the May term of 1853. The doctrine of the case of The People against Tisdale was reaffirmed.

The question next arose in the case of Williams against Cicotte, reported in the Sixteenth Michigan, page 283. It was heard at the January term of 1868, and the doctrine of the case of The People against Tisdale was again reaffirmed. Judge Campbell, in the course of the opinion, said:

But a more important inquiry arises concerning the allowance of testimony to show that votes cast for E. V. Cicotte and G. O. Williams were designed for Edward V. Cicotte and Gurdon O. Williams. It was held by this court in People *v.* Tisdale (1 Douglass, 59) that votes cast for persons by their initials could not be counted as if giving the full name. In People *v.* Higgins (3 Mich., 233) a similar ruling was made. Between those decisions the election laws were twice revised, and no change was made on the subject. The law has been acquiesced in. In New York the acquiescence of the legislature in the opposite rule was considerably relied on in People *v.* Cook (8 N. Y., 67). This would seem to render it improper to disturb the rule unless upon the most urgent grounds and unless it is one leading to very bad consequences. It is not claimed that the inspectors or canvassers can make any inquiry into the identity of initials with full names. If this is done at all, it must be done in courts. The effect of such a doctrine would be that the statements and canvass which the law designs shall be the evidence of all elections, except where there has been some blunder or fraud on the part of the inspectors, may be changed by means not in the power of those officers, who would be compelled to put a man in office, and who would be guilty of a crime in deliberately refusing to do it, and yet he would be liable to ouster by ballots which they could not count. I can not conceive it possible that the law can contemplate a case where a person can not lawfully obtain the evidence of title to office except by litigation. The statements of every board

of inspectors and canvassers are required to give the names of all candidates written out in words at length. (Sec. 64.) In tie votes and in cases where votes are canvassed by State canvassers, these are conclusive, as already shown. In registering voters their Christian names are required to be shown in full (L. 1859, p. 483), and in the way in which our elections are conducted a person can not, without the grossest carelessness, fail to be informed of the full name of each candidate. * * * The intention of the voter must be shown clearly by his ballot. Hence a portion of a surname on the ballot, unless idem sonans, is insufficient. * * * The election laws contain so many evidences of a design to require great accuracy in all proceedings that it would not, I think, carry out public policy to recede from the rules formerly held by this court until the legislature sees fit to open the door. Thus far there has been great solicitude to prevent uncertainties and frauds. Until the inspectors or canvassers are permitted to inquire into identity I can see no propriety in permitting such inquiries by the court.

Mr. Justice Christiancy, in concurring with Justice Campbell, says:

The rule in People *v.* Tisdale was recognized in People *v.* Higgins, and has now been the settled law of this State for a quarter of a century. This rule has the merit of simplicity and certainty, of being easily understood and applied, leaving no room for discretion in the inspectors, and as a general rule is equally fair and just in its application to all parties. I do not, therefore, think it wise to disturb it by establishing another rule which, to me, may seem more sound in principle but which in its practical application might not be likely to produce any fairer results. The legislatures have full control over this question, and may change the rule when the public sentiment shall seem to require it.

The question next arose in the case of The People against McNeal, reported in the Sixty-third Michigan, at page 294, decided in 1886. It was there held that it was not competent to show by evidence that a ballot cast for Samuel Toley was intended for Samuel Tobey. Justice Campbell, presenting the opinion of the court, said:

We think the ballot as cast by the elector himself must be held to express the intention of the voter, and it is not competent to introduce parol evidence to show a different intent.

He stated as authority for this proposition the cases of Tisdale, Higgins, and Cicotte, above referred to.

The question next arose in the case of Andrews against Judge of Probate, reported in Seventy-fourth Michigan, at page 283, decided at the January term of 1888. Again the doctrine of the case of The People against Tisdale was reaffirmed.

The question next arose in the case of Ott against Brisette, decided at the October term of 1904 by a unanimous court and reported in One hundred and thirty-seventh Michigan, at page 717. Again, the doctrine of The People against Tisdale was reaffirmed In this case there had been a mistake in the printing of the ballots. The name of Christian Ott had been printed as "O. H. Christian," and before the error was discovered 12 votes had been cast for "O. H. Christian." On discovery of the error the remaining ballots were corrected. This case so effectually disposes of this present contest, so far as the law of the State of Michigan is concerned, that I quote it in full.

Grant, J. (after stating the facts). The sole question is whether the 12 votes cast for "O. H. Christian" should be counted for Christian Ott. The name "Christian Ott" is not idem sonans with "O. H. Christian." The names are as different as two names possibly can be.

It is conceded that under the decisions prior to the adoption of the present quasi Australian ballot system these 12 votes could not be counted for relator. (People *v.* Tisdale, 1 Doug., 59; People *v.* Higgins, 3 Mich., 233; 61 Am. Dec. 141; People *v.* McNeal, 63 Mich., 294; 29 N. W., 728; Andrews *v.* Otsego Probate Judge, 74 Mich., 283; 41 N. W., 923.)

These cases exhaustively discuss the reasons why neither boards of election nor the courts can enter into evidence to determine that votes for different names were in fact intended to be for but one person. Does the Australian ballot system change the rule? The argument in behalf of the relator is that, inasmuch as he had nothing whatever to do with the printing of his name, but that the placing of his name is regulated by law, therefore he can not be deprived of votes by the action, either fraudulent or innocent, of those whose duty it is to report the proceedings of the caucus and to print the name upon the ballot. If relator's contention be correct, it follows that, if his name had not been printed upon the ballots at all, still the ballots should be counted for him; or if the mistake had not been discovered and all the ballots had been cast for O. H Christian, still they must be counted for him. This would assume that everyone who voted the Citizens' ticket would have voted for the relator. It would assume, which is unusual, that every member of the relator's party would have voted for him. We must assume, in order to sustain the relator's right to the office, that every one of the 12 men who voted for O. H. Christian would have voted for Christian Ott. A voter might know Christian Ott and be unwilling to vote for him, but an elector might be willing to vote for any other man, and, though not knowing O. H. Christian, might vote for him. Courts can not assume under such circumstances that such votes would have been cast for relator. The law makes ample provision to secure the correct printing of the ballots. Section 3660 (1 Comp. Laws) requires that "the proof copy of the ballot shall be open to the inspection of the chairman of each committee at the office of the township clerk * * * not less than two clear secular days before such election." Had the proper officials filed this proof and had the chairman of the committee examined it, no such mistake would have been possible. We are glad to state that it is conceded there was no intentional fraud on the part of anyone.

We think the repeated decisions of this court in such cases are not supplanted by the Australian ballot system, and that the reason why neither boards nor courts can enter into a determination of the intention of the voters any further than appears upon the face of the ballot remains undisturbed by the present system of voting.

But this is not all as indicating the settled policy of the State. Since the decision of The People against Tisdale in 1843 the legislature of the State has met in regular sessions at least thirty-five times, not to speak of numerous special sessions. At nearly every regular session of the legislature the election law has been amended and there have been quite a number of complete revisions.

But no one has ever suggested that the legislature should, by its enactment, change the rule laid down in The People against Tisdale. Nay, more, since this controversy arose in the present case and attracted considerable attention, the State legislature has been in session for several months and no attempt has been yet made to change the law in this respect. It is a part of the settled policy of the State.

No criticism, so far as I have heard, has ever been made on the legislature for its failure or refusal to so change the law. No man, high or low, great or small, has raised his voice against the lawmaking power of the State which for 70 years has failed or refused to change this provision of the law. My colleague from Michigan [Mr. DOREMUS] was an honored member of the legislature. I can not find that at that time by word or act he sought to change this law. My honorable colleagues from the fifth and seventh districts of Michigan were members of the legislature. I can not find that either of them ever sought to change the election law in this respect, and no criticism is made against them. My honorable colleague, the Representative at large from Michigan, P. H. KELLEY, has been for four years the lieutenant governor of that State. I do not find that he has ever used his influence to change the law in that respect. Under this law every one of these gentlemen has been elected to State offices, and from this law, in the case of a State officer, there is no appeal.

Notwithstanding these facts, notwithstanding that it is the duty of the court to enforce existing law and the duty of the legislature to change it, notwithstanding the fact that that court in this case acted in the only way a high-minded and honorable court could act, yet it has been assailed for such action upon the stump and the motives of the judges have been brought in question, their fairness and integrity doubted. All of the Bull Moose orators, headed by Col. Roosevelt himself, followed or perhaps preceded by one at least of the most ignorant of college professors and all the lesser lights of Bull Mooseism, Tray, Blanche, and Sweetheart, all have been on the trail of the supreme court. That honorable body has been denounced as following the letter of the law while forgetting its spirit, as reactionary, as hidebound partisans, as enemies of the people, as unworthy judges, and as guilty of swindling and cheating, while the real offenders, if any offense of omission or commission has occurred—the members of the legislature—have gone unwhipped of public opinion. Indeed, some few members of that body have themselves joined in baiting the supreme court.

Whatever may be thought of the rights of this contest, the firm performance of duty by the State board of canvassers and the supreme court must meet the approval of all right-thinking men and the malicious attacks upon them be a subject of regret and condemnation.

As I stated in the beginning, for the reasons then given, I concluded that I would await the convening of Congress, and in the meantime see what time and investigation would develop, and then remembering that a fact which can not be clearly proven is the same as a fact nonexistent, determine what course a man should take who wishes to do the decent thing in politics whether or not he receives the same decent treatment. That course I have pursued, keeping my own counsel and taking but two gentlemen into my confidence, one in this House and one in the other. I made no appeals for popular support and have carefully avoided the making of ex parte statements, either directly or through the medium of friendly newspapers, in order to create a prejudiced jury among the membership of this House.

I am convinced that if the 458 votes in Ontonagon County should be counted for the contestant, no other facts can be satisfactorily proven which in a forum governed by broad equitable rules would justify a verdict in my favor. I am also convinced that it was the intention of those 458 electors to vote for the candidate of the National Progressive Party. The contestant was the only person claiming to be such candidate, and while under the law of Michigan as it now is, and as it has been for 70 years, he is not entitled to such votes, I do not care to hold a seat in this House under a title that may be questioned by some honorable and disinterested men. I have therefore prepared my resignation as a Member of this House, and shall forward it to-day to the secretary of state of Michigan and file a duplicate with the Speaker.

In severing my connection with the House I wish to express my appreciation of the unvarying courtesy, kindness, and consideration which I have received at the hands of its membership.

My only regret in leaving it is because of the severance of ties with men beside whom I have worked, and whom I have learned to esteem. This is especially true of the members of the committees on which I have served longest. In the seclusion of the committee, around the table where important questions are discussed and mind meets mind in friendly conference, you come to know the character, the mettle, the natural bent of mind, the astuteness, the honesty, and, above all, the courage of the men with whom you serve; for after all, in these days in this body courage is the supreme test of the man. In a body representative in character it is inevitable that all phases of opinions and, to some extent, differing degrees of intelligence should be represented. But after 10 years of service here, reflecting on the conditions under which men are elected to the House and on the strength of the temptations here to palter with one's intellectual integrity in favor of what is believed to be popular and the greatness of the reward for so doing in temporary honors, I am confirmed in my opinion of the high average, unselfishness, honor, and courage of the membership of this House. And now, Mr. Speaker, the time has come when I must bid my friends in this House a final and affectionate adieu. [Long and continued applause.]

Mr. MURDOCK. Mr. Speaker, it would probably be better that no reply be made to the gentleman from Michigan, but he did indulge in certain criticisms that call for something of a response. The story of the twelfth district election in Michigan last fall is a simple one. It is so simple that once it was brought before the bar of public opinion, where all men might see it, the legal technicalities and refinements which obscured it have faded away.

There are 15 counties in the twelfth district of Michigan, and one of those counties is Ontonagon. The gentleman from Michigan [Mr. YOUNG] was the Republican candidate, and Mr. William J. MacDonald was the Progressive candidate. Under the law of Michigan the chairman and secretary of the congressional committee certified to each of the counties the name of the Progressive candidate. This was done by means of a certificate in which the name of William J. MacDonald was printed plainly and unmistakably. That certificate, a copy of which I hold in my hand, was sent to the clerk of Ontonagon County. Later a telegram was sent to the clerk of Ontonagon County by the secretary of the State committee. The telegram read something like this:

The name of the congressional nominee should be spelled William J. MacDonald.

The clerk testifies that the telegram when received read in this fashion:

The name of the congressional nominee should be Sheldon William J. MacDonald

The clerk of Ontonagon County knew William J. MacDonald——

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK. I will be glad to yield, though the gentleman did not yield to me.

Mr. YOUNG of Michigan. The gentleman surely does not want to misstate the evidence. The evidence has been taken in the case, and it has been specifically denied by the clerk that he knew the name of William J. MacDonald. There is no contradictory testimony about that.

Mr. MURDOCK. Oh, but the clerk had a legal notification from the chairman of the congressional committee that the name was William J. MacDonald. The gentleman will let me proceed. The clerk testifies to have received a telegram which read:

The name of the congressional nominee should be Sheldon William J. MacDonald.

The clerk of that county placed upon the ballot, in the Progressive column, the name of "Sheldon William J. McDonald." It appears upon the ballot in extraordinarily small type, naturally, by reason of its length. That, however, was not the only mistake in the Progressive column. At the very top of the column was the name Gustavus T. Tope, a misspelling of the name Gustavus D. Pope. When the ballots were cast in that county by the Progressives they cast four hundred and some odd votes for Mr. Pope, and they cast 458 votes for their Progressive congressional candidate, William J. MacDonald, who appeared thereon as "Sheldon William J. McDonald." They did not find at any place on the ballot the proper name William J. MacDonald, but they found on the ballot, in this small type, at the bottom of the column the fictitious name "Sheldon" prefixed to the name of William J. McDonald. The Progressive voters of that county, knowing that their candidate was William J. MacDonald, voted for Sheldon William J. McDonald.

The laws of Michigan say that the manifest intention of the voter shall be taken into account. There was no question about the intention of the voters in Ontonagon County, so far as William J. MacDonald was concerned. There was no question about the intention of the voters, so far as the candidate, Mr. Pope, was concerned.

When it came to canvassing and counting the votes for the candidates whose names were misspelled, the votes were counted for Mr. Pope, but those for Mr. MacDonald were thrown out, and Mr. MacDonald, by that process, was deprived of his seat upon the floor of this House.

Thereafter Mr. MacDonald applied to the court for a writ of mandamus and the court denied it, filing no opinion; but the court did not decide that Mr. YOUNG was entitled to his seat. The chief justice of Michigan, Mr. Moore, I understand, has said over his own signature that the court held that the Congress of the United States was the sole judge of the qualifications of its own Members, and it was for Congress to decide.

Mr. HUMPHREY of Washington. Of course he would say that if he said anything about it.

Mr. MURDOCK. The notice of the contest itself tells in detail the story which I have narrated here. Before I go into the question of the notice of contest I want to say a word on another matter, and I should not have replied at all if the gentleman from Michigan [Mr. YOUNG] had not recurred to the first day of the present session of Congress.

It was not as a partisan of Mr. MacDonald that I arose on the floor of the House in his defense the first day; that is, simply because he was a Progressive. On the first day of this session I stood here and did what I did for Mr. MacDonald because I do not believe that the Congress of the United States ought to let a man take a seat in this body when it is evident that he is not entitled to that seat, and in our first maneuver here—the gentleman from New York [Mr. FITZGERALD] will remember—our main object was to get immediate action upon that proposition. The gentleman from Michigan has said that on that day, when we had everything to gain through discussion and debate, we tried to shut off debate. That charge has been made repeatedly, and I am glad of the opportunity to clear up the matter for our side.

If we made a mistake it was simply a mistake. It was not intended by the Progressives on that day to shut off debate. We believed that the previous question when moved would be ordered, that it would be ordered because of the feeling in the House that business should be expedited and thereafter on our resolution, after the previous question had been voted up, we would have, under the rules, 40 minutes' debate. Now, what really happened was that the previous question was voted down and that enabled the gentleman from New York [Mr. FITZGERALD] to offer a substitute.

Mr. FITZGERALD. Mr. Speaker——

Mr. MURDOCK. I will be glad to be corrected.

Mr. FITZGERALD. The gentleman will recollect that the gentleman stated that it was his intention to move the previous question, and I notified him that if the attempt were made to do that, the House would vote down the previous question, and I would offer a substitute and explain it and then move the previous question——

Mr. MURDOCK. The gentleman from New York——

Mr. FITZGERALD (continuing). I want to make that statement because of the gentleman's statement that it was the belief that the previous question would be ordered when moved, because the gentleman had notice in advance.

Mr. MURDOCK. I will say to the gentleman from New York that I did not understand him to say that after he had moved the substitute he would discuss it, which, under the rules, cuts out the 40 minutes' debate; and, by the way, that did not cut off debate here yesterday when the gentleman from Texas offered a special rule—but my understanding that day was——

Mr. FITZGERALD. That was prior to the adoption of the rules.

Mr. MURDOCK. When the gentleman offered his substitute, if the previous question had then been moved, prior to discussion upon the substitute, we would have had the 40 minutes' debate. Now, we were entirely in good faith upon that proposition that we were to get 40 minutes' debate under the rules of the House. The gentleman from New York discussed his substitute and then moved the previous question, which, under the rules of the House, precluded debate.

Mr. MANN. Will the gentleman yield? The rules had not then been adopted, and there was no rule at that time which provided 40 minutes' debate after the previous question was ordered.

Mr. MURDOCK. The gentleman will remember we were proceeding under the rules of the previous House.

Mr. MANN. Oh, not at all.

Mr. MURDOCK. Or the practice based upon the customs of the House, as the Speaker ruled that day. At all events, we

were trying to have debate and discussion upon this case. We were not trying to use cloture to shut off debate. And why should we shut out discussion? We had a plain tale that swept away the obstructing technicalities. The Progressive candidate on election day in the twelfth district did receive a plurality of the votes. MacDonald had been a public officer in that part of the country. Everyone in that part of Michigan knew that in the twelfth district William J. MacDonald was a candidate for Congress, just as the people in Wisconsin knew that the gentleman from Wisconsin who is sitting before me was a candidate for Congress, and yet, with that knowledge, the name of "Sheldon William J. McDonald" was placed upon the ballot; and the people of that district who wanted to vote the Progressive ticket saw the name of their candidate with this strange prefix, and finding his name nowhere else on the ballot, finding this name in the Progressive column, did precisely as they did in the case of Mr. Pope, whose name was misspelled. They voted for the name there. They voted for "Sheldon William J. McDonald." And if the 458 votes so cast in Ontonagon County had been counted for William J. MacDonald, as they ought to have been counted, Mr. MacDonald would be seated in this body to-day.

Mr. COOPER. Will the gentleman yield?

The SPEAKER pro tempore. Will the gentleman from Kansas [Mr. MURDOCK] yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. MURDOCK. Certainly.

Mr. COOPER. Do I understand the gentleman from Kansas to say that in the Progressive column was the name of a candidate by the name of "Pope," which was misspelled?

Mr. MURDOCK. As "Tope."

Mr. COOPER. And was that counted for Mr. Pope?

Mr. MURDOCK. Yes.

Mr. COOPER. Did he receive approximately the same number of votes that were cast for Sheldon William J. McDonald?

Mr. MURDOCK. That is my understanding of the situation. I am informed, however, that throwing out those votes for Mr. Pope would not have beaten him.

Mr. COOPER. Now, once more. Throwing out Mr. Pope where his name was misspelled would not have defeated him, but throwing out the name of "Sheldon William J. McDonald" defeated McDonald?

Mr. MARTIN. Of course the duty of the canvassing board is to make a return of the votes cast for the various candidates. Does the gentleman state to the House that when making the return, although the name was printed upon the ballot "Tope," that the canvassing board returned that number of votes as cast for "Pope"?

Mr. MURDOCK. That is my understanding, and I have here a copy of the ballot which shows both misspelled names on the ballot. I do not think there is anyone in the sound of my voice who seriously disputes in his own mind that William J. MacDonald was elected Congressman in the twelfth district of Michigan; and if there is anybody here who does dispute it, I wish he would rise and say so. There is no one to deny it. William J. MacDonald was elected. He did receive a plurality of the votes there. No one denies it.

Mr. CLAYTON. We do not know about the case. We have not heard it yet. If the gentleman wants somebody to deny it in the absence of information, I will accommodate him.

Mr. MURDOCK. I am glad to have the gentleman's doubt.

Mr. CLAYTON. It may be that he was elected; I do not know.

Mr. MURDOCK. Now, there is another matter. I think probably it is rather trivial, but I do not propose to let it pass. The gentleman from Michigan, I will say to the gentleman from Alabama, charged me with being entered, I think it was, as attorney of record in the case of William J. MacDonald. The gentleman from Alabama and the gentleman from Michigan know that I am not a lawyer. But when I received a telegram from Mr. MacDonald, in Michigan, some weeks ago that there was to be hearing on some matter before a commissioner here, or some similar law officer, and saying that he could not be here on that day but would be two days later, and asking me if I would appear and ask for a postponement, I went before the law officer and asked for the postponement. With me went the gentleman from Illinois [Mr. HINEBAUGH], and that is the extent to which I have entered as an attorney in the case of William J. MacDonald.

Now, another matter, and I will yield to the gentleman from Illinois [Mr. HINEBAUGH]. I think the gentleman from Michigan [Mr. YOUNG] could have with better grace, in stating his case to this House, announced that he was not seeking to embarrass a man who was elected in that district. I think in presenting his resignation to the House that he should have said to the House that William J. MacDonald was the choice of the people of that district, and that William J. MacDonald had his best wishes in his efforts in securing a seat in this House. We are all candidates at times before the people, all subject to popular approval or disapproval, and we bow our heads in submission to the verdict of a majority vote. That was the sentiment of the gentleman from Michigan last fall as it was the sentiment of every man within the sound of my voice.

And the gentleman from Michigan [Mr. YOUNG] issued a circular for general circulation throughout his district. I hold it in my hand. At the conclusion of the circular he said, as many another candidate has said in a campaign:

> I have known from the day Mr. MacDonald was selected that his name could not be legally placed on the ballot, but I have been at all times willing to submit the question between him and myself to the test of a popular election.

The popular election was held. A plurality of the people in that district cast their votes for William J. MacDonald. Through a mistake—an error on the ballot—Mr. William J. MacDonald has been deprived of his rightful seat in this House.

He came here, represented by those of his party, contesting, the first day, for that seat, asking that Congress pass upon the qualifications of its own Members, asking that the gentleman from Michigan [Mr. YOUNG] stand aside until this matter could be determined.

Now, in the course of events, with a public sentiment existing which has no patience with the technicalities which defeat justice, the gentleman from Michigan [Mr. YOUNG] has come before the House and has stepped aside—I suppose wholly without prejudice to the cause of the contestant. And I will ask the gentleman from Michigan if he resigns in that spirit?

Mr. YOUNG of Michigan. In what spirit?

Mr. MURDOCK. That the people of his district did elect William J. MacDonald.

Mr. YOUNG of Michigan. That is a question for this House to determine, and I do not care to express any opinion upon it. I have expressed the opinion that while I was elected, while under the law of the State I was elected, it was under such circumstances, because of an error, that I did not care to hold the office, and it is for this House to decide whether the other gentleman was elected. I do not deny it, and I do not affirm it. [Applause on the Republican side.]

Mr. MURDOCK. Well, William J. MacDonald, who was elected, will continue his contest and seek to establish, to the satisfaction of the gentleman from Alabama [Mr. CLAYTON] and all other men who sit in judgment upon that case, his title to a seat in the House.

Now I yield so much of my time as is remaining to the gentleman from Illinois [Mr. HINEBAUGH] to the extent he desires to use it.

Mr. HINEBAUGH. Mr. Speaker, I have no desire to prolong the discussion of this matter.

I rise only to say this: I have no apology to offer to the gentleman from Michigan [Mr. YOUNG] or to this House for the part which I took on the first day of this session in presenting the resolution which I did. The action of the gentleman from Michigan to-day is all the apology I need to offer for that resolution.

And I want to say this: I esteem very highly, as a Member of this House and as an American citizen, the action which the gentleman from Michigan has just taken. I attribute to that action the highest patriotic motives on his part; and I believe now, as I believed the first day of this session, that no man worthy to be a Member of this House, knowing the facts as they were presented to me, could eventually come to any other conclusion than that which the gentleman has come to to-day.

And it was because of that fact, because I believed upon that day that if upon that resolution a hearing could have been had and the facts presented to the House the gentleman himself would have stated then, as he states now, that he did not care to remain a Member of this House, knowing, as he does know, that William J. MacDonald received 243 more votes than he himself received, although he might contend as a legal technicality that the State canvassing board of the State of Michigan had the lawful right to refuse to count 458 votes in Ontonagon County because, forsooth, the word "Sheldon" was accidentally printed on the ballot in front of William J. MacDonald's name.

And I sincerely hope and I believe—we have the word of the majority leader of this House to that effect; we had on the 7th day of April—that a committee, a proper committee, would be made up as soon as possible to hear all the facts, and to ascertain the exact truth and to determine speedily a proper and just result. And I sincerely hope and believe that the action taken by the gentleman from Michigan [Mr. YOUNG] this afternoon can and will in no way prejudice any right which William J. MacDonald may have before the Committee on Elections and before the House.

Mr. CLAYTON. Mr. Speaker——

Mr. HINEBAUGH. Just one more word, if the gentleman please. I want to say that I have in my hand volume 37 of the Michigan State Reports containing a decision, and that before the motion or the resolution which was presented on the first day of this session was drafted we had this decision. The decision is very brief, and if the House will bear with me I will read it.

It is the case of The People ex rel. John W. Jochim against Cornelius Kennedy, reported in Thirty-seventh Michigan, page 67. That opinion is as follows:

The People ex rel. John W. Jochim v. *Cornelius Kennedy.*

COUNTING BALLOTS.

Where John W. Jochim was a candidate for election in a district in which there was no other John Jochim ballots cast for John Jochim were presumptively intended for John W. Jochim, and should have been counted for him.

Error to Marquette. Submitted and decided June 13.

Information in the nature of a quo warranto. The facts are stated.

Attorney General Otto Kirchner and Ball & Owen for the relator. The law knows but one Christian name. Thompson *v.* Lee, 21 Ill., 242; Roosevelt *v.* Gardinier, 2 Cow., 463; Milk *v.* Christie, 1 Hill, 105; Franklin *v.* Talmadge, 5 Johns, 84; Erskine *v.* Davis, 25 Ill., 251; Bletch *v.* Johnson, 40 Ill., 116. See People *v.* Cicott, 16 Mich., 283; dissenting opinion, Id., 319.

Per curiam: At an election for city treasurer of Ishpeming votes were cast as follows: For Cornelius Kennedy, 392; for John W. Jochim, 380; for John Jochim, 18. It did not appear that there were two persons named John Jochim in Ishpeming, and there was an offer to show the contrary. Held, that the ballots cast for John W. Jochim and John Jochim were presumptively intended for the same person and should be so counted.

Judgment for relator.

That was the law then in Michigan, and it is the law now; and if the Supreme Court of the State of Michigan held in a given case that ballots cast for John Jochim should be counted for John W. Jochim when there was no other John Jochim in the district, then surely William J. MacDonald should receive the votes that were cast for Sheldon William J. MacDonald unless it can be shown that in Ontonagon County there was another Sheldon William J. MacDonald.

I understand, of course, that the principle involved in the Jochim case (37 Mich., 67) is not decisive of the question raised in the MacDonald case. I do contend, however, that it is one of a long line of decisions in Michigan, where the court established the rule that the intent of the voter, whenever that can be ascertained, must govern in counting the ballot. No honest man can truthfully say that there is any doubt about the 458 voters of Ontonagon County having cast their ballots for MacDonald.

Mr. Speaker, on the 7th day of April, the first day of the session, and at a time when Members of this House were being sworn in, I objected to the swearing in of the Hon. H. OLIN YOUNG, of the twelfth district of Michigan. I stated at that time that I did so on my responsibility as a Member of this House, and because I was reliably informed that the gentleman had not been elected, and thereupon I presented the following resolution:

Whereas the prima facie right of Hon. H. OLIN YOUNG, of the twelfth district of the State of Michigan, to a seat in the Sixty-third Congress is objected to by a Member of this House; and

Whereas the Member so objecting as aforesaid informs the House on his responsibility as a Member, upon information and belief, that the election returns of the 14 counties composing the said twelfth district of Michigan show that said H. OLIN YOUNG, Republican candidate for Congress in said district, received a total of 18,190 votes and that William J. MacDonald, the Progressive candidate for Congress in said district, received a total of 18,433 votes, a plurality of 243 votes over said H. OLIN YOUNG; and

Whereas the State board of canvassers of the State of Michigan arbitrarily and without authority of law caused a certificate of election to be issued to said H. OLIN YOUNG, when in truth and in fact said certificate should have been issued to William J. MacDonald, who received a plurality of 243 votes as aforesaid; and

Whereas said State board of canvassers refused to count for said William J. MacDonald any of the votes cast for him in the county of Ontanagon, in said district, being 458 in number, upon the sole ground that the name of said William J. MacDonald appeared upon the official ballot in said Ontanagon County as "Sheldon William J. MacDonald"; and

Whereas, for the reasons aforesaid, the Member so objecting has further objected to the oath of office being administered to said H. OLIN YOUNG as a Member of the Sixty-third Congress; and

Whereas if the foregoing alleged facts are true it would be manifest injustice to permit the seating, even temporarily, of H. OLIN YOUNG on his certificate of election issued as aforesaid: Therefore be it

Resolved, That the question of the prima facie right of H. OLIN YOUNG to be sworn in as a Representative from the State of Michigan in the Sixty-third Congress, as well as his final right to a seat therein as such Representative, be referred to a select committee of nine Members of the House, to be appointed by the Speaker; and until such committee shall report upon and the House decide such question and right the said H. OLIN YOUNG shall not be sworn in or permitted to occupy a seat in this House. And said committee shall have power to send for persons and papers and examine witnesses under oath in relation to the subject matter of this resolution, and shall have the right to report at any time. The expenses of said inquiry shall be paid out of the contingent fund of the House, upon vouchers approved by the chairman of said committee, to be immediately available.

For that action, Mr. Speaker, there was abundant precedent in this House.

In the first session of the Twenty-eighth Congress, on the 30th of April, 1844, the credentials of John M. Niles, a Senator from Connecticut, were presented to the Senate. Objection was made to the oath being administered. The objection was sustained, and a select committee was appointed.

Another case in the Senate was that of Philip Thomas, of Maryland, in the Fortieth Congress. His credentials were presented on March 18, 1867, and, upon objection, were referred to the Judiciary Committee.

Another case in the Senate was that of Benjamin Stark, from Oregon, in 1862. Upon objection, he was not permitted to take the oath, and his case went to a committee.

Again, in the Forty-first Congress this House asserted its right to exclude from membership a Representative elect with a perfect certificate and possessing all the so-called constitutional qualifications. That was the case of Mr. Whittemore, of South Carolina. The objection urged against him was that he had sold a cadetship.

I submit, gentlemen, that the objection urged against Mr. Whittemore at that time was no more serious than the objection presented in this case—that of accepting a certificate of election to this House with full knowledge of the undisputed facts in this case.

More than 40 years ago it was held by the House of Representatives that Members of Congress, being the representatives of the whole people, were entitled to say that the rights of the whole country should not be destroyed by one or more districts sending a man or set of men capable of their destruction; and that, having knowledge of the facts and the power to prevent the seating of such a Member by exercising the right to withhold the oath, they have the right to exercise that power, and thereby protect the interests of the country, and preserve instead of destroy the right of representation.

The House of Commons never held against the right to exclude a member at the very threshold, and since 1780 there are many instances where it claimed and exercised that right in the face of perfect credentials and where the ground of exclusion was not a want of legal qualifications.

And I venture the assertion that no case in either the House or Senate can be found, where the facts were not disputed, in which either the Senate or House ever denied that it had the right to exclude, even though the three constitutional qualifications were not lacking.

As I understand the situation, Mr. Speaker, the following facts were at that time and are now substantially conceded by the gentleman who now surrenders all claim to the office of Congressman from the twelfth district of Michigan.

STATEMENT OF FACTS.

MacDonald was nominated by the Progressive district committee after the man who had been nominated by the district convention had declined. MacDonald had been prosecuting attorney for four years and had made an excellent record, and was widely and favorably known throughout his district.

MacDonald made a vigorous campaign, and when the returns were all in from the 15 counties in the district they showed the following result, viz: MacDonald, 18.433 votes; YOUNG, 18,190 votes; Powers, 10,322 votes; and Trezise, 1,077 votes. MacDonald was elected by 243 votes over YOUNG, and the matter was considered settled by the people of the twelfth Michigan district. MacDonald was congratulated by everybody upon his splendid fight and great victory, and went about his business in a happy frame of mind, awaiting his certificate of election from the canvassing board of the State.

The members of this board met, canvassed the vote, and issued the certificate of election—not to MacDonald, but to H. OLIN YOUNG, and for the following reasons:

That MacDonald's name was spelled incorrectly on the ballots in Ontonagon County.

During the campaign efforts were made by the "standpat" Republican machine to prevent MacDonald's name from going on the ballot. Telegrams and letters were sent to the various county clerks in the district notifying them that under a decision of the supreme court of the State MacDonald's name was not entitled to a place on the ballot. This statement was not justified and, in fact, was untrue, but is indicative of the tactics used to clear the track for YOUNG.

The Progressive committee issued a formal circular to the election commissioners of the various counties in the district notifying them of MacDonald's nomination and how to spell his name on the ballot.

In this notice the name of Mr. MacDonald appeared twice in large black letters. There was no honest possiblity of mistaking it.

Some time later the Progressive State committee sent notices to the county clerks of the Progressive nominees, and in this notice the name of Mr. MacDonald was spelled "McDonald," but should have been "MacDonald." Upon discovering this error, Mr. Hoffman, secretary of the Progressive State central committee, sent a telegram to all the county clerks in this language: "Congressman twelfth district should be spelled William J. MacDonald, correct."

In spite of all these notifications the name of Mr. MacDonald was printed on the ballot in Ontonagon County as "Sheldon William J. MacDonald"; 458 ballots were cast in Ontonagon County for MacDonald.

When the State board of canvassers met they counted all those ballots for the mythical person, "Sheldon William J. MacDonald," and credited none of them to William J. MacDonald, for whom they were cast. By this means they made out a plurality for Mr. YOUNG, and gave him the certificate.

The explanation of the county clerk of Ontonagon County is that the telegram he received from Mr. Hoffman read "Congressman twelfth district," should be Sheldon William J. MacDonald. Claiming that the error was made in the telegraph office—changing the word "spelled" to "Sheldon."

The further fact remains that John Garvin, the county clerk, personally knew MacDonald—knew his name, and knew that in putting the name on the ballot as he did he was putting it on erroneously.

The official notice sent the clerk of Ontonagon County read as follows:

To the Board of Election Commissioners of the County of Ontonagon, State of Michigan:

You are hereby notified that Joseph M. Rogers, of Ishpeming, Mich., who was duly nominated by the electors of the National Progressive Party of the twelfth congressional district of Michigan as the nominee of the National Progressive Party for Congress, has declined to accept said nomination.

You are hereby notified that at a meeting duly called of the congressional committee of the National Progressive Party of the twelfth congressional district of Michigan, held in the city of Marquette, Mich., on October —, A. D. 1912, said resignation was accepted.

You are further notified that at said duly called meeting of the congressional committee of the National Progressive Party of the twelfth congressional district of Michigan William J. MacDonald, of Calumet, Mich., was duly nominated as the successor of said Joseph M. Rogers as the nominee of the National Progressive Party from the twelfth congressional district of Michigan for Congress.

You are further notified and instructed to place the name of William J. MacDonald on the ballots to be voted on November 5, A. D. 1912, as the nominee of National Progressive Party for Congress from the twelfth congressional district of Michigan.

The above is hereby certified to by the chairman and secretary of the congressional committee of the twelfth congressional district of Michigan by resolution authorizing them to do so.

N. L. FIELD, *Chairman.*
GEORGE P. SHIRAS, *Secretary.*

MARQUETTE, MICH., *October —, A. D. 1912.*

This is an exact reproduction of the official notice sent the clerk of Ontonagon County. It will be noticed that William J. MacDonald's name is spelled twice in large type. Despite this the name was placed on the ballot differently, and because of that change MacDonald is deprived of his seat in Congress.

In view of these facts, I submit, Mr. Speaker, the gentleman from Michigan could honorably take no other action than that which he has taken. I sincerely regret, however, that in resigning his seat he did not request the House to immediately seat the man whom he concedes was elected, William J. MacDonald.

Surely in these days of awakened conscience of public men, MacDonald having been fairly and honestly elected and Mr. YOUNG having refused to hold the seat because, as he stated, he could not honorably do so, there can be no doubt that MacDonald will be given the place to which he was elected by the voters of the twelfth congressional district of Michigan.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. CLAYTON. Mr. Speaker, inasmuch as the gentleman from Michigan [Mr. YOUNG] was awarded the certificate of election, I think the course which has been pursued in this case is the only proper course to have pursued; that is, to let this matter go to the Committee on Elections, and let that committee ascertain who was elected from this district of the State of Michigan as a Member of this House. I presume that as soon as possible after that committee is appointed it will take into consideration all the evidence and will make a proper report to this House.

Mr. Speaker, I move that the House do now adjourn.

Mr. MURDOCK. Will the gentleman withhold that motion just a moment?

Mr. CLAYTON. I will withhold my motion.

Mr. MURDOCK. I should like to ask the gentleman from Alabama a question.

Mr. CLAYTON. Certainly.

Mr. MURDOCK. The manner of the resignation of the gentleman from Michigan does not prejudice the case of the contestant?

Mr. CLAYTON. Not at all. But the gentleman from Michigan [Mr. YOUNG] having been awarded the certificate of election, this House must ascertain whether or not he was elected or the other man was elected, notwithstanding the fact that he has resigned. A man who is lawfully elected to this House may resign. His resignation does not elect his opponent. Notwithstanding the resignation of the gentleman from Michigan [Mr. YOUNG], the status of the case is exactly as though he had not resigned; because he was awarded the certificate of election, and the House will hear Mr. MacDonald's contest; and if he persuades the committee and the House that he was elected, the committee will so report, I have no doubt, and the House will so vote.

Mr. MURDOCK. Does the resignation create a vacancy?

Mr. CLAYTON. I do not think it affects the legal status of this contest at all.

Mr. HAMLIN. The contest applies both to the contestant and the contestee. Now, if the contestee resigns and leaves this House, you have an undecided case.

Mr. CLAYTON. He simply abandons the case and leaves it to the House.

Mr. HAMLIN. Is there a vacancy?

Mr. CLAYTON. I may say it would be somewhat like a disclaimer. He abandons the case. He leaves it to the House. But still the burden is upon the contestant to establish the fact that he was elected by showing affirmatively by evidence that he was elected. It is not a mere controversy between MacDonald and YOUNG. It is more, and involves the inquiry as to which one was elected. The certificate said YOUNG was, and we must hear testimony to establish the election of MacDonald, if he was elected.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Illinois desires to address the House for one minute first.

Mr. MANN. Mr. Speaker, the resignation tendered by the gentleman from Michigan [Mr. YOUNG], in my judgment, prima facie creates a vacancy. On the other hand, it is not within the power of the gentleman who is the contestee to prevent the contestant from obtaining any rights which he may have. If the contestant in the end is seated by the House, that fills the place, and the resignation of the gentleman from Michigan amounts to nothing. There can be no question about that.

Mr. FITZGERALD. Mr. Speaker, just before the House convened in this special session my attention was called to the fact that it was proposed to request the gentleman from Michigan [Mr. YOUNG] to step aside and have the House refuse to administer the oath of office to him. I requested the gentleman from Kansas [Mr. MURDOCK] to permit me to see the resolution that was to be offered in order to ascertain the ground upon which the request was to be made. I examined the resolution, and it disclosed that it was conceded that the gentleman from Michigan had a certificate, duly authenticated by the officials provided by law to issue such a certificate, and under all the precedents of the House of Representatives from the beginning, under such circumstances, unless some disqualification, either founded in the Constitution or law, or because of some grossly immoral behavior, the House had never failed to administer the oath.

The only recital in the resolution upon which the refusal to administer the oath was to be based was the statement that the canvassing board had improperly issued the certificate to the gentleman from Michigan instead of William J. MacDonald, whom, it was asserted, had received a majority of the votes.

Under these circumstances I prepared a resolution reciting the facts and directing the Speaker to administer the oath to Mr. YOUNG in accordance with the law and precedents. If any other course had been followed, it would be very easy for any Member to prevent the oath being administered to any other Member, regardless of his right to a seat in the House. It was not because I knew anything of the facts or favored one or the other of the claimants that I offered the resolution, but because the gentleman from Michigan [Mr. YOUNG] was as much entitled to have the oath administered to him as any other Member then present.

Mr. Speaker, after preparing that resolution I asked, or somebody acting for me asked, the gentleman from Kansas [Mr. MURDOCK] whether it would be possible to agree upon time for

debate. I stated that perhaps if I desired I would be recognized to offer the resolution which I wished to have submitted to the House and could shut out any other resolution, but it would be preferable, in my opinion, to have the gentleman first offer whatever resolution he wished; that as we were acting under general parliamentary law, unless we made an arrangement for debate, time could not be yielded nor readily controlled. The gentleman from Kansas asked if it would be possible for himself and those acting with him to obtain 20 minutes. I said there would be no difficulty, I was certain, so far as the Democratic side was concerned, and I thought it could be arranged without difficulty with the Republican Members. Negotiations were immediately started which would have brought about an agreement by which that much time would have been given to the gentleman from Kansas [Mr. MURDOCK], an equal amount of time to the Democratic side of the House, and a similar amount of time to the Republican side, as the gentleman from Massachusetts [Mr. GARDNER] had made an exhaustive examination of the subject and desired to present it to the House. The gentleman from Kansas then notified me that it was impossible to carry out the arrangement; that those associated with him would not consent to any agreement for time, but proposed to offer the resolution which would prevent the oath of office being administered to Mr. YOUNG and then demand the previous question upon it. I called his attention to the fact that the effect of such procedure, if adopted, would be not only to cut off all debate, but to prevent me from offering the resolution which I had prepared as a substitute.

Mr. MURDOCK. Will the gentleman yield?

Mr. FITZGERALD. I have only five minutes, but I will yield.

Mr. MURDOCK. I understood that if the substitute which the gentleman was going to offer was not discussed and the previous question was ordered, that after the previous question was ordered there would be 40 minutes' debate.

Mr. FITZGERALD. The gentleman from Kansas notified me that the previous question would be ordered, and I warned him that if his associates persisted in that course I should ask the House to vote down the previous question, and I would then offer the resolution which I had prepared, which would permit the gentleman from Michigan to take the oath. I said I would then explain the situation, and as the gentleman had indicated a desire not to debate when my statement was made, I would demand the previous question and cut off himself and his associates. With that information the gentleman and his associates offered their resolution and demanded the previous question. It was voted down, and I offered the substitute. Then, Mr. Chairman, in language which I consider mild, I characterized the attempt of the gentleman from Kansas to throttle the House, after he had for several years been denouncing me on the Chautauqua lecture circuit as a party to a plan to throttle the House and to prevent the adoption of rules which would permit the individual Members to exercise their rights. I denounced him because of his attempt upon the very initiation of his activities as a leader of a new party to throttle and gag the House upon so important a question as to whether a Representative, with a certificate properly authenticated by the officials designated by the statute and without any disqualification alleged, should be permitted to take the oath of office.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MURDOCK. If the previous question had been ordered on that day, then under the rules of the House would not we have had 40 minutes of debate?

Mr. FITZGERALD. Not at all. The rules of the House had not then been adopted.

Mr. MURDOCK. I think the Speaker so ruled on that day.

Mr. FITZGERALD. He did not.

Mr. MURDOCK. I call the gentleman's attention to the fact that on yesterday the gentleman from Texas [Mr. HENRY] brought in a rule, discussed the rule, and then moved the previous question, and yet there was 40 minutes' debate after that.

Mr. FITZGERALD. The rule specifically provides that upon any question upon which there has been no debate, if the previous question be ordered, there shall be 40 minutes of debate equally divided, but this was at a time before the organization of the House, before the adoption of the rules, when, as has been repeatedly held by the Speakers of the House, we were operating under general parliamentary law. It was only because of two peculiar and extraordinary decisions, which were followed by Mr. Speaker CLARK, that the gentleman was permitted on that day to make his motion to recommit the rules with instructions to report them with certain amendments. No one has ever gone so far as to hold that every particular rule of the House is in force under such conditions, except the one rule, that of the hour's limitation in debate. The gentleman knew, because I clearly stated what the effect would be, just what would happen if the course suggested by him was followed. I know that criticism has been heaped upon the gentleman and his associates since that opening day for their attempt to throttle the House. I know their anxiety to be relieved from that criticism, and I know the facts.

Mr. Speaker, I remember that the gentleman from Kansas [Mr. MURDOCK] delivered a lecture at some place in New Jersey, in which he spoke of the night of March 14, 1909. He described how he looked out of the window of his office in the House Office Building and watched the light burning all night in the room of the Speaker of this House, where he charged the Speaker and myself as the representative of Tammany Hall were plotting and scheming to prevent the House from reforming its rules; and I know, because I looked it up, that the gentleman's office was so situated at that time that he could not even see the Capitol from the window of his office. [Laughter.] And I was not in the Speaker's office that night nor at any time for several weeks prior to that time, and I had no conference with the Speaker at any time about changes in the rules. I was not a member of Tammany Hall nor was I its representative, but at the time I was engaged in a bitter controversy with that organization. Yet the gentleman made that statement about me in an endeavor to impeach my character and reputation as a Member of this House while I was here attending to my official duties and while he was off on the Chautauqua circuit delivering these lectures for pay. I do not propose that any Member shall escape the responsibility for his actions in this House, and I propose at every opportunity to fasten upon the gentleman and those of his associates in his new party who are responsible the responsibility for their attempt to throttle this House on its opening day upon the most important question that could come before it—the right of a Member with a certificate issued by the proper officials, duly certified, without alleging any disqualification founded either in the Constitution, the law of the country, or the practices of the House, to have the oath of office administered to him, so that the House might be organized and the people represented. I am not surprised the gentleman wishes to escape responsibility for his actions. I propose that he shall not do so if I can help it.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to proceed for four minutes.

Mr. MURDOCK. Mr. Speaker, I had an hour, and I will yield the gentleman four minutes.

Mr. BARTLETT. But the gentleman did not reserve his time.

The SPEAKER pro tempore. The gentleman did not reserve the remainder of his time.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan have five minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin has made a request.

Mr. YOUNG of Michigan. Mr. Speaker, I would like to have the request of the gentleman from Wisconsin also granted.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. COOPER] asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, I am indebted to the gentleman from Alabama [Mr. CLAYTON] and to the gentleman from Michigan [Mr. YOUNG] for their courtesy. I have listened, as have all others here, with close attention to the proceedings this afternoon, beginning with the speech of the gentleman from Michigan [Mr. YOUNG]. The action taken by the gentleman from Michigan is in entire accord with what for some time I have thought he would decide to do. I say this because of a conversation I had with him last December shortly after we returned to this city for the opening of the session of Congress. I met him, and, after the customary greetings, remarked that I had read of the result of the election in his district, and then inquired who it was that had defeated him. He said a man by the name of MacDonald. I expressed my surprise and said that I had supposed him to be sure of reelection. "Well," said he, "it is the fortune of war, I suppose." I understand that he said the same thing to other gentlemen, one being the gentleman from Ohio [Mr. WILLIS]; that is, that he had been defeated. When a few minutes ago he announced his resignation it reminded me of what I saw on this floor a few years ago, when Mr. JOHN F. SHAFROTH, now United States Senator from Colo-

rado, rose after the testimony taken in a contested-election case in which he was the contestee had been printed, and said:

I am convinced, Mr. Speaker and gentlemen of the House—

This is, in substance, his statement to the House—

that although I have the certificate to a seat here, I am not entitled to it, and I resign.

He delivered an effective speech, as did the gentleman from Michigan, but he resigned. The contestant received the certificate.

Mr. GREENE of Massachusetts. No; he did not.

Mr. COOPER. My understanding is that the contestant received the certificate and succeeded Mr. SHAFROTH in the House.

Mr. YOUNG of Michigan. He was seated.

Mr. COOPER. Well, he was seated.

The resignation of the gentleman from Michigan [Mr. YOUNG] does him credit.

It so happens that I have had a slight connection with this contest. The papers in the case were sent to me by the contestant's attorney, a resident of the city of Milwaukee, with a request that I make personal service of them on the gentleman from Michigan, and do this immediately. Accordingly, after looking them through, I sent my secretary over to make the delivery to the contestee in person, and also to the Clerk of the House, and then to make and file the necessary affidavit of personal service.

This is all the connection that I have had with the case. I say this in justice to myself, because of some things that have been reported as to my having taken an active part in this matter. I took no part at all, except that, when the papers were sent me by a personal friend, I did what I have narrated; nothing more.

Mr. YOUNG of Michigan. Mr. Speaker, in reference to what the gentleman from Wisconsin has just said, I stated in my remarks just now that it was not until the 10th day of December that I learned of this error in MacDonald's name in Ontonagon County. My conversation with the gentleman from Wisconsin, which I well remember, took place before that time and when I supposed that there was no doubt about my defeat in any aspect. Now, there is only one thing I want to say a word about, because it seems to cast a reflection on the gentlemen composing the canvassing board of Ontonagon County. The gentleman from Kansas [Mr. MURDOCK] said that the name of an elector whose name was "Pope" was misspelled upon the ballot, but yet the votes were counted for him, although his name appeared as "Tope," while this was not done for MacDonald, it being cited to show, evidently, that there was intentional misconduct on the part of the election officials, or, at least, a different treatment accorded to those two gentlemen. The trouble with the gentleman from Kansas is that he gets his facts from the pleadings in the case and has never looked at the evidence. In the first place, that canvassing board was composed of one Republican, one Progressive, and one Democrat, and they all unitedly signed that report.

How did it come that the votes cast for this elector, whose real name was Pope, were certified as being for "Pope" while his name was printed on the ballot as "Tope"? In this way, as the evidence shows: All of the blanks for making returns of election were printed by State authority and sent to the different election boards in the various precincts. On those blanks were printed the names of the electors, because they were known. They did not print upon the blanks the name of the candidate for Congress or anything beneath that on the tickets. These precinct election boards, every one of them, certified to the county canvassing board that these votes were cast for "Pope" and not "Tope." They so certified because the name appeared as "Pope" on their printed form, and they did not go behind it.

Not one of them seems to have noticed that difference, but MacDonald's name they had to write, and they wrote it from the ballot. The board of county canvassers certified all the names to the State canvassing board in the exact way such names were certified to them by the various boards of election in the different precincts, and that is all there is to that.

Now, just one word as to the case cited by Mr. HINEBAUGH. If he had looked through the reports a little further, in Michigan he would have found that in a later case—I think it is in the case of the People against O'Neal, in the Sixty-third Michigan, where this Jochim case is referred to—it is stated by the court that the opinion in that case was very brief, but all that really was decided was that a middle letter was no part of a man's name legally, as has been the decision of nearly every court in the United States and England. The case of Jochim has no bearing on the present case, and the law in the present case is what I have stated it to be. My only purpose in referring to this matter at all is to show that all the officials and the Supreme Court of Michigan acted in perfect good faith and in exact accordance with the law of Michigan, notwithstanding the mendacious attacks made upon them by unscrupulous politicians and reckless newspapers.

Mr. MANN. Mr. Speaker, I ask for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I think perhaps it is only due to the gentleman from Michigan [Mr. YOUNG] for me to say a word, although I had not intended to do so. The gentleman from Michigan talked with me regarding this case almost immediately after the statement was made in the newspapers that the certificate had been or would be issued to him. He talked with me in regard to it several times, and told me that he did not intend to hold the seat or to make any effort to hold it. I said to the gentleman when he first came to me that I did not see what he could do except to keep still. They could not issue a certificate to Mr. MacDonald, and I was inclined to think perhaps, although I was not certain, that it might make it more difficult for Mr. MacDonald to carry on his contest if Mr. YOUNG had meanwhile sent his resignation to the governor or done anything of that sort.

As I understand, there is some question as to the right of Mr. MacDonald to a seat in reference to a construction of the publicity; but whether there is in fact or not I do not know, and what the construction would be I do not undertake to say. But Mr. YOUNG informed me several times that he wished to get this matter before the House and explain it there. He did that just before he was sworn in; he did that very shortly after he was sworn in, and I must say I think he exhibited considerable patience. And, throwing a bouquet at myself, I think I have exhibited some patience in keeping still while so many statements were being made which were somewhat derogatory to Mr. YOUNG.

Mr. MURDOCK. Will the gentleman yield? Certainly the gentleman does not mean to say that I intended to say anything derogatory of Mr. YOUNG?

Mr. MANN. I am not referring to anything in the House at all.

Mr. MURDOCK. I intended nothing of the kind in anything which I have said.

Mr. MANN. I referred to what I have seen in the press of of the country; but I will say that I did not see much of it.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until Monday, May 12, 1913, at 12 o'clock m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERRIS: Resolution (H. Res. 102) referring the bill (H. R. 4928) for the relief of the Iowa Tribe of Indians in Oklahoma to the Court of Claims; to the Committee on Indian Affairs.

By Mr. LINDQUIST: A bill (H. R. 4981) providing for the labeling, marking, and tagging of all fabrics and leather goods as hereinafter designated, and providing for the fumigation of same; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: A bill (H. R. 4982) defining wine, imitation and carbonated wines; for preventing adulteration and misbranding of wines; for imposing a tax upon and regulating the sale of imitation wines; for regulating interstate commerce and foreign trade therein, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIFFIN: A bill (H. R. 4983) granting an annuity equivalent to $50 per month to officers and enlisted men of the United States Army, Navy, and Marine Corps who have attained the age of 60 years, and have been or may hereafter be awarded medals of honor for gallantry and heroism involving great personal peril, and authorizing the President of the United States to make rules and regulations for carrying the act into effect; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 4984) granting pensions to blind sons and daughters of ex-Union soldiers; to the Committee on Invalid Pensions.

By Mr. MAHAN: A bill (H. R. 4985) to provide for the purchase of a site and the erection of a public building thereon at Danielson, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: A bill (H. R. 4986) authorizing the sale of land within the Coeur d'Alene Indian Reservation to the University of Idaho; to the Committee on Indian Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 4987) to provide for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural delivery routes may be established; to the Committee on the Post Office and Post Roads.

By Mr. NORTON: A bill (H. R. 4988) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 4989) granting a pension to David H. Gould; to the Committee on Pensions.

By Mr. ANDERSON: A bill (H. R. 4990) granting a pension to Tekla Grulkowski, widow of Paul Grulkowski; to the Committee on Pensions.

By Mr. BOWDLE: A bill (H. R. 4991) granting a pension to John McManus; to the Committee on Pensions.

Also, a bill (H. R. 4992) granting a pension to George McC. Foster; to the Committee on Pensions.

By Mr. CURRY: A bill (H. R. 4993) granting an increase of pension to William C. Edgman; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 4994) granting a pension to Emily E. Marcher; to the Committee on Pensions.

Also, a bill (H. R. 4995) directing the Secretary of War to muster in and muster out Newton Boughn; to the Committee on Military Affairs.

By Mr. MORRISON: A bill (H. R. 4996) granting an increase of pension to William Woolf; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 4997) for the relief of the county of Boone, State of Missouri; to the Committee on War Claims.

By Mr. SLOAN: A bill (H. R. 4998) granting a pension to Thomas M. Carew Birmingham; to the Committee on Pensions.

Also, a bill (H. R. 4999) granting a pension to Rutherford B. H. Kinback; to the Committee on Pensions.

Also, a bill (H. R. 5000) granting a pension to Mark Powers; to the Committee on Pensions.

Also, a bill (H. R. 5001) granting a pension to William Kral; to the Committee on Pensions.

Also, a bill (H. R. 5002) granting a pension to Charles Simacek; to the Committee on Pensions.

Also, a bill (H. R. 5003) granting a pension to Andrew S. Gardner; to the Committee on Pensions.

Also, a bill (H. R. 5004) granting a pension to Catherine Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5005) granting a pension to Lydia A. Hibbard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5006) granting a pension to Charity Alward Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5007) granting a pension to Emma Hiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5008) granting a pension to Susan J. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5009) granting a pension to Carrie Willett Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5010) granting a pension to Sarah I. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5011) granting a pension to George Walters, sr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5012) granting a pension to Tabitha E. Goodrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5013) granting a pension to Lucy B. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5014) granting an increase of pension to Oscar E. Bartlett; to the Committee on Pensions.

Also, a bill (H. R. 5015) granting an increase of pension to Joseph Erit; to the Committee on Pensions.

Also, a bill (H. R. 5016) granting an increase of pension to John W. Grewell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5017) granting an increase of pension to Casper Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5018) granting an increase of pension to Edgar W. Thornton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5019) granting an increase of pension to Martin L. Pembleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5020) granting an increase of pension to Thomas C. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5021) granting an increase of pension to Andrew W. Sponsler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5022) granting an increase of pension to John A. Hodgin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5023) granting an increase of pension to Francis Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5024) granting an increase of pension to William I. Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5025) granting an increase of pension to Harlan Hadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5026) granting an increase of pension to William H. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5027) granting an increase of pension to Clayton Bargar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5028) granting an increase of pension to Nelson M. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5029) granting an increase of pension to James W. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5030) granting an increase of pension to Michael Killean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5031) granting an increase of pension to Thomas H. Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5032) granting an increase of pension to Julia A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5033) granting an increase of pension to William Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5034) granting an increase of pension to Oliver Freel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5035) granting an increase of pension to William Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5036) granting an increase of pension to Augustus A. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5037) for the relief of Charles G. Rouse; to the Committee on War Claims.

Also, a bill (H. R. 5038) for the relief of Henry A. Greenawalt; to the Committee on Military Affairs.

Also, a bill (H. R. 5039) for the relief of Martin Hagarity; to the Committee on Military Affairs.

Also, a bill (H. R. 5040) for the relief of James M. Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 5041) for the relief of Dudley Walton; to the Committee on Military Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 5042) granting an honorable discharge to Phillip Totten; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 5043) to correct the military record of James M. Wright; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of Edward Berghorn and Robert R. Drouet, of Missouri, against mutual life insurance funds in income-tax bill; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of D. F. Lash and four other merchants of Bolivar, Ohio, asking for a change in the interstate commerce laws; to the Committee on the Judiciary.

By Mr. BRITTEN; Affidavit to accompany H. R. 4948, granting a pension to Mary L. Miller; to the Committee on Invalid Pensions.

By Mr. EAGAN: Petition of members of the Provision Trade of the New York Produce Exchange, of New York, N. Y., favoring the placing of live stock on the free list; to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of Men's League of Woman Suffrage of New York, relative to the woman's suffrage parade; to the Committee on the District of Columbia.

By Mr. GRIEST: Petition of New York and New Jersey Live Stock Exchange, favoring amendment to the tariff bill so as to allow live stock entry into United States free of duty; to the Committee on Ways and Means.

By Mr. HAMILL: Petition of J. Kolas, 165 Hancock Avenue, Jersey City, N. J., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Albert Ruebe, 172 Belmont Avenue, Jersey City, N. J., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of V. Kolar, 139 Sherman Avenue, Jersey City, N. J., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of John Schober, 136 Randolph Avenue, Jersey City, N. J., protesting against including mutual life insurance companies in income-tax bill; to the Committee on Ways and Means.

Also, petition of Henry Julelosh, of Jersey City, N. J., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Dr. William Meyer, of 436 Clinton Avenue, West Hoboken, N. J., favoring the passage of the income-tax bill as introduced; to the Committee on Ways and Means.

Also, petition of William J. McCurdy, of New Brunswick, N. J., protesting against the taxing of mutual life insurance companies; to the Committee on Ways and Means.

Also, petition of Hon. Merritt Lane, of Jersey City, N. J., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of James J. Lane, of Jersey City, N. J., protesting against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of Mr. Robert F. Hoffmann, of Jersey City, N. J., protesting against mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of P. L. Hoaday, of Newark, N. J., protesting against imposing a tax on mutual life insurance companies; to the Committee on Ways and Means.

Also, petition of Matthew R. MacDermid, of Jersey City, N. J., protesting against imposing a tax on mutual life insurance companies; to the Committee on Ways and Means.

Also, petition of George J. Parker, of Jersey City, N. J., protesting against including mutual life insurance in income-tax bill; to the Committee on Ways and Means.

Also, petition of Mr. Percy F. Hogan and Mr. John R. Hogan, of 373 Pearl Street, New York, protesting against the taxing of mutual life insurance companies; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of the members of the provision trade of the New York Produce Exchange, New York, N. Y., favoring the placing of live stock on the free list; to the Committee on Ways and Means.

Also, petition of the Board of Trade of Newark, N. J., favoring an amendment to the tariff bill providing for refund of duties paid on all raw material; to the Committee on Ways and Means.

By Mr. LEE of Pennsylvania: Petitions of members of Philadelphia Stationers' Association, of Philadelphia, Pa., against passage of House bill 23417, a bill offered in the Sixty-second Congress, relative to prices established by manufacturers on patented articles; to the Committee on the Judiciary.

By Mr. SMITH of Minnesota: Petition of city council of Minneapolis, Minn., favoring Government ownership of telegraph and telephone systems; to the Committee on Interstate and Foreign Commerce.

By Mr. THACHER: Petition of the Provincetown Board of Trade, favoring repeal of exemption clause in the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. WALLIN: Petition of James Lindsay, of Amsterdam, N. Y., against the inclusion of life insurance funds in income-tax bill; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 12, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, whose heart is ever responsive to our needs, out of the deeps we cry unto Thee for faith, more faith; hope, more hope; love, more love; that we may lose self in Thee, our life, our light, our strength; conserving our resources for Thee, since "life is a measure to be filled, not a cup to be drained."

It is writ "He that findeth his life shall lose it; and he that loseth his life for my sake shall find it." Thus may we lose, thus may we find the Christ spirit, which is life eternal. Amen.

The Journal of the proceedings of Saturday, May 10, 1913, was read and approved.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Thursday next.

The motion was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes p. m.) the House adjourned, pursuant to the order just made, until Thursday, May 15, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Postmaster General, transmitting the claim of David E. Gray, postmaster at Greeley, Colo., for credit on account of loss by burglary July 1, 1911, with copies of reports of inspectors and a summary of evidence prepared by the Assistant Attorney General of the United States (H. Doc. No. 47), was taken from the Speaker's table, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 5044) to amend section 1244, Revised Statutes; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 5045) to amend an act fixing the compensation of certain officials in the customs service, and for other purposes; to the Committee on Expenditures in the Treasury Department.

By Mr. ROTHERMEL: A bill (H. R. 5046) to authorize the Secretary of Commerce to acquire for the Government of the United States, by condemnation proceedings, the gas works, plant, and equipment of the Washington Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and power, or for any public use in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 5047) to authorize the Secretary of Commerce to acquire for the Government of the United States, by condemnation proceedings, the gas works, plant, and equipment of the Georgetown Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and power, or for any public use in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRANCIS: A bill (H. R. 5048) to amend section 4747 of the Revised Statutes, relating to pensions; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 5049) granting 30 working days' leave of absence in each year, without forfeiture of pay during such leave, to certain employees of United States arsenals, gun factories, proving grounds, supply stations, and navy yards; to the Committee on Military Affairs.

Also, a bill (H. R. 5050) granting pensions to soldiers, sailors, and marines who were confined in Confederate prisons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5051) prohibiting threats, expressed or implied, by employers of labor intended or calculated to influence the political opinions or actions of workmen or employees in presidential elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, a bill (H. R. 5052) fixing the time for election of Representatives and Delegates in Congress and for the appointment of electors of President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, a bill (H. R. 5053) granting to postal employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 5054) to regulate the method of directing the work of Government employees; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 5055) to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Scott County, Iowa, to a point in Rock Island County, Ill.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5056) to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the district court of the United States for the district of Delaware in the suit of the United States *v.* The E. I. du Pont de Nemours & Co. and others, and extend the time for taking such appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. HENRY: Resolution (H. Res. 104) amending Rules X and XI of the Rules of the House of Representatives; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of Alaska, in relation to appropriation to complete surveys on agricultural lands, vicinity of Fairbanks, Alaska; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of Alaska, relating to construction of breakwater at the mouth of Snake River; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, relative to the establishment of wireless stations in the valleys of Kuskokwim, Innokok, and Koyukuk; to the Committee on Military Affairs.

Also (by request), memorial of the Legislature of Alaska, relative to ice-breaking boats for the Bering Sea; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of Alaska, relating to placing a bounty on wolves in the Territory of Alaska; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, relating to changing the law in the matter of appointing registers and receivers and establishing a land office at Seward, Alaska; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of Alaska, relating to the acquisition of title to homestead lands in the Territory of Alaska; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of Alaska, relating to the issuance of bonds by the city of Juneau to construct and equip a school building; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, relating to the transportation of coal in Alaska; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, relating to an act providing for agricultural entries on coal land; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of Alaska, relative to brown bear and reindeer in Alaska; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, relative to an appropriation for the repair and restoration of the Sitka National Monument and the relics contained therein; to the Committee on Appropriations.

Also (by request), memorial of the Legislature of Alaska, relative to mileage of members of Alaska Territorial Legislature; to the Committee on Appropriations.

Also (by request), memorial of the Legislature of Alaska, relative to a reduction of cable and telegraph tolls over military lines, etc.; to the Committee on Military Affairs.

Also (by request), memorial of the Legislature of Alaska, relating to granting Mayflower Island to Douglas City; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of Alaska, relative to Alaska Semicentennial Exposition, at Fairbanks, in 1917; to the Committee on Appropriations.

Also (by request), memorial of the Legislature of Alaska, relative to opening the Tongass and Chugach Reservations to settlers and miners, and revocation of Executive order making Aleutian Islands a Government reservation; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of Alaska, relative to the building of a wagon road from Skagway to the summit of White Pass; to Committee on the Territories.

Also (by request), memorial of the Legislature of New Mexico, relative to the celebration of the opening of the great Rio Grande irrigation project and invitations of the Republic of Mexico; to the Committee on Foreign Affairs.

Also (by request), memorial of the Legislature of Oklahoma, relative to the requirement of the homestead laws; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the Territory of Alaska, calling attention to the menace to navigation of the wreck of the steamer *Portland* at the entrance to Katella River and reef thereat, asking that the wreck and reef be removed; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the Territory of Alaska, asking that the location and entry of oil lands in Alaska be allowed in the same manner as allowed prior to the President's order of November 10, 1910, withdrawing said lands from entry; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of New Mexico, requesting Congress to pass an act to provide for the purchase of all land grants in New Mexico, and take other steps mentioned to make said lands available for use and occupation; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of New York, asking that Congress authorize that one of the two battleships to be constructed this year be built at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also (by request), memorial of the Legislature of Massachusetts relative to an amendment to the Constitution of the United States prohibiting the practice of polygamy; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Massachusetts relative to the national forests; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of California: A bill (H. R. 5057) granting a pension to Gilbert Van Vorce; to the Committee on Pensions.

By Mr. BROWN of New York: A bill (H. R. 5058) for the relief of Gattleib Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 5059) granting a pension to John J. Haley; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 5060) granting a pension to Mary E. Johnson; to the Committee on Pensions.

By Mr. GORMAN: A bill (H. R. 5061) granting a pension to John L. Lutz; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 5062) for the relief of John Dennis; to the Committee on Military Affairs.

Also, a bill (H. R. 5063) for the relief of Andrew Wurster; to the Committee on Military Affairs.

Also, a bill (H. R. 5064) for the relief of William Minor; to the Committee on Military Affairs.

Also, a bill (H. R. 5065) for the relief of George J. Shaffer; to the Committee on Military Affairs.

Also, a bill (H. R. 5066) for the relief of Edward Shufeldt; to the Committee on Military Affairs.

Also, a bill (H. R. 5067) for the relief of John C. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 5068) for the relief of Oliver Lewis; to the Committee on Military Affairs.

Also, a bill (H. R. 5069) for the relief of George Humphrey; to the Committee on Military Affairs.

Also, a bill (H. R. 5070) for the relief of Charles W. Tappan; to the Committee on Military Affairs.

Also, a bill (H. R. 5071) for the relief of John D. Moon; to the Committee on Military Affairs.

Also, a bill (H. R. 5072) for the relief of Charles Christian Melchert; to the Committee on Military Affairs.

Also, a bill (H. R. 5073) for the relief of Michael H. Morrin; to the Committee on Military Affairs.

Also, a bill (H. R. 5074) for the relief of Ella G. Richter, daughter of Henry W. Richter; to the Committee on Military Affairs.

Also, a bill (H. R. 5075) for the relief of George A. Smith; to the Committee on Claims.

Also, a bill (H. R. 5076) for the relief of James F. Gorman; to the Committee on Claims.

Also, a bill (H. R. 5077) for the relief of Benjamin F. Dyer; to the Committee on Claims.

Also, a bill (H. R. 5078) for the relief of Charles C. Baumann; to the Committee on Claims.

Also, a bill (H. R. 5079) for the relief of Mary Abel; to the Committee on Claims.

Also, a bill (H. R. 5080) for the relief of A. D. Gaston; to the Committee on Claims.

Also, a bill (H. R. 5081) for the relief of the heirs of Jacob Thomas; to the Committee on Claims.

Also, a bill (H. R. 5082) to pay Charles Max Wittig $500 back bounty; to the Committee on Claims.

Also, a bill (H. R. 5083) granting a pension to William M. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 5084) granting a pension to Mary A. Kile; to the Committee on Pensions.

Also, a bill (H. R. 5085) granting a pension to Marie O. Burnett; to the Committee on Pensions.

Also, a bill (H. R. 5086) granting a pension to George W. Bagley; to the Committee on Pensions.

Also, a bill (H. R. 5087) granting a pension to Albert S. Allen; to the Committee on Pensions.

Also, a bill (H. R. 5088) granting a pension to Phoebe A. Ludwick; to the Committee on Pensions.

Also, a bill (H. R. 5089) granting a pension to Mary Guldenzoph; to the Committee on Pensions.

Also, a bill (H. R. 5090) granting a pension to Michael McInery; to the Committee on Pensions.

Also, a bill (H. R. 5091) granting a pension to Rachel Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5092) granting a pension to Susan F. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5093) granting a pension to Sophia W. Sterrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5094) granting a pension to Amanda Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5095) granting a pension to Amanda Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5096) granting a pension to Charlotte E. Coplan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5097) granting a pension to Pauline R. Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5098) granting a pension to Jacob Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5099) granting a pension to Paul Kempter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5100) granting a pension to Julia M. Ashby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5101) granting a pension to J. A. McLoskey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5102) granting an increase of pension to Hannah Kelley; to the Committee on Pensions.

Also, a bill (H. R. 5103) granting an increase of pension to Gottlieb Strahle; to the Committee on Pensions.

Also, a bill (H. R. 5104) granting an increase of pension to Josiah M. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5105) granting an increase of pension to Martin McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5106) granting an increase of pension to Abraham Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5107) granting an increase of pension to Samuel P. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5108) granting an increase of pension to Moses Erwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5109) granting an increase of pension to Arabella L. McElravy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5110) granting an increase of pension to Benjamin Notley James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5111) granting an increase of pension to Benjamin Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5112) granting an increase of pension to William H. McCune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5113) granting an increase of pension to Herman F. Bonorden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5114) granting an increase of pension to Jeanette Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5115) granting an increase of pension to William Ernst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5116) granting an increase of pension to C. F. Regnier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5117) granting an increase of pension to John A. Rowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5118) granting an increase of pension to Levi Runyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5119) granting an increase of pension to Robert P. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5120) granting an increase of pension to Columbus C. Bigbee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5121) granting an increase of pension to Mary A. O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5122) granting an increase of pension to Rufus W. Rosenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5123) granting an increase of pension to Esek B. Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5124) granting an increase of pension to Calvin W. Mathis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5125) granting an increase of pension to William P. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5126) granting an increase of pension to Henry F. Bodman; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 5127) granting an increase of pension to Mary J. Cook; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 5128) granting a pension to A. A. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 5129) granting an increase of pension to Edward C. Franklin; to the Committee on Pensions.

Also, a bill (H. R. 5130) granting an increase of pension to Orion P. Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5131) granting an increase of pension to Laura D. Sternberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5132) to correct the military record of Erastus Coyle; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of James L. Wood, Labadie, Mo., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. ANDERSON: Papers to accompany bill (H. R. 4990) granting a pension to Telka Guelkouski; to the Committee on Pensions.

By Mr. DALE: Petition of members of the provision trade of the New York Produce Exchange, New York, N. Y., favoring placing live stock on the free list; to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of R. L. Mishler, Lansdowne, Pa., and Paul M. Hahn, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. MAPES: Petition of the Women's Home Missionary Society of the Methodist Episcopal Church, of Grand Rapids, Mich., favoring the passage of legislation making polygamy unlawful; to the Committee on the Judiciary.

Also, petition of the Business Trades Council, Grand Rapids, Mich., asking that the eight-hour law be extended to include employees working on Government grants and franchises; to the Committee on Labor.

SENATE.

TUESDAY, *May 13, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

THOMAS B. CATRON, a Senator from the State of New Mexico, appeared in his seat to-day.

The Journal of the proceedings of Friday last was read and approved.

REPORTS OF SECRETARY OF SENATE.

The VICE PRESIDENT laid before the Senate a communication dated March 13, 1913, from the former Secretary of the Senate, transmitting, pursuant to law, a full and complete account of all property, including stationery, belonging to the United States in his possession on the 13th day of March, 1913 (S. Doc. No. 25), which, with the accompanying paper, was ordered to lie on the table and to be printed.

He also laid before the Senate a communication dated April 7, 1913, from the former Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from July 1, 1912, until March 13, 1913 (S. Doc. No. 26), which, with the accompanying papers, was ordered to lie on the table and to be printed.

RETIRED OFFICERS OF THE ARMY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 1st instant, certain information relative to the nature and character of the duties that retired officers of the United States Army may be detailed to perform under existing laws, regulations, and orders (S. Doc. No. 24), which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF SECRETARY FOR THE DISTRICT OF ALASKA,
Juneau, Alaska.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of house joint memorial No. 24 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 2d day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

House joint memorial 24.

FIRST REGULAR SESSION OF THE LEGISLATURE OF THE TERRITORY OF ALASKA.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the senate and the house of representatives of the Territory of Alaska, respectfully represent that—

Whereas the city of Fairbanks, in the Territory of Alaska, is situated in the center of a great placer and quartz mining district; and

Whereas the agricultural possibilities of the great valley through which the Tanana and Yukon Rivers flow are just being recognized and becoming known to the people; and

Whereas it has been decided by the people of the city of Fairbanks that in the year 1917 in celebration of the 50 years of the Territory of Alaska as a part of the United States a great exposition is to be held, to be known as the "Alaska Semicentennial Exposition"; and

Whereas it is purposed to advertise said semicentennial exposition most widely throughout the United States and elsewhere; and

Whereas the said exposition will be of great benefit to the entire Territory of Alaska, and particularly to the Tanana and Yukon River Valleys by way of bringing people from all parts of the world to the "Golden Heart" of the Territory, thus exhibiting to them the great possibilities in mining, agriculture, and other industries; and

Whereas the Hon. JAMES WICKERSHAM, Delegate to Congress from Alaska, has introduced into the House of Representatives of the United States a bill providing for an appropriation to assist in defraying the expenses of the said Alaska Semicentennial Exposition: Now, therefore,

Your memorialists most respectfully pray that you will be pleased to consider and act favorably upon the appropriation for said Alaska Semicentennial Exposition as asked for by the said Delegate to the House of Representatives from Alaska: Be it

Resolved, That a copy hereof be transmitted to the President of the Senate of the United States; to the Speaker of the House of Representatives; to the Hon. JAMES WICKERSHAM, Delegate to the House of Representatives; to the honorable the Secretary of the Interior; and to the honorable the Secretary of Commerce of the United States.

Passed the house April 25, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

Passed the senate April 26, 1913.

L. V. RAY,
President of the Senate.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint memorial 22.

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

To the honorable the President, the Senate, and the House of Representatives of the United States:

We, your memorialists, the Legislature of the Territory of Alaska, do most respectfully submit to your consideration the following facts:

That the larger portion of the Territory of Alaska is now well provided with cables, land lines, and wireless stations for the rapid transmission of messages;

That all such means of communication are owned by the Federal Government, except one wireless station situated in the town of Iditarod;

That the Kuskokwim, Innoko, and Koyukuk Valleys are being developed and opened up at a rapid rate and bid fair to become important factors in the progress and advancement of our Territory;

That all portions of said three valleys are hundreds of miles distant from any telegraph station; and

That a number of lives and much property have been lost, many and much of which might have been saved had there been any means of rapid communication.

In view of these facts, we respectfully suggest that the Congress of the United States provide for the establishment of one wireless station at some convenient point in each of the said three valleys, and that such stations, when established, be placed and remain under the management of the Signal Corps of the United States Army.

And your memorialists will ever pray.

Passed the senate April 22, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 26, 1913.

EARNEST B. COLLINS,
Speaker of the House.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true, full, and correct copy of senate joint memorial 22 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 28th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint memorial 14.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly request that—

Whereas on November 10, 1910, the President of the United States withdrew from entry all oil lands in the District of Alaska; and

Whereas the present cost of fuel and illuminating oil in the Territory of Alaska is extremely high; and

Whereas there are large known areas of oil lands of superior quality; and

Whereas it is necessary, in order that the large expense cost attached to the prospecting and developing of oil land, an area of at least 160 acres be allowed as an associate placer location: It is therefore

Resolved by the Legislature of the Territory of Alaska now assembled, That we respectfully petition the Senate and House of Representatives of the United States in Congress assembled to allow the location and entry of oil lands in the same manner as allowed prior to the President's order of November 10, 1910.

Further resolved, That a copy hereof be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Hon. JAMES WICKERSHAM, Delegate to Congress from Alaska.

Passed the house April 17, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

Passed the senate April 19, 1913.

L. V. RAY,
President of the Senate.

Attest:

A. E. LIGHT,
Chief Clerk of the Senate.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of house joint memorial 14 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska, at Juneau, this 29th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint resolution adopted by the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint resolution 6.

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

Whereas there was created by Executive order during the very last days of the Taft administration a reservation consisting of the entire group of the Aleutian Islands, in Alaska, for the following purposes: The propagation of fur-bearing animals, reindeer, fish, and birds; and

Whereas said group of islands are several thousand square miles in area; and

Whereas it is our opinion that no new reservation should be created in Alaska except for strong affirmative reasons showing that such reservation would inure to the greater benefit of the people; and

Whereas it does not appear that this reservation is necessary for the purposes mentioned above, for if such reservation or reservations are needed at all it would require but a very small portion of this vast area of land to cover the requirements of each separate proposition; and

Whereas we assume that the Government of the United States is not going to take up the propagation of fur-bearing animals on a commercial basis; and

Whereas we also assume that it is not going into any business of that kind except for the propagation and preservation of the species; and

Whereas the reindeer project has been operated under the Department of the Interior for many years and has prospered under that management; and

Whereas the propagation of fish requires but small areas for buildings and hatcheries near the mouths of streams; and

Whereas a very few square miles in the aggregate would cover every requirement for the purposes set forth in the Executive order; and

Whereas the Territory is so sparsely populated that birds are as well protected on the lands not reserved as they would be on Government reservations; and

Whereas all game in Alaska would be amply protected if the present game laws, which are practically under the control of the governor of Alaska, were fully enforced: Therefore be it

Resolved by the Senate of the Legislature of the Territory of Alaska (the House concurring), That it is the sense of this legislative body that the Executive order withdrawing this vast territory of several thousand square miles from the use of the settler and prospector should be revoked, or at least cut down to a few square miles in favorable localities: And be it further

Resolved, That it is the sense of this body that, owing to the fact that the Tongass and Chugach Reservations are of no practical benefit to the Government of the United States as reservations and are an annoyance to the prospector, miner, and settler, they likewise should be thrown open for the general use of the prospector, miner, and settler: And further

Resolved, That the secretary of the Territory of Alaska be instructed to forward certified copies of this resolution to the following: One to the President of the United States, one to the Secretary of the Interior, one to the Secretary of Agriculture, one to the Delegate to Congress from Alaska, one to the honorable the Senate of the United States, and one to the honorable the House of Representatives of the United States.

Adopted by the senate April 10, 1913.

L. V. RAY,
President of the Senate.

Adopted by the house April —, 1913.

EARNEST B. COLLINS,
Speaker of the House.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true, full, and correct copy of senate joint resolution No. 6 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska this 26th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint memorial 5.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas the Sitka National Monument, located at Sitka in the Territory of Alaska, is one of the most beautiful and interesting attractions seen by hundreds of tourists who annually visit Alaska, contains 18 splendid specimens of aboriginal totem poles, and is the scene of the battle in which the Russians captured southeastern Alaska from the native tribes, incidentally preventing the acquisition of this country by Great Britain and thus estopping its subsequent acquirement by the United States, and this reservation is of scientific value on account of being covered with second-growth timber of 100 years' standing; and

Whereas said Sitka National Monument and the relics of aboriginal life thereon are worthy of preservation for the education and edification of future generations; and

Whereas said Sitka National Monument and the relics there are in a state of poor repair and dilapidation: Therefore be it

Resolved by the Legislature of the Territory of Alaska, That we respectfully and earnestly petition the Senate and House of Representatives of the United States of America in Congress assembled to appropriate the sum of $5,000, said sum to be expended in the repair and restoration of the Sitka National Monument and the relics of aboriginal life contained there; and be it further

Resolved, That a copy hereof be sent to the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives.

Passed the house April 17, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

Passed the senate April 23, 1913.

L. V. RAY,
President of the Senate.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of house joint memorial No. 5 of the Alaska Territorial Legislature.

In testimony whereof, I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 29th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint resolution adopted by the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint resolution 9.

IN THE HOUSE, FIRST REGULAR SESSION OF THE LEGISLATURE OF THE TERRITORY OF ALASKA.

To the Congress of the United States:

The Legislature of the Territory of Alaska hereby memorializes your honorable body, and represents:

I. That at the entrance to Katalla River the wreck of the steamer *Portland* is a menace to navigation, and by reason of its presence at such place the navigation of said channel by small boats is rendered difficult and at times hazardous.

II. That if said channel is cleared of said wreck the result will be to facilitate navigation between Katalla and the oil fields near by, and Cordova and other towns where shipments are now made by means of light-draft vessels of the products of said oil fields.

III. That in order to increase said shipping facilities the small reef which extends into the channel near the said wreck, and which reef is exposed at low tide, should also be destroyed, as the combined influence of said reef and the wreck of the steamer *Portland* is a menace to navigation and has resulted in loss of life.

IV. That in the vicinity of the entrance to said Katalla River, what is known as Ocalee Channel leads from the Pacific Ocean to Controller Bay, and in order to make access to said Controller Bay safe for seagoing vessels the said channel should be buoyed.

Wherefore your memorialists respectfully urge that the Congress of the United States, acting through the proper channels, order an investigation of the conditions at the mouth of said Katalla River and in Ocalee Channel aforesaid, and authorize the improvements President of the United States, the President of the Senate of the

Passed the house April 14, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

Passed the senate April 19, 1913.

L. V. RAY,
President of the Senate.

Attest:

A. E. LIGHT,
Chief Clerk of the Senate.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of house joint resolution 9, of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau, this 29th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint memorial 24.

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas the Seward Peninsula during the winter has a population of approximately 5,000 people, exclusive of natives; and

Whereas the production of gold on said peninsula since the discovery of placer deposits in 1898 has aggregated some $65,000,000 in bullion, which output gives promise of an annual increase in the future by reason of the new method of extraction of the precious metals by means of dredges, there having been during the last three years installed and there being now in operation 37 dredges on the peninsula, and the probability being that within five years the number of dredges will be largely increased, which dredges can commence working in May and continue until December; and

Whereas navigation usually closes the latter part of October, by the formation of ice in Bering Sea, and does not open until the following June, by reason of which fact, for the want of properly equipped vessels to navigate through the ice fields of Bering Sea, the dredge crews are unable to leave that northern country during the winter months, and should they do so will be unable to return at the time at which mining operations with dredges should commence, and thus from four to six months each year is lost, nor can much needed repairs and equipment be secured until the following spring, thereby entailing great loss to both laborers and operators of dredges and other forms of mining; and

Whereas during the past years the absence of communication by water between Seward Peninsula and the States has very seriously hampered and retarded the mining operations in that part of Alaska, and will, under the modern methods of working the placer fields and in view of the opening up and development of quartz mines, continue to retard such operation still more in the future; and

Whereas it is greatly to be desired that constant communication be maintained by water between Seward Peninsula and the States during the winter months, now closed to navigation; and

Whereas the usefulness and practicability of ice-breaking vessels has been thoroughly demonstrated by the Dominion of Canada in the Northumberland Straits and by the Russian Government in the Baltic Sea, under the same conditions as exist in the Bering Sea: Therefore

We, your memorialists, hereby respectfully urge the Congress of the United States to assist the people of the Seward Peninsula and northwestern Alaska in establishing and maintaining winter navigation in Bering Sea by means of properly equipped ice-breaking boats of modern types by making the necessary appropriation for building and maintaining them under the Revenue-Cutter Service. Such ice-breaking boats could take the place of revenue cutters in the summer and make semimonthly trips between Dutch Harbor and Nome in the winter, from November to June, inclusive, whose duty it shall be to carry mail and passengers and freight for hire. Your memorialists represent that such service, if so established, will also be of vital importance in patrolling the Pribilof (seal) Islands and facilitate direct communication with officers of the Army and other branches of the Federal Government.

And your memorialists will ever pray.

Passed the senate April 23, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 25, 1913.

EARNEST B. COLLINS,
Speaker of the House.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true, full, and correct copy of senate joint memorial No. 24 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 28th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
Juneau, Alaska.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of house joint memorial No. 13 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 29th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN, *Secretary of Alaska.*

House joint memorial 13.

IN THE HOUSE, TERRITORY OF ALASKA, FIRST SESSION.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the Territory of Alaska, in legislative session assembled, most respectfully represent that—

Whereas by Executive order of date June 21, 1890, Juneau Island, locally known as Mayflower Island, was set aside as a coaling station and Government wharf; and

Whereas the citizens of the town of Douglas have expended some $6,200 in the erection of structures and clearing land and other improvements in fitting up said island as a public park and recreation grounds for the use of the public in general; and

Whereas such public use will not in any way interfere with the purposes contemplated by the said Executive order, and there are no other claims conflicting therewith; and

Whereas a survey has been made of said island setting forth improvements thereon and its connections with said town of Douglas, an accurate plat of which is attached hereto: Therefore

We, your memorialists, do pray that a grant be made of said island to the town of Douglas, Alaska, for and to be used by the general public as a public park, and the name of said island be changed to "Mayflower Island."

Passed the house April 11, 1913.

EARNEST B. COLLINS,
Speaker of the House.
BARRY KEOWN,
Chief Clerk of the House.

Passed the senate April 19, 1913.

L. V. RAY,
President of the Senate.

The VICE PRESIDENT presented a concurrent resolution of the Territorial Legislature of Hawaii, which was referred to

the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Be it resolved by the House of Representatives of the Territory of Hawaii (the Senate concurring), That the Congress of the United States be petitioned to amend section 73 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by an act of Congress approved May 27, 1910, in the second sentence of the eighth paragraph thereof, relating to the leasing of agricultural lands exceeding 40 acres in area, by adding after the words "No lease" the words "or license," and adding after the clause "or of pastoral or waste lands exceeding 200 acres in area" the words "or water rights," and in the first proviso of said paragraph by adding the words "hospitals and other educational, religious, and charitable institutions" after the word "schools," so that the said eighth paragraph as amended shall read as follows:

"No sale of lands for other than homestead purposes, except as herein provided, and no exchange by which the Territory shall convey lands exceeding either 40 acres in area or $5,000 in value shall be made. No lease or license of agricultural lands exceeding 40 acres in area, or of pastoral or waste lands exceeding 200 acres in area, or water rights, shall be made without the approval of two-thirds of the board of public lands which is hereby constituted, the members of which are to be appointed by the governor as provided in section 80 of this act, and until the legislature shall otherwise provide said board shall consist of six members and its members be appointed for terms of four years: *Provided, however*, That the commissioner may, with the approval of said board, sell for residence purposes lots and tracts not exceeding 3 acres in area, and that sales of Government lands may be made upon the approval of said board whenever necessary to locate thereon railroad rights of way, railroad tracks, side tracks, depot grounds, pipe lines, irrigation ditches, pumping stations, reservoirs, factories and mills, and appurtenances thereto, including houses for employees, mercantile establishments, hotels, churches and private schools, hospitals, and other educational, religious, and charitable institutions, and all such sales shall be limited to the amount actually necessary for the economical conduct of such business or undertaking: *Provided further*, That no exchange of Government lands shall hereafter be made without the approval of two-thirds of the members of said board, and no such exchange shall be made except to acquire lands directly for public uses."

SEC. 2. That a copy of this resolution shall be transmitted to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 22, 1913.

We hereby certify that the foregoing concurrent resolution was finally adopted in the House of Representatives of the Territory of Hawaii on April 22, 1913.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 19, 1913.

We hereby certify that the foregoing concurrent resolution was finally adopted in the Senate of the Territory of Hawaii on April 19, 1913.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Ohio Valley Trades and Labor Assemblies, of Wheeling, W. Va., praying that an investigation be made into the labor conditions in the Paint Creek and Cabin Creek districts, West Virginia, which was ordered to lie on the table.

He also presented the memorial of George H. Shibley, director of the American Bureau of Political Research, relative to the currency and money questions, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the International Brotherhood Welfare Association, favoring the enactment of legislation providing that all machinery used in the construction and building of the Panama Canal be set apart and donated in some suitable and practical manner for the benefit of the unemployed of the country, which was referred to the Committee on Interoceanic Canals.

Mr. LODGE presented the petition of Charles L. Whittle and 17 other citizens of Boston, Mass., and the petition of Claude L. Kettle and 70 other citizens of Weston, Mass., praying for the adoption of the clause in the pending tariff bill relating to the importation of aigrettes and feathers, etc., which were referred to the Committee on Finance.

UNITED SHIRT & COLLAR CO.

Mr. THOMAS. I have a communication from the president of the United Shirt & Collar Co., addressed to the Standard Press, Troy, N. Y., which I ask may be read and referred to the Committee on Finance.

There being no objection, the communication was read and referred to the Committee on Finance, as follows:

MAY 10, 1913.

To the STANDARD PRESS, *Troy, N. Y.:*

Referring to a recent article in your paper, mentioning our concern and reflecting upon alleged actions by them in relation to the writing of letters by our employees to United States Senators ROOT and O'GORMAN, we beg to say that no coercion, dictation, demand, intimidation, threat of reduction of wages, or loss of position, or any other penalty for failure to write such letters was used by us or by any person acting on our behalf, or was expressed or implied. We also desire to say that the statement that "simultaneously," or otherwise, we reduced wages or that there was any cut in the wages of our employees is absolutely without foundation. We take it that our employees, equally with ourselves, are interested in the prosperity of our establishment and in all matters which affect its welfare, and we are willing to leave it to the judgment of any disinterested person whether the so-called circular of May 5 was not wholly proper.

We ask that you give this communication as wide publicity as you did to the article referred to.

Yours, truly, UNITED SHIRT & COLLAR CO.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PAGE:

A bill (S. 1875) to amend section 4747 of the Revised Statutes relating to pensions; and

A bill (S. 1876) granting an increase of pension to Harriet C. Spoor (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 1877) granting an increase of pension to Isabella Workman (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 1878) for the relief of William H. Bisbee and others; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 1879) granting a pension to Lee E. Powell (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 1880) for the relief of Chester D. Swift (with accompanying papers); to the Committee on Claims.

THE TARIFF.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. FLETCHER submitted three amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing to appropriate $200,000 out of the tribal funds in the Treasury to the credit of the Blackfeet Indians of Montana, the same to be used for the promotion of civilization and self-support among the Blackfeet Indians residing on and having tribal rights on that reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE TARIFF.

The VICE PRESIDENT. The Secretary will read House bill 3321 the second time.

The bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, was read the second time by its title.

Mr. SIMMONS. I move that the bill be referred to the Committee on Finance.

The VICE PRESIDENT. It is moved by the Senator from North Carolina that the bill be referred to the Committee on Finance.

Mr. PENROSE. Mr. President, I understood that that motion was made and that it is now pending, together with my amendment that the committee be instructed to grant public hearings.

The VICE PRESIDENT. The Chair will state for the information of Senators that at the conclusion of the last session of the Senate it was held that the bill had been read only once and not twice, and, under Rule XIV, no motion to refer is in order until after a bill has been read the second time. In accordance with that rule the Chair directed the Secretary to read the bill the second time, and the Senator from North Carolina has renewed his motion.

Mr. PENROSE. That is entirely satisfactory, Mr. President, and I renew my amendment that the bill be referred with instructions to the committee to grant public hearings.

Mr. SIMMONS. I desire to say to the Senator from Pennsylvania that when I made my motion to refer at the last session of the Senate I was under the impression that the bill had been read the second time. Later in the day my attention was called by one of the clerks to the fact that it had been read but once, and, of course, as the Chair has properly ruled, my motion was not in order at that time.

Mr. PENROSE. That was all right. My motion is to refer with instructions to grant public hearings.

The VICE PRESIDENT. The Senator from North Carolina has the floor.

Mr. SIMMONS. Mr. President, I trust that the amendment offered by the Senator from Pennsylvania to the motion to refer to the Committee on Finance will not prevail. I do not think there is any necessity for further hearings by the Finance Committee upon this bill.

Early in December of last year, just after the November elections, the Ways and Means Committee of the House recognized that there was an almost universal feeling, not only in Congress but throughout the country, that in the interest of the public welfare as connected with the business interests of the country whatever changes were to be made in the tariff as a result of a change in administration should be made as quickly as possible, consistent with the great interests involved. Acting upon that sentiment and in response to it the Ways and Means Committee of the House, then controlled by the present dominant party of the country, decided upon a very unusual course with reference to tariff legislation, and early in December, more than two months before the Sixty-second Congress expired by limitation and the present Congress came into existence, the members of that committee decided to begin work in connection with the preparation of a tariff measure to be presented to the incoming Congress.

This was done, Mr. President, for the purpose of meeting the demand of the country and the business conditions of the country, so that, if possible, when the new Congress assembled the committee might be in a position at once to present and take up for consideration the new measure.

In January of this year, in furtherance of that purpose approved by the country, while the old Congress was yet in existence, the Ways and Means Committee of the House entered upon hearings on the various schedules of the tariff. Those hearings were continued from day to day for about one month, I think. I think they began about the 4th day of January and ended about the 1st day of February.

It has been said that those hearings were meager; that the great industries of the country were given only a few hours, or less than an hour in some instances, it has been charged, to represent the great interests in which they were engaged.

Mr. President, I have this morning examined the hearings before the Ways and Means Committee, and I find that they cover 6,330 pages of printed matter, not including the table of contents and the index. I have here in my hand the first volume of those hearings, which covers only two schedules in the bill, and they are not the most important schedules either—Schedule A, known as the chemical schedule, and Schedule B, known as the earthenware and glassware schedule. I find that the hearings upon Schedule A—the chemical schedule—cover 432 pages, and I find that the hearings upon Schedule B—earthenware and glassware—cover 510 pages of printed matter.

But these, Mr. President, are not all the hearings that we have had which throw light upon these schedules within the last few years since the Payne-Aldrich bill was enacted into law. Last year when the House schedule bills, so called, came before the Senate and were referred to the Finance Committee, that committee decided upon hearings, and for weeks, I might say for months, not day after day, as did the Ways and Means Committee this year, but at intermittent times, two or three days during the week, held hearings upon three of the most important schedules in this bill.

Those hearings cover 2,947 pages of printed matter, practically 3,000 pages. They were, as I have said, directed to some of the most important schedules in this bill, one of them being Schedule C, the metal schedule; another, Schedule E, the sugar schedule; and another, Schedule A, the chemical schedule.

Not only that, but in 1911, when the reciprocity bill of that year was referred to the Finance Committee, the then majority party, being now the minority party, and it was the majority party in 1912 when we had the hearings upon the schedule bills, caused to be held most exhaustive and extended hearings upon the reciprocity measure, covering, as that bill covered, more or less practically every schedule in this bill, especially the agricultural schedule, the wood and manufactures of wood schedule, the pulp, paper, and book schedule, and the free list. Those hearings cover in round figures 1,400 pages of printed matter.

So in the last two years, beginning in the summer of 1911 and ending in February of this year, the hearings that have been held upon the various schedules of this bill cover 10,777 pages of printed matter, not including the table of contents or the index.

Mr. President, the hearings that were held by the Ways and Means Committee——

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Certainly.

Mr. SMITH of Michigan. Mr. President, I desire to suggest to the Senator from North Carolina that the hearings, about which he has just remarked, before the Committee on Finance on the reciprocity matter were all predicated upon the theory that we were to get from Canada a reciprocal benefit for the advantages that we were surrendering—that the vocations affected were to be compensated out of a larger trade by the people of Canada. The hearings that were then taken have no bearing whatever upon the present situation.

Further than that, in demanding hearings now we are demanding them because most of the testimony referred to by the Senator from North Carolina was taken before the present President of the United States assumed his office, and the President of the United States has asserted again and again that no legitimate industry would be affected by the proposed reductions in the tariff.

Mr. SIMMONS. Mr. President——

Mr. SMITH of Michigan. What I want to know, and what I should like the Senator from North Carolina to tell me, if he will, is whether the present administration of the Government regards the woolen industry as a legitimate business or an illegitimate business, or whether they regard the sugar industry as a legitimate or an illegitimate business? The wool industry has enjoyed the protection of this Government for nearly a hundred years, and in only one single instance has it been attacked. Then the lowest prices that the farmer ever received for wool were paid.

Mr. SIMMONS. Mr. President, I decline to yield to the Senator from Michigan for another volcanic explosion upon the subject of the tariff.

Mr. SMITH of Michigan. Well, Mr. President——

The VICE PRESIDENT. The Senator from North Carolina has the floor. The Senator from Michigan will take his seat.

Mr. SMITH of Michigan. As the Senator from North Carolina declines to yield, I will speak in my own time on the motion.

Mr. SIMMONS. Mr. President, I yielded to the Senator from Michigan for the purpose of a question, and the Senator, having obtained the floor for the purpose of a question, undertook to inject a speech.

Mr. SMITH of Michigan. No.

Mr. SIMMONS. I was not discussing at the time I was interrupted by the Senator questions connected with rate making. I was simply attempting to lay before the Senate the extent of the hearings that had been had upon tariff bills during the last two and a half years, so that Senators might have the facts before them and be able to decide the question intelligently as to whether or not there ought to be further hearings upon this bill; and the Senator from Michigan interrupted me in the midst of that pure statement of facts as to the extent of the hearings which had been had, for the purpose of injecting a speech against the general features of the bill and which I was not discussing at the time of his interruption.

Mr. President, I did not rise for the purpose of entering into a discussion of the tariff, and I do not intend to be diverted by the Senator from Michigan into a discussion of that subject at this time. I rose simply for the purpose of discussing the motion of the Senator from Pennsylvania [Mr. PENROSE], and proposed to confine myself to laying before the Senate the facts as to former hearings upon the schedules embraced in the bill. I think I will be able to show that the hearings this year and last year and upon the reciprocity bill were more voluminous and equally as enlightening to the country as the hearings held upon the Payne-Aldrich bill.

Mr. President, if it were true, as the Senator from Michigan says, that the hearings upon the reciprocity bill were not of any great value as throwing light upon the schedules in the present bill, leave them out of the count, and there still remains the hearings held before the Ways and Means Committee this year and before the Senate Finance Committee of last year upon the House schedule bills, covering something over 9,000 printed pages. Surely the Senator from Michigan will not say that these hearings, covering every schedule in the bill, a part of them conducted by the Finance Committee when it was under the control of his own party, are not enlightening.

Mr. President, it is true, as the Senator says, that the reciprocity bill was based upon a mutual concession in tariff duties

between Canada and this country, but everybody knows that the main question which was involved and considered by the Finance Committee in its hearings on that bill was the effect of putting certain of the great agricultural products of this country upon the free list, it being understood that practically our only competitor in most of the agricultural products involved were Canadian products, and the question was, What would be the effect upon these agricultural products of admitting like products from Canada free of duty?

I happened then as now to be a member of the Finance Committee, and I know about this; and while the Senator from Michigan was not a member of that committee, and I know that in those hearings all of the stock arguments used by the friends and champions of protection, as well as all the arguments used by the friends of a tariff for revenue, were gone into as fully and as thoroughly as if that had been a bill that was to apply to all of the nations of the earth, and not to Canada alone.

Mr. President, the hearings on the Payne-Aldrich bill in 1909 were regarded then, and they have been since pronounced, as the most thoroughgoing and the fullest that have ever been had by any committee of Congress considering a tariff measure. They were so full and so complete in the opinion of the distinguished Senator who was then chairman of the Finance Committee, Senator Aldrich, that he scouted the idea when that bill was referred to the Finance Committee that any further hearings were necessary to enable that committee to discharge its duties, and, as a matter of fact, a majority of that committee, the majority then being of the opposition party, declined to allow any further hearings, and there were no further open, oral hearings given by that committee.

Now, Mr. President, I sent for the hearings before the Ways and Means Committee held in 1909 in connection with the Payne-Aldrich bill of that year, and I find that the hearings then held cover only 8,345 pages, or only 2,000 more pages than the so-called inadequate and incomplete hearings held by the Ways and Means Committee during this year. When you add to the hearings of the Ways and Means Committee of this year the hearings held last year on the schedule bills and in 1911 on the reciprocity bill, it makes a total printed-page aggregate of 2,432 pages more than the hearings on the Payne-Aldrich bill.

In addition to that, Mr. President—I am glad my friend the Senator from Kentucky [Mr. JAMES] has sotto voce called my attention to it; I had intended to refer to it, but it had escaped me for the moment—in addition to these hearings that have been held, covering 2,500 pages in round numbers more than the entire hearings held upon the Payne-Aldrich bill, since that time there has been the report of the Tariff Board upon the wool schedule, upon the cotton schedule, and upon chemicals. While I do not, Mr. President, place much store upon the Tariff Board reports——

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. In just a moment, if the Senator will permit me. I was about to say when interrupted that while I placed little store on these reports of the Tariff Board, our friends on the other side, at least some of them—more of them now than when we were considering the Payne-Aldrich bill, because at that time they did not seem to care much about a tariff board or a tariff commission—now claim to place great store upon the information contained in the Tariff Board's reports as throwing light upon the rates that these schedules should carry. Now I yield to the Senator from Rhode Island.

Mr. LIPPITT. Mr. President, the Senator, in his subsequent remarks, has almost answered the question which I was going to ask him. He states in one sentence that the fact that these reports have been made is an argument for not having further hearings, and he then goes on to say that he places no reliance upon them.

Mr. SIMMONS. No; I did not say that.

Mr. LIPPITT. I wish to say to the Senator——

Mr. SIMMONS. I did not say that; I did not speak that loosely. I said we on this side did not place as much store upon them as some of our friends on the other side, and I did not myself place much store upon them; but the Senator overlooks the fact that we are not asking for these hearings; we on this side are not asking for more light. You are the gentlemen who are asking for the hearings, and I am referring you to these reports of your own board, in which you now express confidence.

Mr. LIPPITT. Mr. President, the people all over the United States are asking for these hearings.

Mr. SIMMONS. I deny it.

Mr. LIPPITT. My desk is piled every morning with letters from my constituents asking that they may come here and be heard properly and in public. When they come down here, they are brought before a subcommittee of the Democratic majority of the Finance Committee of the United States Senate, and what they say goes into the ears of two or three men; there are no stenographers there and there is no opportunity of having what they state put before the country and put before the other Senators of this body, so that they can understand it. It is a star-chamber proceeding, and, for one, I am very indignant at it and protest against it. I want to have for my own use the knowledge that they have poured in here in regard to the most revolutionary tariff bill that has ever been introduced in the history of this country. You can not discuss a tariff bill in a few pages——

Mr. SIMMONS. The Senator, instead of asking me a question, is proceeding to make a speech.

The VICE PRESIDENT. The Senator from North Carolina has the floor.

Mr. SIMMONS. I do not object to a question, but I do object to a speech.

Mr. President, during my political career I have avoided, as far as I possibly could, copying anything from the Republican Party, and I do not relish doing it in this particular instance. But when the Senator from Rhode Island says this is an unusual and a star-chamber proceeding, in that we permit representatives of an industry to have conversations with us respecting their industry, and then permit them to file any additional briefs they may desire to present to the committee——

Mr. LIPPITT. Mr. President, I hope the Senator will quote me correctly. I did not object to people being received, and their views being considered. I object to what they have to say not being made public, so that all Senators may have the benefit of considering their statements.

Mr. SIMMONS. But, Mr. President, the Senator said this was a star-chamber proceeding, and that he resented it and the country resented it. I do not like to copy anything from the Republican Party. I prefer to follow different lines; but I want to say that if our present course with reference to this matter which the Senator has characterized as a star-chamber proceeding is reprehensible, this is one time when the Democratic Party has adopted the exact methods that the Republican Party adopted only four years ago in dealing with this very question.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. I think the Senator wants to be perfectly accurate, and therefore I call his attention to this fact, which I think he will admit:

The hearings that were held four years ago before the Ways and Means Committee of the House, consisting of some 9,000 pages, were upon the identical bill that later passed the Senate, with the changes made in the House and in the Senate. On the other hand, the hearings that were held before the Ways and Means Committee of the House in January of this year were not held upon either the first bill that was introduced by Mr. UNDERWOOD in this session of Congress or the second bill that was introduced by him. The first was No. 10 and the second was No. 3321. Neither bill had been printed at the time, and no hearings whatever were held upon either one of the bills.

Mr. REED. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. SIMMONS. I do.

Mr. REED. Does the Senator from Utah mean to say that the bill that passed the Senate, known as the Payne-Aldrich bill, was the identical bill upon which hearings were had in the House?

Mr. SMOOT. Mr. President, I said it was the bill that passed the Senate, with the changes made in the House and in the Senate.

Mr. REED. Does not the Senator know that nearly 900 amendments were made in the Senate committee without a single public hearing and behind closed doors, and has he not so admitted upon the floor of the Senate?

Mr. SMOOT. No, Mr. President. I have not the number of amendments that were made, nor do I think there were 900 amendments; but I do not care how many amendments were made. It was the bill that was introduced in the House. After the bill was introduced in the House it was changed upon the floor of the House, and then it came to the Senate, and it was changed in many instances in the Senate.

I will admit to the Senator, as I have on many occasions, that hearings on that bill were held by the Finance Committee of

the Senate; but the chairman of the committee and the majority of its members thought then that the hearings should not be reported on account of the fact that hearings had been held upon that identical bill, as has been said in this case, by the Senator from North Carolina. There was not a Senator, there was not a Member of the House of Representatives, there was not a representative of any business interest in the United States that wanted to be heard but that was heard by the full Republican membership of the Finance Committee.

Mr. SIMMONS. Exactly; just what is happening now.

Mr. SMOOT. Oh, no, Mr. President; that is not what is happening now, at all.

Mr. SIMMONS. Absolutely.

Mr. SMOOT. They have this bill now parceled out in schedules. Three of the majority members of the Finance Committee are hearing one particular schedule, and three of them are hearing another particular schedule. The Democratic members of the committee are not meeting as a whole.

Mr. STONE. That is just what you did.

Mr. SMOOT. No; that is not just what we did, at all.

Mr. STONE. It is just what the Senator from Utah individually did.

Mr. SMOOT. Mr. President, that is not what we did, at all. The Republican members of the Finance Committee sat every day for nearly two months; and, as I stated, no one was refused an opportunity to appear before the Republican members of the committee and say what he had to say in relation to the bill as it passed the House.

Mr. SIMMONS. And you did not have any of those hearings taken down by a stenographer, or published and given to the minority membership of the committee, or to the country.

Mr. SMOOT. Mr. President, I have stated that the hearings were not reported, and no one has ever claimed that they were reported.

Mr. STONE. And the Senator from Utah will not deny that he personally sat and conducted many of these hearings alone, and reported the result of them to his colleagues.

Mr. SMOOT. Mr. President, I heard, just as I am hearing to-day, representatives from all of the business interests of the country. My office is full from morning till night when I am there. I heard in 1909 the same identical representatives, in many instances, and in the same identical way. But I wish to say to the Senator from Missouri that those same representatives appeared and made their statements before the committee, and I think that is just what they all ought to do.

Mr. STONE. Not the whole committee.

Mr. SMOOT. I mean the Republican members of the committee.

Mr. SIMMONS. If the Senator from Utah has finished his speech in my time, I will proceed.

Mr. SMOOT. I had no speech to make, Mr. President. I beg the Senator's pardon if I have disturbed the course of his remarks.

Mr. SIMMONS. I was willing to yield for a question, but the Senator has followed the example of the other two Senators who have interrupted me and sought to make speeches in my time.

Mr. SMOOT. Mr. President, I was asked a question by the Senator from Missouri [Mr. REED], and I answered him.

Mr. SIMMONS. Well, let that pass.

With reference to what is now going on before the committee, I want to say that, entering fully into the spirit which had actuated the House of Representatives in taking up the consideration of this bill almost immediately after the last election, and which actuated the members of the Ways and Means Committee, who, instead of going home to take a vacation like the other Representatives, stayed here during the entire recess between the adjournment of the regular session of the Senate and the opening of the special session working upon this bill in order that its passage might be expedited and that the business interests of the country might know what changes were going to be made and adjust their business to them, almost immediately after the Underwood bill was introduced in the House of Representatives, after having been approved by the caucus of the dominant party, assuming that the bill would pass the House substantially as it was reported by the committee, the majority members of the Finance Committee decided to begin the consideration of that bill in the hope that in a very brief period of time after it was brought to the Senate we might be able to report it back to the Senate and thereby secure speedier action upon it. We recognized that the question of further hearings probably would be pressed by our friends on the other side, notwithstanding the fact that under similar circumstances they had not permitted further hearings, and a meeting of the full committee was called to deal with that matter. At that meeting of the committee the question as to whether there was any necessity for further hearings was gone into, and this resolution was adopted by the committee:

Resolved, That in view of the extended hearings upon the tariff which have been given by the committees of Congress during recent years, and by the House Ways and Means Committee during the present year, and which have been printed and placed at the disposal of this committee and others, it is the opinion of this committee that no further hearings are necessary, but that the committee and individual members of the committee will be glad to have anyone interested therein prepare and file for consideration such written briefs, statements, depositions, or memorials as they may desire, relating to any schedule or schedules, item or items, contained in House bill 3321, or the general policy of such bill.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Caroline yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. Did I understand the Senator correctly to say that that resolution was passed, not by the committee, notwithstanding it is stated in the resolution that it is the action of the committee, but by the Democratic members of the committee?

Mr. SIMMONS. The full committee passed it. Of course, I may say to the Senator, if that is the point he is making, that is was passed by a strictly party vote.

Mr. GALLINGER. But it was before the full committee?

Mr. SIMMONS. It was before the full committee.

Mr. GALLINGER. That is all I wanted to know.

Mr. SIMMONS. The Senator from New Hampshire, I think, was not present, but he was voted by his party colleagues against the resolution. That resolution provided for the treatment of this matter by the majority members of the Finance Committee—and, so far as that is concerned, by the total membership of the Finance Committee—in identically the same way that the Aldrich committee in 1909 proceeded with reference to the bill of that year. In pursuance of that resolution we announced through the newspapers of the country that if any interests desired to file supplemental statements or briefs, they would be permitted to do so.

The Senator from Utah [Mr. SMOOT] says, however, that at the time the hearings took place over in the House this year no bill had been framed and presented to the House, and that that differentiates the present situation from the Payne-Aldrich situation five years ago. Mr. President, I think that is immaterial. Gentlemen have been told when they have come to see us, and have been told through the press, that if they desired to add anything to what they had said before the Ways and Means Committee this year or last year they might do it in writing; and as Senators on the other side who are members of the committee know, representatives of these industries have come to the Capitol during this year just as they came during 1909. I do not know whether or not so many of them have come; but they have come, and have sought and been allowed hearings by the subcommittee and by the individual members of the committee.

The Senator says that the full committee of the majority heard them in 1909. I do not consider it material whether the full committee hears these gentlemen on every schedule or whether a subcommittee of two or three hears them upon certain schedules; in either case they have an opportunity to be heard before action is taken, and that is the material thing; and their brief and written statement are open and accessible to the full committee and to individual Senators desirous of seeing them.

There gentlemen have sought us, and they have not sought us in vain. They have been generally representatives of industries that have enjoyed protection under Republican measures; still, we have heard them. I believe the majority of the gentlemen who have come here have not only talked to the members of the subcommittee, and to myself as chairman of the committee, but they have talked to most of the individual members of the committee, and they have taken up a great deal of our time. Whenever they have come to talk with me—and I assume that is so with reference to the members of the subcommittees—and have made statements, at the conclusion of those statements I have invariably said to them: "I should be very glad if you would put these statements in writing, either by way of brief or letter, or in any other form you may desire."

In very many instances these gentlemen have followed our suggestion and filed additional briefs or statements. Those statements are on file in the committee; and I want to say now to the Senators representing the other side of the Chamber on this committee that they are open to them or to any Senator in this body.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. I should be glad if the Senator would just let me finish this statement.

Mr. LIPPITT. I was only going to ask one simple question; that is, whether the Senator proposes to have printed the briefs that are on file or to retain them in the files of the committee?

Mr. SIMMONS. Personally I shall favor printing them. At the next meeting of the committee it is my purpose to ask consideration of that question. A volume of briefs would probably be more generally read by members of the Senate than these long drawn-out hearings, full of immaterial and impertinent matter.

Mr. LIPPITT. Inasmuch as the Senator is going to have them printed, I should like to suggest that they be printed immediately, so that they may be available for the information of members of the Senate generally.

Mr. SIMMONS. I will say to the Senator that the briefs are still being filed, but that at the next meeting of the committee it is my purpose to ask action upon the question.

The Senator from Rhode Island said that the manufacturers and the protected industries of the country were not satisfied with the opportunity being given by the committee. I do not agree with the Senator. Numbers of these gentlemen, who have come to see me and file supplemental briefs, have expressed the opinion that additional hearings were not necessary. On yesterday representatives of two industries came to my rooms, and, after discussing this matter with me, asked me if we were going to have any further hearings. I said I hoped not; that I hoped the amendment of the Senator from Pennsylvania [Mr. PENROSE] would be defeated. They both said, "I hope not, too."

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Will the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. In just a moment. I do not believe there is any general demand coming from representatives of these industries for a prolongation of these hearings, which, in many instances, Mr. President, are nothing more than set speeches praising and extolling the virtues of protection and denouncing a tariff for revenue as free trade.

I now yield to the Senator from Pennsylvania.

Mr. PENROSE. Has the Senator any objection to naming the two manufacturers who objected?

Mr. SIMMONS. I do not think it is necessary. I will give the Senator the names, if he wants to know who they are.

Mr. PENROSE. Probably they have been pretty well taken care of in this bill; I do not know, because the star-chamber proceeding seems to apply to them.

Mr. SIMMONS. One of them was here seeking a change in the rates in the bill.

Mr. PENROSE. I will ask whether they came from North Carolina.

Mr. SIMMONS. One of them came from Texas and one from North Carolina and one from up North.

Mr. PENROSE. There are three now. The Senator had only two before.

Mr. SIMMONS. There were two who came together. Gentlemen on the other side are exceedingly technical to-day.

Mr. PENROSE. Then, the star chamber contained three men yesterday?

Mr. SIMMONS. No; I said representatives of two industries.

Mr. PENROSE. Were they importers?

Mr. SIMMONS. Oh, Mr. President, I am sure they were not importers.

Mr. PENROSE. There are rumors of importers frequently——

Mr. SIMMONS. They were not importers, I will say to the Senator.

Mr. PENROSE. Importers are said to have broken into the star chamber——

Mr. SIMMONS. Mr. President, if there is any star-chamber proceeding going on, it is following the course mapped out to us by the Senator from Pennsylvania and his great chieftain, who no longer occupies a seat in this Chamber.

Mr. PENROSE. Will their statement be among these?

The VICE PRESIDENT. Does the Senator from North Carolina yield?

Mr. SIMMONS. Yes; one of them presented a supplemental brief—in fact, both of them, I believe.

Mr. PENROSE. One more question. Will these three statements be in the printed briefs already referred to?

Mr. SIMMONS. I said they were representatives of two industries. Both of them left supplemental briefs. I will show the briefs to the Senator in the morning, if he wants to see them.

Mr. President, I have already detained the Senate longer upon this question than I intended. I do not believe that there is any serious desire on the part of Senators on the other side for further hearings in this matter. If the Senators on the other side desire further oral hearings, I submit the time for them to have made this motion was immediately after the Finance Committee—three weeks ago—voted upon the resolution which I have read, declining to have hearings.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. In just a moment. The motion was as pertinent then as it is now. If these gentlemen are sincere in their request for hearings, I ask why, immediately after the committee voted down oral hearings, they did not come here and make the motion and save us the great loss and expenditure of time involved in hearing the gentlemen who have come here and asked of us an audience? Three weeks of valuable time would have been saved.

Mr. PENROSE. If the Senator does not object to being interrupted at this time——

Mr. SIMMONS. No; I do not.

Mr. PENROSE. The junior Senator from Michigan [Mr. TOWNSEND] early made inquiry of the chairman of the Finance Committee as to whether hearings would be granted; and I then gave notice that when the bill came here and the motion would be in order and the Senator from North Carolina made a motion to refer the bill to the Committee on Finance, I would move to amend it by instructing the committee to hold public hearings. The motion would not have been in order before that time.

Moreover, Mr. President, the bill was then in a secret conference in the House for some two weeks, an extraordinary method of conducting legislative procedure. There were no stenographers, there was no audience in the galleries, and there was no one to witness the murder of American industries. We did not know what was going to happen; we did not know what kind of a bill would come out of the dark secrecy of that proceeding.

Mr. SIMMONS. Mr. President, the Senator is seeking to make another of his pyrotechnic speeches.

Mr. PENROSE. I will not term it a star-chamber proceeding, because that disturbs the Senator. I think I will borrow a term used by the Democracy three years ago and call it a rather vigorous imitation of the methods of the Spanish inquisition.

Mr. SIMMONS. Mr. President, I have no recollection of the Senator having given any such notice as he states, but I do know that the motion was a pertinent one immediately upon the action of the Senate committee; and I say these gentlemen have delayed this matter with a full knowledge that if we were to have hearings after such a postponement of the motion it was necessary that we should be subjected to the waste of time incident to the hearings of all the representatives of these industries which have taken place.

Now, Mr. President, I do not think further hearings are necessary and I do not think the country wants them. If the Senators on the other side want them, it is not to get more light on these schedules but to give the representatives of the protected industries further opportunity to exploit their grievances against the people, because they ask relief from the burdens placed upon them by the Republican Party, and to enable them in this forum to seek an appeal from the judgment of the people of this country in the last election——

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Will the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. In a minute. And to exploit the views of that element of the Republican Party who, like the Senator from Pennsylvania, do not believe that a hair should be touched upon the rates of the Payne-Aldrich law, who stand before the country for standpatism, and who are opposed to any reduction, however slight, in the rates of the present law.

I yield to the Senator from Pennsylvania.

Mr. PENROSE. The Senator made a statement which grated rather harshly upon my ears in expressing his contempt and disregard for hearings. He also referred to the utter lack of necessity for long speeches. He certainly does not remember that brilliant and prolonged effort of his own four years ago when he held the rapt attention of the Senate for four days in advocating a duty on lumber.

Mr. SIMMONS. Mr. President, I voted for a duty of 7 cents on lumber, and I did it because the bill then under consideration—the Payne-Aldrich, of which the lumber schedule was a part—carried duties of from about 45 to 50 per cent upon everything that entered into the manufacture of lumber and constituted a part of the cost of its production. I said in that speech if you will take those excessive and burdensome duties, which the lumberman had to pay, off the machinery and other things that entered so largely into the cost of his product, I would vote

to put lumber on the free list. I was against putting it on the free list while these heavy Payne-Aldrich rates, which constituted such a heavy charge against his product, were retained.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. Certainly.

Mr. PENROSE. The energy of the Senator now recalls his energy during that speech on lumber.

Mr. SIMMONS. I did not catch what the Senator said.

Mr. PENROSE. It was a polite reference to the Senator's recent statement. But I should like to ask the Senator whether he still advocates the rates which he then advocated on lumber when he called the attention of the Senate to the desolation which would prevail in different States of the South if Canadian lumber was permitted to pass over the American border free?

Mr. SIMMONS. This bill does the very thing that I then said if it were done I would be in favor of free lumber. We have greatly reduced or put on the free list the duties of the Payne-Aldrich law upon the things that enter into the cost of the manufactures of lumber, and I shall with pleasure vote for free lumber.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. REED. I thought the Senator was through.

Mr. SIMMONS. No; I had not yielded the floor.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. BRISTOW. I want to offer an amendment to the bill when the Senator is through and to make a very brief statement in regard to it. I did not want to ask the Senator a question at all. I thought he was going to yield the floor. I desire to offer an amendment.

Mr. SIMMONS. I am going to yield the floor. I am about through.

Mr. KERN. Will the Senator from North Carolina yield to me?

Mr. SIMMONS. I yield to the Senator from Indiana.

Mr. KERN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Nelson	Simmons
Bankhead	Hitchcock	Newlands	Smith, Ga.
Borah	Hollis	Norris	Smith, Mich.
Bradley	Hughes	Oliver	Smith, S. C.
Brady	James	Overman	Smoot
Brandegee	Johnson, Me.	Owen	Stephenson
Bristow	Johnston, Ala.	Page	Sterling
Bryan	Jones	Penrose	Stone
Burton	Kenyon	Perkins	Sutherland
Catron	Kern	Pittman	Swanson
Chamberlain	La Follette	Pomerene	Thomas
Chilton	Lane	Ransdell	Thompson
Clapp	Lea	Reed	Thornton
Clarke, Ark.	Lewis	Robinson	Tillman
Colt	Lippitt	Root	Townsend
Cummins	Lodge	Saulsbury	Vardaman
Dillingham	McLean	Shafroth	Warren
Fletcher	Martin, Va.	Sheppard	Weeks
Gallinger	Martine, N. J.	Shields	Works
Goff	Myers	Shively	

The VICE PRESIDENT. Seventy-nine Senators have answered to the roll call. There is a quorum present.

Mr. THOMAS obtained the floor.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. THOMAS. Certainly.

Mr. BRISTOW. I desire to submit an amendment at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. Let the amendment be read.

Mr. BRISTOW. I will explain it, if the Senator will allow me. I wish to make a brief statement.

Mr. GALLINGER. That is all right.

Mr. BRISTOW. Mr. President, the amendment which I offer to the sugar schedule of the tariff bill provides a duty of $1.52½ per hundred pounds on refined sugar for three years, when the duty is then reduced to $1.40 per hundred pounds, which duty stands for three years, and at the end of that period it is then reduced to $1.27½ per hundred.

The duties on "96 Cuban sugar," which is the real protective tariff duty on sugar, under this amendment will be $1.14 for the first three years, $1.056 for the next three years, and then the duty is reduced to $0.972. The amendment takes out of the present law the provision relating to the Dutch standard and the refiners' differential and reduces the duty on refined sugar from $1.90 per hundred to $1.27½ and reduces the duty on "Cuban 96" from $1.346 to $0.972.

From a careful study I am convinced that with the progress being made in the development of the beet-sugar industry and the cheapening of the processes of production the amounts suggested will be ample protection. It is not my purpose at this time to discuss at length the amendment or the tariff bill. When the bill comes from the committee to the Senate I will give my views upon its provisions at some length. Unless it is materially changed from its present form I can not give it my support.

I am very earnestly in favor of a revision of the tariff, but I am not in favor of free trade, and, as inconsistent and faulty as this measure is, that apparently is the purpose of its advocates.

I voted against the Payne-Aldrich tariff bill, and at that time gave my reasons for so doing. I have not changed my opinion of that measure and believe the criticisms I then made were fully justified. Since that time I have been endeavoring at every opportunity to get the law amended, but between the stand-pat protectionists on the one side, and the free traders on the other, we have been unable to accomplish that very desirable result.

This bill, in my opinion, is more indefensible from the standpoint of principle than is the Payne-Aldrich law. It has all of the iniquities of the Canadian reciprocity act which passed the last Congress and was rejected by Canada, and none of its few and doubtful merits. It is not drawn from the standpoint of protection because it will break down a number of legitimately protected industries; it is not a tariff for revenue only because it places sugar, wool, and other most important revenue-producing articles on the free list; and it is not consistent with the theory of free trade because it places a high protective duty on a number of products. It has the evils of every one of the tariff systems suggested and the virtues of none. The placing of wool on the free list and the retaining of a comfortable duty for the manufacturers of woolen goods is doubtless done upon the policy of free raw materials, yet at the same time this bill places a duty on the hair of the Angora goat, which is a raw material in exactly the same manner as is wool. Why the goat should be treated with more consideration than the sheep has not been explained, except that it is alleged that large numbers of these goats happen to live in a section of the country which is strongly represented on the Ways and Means Committee of the House.

It puts a protective duty on wheat and cattle, and at the same time places flour and meats on the free list. This is protection for raw materials and free trade for the finished products, exactly the reverse of the policy as to wool. This apparently is for the political purpose of telling the farmer that it protects his products, and also declaring to the laboring man in the industrial centers that the flour from which his loaf of bread is made and the meats served upon his table are no longer taxed. The politician who thinks that the farmer or laboring man is so ignorant as to be caught by such superficial pretense will find himself mistaken. It places a large number of steel products on the free list, and at the same time increases very largely the duty on ferromanganese, a necessary ingredient of steel, and the production of which in the United States is controlled absolutely by the Steel Trust. It thereby strengthens the grip of that great corporation upon the steel industry of our country. It places low duties on the high-priced cotton goods made in New England and high duties on the cheap cotton goods manufactured in the South.

These are only a few of the gross and indefensible provisions of this bill, and I trust that the Committee on Finance will see fit to take them out before they report it back to the Senate. The bill should be so written as to preserve the prosperity of American industries and at the same time take out of the present tariff law the provisions concerning which the American people have made such just complaint. Such a course is entirely practicable and consistent, and the best interests of our people demand that it be followed.

The committee owes it to the country to put the bill in such shape that it can merit the support of every genuine tariff reformer who believes that our industrial prosperity should be preserved, and that at the same time there should be removed from the law the evils that greed and selfishness have injected into our tariff system.

I thank the Senator from Colorado.

During the delivery of Mr. BRISTOW's speech,

Mr. REED. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. REED. The Senator from North Carolina [Mr. SIMMONS] had the floor. The Senator from North Carolina appears to have yielded the floor to the Senator from Colorado [Mr. THOMAS].

The VICE PRESIDENT. It is just the reverse.

Mr. REED. The Senator from Colorado then yields the floor to the Senator from Kansas [Mr. BRISTOW], who has permission of the Senate to introduce an amendment. With that amendment comes a statement, very interesting, but, I think, very much out of order. All of this proceeding is entirely out of order.

The VICE PRESIDENT. The point of order would be well taken if the Senator from Missouri had the facts. The Senator from North Carolina did not yield the floor to the Senator from Colorado. The Chair recognized the Senator from Colorado in his own right.

Mr. REED. Begging the Chair's pardon, the record will show, in my judgment, that the Senator from North Carolina had the floor, that then the Senator from Colorado addressed the Chair, and the Senator from North Carolina said, "I yield to the Senator from Colorado." However that may be, Mr. President, the Senator from Kansas asked permission only to introduce an amendment, and he is now delivering an address. I insist on the point of order.

Mr. BRISTOW. I asked the Senator from Colorado to yield to me, which he very kindly did, and the Senator from Missouri can certainly have no complaint. The matter is between the Senator from Colorado and myself, and I shall soon be through with the statement which I suggested to the Senator from Colorado that I should like to make.

The VICE PRESIDENT. The Senator from Kansas will proceed.

After the conclusion of Mr. BRISTOW's speech he submitted the following amendment, which was referred to the Committee on Finance and ordered to be printed in the RECORD:

Amendment intended to be proposed by Mr. BRISTOW to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes:

On page 48, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following: "Testing by the polariscope not above 75 degrees, nine-tenths of 1 cent per pound, and for every additional degree shown by the polariscopic test twenty-five one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; from and after June 30, 1916, testing by the polariscope not above 75 degrees, nine-tenths of 1 cent per pound, and for every additional degree shown by the polariscopic test two one-hundredths of 1 cent per pound additional, and fractions of a degree in proportion; from and after June 30, 1919, testing by the polariscope not above 75 degrees, nine-tenths of 1 cent per pound, and for every additional degree shown by the polariscopic test fifteen one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40 degrees, 20 per cent ad valorem; testing above 40 degrees and not above 56 degrees, 3 cents per gallon; testing above 56 degrees, 6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

Maple sugar and maple sirup, 3 cents per pound; glucose or grape sugar, 1½ cents per pound; sugar cane in its natural state, or unmanufactured, 20 per cent ad valorem.

Mr. THOMAS. I had intended to-day, Mr. President, to say something upon some matters suggested by the distinguished Senator from Michigan [Mr. SMITH] on last Friday. Inasmuch, however, as the Senate majority desire to proceed with perhaps what is more immediately important business, I shall content myself with carrying out that purpose in the near future. My object in asking the indulgence of the Senate at this time is to correct a statement which I made during the discussion on last Friday with reference to certain wage rates prevailing in the sugar-beet fields of the West.

Mr. President, you will perhaps recall that during that discussion in which I took some part, in an effort to convey some information of a personal character to the junior Senator from Missouri [Mr. REED], I stated, among other things, that the cost per acre of sugar-beet cultivation was about $20, and then made some reference to the character of labor which was employed under those contracts, taking occasion to say, among other things, that it was among the cheapest labor on this continent. The Senator from Michigan requested a statement as to the rate per day, which I was unwilling to make, but afterwards made in reply to his inquiry. That reply was incorrect; it was perhaps inexcusably so; but it resulted from a momentary confusion in my mind from a calculation which I had made some time ago of the monthly wage rate paid in the sugar-cane fields of Hawaii for labor there and found in a bulletin of the Bureau of Labor, which averaged twenty-three dollars and some cents per month. The confusion arose, first, in confounding that case with conditions in my own section of the country, and, next, in confounding the monthly rate with the daily rate.

This, perhaps, is an explanation which does not explain, but I have always believed, Mr. President, that when I make an error the best way is to acknowledge it and to state the reasons therefor, whatever they may have been.

At the time this table of statistics was called to my attention I was engaged in an effort to ascertain the daily wage paid to certain juvenile delinquents in my State, sent into the beet fields by the juvenile court of the city of Denver, and also the wage rate paid to some Indians, who at about the same time were similarly engaged. This confusion resulted in a statement which did injustice not only to my own State but to the neighboring States engaged in the same industry. The wage rate, in so far as adults are concerned, was stated pretty nearly correctly during the discussion by Senators on the other side of the Chamber. I wish the correction to appear, of course, in the RECORD.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Colorado—I did not quite catch his closing remarks—whether he is prepared to state now what is the average wage paid in the beet fields of Colorado?

Mr. THOMAS. The average rate per acre is $20 for hand labor. The average rate paid to adults in that work ranges, according to my information, from $1.50 to something over $2 per day. With reference to the women and the children who are also engaged in the work, their wage rate must be very much below that.

Mr. SMITH of Michigan. Now, Mr. President——

Mr. THOMAS. Just one moment. I intend in the further discussion of this matter to go into that somewhat more fully.

Mr. SMITH of Michigan. Mr. President, I have a large number of telegrams on my desk, that were received without any inspiration on my part, from almost every community in the State of Colorado where sugar beets are raised. These telegrams are particularly uniform in their statements; they come from reputable people, and I had very much hoped that there would be no conflict between the wage statement made in those telegrams and the statement of the Senator from Colorado. I do not care to have these telegrams read into the RECORD, because they are evidently prompted by the mistake which the Senator has himself acknowledged.

Mr. THOMAS. If the Senator——

Mr. SMITH of Michigan. But there is scarcely a telegram in this entire lot—and I think they come from people whom the Senator will recognize as accurate—that does not insist that the wage paid in the beet fields of Colorado averages all the way from $2.50 to $3 per day.

Mr. THOMAS. If the Senator will accept the suggestion, he very kindly showed me the telegrams a few moments ago, with the request that I look at them. I have not yet had an opportunity to do so, and I would suggest that between now and the next meeting of the Senate I will confer with the Senator with reference to his information, and perhaps we can agree. Is that satisfactory?

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me before he takes his seat, it is just such inaccuracies as these and such lack of reliable information which prompted me to suggest that the motion of the Senator from Pennsylvania [Mr. PENROSE] was a most appropriate one. If there is such a vast difference of opinion as to the wage paid in any industry that is to be vitally affected under this bill, especially in the State represented by the Senator from Colorado, it seems to me that we ought to have here all the information we can get; and I hope, if we are to be confronted with a vote, that we may have the final and best judgment of the Senator from Colorado on the extent of the wage paid in the beet fields. However, if it suits his convenience better, I will be very glad to submit the telegrams to him and not encumber the public records with them, although they are most interesting and instructive and lead me to believe more fervently than I have ever believed in the wisdom of protecting the sugar industry of our country from ruinous foreign competition.

Mr. THOMAS. Mr. President, I did not suppose it was possible for anything to increase the intensity of the Senator's devotion to the wisdom of protection.

Mr. SMITH of Michigan. Yes; the inaccuracy of the Senator from Colorado added very much to my intensity.

Mr. THOMAS. I am very glad to have been of some service to my distinguished friend from Michigan; but, if I understand the Senator correctly, he is willing to act on my suggestion.

Mr. SMITH of Michigan. I did not expect such inaccuracy from my honored friend, especially as he is a member of the Committee on Finance, one of the selected few who is supposed

to have unusual qualifications for meeting public expectation on this bill.

Mr. THOMAS. I made a statement, Mr. President, which was not correct, and I have acknowledged it; but I do not, by taking that course, for a moment concede that I do not know a little something about this matter. All I ask is an opportunity to examine the telegrams.

Mr. SMITH of Michigan. Now, Mr. President, the Senator from Colorado is a very frank man——

Mr. THOMAS. Thank you.

Mr. SMITH of Michigan. And challenges my admiration——

Mr. REED. Mr. President, I rise again to a point of order.

Mr. SMITH of Michigan. I want to say to him——

The VICE PRESIDENT. The Senator from Missouri will state his point of order.

Mr. THOMAS. I hope the Senator from Missouri will not interrupt the Senator from Michigan when he is paying me these compliments merely to make a point of order.

Mr. REED. Mr. President, nearly all the debate this afternoon has been out of order. The Senator from Colorado is holding the floor, and he and the Senator from Michigan appear to be having a private debate between themselves—not in the nature of asking questions or asking for information, but a general debate.

Mr. SMITH of Michigan. Mr. President——

Mr. REED. While that can be tolerated to a reasonable extent, it seems to me we have nearly reached the limit.

Mr. SMITH of Michigan. Is the Senator from Missouri anxious to occupy the floor? If so, I yield gladly. I had no thought that I was obstructing the Senator from Missouri.

Mr. THOMAS. I think I have the floor. I have not yet yielded.

The VICE PRESIDENT. The floor is now in the possession of the Senator from Colorado.

Mr. SMOOT. Mr. President——

Mr. SMITH of Michigan. Mr. President, let me finish with the Senator from Colorado. If it had not been for a mere accident—and it was an accident—that the discussion took place on Friday, we would not have known that a member of the Committee on Finance was actually in darkness on the question of the wage paid in an industry in his own State. Does not that argue strongly in favor of light and such public hearings as will impress Senators, at least, with the importance of accuracy in dealing with industries of this character?

Mr. THOMAS. Is that all?

Mr. SMITH of Michigan. Yes. I yield the floor back to the Senator. I may want to say something after he has read the telegrams, but I will not take advantage of him to do so now.

Mr. THOMAS. Mr. President, in the discussion the other day I stated, and I stated correctly, the rate per acre for hand labor upon the beet fields. The division of that amount in the matter of wages is quite another proposition, and upon that I made a statement which was incorrect.

Mr. BACON. Mr. President——

Mr. THOMAS. I rose for the purpose of correcting the RECORD to that extent, and saying that during the day I wanted to read these telegrams and discuss this matter at greater length, but in view of the wishes of the majority I will postpone that reading to a more appropriate occasion. I now yield to the Senator from Georgia.

Mr. BACON obtained the floor.

Mr. SMOOT. Mr. President, will the Senator yield to me for just a minute?

Mr. BACON. Not exceeding a minute?

Mr. SMOOT. I do not think it will exceed a minute. I simply want to make a correction. I think the Senator from Colorado will agree to the correction I desire to make.

Mr. THOMAS. Certainly, if the Senator from Georgia will yield.

Mr. BACON. Of course, Mr. President, I can not resist that.

Mr. THOMAS. If the Senator promises to take but a minute——

Mr. SMOOT. I will not take over a minute. The Senator has repeated the statement——

Mr. REED. Mr. President, just for information, I should like to inquire who has the floor?

The VICE PRESIDENT. The Senator from Georgia [Mr. BACON] has the floor.

Mr. THOMAS. I yielded to the Senator from Georgia.

Mr. SMOOT. And he yielded to me for a minute.

Mr. BACON. I only yield for the purpose of a correction that the Senator wishes to make; not for a speech.

Mr. SMOOT. That is all I desire.

Mr. BACON. I will not yield the floor for the latter purpose.

Mr. SMOOT. Mr. President, it will only take me a minute. The Senator from Colorado [Mr. THOMAS] made the statement the other day that the cost of cultivating an acre of beets is $20.

Mr. THOMAS. I said with hand labor. I meant to say contract labor.

Mr. SMOOT. Of course that is a different proposition. I stated that in Utah it cost $35, and I believed it cost $35 in Colorado. I will agree with the Senator if he will say that simply the topping of the beet and the thinning of the beet in his own State is contracted for at $20; but those are only two of the items. The other expenses of cultivation of the beet will bring the cost up to $35, as I stated.

Mr. THOMAS. I will not concede by any means that the $20 per acre only includes those two items.

Mr. BACON. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Georgia to yield to me to permit me to offer an amendment to the pending amendment, in order that it may be printed in the RECORD, so that Senators may have an opportunity to examine it before this question comes up again.

Mr. BACON. I will do so with pleasure.

Mr. LA FOLLETTE. And I will ask the Senator to permit it to be read.

The VICE PRESIDENT. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

I move to amend the pending motion to amend, offered by the Senator from Pennsylvania, by adding thereto the following:

And the Senate Committee on Finance is further instructed to submit to all manufacturers, who shall appear before said committee, or who shall file protests against any of the provisions of said bill, or briefs or arguments relating to any of its provisions, the following interrogatories, the same to be answered separately and specifically, the answer to each question to be numbered to correspond with the question propounded:

First. What is the nature and use of the commodity which you produce?

Second. What are the raw materials used in its production?

Third. What is the amount of the production of this commodity in this country?

Fourth. What is the amount of the consumption of this commodity in this country?

Fifth. How many concerns are engaged in the manufacture of the commodity under consideration?

Sixth. Who are the principal producers?

Seventh. What are the ruling market prices of this commodity in this country?

Eighth. What are the ruling market prices of this commodity in competing countries?

Ninth. What is the total cost of production per unit of product in this country?

Tenth. What is the total cost of production per unit of product in competing countries?

Eleventh. What is the percentage of the labor cost to the total cost of a unit of product in this country?

Twelfth. What is the percentage of the labor cost to the total cost of a unit of product in competing foreign countries?

Thirteenth. What is the cost of transportation to the principal markets in this country from the principal point of production in this country?

Fourteenth. What is the cost of transportation to the principal markets in this country from the principal points of production in competing foreign countries?

Fifteenth. What part of the existing duty represents the difference in the cost of production between this and competing foreign countries?

Sixteenth. What part of the existing duty represents the profit of the American manufacturer?

Mr. PENROSE. Mr. President, just one word.

The VICE PRESIDENT. The Senator from Georgia [Mr. BACON] has the floor.

Mr. PENROSE. If the Senator will yield to me for just two words, as far as I am personally concerned I am entirely in favor of that amendment, although I have never heard it read before, and I will accept it and do what I can to secure its adoption.

Mr. JAMES. Just a moment, Mr. President. I desire to ask the Senator a question. Would he accept the amendment if it were amended so as to provide that these questions should be answered under oath?

Mr. PENROSE. Yes; certainly.

Mr. LA FOLLETTE. I thought of so stating it myself; and I shall be very glad to accept that amendment.

Mr. PENROSE. In fact, it was always customary in the days of Republican majorities to administer the oath to all witnesses. The oath proposition was only discovered by the Democracy after the House hearings were about half over.

Mr. JAMES. The Senator is entirely mistaken about that.

Mr. PENROSE. The record will show it.

Mr. JAMES. The record will not show it, but, to the contrary, will show that on the very second day of the hearings I myself made the motion that the witnesses should be sworn.

Mr. PENROSE. Then I am mistaken about their being half over. I will modify the statement and say that the proceedings were started before the necessity of administering an oath was discovered by any of the majority.

Mr. JAMES. That is quite a different statement. We had hearings for six weeks; and there is quite a difference between

the statement that the hearings were half over and the statement—which is the fact—that this was done on the second day.

Mr. PENROSE. Four years ago a resolution was passed requiring the oath before the proceedings were begun; but, of course, our friends will learn as the proceedings advance.

Mr. LA FOLLETTE. I ask leave to insert at the right place in my amendment the words "shall answer under oath." I desire to make that addition to it.

The VICE PRESIDENT. It will be so understood. The amendment of the Senator from Wisconsin, as modified, will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. BACON. Mr. President, I renew my motion that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is upon the motion of the Senator from Georgia that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt.

Mr. KERN. I ask for a division.

Mr. PENROSE. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. As he is absent, I will withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "nay."

Mr. POMERENE (when his name was called). I have a pair with the junior Senator from North Dakota [Mr. GRONNA], and therefore withhold my vote.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH] is necessarily absent from the Senate on important business. During his absence he is paired with the Senator from New Mexico [Mr. FALL.]

The roll call was concluded.

Mr. CATRON. My colleague [Mr. FALL] is necessarily absent. As announced by the Senator from Arizona, he is paired with the Senator from Arizona [Mr. SMITH].

Mr. GALLINGER. I am directed to announced that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON] and that the Senator from North Dakota [Mr. MCCUMBER] is paired with the Senator from Maryland [Mr. SMITH].

Mr. POMERENE. I transfer my pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

The result was announced—yeas 48, nays 34, as follows:

YEAS—48.

Ashurst	Johnson, Me.	Pittman	Smith, Ga.
Bacon	Johnston, Ala.	Poindexter	Smith, S. C.
Bankhead	Kern	Pomerene	Stone
Bryan	La Follette	Ransdell	Swanson
Chamberlain	Lane	Reed	Thomas
Clarke, Ark.	Lea	Robinson	Thompson
Fletcher	Lewis	Saulsbury	Thornton
Gore	Martin, Va.	Shafroth	Tillman
Hitchcock	Martine, N. J.	Sheppard	Vardaman
Hollis	Myers	Shields	Walsh
Hughes	Overman	Shively	Williams
James	Owen	Simmons	Works

NAYS—34.

Borah	Colt	McLean	Smoot
Bradley	Cummins	Nelson	Stephenson
Brady	Dillingham	Norris	Sterling
Brandegee	Gallinger	Oliver	Sutherland
Bristow	Goff	Page	Townsend
Burton	Jones	Penrose	Warren
Catron	Kenyon	Perkins	Weeks.
Clapp	Lippitt	Root	
Clark, Wyo.	Lodge	Smith, Mich.	

NOT VOTING—14.

Burleigh	du Pont	McCumber	Smith, Ariz.
Chilton	Fall	Newlands	Smith, Md.
Crawford	Gronna	O'Gorman	
Culberson	Jackson	Sherman	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After four hours and thirty-five minutes spent in executive session, the doors were reopened, and (at 8 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 14, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 13, 1913.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Walter D. McCaw, Medical Corps, to be colonel from May 9, 1913, vice Col. Harry O. Perley, retired from active service May 8, 1913.

Maj. Paul F. Straub, Medical Corps, to be lieutenant colonel from May 9, 1913, vice Lieut. Col. Walter D. McCaw, promoted.

Capt. James L. Bevans, Medical Corps, to be major from May 9, 1913, vice Maj. Paul F. Straub, promoted.

INFANTRY ARM.

Second Lieut. Walter R. Wheeler, Fifteenth Infantry, to be first lieutenant from April 26, 1913, vice First Lieut. Charles F. Conry, Tenth Infantry, who died April 25, 1913.

Second Lieut. George F. N. Dailey, Twentieth Infantry, to be first lieutenant from April 30, 1913, vice First Lieut. Russell C. Hand, Thirteenth Infantry, promoted.

PROMOTION IN THE NAVY.

Asst. Surg. William H. Connor to be a passed assistant surgeon in the Navy from the 28th day of March, 1913.

CONFIRMATION.

Executive nomination confirmed by the Senate May 13, 1913.

POSTMASTER.

SOUTH CAROLINA.

P. M. Murray at Walterboro.

SENATE.

WEDNESDAY, *May 14, 1913.*

The Senate met at 12 o'clock m.

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

THE REPUBLIC OF CHINA.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram from the Shansi Provincial Assembly, China, which will be read.

The Secretary read the cablegram, as follows:

[Cablegram.]

TAIYUANFUS, CHINA, *May 10, 1913.*

To the President, Senate, and Representatives of the American Republic, Washington:

The people of Shansi Province, China, send greetings. The Republic of China is now properly established, and news of your esteemed Government's recognition has been received with the utmost pleasure and gratitude. The day before yesterday, the 8th May, the Chinese people everywhere assembled to celebrate and offer thanks for your Government's recognition. The people of Shansi were no exception, and assembled to celebrate in tens of thousands in grateful celebration of this auspicious occasion. The presence of an American citizen enhanced the ceremony, and together we joined in giving cheers for the Republics of America and China, respectively. The Chinese people also unitedly expressed the fervent hope that the American and Chinese Republics may be of mutual assistance in the furtherance of universal peace.

SHANSI PROVINCIAL ASSEMBLY.

The VICE PRESIDENT. The cablegram will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 32. An act to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania;

H. R. 4234. An act providing certain legislation for the Panama California Exposition to be held in San Diego, Cal., during the year 1915;

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913; and

H. J. Res. 82. Authorizing the President to accept an invitation to participate in the international conference on education.

PERSONAL EXPLANATION—PROPOSED TARIFF HEARINGS.

Mr. SHEPPARD. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. SHEPPARD. It was stated in the New York World, and perhaps other metropolitan newspapers, a few days ago, that several Democratic Senators, including myself, intend to vote against the Democratic side on the question of public hearings on the tariff bill.

I wish to state that so far as I am concerned the report is utterly incorrect and absolutely without any foundation.

PETITIONS AND MEMORIALS.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Chair was about to announce that while of opinion that the undisposed-of message from the House of Representatives with reference to the tariff bill is reg-

ularly before the Senate, still, if there be no objection, the Chair will call for petitions and memorials.

Mr. PENROSE. I have no objection to that.

Mr. LODGE. It seems to me there would be no harm in that course. It will take a very short time to get rid of the routine morning business.

The VICE PRESIDENT. The Chair had the feeling that certain Senators would desire to present petitions and memorials, and if there be no objection the Chair will pursue that course and call for petitions and memorials. He recognizes the Senator from Massachusetts for that purpose.

Mr. LODGE. I present certain resolutions of the Legislature of the Commonwealth of Massachusetts, which I ask may be read, and the accompanying paper referred to in the resolutions I ask may be printed in the RECORD without reading.

There being no objection, the resolutions of the Legislature of the Commonwealth of Massachusetts were read and the paper accompanying them ordered to be printed in the RECORD, as follows:

Resolutions relative to the tariff.

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Whereas on April 3, 1913, His Excellency Eugene N. Foss, governor of Massachusetts, recommended in a message of that date that the legislature address the Congress of the United States with reference to the tariff legislation now pending: Now, therefore, be it

Resolved, That, in conformity with this recommendation, the Legislature of Massachusetts respectfully submits to the Congress of the United States the following considerations in regard to tariff legislation:

With many of the arguments and conclusions presented by his excellency the governor in his message hereto appended, the legislature is not in accord, but is in full agreement with him as to the importance of the subject, representing as do the members of the legislature a State conspicuous both for the extent and the variety of its industries, many of which are gravely affected by the tariff laws of the United States; be it further

Resolved, That at the outset the legislature respectfully calls attention to the following statement in the message of his excellency the governor:

"The concrete political expression of the popular demand appears in the election of a Democratic President and a Democratic Congress; but the two platforms which indorsed the principle of protection received, in the votes of the candidates who stood upon them, a greater indorsement by the American people at the last election than the platform which repudiated the principle of a protective tariff."

Resolved, That the legislature believes that there is no doubt that a large majority of the voters of the United States cast their votes in favor of maintaining the protective principle in tariff legislation, and that the voters of the United States have given no mandate to Congress in favor of tariff legislation based on free-trade principles.

Resolved, That the policy of opening the markets of the United States to the unrestricted competition of the rest of the world, advocated by the President in his message, and the pending bill, which is a long step toward the complete establishment of that policy, appear to the legislature to be in direct contravention of the wishes of the voters of the United States, and especially of this Commonwealth, as expressed in the last election.

Resolved, That the legislature therefore respectfully urges that any tariff legislation undertaken by Congress be based upon the protective principle, and that the legislature is of opinion that there should be a reasonable protection accorded to all industries, sufficient to maintain American wages and American standards of living and to prevent the necessity of reductions, either in the rates of wages or in the total amount of the wage fund paid out. Be it further

Resolved, That a tariff commission of disinterested experts, such as we have had in the past, should be reestablished in order that tariff changes may be made scientifically, and not be the work of partisan committees irregularly modified by local and sectional interests.

Resolved, That the legislature believes that the maximum and minimum provisions should be continued, because in this way alone can we secure equal treatment in the markets of the world and protect ourselves against unjust discriminations.

Resolved, That the legislature is of opinion that the raw materials of any industry which never have been and can not be produced in the United States, should be admitted free of duty; that the legislature especially urges upon Congress the importance of maintaining a proportionate difference in rates between raw materials which bear a duty and the finished product into which such raw materials are converted; and that to reduce the duty on the finished product and at the same time to increase or to leave untouched the existing duty upon the raw material of such product, as is done in many instances in the proposed bill, is not free trade or open competition but a wanton destruction of the industries so treated.

Whereas the pending bill authorizes the President to enter into reciprocal trade arrangements with other countries, a power he already possesses without action on the part of Congress:

Resolved, That the legislature is opposed to any so-called reciprocity which does not bring to the United States advantages which correspond with the concessions made; and that the legislature does not believe in reciprocity which purchases advantages for any industry or section at the expense of other industries or other sections of our common country, but that real reciprocity requires that where duties are removed, as this bill proposes, on certain articles of general consumption, the removal should be made dependent on our securing like concessions from the countries whence these articles are to be imported.

Resolved, That, believing that the principles which have been set forth above are the true principles to be followed in any tariff revision, and that only by adherence to them will the prosperity and business welfare of the country be promoted, the legislature respectfully submits them to the Congress of the United States for its consideration.

Resolved, That the legislature respectfully urges upon the Senate and House of Representatives in Congress to give reasonable opportunity to persons and corporations engaged in industries which will be affected by the proposed tariff legislation to be heard before final action is taken by the Congress of the United States.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of the Congress of the United States and to each Senator and Representative from Massachusetts in Congress.

In senate, adopted April 25, 1913.

In house of representatives, adopted, in concurrence, May 5, 1913.

A true copy.

Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

(House, No. 2269.)

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, April 3, 1913.

To the honorable senate and house of representatives:

I deem it my duty to call your attention to a course of events which is of great importance to the people of the Commonwealth and to urge your cooperation in bringing about the public action which the situation demands.

THE RECENT POLITICAL REVOLUTION ORIGINATED IN MASSACHUSETTS.

Three years ago there was inaugurated in this Commonwealth a political revolution which spread rapidly throughout the Nation and was consummated the 4th day of March in a complete change of the National Government. Each step in this movement was decisive, and the impelling motives and forces behind it were irresistible.

The first manifestation of the change in popular opinion was the election on the 22d day of March, 1910, in the fourteenth Massachusetts congressional district. In this great manufacturing center a traditional Republican majority of 15,000 was turned into a Democratic majority of 6,000, an overturn of 21,000 in a total vote of 24,500. In the State election in 1910 the Democratic candidate for governor turned the Taft majority of 110,000 into a Democratic majority of 36,000, a change of 146,000 in a total vote of a little over 400,000. In the State election of 1911, the only State election held in a pivotal Northern State, the Democratic candidate for governor overcame the massed forces of the whole national Republican Party. In these three elections this candidate was the only Democrat elected. In the national election of 1912 the same Democratic candidate received a plurality of almost 50,000, was elected for the third time a Democratic governor of Republican Massachusetts, and led the national ticket by 30,000 votes.

A NONPARTISAN STRUGGLE FOR AN ECONOMIC PRINCIPLE.

The reason for these four successes was that the candidate who attained them individualized the precise issue upon which the revolution turned.

The conditions which caused this movement still exist. No statute has been passed in response to it and, so far as the public is informed, none has been framed. But legislators elected with a mandate to make such response are about to meet. It is the highest interest of the American people that the meaning of this revolution be not misconceived, that its purposes be not thwarted, and that its objects be promptly and definitely realized in law.

The movement originated in Massachusetts. The people of this Commonwealth were the first, as they have so often been, to sense the dangers confronting them and the whole country. These dangers were more apparent to those who had the needs of Massachusetts in mind, but the quick recognition by the rest of the country of the justice of the revolt of Massachusetts against existing conditions showed that the arguments of the leaders in the movement applied with almost equal force to the entire country.

The movement was in no sense political. The apparent reversal of political opinion in Massachusetts is shown by analysis to amount to a nonpartisan demand for a specific economic policy, which heretofore no political party has espoused. This Massachusetts doctrine appealed to the entire country. The Legislature of Massachusetts may with propriety and, having in mind its duty to the people, it should appeal to the Congress of the United States to apply to existing economic conditions the economic policy which the people have so emphatically demanded and indorsed.

THE DEMOCRATIC PARTY SHOULD APPLY THIS PRINCIPLE.

The concrete political expression of the popular demand appears in the election of a Democratic President and a Democratic Congress; but the two platforms which indorsed the principle of protection received, in the votes of the candidates who stood upon them, a greater indorsement by the American people at the last election than the platform which repudiated the principle of a protective tariff.

A DEMAND FOR THE MASSACHUSETTS PRINCIPLE OF TARIFF REDUCTION.

The popular movement is a nonpartisan demand for a revision of the tariff. It is to be expected that the President will outline a policy in his forthcoming message to Congress. Up to the present the only indication of the Democratic attitude is to be found in the bills prepared by the last special session. These measures were not satisfactory from the point of view of those who desire to see the tariff question settled upon the broadest basis of public interest. It is to be hoped that the President's message will outline a policy that will lead to such a settlement. He has invited the cooperation of all in his work. It seems fitting that we in Massachusetts, who have so much at stake in the proper settlement of the tariff question and who have had so important a part in the struggle which led to his election, should contribute an expression of what we have contended for as the true method of tariff adjustment.

The policy demanded by the American people during the past three years was a reduction of the tariff for the benefit of all the people. No considerable part of the voters were willing to support the doctrine of free trade advocated in the Democratic platform or the policy of deliberative and postponed reduction promised by the two wings of the Republican Party. But the great body of the people, without reference to political allegiance, desired the immediate adoption of a policy of tariff reduction which should benefit American industry and American trade, advance American production of every kind, and relieve the people from unjust tariff burdens. It was a nonpartisan demand for economic reform. It was a demand for the policy which constituted the appeal for the revolution at its first beginnings in Massachusetts—the Massachusetts policy of constructive tariff reduction.

The Massachusetts plan of constructive tariff reduction was formulated in 1902 by the candidate who appealed to the people upon it four times with such marked success. He was then a Republican candidate for Congress in open revolt against the tariff policy of his party. His unremitting agitation, continued for eight years, had brought him into the Democratic Party. He secured the adoption by that party in Massachusetts of the tariff policy which he had advocated, made that policy the slogan upon which four Democratic victories, the first for many years, were won, and showed it thus to be the motive of the

political revolution just consummated. Carrying the burden of the national battle unaided in the State election of 1911, he formulated the issue concisely against the Republican Party and established by his victory the basis of Democratic success. The issue was stated in the Massachusetts platform of 1911:

"The Payne-Aldrich law should at once be revised by eliminating the protection which promotes monopoly, produces private profit instead of public revenue, and obstructs free domestic competition and the sale of American products in foreign markets.

"We declare for removal of all duties on foodstuffs which enter into general popular consumption and on the raw materials of our manufactures.

"We favor a broad program of reciprocal trade agreements with other nations, that our commerce may be developed and new markets opened to the products of American industry."

THE TRUE PRINCIPLE LIKELY TO BE MISCONCEIVED.

The Democratic candidate for governor had summed this platform up during his 10 years' conflict inside the Republican Party and outside in these words: "Elimination of superfluous protection, free raw materials, no free trade, but reciprocity and fair trade." Nothing could be clearer than the indorsement of that policy by the American people. But almost equally clear is the danger that precisely the reverse of this platform in each of its three parts will be put into effect in tariff legislation by the special session of Congress about to meet.

In all tariff legislation three purposes must be kept in mind—the raising of revenue for the Government, the encouragement of domestic production, and the maintenance of the conditions necessary for private profit to domestic producers. No one of these purposes should be favored to the exclusion of the others. The combined consideration of the three purposes tends to the advancement of each. Yet the record of tariff legislation and of proposals for tariff legislation offers nothing but illustration of misconception of these principles.

THE REPUBLICAN GUARANTEE AND THE DEMOCRATIC DISREGARD OF PROFIT BOTH BAD.

Both parties offend in this respect. The Democratic Party asserts its principle of tariff revision so broadly that the defeat of its purposes may be forecasted in advance. The Republican Party, in its national platform of 1908, set up a principle of tariff making so erroneous that to overturn it was the purpose of the recent political revolution. To meet this principle squarely is the duty of the Democratic Congress. The Republican platform declared for "such duties as will equalize the cost of production at home and abroad *together with a reasonable profit to American industries.*" Such a tariff attempts to guarantee profits for some. The obvious result is to make it difficult for producers generally to earn them, to curtail production, to discourage importation, and to restrict the raising of revenue by tariff taxation. "*The Democratic policy,*" announced by one of the leaders March 10, 1912, "*clearly excludes the idea of protecting manufacturers' profits.*" This policy is more pernicious than that of the Republican Party. It excludes not only the idea of guaranteeing profits, but all consideration of the conditions under which manufacturers may earn them. It not only defeats the purposes of encouraging domestic production and assuring private profit to domestic producers, but also, through the curtailment of importations of the materials of manufacture, defeats the very purpose itself of raising revenue.

PROTECTIVE REDUCTION THE TRUE PRINCIPLE.

A tariff for revenue would seem to require increases of duties as well as decreases, and the Democratic House of Representatives proposed certain increases for revenue purposes at the last session. But an increase in the rate of a duty may defeat the purpose of protection and the purpose of revenue at the same time. If the increase is in the duty on raw materials of manufacture, the industry may be wiped out and both the profits and the public revenue terminated. Decreases in duties on raw materials may result, by reason of the effect in increasing the actual protection upon the manufactured product, in unjust enrichment at the expense of the public revenue. The duties on sugar, for example, are the principal source of tariff revenue, yet these duties are, by reason of the application of the principle of compensation, also a chief source of unjust private enrichment from the tariff at the expense both of the revenue and of all the people. The failure to consider the protective effect of a rate is to throw overboard the chart and compass of tariff making and to drift upon the sea of fallacy, log rolling, private tariff privilege, and corruption. If the compass is retained and read aright, it will point steadily to the polestar of tariff reduction. To increase duties is never necessary for revenue purposes. That object may always be attained by well-directed reductions when some duty remains after the superfluous part has been eliminated. The determination of such a duty should be the object of all tariff making, and such a duty should be the main source of tariff revenue. It provides an automatic balance between the producers and the people, and applies a constant stimulus to American manufacturers not to be content with the home market, but to compete with the foreigner in foreign markets. It is true that the determination of the exact rate of duty is not easy, but it is not less evident that the true course which leads to that determination is clear. It lies not in the path of decreases and increases that hurt American industry, but in decreases which help.

REDUCTION AND PROTECTION NOT INCONSISTENT.

Our recent tariff history is full of illustrations of decreases in duties which help American producers. An emphatic demand for resolute tariff reduction is in no way hostile to American industry. A downward revision of the tariff has been going on for 40 years. It is untrue to say that American industry has been held in check by protective duties. The truth is that these duties have resulted in the phenomenal growth of American industry during that period. The evil lies in the failure to continue the process of reduction, to apply it generally, to reduce decisively, and to establish as a rule of law the proper method of such reduction.

This method is indicated by experience in its application. In steel rails, for instance, the tariff was originally made in 1867 at 45 per cent ad valorem, when American railroads were paying British manufacturers $145 to $166 per ton. In 1871 the tariff was reduced to $28 per ton, then to $25.20, and finally advanced, in 1875, to $28 again. This was in force until 1883, when a reduction to $17 was made. In 1890 another reduction was made to $13.44, and under this duty the country produced over 15,000,000 tons in a year, and the price of rails fell here below that in England. In 1894 the duty was reduced to $7.84 per ton, and in 1909 to $3.92. At the end of this period of progressive protective reduction there had been established a great industry in this country, and American railroads were able to buy domestic rails below the British price and at a lower price than iron rails had ever been purchased for in either country.

On pig iron during the Civil War the duty was $9 per ton. In 1870 it was reduced to $7 per ton, and in 1873 to $6.30. In 1883 it was $6.72 per ton, and this was the rate until the Democrats revised it downward in 1894 under the Willson bill to $4. In 1909 the rate was reduced by a Republican Congress to $2.50.

In the Payne-Aldrich tariff the rate on iron ore was reduced from 40 cents a ton to 15 cents a ton, and the rate on iron in pigs, wrought and cast, was reduced from $4 a ton to $1 a ton, yet the value of exports of iron and steel manufactures—the rate being unchanged upon the finished product—increased from $144,951,357 in 1909 to $179,133,186 in 1910 and to $230,725,252 in 1911.

In the Payne-Aldrich tariff the tax of 15 per cent was taken off hides, and they were admitted free. The rate on boots and shoes was reduced from 25 per cent to 10 per cent, the rate on saddlery was reduced from 35 per cent to 20 per cent, and the rates on other manufactures of leather were much reduced. Yet under the reduced rates the value of our exports of leather manufactures increased from $42,974,795 in 1909 to $52,646,755 in 1910 and $53,673,056 in 1911.

The rate on agricultural implements was reduced from 20 per cent to 15 per cent, yet the value of exports of agricultural implements increased from $25,694,184 in 1909 to $28,124,033 in 1910 and to $35,973,398 in 1911.

THE SILK INDUSTRY BUILT UP ON FREE RAW MATERIALS.

The most striking proof, however, of our ability to manufacture in competition with the rest of the world is afforded by the history of the silk industry in the United States. The raw material of silk manufactures, unlike the raw material of manufactures of cotton and of wool, is not produced in the United States. Nor were the manufactures of silk regarded as necessaries of life, as manufactures of cotton and of wool undoubtedly are, and silk goods were considered peculiarly a European product.

MARVELOUS GROWTH FROM SMALL BEGINNINGS.

In 1869 there were only 139 silk establishments in the United States, with a total capital of $2,926,980 and a value of products of only $6,607,771. In 1870 our output of silk was worth $12,000,000; in 1880 it was forty-one millions. In 1883 the duty on raw silk was abolished. In 1890 our output of manufactured silk was worth eighty-seven millions; in 1900—panic and protracted hard times having intervened—it was worth one hundred and seven millions, and in 1910 it was worth one hundred and ninety-six millions. In the decade between 1900 and 1910 manufactures of silk in the United States increased more than 87 per cent, or about four times as fast as population.

COMMAND OF THE RAW SILK SUPPLY LED TO CONTROL OF THE DOMESTIC MARKET.

While in the year 1868–69 the importations of raw materials of silk manufactures into the United States aggregated only 726,695 pounds, with an invoice value of $3,312,726, the importations for the year 1909–10 were 20,863,377 pounds, or twenty-eight times the weight of 41 years before, and of the invoice value of $65,424,784, or about twenty times that of the earlier period. The American consumption of raw silk is now far in excess of that of any other country, and imports have advanced in the last 10 years by over 83 per cent, while the increase in imports of manufactured silk goods was only 17 per cent.

WE MANUFACTURE MORE SILK AND AT LESS COST THAN ANY OTHER CIVILIZED NATION.

In the decade between 1899 and 1909 American manufactures of silk dress goods, the foreigner's specialty, doubled both in quantity and in value, and, with free raw silk, despite the duties on other raw materials of silk manufacture and the general protective cost level, silk was manufactured in the United States at a less cost than in Europe. I believe that the same would be true of every other product of American industry under like conditions.

THE DEMOCRATIC THREAT OF DESTRUCTIVE UPWARD REVISION.

But this situation does not suit the Democratic Party. Their first desire is to apply at any cost the theory of a "tariff for revenue only." The thing which made possible the phenomenal growth of the silk industry was the removal of the duty long imposed on imports of raw silk. To grow silk in this country has been found impossible. The duty had cut off revenue, the growth of the industry, wages, and the creation of a supply within the reach of the people of an article of great use. The practice of taking off the duty on raw materials wherever proper has been responsible since the Civil War for the guaranty to the silk industry of the advantage upon which its growth depended. The Democratic majority of the House of Representatives, however, in the recent session proposed to take up the revision of the silk schedule, and the leaders announced that a 25 per cent duty on raw silk was to be imposed. The annihilation of the $200,000,000 silk industry that would surely follow this antiprotection, "for-revenue-only" revision upward provision would be a high price for the American people to pay for an experiment in tariff making.

The average citizen would prefer the protective rates of the McKinley tariff, which transferred the tinplate industry to the United States and in a few years made us large exporters to the so-called reductions which annihilate domestic industries and place the United States at the mercy of the foreign producer for its supply.

It will be conceded that a slow reduction of the tariff which reduces and stays reduced is better than a quick reduction which does not reduce at all. Reduction that benefits the country and sticks is based upon the same theory of the general welfare as protection. The two go naturally together.

The systematic policy of tariff reduction was continued in the Payne-Aldrich tariff law.

On the basis of actual imports of merchandise during the 34 months that law had been in operation down to May 31, 1912, it appears that the amount of goods imported without paying duty was a considerably larger percentage of the total of importations than under the Wilson law or the Dingley law, and that the average amount of duties paid per dollar, both of dutiable imports and of all imports, was very considerably lower.

THE TRUE POLICY IS TARIFF FOR PUBLIC REVENUE.

The Payne-Aldrich law produces ample revenue for the Government, with a larger free list than the Wilson law, which did not produce sufficient revenue, and with lower ad valorem rates both as to dutiable goods and as to all imports.

Under the Dingley law the average per cent of the imports that came in free was 44.3 per cent in value of the total importations. The average per cent in value of the imports which have come in free under the

Payne law is 51.2 per cent of the total importations. The reduction in duties from the Dingley law to the Payne law was 10 per cent, and, considering reductions on all imports, it amounted to 21 per cent.

THE MAXIMUM AND MINIMUM PLAN TO REDUCE THE TARIFF FOR AMERICAN ADVANTAGE.

The Payne-Aldrich law contained provisions for the imposition of minimum rates instead of maximum in the discretion of the President in return for equivalent consideration from other countries.

ENCOURAGEMENT TO AMERICAN INDUSTRY BY REDUCTION.

Whatever reasons may have existed for high protection in the past none of them is valid to-day; the very considerations that brought about the imposition of high rates now operate in favor of reductions. The mistake of the Republicans consisted in their failure to apply correct principles consistently and for the public benefit. The Democrats will perpetrate a worse error if they abandon these principles.

In recent years the Republicans have taken "encouragement to domestic production" to refer merely to the establishment of a greater aggregate price value for American products and not to the creation of more real wealth and welfare for the country. The denial to industry, for example, of free access to raw materials, and, to workers, of free access to necessaries of life, subtracts just so much from the working capital of the country, diminishes the annual product by a much greater amount, and acts not only as a discouragement to production but as an actual blight.

Even the farmer, who relies largely upon natural forces for his product and is subjected to the competition of the world market, and is thus actually concerned very little about the tariff on what he raises, pays much more in duties on the things he uses than could possibly be figured as his benefit from protection, and this benefit, besides, he does not get. He, too, is discouraged. The discouragement arises from the artificial increase in the cost of production caused by the misapplication of the protective principle. With the demand in the home market for all the food products of the country the farmer is relieved of his concern for protection to his product.

When we compare, therefore, the cost of production at home with the cost of production abroad, for the purpose of ascertaining what rates will equalize the cost, we should figure the cost at home as what it would be if domestic producers had free access to raw materials for their industries and untaxed necessaries of life for their workers. And this will not work unfavorably upon the domestic producers, if any, of the raw materials. With the cost of production at home lessened in this way there would be a decrease in the necessary compensation in the tariff rate and a diminished burden to be distributed among the different classes of producers, including domestic purveyors of raw materials and necessaries of life.

A tariff framed upon this basis would not create a constant necessity of increased protection, but would open the door to all those influences which make for lower cost of production, such, for example, as increased consumption, wider and steadier markets, enlarged scale of production, and capacity use of men and machinery, and would tend to make protection unnecessary.

"Encouragement to domestic production," therefore, in the same way as a "tariff for revenue only," must be looked upon, under conditions existing at the end of a 60-year test of high-tariff rates, as an object to be attained only by the elimination of superfluous protection and a constant reduction of the tariff. With raw materials free and necessaries of life untaxed, there can be no question that the United States can produce manufactured articles which now enjoy protection at as low a cost as any other nation and protection will be to a greater extent superfluous and subject to be eliminated without damage to American industry.

NO REDUCTION WITHOUT A QUID PRO QUO.

But it does not necessarily follow that because protection is superfluous it should be eliminated. As the imposition of duties can be justified only on the ground of benefit to American industry, so is such benefit the only justification for the removal of a duty. A tariff tax is the price of admission to a market. In many cases the foreigner pays the price. If this condition exists without harm to American industry or the public welfare, it should not be disturbed except for a benefit to American industry and the American people. A market of 100,000,000 of the greatest consumers on earth is a possession of tremendous value. It is a possession of the American people. Every duty removed is a door opened to foreigners to enter upon this market. Every duty removed by the Democratic Congress without benefit or consideration to the American people will be a free gift to our foreign competitors of a valuable thing belonging to the American people.

NEITHER RETALIATION NOR FREE TRADE, BUT FAIR TRADE.

The day for duties merely for protection to American industry has almost passed. But the time for free trade has not come. The régime of high protection established the policy of international retaliation, but it merely postponed and made more desirable the day of fair trade. The policy of free trade would make impossible the establishment of fair trade and would not only throw away, but would, in addition, forever rob of its highest use the country's most valuable possession—its market of 100,000,000 consumers.

RECIPROCITY THE TRUE BASIS OF TARIFF LEGISLATION.

The advocates of free trade usually pride themselves upon being supporters of international peace and of economic stability and social justice. As a matter of fact, they are the victims of an illusion. The greatest possible harm to international peace would result from an American policy of free trade. We should, it is true, be ready to open up our markets to foreign producers whenever it can be done without injury to our own people and we should at all times aim at the greatest volume of international trade which can be carried on with the greatest profit to the United States. But if it is true that we can not sell unless we buy, so it is true that we can not buy unless others buy from us. If we have the greatest market on earth, it is equally true that our greatest need is foreign markets. While formerly our exports were made up largely of food products, these have been relegated to a subordinate rank, and, according to present tendencies, before an interval of many years, we will be importers rather than exporters. The stimulation of manufactures has become necessary by reason of our decreased ability to export food owing to the demand for nearly all the product in the home market, and without a market such stimulation would be useless. If we are to continue to meet our foreign obligations, pay for foodstuffs and raw materials imported, and avoid actual national bankruptcy, an expanded market for American manufactures is absolutely imperative. In the year 1898, for the first time, we sent abroad a larger value of articles from our factories than we imported, and the value of manufactured articles, partly or entirely completed, reached a total of 45.07 per cent of our total exports in the year 1911, while exports of all classes of foodstuffs had fallen to 19.13 per cent. While our food exports attained a maximum volume in 1898, they had reached their maximum proportion of the total of productions in 1880.

Our need of foreign markets for our manufactures is so great that to give away any share of our market without a quid pro quo in return to the people of the United States would be little short of treasonable. The true policy of tariff reduction should have for its primary purposes to open to American manufactures the markets of the world. In other words, and in the last analysis, the beginning and ending of all tariff legislation in the United States should be the policy of commercial reciprocity.

SCIENTIFIC REVISION, A TARIFF COMMISSION, AND RECIPROCITY.

For the steady administration of any tariff, a permanent board of nonpolitical experts, working in cooperation with our Diplomatic Service, our Consular Service, and the Treasury Department, can be of great usefulness to the country. The object of all scientific tariff-making is to adjust rates to changing conditions in the markets of the world. The true proposal for a tariff commission and for a scientific tariff is for the application of the policy of general reciprocity.

RECIPROCITY IS INTERNATIONAL COOPERATION.

Commercial reciprocity is an exchange of markets, a mutual gift of trade opportunities, the conferring of reciprocal privileges as regards customs or charges on imports and in other respects, the removal, by means of mutual agreements, of provisions for the protection of the domestic markets of two countries which constitute obstacles to trade between them; it is neither free trade nor commercial retaliation, but fair trade through a complement, correction, and counterbalance of the policy of protection, evidenced not by a surtax on goods coming from countries which discriminate against one another, but by the substitution of minimum for maximum rates between countries which favor one another; it is a means of taking the tariff out of politics, a permanent basis for the automatic adjustment of trade relations to commercial and industrial needs, and for scientific tariff making upon that basis, a remedy for commercial depression caused by tariff changes, a shock-absorber on the road of tariff legislation, a stimulus to domestic production through the creation of markets for domestic products, a provision for the mutual exchange of commodities essential to the continued growth of export trade, for the taking from customer nations of such products as may be used without harm to domestic producers, in order that they may take the excess of domestic production above domestic consumption; it is the recognition and turning to use not only of domestic industrial and economic strength, but that of other nations as well, the contemplation of the need the nations have for one another's resources, the substitution of commercial friendship and cooperation for the suspicion, distrust, and the industrial, political, and military reprisals which lead up to, constitute, and follow commercial war, and the broadest possible foundation of mutual self-interest between the nations for the superstructure of international peace.

RECIPROCITY THE BASIS OF NATIONAL WELFARE.

Reciprocity, in short, gets markets. The one thing without which industry can not go on is the market. The one great requisite without which American prosperity can not continue is the market for the products of American industry. We have built up through the artificial stimulus of protection the most wonderful productive forces ever combined in one nation. But this structure can escape ruin only with the aid of the natural stimulus of commercial reciprocity. Although our most inspired statesmen have urged this policy as just the one thing necessary for our economic welfare, it is just the thing successive administrations have failed to apply. Jefferson, Blaine, and McKinley, patron saints of two great opposing parties and advocates of two conflicting theories of tariff taxation, are the leaders among the many great American statesmen, who, though diametrically opposed to one another on almost every other economic policy, are agreed in their insistence upon the absolute necessity to the welfare of the United States of the policy of international reciprocity.

JEFFERSON THE FATHER OF RECIPROCITY.

During the first administration of Washington, in 1791, Congress desired to do something for the development of the commerce and navigation of the United States, but felt itself lacking the necessary information on the subject. The House of Representatives passed a resolution requesting the Secretary of State to report to Congress on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted, for the improvement of the commerce and navigation of the same.

Mr. Jefferson's report, submitted after two years of inquiry into the facts, presents the conditions of our infant commerce of that day. Small as it was, the foreign restrictions upon the trade and upon our vessels engaged in it were extremely various and vexatious, especially in all that related to commerce with the colonies of European powers. After reciting them he asks the question, "In what way may they best be removed, modified, or counteracted?" He answers the question as follows:

"As to commerce, two methods occur: First, by friendly arrangements with the several nations with whom these restrictions exist; or, second, by the separate act of our own legislature for countervailing their efforts. There can be no doubt but that of these two friendly arrangement is the most eligible.

"Some nations, not yet ripe for free commerce in all its extent, might still be willing to modify their restrictions and regulations for us in proportion to the advantages which an intercourse with us might offer. Particularly, they may concur with us in reciprocating the duties to be levied on each side or in compensating any excess of duty by equivalent advantages of another nature."

Here was foreshadowed exactly the reciprocity of to-day. He proceeds as follows:

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation by counter prohibitions, duties, and regulations also. *Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.*"

He prefaces his recommendations with this expression:

"The following principles, being founded in reciprocity, appear perfectly just and to offer no cause of complaint to any nation."

He admits the inconvenience of a system of discriminating duties, but supports it as necessary to avoid greater evils, and comes to the following conclusion:

"Still, it must be repeated that friendly arrangements are preferable with all who will come into them, and that we should carry into such

arrangements all the liberality and spirit of accommodation which the nature of the case will admit."

Here is absolute proof that Thomas Jefferson at that early date advocated reciprocity and recommended it as a ruling principle.

BLAINE THE PROPHET OF RECIPROCITY.

The great Republican statesman, James G. Blaine, summed up his advocacy of this policy in the pithy phrase, "Reciprocity is the highest form of protection."

M'KINLEY, PROTECTION'S HIGH PRIEST, BASED PROTECTION ON RECIPROCITY.

What will go down in history as McKinley's farewell address contained these paragraphs:

"Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, so that we may be ready for any storm or strain.

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor.

"Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everything we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.

"The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?"

GENERAL RECIPROCITY THE KEY TO FOREIGN MARKETS AND PROSPERITY.

There is a way to get the markets required for the development of American industry and to keep the wheels of industry going at full speed. Reciprocity is the way—reciprocity as a settled and general policy, a permanent part of a reasonable protective system. And reciprocity is the way to permanent general prosperity.

The case for reciprocity is proved by actual experience. We had reciprocity with Canada between 1854 and 1865. From the day it went into effect and until the Civil War broke out our exports to Canada rapidly increased. Reciprocity had been an unqualified success. The treaty was abrogated by us, not for commercial but for political reasons arising out of the Civil War. We closed the door against Canada in 1865 and Canada refused to reopen it in 1911.

But reciprocity is not to be judged by our relations with Canada or any single country. Reciprocity is a policy for universal application.

THE RECENT CANADIAN TREATY NOT TRUE RECIPROCITY.

The case for general reciprocity should now be considered quite apart from Canadian experience. In fact, the recent reciprocity treaty, which resulted in the opening of the American market to wood pulp without quid pro quo and put the American industry under free trade unconditionally and without reference to the acceptance of the treaty by Canada, is an illustration of what reciprocity is not and of what is not scientific tariff revision. Trade relations with only one country do not afford a basis for the consideration of international reciprocity. The great mistake in the Canadian treaty itself was that it was framed without reference to the general tariff system of the United States and without any consideration of the economic and political relations of either Canada or the United States with Great Britain.

THE TRADE COMMISSION TO CENTRAL AND SOUTH AMERICA.

There are other countries with which our trade is much more important than with Canada. The nearest to us are the Republics of Central and South America. After much discussion, some investigation, and a little experiment, the opportunity for American products in Central and South America is still unseized. The commercial conditions existing among the countries of North America and South America are the same that existed in the United States before the adoption of the Constitution. Alexander Hamilton, the father of protection, found it consistent with that doctrine to remove all the restrictions upon commerce between the States. What followed justified his foresight. That other high priest of protection, James G. Blaine, contemplated a policy of universal fair trade over both American continents, from Hudson Bay to Cape Horn. In 1881 President Arthur sent a trade commission to South and Central America to plan an American Zollverein, or "customs union." The results were mainly educational, save that the Hawaiian reciprocity treaty was negotiated, with results that became important and historic in annexation 12 years later.

THE PAN AMERICAN CONGRESS AND THE M'KINLEY BILL.

The second national impulse toward general reciprocity began in 1889 when Blaine again became Secretary of State. The momentous Pan American Congress was then convened at Washington. To the representatives of all-America, as well as to our own Congress, Mr. Blaine submitted his plan for an American customs union. The result was a clause in the McKinley tariff bill, then pending, providing that "the President be authorized without further legislation to declare the ports of the United States free and open to all the products of any nation of the American hemisphere whenever or so long as such nation shall admit" the flour, corn meal, breadstuffs, etc., of the United States free of all taxes. The Secretary urged Congress to seize this opportunity to open the markets of 40,000,000 people to the products of American farmers. But Blaine's plan was killed by the Senate under leaders acting for the woolgrowers and their allies, the beneficiaries of the wool tariff—the notorious Schedule K. Nevertheless, a modified form of the Blaine proposal did get into the McKinley tariff bill of 1890. It was great in its consequences though wrought in a grudging spirit. For the principle was admitted and reciprocity was established as a permanent part of the American protective system. Under the "reciprocity section" of the McKinley tariff of 1890 the President was authorized to withhold free entry of certain free-listed goods—raw sugar, molasses, coffee, tea, and hides—from any nation that should refuse to grant us a quid pro quo.

A LITTLE RECIPROCITY PROVED A POWERFUL LEAVEN.

Under this niggardly provision a dozen trade agreements were entered into. All these agreements with foreign countries were greatly to our advantage. Germany abolished its long-standing prohibition against American hogs and gave us the full benefit of its "conventional" tariff on all agricultural products. Austria-Hungary gave us the rates of "the most favored nation" on 2,000 separate items of American export.

But all these reciprocity arrangements under section 3 of the McKinley bill were brought summarily to an end on August 27, 1894, by the passage of the Wilson tariff bill, which annulled that section.

Meanwhile, this second national effort at general reciprocity had abundantly justified itself. It fell in an era of unprecedented commercial depression. It lightened that depression by a marked stimulation of foreign trade. Thus, for example, our annual exports to Germany just before the beginning of this experiment amounted to ninety millions. In the midst of the four-year period of reciprocity they rose to one hundred and three millions; and immediately after the canceling of the reciprocity agreement they fell to eighty-eight millions.

RESULTS UNDER THE DINGLEY TARIFF JUSTIFIED RECIPROCITY.

Our third national movement toward general reciprocity began in 1897. The Dingley tariff bill empowered the President, with the consent of the Senate, to make a reciprocity treaty with any country. He was authorized to offer three inducements: First, reduction of the duty upon any article in the whole tariff list to the extent of not more than 20 per cent; second, transfer to the free list of any article that was a natural product of the foreign country, but not of ours; third, guaranty that any article on the free list should be kept there. Secretary Hay negotiated and signed 11 advantageous treaties with foreign nations under this section 4 of the Dingley Act. They were all pigeonholed and killed in the United States Senate by the same senatorial powers of privilege that cut the heart out of the Blaine reciprocity plan.

But the Dingley bill contained another reciprocity section—section 3. Under this section certain limited reciprocity agreements could be entered into without the consent of the Senate.

Nine trade agreements have been made under section 3, and seven of them are still in operation. Secretary Hay made extraordinary bargains with France, Germany, Italy, and Portugal.

Germany, for instance, conceded to all imports from the United States the full and unqualified benefit of her "conventional" tariff—a specially low tariff created by Germany for her European neighbors.

Without injury to a single American industry, without eliciting a single murmur of complaint in this country, Secretary Hay secured from Germany a guaranty against discrimination in any article of our export trade. This agreement, so cheaply purchased, was of marked political advantage also. It established more amicable relations than had ever before existed between the German and American peoples.

The immediate effect was a decided increase in our exports to Germany from $155,800,000 in 1899 to $191,800,000 in 1901 and to $249,555,926 in 1910. Our imports from that country in 1910 were $168,805,137.

This reciprocity agreement with Germany was terminated on the 7th of February, 1910.

FURTHER SUCCESS UNDER PAYNE-ALDRICH MAXIMUM AND MINIMUM PROVISIONS.

The Payne-Aldrich tariff contained provisions for the imposition of minimum rates instead of maximum, in the discretion of the President, in return for equivalent consideration from other countries. The minimum rates have been generally granted. Under this policy the exports of the United States increased from a value of $1,744,984,720 in the year ending June 30, 1910, to a value of $2,204,422,409 in the year ending June 30, 1912, and imports increased in the same period from $1,557,819,988 in 1910 to $1,653,264,934 in 1912, an increase in the total volume of international trade from $3,302,804,708 to $3,857,687,343, and an increase in the excess of exports over imports from $187,164,732 to $551,157,475, or a difference of $363,992,743 in two years. We have given reciprocity several brief trials, and in every trial our foreign trade has increased. Our experience has been just sufficient to show that reciprocal trade agreements always find a response in stimulated foreign trade.

OUR FAILURE TO APPLY GENERAL RECIPROCITY TO FOREIGN TRADE DISGRACEFUL.

But we can not congratulate ourselves upon our success in building up a foreign trade. As a matter of fact, considering the obvious possibilities, the record of the United States is one of disgraceful failure. Our exports, it is true, almost equal those of Great Britain, but our population is twice as great and our area thirty times as great. Our imports are about half those of Great Britain. Germany, with a population only two-thirds as great and an area one-eighteenth as great, almost equals us in exports and exceeds us by one-third in imports. The volume of exports of the United States is, moreover, still made up largely of foodstuffs and crude materials for use in manufacture, which our prosperity should require us to retain for our own use.

OUR NONRECIPROCAL POLICY EXCLUDES AMERICAN MANUFACTURES FROM FOREIGN MARKETS.

The exports of Great Britain increased from $1,463,000,000 in 1904 to $2,094,467,000 in 1910, the latest year in which figures for comparison are available, or almost 50 per cent, and the imports from $1,051,000,000 to $3,300,738,000, or over 300 per cent. The exports of Germany increased from $1,242,000,000 in 1904 to $1,778,969,000 in 1910, or more than 45 per cent, and the imports from $937,000,000 to $2,126,322,000, or more than 125 per cent. The exports of the United States increased from $1,117,000,000 in 1904 to $1,744,984,720 in 1910, an increase of 56 per cent, and the imports increased from $731,000,000 to $1,557,819,998, or 109 per cent. Of the increase in the exports of the United States, however, 25 per cent was in exports to North America, and over 20 per cent was in agricultural products, which should be required at home by reason of expanding manufactures. Whereas a considerable part of the volume of exports from the United States is still made up of agricultural products only about 11 per cent of the merchandise sold abroad by Germany can by the most liberal construction be classified as such. Great Britain, moreover, sends forth nothing of this class that cuts an appreciable figure. In 1904 the manufactures of Great Britain, our closest competitor, constituted 82 per cent of her sales to foreign countries, while farm products, including wool and hides, accounted for only 3 per cent of

the remainder. Almost one dollar in every three which came to Great Britain from her foreign business was paid for textiles, while the United States received for these out of every dollar only 2 cents. Some 65 per cent of our total exports in 1904 are represented by the seven items—cotton, provisions, breadstuffs, mineral oils, lumber, copper, and animals. Raw cotton alone represented 25 per cent.

FIFTY-EIGHT MILLION DOLLARS THE TOTAL INCREASE IN SEVEN YEARS OF AMERICAN EXPORTS TO THREE-FOURTHS OF THE EARTH.

Our growth in exports to Europe was from $1,057,930,131 in 1904 to $1,308,275,778 in 1911, or less than 25 per cent, as against an increase in exports to North America from $234,909,959 in 1904 to $457,059,179 in 1911, or almost 100 per cent. The exports from the United States to Asia and Oceania in 1904 aggregated $93,002,028, but in 1905 they reached $161,584,046, which figure they never reached again, being in 1911 only $151,489,741. The decrease from the 1904 total exports to Africa and other countries of $24,230,126 varied each year, the figure in 1911 being $23,600,607. The increase of exports to South America was from $50,755,027 in 1904 to $108,894,894 in 1911. This increase of $58,000,000 in exports to South America represented the total gain in the exports of the United States to three great continents during the most progressive period of their history out of a total gain in exports of $896,549,000, or about 6 per cent increase in exports to an area outside of the North American Continent equal to more than three-quarters of the earth. The percentage increases, moreover, in the foreign trade of the United States are calculated upon aggregates representing beginnings disgracefully small. Despite these apparent increases the painful truth is that in foreign trade the United States of America, the greatest and most progressive nation on earth, has not made a start.

GAIN ELSEWERE LIMITED TO "DUMPED" PRODUCTS OF MONOPOLY.

Practically the only American manufacturers getting a substantial share of the trade in foreign markets are those enjoying a domestic monopoly, and even they are required in most cases to sell their products in the foreign market at a far less price than the American people pay for them at home. The proportion of these products in our total exports is very large. Exports of manufactures of iron and steel, for example, including agricultural implements, practically all of which manufactures are monopolized in the United States and sold abroad at lower prices than at home, aggregated in 1912, $273,794,267, or almost 14 per cent of our total exports.

WE ARE HOPELESSLY OUTSTRIPPED IN LATIN AMERICA.

Our failure is most conspicuous in Central America and South America. Until 1904 our exports thitherto remained practically stationary for 20 years, and to some countries we now sell less than we did 8, 10, and 15 years ago. But the purchases of the countries in this territory have not remained stationary. The markets, always potentially great, have expanded under the efforts of European interests.

In 1904 we supplied less than 13 per cent of the $374,000,000 bought in that year by South American countries. This means that South America spent $7 in Europe to every $1 in the United States. In 1904 the South American countries took a less percentage of our total exports than in 1870. Yet South America presents a market of 45,000,000 people.

AFRICA BUYS ALMOST NOTHING FROM US.

In 1904 the total import of Africa was greater than that of all North America, but we supplied only 5½ per cent of it. And Africa presents a market of 170,000,000 people.

OUR EXPORTS TO ASIA INSIGNIFICANT.

In Asia, too, but for the improvement in the Japanese and Chinese trade, the showing would now be paltry. The total jump was made in one year, and it was almost 100 per cent upon the small total of our trade at that time. In China, in 1904, we sold less than 8 per cent of the total import, and in Japan less than 15 per cent, yet these two countries present a market of 475,000,000 people. Had each of these in 1903 bought 10 cents' worth from us during the year, our export would have been $8,000,000 more than it was. Compare this with the fact that the purchases of Cuba from us at that time averaged $15 per head per annum and from Canada $23 per head per annum.

ONE BILLION CUSTOMERS BUT NO BUSINESS.

These are the bases upon which the illusory percentages are figured. These are the true facts as to American progress in markets containing more than 1,000,000,000 potential customers outside of North America and Europe. Asia and Oceania alone contain 900,000,000 inhabitants. Our rivals sell them twelve times as much as we sell them. It is estimated that our total exports of merchandise to all South America, Oceania, and Asia combined brought in 1904 a per capita return to the people of the United States of less than 15 cents a month. The British East Indies, with a population of three and a half times that of our own country, spend 98½ cents out of every dollar with other countries than the United States.

RECIPROCITY THE REMEDY FOR THE RESULTS OF EXCLUSION.

The conditions which have been set forth are the result of a deliberate policy of exclusion adopted and maintained by the Government of the United States for a half century. These conditions can be brought to an end only by a deliberate policy of commercial reciprocity. The large quantities of sugar, wool, flax, and many other food products that we import from abroad do not come into competition in the ordinary sense with the domestic products. In many of these things we are not, and there is no indication that we ever shall be, able to supply our domestic demand from domestic sources. In some most important articles, like wool, hides and skins, lumber, and sugar, the domestic supply as compared with the demand, or even the consumption, is lessening all the time. Yet we have been unwilling to give either the domestic buyer or the foreign seller the benefit of any reduction in duties on this class of articles.

SUPERFLUOUS PROTECTION DESIGNED TO CLOSE FOREIGN MARKETS TO AMERICAN PRODUCTS.

The result of the policy of high protection has been threefold, and it has been ruinous in every way. The tax on imports has been made a burden on production equivalent to a tax on the exportation of the goods into the cost of producing which the tax enters. Instead of a means of keeping foreign products out of the United States, it has become primarily the means of keeping the products of the United States out of foreign markets. The tax on imports has become a tax on exports. This policy has also established an artificial price level, which has kept our products, without any advantage to the United States, out of foreign markets. And it has left unused the quid pro quo which we might offer, with benefit, in addition, to ourselves, of admission for the products of foreign countries free to our markets in exchange for admission of some of our products to theirs.

EXCLUSION DESIGNED FOR THE ADVANTAGE OF MONOPOLY.

As a matter of fact, American manufacturers are producing almost everything to-day cheaper than their foreign competitors. It is clearly obvious that the only need American manufacturers have of a tariff is to protect them in high exactions from American people. The sale of American goods abroad at a lower price than that demanded of domestic consumers is a fixed rule. The total cost of "making the market" is charged to the American consumer, and the sales cost is a considerable proportion of the retail price, on many articles as much as one-half. The establishment by fair competition of a reasonable price level would reduce the sales cost or cost of distribution in both the home market and in foreign markets. How much more could be sold in the foreign markets if only a reasonable "one-price" level were established and the import tax, which works as an export tax, were abolished. The average manufacturer would accept willingly a reduction in duties if he could be assured that a steadier and greater volume of sales would result. Every expansion of American industry beneficial to the people has resulted from such reductions. They have been too rare.

REDUCTIONS SHOULD BE MADE TO BENEFIT ALL.

Some Massachusetts shoe manufacturers were alarmed at the sale in this country of a small order of English shoes as a result of the recent reduction of the protection on shoes from 25 per cent, until it was pointed out that the same reduction was followed by an enormous increase of exports of Massachusetts-made shoes.

There is no reason why our people should not have the peculiar kind of shoes bought from England, nor any reason why our manufacturers shouldn't be challenged to make them. That is the best possible lead for manufacturers who desire to capture foreign markets.

In the same way there is no reason why the Dutch standard of color should be maintained in the tariff on sugar to keep out the low-priced pure dark sugar, which our people were formerly glad to use, just to give the Sugar Trust a monopoly of sugar refining.

Tariff reduction is therefore desirable in itself; reductions should be made wherever fairness and the common interest will permit them.

GETTING SQUARE WITH BIG BUSINESS A DANGEROUS BASIS OF REDUCTION.

The recent general increases in exports are made up largely of the products of the great monopolistic combinations. They have not been beneficial to American industry generally or to the people, and have resulted from superfluous rates of duty. The present high tariff has unquestionably fostered monopoly. The Democratic Congress is undoubtedly resolved upon a tariff policy that will punish the monopolies for their exactions from the people. But such a policy will surely result in two years or four years of depression under ill-considered tariff legislation, to be followed by a popular rebuke to the Democrats for giving their attention to a rebuke to the monopolies instead of to the interests of the people, and the tariff will be made a political football for years to come. Emphatic notice should be served upon them that no rate in the existing tariff law should be changed unless it can be shown that such change will open up new markets to American industry, reduce the cost of production at home, or benefit the great mass of the American people.

Manufacturers must readjust their business to every change in the tariff, and impending tariff changes are always regarded with apprehension by the business world and attended by commercial depression and hard times.

There is no justification for any tariff change which brings about such results. Such results are absolutely unnecessary. Tariff changes in the future should be such that they will be looked forward to by manufacturers as an assurance of new and favorable markets for their goods, or of opportunities to reduce the cost of production, by the commercial world as indications of better times, and by the people generally as a means of reducing the cost of living. Every tariff change should have its quid pro quo for the people, and no legislator should dare to lay a finger upon existing rates except for the benefit of the people.

FOREIGN TRADE AND MERCHANT MARINE GO TOGETHER.

The same neglect which has resulted in our lack of foreign trade has caused us to be without an adequate merchant marine. We have abandoned the foreign markets and the carrying trade to other nations. The two go together. The total foreign trade of Great Britain for 1910 was $5,395,205,000; the foreign trade of the United States for that year was $3,302,804,708. The tonnage of the merchant navy of Great Britain in 1910 was 19,133,870; that of the United States for that year was 7,508,082. It is reasonable to suppose that an increase in our foreign commerce will result in an increase in our carrying trade and the establishment of an adequate American merchant marine.

BOTH MAKE FOR INTERNATIONAL PEACE.

Even if peace is to be preserved only by war, the enlarged merchant navy which an expanding foreign trade will produce is absolutely necessary. But in any case a merchant marine is a better aid to international peace than warships, and commercial relations of mutual profit which produce the merchant navy are a surer guaranty of international friendship than treaties of peace or of arbitration.

It is the duty of Congress to adapt its readjustment of tariff schedules through provision for reciprocal commercial agreements to the purposes of international peace. This may be done at the same time and by the same provisions by which our foreign commerce and our merchant marine are to be built up.

FOREIGN TRADE AND THE MERCHANT MARINE THE SOLUTION OF THE CURRENCY PROBLEM.

But all trade relations are reducible to terms of money. The test of an economic system is the financial system it produces. If Congress can not correct evils in the financial system of the United States through tariff changes, no changes would better be made. The protection which has kept our products out of foreign markets has been an irresistible inducement to domestic competitors, limited to the home market, to combine to restrict production in that market and thereby to secure the total margin of price between the low price level, where domestic competition ceases, and the high level, where foreign competition begins. This kind of protection has been the shelter for the exactions of monopoly and the real cause of almost all restraint of trade. The tariff has been the mother of trusts, but the tariff combine has been the trust of trusts. The monopolized industries of the United States have come into the power of the so-called money trust, which has a monopoly of credit. The tariff has, in the same way as credit, been turned by natural evolution and concentration from its original purpose of stimulating domestic production to a means of holding American industry within such limits as suit the private interests which, as the political trust, has heretofore enjoyed and may hereafter enjoy the power, based upon its control of the tariff and monopolized industries and as the basis of such control, to manipulate credit.

A VOTE AGAINST RECIPROCITY A VOTE FOR THE SO-CALLED MONEY TRUST.

Now, the basis of credit is gold. With the abandonment of our foreign trade and the carrying trade we abandoned our share in the control of the world's gold supply. By reason of our failure to secure markets for the potential products of our vast producing machinery we do not export enough to pay the interest on foreign money invested in the United States. We are a debtor Nation. We lend no real money; we control no real money. Our financiers do not represent us, but a foreign money power. Their tariff policy has not been inconsistent with their obligation to serve their foreign principals. Precisely the trap into which the unwary Democratic legislator is likely to fall is the reduction of duties without reference to the opportunity of American manufacturers generally in the foreign markets and the favoring of importers, without quid pro quo, who are really allied with the foreign interests which profit by our monopolistic tariff policy of exclusion of our own products from foreign markets. The products of the monopolies get to foreign markets, it is true, but at a low price level, for which American industry generally and the American consumer must compensate in the payment of artificially high domestic prices. The purpose of tariff reductions should be to bring about as low a price level at home as that met by our monopolies in foreign markets, so that not foreign consumers and foreign producers may profit from those prices but our consumers and our producers as well, and so that all may enjoy equal opportunities to get trade in foreign markets.

Under such a system our merchant marine will expand, and we shall retain part of the $300,000,000 in freight money paid by us to foreign shipowners for carrying freight originating and controlled in large part in the United States and the amount to be added thereto by the expansion of the carrying trade of our merchant marine. Freight money means gold, and a free American merchant marine means an unconcentrated American control of gold, the basis of credit. Since it is universally conceded that the chief difficulty in our financial system is the concentration of the control of credit and the unreal and therefore inelastic basis of our banking credits represented by bonds which, as the President says, the Government made the basis of our banking and currency system 50 years ago only that it might market them, it is evident that the real remedy for the evils of our banking and currency system is to draw a share of the world's gold to our banks through the earning of freight money in the carrying trade and the expansion of our foreign trade to that end through reciprocity. It is in this same way, and in no other, that proper financial credit is to be apportioned to agricultural enterprise and the grip of the so-called Money Trust on natural resources, through their use of other people's money and their monopoly of credit, is to be loosened. In all these things the legislator's mind should dwell upon the quid pro quo for the whole American people and the application of the principle of reciprocity, for that is the beginning and the ending of the true method of tariff making in the interest of the American people.

RECIPROCITY AND THE PANAMA CANAL THE BEGINNING OF A NEW ERA.

The opening of the Panama Canal will inaugurate a new era in commercial history. Distances hitherto almost prohibitive of trade will be utterly annihilated. The ends of the earth will be brought within reach of one another for the transportation of commodities. The American people should celebrate this event by bringing their industries, through reciprocity, into communication with the most distant markets and preparing to share in the tremendous increase of foreign trade to which the opening of the canal will give its impetus. The policy of reciprocity is just as workable as the policy of high protection or the policy of free trade. The main difference between these policies and the policy of reciprocity is that reciprocity alone aims neither at retaliation nor in the abandonment of the power to retaliate, but at the recognition of that power in others, and at the use of that power not for mutual damage but for mutual benefit.

THE LEGISLATURE'S DUTY TO MEMORIALIZE CONGRESS.

Gentlemen of the general court, a large majority of you are Republicans. Yet you stood with the Democrats in the political revolution which we have witnessed for a common principle. If you had not done so this revolution would not have been brought about. You know that Democratic victory in the last election was a declaration for protective downward revision through the application of the policy of general reciprocity—the Massachusetts plan of constructive tariff reduction. But you also know that precisely the reverse of this plan is likely to be put into effect by the Democratic Congress, a nonprotective, tariff for revenue only, unreciprocal, destructive upward and equally destructive downward revision. It is your right, it is your privilege, it is your duty to memorialize Congress in behalf of this Commonwealth against such a peril to the interests of Massachusetts. The President has invited all, irrespective of party allegiance, to cooperate with him in the purposes outlined in his inaugural address. Sound tradition and good principle justify a memorial of a State legislature to Congress. I recommend that through such a memorial you communicate to Congress the desire of the people of Massachusetts that in all tariff making it apply the principle of protective reduction through reciprocity to the end that the tariff question may be put in the way of permanent settlement and a progressive policy of development of American commerce entered upon.

WHAT RECIPROCITY AND PROTECTIVE REDUCTION WILL DO.

Let the United States get her foodstuffs free of duty and free raw materials for her industries and her manufacturers will not only not ask for unreasonable rates to protect their manufactured products, but will soon give willing consent to constant reductions until a fair trade basis, the equivalent of a free-trade basis, shall be, if ever, safely reached. Equal opportunity in the home market and a fair chance in the foreign market is all that the American manufacturer asks. With the reduction of the tariff will come an expansion of our foreign trade. When we have secured the foreign markets, concern for the home market will be past. Unless we gain the foreign markets the home market will cease to expand to its normal measure. Increased exports will bring about the establishment of an American merchant marine. The drawing of American freight money to our banks will strengthen our financial position, give us profits that we now abandon to other nations, and furnish us with a basis of a sound monetary system. The carrying trade is thus an integral part of a national system of industry and commerce. Free intercourse with other nations has a value in itself. A merchant marine is a better aid to international peace than warships, and commercial relations of mutual profit are a surer guaranty of international friendship than treaties of peace or of arbitration. With the policy of reduction should be coupled, therefore, a program of reciprocal trade agreements with all nations. To fail to reduce the tariff and to abandon reciprocity at this time is to abandon the future of American commerce, to give up hope, and to give way to complacency—or despair. The Republican attitude assumed that there are no more markets open to American producers. We should say most emphatically that to the products of American labor no market should be closed. Take off that part of the price which results from superfluous protection and the demand will be increased 50 per cent in the domestic market alone, and through his new-found power to compete and sensible reciprocity arrangements the American manufacturer will have his share in the new commerce to arise from the opening of the Panama Canal and the American people will have their part in the expansion of every continent on earth.

EUGENE N. FOSS.

The VICE PRESIDENT. The resolutions and accompanying paper will be referred to the Committee on Finance.

Mr. LODGE presented a memorial of sundry cotton manufacturers of New Bedford, Mass., remonstrating against the proposed rates in Schedule I of the pending tariff bill, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Board of Trade of Provincetown, Mass., favoring the repeal of the clause in the Panama Canal act exempting coastwise vessels from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

Mr. WILLIAMS presented a memorial of the Mississippi Choctaw Nation of Indians, relative to their rights as Indian citizens, which was referred to the Committee on Indian Affairs.

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

House resolution 79.

Whereas a bill has been introduced in Congress (H. R. 27661) providing for the creation of a bureau of farm loans under the control and direction of the Secretary of the Treasury for the purpose of lending money to bona fide tillers of the soil upon farm mortgages, the loans not to exceed 60 per cent of the value of the property and the rate of interest not to exceed 4½ per cent per annum: Therefore be it

Resolved by the house (the senate concurring), That our Senators and Representatives in Congress at Washington be and are hereby requested to earnestly advocate and support said bill; and be it further

Resolved, That a copy of the above resolution be sent to the United States Senators and Representatives in Congress from Michigan.

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

House resolution 110.

Whereas the War Department has under consideration the matter of the concentration of the United States troops in larger bodies than heretofore and at places more centrally located, and consequently the abandonment of many of the existing Army posts, among which is the new Army post of Fort Brady at Sault Ste. Marie, Mich.; and

Whereas Fort Brady is now one of the best and most modern Army posts in the United States, advantageously situated and comprising 80 acres of land, with present accommodations for four companies of soldiers, having ample grounds for the accommodation of a regiment or more, and convenient to it approximately 50,000 acres of State and Government lands set aside for forest reserve, and admirably adapted for rifle ranges and maneuver grounds; and

Whereas owing to the climatic conditions, with an abundance of pure air and water, Fort Brady is recognized as the most healthful Army post in America, and has a record for the health and recuperation of our soldiers unequaled by any other Army post in the country; and

Whereas the great highway of commerce on the Great Lakes and the highway of commerce between the United States and Canada converge at Sault Ste. Marie, and the commerce passing through this great gateway is of such magnitude that it is of vital interest to our whole country that these highways of commerce be protected, the commerce on the Lakes passing this place having grown from nothing 50 years ago to 72,000,000 tons in the year 1912, and valued in round numbers at $790,000,000, while the commerce by land has also reached an enormous sum; and

Whereas the United States Government has large interests at Sault Ste. Marie, having made vast improvements there and having other improvements in contemplation, and having already expended in the constructions of the great locks and the other improvements about $16,000,000, which with the other improvements now in contemplation and under way will increase the amount to $25,000,000; and

Whereas Fort Brady is situated at the border of our country and on the great highways of commerce, both foreign and inland, by land and by water, a commerce which in its magnitude affects nearly every State in the Union, and the post is, therefore, strategically located for the protection of this great volume of commerce and vast public works from riots and the country's possible future invasions; and

Whereas owing to the large interests of the United States Government centering at Sault Ste. Marie it is important to the country at large that these great highways of commerce and important Government works be protected, and because this is a strategical position for an Army post in case of riots or invasions it is deemed for the best interests of the country that the Army post of Fort Brady be not abandoned, but that it be retained and enlarged to a regimental post: Therefore be it

Resolved by the house (the senate concurring), That it is deemed for the best interests of the State of Michigan and for the country at large that the Army post of Fort Brady, at Sault Ste. Marie, Mich., be maintained and enlarged to a full regimental post; and be it further

Resolved, That our Senators and Representatives be, and they are hereby, requested to use all honorable means to secure the continuance of Fort Brady as an Army post, and to have the same increased to a full regimental post; and be it further

Resolved, That a copy of these resolutions be presented to the Secretary of War and to each of our Senators and Representatives in Congress.

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House resolution 57.

Whereas the so-called "inland route," comprising the waters known as Cheboygan River, Mullett Lake, Indian River, Burt Lake, Crooked River, and Crooked Lake is, and has been for seven years and upward last past, under the jurisdiction of the Federal Government; and

Whereas during such time nothing has been done by the Federal Government in the way of improving or keeping in proper condition the said inland route; and

Whereas the said inland route as a highway of navigation is of great importance to the people of Michigan, the same being known throughout the country, not only as an avenue of commerce, but for its beautiful natural scenery, and being traversed by thousands of people each year; and

Whereas, owing to the neglect and failure of the proper authorities to keep the said inland route in proper condition and to remove therefrom débris and other obstructions, the said route as an avenue of navigation has become extremely dangerous, such condition having resulted in the loss of life: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and is hereby, respectfully requested to take whatever action may be necessary to secure a speedy and practical improvement of the said so-called "inland route."

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

House resolution 75.

Whereas a bill has been introduced in the United States Senate amending the general national banking laws so that national banks may loan money with real estate as security: Therefore be it

Resolved by the house (the senate concurring), That our Senators and Representatives in Congress at Washington be, and are hereby, requested to earnestly advocate and support a change in the national banking laws to the end that such banks be permitted to loan money on real estate security; and be it further

Resolved, That a copy of the above resolutions be sent to the United States Senators and Representatives in Congress from Michigan.

Mr. DILLINGHAM presented memorials of sundry citizens of Richmond, Montpelier, Burlington, North Bennington, St. Johnsbury, Brattleboro, Marshfield, Waitsfield, Manchester Center, Wallingford, Bellows Falls, Bennington, South Strafford, Craftsbury, Proctorsville, Randolph, Springfield, Rutland, Perkinsville, Barre, Lyndonville, Chelsea, South Ryegate, and Moretown, all in the State of Vermont, remonstrating against the income-tax section of the pending tariff bill relating to the taxation of life insurance companies operating exclusively on the mutual plan, which were referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Unions of Charlotte, Montpelier, and Bellows Falls, all in the State of Vermont, praying for the closing of the gates of the Panama Canal Exposition on Sundays, which were referred to the Committee on Industrial Expositions.

Mr. WEEKS. I present a petition of 2,500 citizens of the cities of Lawrence, New Bedford, and Fall River, Mass., relating to the tariff. I should like to have the petition read.

The VICE PRESIDENT. Without objection, it will be read.

Mr. SIMMONS. I should like to inquire what paper it is that the Senator desires to have read.

Mr. WEEKS. It is a petition relating to the pending tariff bill, signed by 2,500 citizens of Massachusetts.

Mr. SIMMONS. How long is the petition?

Mr. WEEKS. It will not take half a minute to read it.

Mr. SIMMONS. I wish to say, Mr. President, that while I shall not object to the reading of this petition, as the Senator says it will take only half a minute, I shall object to the reading of memorials which may be sent here with reference to the tariff. I shall not object to their being printed in a proper case, but I think it is unnecessarily taking the time of the Senate to read all the tariff arguments which may be sent here by the various industries.

Mr. WEEKS. In this case——

Mr. SIMMONS. I shall not object.

Mr. WEEKS. It will not take as long to read the petition as the statement the Senator just made has taken.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

NEW BEDFORD, MASS., *April 24, 1913.*

To the Members United States Congress, Washington, D. C.:

We, the undersigned, residents of New Bedford and vicinity, earnestly petition that the rates in the new tariff bill be sufficient to equalize the difference in cost of production in the United States and foreign countries.

We are especially interested in the cotton schedule.

Mr. GALLINGER presented a memorial of sundry citizens of Webster, N. H., remonstrating against a reduction in the duty on agricultural products, which was referred to the Committee on Finance.

He also presented petitions of T. B. Bailey, of Lyme; J. C. Peaslee, of Plymouth; Charles R. Cogswell, of Concord; and Edward W. Wild, of Lancaster, all in the State of New Hampshire; of Herman E. Blair, of Washington, D. C.; E. H. Close and A. F. Mitchell, of Toledo, Ohio; H. G. Chapman and Arthur Todd, of Aurora, Ill.; E. A. Miller, of Huntingdon, Pa.; H. G. Rockwell, of Argos, Ind.; Bolling Sibley, of Memphis, Tenn.; E. H. Rogers, of Philadelphia; Charles E. Walton and William Ford, of Frankford, Philadelphia, Pa.; W. A. Day, president of the Equitable Life Assurance Society of New York; Lawrence H. Rupp, of Allentown, Pa.; Edward L. Farr, of Wenonah, N. J.; R. C. Schwoerer, of Huntingdon, Pa.; Ruhard Ford, of Frankford, Philadelphia, Pa.; J. Fithian Tatem and J. P. Fenton, of Philadelphia, Pa.; John A. Cranston, of Wilmington, Del.; George K. Kline, of Johnstown, Pa.; Robert Dawes, of Boston, Mass.; J. Walter Rosenberg and C. H. Brown, of Philadelphia, Pa.; Carlota S. Sanborn, of Lancaster, Mass.; T. Frank Bayer, of Huntingdon, Pa.; and Charles H. Button, of Frankford, Philadelphia, Pa., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. BRISTOW presented a petition of sundry citizens of western Kansas, praying that Federal aid be given for the irrigation of land in the semiarid part of that State, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. WORKS presented a petition of sundry citizens of Los Angeles, Cal., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. NELSON presented petitions of sundry citizens of St. Paul, Lucan, Clarissa, and Thief River Falls, all in the State of Minnesota, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Iron Range Brewing Co., of Tower, Minn., praying that barley and malt be placed on the free list, which was referred to the Committee on Finance.

Mr. O'GORMAN presented a petition of sundry citizens of New York, praying for the enactment of legislation granting medals to survivors of the Battle of Gettysburg, which was referred to the Committee on Military Affairs.

Mr. GOFF presented petitions of Harry L. Heintzelman, of Fairmont; John W. Boon, of Lindside; Cecil Ward, of Wheeling; A. T. Arnold, of Wheeling; Lloyd A. Flanigan, of Parkersburg; T. L. Sullivan, of Folsom; C. E. Batson, of Parkersburg; I. O. Cochrane, of Wana; W. B. Batson, of Parkersburg; John T. Carter, of Elm Grove; Fred W. Edele, of Wheeling; Rufus M. Kline, of Morgantown; H. P. Tracy, of Union; A. K. Thorn, of Clarksburg; E. B. Bailey, of Linn; J. D. Foster, jr., of Charleston; D. J. Hunter, of Morgantown; Charles F. Hateley, of Follansbee; H. L. Judge, of Wellsburg; C. W. Rexroad, of Harrisville; C. M. Fenton, of Marting; S. J. Kennedy, of Fairmont; H. H. White, Terra Alta; Carl H. Hunter, of Moundsville; W. W. Van Winkle, of Parkersburg; H. N. Eavenson, of Gary; J. J. Lincoln, of Elkhorn; T. S. Walley, of Wheeling; F. E. Armbruster, of Wheeling; R. B. Nay, of Wheeling; Walter Barger, of Clarksburg; E. R. Parker, of Point Pleasant; J. H. Henderson, of Clarksburg; Peter Henigen, of Farmington; Howard N. Eavenson, of Gary; George W. Fox, of Wheeling; Charles Klein, of Wheeling; C. L. Ritter, of Huntington; Herbert Frankenberger, of Charleston; Horkheimer Bros., of Wheeling; Henderson & McCann, of Wheeling; the Bloch Bros. Tobacco Co., of Wheeling; H. F. Behrens Co., of Wheeling; George R. Taylor Co., of Wheeling; Dr. J. S. Nedrow, of Bruceton Mills; A. T. Arnold, of Wheeling; N. G. Keim, of Elkins; V. L. Highland, of Clarksburg; John E. Dornan, of Clarksburg; R. A. Roger, of Buckhannon; C. E. Eson, of Clarksburg; Thomas B. Sweeney and Nellie K. Sweeney, of Wheeling; J. C. Brady, of Wheeling; Wells Goodykoontz and Irene Goodykoontz, of Williamson; George M. Kyle, A. G. Chrislip, Excell E. Fair, W. R. Pierson, M. R. Post, S. MacAdam, R. E. Gill, Dr. H. R. Fairfax, J. M. Jacobs, R. P. Andrews, F. M. Archer, George B. Stocking, and Howard Hazlett, of Wheeling; C. S. Riggs, of Fairmont; E. M. Davis, of Spencer; W. E. Utt, of Progress; E. L. Day, of Princeton; S. P. Norton, of Wheeling; C. T. Bailey, of Charleston; C. C. Dodd, of Charleston; W. A. Johnson, of Charleston; B. J. Simson, of Charleston; W. K. Thudium, of Charleston;

W. L. Kenley, of Charleston; J. G. McCay and J. G. Pettit, of Weston; J. Jefferson, of Wheeling; Nooman Jackson, of Logan; J. C. Alderson, of Logan; C. A. Potterfield, of Charleston, all in the State of West Virginia, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

Mr. McLEAN. I present resolutions adopted by the executive board of the Connecticut Leaf-Tobacco Association at a meeting held in Hartford, Conn. The resolutions are very brief, and I ask that they be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

HARTFORD, CONN., *May 10, 1913.*

At a meeting of the executive board of the Connecticut Leaf-Tobacco Association the following resolutions were unanimously adopted:

Whereas the leaf-tobacco industry of the State of Connecticut will be seriously affected on account of the proposed new tariff law, known as the Underwood bill, and especially that part relating to the free entry of the products of the Philippine Islands, Schedule F, paragraph C, page 196; and

Whereas should this measure become a law it would be the means of reducing the price of the product of the grower of tobacco in this State and also the price of labor in all branches of the cigar and tobacco trade in the United States, the difference in the cost of labor between the Philippine Islands and this country being so great; and

Whereas the climatic conditions of the Philippine Islands are such that the culture of tobacco in those islands could be greatly increased at so low a cost that the grower, manufacturer, and the workman of this country could not exist: Therefore be it

Resolved, That we, as tobacco merchants of the State of Connecticut, earnestly protest against the passage of this measure; and be it further

Resolved, That we notify our Representatives and Senators of our action and ask them to use every means in their power to defeat this unjust and unfair measure, which will directly affect over 1,000,000 people.

BENJAMIN L. HAAS, *President.*
MAURICE HARTMAN, *Secretary.*

Mr. McLEAN presented petitions of sundry citizens of Hartford, New Haven, Bridgeport, Norwalk, Waterbury, Norwich, Meriden, Stamford, Berlin, Clinton, Derby, and New Britain, all in the State of Connecticut, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Hubert Fischer Brewing Co., of Hartford, Conn., praying that barley and malt be placed on the free list, which was referred to the Committee on Finance.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask leave to have printed as a Senate document an address recently delivered by Richard Olney on the Panama Canal toll question. (S. Doc. No. 33.)

In the same connection I ask leave to have printed as a Senate document an address delivered on the same subject by Chandler P. Anderson, formerly counsellor for the Department of State, before the American Society of International Law. (S. Doc. No. 32.)

The VICE PRESIDENT. If there be no objection, the order to print will be made as requested.

RANSOM OF MISS ELLEN M. STONE (S. DOC. NO. 29).

Mr. O'GORMAN. I ask to have printed as a Senate document a message from the President of the United States of March 27, 1908, relative to the repayment of money contributed for the ransom of Miss Ellen M. Stone, missionary in Turkey.

The VICE PRESIDENT. Without objection, the order to print will be entered.

ADDRESS BY DR. HANNIS TAYLOR (S. DOC. NO. 31).

Mr. VARDAMAN. At a meeting of the American Society of International Law, held in this city on the 26th of April last, a very interesting paper was read by Dr. Hannis Taylor on "What is the international obligation of the United States, if any, under the treaties, in view of the British contention?" I ask that the paper be printed as a public document.

Mr. SMOOT. I did not hear what the Senator from Mississippi said was the title of the article.

Mr. VARDAMAN. Dr. Taylor responded to the toast "What is the international obligation of the United States, if any, under the treaties, in view of the British contention?" It is a very able paper.

The VICE PRESIDENT. Without objection, the paper will be printed as a public document.

PROGRESSIVENESS OF THE UNITED STATES SUPREME COURT (S. DOC. NO. 30).

Mr. LODGE. I ask that the paper which I send to the desk may be printed as a public document. It is a compilation by Mr. Charles Warren, a distinguished lawyer of Boston, in regard to certain decisions of the United States courts relative to recent legislation. It is a very valuable compilation and is brief.

The VICE PRESIDENT. If there is no objection, that order will be made.

Mr. FLETCHER. I did not hear the request of the Senator from Massachusetts as to the paper he desired to have printed as a public document.

Mr. LODGE. It is an article which appeared in the Columbia Law Review, April, 1913, and is really a compilation of all the recent decisions under the pure-food law, under the antitrust laws, and under the railroad laws. It is a very useful and brief pamphlet by a lawyer of distinction.

The VICE PRESIDENT. If there is no objection, the request of the Senator from Massachusetts will be granted. The Chair hears none.

RECALL OF JUDICIAL DECISIONS (S. DOC. NO. 28).

Mr. NELSON. I have a brief article by Ezra Ripley Thayer, dean of the law school of Harvard University, taken from the Legal Bibliography of March, 1913, on the "Recall of judicial decisions." I ask that the article be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

THE ASSOCIATED PRESS (S. DOC. NO. 27).

Mr. SMITH of Michigan. I have a brief paper, being a very interesting official statement by the president of the Associated Press, Mr. Frank B. Noyes, which has been made with some care and thoroughness, showing the aims, objects, and purposes of that organization. I ask that the statement be printed as a public document, and also that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

THE ASSOCIATED PRESS.

(By Frank B. Noyes, president of the Associated Press.)

Probably no institution is more widely known by name than the Associated Press, and, on the other hand, more vaguely understood by the public generally as to its organization and its functions. For whatever cause this may be, that it is a fact is daily apparent.

The Associated Press is an association of something over 850 newspapers, operating under a charter of the State of New York as a mutual and cooperative organization for the interchange and collection of news. Under the terms of its charter "the corporation is not to make a profit nor to make or declare dividends, and is not to engage in the business of selling intelligence nor traffic in the same."

In other words, the Associated Press is simply a common agent of its members by which they arrange an interchange of the news that each collects and is bound by its membership obligation to contribute for the common use of its fellow members and also as the agency through which reports of foreign and certain classes of domestic happenings are collected and distributed to the newspapers served by the organization.

The fact that in the present year we celebrate the twentieth anniversary of the first nation-wide cooperative and nonprofit-making news-gathering organization in the world seems to make the publication of something respecting it timely.

The Associated Press is in no wise the master of the newspapers constituting its membership; it is distinctly their servant.

Its board of directors is composed of active newspaper men chosen at annual meetings by the membership, and, in an experience running through 20 years of legitimate connection with the present organization and also that of the older Illinois corporation, I have never known an instance in all the changing personnel of boards of directors when there was any departure from the most rigid observance of the highest obligations of trusteeship and disregard of private and selfish interests. The president, vice presidents, and members of the board of directors serve without salaries.

The Associated Press of to-day is the outcome of a many-year struggle between two opposing systems. One, that of news-gathering concerns with private or limited ownership, which dealt at arm's length with newspapers to which they sold news at such profit as might be secured and over which the newspapers who bought from them had no more control than over the paper mill supplying them with print paper.

The other system is based on the theory that a powerful, privately owned and controlled news-gathering agency is a menace to the press and people.

Determined to establish an agency subject only to the control of the newspapers for whom it acted, in 1893 a group of western men composing the Western Associated Press began a fight to attain this end, and since that time a contest between these two opposing principles has been waged. In asserting that the Associated Press, as to-day constituted, is the servant and agent only of the newspapers for which it acts I have no thought of minimizing the tremendous importance of the work it does as such an agent, but wish simply to emphasize the thought that properly speaking it has no entity of its own, no mission save to serve its members.

Its members are scattered from the Atlantic to the Pacific, from Canada to the Gulf, and represent every possible shade of political belief, religious faith, and economic sympathy. It is obvious that the Associated Press can have no partisan nor factional bias, no religious affiliation, no capitalistic nor prolabor trend.

Its function is simply to furnish its members with a truthful, clean, comprehensive, nonpartisan—and this in its broadest sense—report of the news of the world as expeditiously as is compatible with accuracy and as economically as possible.

To do this the newspapers composing its membership contribute, first, the news of their localities, and, second, weekly assessments of money aggregating about $3,000,000 per annum, with which an extensive system of leased wires is maintained (22,000 miles of wire in the daytime and 28,000 miles of wire at night), bureaus in the principal American

cities supplementing and collating the news of local newspapers and bureaus for the original collection of news throughout the world.

The volume of the news report to members varies greatly, ranging from 500 words daily by telegraph or telephone to papers able to utilize but a small amount of general news matter to more than 50,000 words daily or 35 newspaper columns in the more important cities.

The method of collecting foreign news has been greatly changed in recent years. Formerly the Associated Press collected its foreign service in London, receiving the news there of the Reuter Co., of the Wolff Agency of Germany, and of the Havas Agency of France, with smaller affiliated agencies in Italy and Spain.

The objection to this method was that the news as received in London was alleged to be impressed with an English bias; in any event it was concededly not collected from an American viewpoint.

To meet this criticism the Associated Press has established regular bureaus of its own in all the great news centers, and now maintains offices and staffs in London, Paris, Berlin, Rome, St. Petersburg, Vienna, Tokyo, Peking, Mexico City, and Habana, in addition to hundreds of individual correspondents scattered throughout the world.

It is probable that in the foreign news field the extraordinary genius of Melville E. Stone, the general manager of the Associated Press, has been most strikingly exhibited. Just prior to the Russo-Japanese War Mr. Stone secured from the Czar of Russia the abolition of the censorship, and newspaper men still remember the remarkable frankness with which the Russian Government gave out the news of Russia's reverses in that conflict.

Orders expediting the messages of the Associated Press were issued at his instance by the German, French, Italian, and Russian Governments, and as a result it has come to be common for European capitals to get the first news of Continental events through Associated Press reports cabled back from New York.

One beneficial result coming from this more direct relationship is to be found in the minimizing of the ill effect of the occasional outbreak of some utterly inconsequential German, French, English, or Japanese "yellow" sporadically abusing the United States and its people.

Formerly profound significance of a widespread hostility was attached to such outpourings. With the closer understanding that comes from more intimate knowledge, we now understand the relative importance of the newspapers of other countries as we are able to weigh and grade our own.

The disadvantage of lack of news touch is strikingly apparent in the relations of the United States with the Central and South American nations. These countries secure their news of the United States by way of Europe, and it consists mainly of murders, lynchings, and embezzlements. The antipathy to the United States by the people of these countries is undoubtedly largely due to the false perspective given by their newspapers. If in truth we were the kind of people they are led to believe we are, they would be fully justified in their attitude.

It has been the aim of those intrusted with the management of the Associated Press to secure as its representatives both at home and abroad men of high character and attainments, and it may, I think, be fairly assumed that the reputation for accuracy and fairness that its service enjoys is largely to be attributed to an unusual measure of success in this endeavor.

While the Associated Press is generally held in good esteem, I would not be understood as indicating that it has been exempt from criticism and attack.

If in a campaign all the candidates, or their managers or press agents, did not accuse the Associated Press of the grossest partisanship as against the particular candidacy in which they were interested, those bearing the responsibilities of the service would feel convinced that something was radically wrong, and would look with suspicion on the report themselves.

This is but human nature. During the last campaign for the presidential nominations every candidate, either in person or by proxy, expressed his conviction that the Associated Press was favorable to somebody else.

Mr. Wilson's press agent asserted that our service was pro-CLARK, and in the opinion of Speaker CLARK we had sold out to the Wilson people. Mr. Taft's managers felt that he was not being given a fair show, and Mr. Roosevelt was firm in his conviction that the avenues of information had been choked to his disadvantage.

Of course later we know that Mr. Wilson does not share the only-for-publication views of his press agent, and Speaker CLARK is as emphatic in his withdrawal as in his hasty charges. Mr. Taft's managers realize that the Associated Press can not report speeches that he does not make, and Mr. Roosevelt must see a humorous side to the suggestion that anyone has interfered with his getting a fairly adequate representation on the first page.

With all this, however, goes a fundamental misunderstanding of the functions of the Associated Press. The individual correspondent or reporter for a given newspaper or a small group of newspapers having a common bias may be permitted to indulge in partisanship or in propaganda.

This is absolutely not to be permitted in the Associated Press. No bias of any sort can be allowed. Our function is to supply our members with news, not views; with news as it happens—not as we may want it to happen. Intensely as its management may sympathize with any movement, no propaganda in its behalf can be tolerated. Very jealously indeed does the membership guard against their agency going outside its allotted duties and argus-eyed is the censorship of every handler of our "copy."

It is not, naturally, to be claimed that no mistakes are made. They are made and will be made. But in the very nature of the business, with the heart so worn upon the sleeve, detection very swiftly follows, and the mistakes are few and far between.

The desire to enlist the Associated Press in propaganda or advocacy is usually to be found at the bottom of criticisms of its service. Added to this often is misinformation as to the real facts, and sometimes, though happily rarely, actual malice.

The service from Russia, for example, has been harshly criticized by some who thought that the province of the Associated Press was to undertake a crusade against the Russian Government because of its anti-Semitic attitude. Our theory of our obligations is that we should report the facts as they occur, without fear or favor, but that it is no part of our duty to draw indictments save as the facts alone are damning.

The case of the Koreans charged with a plot to assassinate Gov. Gen. Terauchi has recently been much discussed.

These Koreans were almost all converted Christians, and the American missionaries in Korea were naturally intensely interested in the matter.

It was freely alleged that the Associated Press, unduly influenced by the Japanese Government, had suppressed the fact that these Koreans had made confessions implicating American missionaries as accessories to the plot and had subsequently retracted these confessions, asserting that they had been extorted by atrocious torture inflicted by the Japanese police, the intimation being also that the missionaries were in peril by reason of the repudiated confessions.

Based on this, some of the missionary authorities here became much perturbed, and indeed one of the great New York papers printed news and editorial articles criticizing the Associated Press for the suppression of the matter.

As a matter of fact, an inspection of the news service received by the Associated Press and distributed to its members showed that it carried the full facts—the confessions, the implications of the missionaries, the allegations of torture, the fact that the allegation of torture was believed by the missionaries, and also the fact that the Japanese denied the torture stories and attached no credence whatever to the prisoners' statements implicating the missionaries.

On learning the real situation the New York newspaper in question promptly printed an ample amende honorable, but I do not doubt that many still ignorant of the retraction feel that the Associated Press was guilty of some dereliction.

Another cause of frequent misapprehension is in the general tendency of newspaper readers to attribute anything seen in print to the Associated Press, and it is constantly necessary to explain that some violently partisan or inaccurate article was the work of a "special" and not a part of our service.

Away back in the middle of the last century an alliance, offensive and defensive, existed between the old New York Associated Press, a news-selling organization owned by seven New York papers, and the Western Union Telegraph Co., under the terms of which the New York Associated Press dealt solely with the Western Union, and the Western Union, in turn, gave discriminating rates and advantages to the New York Associated Press.

Although this arrangement (in the light of to-day a very improper one) was abolished more than 30 years ago, many people think that it still exists, and occasionally some one arises fiercely to denounce this unholy alliance.

The simple truth is that the Associated Press has, during all these 30 years and more, paid exactly what other news associations pay and that the rates charged by the telegraph companies for the facilities furnished us are greatly in excess of those charged individual newspapers, and still more than those charged stockholders having leased wires.

The Associated Press leases wires, many thousands of miles of them, from the Western Union, the Postal, the American Telegraph & Telephone Co., and from several of the independent telephone companies.

The first three having a common basic rate, charging us $24 a mile a year in the daytime, and $12 a mile a year at night. For exactly the same wire they charge an individual newspaper $20 and $10, respectively, and a stockholder gets a still further reduction.

Far from receiving discriminatory favors, the Associated Press feels that it is being distinctly and heavily discriminated against.

In these days, when all transactions on a large scale are being subjected to so rigid a scrutiny, it is natural that so conspicuous a mark of public attention as is the Associated Press should not find itself immune from critical inspection.

From time to time some voice is raised denouncing the Associated Press in the same breath both as a monopoly and because it is not a monopoly, and insisting that it become a monopoly by admitting to its membership all desiring its service, the theory being that in some way the activities of the association impress it with a public use and subject it to the obligation of a common carrier to serve all comers.

From an ethical standpoint only, then, is there anything improper, unsafe, or unwise in a group of newspapers, large or small, associating themselves together to do a thing that each must otherwise do separately and of reserving to themselves the right to determine to what extent the membership of such a group shall be enlarged?

It does not seem possible to hold fairly that a newspaper in New York may not join with one in Chicago and one in Philadelphia to maintain a common correspondent in Washington without making it obligatory on these three newspapers to share the fruits of their enterprise with other New York, Chicago, and Philadelphia newspapers.

If, in addition, they arrange that each shall supply the others with the news of its home city, is it within the bounds of reason that they are required to furnish to competitors the same facilities?

I give this illustration because that is exactly the relation of the newspapers composing the Associated Press, the scale only being enlarged.

The obligations of a common carrier are, however, in no wise dependent on the magnitude of its transactions. The ferry sculled across a stream is just as much impressed with a public use as is the Pennsylvania Railroad. Each is a common carrier. It is the nature of the transaction and not its size that determines its obligations. As respects the question of common carriership, what is right for 3 to do is proper for 300 or for 800 to do.

To compel the Associated Press to assume an entity of its own and to serve all comers would in my judgment bring about a condition fraught with the gravest dangers to the freedom of the press and in turn to the freedom of the people.

At present about one-third of the daily newspapers of the country are represented by membership in the Associated Press.

There are a number of concerns engaged in the collection and sale of general news to nonmembers of the Associated Press, and in one way or another they supply their customers with what are declared to be satisfactory services.

In nowise desiring to become anything approaching a monopoly, the Associated Press has avoided even the appearance of any competitive price rivalry, admitting additional members solely on the ground of a common benefit to the members of a cooperative institution.

If by some occult reasoning the Associated Press could be held as a common carrier, these news-selling organizations would be wiped out and the Associated Press would, if the end sought for was accomplished, become a real monopoly, and the incentive for cooperation no longer existing, it would naturally drift into a concern for pecuniary profit in private ownership and subject to private control.

No more dangerous situation can well be imagined than the passing of the control of the greatest news-gathering and news-disseminating agency of the world from the hands of cooperating newspapers to the control of some individual interested in manipulating the news—the master and not the servant of the newspapers.

Because this danger would be so grave it will not come, but for another reason, also a very basic reason.

There can be no monopoly in news.

The day that it becomes apparent that a monopoly in collecting and distributing news exists, that day, in some way, by some method, individual newspapers or groups of newspapers will take up the work of establishing a service for themselves independent of outside control.

The news of the world is open to him who will go for it. Anyone willing to expend the energy, the time, and the money to approach it may dip from the well of truth.

The news service of the Associated Press does not consist of its leased wires or its offices. Its soul is in the personal service of human men, of men with eyes to see, with ears to hear, with hands to write, and with brains to understand; of men who are proud when they succeed, humiliated when they fail, and resentful when maligned. The telegraph wires are but the blind instruments of this service, though the wire has brought the uttermost parts of the world marvelously close. These human entities are ranging the world to send word of its doings, of its rejoicings and its sorrowings, to satisfy the thirst of the people for intelligence of the march of events.

The news service of the Associated Press of the horror of Martinique was not the event itself. It was the personal service of a man who at the first hint of the disaster that had wiped out a population took his orders, chartered a boat, and went to Martinique, where no correspondent still lived, and sent a story, his story of the great tragedy, wrecking his health by the effort required.

To get this report, this "news," was open to anyone.

To get it cost the members of the Associated Press more than $30,000, in addition to the human wastage and prodigious effort.

It was a part of the day's work.

And as to-day devoted men labor and die in order that the members of the Associated Press, an organization that neither owns nor prints a newspaper, may lay before their readers a fair picture of the world's happenings, so always will these and other men serve nobly and die bravely that the world may have tidings of sport and festival, of birth and death, of Congress and Parliament, of battle and plague, of shipwreck and rescue.

WASHED PAPER MONEY.

Mr. MARTINE of New Jersey. Mr. President, I again desire to offer, and ask for publication as a document, a number of brief letters I have received relating to the subject of washed money.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Again, Mr. President, on principle I say that these letters should not be printed as a public document, and that the Senator's request should not be granted. I am going to say to the Democratic side of the Chamber that if you intend to start printing at the Government Printing Office this class of matter, I am not going to object at this time; but it is wrong that a lot of letters addressed to a Senator upon one particular subject—587 of them—should be printed as a public document at Government expense upon a subject that is not even before Congress.

I think, Mr. President, that I have previously said sufficient upon this question; but I say to the Senator from New Jersey that I am not going to object to his request to-day. I am going to be content with simply saying that I have done so in the past, and let other Senators decide whether or not they want the Senate to go into this field of printing. The chairman of the Printing Committee is present, and if he desires the Senate to undertake this kind of printing, well and good. I, however, am opposed to it; it is not right.

Mr. MARTINE of New Jersey. It is the privilege of the Senator from Utah to oppose it. I am quite as much in favor of it as he is opposed to it. I say there is no question that more vitally affects the people of this country than the character of our money. It is very well for the distinguished Senator from Utah to declare that he is opposed to it.

Mr. SMOOT. Mr. President, I did not say that.

Mr. MARTINE of New Jersey. But there are 587 cashiers and bank presidents all over this country, representing every State in the Union, who declare that the present system is an abuse.

Mr. CHAMBERLAIN. Mr. President, I rise to a question of personal privilege.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Oregon will state his question of privilege.

Mr. CHAMBERLAIN. I merely wanted to say that I did not feel safe between these two contending factions. [Laughter.]

Mr. MARTINE of New Jersey. It is all friendly.

Mr. SMOOT. I desire to say to the Senator from New Jersey that I do not believe there are 20 per cent of the 587 signers of the letters who have ever seen a washed bill. I want to correct the Senator from New Jersey in the statement that I am opposed to going into this investigation of the question of laundering our currency. I am not opposed to it, as I told the Senator the other day.

Mr. MARTINE of New Jersey. I must beg the distinguished Senator's pardon, Mr. President. I did not say that he was opposed to going into the investigation; but it is tantamount to that. The distinguished Senator from Utah sets himself up in opposition to the opinion of 587 bank presidents and cashiers.

Mr. SMOOT. They have not asked that their letters be printed as a public document, and it is to that that I am making opposition.

Mr. MARTINE of New Jersey. I confess, Mr. President, they have not asked that the letters be printed, but they have written these letters over their own signatures, and they are of very vital importance, involving, as they do, the question of counterfeiting our money or of facilitating the counterfeiting of our money. Now, I ask, in all seriousness——

Mr. OLIVER. I rise to a parliamentary inquiry, Mr. President. What is the order?

The VICE PRESIDENT. The Senator from New Jersey has the floor on his request that certain letters be printed as a public document.

Mr. OLIVER. I ask what is the order of procedure, Mr. President? It is, as I understand, the receipt of petitions and memorials.

The VICE PRESIDENT. Petitions and memorials are in order.

Mr. OLIVER. I call for the regular order.

Mr. MARTINE of New Jersey. I desire to ask what reason or propriety there is that Senators all around me may flood the Senate with propositions to print papers as public documents while I am denied the privilege? This is not my private concern, but it is a matter that affects the whole people. It is not the special position taken by any particular man, but the letters are from various gentlemen. Now, I concede——

Mr. PENROSE and Mr. OLIVER. Regular order!

Mr. MARTINE of New Jersey. I concede, if our friends all around me should present——

Mr. BRANDEGEE. I rise to a point of order, Mr. President. The request for unanimous consent is not subject to debate.

The VICE PRESIDENT. No; the Chair is compelled to state that the Senator from New Jersey is not in order, and to explain that the other matters have gone through because unanimous consent has been granted. There is objection in this case.

Mr. MARTINE of New Jersey. I bow, of course, to the judgment of the Chair; but I will say, Mr. President, if I may be permitted——

The VICE PRESIDENT. Objection has been made to the Senator proceeding further on this question.

Mr. MARTINE of New Jersey. I will reserve to myself the right to read these letters into the RECORD. I am not a very good elocutionist, but I will detain the Senate long enough, if need be, to read them into the RECORD.

PAINT CREEK COAL FIELDS, W. VA.

Mr. KERN. Mr. President, I have a number of communications in the nature of petitions, referring to the resolution providing for Federal investigation of conditions in the Kanawha coal fields, West Virginia. I have a telegram from the secretary of the Pennsylvania Federation of Labor in convention at Reading, Pa.; one from the international executive board of the United Mine Workers of America, held in Indianapolis May 3; a letter from the president and secretary of Local Union No. 1394, United Mine Workers of America, of West Terre Haute, Ind.; one from C. L. Brumbaugh, editor of the Land and Labor, of Altoona, Pa.; also from the local branch of the Altoona Socialist Party of Pennsylvania; one from the secretary of the Ohio Valley Trades and Labor Assemblies; also from sundry citizens of Raleigh County, W. Va.; a letter from the secretary of the Monongahela Valley Trades and Labor Council of West Virginia; a telegram from the secretary of the Glass Workers' Union, of Kokomo, Ind.; a letter from a committee of Local Union No. 2011, United Mine Workers of America, of Clinton, Ind.; one from sundry citizens of Cabell County, W. Va.; a letter from the secretary of Local Union No. 676, United Mine Workers of America, of Chelyan, W. Va.; one from a committee on resolutions of Montgomery, W. Va.; one from a committee of the Clarksburg Local Window Glass Workers of West Virginia; and one from a committee of Local Union No. 298, United Mine Workers of America, of Richmond, Mo. I have also a letter signed by three men who are in jail at Clarksburg, W. Va., having been tried by a military court-martial. A part of this letter, by permission of the Senate, I will read, as it is short. They say:

We, the undersigned, are victims of the unlawful military despotism. Stripped of our constitutional rights, denied a jury trial, forced to face a drum-head court-martial, deprived of our citizenship, reduced to subjects and thrown in jail, where we have been illegally held prisoners since February 10, 1913, this senatorial investigation is the only ray of hope left the crushed and bleeding citizenship of this State. Again urging you to vigorously push the investigation into the deplorable conditions that are a shame to the State, a disgrace to civilization, and a black blot on the fair name of the Nation, in the name of justice and humanity and for the sake of the outraged manhood and womanhood, we beg you to let nothing stop this investigation and win for yourself the undying thanks and gratitude of a long-suffering and oppressed people.

Very respectfully, yours, the victims of this despotism now in the Harrison County jail held incomunicado.

I do not ask that any of the other communications be printed.

The VICE PRESIDENT. The letter and petitions presented by the Senator from Indiana will lie on the table.

TARIFF DUTY ON SUGAR.

Mr. RANSDELL. Mr. President, I send to the desk and ask unanimous consent to have read a letter from a good Michigan Democrat. It contains sound Democratic doctrine.

The VICE PRESIDENT. The Senator from Louisiana sends up a communication and asks unanimous consent that it may be read. Is there objection? The Chair hears none, and the Secretary will read as requested.

Mr. SIMMONS. Mr. President, I announced, a little while ago, that I should have to object to the reading of these arguments upon the tariff made by persons who are not Members of the Senate. I feel that I ought to insist upon that with reference to this argument; but as the Senator from Louisiana advises me that if the Secretary does not read it he will insist upon reading it himself, I do not see that I would gain anything by making that objection.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

LANSING, MICH., *May 2, 1913.*

HON. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our conversation concerning the tariff when I was in Washington recently, I beg to submit the following statement of my views on the free-sugar provision of the House tariff bill, and the radical departure from historic Democratic fiscal principles which it emphasizes:

* * * * * * *

Are we to have a new Democratic shibboleth? Is free trade to be inscribed on the party gonfalons which erstwhile bore the immortal watchword of free silver?

And as a logical corollary of this interesting evolution in Democratic slogan making is unquestioning acquiescence in the free-sugar program of the House majority to be the test of loyalty to the Democratic Party?

I am led to ask these questions by the regrettably dogmatic and even intolerant tone assumed by some of the leading congressional supporters of free sugar. As we say out in Michigan, these congressional gentlemen are "as cocky as a bee in a buckwheat field" in declaring that all who do not subscribe to the policy of placing sugar on the free list are accursed and unpardonable apostates to the Democratic faith and chiefly engaged in licking the footsteps of the predatory rich.

It is a singular psychological fact that the word "free" seems to cast an hypnotic spell on a certain order of minds in America. It has a fascinating sound that apparently makes a big hit with a large element both of Democratic doctrinaires and of the party rank and file.

But would free sugar really do more toward satisfying the complaints of the consuming public than free silver would have done in alleviating the country's financial ills 20 years ago?

I know that the majority in Congress are deeply concerned in securing a substantial reduction in the cost of living. Everybody, and especially his wife, knows that this has gone up in many instances by intolerable percentages. It is something that appeals to the business and the bosom, but can anybody be perfectly sure that the proposed enlargement of the free list would make any considerable figure in lightening the burdens of the consumer?

As far as sugar is concerned it is amazing that a tariff duty which produces such a splendid revenue should be the especial bete noir of the congressional free-trade contingent, who—to use an expression which is commonly ignored in polite society—are "hell bent" on lowering the cost of living even if both the standard of American living and the standards of Democracy are also lowered at the same time. And one's amazement grows as one considers that alone of the chief table necessaries of the people sugar can not justly be charged with contributing even in the most negligible degree to the high cost of living. A dollar in money will buy a little more—a day's labor or a given quantity of commodities vastly more—sugar to-day than it would before the general rise in commodity prices began. The present retail price of sugar in Washington is 4½ cents a pound, the lowest in the history of the country. Under free trade sugar might sell for 3½ cents a pound, but the probabilities are that very little of it would ever be sold under 4 cents a pound. A cut of one-half cent a pound in the retail price of sugar would mean a saving to the people of about $35,000,000 annually. But granting that they could buy sugar for 1 cent a pound less than at the present time their saving would be about $70,000,000 annually—a very tidy sum. Against this however, must be set down the loss of $52,000,000 in public revenue and the wiping out of an industry in which over $175,000,000 of American capital is invested, and which has added hundreds of millions of dollars to the agricultural wealth of the country. Viewed from a purely economic standpoint, is the "boon" of free sugar worth all it would cost?

I am very far from admitting in the foregoing that taking the duty off from sugar would actually give us cheaper sugar. The only thing we can be absolutely sure of is that it would destroy the domestic industry, as those engaged in that industry would not dare to take the enormous financial risks involved in the possibility of facing both a bad crop season and a demoralized selling market. With the domestic industry out of the equation, it is easy to see what might happen. There are about 1,000,000 tons of sugar produced now in the United States. The sudden cessation of this production would very likely produce a temporary shortage in the supplies of sugar, and in that event the price of sugar would go soaring. That is precisely what happened in 1911, when there was a partial sugar-crop failure in Cuba and also in the sugar-beet growing countries of continental Europe. It was the marketing of the domestic cane and beet sugar in the late fall of 1911 that sent the price down nearly 2 cents a pound in the course of a few weeks. It is only reasonable to assume that but for this competition the eastern refining interests would have maintained the price of sugar at the exorbitant figure which the people were compelled to pay for it during nearly all the previous summer and fall. Indeed, it would have been in their power to put up the price to a still higher figure. In this instance alone the domestic sugar industry saved the consumers of the country millions of dollars. Is it the part of wisdom now to put sugar on the free list and expose to utter extermination an industry which has vindicated its economic legitimacy (not to say indispensableness) in such a signally effective and impressive manner?

I noticed the other day an interview with the president of one of the principal eastern refining concerns in which he frankly stated that free sugar would undoubtedly have a disastrous effect on the domestic cane and sugar-beet industry. But, curiously enough, he carefully refrained from saying one word about the permanent reduction in the retail price of sugar which we are promised as a result of the free-trade policy which is to sound the death knell of the domestic sugar industry. His silence on this phase of the subject was significant—almost as significant as was his confidently expressed opinion that the passage of the House tariff bill would permanently eliminate the domestic competitive industry.

It seems to me that one of the serious reproaches to be made against the proponents of the House tariff bill is that many of them have not the faintest glimmer of appreciation of the magnitude of their task or of the fateful consequences that are likely to flow from it. It was sagely remarked by Artemus Ward that the trouble with Napoleon was that "he tried to do too much—and did it." There is reason to believe that the Democrats in Congress are attempting a similarly impossible feat, and that they will succeed, with consequences that will be disastrous to the party. In the first place, they are promising the people benefits from their tariff legislation which in all human probability will never be realized. In short, they are proclaiming a deliverance that will not deliver. They are holding out the hope that the radical changes they are planning in the tariff will appreciably, if not greatly, reduce the cost of living, when everybody knows, or should know, that there are economic causes wholly outside the tariff that are operating to keep up the prices of many of the chief necessaries of life. Who, for instance, believes that the wholesale free listing of agricultural products will have any material effect in reducing the prices of the people's food? Will it cut down the prices of beef, flour, eggs, or the various other domestic foodstuffs? Except in a pitifully few instances (and the sugar schedule is one of them) the tariff has afforded no protection whatever to the American agriculturist. The prices of farm products have been steadily rising the world over, and tariff or no tariff they will continue to rise so long as the present disproportion between agricultural production and the growth of population is maintained. How then is it going to be possible to effect a very marked lowering of prices by changes in tariff schedules which bear only the most indirect relation to the primary causes of the present-day increases in the cost of living?

I do not wish to be understood as arguing against the desirability of many of the proposed changes in the agricultural schedules. I am merely calling attention to the futility of exciting popular expectation that they will result in an immediate and decided lessening of the burdens of the consuming masses. If despite the enthusiastic claims of the advocates of drastic tariff reductions it should turn out that no positive or substantial benefits accrue to the vast army of homekeepers in our great urban centers, then indeed would the Democratic Party be compelled to face a desperate situation. And if to the disappointment of the consuming public should be added the unrest and resentment which would follow the unsettlement or destruction of any of our great domestic industries, the plight of the party would assuredly be irremediable. It is well therefore that the Democratic Party should take heed lest in accomplishing its work it accomplishes its ruin.

Mr. REED. Mr. President, I should like to inquire how many pages there are of this document.

The VICE PRESIDENT. The Chair is informed that there are 23 pages in all, of which 7 have been read.

Mr. MARTINE of New Jersey. That is just half the number of pages I had.

Mr. REED. I object to the further reading of it.

Mr. RANSDELL. Mr. President, if there is objection to the Secretary reading it, I will finish the reading myself.

The VICE PRESIDENT. The question is, Will the Senate consent to the reading of the document?

Mr. REED. I object.

Mr. GALLINGER. It is for the Senate to decide whether or not it shall be read.

The VICE PRESIDENT. The question is, Shall the document be read? [Putting the question.] The "ayes" have it, and the document will be read.

Mr. REED. Mr. President, a parliamentary inquiry. Does not a single objection stop the reading of the document at this time?

The VICE PRESIDENT. It does not, under the rules of the Senate. It has to be submitted to the Senate, and the Senate decides whether or not a document shall be read. The Secretary will resume the reading.

The Secretary read as follows:

It ought to be unnecessary to remind the Democratic majority that it is better to go slowly than to go wrong; that it is better to effect changes moderately and safely rather than hastily and at the dictate of a caucus, too many of whose members leave their private judgments and consciences where the Mussulman leaves his shoes—outside the door. It is a great thing in statesmanship when you are about to inaugurate new departures in governmental policy which may shock some, disturb more, and make hesitating people hesitate still more—it is a great thing in these circumstances, I say, if you can "make the past slide into the future" without any serious jar to the interests chiefly involved. And in doing these things the party which has been intrusted with the task can afford to be generous to those whom it is obliged to disturb.

A little reflection will convince anyone with gumption enough in him to walk on two legs that no Democratic tariff bill, however skillfully framed or however extensive its free list, can express the totality of the party's aspirations and usefulness. It will do mighty well if it shall express only in a measurable degree either the party's economic purposes or the party's capacity to serve the people. Why, then, should a tariff measure, which is inevitably and admittedly the patchwork product of give-and-take committee confabs and dickerings, be set up

as the test of fealty to Democracy? To ask the question is to expose the utter absurdity of such a test.

It is particularly irritating to be told that your party loyalty is under suspicion because of your adherence to the doctrine of old-fashioned and unsterilized Democracy that a superb revenue raiser like the sugar tariff should have a prominent place in a genuine tariff-for-revenue program, especially when one sees the House advocates of free trade in sugar voting down all amendments intended to reduce the rates in certain manufacturing schedules, which together produce only a paltry three or four millions of revenue, on the plea that they are needed to furnish an adequate income to the Government! For a parallel to such a fatuous performance we shall have to go back to that

"base Indian who threw we pearl away,
Richer than all his tribe."

But the Indian really didn't know what he was throwing away, while the House Democrats know exactly the value of the pearl which they are sacrificing in order to justify the retention of a few dinky "off-color" ones!

It can hardly have escaped the notice of the observant portion of the American public that many of those who are now advocating the wholesale free listing of agricultural products were once among the loudest upholders of the claim that the free and unlimited coinage of silver at the ratio of 16 to 1 would double the prices of farm products and thereby vindicate itself as the most beneficent piece of financial legislation ever proposed by the Democratic Party in the interest of the downtrodden masses. To-day these same infallible Democratic oracles are just as positively assuring us that their free-list program to lower the prices of farm products is an equally indispensable and beneficent pro bono publico stunt, and that all those who do not acclaim it as such will be put out of the pale of the new and expurgated Democracy. Free silver to put up the farmer's prices; free trade to put them down; and both guaranteed as impeccably wise Democratic policies. In view of the awful gee-hawing to which it has been subjected is it any wonder that the poor old Democratic donkey has a calamitous record longer than its proverbial ears?

I have never yet talked with a disinterested Democratic friend of the domestic sugar industry who was not in favor of a substantial reduction of the rates of the present sugar schedule. No one on the Democratic side is opposing a cut that will wipe out any possible excessive profits to either the sugar-beet grower or the sugar-beet manufacturer. Every Democratic argument in favor of reducing instead of entirely removing the duty on sugar is based upon the proposition that a tariff duty which approximates so closely to the historic Democratic ideal of a tariff for revenue should not be cut to a point where it would inevitably destroy an industry dependent upon the incidental—or direct, if you please—protection which it affords. To adopt a policy which absolutely contravenes this proposition is not only to flout one of the most firmly established of Democratic traditions, but would indubitably invite Democratic division and ultimate party disaster. It can not be fitly characterized otherwise than as a reversal of our economic and fiscal policy as wanton and upsetting as a Central American revolution.

I know it is often asserted that the Democratic Party is "pledged" to abandon its traditional policy—a policy, by the way, that has been adopted even by free-trade England—of treating sugar as a legitimate object of tariff-for-revenue taxation and to put it on the free list; but who "pledged" the party to do these things?

I am somewhat familiar with the history of the Democratic Party, but I do not recall a single name in its long roll of seers, prophets, and statesmen which stands as sponsor for such a pledge. Certainly Thomas Jefferson was not its sponsor, for it was during his administration that sugar was made a headliner on the dutiable list. Neither was Madison, or Monroe, or Jackson, or Van Buren, or Cass, or Douglas, or Seymour, or Tilden, or Randall, or "Horizontal Bill" Morrison. Grover Cleveland was regarded as a pretty advanced tariff reformer, but he favored the retention of a duty of approximately 1 cent a pound on sugar, although in his day Louisiana was the only sugar-producing State in the Union.

The fact is that, beginning with the founding of the Democratic Party, the "pledge" of free sugar is not heard of until we come down to the halcyon and vociferous time when the militant free-trade coterie in the last House became the adoration and the hope of the long-suffering Democratic masses. The "fathers" were all tariff-for-revenue Democrats—not free traders. They believed with John G. Carlisle, who was one of the ablest students of economics of his day, that the sugar duty is one of the most legitimate and equitable import taxes ever levied. This belief has also been convincingly avowed by such eminent modern Democratic philosophers and guides as Senator JOHN SHARP WILLIAMS and Col. George Harvey, the editor of Harper's Weekly and the "mutual friend" and discriminating admirer of Woodrow Wilson and Col. Henry Watterson. It is clearly apparent, therefore, that the so-called sugar reactionaries are in fairly respectable Democratic company.

And right here I wish to call attention to the fact that neither in his campaign for the Democratic presidential nomination nor for the election did Mr. Wilson pledge himself to give the country free sugar. On the contrary, whenever he was asked about his position on the sugar tariff he distinctly declared that he was against any tariff changes that would injure or destroy any legitimate industry. Is it anywhere seriously contended that the beet-sugar industry is not a legitimate domestic industry? Does anyone pretend that it is not as indigenous and legitimate an industry in many sections of the great temperate zone of the United States as it is in Germany or France or Austria-Hungary or Russia? More than 35,000 farmers are engaged in beet-sugar growing in Michigan alone, and they are finding it the most profitable crop they can raise. It has been the greatest promoter of scientific and intensive methods of farming of any crop ever introduced into the State. So far as its economic legitimacy is concerned, its status is absolutely fixed and unchallengeable, which is more than can be said of the legitimacy of the effort that is now being made to set up free sugar as the sine qua non of the Democratic tariff-reform program.

The proponents of free sugar have not even the excuse of "curbing" any domestic monopoly to justify their revolutionary proposal. No one is foolish enough to claim that even the present sugar schedule affords the slightest shelter to any oppressive combination. Indeed, it is only since the development of the beet-sugar industry that competitive conditions in the sugar trade have been established in this country. Before that time the powerful Havemeyer-Arbuckle-Spreckels refining interests had absolute control of the American sugar market; to-day throughout the great Middle West and the West they have to meet the competition of the domestic beet-sugar producers. The one certain effect of free sugar would be to give these interests complete control again of the American market, for 2-cent Cuban or Javan raw sugar would enable them to put out of business every domestic producer of this great staple. Thus instead of legislating to destroy monopoly the Democratic majority in the House would actually restore it. That is why all the big refining interests are lined up for free sugar. It is possible there would be times under a free-trade régime when the people would pay a slightly lower price for their sugar, but would even this be an adequate compensation for the annihilation of one of the most valuable and prosperous of our western agricultural interests and the involvement of the planters of Louisiana in general bankruptcy?

It is a point of curious interest that some of the stoutest defenders of the free-list provisions in the House bill delight to speak of that measure as establishing a "competitive tariff" policy. This is a clever euphemism. But does it "square with the actual facts," which Mr. Wilson said in his message the new tariff schedules should do? So far as the sugar schedule is concerned, it isn't a "competitive tariff" at all; it is a confiscatory tariff. At the expiration of three years it subjects the domestic sugar industry not to competitive conditions under moderate tariff duties but to competitive conditions under a reign of absolute free trade. This means that at the end of three years the industry will be left in a situation where it must either be run at a loss or go out of existence, because there is not a single beet or cane sugar concern in the country that can make a penny of profit with Cuban raw sugar selling in the New York market around 2 cents a pound.

This is not mere pessimistic persiflage or idle guesswork. It is a statement that is substantiated by incontrovertible facts. In Michigan the beet-sugar mills pay the farmer an average price of $2.80 for each hundredweight of the extractable sugar in his beets. That is to say, the cost of the sugar content of Michigan beets before the process of manufacture begins is 80 cents more per hundredweight than the price at which the eastern refiners would be able under free trade to buy an equal amount of Cuban raw sugar at the seaboard. It is idle to suppose that any increased "efficiency" of factory management could in the short space of three years overcome this handicap. Is it a "competitive" or a confiscatory tariff policy that would deprive the domestic sugar producers of the right to live?

It is a grave responsibility which men assume when they deal with the fortunes of great communities. It is altogether too grave a responsibility for men with a predilection for radical courses and who insist that all the large relativities and adjustments of our complex economic life shall fall dead on the congressional caucus doormat. A great English publicist once warned against "the falsehood of extremes." It is well to repeat this warning for the benefit of men who apparently have yet to learn that no political creed or economic prejudice should be allowed to obscure the truth that in the art of government all principles are relative, not absolute, and that a rigid insistence upon them under any and all circumstances is the mark of inferior statesmanship.

I am thoroughly persuaded that if the broad and enlightened recommendations contained in the President's message should be carried out there would be no cause either for criticism or alarm in any quarter. It is true that these recommendations partake largely of the nature of generalities, but they are generalities that breathe the spirit of true statesmanly wisdom and admonition. He distinctly advised against "cutting at the roots of what has grown up among us by long processes and at our own invitation." If this language does not convey a positive rebuke to those who would put sugar upon the free list regardless of the damaging effects which such a policy would have upon the domestic industry, then the President was most inept in the choice of his words. I do not believe that he went astray in that regard or that he intended to use words in a double sense. He is incapable of doing either of these things. He meant exactly what his language says. He is against "cutting at the roots" of any industry which, like the beet-sugar industry, has grown up among us "at our own invitation," even though it can not be said to have passed through "long processes," owing to its comparatively recent establishment in this country. It can be confidently affirmed that if any industry was ever established in the United States "at our invitation," beet sugar was that industry. It is not only had the invitation extended to it by the National Government through its Agricultural Bureau and its traditional tariff policy, but it had in many instances the more alluring invitation offered it by direct State bounties. It exists to-day upon the strength of the Government's express invitation, and that invitation can not be withdrawn without leaving a stain upon the national honor. It seems to me that it is far more important that the Government should fulfill its pledge to keep that "invitation" good than that the Democratic majority should carry out the "pledge" of the free-trade contingent in Congress to give the country a "boon" which only the rich sugar-refining interests (the real Sugar Trust) are clamoring for.

I wish to disclaim any purpose to oppose the President's general tariff policy. In the main I think he is absolutely right in his conception of what a Democratic tariff bill should be. His statement of the general considerations which should control in the framing of it was certainly unexceptionable. He has had the fairness to admit that the effect of putting sugar on the free list at once would be disastrous to the domestic industry, and it was through his personal influence, seconded by the efforts of House Leader UNDERWOOD, that the date for giving effect to this ultrainnovatory provision of the House tariff bill was postponed three years. Now, I respectfully submit that a wiser course would be to make an immediate 25 per cent cut in the duty, but continue it indefinitely as the most productive and the least burdensome of Federal import taxes. In the meantime a special expert commission should be appointed to investigate the economic status of the domestic industry in order that its findings may furnish a scientific basis for future readjustments of the sugar schedule.

Notwithstanding I may be set down as a "sugar reactionary," I wish to say that I have the most implicit faith not only in the patriotic intentions, but the exceptional statesmanly capabilities and prescience of Mr. Wilson. I was an humble but very ardent supporter of his candidacy for the Democratic presidential nomination. I am happy to say that in most respects his course, both as a candidate and as President, has met with my unqualified approval. Nobody but a man of the highest political ideals and the truest moral inspiration could speak as he almost invariably speaks. His addresses are characterized by a certain intellectual nobleness and catholic breadth of view that easily rank them among the most impressive public utterances of our time, if not of any time. In my opinion he possesses every essential attribute of statesmanly greatness except infallibility; every natural prerogative of political leadership except the power to convert an academic sentiment into a fixed party policy. And to do him justice I do not believe that he preens himself on any omniscient qualities. But there is imminent danger that in his almost hilarious enthusiasm for Democratic ideals he will try "to do too much."

I am profoundly anxious that the President should prove himself to be as accomplished a maker of history as he is a writer of it. His familiarity with American public affairs is remarkable. And this leads me to remark that no man of our time knows any better than he does that the Democratic Party is not a free-trade party and that it has never made any "pledge" to enact free-trade legislation, either by piecemeal or in toto, that would imperil our national industrial independence. No Democratic leader, excepting possibly National Chairman McCombs, has ever been more emphatic in disavowing on his own behalf and that of his party such a "pledge" than Mr. Wilson was in the late campaign. So desirous was he to have his own and the party's attitude on this subject clearly understood by the country that he dictated this declaration in the tariff plank of the Baltimore convention:

"We favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy any legitimate domestic industry."

Such was the pledge upon which the Democratic Party made its appeal to the voters, and I submit that it is the law which should govern Democratic legislation until further action by the national convention and an appeal to the people have sanctioned a different rule of action. It was upon the strength of this pledge, aided and abetted by the militant G. O. P. majority smashing Bull Moosers, that the party was intrusted with power. It ought to be incredible that any Democrat should now seriously propose to ignore that pledge in the case of sugar and the agricultural schedules. The fate which overtook the Taft administration as a result of its well-meant endeavors to provide by reciprocal arrangement for free trade in farm products with Canada should serve as an impressive warning to those who would extend that free-trade arrangement to include the whole world without even stipulating for or receiving any reciprocal benefits whatsoever.

The statesman or the party leader who, in formulating important legislative measures, does not take into consideration the psychological effect as well as the ultimate practical results of those measures is a raw hand at the business. I refuse to believe that the President is that sort of an immature leader. I refuse to believe that he will commit his party to radical courses which—however sound theoretically—are calculated to alarm and alienate large numbers of voters in many of the most populous and progressive agricultural sections of the country. And I especially and emphatically refuse to believe that he will insist on a course which so directly contravenes the historic Democratic doctrine of a tariff for revenue, and which so palpably violates both his own and his party's pledges as that involved in the House proposal to entirely remove the duty on sugar, which not only yields a princely revenue but makes it possible for a great domestic industry to live and to render the country the inestimable economic service of preserving it from becoming wholly dependent upon outside sources for its supplies of one of the chief necessaries of life.

"I don't know what you call this," said a famous prime minister of a certain bill laid before the British Cabinet, "but it ought to be named a bill to knock out this Government." Despite the fact that no Democrat of prominence in Congress has yet consented to even putatively father the new tariff bill by giving it his name, let us not be in a hurry to apply to it such a name as that proposed by the free-spoken British premier. There assuredly must be some Democrats in the Senate with his capacity for "sizing up" legislative boomerangs and who will not take any chances of having their party knocked out by one of them.

Respectfully, etc.,

LOUIS E. ROWLEY.

Mr. SIMMONS. Mr. President, just a moment. The paper which we have heard read is clearly nothing more than a brief on the part of those who are opposed to any reduction of the rates upon sugar; and it hardly ought to be dignified with the name of "a brief." It is more in the nature of a stump speech, which has now in effect been delivered to the Senate of the United States by a person who is not a member of this body. It has up to the present consumed nearly an hour's time and taken up nearly all the morning hour of the Senate.

There are, Mr. President, in the possession of members of the Finance Committee, I have no doubt, two or three hundred briefs upon the tariff; and, if this practice is to continue, any member of that committee, or any Senator who might get into his possession one of the briefs now in possession of members of the committee, might have them read here before the Senate, and the morning hour be taken up with hearing arguments from briefs made in behalf of persons who are opposed to the reduction of the tariff. It is easy to see how readily this courtesy may be abused, and I want to announce now, Mr. President, in the interest of the saving of time, to cut off this apparent, this evident, abuse that hereafter I shall object to the reading of these briefs. If Senators desire to read them, I suppose, under the rule, possibly that may be their privilege, provided they get the floor when there is something before the body.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I do.

Mr. GALLINGER. I think the Senator from North Carolina must have overlooked the fact that in accordance with the provisions of Rule XI this matter was submitted to the Senate, and the Senate ordered the document read.

Mr. SIMMONS. I am not complaining of that. I am simply calling attention to the fact that it is a document which is in the nature of a brief; that it has occupied an hour of our time; that there are four or five hundred other briefs now in the possession of Senators that might also be read if Senators saw fit to ask the time of the Senate for their reading; and I shall do everything in my power to prevent this abuse of the privileges of the Senate and taking up unnecessarily the morning hour.

Mr. RANSDELL. Mr. President, I do not think that I have violated any of the proprieties of the Senate in having this document read. It did not consume an hour; it consumed but 30 minutes—just half an hour—so far as that is concerned.

There may be several hundred briefs like this in the files of the Committee on Finance, but I know nothing about them. We have certainly had no public hearings. My people have been demanding public hearings and are still demanding public hearings on this great measure, which is going to destroy the greatest industry in my State. It may be a simple matter for some gentlemen to pass legislation of this kind, but it is a serious matter for the people of Louisiana. I, as their representative here, am obliged to do what I can to safeguard their interests.

Mr. JAMES. Mr. President——

Mr. RANSDELL. I decline to yield for the moment.

This paper, in my judgment, presents good, sound Democratic doctrine; it is the effusion of a Michigan Democrat; it embodies the views of a Wilson Democrat, a man who did everything he could to have Mr. Wilson nominated and elected, and I think every Democrat here should read and ponder carefully every word that is contained in this letter. He will get some good thoughts from it.

The Senator from North Carolina may have read the various and sundry hundred and odd briefs that he has on the sugar question. If he has done so, it seems he is more than mortal in his capacity for work. I can not read all of these things. This document struck me as a wonderfully good one. Therefore I had it read, and I indorse every word of it on my responsibility as a Senator.

Mr. JAMES. I desire to ask the Senator from Louisiana a question before he takes his seat. He says the people of Louisiana are clamoring for hearings upon this sugar schedule. Is it not true that they had hearings in the other House? The Senator himself was present; I am sure I saw the Member of the House who is in future to be the Senator's colleague present; and I am certain that they had hearings upon the question of sugar, thorough and complete.

Mr. RANSDELL. Yes, sir; they had hearings in the House, "thorough and complete," I presume, in the opinion of the Senator from Kentucky. Forty-five minutes were accorded to the Louisiana people to discuss an industry which has carried a duty since 1789; which has never been in all the history of this Republic without a duty, except when it received a bounty of 2 cents a pound, and when we had——

Mr. JAMES. Mr. President——

Mr. RANSDELL. Pardon me; allow me to answer you. When we went before the Ways and Means Committee of the House we had several men there, and only one of them was allowed to talk. He talked for 45 minutes—the pitiful time of 45 minutes. That sugar hearing, sir, occupied four hours, as I recall, and one-half of the time was given to Mr. Lowry, who has been persistently, in season and out of season, fighting for free sugar for two or three years. He controlled half the time, and occupied it in arguments in favor of free sugar, and all the Louisiana people could get was 45 minutes. That may be ample time, but I do not think so. I would have liked to talk 45 minutes myself, and the distinguished gentleman, a Member of the other House, Mr. BROUSSARD, who understands this question probably as well or better than any other man in Congress, would have been glad to speak an hour or more. The only time given us was that brief period; and we allowed Mr. Robert Milling, a lawyer from Louisiana, who was thoroughly posted, to occupy it, knowing we could not divide our forces and make any kind of a showing in that length of time.

Mr. JAMES. Mr. President, I will say, in reply to the Senator's speech, that the Ways and Means Committee gave several hours to a hearing upon the question of free sugar. In addition to that, the questioning and the cross-examination of witnesses took several hours in addition, and all of the gentlemen who appeared there were permitted to file briefs upon the sugar question, which are now embraced in the hearings of the Ways and Means Committee. In addition to that, the Hardwick committee for almost one year of time heard witnesses upon almost every phase of the sugar question. The report of that committee covers about six volumes, as I recall, or more than 4,000 pages, upon the question of the wages, the cost of producing sugar, the price of sugar abroad and at home, and every ramification of the sugar question. I have no hesitancy in saying that the testimony that has been taken on sugar by the Ways and Means Committee and the briefs filed before that committee and the Hardwick hearings upon the question of sugar are so extensive that it would take the Senator almost three months' time of constant labor to read and digest the evidence already presented. I have no doubt that certain interests in this country that already are having the favor of the Government in the way of taxation showered upon them are willing to have investigations—interminable investigations, ex-

haustive investigations—that will go further to exhaust the consumers who have to pay the taxes they are gathering from the people—for the tax they gather will be undisturbed so long as you only "investigate"—than they will be exhaustive in finding the cost of production and the wages paid.

Mr. RANSDELL. Mr. President, just a word more. I will not take the time of the Senate very long. We had, I think, as I have said, four hours' hearings in the House. I will not rehash that; but I will reiterate—and it will be borne out by the record, if any one seeks to investigate it—my statement that the representatives from Louisiana were given only 45 minutes and that was not sufficient time to discuss the subject.

It is true that there were hearings on the cost of sugar in the Hardwick examination. I think three gentlemen from Louisiana came up here and were questioned in regard to it; but it was not a very friendly committee. It was a committee organized principally to find against us, and they found against us. Now, Mr. President——

Mr. JAMES. Why, Mr. President, I dissent most respectfully from that statement. I do not believe the Senator from Louisiana wants to charge the distinguished Speaker of the House of Representatives with packing a committee to make a finding against a special interest in this country, and I will ask the Senator——

Mr. RANSDELL. I did not mean that at all.

Mr. JAMES. Just a moment—if it is not true that that committee was organized to find out whether there was a sugar trust controlling the price of sugar in this country?

Mr. RANSDELL. I believe that was the purpose; but I believe the committee was unfriendly to sugar.

Mr. JAMES. Oh, the Senator may say that every man is unfriendly to sugar who does not believe in taxing all the people of the United States to keep alive an industry that is not self-sustaining.

Mr. RANSDELL. There is a Sugar Trust now, Mr. President, and that Sugar Trust has been trying very hard to get free sugar, or else I am badly fooled. Mr. Spreckels testified before the Hardwick committee that he had put up, or his company had put up, $12,000 to spread through his agent, Mr. Lowry, the doctrine of free sugar. He admitted that in the testimony before Mr. HARDWICK'S committee. Everyone who has been in Congress for several years knows that he has received a great many little yellow documents emanating from Mr. Lowry's bureau; he knows that he has received from home people these little yellow slips of paper, with the names of his constituents signed to them. Who sent them to the home people? This same Mr. Lowry, incited thereto by one of the sugar trusts. I do not know how many trusts there are; but certainly Mr. Lowry's company is one of the big refiners, and certainly Mr. Lowry's company is one that is going to be a beneficiary if the competition resulting from the beet-sugar manufacture of this country is destroyed.

Who will profit by it more than the refiners? What causes the low price of sugar now? First, the very large supply there is in the world, and, second, the very active competition of the beet-sugar people. The testimony before Mr. HARDWICK'S committee showed that fact, and every man who has investigated it is obliged to admit that fact.

Now, Mr. President, I do not want to take up too much time of the Senate, but just this further remark and I am through. The Senator from Kentucky says that we have had long hearings. We had just 45 minutes before the Ways and Means Committee.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. RANSDELL. Certainly.

Mr. SIMMONS. When the Senator answers the statement of the Senator from Kentucky [Mr. JAMES], I want to ask him if he is aware of the fact that during the year 1912 the Finance Committee of the Senate gave hearings upon the sugar schedule? I want to say to the Senator, if he does not know that fact, that it was one of the three schedules that the Finance Committee most exhaustively investigated; and that fact will be shown by the circumstance that the testimony taken by the Finance Committee last year on the question of sugar covered 901 pages of printed matter. I do not think there was a phase of this question that was not gone into. I do not remember exactly how long the investigation lasted, but I think it lasted several weeks, and everybody representing any phase of the sugar interest who desired to be heard upon that subject, even to machinery—there being pending before the Senate at that time the House schedule bill revising the sugar schedule—was given full opportunity to be heard. I will state to the Senator that there was absolutely no limitation placed upon the time that representatives of that industry were allowed to speak or that representatives of that industry were allowed to testify, and when they got through they were permitted to file all the briefs they desired.

There has been no change, Mr. President, in this situation since 1912, when we held the investigations. I think they were held about the middle of the summer of 1912, and the hearings before the House committee of this year cover 231 pages. So that the hearings upon this schedule within the last year have been so exhaustive that it has required 1,132 pages to cover the testimony.

Mr. STONE. And it has all been printed?

Mr. SIMMONS. It has all been printed, and every Senator has an opportunity to read what has been said.

Mr. RANSDELL. Mr. President, that may be true; I do not know. But when a man is going to be put to death he is usually allowed to have a last word. We accord that privilege even to the condemned criminal on the gallows. The great party of which I am an humble member is about to put to death the greatest industry in my State, and we want a chance to be heard. My people are demanding that they be heard.

Perhaps they have been listened to in the past, but they want to be heard again. Is there anyone here who will deny that the passage of this bill in its present form will destroy the sugar industry in Louisiana? Is there anyone here who will deny that that industry has existed for over 100 years? Is there anyone here who will say it is not a legitimate industry? Is there anyone here who will say that the Democratic Party demands in its platform or in its principles that legitimate industries be destroyed? Is there anyone here who will say that sugar is not the best revenue producer we have? All of these things that I state are facts.

Mr. MYERS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Montana?

Mr. RANSDELL. Certainly.

Mr. MYERS. I should like to ask my friend, the Senator from Louisiana, if this industry has been protected for 100 years and is still an infant industry that needs protection, how long it will take it to become a matured industry and to be grown so that it will not need protection as an infant?

Mr. RANSDELL. I can not answer that question, and I shall not attempt to do so. I may say it is not original with the Senator from Montana. It has been asked by a great many people a great many times in the past.

Mr. MYERS. Mr. President, I should like to ask another question. Has my first question ever been answered?

Mr. RANSDELL. Will the Senator please let me answer this question as well as I can? I will state that whether the industry be an infant or not there is a great deal of money invested in sugar in Louisiana. There are fully half a million people down there who are interested in the industry and more or less dependent upon it. There are a great many people there who have made their investments upon the faith of the policies and the principles of the Democratic Party from its very foundation to the present day.

Mr. REED rose.

Mr. RANSDELL. I decline to be interrupted for a moment. We have been, in good faith, making our investments. Now, let me show you how some of them are situated at this moment.

I hold in my hand a letter from Houma, La., dated May 8, 1913, and addressed to me. It is as follows:

THE HOME INSURANCE CO., NEW YORK,
Houma, La., May 8, 1913.

Hon. JOSEPH E. RANSDELL, *Washington, D. C.*

DEAR SIR: Inclosed please find a letter from the Security Insurance Co., of New Haven, Conn., which might be of some little help to you in your fight for sugar, as it shows the far-reaching effects of the Underwood tariff bill, in that this risk a few months ago would have been gladly taken by almost any insurance company.

Hoping that this may be of some service to you, I am,
Yours, truly,

STANWOOD DUVAL, *Agent.*

This is a very short letter, just a page and a half. I will read it now. It is from the Security Insurance Co., of New Haven, Conn., and is dated April 25, 1913:

THE SECURITY INSURANCE CO., OF NEW HAVEN, CONN.,
SOUTHWESTERN DEPARTMENT,
Dallas, Tex., April 25, 1913.

DUVAL INSURANCE AGENCY, *Houma, La.*

GENTLEMEN: In view of the fact that Congress will soon pass a tariff bill affecting the sugar interests, and the statement of Chairman UNDERWOOD that the production of sugar in the United States can not be carried on under the new tariff, we have decided to discontinue entirely the insurance on sugar houses. Furthermore, we believe the conditions are so serious that we should be relieved of liability at once of all risks of that character on our books now. We find we have the following policy issued from your agency, 71747—Argyle Planting &

Manufacturing Co.—and ask that you kindly cancel and return the same to this office at once. If you have not sufficient funds in your possession to pay the return premiums, we shall be very glad to send you a check to cover.

Please do not delay this matter, as we regard it very serious. I am quite sure you will agree with me that the interest of the company demands such action on our part. The insurance business is one of great hazards; and a well-managed company, which after all is the best asset an agent can have, should take advantage of every proposition of this nature and protect its interest.

Yours, very truly,

T. A. MANNING, *General Agent.*

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Kentucky?

Mr. RANSDELL. I shall have to yield first to the Senator from Missouri [Mr. REED]. Then I will yield to the Senator from Kentucky. The Senator from Missouri was the first one who asked a question.

Mr. REED. I understood the Senator to say there were half a million people interested in sugar in his State.

Mr. RANSDELL. I stated that there were that many interested directly or indirectly.

Mr. REED. Is it not a fact that there are in the Senator's State less than 1,500 sugar planters, great and small? And is it not a further fact that the vast majority of the sugar lands in acreage are controlled by less than 100 people?

Mr. RANSDELL. Mr. President, I do not live in the sugar portion of Louisiana. My home is in the extreme northeast corner of the State, in the cotton section. I suppose I live at least 200 miles from the sugar section. For 14 years I represented in Congress a great cotton district of the State. Very few of my personal friends, except those I know politically, live down in the sugar section. We have not down there the magnificent transportation facilities that there are in some of the States, and I have not had occasion personally to visit often the sugar section of my State. But I am assured by my colleague, Mr. BROUSSARD, a Member of the House of Representatives, that there are more than 3,000 sugar planters in his own parish of Iberia.

The Senator is entirely mistaken when he speaks about there being only 1,500 planters in the State, all told. There are not a very great many of the real large planters. But there are thousands and thousands of farmers who raise sugar in a small way on their small farms and sell their tonnage to the big factories on the large plantations, just as the beet grower of the West raises beets on his small acreage and sells it to the large factories.

I presume the Senator from Missouri, by his question, intends to call in question the correctness of my statement about there being half a million people interested in the industry or more or less dependent on it. New Orleans is a city of about 360,000 people. New Orleans is to a very great extent dependent upon the sugar industry—far more dependent upon that than anything else, though it handles a considerable amount of lumber, cotton, rice, and so forth. A number of the fairest and richest parishes in the State south of Red River and west of the Atchafalaya River, all through the beautiful Teche region immortalized by Longfellow in his famous poem, Evangeline, are devoted to sugar. I think I am well within bounds when I say that more than one-third of the people of Louisiana are dependent, directly or indirectly, upon sugar, though I do not pretend to intimate that one-third of them are engaged in raising sugar. We have something like 1,600,000 people in the State.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. I do.

Mr. REED. I am simply trying to get these matters boiled down into concrete facts, as far as possible. I understand the Senator's statement now. He did not mean that there are half a million people engaged in the sugar business in his State.

Mr. RANSDELL. Oh, not at all. I did not say that.

Mr. REED. He meant that there were half a million people in the State of Louisiana who would be affected by a reduction of the sugar tariff, in this way—that he thinks it would injure the State generally, and thus would injure them.

Mr. RANSDELL. No; it would injure every man in the State generally—cut off our State taxes, our school taxes, our road taxes, our levee taxes, and everything of that kind in a general way—by reducing enormously the assessed value of the State's property.

Mr. REED. Can the Senator give us an idea as to how many acres actually are used for the raising of sugar in Louisiana?

Mr. RANSDELL. I do not believe I can answer that question at present. I had no idea I would be called upon to make a speech here to-day. I will go into that matter very fully later and enlighten the Senate just as thoroughly as I can on it. I know, in round numbers, that we have $100,000,000 invested in the sugar business in Louisiana. Some of that is in land; some of it, of course, is in machinery; some of it is in mules; some of it, and a very large part, is in great sugar factories—$35,000,000 to $40,000,000. They would be absolutely destroyed. I will attempt to give full details on all of that at some future time.

Mr. REED. I trust the Senator will. He has spoken about the large number of men engaged in raising sugar. I understand, of course, that there are a large number of men engaged in raising sugar if you count as a sugar planter the colored brother who raises a half acre somewhere and also raises other things. But I ask the Senator, when he makes his investigation and gives us his figures, if he will not tell us the number of real sugar planters there are, counting as a sugar planter a man who is engaged in the business extensively enough so that he can be called a sugar raiser. I trust we will have that information. I am not asking this to interrupt the Senator; but he comes from that State, and I should like to have some accurate information about it.

Mr. RANSDELL. Will the Senator himself permit a question?

Mr. REED. Certainly.

Mr. RANSDELL. In order that I may answer intelligently—and I assure the Senator I will try to do so—I should like him to define planters. I will say, in passing, that there are a great many white farmers all over southern Louisiana who do not have very large holdings, but they own their homes. They are people of Acadian ancestry. They live on very small places, and as their children grow up they divide their places among them. They are people who under no circumstances will sell their homes. They are as good people as there are on God's hemisphere. They are not large planters in the sense that they own hundreds of acres, but they are Caucasians; they are good American citizens; they are farmers. They practice, to a certain extent, intensive farming. If you are going to eliminate all that class of white people and bring it down to men who own 2,000 and more acres, I can not name a very large number to the Senator; and I ask him to define what he means.

Mr. REED. It would be a little difficult to draw a hard and fast line; but manifestly there is a difference between a man who is raising sugar and is a sugar planter and a man who is raising cotton and corn and has a little patch of sugar that is a mere incident to his farming business.

I suggest to the Senator, as he is directly interested and is appealing to this side for aid and sympathy and may get some, that he give us the total number of acres and give us the total number of planters who raise over 100 acres. Then we can very easily find out the number of other people who will be affected—those who have only an acre or two. That information I have tried to get, in a rather hurried way, from some of the departments, and I have failed to get anything that is satisfactory. I thought the Senator could give it to us, and I am sure he will if the information is available.

Mr. RANSDELL. I will endeavor to comply with the request of the Senator from Missouri; but I shall also have to give the acreage of the smaller farmers, as well as those who have upward of 100 acres. I presume the Senator will not object to that at all.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. RANSDELL. I must yield next to the Senator from Kentucky [Mr. JAMES]. Then I will yield to the Senator from Utah.

Mr. SMOOT. I was just going to ask a question of the Senator from Missouri.

Mr. RANSDELL. The Senator from Utah wishes to ask the Senator from Missouri a question.

Mr. REED. Certainly.

Mr. SMOOT. I should like to ask the Senator to modify his request, because of the fact that there are very, very few farmers in the United States who have 100 acres in beets.

Mr. REED. I was only speaking about cane.

Mr. SMOOT. I know in my State of hundreds of men who have not over 5 acres, and they could not attend to more than 5 acres. Upon that 5 acres they make a living. It is intensified farming. I ask the Senator to change his request and call for the entire acreage.

Mr. REED. My request was directed to the Senator from Louisiana, and had reference alone to his own State and to the cane-sugar industry. It had no reference to the beet-sugar industry.

Mr. SMOOT. Then I misunderstood the Senator.

Mr. REED. I wanted to get at the situation in Louisiana. For my part, I can say now to the Senator from Utah that as far as the man is concerned who owns 300 or 400 acres of land and only sees fit to put 4 or 5 acres into beets, I am not in favor of taxing all the people of the United States so that he can still have that 5 acres of beets.

Mr. SMOOT. No such thing exists in the West at all, Mr. President. We do not have 300 or 400 acres of land there in the hands of one man. We believe in intensified cultivation.

Mr. JAMES. Mr. President, the Senator from Louisiana stated that the Democratic Party had done nothing which his people could construe as being in favor of free sugar, or had taken no action that would have advised his people in advance that if the Democratic Party obtained control we would place sugar upon the free list. Is it not true that the Democratic House of Representatives last year placed sugar upon the free list?

Mr. RANSDELL. It is.

Mr. JAMES. And is it not true that the Democratic national platform of 1912 specifically indorsed that action?

Mr. RANSDELL. No.

Mr. JAMES. Did it not do it in these words——

Mr. RANSDELL. Read the words.

Mr. JAMES. I have them here:

At this time, when the Republican Party, after a generation of unlimited power in its control of the Federal Government, is rent into factions, it is opportune to point to *the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We indorse its action, and we challenge comparison of its record with that of any Congress which has been controlled by our opponents.*

"We indorse its action," says the Democratic platform. What was its action? Passing various tariff bills, chief among which was a free-sugar bill.

The VICE PRESIDENT. The Chair will ask the Senator from Louisiana to suspend. The morning hour has almost expired and the Chair desires to hand down certain bills from the House of Representatives.

Mr. RANSDELL. That will not cut me off from replying later, or to-morrow, or at the next meeting of the Senate?

The VICE PRESIDENT. At any time when the Senator obtains the floor. The Chair simply asks this as a courtesy, as the morning hour has almost expired.

HOUSE BILLS AND RESOLUTIONS REFERRED.

H. R. 32. An act to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania was read twice by its title and referred to the Committee on the Judiciary.

H. R. 4234. An act providing certain legislation for the Panama California Exposition to be held in San Diego, Cal., during the year 1915 was read twice by its title and referred to the Committee on Industrial Expositions.

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913 was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 82. Authorizing the President to accept an invitation to participate in the International Conference on Education was read twice by its title and referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred Senate resolution 32, requesting the President to negotiate for the concurrent and cooperative improvement of waterways in common between Canada and the United States, reported it without amendment.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 487) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same, reported it without amendment and submitted a report (No. 35) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1170) to extend the provisions of section 4631, title 54, "Prize," of the Revised Statutes of the United States, and of the act approved June 8, 1874, in relation to prize money to fleet officers, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 1363) making lands within the State of Oregon that have been withdrawn or classified as oil lands subject to entry under the homestead or desert-land laws, reported it without amendment and submitted a report (No. 36) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (S. 1027) to provide for an enlarged homestead, reported it without amendment and submitted a report (No. 37) thereon.

Mr. O'GORMAN, from the Committee on Foreign Relations, to which was referred the bill (S. 1864) for the relief of the contributors to the Ellen M. Stone ransom fund, reported it without amendment and submitted a report (No. 38) thereon.

Mr. BURTON, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 32) authorizing the Executive to accept an invitation to participate in an international conference on education extended by the Netherlands Government, reported it without amendment and submitted a report (No. 39) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 1881) for the relief of the heirs of the late Samuel H. Donaldson;

A bill (S. 1882) for the relief of Bolognesi, Hartfield & Co.; and

A bill (S. 1883) for the relief of Edwin P. Andrus and others (with accompanying paper); to the Committee on Claims.

A bill (S. 1884) for the relief of Phoebe W. Chase; to the Committee on Military Affairs.

A bill (S. 1885) granting an increase of pension to Gail E. Plunkett; and

A bill (S. 1886) granting an increase of pension to Judson P. Adams; to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain; to the Committee on Territories.

By Mr. BORAH:

A bill (S. 1888) granting an increase of pension to Horace A. Hitchcock; and

A bill (S. 1889) granting an increase of pension to Mary C. Brown; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 1890) granting an increase of pension to David A. Conner; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 1891) granting a pension to Hiram A. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 1892) granting an increase of pension to Julia A. Woods (with accompanying papers);

A bill (S. 1893) granting an increase of pension to Eugene Davis (with accompanying papers); and

A bill (S. 1894) granting an increase of pension to Augusta E. McLean (with accompanying papers); to the Committee on Pensions.

A bill (S. 1895) for the relief of Joshua A. Fessenden and others; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 1896) providing for the erection of a monument to Maj. Francis L. Dade and others in Sumter County, State of Florida; to the Committee on the Library.

A bill (S. 1897) authorizing the Director of the Census to collect, collate, and publish statistics relating to the turpentine and rosin industry; to the Committee on the Census.

A bill (S. 1898) providing for the preservation of the old fort at Matanzas Inlet, Fla., and making appropriation therefor; to the Committee on Military Affairs.

A bill (S. 1899) to establish a fish-cultural station in the State of Florida; to the Committee on Fisheries.

By Mr. CUMMINS:

A bill (S. 1900) granting a pension to James G. Pickett (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 1901) for the relief of John W. Barlow; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 1902) to regulate the volume and flexibility of the currency of the United States of America, and for other purposes; to the Committee on Banking and Currency.

By Mr. OLIVER:

A bill (S. 1903) to increase the limit of cost of the United States public building at Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

A bill (S. 1904) for the relief of Mary L. Adair and others; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 1905) to prevent the desecration of the flag of the United States of America; to the Committee on Military Affairs.

A bill (S. 1906) for the relief of R. R. Russell, Irve W. Ellis, J. L. Borroum, N. H. Corder, and Wooten & Vasbinder (with accompanying papers); to the Committee on Indian Affairs.

By Mr. REED:

A bill (S. 1907) to amend first paragraph of section 24, chapter 2, act of Congress approved March 3, 1911; to the Committee on the Judiciary.

Mr. WEEKS. I introduce a bill.

The VICE PRESIDENT. Without objection, the bill will be considered read twice by its title and appropriately referred.

Mr. JONES. Are bills being referred without reading them by title?

The VICE PRESIDENT. If there is objection, it can not be done; but the Chair stated that without objection it would be done.

Mr. JONES. I object to the reference of a bill without the title being read.

Mr. JAMES. The objection comes too late, as to those which have been introduced.

Mr. JONES. I hardly think that. I have never in the Senate known bills of a general character referred without reading the titles. I did not know that the request was being submitted. I do not care to have the titles of private bills read. Pension bills, I think, ought to be handed in without the titles being read, but I think the titles of bills of a general nature should be read.

Mr. SMOOT. The titles of private-claims bills need not be read.

Mr. JONES. Not of private-claims bills. They can be handed to the Secretary.

The VICE PRESIDENT. The trouble is that the Chair does not know the character of a bill until the title has been read.

Mr. JONES. I understand that.

By Mr. WEEKS:

A bill (S. 1908) for the relief of Thomas R. Blakeney and others, lately laborers and mechanics employed in and about the United States arsenal at Watertown, Mass.; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 1909) for the relief of William Crawford (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1910) granting a pension to Isobel M. Evans;

A bill (S. 1911) granting an increase of pension to John B. Craig; and

A bill (S. 1912) granting an increase of pension to James Williams; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 1913) for the relief of Theodore A. Baldwin and others;

A bill (S. 1914) for the relief of the trustees of Pea Vine Church, Walker County, Ga. (with accompanying paper); and

A bill (S. 1915) for the relief of the trustees of Pea Vine Academy, Walker County, Ga. (with accompanying paper); to the Committee on Claims.

By Mr. JAMES:

A bill (S. 1916) for the relief of Daniel McClure and others;

A bill (S. 1917) for the relief of the trustees of the Methodist Episcopal Church South, of Louisa, Ky.; and

A bill (S. 1918) for the relief of the heirs of Simeon P. Sandidge; to the Committee on Claims.

By Mr. JOHNSTON of Alabama:

A bill (S. 1919) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, and Marine Corps (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 1920) for the relief of Charles J. Allison; to the Committee on Claims.

A bill (S. 1921) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America to all lands entered by, or set apart to, certain Creek Indians, or their heirs or representatives, under certain private acts of Congress, and also all claims and demands on the part of the United States for the use and occupation of any of said lands, for any damage done thereto, and for timber taken therefrom; to the Committee on Public Lands.

By Mr. ROOT:

A bill (S. 1922) for the relief of Margaret McQuade; and

A bill (S. 1923) for the relief of Warren E. Day; to the Committee on Claims.

By Mr. BACON:

A bill (S. 1924) for the relief of the legal representatives of the estate of Benjamin Hamilton, deceased; to the Committee on Claims.

By Mr. LEWIS:

A bill (S. 1925) to establish a national wage commission; to the Committee on Interstate Commerce.

By Mr. CHILTON:

A bill (S. 1926) to amend and reenact section 113 of chapter 5 of the Judicial Code; to the Committee on the Judiciary.

By Mr. CATRON:

A bill (S. 1927) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909;

A bill (S. 1928) making the act approved April 28, 1904, commonly known as the Kinkaid Act, applicable to certain public lands in New Mexico;

A bill (S. 1929) for the relief of Jesus Silva, jr.;

A bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes;

A bill (S. 1931) relative to the powers and duties of United States surveyors general; and

A bill (S. 1932) to establish the Pecos National Game Refuge in the State of New Mexico, and for other purposes; to the Committee on Public Lands.

A bill (S. 1933) to remove the charge of desertion from the military record of John Kircher;

A bill (S. 1934) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers;

A bill (S. 1935) for the relief of John F. Wilkinson;

A bill (S. 1936) to correct the military record of Anastacio Sandoval;

A bill (S. 1937) to remove the charge of desertion from the military record of James Pollock;

A bill (S. 1938) to remove the charge of desertion from the military record of Jose Padilla;

A bill (S. 1939) authorizing the Secretary of War to award the congressional medal of honor to Second Lieut. Etienne de P. Bujac; and

A bill (S. 1940) to remove the charge of desertion from the military record of Jose G. Griego; to the Committee on Military Affairs.

A bill (S. 1941) providing an appropriation for the sinking of a public well at Newkirk, Guadalupe County, N. Mex.; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 1942) to establish a fish-cultural station in the State of New Mexico; to the Committee on Fisheries.

A bill (S. 1943) in reference to the issuance of patents and copies of surveys of private land claims; to the Committee on Private Land Claims.

A bill (S. 1944) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope; and

A bill (S. 1945) to reinstate certain Indian depredation cases on the dockets of the Court of Claims and to authorize their readjudication according to an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Depredations.

A bill (S. 1946) to indemnify Juan A. Valdez; and

A bill (S. 1947) for the relief of Arthur J. Matheny; to the Committee on Post Offices and Post Roads.

A bill (S. 1948) to provide for the purchase of a site for the erection of a Federal building at Santa Rosa, N. Mex.; and

A bill (S. 1949) to provide for the purchase of a site and for the erection of a public building thereon at Socorro, N. Mex.; to the Committee on Public Buildings and Grounds.

A bill (S. 1950) for the relief of the heirs of Robert H. Stapleton;

A bill (S. 1951) for the relief of Nathan Bibo, sr.;

A bill (S. 1952) for the relief of Roman Moya, administrator of the estate of Pablo Moya, deceased;

A bill (S. 1953) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca;

A bill (S. 1954) for the relief of Frank L. Rael, heir of Francisco Rael, deceased;

A bill (S. 1955) for the relief of the estate of Fritz Eggert, deceased;

A bill (S. 1956) for the relief of Dolores P. Bennett;

A bill (S. 1957) for the relief of Alexander Read;

A bill (S. 1958) for the relief of the estate of Reymundo Trujillo, deceased;

A bill (S. 1959) for the relief of the heirs of Pablo Moya, deceased;

A bill (S. 1960) for the relief of the heirs of Pablo Eugenio Romero;

A bill (S. 1961) for the relief of Cecilio Sandoval;

A bill (S. 1962) for the relief of Crestino Romero;

A bill (S. 1963) for the relief of Manuel S. Salazar;

A bill (S. 1964) for the relief of Nicolas Apodaca; and

A bill (S. 1965) for the relief of the heirs of Pablo Archuleta, deceased; to the Committee on Claims.

A bill (S. 1966) for the payment of certain money to Albert H. Raynolds; to the Committee on Indian Affairs.

A bill (S. 1967) making an appropriation for the destruction of predatory wild animals; to the Committee on Agriculture and Forestry.

A bill (S. 1968) granting an increase of pension to Annie J. Jones;

A bill (S. 1969) granting a pension to Alvina McCabe;

A bill (S. 1970) granting a pension to Benjamin F. Gumm;

A bill (S. 1971) granting an increase of pension to Grace A. Overhuls;

A bill (S. 1972) granting a pension to Mary D. Thomas;

A bill (S. 1973) granting an increase of pension to Aniceto Abeytia;

A bill (S. 1974) granting a pension to Mariana L. de Miller;

A bill (S. 1975) to restore pension to Juanita Rine;

A bill (S. 1976) granting a pension to Dale C. Cook;

A bill (S. 1977) granting a pension to Gus M. Brass, jr.;

A bill (S. 1978) granting a pension to Lottie Syzmanski;

A bill (S. 1979) granting a pension to Maggie E. Lasier;

A bill (S. 1980) granting a pension to Martina M. de Sanchez; and

A bill (S. 1981) granting an increase of pension to James F. Bandy; to the Committee on Pensions.

By Mr. HUGHES:

A joint resolution (S. J. Res. 33) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity; to the Committee on Foreign Relations.

THE TARIFF.

Mr. OLIVER submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

CLAIMS OF MARY L. ADAIR AND OTHERS.

Mr. OLIVER submitted the following resolution (S. Res. 83), which was read and referred to the Committee on Claims:

Resolved, That the claims of Mary L. Adair and others, contained in S. 1904, now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

AMENDMENT OF THE RULES.

Mr. WILLIAMS. I submit a resolution and ask that it be read for the information of the Senate and referred to the Committee on Rules.

The Secretary read the resolution (S. Res. 84), as follows:

Resolved, That the rules of the Senate be amended as follows: Rule XII, clause 1, after the words "by the Senate," there shall be inserted the following: "and any Senator may arise and declare that he is paired and how he would vote if not paired, and may add that being present he desires to be so recorded in order to constitute a quorum; whereupon he shall be so recorded and his presence as a part of the quorum announced by the Chair."

The VICE PRESIDENT. May the Chair inquire of the Senator from Mississippi whether notice was given on yesterday of this proposed amendment of the rules?

Mr. WILLIAMS. No, sir; it was not.

The VICE PRESIDENT. The proposed amendment, then, will go over one day.

Mr. BACON. Mr. President, referring to the resolution submitted by the Senator from Mississippi, it seems to me that under the rules—I am not stating this by way of making any objection to its consideration——

Mr. WILLIAMS. I have not asked for its consideration.

Mr. BACON. But under the rules it is required that the Senator shall give notice of his intention to submit a proposed amendment of the rules, and that he has not done. The rule requires that a Senator give a day's notice of an intention to submit a resolution proposing to amend the rules and that he should particularly specify the rule intended to be amended. I simply suggest that in order that the Senate may be put in possession——

Mr. WILLIAMS. Mr. President, my request was that the matter be referred to the Committee on Rules. In order to avoid any difficulty, I give notice of my intention upon to-morrow, or upon the next legislative day, to introduce the resolution and request its reference to the Committee on Rules.

Mr. BACON. That has to be in writing, and has to specify the rule sought to be amended.

Mr. WILLIAMS. It does specify the rule sought to be amended, and the clause.

Mr. BACON. The notice of the intention to introduce the resolution has to be in writing. That is what I am referring to.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state it.

Mr. SMOOT. I may have misunderstood the Senator from Mississippi; but in offering the resolution I thought the Senator asked that it be referred to the Committee on Rules.

Mr. WILLIAMS. I did.

Mr. SMOOT. That is all there is to it, then. If he had not done so, the objection of the Senator from Georgia would be perfectly in order.

Mr. BACON. Mr. President, even if it is referred it is offered as a resolution in the Senate. I am not speaking as to the merits of the matter at all. I am speaking about what the rule requires should be done if it is sought to amend the rules of the Senate.

The VICE PRESIDENT. The Chair will state, for the benefit of the Senator from Georgia, that the Chair made an inquiry of the Senator from Mississippi, in order that the RECORD might be properly made up. After the Senator said that he had not given notice on yesterday, the Chair announced that the matter must lie over one day and be treated as though it were simply a proposition to amend. The RECORD will at least show that the Senator gives notice of his intention to submit an amendment to the rules. Whether that has to be in writing or not, the Chair has not as yet ruled, but assumes that the Senator from Mississippi will put his notice in writing. In fact, the Chair understands he is now doing so.

Mr. BACON. That is all right.

Mr. WILLIAMS subsequently said: Mr. President, I send to the desk a written notice of a proposed amendment of the rules.

The VICE PRESIDENT. The notice will be entered. The morning hour has expired, and the Chair lays before the Senate the unfinished business.

ARMOR PLATE FOR VESSELS OF THE NAVY.

Mr. ASHURST. Mr. President, the discussion of the tariff during the last three or four mornings has prevented much morning business. Some days ago I submitted Senate resolution 78, directing the Secretary of the Navy to transmit certain information relating to armor plate ordered by the Navy Department during the last 25 years, and asked for its immediate consideration. Under the rules the resolution went over on objection for one day, and it is now on the table. I gave notice that at the earliest opportunity I should ask for its immediate consideration. When I obtained the floor for that purpose I ascertained that the distinguished Senator from New Hampshire [Mr. GALLINGER] was momentarily absent, and I did not desire to ask for its consideration in his absence. So there has been a delay of some days during which I have been seeking opportunity to have the resolution considered and adopted.

Therefore, Mr. President, this being the earliest opportunity I have had, in accordance with the notice I have heretofore given, I ask that Senate resolution 78 be laid before the Senate.

Mr. SMOOT. I simply wish to say to the Senator from Indiana that if action is taken on this resolution it will displace the unfinished business.

Mr. ASHURST. I do not wish to displace the unfinished business.

Mr. SMOOT. That is exactly what the effect will be.

Mr. ASHURST. I do not wish to displace the unfinished business. While the resolution upon which I ask action is of much importance, I believe the unfinished business is of paramount importance at this particular time. I therefore give notice that immediately upon the laying aside of, or the conclusion of, the unfinished business I shall ask for action upon this Senate resolution No. 78.

Our Republican friends on the other side of the aisle have recently fulminated very much and thundered in the index over public hearings, and if they are sincere they will all vote to adopt the resolution I have introduced, so that the American

people may see where their money goes. You claim you want "light." If you assist in passing this resolution, you will see how the Steel Trust mulcted this Government to the tune of $1,600,000 in furnishing the armor plate that is to be used in building the superdreadnought *Pennsylvania*.

THE TARIFF.

The VICE PRESIDENT. The Senator from Indiana [Mr. KERN] has the floor on the unfinished business.

Mr. SIMMONS. Mr. President——

Mr. KERN. I yield for a moment to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I wish to inquire of the Senator from Pennsylvania [Mr. PENROSE], the ranking member of the minority of the Finance Committee, if it is possible to have an agreement providing for a vote on the motion to refer the tariff bill to the Finance Committee and his amendment thereto.

Mr. PENROSE. Mr. President, before answering the Senator's question directly, I should like in two or three words to explain the matter.

The impression has gone forth, I do not know how, that I and others associated with me are mixed up in some kind of a filibuster on this motion. There is absolutely no foundation for such a statement or such an impression. When the Senator from North Carolina made his motion to refer the bill to the Finance Committee, I moved my amendment in good faith, expecting immediate action on that day or very soon after offering the motion to the Senate. Then, without any concerted action, as must be evident to every Senator, a debate sprang up between the Senator from Colorado [Mr. THOMAS] and the Senator from Michigan [Mr. SMITH], followed by a general discussion of tariff questions by many Senators. Then the proceedings were unfortunately interrupted early yesterday by the Senate voting to go into executive session. So that, so far as any delay in this matter is concerned, I feel entirely innocent of any intention or of any act in the direction of delay.

I recognize, Mr. President, that there would be no object in attempting to delay at this stage of the discussion. The position of the bill is purely a technical one. The fact that it has not yet been referred to the committee does not make a particle of difference, because the majority members of the Finance Committee, as I am informed, are going ahead in their conferences as rapidly as they can to perfect the bill, and the mere fact that the bill is not technically——

Mr. SIMMONS. I will say to the Senator——

Mr. PENROSE. I am not going to make a speech.

Mr. SIMMONS. Just at this point in the Senator's statement I wish to say that the debate on this question is interfering materially with the work of the Finance Committee.

Mr. PENROSE. I imagine the public debates are interfering considerably with the private conferences on the tariff. In order, therefore, to facilitate these matters and to show my perfect good will I want to cooperate with the Senator in getting early action.

I wish to say, Mr. President, that I have never in the considerable period in which I have been in the Senate engaged in a filibustering expedition. I think my record in that respect will be borne out by all my colleagues who have served with me for a period of 15 years or more. I have, with patient fortitude, looked on at the filibustering expeditions and piratical methods of others now in the majority and then in the minority of this body. I have never criticized them, believing that they were strictly within the rules of the Senate and the precedents, and that they were doing what they thought best for their party and for the legislation in which they believed. I have endeavored, with patience, to wait until the opportunity occurred for bringing about legislation, or if it did not occur I have taken the result with equanimity.

As I said, nothing would be gained by making delay in the bill at this stage. Anything that would be said now can be said later. I had intended to speak at length to the Senate on the importance of hearings, but after the request for hearings is voted down I can just as well exploit my views to this body as to the whole proceeding.

I want to state further, Mr. President, that, as far as I know, there is no disposition on the minority side to engage in any filibuster during the considerable period that will intervene before the final passage of this measure. Legitimate discussion upon every paragraph is all that I want, and, as far as I know, it is all that any of my associates want. That I believe they are entitled to, and on that we will insist. While that may take up considerable time, it will not have in it any elements of undue delay and certainly no elements of a filibuster.

If the Senator from North Carolina has any suggestion to make as to when a vote may be taken on the pending motion, I shall be glad to hear from him.

Mr. SIMMONS and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from North Carolina. Does the Senator from North Carolina yield to the Senator from California?

Mr. SIMMONS. Certainly.

Mr. WORKS. Before the Senator from North Carolina and the Senator from Pennsylvania arrive at any understanding about this matter I desire to say that I shall want to submit some remarks upon the motion itself. I certainly have no intention of delaying final action upon the motion; but a discussion has been precipitated here and statements have been made that will leave a false impression upon the minds of the Senate and the Committee on Finance as to the conditions in my State, and I shall desire before this matter is concluded to submit a few remarks for that reason. Of course, I understand perfectly that we may discuss this matter further along; but this question has been partially discussed here now, and I am not content to allow the impression that will most certainly follow what has been said to remain upon the minds of Senators without some answer with respect to it.

I submit this consideration so that Senators may take that into account.

Mr. PENROSE. I do not attempt to speak for any of my colleagues. The Senator from North Carolina called on me, and I answered him that it was for the Senate to give unanimous consent.

Mr. SIMMONS. I called on the Senator from Pennsylvania because he is the ranking member of the minority of the Finance Committee.

Mr. PENROSE. Has the Senator any suggestion to make as to when a vote shall be taken on the motion?

Mr. SIMMONS. Of course I do not desire in any way to cut off legitimate debate on the motion or on the amendment. I am perfectly willing to fix a time that would allow a reasonable opportunity for all Senators who desire to discuss it.

Mr. PENROSE. How would next Monday do?

Mr. SIMMONS. I think we might dispose of this matter to-morrow.

Mr. PENROSE. Well.

Mr. SIMMONS. As I said a little while ago, it is interfering somewhat with the work of the committee. I meant by that, of course, that it is taking our time from that work to attend the sessions of the Senate. It is a matter of special interest to the members of the Finance Committee, and I think we ought to dispose of this question. I would suggest that if we agreed to vote at 4 o'clock to-morrow it would give abundant opportunity. I do not think from the conference I have just had with the Senator from Indiana [Mr. KERN] that it is likely the unfinished business to-day will take up all the afternoon. There might be some opportunity to discuss the motion this afternoon, and after to-day we would have all of the morning hour practically to-morrow for its discussion and then two hours in addition to the morning hour.

Mr. PENROSE. If the chairman of the Finance Committee wants to fix as early a date as he indicates for the disposition of this matter, I suggest that the Senator from Indiana consent to lay aside the unfinished business until to-morrow, and also, of course, executive business.

Mr. LODGE. If we are to vote to-morrow, we ought to have more time.

Mr. SIMMONS. I do not know that it is the intention to go into executive session for a long time this afternoon.

Mr. SMOOT. Before any time is agreed upon to vote on the motion, I wish to have it distinctly understood that no executive session will be held until after the motion is voted upon.

Mr. SIMMONS. I do not think it is the purpose to hold any extended executive session to-day.

Mr. PENROSE. Any executive session must be extended at the present juncture of affairs.

Mr. SIMMONS. That might be true, Mr. President, unless it was agreed that the matter which is now tying up the Senate would not be taken up for consideration. Such an agreement might be very easily reached, I think.

Mr. SMOOT. It was not reached last night.

Mr. SIMMONS. I mean to-day.

Mr. PENROSE. There may be other snags to be struck.

Mr. SIMMONS. I do not know to what extent the Senator may have entered on a filibuster as to other matters. I know that last night he or his colleagues were filibustering as to the matter which was before the Senate.

Mr. GALLINGER. I trust the Senator from North Carolina will not give away the secrets of the executive session.

Mr. SIMMONS. If I have given away any secret, I withdraw it.

Mr. JONES. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The Senator from Washington has called for the regular order, which is the unfinished business, and the Senator from Indiana [Mr. KERN] is entitled to the floor.

Mr. SIMMONS. I hope the Senator from Washington will withhold his demand, that we may see if we can reach an agreement.

Mr. JONES. I think we are wasting time and that we will make more time by going on with the regular order.

Mr. PENROSE. I never heard the term "wasting time" applied to talk in the Senate.

Mr. SIMMONS. We might as well save time by reaching an agreement now.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Louisiana?

Mr. RANSDELL. I wish to have just two or three moments to answer a question. I do not want to debate but just to answer the question asked me.

Mr. KERN. I object to that. The Senator has given notice to the Senate that he intends to make further remarks.

Mr. RANSDELL. I do not want to make any further remarks. A question was asked me. It will round out the little speech I made this morning. The first that I have had the pleasure of making in the Senate, and one I did not expect to make, will be rounded out, if I can answer the question. It will not take more than three minutes.

Mr. KERN. I yield for that purpose.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington consent? The Senator from Washington has called for the regular order.

Mr. RANSDELL. I ask the Senator from Washington to withdraw the demand for just a moment.

Mr. JONES. Mr. President, I can not prevent the Senator from Indiana yielding to the Senator from Louisiana. If he desires to yield to him, I would not prevent it if I could.

Mr. KERN. I have yielded on certain conditions, which, of course, I take it, will be observed.

Mr. RANSDELL. In answer to the question of the Senator from Kentucky [Mr. JAMES], I wish to say that he draws a very different construction from this clause of the Democratic platform from that which I draw and to which I think it is fairly entitled. Let us consider the circumstances under which this platform was framed.

Mr. KERN. Mr. President, I yielded to the Senator from Louisiana under the impression that he desired to answer a question that had just been propounded to the Senator from North Carolina [Mr. SIMMONS]. I can not yield for this exposition of Democratic principles.

Mr. RANSDELL. I do not want to do that, Mr. President.

Mr. KERN. I decline to yield.

Mr. ROOT. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. ROOT. It is that the Senator from Indiana, having yielded the floor to the Senator from Louisiana not for a question but for a speech, has lost the floor and no longer has the right to object to the Senator from Louisiana proceeding.

Mr. KERN. When I yielded to the Senator from Louisiana for a specific purpose under a misapprehension of the facts as to what the purpose was, I think I have the right to claim the floor.

Mr. RANSDELL. I hope the Senator will not insist. It will not take me long.

Mr. President, when that fact——

Mr. KERN. What does the Chair decide?

The VICE PRESIDENT. The Chair decides that the Senator from Indiana has the floor, if he insists upon it.

Mr. KERN. Then, I call for the regular order.

Mr. GALLINGER. I will venture to suggest to the Senator from Louisiana that under the absence of rules in the Senate, the Senator can address himself to the unfinished business as well as to anything else.

Mr. KERN. I ask for the regular order, Mr. President.

The VICE PRESIDENT. The Senator from Indiana has been recognized.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Louisiana?

Mr. KERN. I do not.

The VICE PRESIDENT. The unfinished business will be proceeded with, and the Senator from Indiana has the floor.

PAINT CREEK COAL FIELDS OF WEST VIRGINIA.

The Senate resumed the consideration of Senate resolution 37, submitted by Mr. KERN April 12, 1913, and reported by Mr. WILLIAMS from the Committee to Audit and Control the Contingent Expenses of the Senate April 28, 1913, with a substitute.

Mr. KERN. Mr. President, after the governor of West Virginia announced the other day that he desired an investigation as called for in the resolution now before the Senate, and after the senior Senator from West Virginia [Mr. CHILTON] had declared here that he agreed with Gov. Hatfield that the matter might be investigated, and that since he has seen the statement he wanted it investigated and should not object, I did not suppose that there would be further objection to the adoption of this resolution. I do not know whether there is any desire to pursue the discussion of the resolution or not. If not, it may be voted upon. If there is to be further discussion, I shall take part in it. The question, of course, is upon the adoption of the resolution.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. BORAH. Mr. President——

Mr. CHILTON. If the Senator from Idaho will indulge me, I gave notice the other day when this matter was up that I was going to move that the resolution should take the regular course and be referred to the Committee on Education and Labor to investigate the facts which are alleged and to report regularly upon the resolution. I now make that motion, so that it may be discussed in connection with anything else germane to the matter.

Mr. BORAH. Mr. President, I have no desire to discuss this matter. If I understand the Senator from West Virginia correctly, his statement is that the opposition to the resolution has ceased.

The VICE PRESIDENT. The motion of the Senator from West Virginia is that the resolution be referred to the Committee on Education and Labor.

Mr. BORAH. Mr. President, I originally introduced this resolution in the Senate, and as there has been some reference to that in the debate I think I may properly trespass upon the time of the Senate for a few moments to state some facts concerning the resolution.

I readily agree that I was not in possession of all the facts which I should like to have had possession of at the time I introduced the resolution. It was introduced upon facts furnished me largely from newspaper reports. Had I been in possession of all the facts which I desired, I should not have introduced the resolution. It was introduced for the purpose of ascertaining, indeed, what the facts were, not being able to ascertain definitely as to the facts without an investigation.

It is needless to say that in introducing the resolution I had no idea of reflecting upon the governor of the State of West Virginia, either the governor then holding the office or the governor who afterwards succeeded him, nor upon the people of the State of West Virginia. We are all familiar with the history of those people, with their devotion to the Constitution and their loyalty to the flag in a trying hour. We did not have in our mind anything in the nature of a reflection upon either the officers or the people of that State. I hope I do not hasten to the criticism of sworn officers discharging their duty elsewhere, nor would I knowingly reflect upon the people of a State. But there was one fact, Mr. President, which was presented to me which caused me to introduce the resolution, and that I can state in very brief terms. As it was presented to me I did not feel that I could ignore it, or as chairman of the committee refuse to act.

It was asserted in the newspapers, and, as I understand, the assertion is not denied, that men had been arrested and tried by a military tribunal and sentenced to punishment and imprisonment in the penitentiary for two, three, and five years, and that this took place at a time when the civil courts were open and under such circumstances and conditions as, it seemed to me, to entitle them to be tried in the civil courts.

Laying aside all other facts and all other representations in regard to the matter, that one fact alone was sufficient to interest me. It would have caused me to submit the resolution if no other facts had been presented. If it is true that at the time when the civil courts were open men were actually tried for offenses which were committed under the laws of the State by a military tribunal, it is a matter of sufficient concern to move me to act at any time, and, I believe, of sufficient concern to interest anyone who is at all concerned about the perpetuity of the Government under which we live. There can be nothing of more concern than the preserving of those fundamental principles by which causes are tried, where men's liberties and lives are involved, and I would not ignore a condition of affairs which seemed to give to military tribunals the right to try men and take away their liberties unless those men were in the military or naval service.

Now, briefly, that is the one fact which, I understand, is undisputed, and it is the one fact which caused me to be interested in the affairs. I do not say that other matters did not have to do with it, but that was controlling and guiding in the matter.

The case of Moyer against Peabody has been referred to in this argument, I presume, for the purpose in some respect of justifying whatever steps were taken and whatever proceedings were had, but the case of Moyer against Peabody does not justify nor give a precedent for anything in the nature of the transaction which we have here before us, if the facts reported to us are correct. In the syllabi in this case it is said:

What is due process of law depends on circumstances and varies with the subject matter and necessities of the situation.

Truly so; but no court in this country has ever held that, while the civil courts are open, those who are not in the Army or Navy may be intercepted for crimes committed in violation of the law of the State and tried by a military tribunal. No court has ever held that such a trial is "due process of law" under the genius of our institutions. When any court shall have so held and it becomes an established precedent, there will shortly be an end of the fundamental principles upon which this Government rests. Even the inception of such a claim must be denied, the slightest step in such direction must upon the first moment of reflection be retraced.

The declaration of the governor of a State that a state of insurrection exists is conclusive.

Undoubtedly that is true; but the declaration of a governor that a state of insurrection exists does not justify anything and everything which a governor may see fit to do while that state of insurrection exists. There are certain fundamental rights of the citizen which can not be interfered with under such conditions any more than if the state of insurrection did not exist. The powers which belong to the executive in the case of a state of insurrection are pretty well defined, they are pretty well understood, and have been passed upon rather extensively and in detail by the courts; but no court has ever intimated that by reason of that condition of affairs you can arrest a citizen upon the streets of a city for an offense committed against the laws of a State, try him before a military tribunal, and take away his liberty or his life. The governor may properly declare martial law, he may oppose force with the militia of the State, but he may not transfer the jurisdiction to try and punish men for statutory offenses to improvised military tribunals.

The case of Moyer against Peabody was simply a civil suit in which the man who had been deprived of his liberty for a time undertook to recover damages from the governor of the State, it being contended upon the part of the complainant that the action of the governor was not conclusive as to certain matters which he had alleged in his proclamation. The whole case is stated and its limitations noted, so far as it being a precedent in this matter is concerned, in a single paragraph:

Such arrests are not necessarily for punishment, but are by way of precaution to prevent the exercise of hostile power. So long as such arrests are made in good faith and in the honest belief that they are needed in order to head the insurrection off, the governor is the final judge, and can not be subjected to an action after he is out of office on the ground that he had not reasonable ground for his belief. If we suppose a governor with a very long term of office, it may be that a case could be imagined in which the length of the imprisonment would raise a different question. But there is nothing in the duration of the plaintiff's detention or in the allegations of the complaint that would warrant submitting the judgment of the governor to revision by a jury. It is not alleged that his judgment was not honest, if that be material, or that the plaintiff was detained after fears of the insurrection were at an end.

But the case which has more to do with the subject matter in hand is the noted case of ex parte Milligan, which is found in Seventy-first United States, at page 109. It states the principle from which we dare not depart.

Mr. BACON. Will the Senator please give the number of the volume from which he previously read?

Mr. BORAH. It is No. 212, United States Reports.

The facts in the case of ex parte Milligan in some respects resemble the facts, as they have been presented to me, as existing in the State of West Virginia. In that case Milligan was arrested and tried before a military tribunal at a time when the civil courts of Indiana were open. I need not read more than a paragraph or two of the opinion, but it is one of the noted cases in the history of our courts, and deals specifically with the right of a citizen to a trial in the civil court under such conditions as are said to prevail in the State of West Virginia. When it came to determine this particular question as to his right of trial under those conditions, the Supreme Court said:

The importance of the main question—

That is, as to whether Milligan could be tried by a military tribunal or must be tried in the court—

The importance of the main question presented by this record can not be overstated, for it involves the very framework of the Government and the fundamental principles of American liberty.

During the late wicked Rebellion the temper of the times did not allow that calmness in deliberation and discussion so necessary to a correct conclusion of a purely judicial question. Then considerations of safety were mingled with the exercise of power, and feelings and interests prevailed which are happily terminated. Now that the public safety is assured this question, as well as all others, can be discussed and decided without passion or the admixture of any element not required to form a legal judgment. We approach the investigation of this case fully sensible of the magnitude of the inquiry and the necessity of full and cautious deliberation.

After reciting the facts more fully, the court says:

The controlling question in the case is this: Upon the facts stated in Milligan's petition and the exhibits filed, had the military commission mentioned in it jurisdiction, legally, to try and sentence him? Milligan, not a resident of one of the rebellious States or a prisoner of war, but a citizen of Indiana for 20 years past and never in the military or naval service is, while at his home, arrested by the military power of the United States, imprisoned, and, on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission, organized under the direction of the military commander of the military district of Indiana. Had this tribunal the legal power and authority to try and punish this man?

No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen when charged with crime to be tried and punished according to law.

And not according to the ipse dixit, or the passion, or the prejudice, or the opinion of an improvised tribunal. Not according to laws which govern military courts and rules of evidence which there obtain, but according to the law of the land and the rules and practices of common-law courts.

I do not care, Mr. President, what the emergency may be, or what the supposed emergency may be, there is no emergency conceivable which can suspend the operation of the Constitution or suspend the right of a man to have a trial before such a tribunal as is provided for by the general laws of the country. This is the announcement of the greatest of judicial tribunals upon the most vital principle of personal liberty, and, speaking for myself, I will wander from it not a hair's breadth if I know it. In saying this I impute disloyalty to no one else, but under this principle I claim the right to know all the facts when so salutary a principle seems to be denied to any citizen, rich or poor.

The power of punishment is alone through the means which the laws have provided for that purpose, and if they are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be or how much his crimes may have shocked the sense of justice of the country or endangered its safety. By the protection of the law human rights are secured; withdraw that protection and they are at the mercy of wicked rulers or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our Government were familiar with the history of that struggle, and secured in a written Constitution every right which the people had wrested from power during a contest of ages. By that Constitution and the laws authorized by it this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning. Those applicable to this case are found in that clause of the original Constitution which says, "That the trial of all crimes, except in case of impeachment, shall be by jury"; and in the fourth, fifth, and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against unreasonable search and seizure, and directs that a judicial warrant shall not issue "without proof of probable cause, supported by oath or affirmation." The fifth declares "that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor be deprived of life, liberty, or property without due process of law." And the sixth guarantees the right of trial by jury in such manner and with such regulations that with upright judges, impartial juries, and an able bar the innocent will be saved and the guilty punished. It is in these words: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." These securities for personal liberty thus embodied were such as wisdom and experience had demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition, and but for the belief that it would be so amended as to embrace them it would never have been ratified.

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The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of Government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its

existence, as has been happily proved by the result of the great effort to throw off its just authority.

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The discipline necessary to the efficiency of the Army and Navy required other and swifter modes of trial than are furnished by the common-law courts, and, in pursuance of the power conferred by the Constitution, Congress has declared the kinds of trial, and the manner in which they shall be conducted, for offenses committed while the party is in the military or naval service. Everyone connected with these branches of the public service is amenable to the jurisdiction which Congress has created for their government, and, while thus serving, surrenders his right to be tried by the civil courts. All other persons, citizens of States where the courts are open, if charged with crime are guaranteed the inestimable privilege of trial by jury. This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance and can not be frittered away on any plea of state or political necessity. When peace prevails and the authority of the Government is undisputed, there is no difficulty of preserving the safeguards of liberty, for the ordinary modes of trial are never neglected, and no one wishes it otherwise; but if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need and should receive the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty consecrated by the sacrifices of the Revolution.

Mr. President, I am aware that that is a case in which the court was dealing with a Federal question, or rather it was a proceeding in the Federal courts and under the Federal Constitution. I have not had the time, and did not intend to do so until this resolution should ripen into an investigation, if it should do so, to find out just what the provisions of the State constitution of West Virginia are or what the circumstances and facts were concerning the situation which seems to have led to this trial by the military tribunal; but it was sufficient for me to understand that in a State of this Union men had been seized upon the streets for crimes alleged to be in violation of the laws of a State, tried by an improvised military tribunal, and sent to the penitentiary. It is certainly sufficient to warrant an investigation. If there should be found in the State of West Virginia and in the constitution of West Virginia such provisions as would seem to justify such a proceeding, that of itself would not be sufficient answer, because you can not take away the rights of a citizen of a State without at the same time interfering with the rights of the citizen of the United States.

A man who is a citizen of the State of West Virginia is also a citizen of the United States, and if he has been imprisoned under such conditions it is a matter of supreme concern to the United States, as well as a matter of immediate concern to the people of West Virginia. It was for this reason, Mr. President, so far as I was concerned, that I moved in the first instance with this resolution. There was no sort of politics upon my part. It could hardly be so, because I understood the conditions in West Virginia politically. I assume that there was no sort of politics upon the part of the Senator who afterwards introduced the resolution, and if there is anything that would lead me to have supreme contempt for one of my colleagues in this Chamber it would be for him to undertake to interpose politics in a matter in which the rights of an individual citizen or his liberty were involved. I challenge neither the standing nor patriotism of the governor of West Virginia; I do not now impeach the learning of her judges—they had their duty to perform, and I felt when these facts were presented I had mine to perform.

Mr. President, I am one of those who still believe that the best way to administer justice in this country is through the courts. I have something of an hereditary prejudice, of which I am not anxious to be free, in favor of a trial by jury before an impartial court under the established laws of the country, where the accused may meet the witnesses face to face. It is the best way yet devised, and I will not ignore any encroachment upon this wise system even by tribunals supposed to be born of or made necessary by great emergencies. But, sir, if the courts are to be open to some and not to all, we need waste our time no longer in idle and useless discussion as to whether it is worth while to preserve our judicial system. If there is anything in the world which would lead me to transfer our judicial questions from our courts to town meetings it would be the supplanting of such tribunals by military commissions. These men committed no crime not punishable under the laws of the great Commonwealth of West Virginia, and no one will contend that the courts were either closed or corrupt or afraid, or that honest and fearless men could not be found in the State to sit upon juries and administer justice.

Such affairs as this show most clearly how deep-seated is the love of our people for the methods of trial given us by the fathers, and it is well that it is so. This system is the result of a thousand years of bitter experience and ceaseless struggle. When men are deprived of its benefits, when its wise and salutary methods are withheld, how quickly they feel the force of its justice, its wisdom. For one, Mr. President, I propose, so far as I can, to see that they are not deprived of it. I propose that the humblest, the poorest, the most unjustly accused, as well as the most justly accused, shall have its full benefit. No man can under the genius of our Government be legally punished for crime, not being a member of the naval or military service, except in the orderly and legal way prescribed by our laws and through the judgment of our courts. That these men were tried and punished for ordinary crimes before military tribunals when the courts were open is not denied, as I understand. I for one, therefore, should like to know all the facts which surround such a transaction.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. BORAH. I do.

Mr. CHILTON. I want to ask the Senator, inasmuch as he is in favor of the courts determining matters of this kind, that after the Supreme Court of Appeals of West Virginia has decided upon all of these questions and has held that the proceedings are all sufficient under the laws of that State, where else could you contest it, except in the Supreme Court of the United States? Could the Senate do anything to reverse the Supreme Court of Appeals of West Virginia?

Mr. BORAH. Undoubtedly the Senate could not do anything to reverse the action of the Court of Appeals of West Virginia; but I do not concede, if such a condition of affairs as has been alleged exists and has been sustained by the courts of West Virginia, that the Senate as a lawmaking body is without power to protect the situation. It may not and would not likely be able to relieve individuals, but if in this Government of ours there is a hiatus wherein and by reason of which such things may be done, then it is time for legislation in preparing for future contingencies.

Mr. CHILTON. Is there any fact that the Senate of the United States could develop which the Senator thinks would not be developed by the parties themselves in an action to obtain their freedom before a proper court; and does the Senator think there could be greater energy here than there would be by the parties themselves in a legal proceeding in the State, or in some other proceeding to correct the proceedings in the State? In other words, I want to find what benefit is going to be derived by having an investigation here under the present state of affairs.

Mr. BORAH. Well, Mr. President, of course it is impossible for the Senator from Idaho to state the benefits which will be derived in their fullness, and I expect it will be very difficult for the Senator from West Virginia to tell the injury which would flow from the proposed investigation if there is nothing to these facts.

Mr. CHILTON. That possibly may be so. Mr. President, while I am on my feet, if the Senator will permit me, I want to say to him that I hope that nothing which I have said led him to believe that I meant to intimate that anything that he did—and I can say the same to the Senator from Indiana—was done on political grounds.

Mr. KERN. Mr. President, before the Senator from West Virginia takes his seat, if the Senator from Idaho will permit me, I should like to ask the Senator from West Virginia whether he is to-day of the same opinion that he was the other day, when he said that he would join with the governor of West Virginia in favor of an investigation into these conditions?

Mr. CHILTON. Yes, Mr. President; in a proper way. I think, though, that this resolution is being railroaded. I do not think that both sides have been properly heard. We have a number of ex parte statements put before the Senate here this morning and a number of statements made the other day, but there has been no place where both sides can present their situation. Both sides of the controversy ought to go to a regular committee to investigate. It will not delay anything, and I see no reason why West Virginia should be put up here in the dock and practically convicted before any kind of an investigation has been made by the Senate.

My position has been that if the governor of that State—there are all kinds of rumors about his attitude; some say he wants it, and some say he does not—if the governor of that State insists upon an investigation, I am perfectly willing that it may be undertaken; but I do say that there has been nothing shown here why West Virginia should be made an exception and should be made here the subject of an investigation involving everything practically under the laws of the United States and under the laws of the State, when the same disturbances are going on all around us.

Only three or four days ago practically similar disturbances occurred in the State of Ohio, the near neighbor of the Senator

from Indiana; they are going on in New Jersey, and the same kind of thing occurred in Lawrence a year or two ago. Strikes are going on, and disturbances of this kind are occurring where all kinds of allegations are being made upon the one side or the other; and it occurred to me that we ought to take a regular course, and that this resolution should in any event go to a proper committee so that, for instance, the initial facts may be ascertained.

The Senate does not officially know as yet that there has been martial law in the State of West Virginia. The Senate does not officially know that anybody has ever been arrested under martial law in the State of West Virginia. Certainly, the initial facts should be presented to the Senate in some way, and I want them to be determined in the regular way by a regular committee of the Senate.

Mr. KERN. I hoped the Senator, before he took his seat, would answer the question as to whether he is or is not in favor of an investigation of these conditions by the Committee on Education and Labor, and whether he doubts that that committee will give to the State of West Virginia a fair hearing.

Mr. CHILTON. I do not doubt that any committee of the Senate will be fair, Mr. President; of course not. I stated in my remarks the other day exactly my position, and I still stand upon what I said at that time. I do not want an investigation here unless there is some ground for it. I am not afraid to say anything if I believe it right. I do not know what fear is about politics, because coming back to the Senate makes little difference to me. It is never so important to me as it is to be right and not to be a coward, and when things are being said upon this floor that do my State an injustice, I am going to say so here or in any other presence.

I simply want it understood, Mr. President, that if the representations that I understand have been made by the governor of that State are true, and he wants to take the responsibility, I am perfectly willing to say that I will not fight the proposed investigation. Upon principle, however, there is absolutely no precedent and no ground for a State to be treated as West Virginia would be treated if such a resolution as this should be passed, and somebody besides myself will have to take the responsibility. If the Committee on Education and Labor in a proper way shall determine that an investigation is proper, I will not, then, put my State in the position of objecting. I only want a square deal for West Virginia and all her people. I am only opposing the railroading of such a solemn matter.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield to the Senator from New York.

Mr. ROOT. I wish to ask a question, because I am somewhat puzzled. The resolution, a copy of which I have, appears to have been submitted by the Senator from Indiana [Mr. KERN] and to have been reported by the Senator from Mississippi [Mr. WILLIAMS] from the Committee to Audit and Control the Contingent Expenses of the Senate, and the Senator from Idaho refers to the resolution introduced by himself.

Mr. BORAH. That is the resolution introduced at the last session by myself.

Mr. ROOT. Is it the same as the pending resolution?

Mr. BORAH. It is practically the same. I do not know that it is verbally the same, but it is in substance the same.

Mr. ROOT. While I am on my feet, may I make a suggestion? It is a suggestion born of a very deep sympathy with what the Senator from Idaho has said, because if it appears in any proper way that in any State or anywhere within the jurisdiction of the United States men are deprived of their life, liberty, or property without due process of law, or that they are denied equal protection of the law, and that that deprivation comes from the overwhelming authority of a State, I am in favor, not of relegating the weak individual to his action in the courts, but of inquiry into it, to the end that we may see whether we may not correct it by the power of the United States I sympathize with the Senator from Idaho in what he has said, but it does not appear to me that this resolution as it now stands is aptly framed to accomplish that result. I should question two things—one is whether the Committee to Audit and Control the Contingent Expenses of the Senate is the committee which should frame such a resolution. I supposed their function to be to pass upon the question of the expense involved. So that this resolution now has practically not been considered and reported by any committee which has jurisdiction to do two things, both of which should be done. One is to ascertain whether there is any such reasonable cause to believe the evil exists as to set in motion the investigating powers of the Senate to take it out of the realm of the newspaper report. The other is to pass upon the terms of the resolution to be adopted by the Senate in order to bring about the investigation.

Mr. President, it is a very serious and solemn proceeding for the Senate of the United States to resolve itself into a grand jury for the purpose of passing upon the acts of a State of the Union to the end that the supreme authority of the Constitution of the United States shall be enforced. We should be careful about the terms of the resolution that we pass, and we should be careful to see to it that we have grounds for taking the action. It seems to me, with the fullest agreement with the Senator from Idaho, that an appropriate committee should consider whether there be something more than rumor, which is not entitled to consideration, and should see to it that the resolution upon which we are to act is properly adapted to secure the results which ought to be secured.

Mr. BORAH. Mr. President, the Senator from New York is undoubtedly correct in the proposition that the resolution should be so framed as to accomplish that which we desire to accomplish. I have not undertaken to follow the modus operandi of the proceedings with reference to getting this resolution to the point where we can finally act under it. I only know the general principle which was announced in the resolution at the time it was introduced by the Senator from Indiana; and I felt then, and I feel now, that, so far as the language of the resolution itself is concerned, we will be able to gather all of the facts which it is necessary to gather. As to the advisability of having another committee pass upon it, that is a matter of detail which we can later discuss more at length.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SUTHERLAND. I have been unfortunately out of the Chamber during the discussion that has been going on; at least I have been out most of the time; but I understand the Senator from Idaho introduced a resolution of the same character as the one pending, perhaps in the same language, at the last session of Congress.

Mr. BORAH. I did.

Mr. HITCHCOCK. We are compelled to call the attention of Senators to the fact that we are not able to hear on this side of the Chamber.

Mr. SUTHERLAND. Was that resolution referred to the Committee on Education and Labor?

Mr. BORAH. My recollection is that it was, but I would not want to be definite with regard to that.

Mr. SUTHERLAND. Was there any investigation of the subject by the Committee on Education and Labor?

Mr. BORAH. There was not. The resolution was introduced at a time when we were not doing a great deal of business except doing nothing, toward the close of the session, when we were unable to get committee meetings.

Mr. KERN. Mr. President, we are unable to hear on this side of the Chamber anything that is being said on that side.

Mr. HITCHCOCK. Mr. President, I want to call attention to a clear breach of the rules of the Senate, in that Senators are addressing each other instead of addressing the Presiding Officer. If Senators will address the Presiding Officer we will all be able to hear what is said.

Mr. SUTHERLAND. If the Senator will permit me, I understand it is charged that in the State of West Virginia military courts, or so-called military courts, have been organized, that citizens have been arrested and brought before those courts, prosecuted, convicted, and imprisoned.

Mr. BORAH. Mr. President, that is correct.

Mr. SUTHERLAND. That, thus far, is entirely correct?

Mr. BORAH. It is, as I understand the facts.

Mr. SUTHERLAND. Of course I know nothing about the facts, except as I have seen some statements in the newspapers. Has the Senator any other foundation for the statement than the newspaper stories?

Mr. BORAH. Mr. President, I have the statements of those who were in prison, made to me personally; so I feel reasonably certain that they could not be mistaken.

Mr. SUTHERLAND. I should like to ask the Senator one other question, and that is whether or not this condition still prevails in West Virginia; that is to say, whether these so-called military tribunals are still in existence and operation and men are still being arrested.

Mr. BORAH. Mr. President, I do not understand that they are now proceeding to try them. I do not understand that the military tribunals are really in existence. Perhaps they could be called into existence very quickly if the necessity arose. But I do understand that some of the prisoners are still in prison by reason of the judgment of the military tribunal.

Mr. SUTHERLAND. I want to say to the Senator that if that condition prevails in the State of West Virginia, in my judgment the Constitution of the United States is very clearly being violated, and I should think it would be the duty of Congress to cause an investigation of it to be made. I should like to know, however, before I am called upon to act in the matter, whether or not that condition is still going on; and if there is any definite information on that subject in the hands of anybody I should like very much to have it.

Mr. KERN. Mr. President, in response to the inquiry of the Senator from Utah [Mr. SUTHERLAND] as to whether the conditions in West Virginia, so well described by the Senator from Idaho [Mr. BORAH], still exist, I want to say that I hold in my hand a copy of the Huntington (W. Va.) Herald-Dispatch, said to be published by Gen. Isaac Mann, a prominent Republican, who was recently a candidate for the United States Senate. It bears date May 10, 1913. It contains an article headed "Five Socialist prisoners taken to capital city. Under military guard, the men were removed to Charleston."

There also appears in the same issue a news item from Charleston, and purports to give an interview with the governor, from which I quote:

In an interview late to-night Gov. Hatfield intimated that few, if any, cases would be tried by the military commission in the martial-law zone of Kanawha County.

"I shall turn over those prisoners who violate the law in the military district, such as assaults and carrying firearms, to the civil authority. Those who have been aiding and abetting and publishing inflammatory newspaper articles I will hold under chapter 14 of the code, which gives me that authority," he said.

The first article gives an account of the arrest, by order of the governor, of five men connected with the publication of a newspaper.

I have here statements from reputable gentlemen in Huntington who tell about members of a militia company breaking up and destroying a newspaper plant last week. I have here affidavits of men who were denied admission to a United States post office in West Virginia because they were union men, the post office being located in the Sullivan Coal Co.'s store.

This affidavit is one that was made May 12. The affiant says:

That on the 12th day of April, 1913, he joined the organization known as the United Mine Workers of America, affiliating himself with Local Union No. 2938; that a few days after his joining said union, to wit, on the 19th day of April, 1913, affiant went to the post office at Sullivan, W. Va., for the purpose of getting his mail, and after arriving at said post office, or near the same, he was informed that the train was 30 minutes late, he thereupon sat down on the store porch, within which store the post office was located, the said post office being in the coal company's store at said point, and while he was thus waiting Bird Humphries, Richard Hudson, A. C. Underwood, and A. Peyton, who were in the employ of the Sullivan Coal Co. as Baldwin-Feltz Guards, assaulted, beat, and wounded him and forced him to leave said post office and said town of Sullivan without first securing his mail.

Another affidavit is from an Italian subject, Frank Angelo, who has been in the United States for 11 years:

That on the said 13th day of April, 1913, he, together with Joe Blank, were on their way from said mine to the post office located at said McAlpine; that before they reached said post office they were accosted by Ash Dixon, a Baldwin-Feltz guard in the employ of said McAlpine Coal Co., the said guard inquiring of affiant and the said Joe Blank where they were going, to which they, and each of them, replied that they were on their way to the post office to get their mail; thereupon the said Ash Dixon refused to allow said affiant and the said Joe Blank to go to said post office, and threatening them with personal violence in event they or each of them attempted so to do, thereupon affiant was prevented, together with the said Joe Blank, from having access to said post office and were compelled to return without having secured their mail or asked for same at said post office.

Affiant says that he believes the action of the said guard was caused by the fact that he, together with the said Joe Blank, had a few days prior to the date hereinbefore named affiliated themselves with the local union located at Sophia, W. Va., of the United Mine Workers of America, said affiant having been told by said guard a few days before the happening of the matters hereinbefore mentioned that he would have to leave the creek upon which the mines were located, at which he had been working, because of the fact that he had joined the union above mentioned.

I have still another short affidavit to the same effect:

S. T. Perkey, being duly sworn, says that he is a resident of the county of Raleigh, State of West Virginia; that he was present at McAlpine on the 9th day of April, 1913, when Ash Dixon, a Baldwin-Feltz guard, refused to allow Frank Angelo and Joe Blank access to the post office at said point; that he heard the said Angelo and Blank state to the said guard that they were on their way to the post office, and heard the said guard make threats to the said Angelo and Blank that in the event they attempted to go to the said post office that he would beat their heads off, and that the quickest way that they could get back to Sophia or leave the district would be the best for them.

I received this morning a letter, from a man who writes intelligently, from Hilltop, W. Va.:

I live close to Scarbro, W. Va., but I have been ordered to stay away from that place by the mine guards. So, you see, I have to go twice as far after my mail up to Hilltop post office. Nineteen hundred and two I was excluded from the Dun Loop post office, and this is the second time I have had to change my office. I want to tell you the conditions in West Virginia are beyond endurance. We are worse than chattel slaves down here in West Virginia. I am only one, but I am expressing the feelings of thousands of poor coal diggers.

Then he calls my attention to certain sections of the law, and adds:

I am 36 years old. I have never been arrested in my life. I have been in court only as a witness and as a juror. I am ordered to stay away from my post office by the guards employed by the coal company.

I might go on here at great length, I will say to the Senator from Utah, describing conditions as they are now. In the past two weeks two newspapers have been suppressed—one in Charleston and one in Huntington. Word comes to me from every part of West Virginia, not only from union men but from business men, from school-teachers, from men apparently of high character and standing, who say that the conditions there are intolerable and have not been exaggerated by the papers.

I received this morning a letter from the principal of a school in West Virginia. I will not give the name of the place. It is a well-known place, but because of the presence of a coal-mine owner whom I saw in the cloakroom here to-day I am afraid the writer of this letter would lose his place if I should mention the name of the town. He says:

I am not a labor leader, as you can see by my stationery, but I do like to see persons get their just dues. I was in the Paint Creek region 40 days last summer as first sergeant of Company H, First Infantry, West Virginia National Guards, and I know that an investigation into the coal-mining situation in our State will be a good thing.

I am only a citizen and have but a little influence, but I want you to push this matter to the limit, because as I see the situation in Paint and Cabin Creeks and here in my own county and surrounding counties if something is not done by the powers higher up something will be done by the powers lower down, and you know what that means to a State.

Hoping you will give this sufficient time to glance over it and accept it as the opinion of one not directly interested, I am, etc.

So I say from all over this State during the past two weeks I have had statements of this kind. I have had statements from people in distant States, who say they have been driven out of West Virginia because of their political and industrial connections, and who are pleading for an investigation by the United States Senate. I say this only in answer to the question of the Senator from Utah. These statements give conditions as they exist to-day, as they existed last week, as they have existed all the time.

While I am on my feet, Mr. President, I want to say that I hope this resolution, as reported by the Committee to Audit and Control the Contingent Expenses of the Senate, will not be sidetracked. The resolution as originally introduced by the Senator from Idaho [Mr. BORAH] provided that a committee of three Members of the Senate should be appointed to investigate these questions. When I reintroduced the resolution I adopted the language of the original resolution. I was in favor of a committee of three Senators, because it was thought that three Senators might be found whose duties on other committees would not prevent their going into this field and seeing for themselves and summoning witnesses who might be accessible, to the end that the truth might be known. But when the matter was referred to the Committee to Audit and Control the Contingent Expenses of the Senate that committee thought it best that the question of investigation should be referred to the Committee on Education and Labor rather than to a committee of three Senators.

Of course a strong effort has been made to defeat or, if not to defeat, to sidetrack and postpone this investigation by influences from West Virginia and elsewhere. Senators on this floor, numbers of them, have received telegrams urging that course. While the matter rested in the Committee to Audit and Control the Contingent Expenses of the Senate, Senators received telegrams from a coal-mine owner of great wealth urging against the investigation. No more important question, it seems to me, has been presented to the Senate since I became a Member of it.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. KERN. I do.

Mr. SHAFROTH. I will state to the Senator, Mr. President, that there was another reason which the committee took into consideration in having the investigation referred to the Committee on Education and Labor. It was that the resolution, as introduced, provided for clerical assistance. It was thought that if the matter were heard by the Committee on Education and Labor there would be no necessity for special clerical assistance, and that as it was a standing committee having matters of that kind in charge it would be more appropriate that the resolution should be referred to that committee to be investigated by it.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. KERN. Certainly.

Mr. GALLINGER. The Senator has just said that telegrams were received from a rich coal-mine owner of West Virginia. I received a telegram from a man that I presume would come under that nomenclature, who recently occupied a seat in this body. That man did not ask me to undertake to suppress this investigation, however, but asked for delay so that the junior Senator from West Virginia might be present when it was considered. I exerted myself to secure a little delay for the simple purpose of having present the junior Senator from West Virginia, who, I understood, desired to offer some amendments to the resolution. The Senator recognizes the fact, I think, that the telegrams came from ex-Senator Watson, who, I will say, does not belong to my political party.

Mr. KERN. Mr. President, this is not a political question. For months and months charges have been made in the public press regarding conditions in West Virginia, not by the so-called yellow press but by newspapers and magazines of the highest respectability. Most of these newspapers, in view of the facts disclosed—although many of the most important facts were suppressed—have asked for an investigation by the Senate, to the end that the public may know whether or not these charges are true.

I think the New York Globe can hardly be accused of being a yellow newspaper or being particularly in sympathy with labor, either organized or unorganized. Yet the New York Globe, since this resolution has been pending, has the following:

> This West Virginia outbreak has been of such character and on so extended a scale; it has cost so much in life, property, and business to a great State; it has indicated such a tensity of feeling between the miners and the operators that there is need for the community to know what it was about and on which side lay the merits. A settlement that merely sends the men back into the diggings, without assurance that the trouble may not break out again at any time, will not be satisfactory.
>
> It is quite within the present demands of an exacting public sentiment toward these questions of industrial condition and human welfare that a thorough study should be made of such a situation. The whole Nation is turning its thoughts to this great set of issues. It can not think accurately or decide rightly until it knows the facts. Therefore, whether there is a present settlement or not, the inquiry ought to go ahead. If this course is taken, the chance of a future outbreak will be lessened.

I call attention to a digest of newspaper opinions on this subject published in the Literary Digest of April 5 of the present year.

"This thing of trying civilians by court-martial is a dangerous proceeding, for, if allowed, there is hardly any limit to its abuse," remarks the Houston Post, and the New York Evening Post—surely not a "yellow" paper—agrees that it is a "vicious practice."

"West Virginia does what the United States can not do," says the New York World. "It suspends the civil law in time of peace." This paper continues:

> The President of the United States is specifically forbidden to suspend the writ of habeas corpus except in cases of invasion or rebellion. The governor of West Virginia exercises that power in the presence of a sordid disagreement over work and wages.
>
> There can be no such thing as martial law under Federal sanction even in time of war except in territory in which the civil authority has ceased. The civil courts of West Virginia, in full operation, are ignored by tribunals presided over by militiamen.
>
> More than the welfare of one monopoly-ridden State is involved in this tyranny. It menaces the peace of every State. It is a wrong that will rankle in millions of hearts. It is an injustice that will embitter political and industrial controversies from sea to sea. It is an error that even the most infatuated of employers must see can lead only to mischief and reprisal.
>
> The American people will not be denied trial by jury. They will not submit to despotism. If the puppets of privilege who now dragoon West Virginia do not know this, some of their powerful friends and backers among the coal magnates should instruct them speedily.

I want to quote from the New York Tribune. An editorial utterance of that paper ought to command respect on the other side:

> If anywhere in the world workmen need organization in order to protect their interests it is in the West Virginia coal-mining district, where the strike is. * * *
>
> In the West Virginia coal fields the mine operators are the landlords, the local merchants—for the miners trade at the company stores—and they are very much of the local government so far as there is any in those mountains. Indeed, they have always been a large part of the State government, too. Each way the miner turns he comes up against the employing corporation. When he rents a house it must be at the company's terms. When he buys food and clothes he must pay the company's prices. And when he seeks his legal rights, it must be from authorities that are likely to be subservient to the great local industry. It is a species of industrial serfdom to which he is subjected. * * *
>
> All American instinct for fair play opposes leaving workers as defenseless against aggression and oppression as these West Virginia miners, unorganized, are.

Mr. President, during these past months it has been known of all men in this country that there were disturbances in West Virginia. What those disturbances were was not accurately known, because, as I pointed out here the other day, a zone had been created in the midst of which these mines were situated, in the midst of which the military commission was planted, and in which zone there was such a condition that the greatest news-gathering agency in America did not dare send its representatives there to report the trial of one of the most famous women in America that was going on there. But Collier's Weekly sent a representative there in the person of Mrs. Fremont Older, a lady who brought me a letter of introduction the other day from a Cabinet officer, who described her as one of the best women in America. She went there. She found access there in some way, and in the most graphic manner she laid before that part of the public who are readers of Collier's Weekly the horrible conditions that prevailed there within 300 miles of the National Capital. Everybody's Magazine has published other accounts of those conditions.

The Pittsburgh Leader is another paper in which I have seen accounts written by a correspondent who declares that he himself was imprisoned in that military district on no other charge than that he was there seeking to gather the truth about the situation.

These charges have been made through the length and breadth of the land, and I confess I do not understand the attitude of the mine owners of West Virginia and their friends, when in the face of all these charges, charges that go to their patriotism and to their manhood, they come before the American Senate and seek to sidetrack or to stifle the proposition to have an investigation that the truth may be known. It seems to me that they of all men, if they are fair, square Americans, and love their country, who care for the good opinion of their fellow men, would be the very first to come here and demand that this investigation shall be had and that they shall be cleared of these damning charges.

My friend, the Senator from Idaho [Mr. BORAH], said he was not apprised as to the provisions of the constitution of West Virginia or as to what safeguards——

Mr. LODGE. Before the Senator takes up that point about the constitution of West Virginia, I should like to ask him a question in regard to the framing of the resolution.

In subdivision 5, line 8, on page 4, he uses the words "in adjusting such strike."

Mr. KERN. I do not think that should be in the resolution. I do not know but that it was in the original resolution.

Mr. LODGE. It is repeated in the amended form, reported from the Committee on Contingent Expenses.

Mr. KERN. It will do no harm, I assure the Senator.

Mr. LODGE. If the Senator will allow me, what strike?

Mr. KERN. There was a strike.

Mr. LODGE. I mean there is no strike described in the resolution. It says "such strike." There is no reference whatever to it in the resolution.

Mr. KERN. I do not know as to that. I simply took the printed resolution as it was introduced at the last session and reintroduced it with the amendment——

Mr. LODGE. I understand; but certainly some committee, somebody who is responsible, ought to make that intelligible. That is all I am trying to get at.

Mr. BORAH. Mr. President, as this all seems to come back to me, I will make it intelligible by suggesting that we strike out the fifth paragraph entirely, because I do not think it adds anything to or takes anything away from the strength of the resolution. If the Senator from Indiana thinks there is no particular virtue in the fifth subdivision I will move that it be stricken out.

Mr. LODGE. The Senator will see the point I make. It uses the words "such strike" and does not describe to what strike it refers.

Mr. KERN. It ought to be stricken out. It has no place there.

Mr. ROOT. It probably refers to the preamble of a former resolution.

Mr. BORAH. Not to a preamble, but to the subconsciousness of the one who drew it.

The VICE PRESIDENT. May the Chair interpose in order that the Chair may know the exact status? Has the fifth clause of the resolution been stricken out by unanimous consent? Does it go out by unanimous consent? The Chair so understands it, and the fifth clause is out of the resolution.

Mr. LODGE. If the Senator will allow me, in regard to the sixth clause, I agree very strongly with the argument the Senator from Idaho [Mr. BORAH] made with respect to the importance of protecting every citizen in his rights under the Constitution. This says "the laws of the United States." It

seems to me the rights which are said to have been infringed are constitutional rights, if they are anything.

Mr. BORAH. Technically the Senator from Massachusetts is entirely correct, but the Constitution itself is the fundamental law of the United States.

Mr. LODGE. We usually refer to it as "the Constitution and laws."

Mr. BORAH. I think the language suggested by the Senator from Massachusetts is preferable. I am always glad to have his assistance as to the correct use of language.

Mr. LODGE. Let it read "the Constitution and laws," or "the Constitution of the United States."

Mr. BORAH. The resolution is now under the control of the Senator from Indiana, and I have simply made the suggestion.

Mr. LODGE. I call the attention of the Senator from Indiana to it, because under this sixth article we are certainly asked to take a step of very great gravity. If we are going to investigate the action of a State of this Union, and the Senator from Indiana said the State of West Virginia would be fairly treated by the Committee on Education and Labor—I do not know exactly our powers in bringing a State of the Union to the bar of the Senate, but if we are going to investigate the action of a State I think we ought to proceed very carefully and in very careful language, so that it may be known that we are resting the investigation on the fundamental law of the United States, which is supreme in the States.

Mr. KERN. The remark made by the Senator from Indiana as to the proposed dealing with the State of West Virginia was in response to the statement made by the Senator from West Virginia. There is no purpose to arraign any State here. He having referred to the State of West Virginia, I asked him if he did not think the State of West Virginia would have a fair hearing before the Committee on Education and Labor. This resolution directs the committee to make a thorough and complete investigation of the conditions existing in certain parts of West Virginia for the purpose of ascertaining, among other things, whether or not parties are being convicted and punished in violation of the laws of the United States.

Do I understand the Senator's objection is to the omission of the word "Constitution"? As has already been aptly and truly stated by the Senator from Idaho, it is regarded everywhere, perhaps except in West Virginia, that the Constitution is the supreme law of the land in both State and Nation. When we inquire whether men have been convicted in violation of law, if it should be found that they have been denied jury trial as the Constitution of the United States provides, as the constitution of the State provides, it might be well found that they were being convicted and punished in violation of the laws of both Nation and State.

I desire to call attention——

Mr. BACON. Mr. President, I do not wish by my interrogatory to be understood as antagonizing the Senator's proposition, but of course we have in view practical ends, and I should like to have the Senator state, in case it should be found in the present subject of inquiry that men were convicted in violation of law, what would be the action the Senator would propose in view of that finding. In other words, the thought in my mind is this: I am as fully in sympathy with the views announced and supported in the great Milligan case as anyone possibly can be, and as much opposed to the trial of men by military courts as one can be. I have a very vivid recollection of the time when that great case was decided and the great feeling of relief which was brought to a very large section of this country.

But the thought in my mind was, if the laws are being violated and if anyone is being imprisoned in violation of law, is there any practical remedy that the Senate of the United States can apply?

I repeat, without antagonizing the Senator at all, looking to practical ends, if a committee shall find that men have been convicted and imprisoned by order of a military court and in violation of law, what we would all concede to be in violation of law, which no one will recognize more fully than myself, what practical remedy can the Senate of the United States or even the Congress of the United States apply?

Mr. KERN. Mr. President, that question is as difficult of solution as would be the solution of the question as to what would be done to guarantee a State republican form of government, as provided by the Constitution of the United States. In these latter days, when evils are found to exist not only in this country, but in other countries where people are being oppressed, citizens deprived of their rights, conditions intolerable springing up, it has been found to be of great benefit to turn on the light to the end that public attention may be drawn to the conditions, and, when that is done, as a rule there is a way found to remedy the wrong.

I am unable, as the Senator knew I would be, to point out the precise thing that the Senate of the United States might do in case this condition was found to exist. The question was asked here last summer when the proposition was made for an investigation as to child labor in various parts of the country, What are you going to do about it; what will be the practical results of that investigation? Yet it is known to all men that where light is turned on where conditions of oppression exist there is in this country a public sentiment, sometimes in the immediate vicinity, at any rate in the country at large, that will make itself felt in the righting of the wrong and the cleaning up of the foul places.

Now, to return to the question as to what the Constitution——

Mr. BACON. If the Senator will pardon me, I repeat I am not doing this in any antagonism, but I am in search of light. The Senator said he could not suggest what precise action the Senate could take in case that particular fact were ascertained, which seems to be pretty well known from the information the Senator gives us and what has been found in the press, in letters, and so forth. The Senator said he could not specify what precise action could be taken. I am looking to practical ends. I understand that we can not properly make investigations except for practical purposes. Can the Senator suggest any action that the Senate could take? I do not say what precise action it would take, but any action that it could take.

Mr. KERN. I have answered the Senator's question as fully as I can.

Mr. REED. Mr. President——

Mr. KERN. I yield to the Senator from Missouri.

Mr. REED. I might suggest, in the absence of any other right—and I am not conceding that there is no legal power, if we were to discover that citizens of the United States were being deprived of their liberty without due process of law in any State and they had no legal remedy, and that fact was laid before the Senate and the country—we might at least submit a constitutional amendment if we could not do anything else to remedy it, because such a condition as that would be so grave as to call for that kind of important action.

Mr. BACON. I should like to ask the Senator if his predicate is not one that is not to be considered as possible when he says "if there is no remedy"? Whenever one is imprisoned illegally there certainly is a remedy.

Mr. REED. I said "if there is no other remedy." Mr. President, I am trespassing on the time of the Senator from Indiana, and I do not desire to do it, but since I have gone this far, if the Senator will pardon a word further——

Mr. KERN. I yield further.

Mr. REED. Suppose the courts of the State and the courts, even, of the United States should hold that when a governor of a State had declared that a condition of war existed no court could go back of that declaration, and it would be taken as conclusive? Therefore, the Supreme Court of the United States itself could not grant relief. Suppose that condition existed? It could be met, certainly, by a constitutional amendment.

I apprehend the Senator is going to refer to the Milligan case, where the court did go back of the alleged facts and examined the real facts; but I am informed, without knowing anything more than the mere statement which was made to me, that the Court of Appeals of West Virginia has already held that the action of the governor was conclusive upon the question of fact, and that war did exist, if he said it existed, whether there ever had been a gun fired or not.

Now, if that should be followed and that doctrine should be adopted by the Supreme Court of the United States, it would be a case that would clearly call for action by this body, and if this body could not act without a constitutional amendment it would be a proper matter to consider with reference to whether we ought to pass upon such an amendment.

Mr. BACON. I again, with the permission of the Senator from Indiana, desire to say that the Senator predicates what he said upon something which can not be assumed either as existing or as possible. The Senator says that if the Supreme Court of the United States should so decide, would we not have the right, or would it not be our duty, and certainly our privilege, to propose an amendment to the Constitution which would cover a case of that kind. We have already an amendment of the Constitution which directly covers it. Here is the language of the Constitution:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

The contention here is that these parties have been deprived of liberty without due process of law, and the reasonable pre-

sumption is that the Supreme Court of the United States, whenever that question is submitted to it, would hold that that is a question within the jurisdiction of the Federal courts and would enforce the rights of parties under this provision of law which I have just read. I only ask him for the purpose of endeavoring to ascertain what practical end is to be accomplished; in other words, what we can do. The thing that the Senator suggests we can do we have already done, to wit, we have adopted a constitutional amendment which covers that case and guarantees that right.

Mr. REED. Of course everybody knows that provision is in the Constitution, but the question of the construction which the courts may give it becomes a very important one. If the courts should construe it as I indicated it might be necessary to have further constitutional legislation.

Mr. KERN. The facts have been laid before the Senate, and no good purpose can be served by stopping for any metaphysical discussion, the drawing of any hair lines as to what might be the result if certain things were or were not done. The question before the Senate is whether the American people are entitled to have the truth about this situation. Is it within the power of the Senate to throw the light on that spot, and if it is within the constitutional power of the Senate, is it not the duty of the Senate to say, "Let there be light"?

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. KERN. Certainly.

Mr. BORAH. In view of some suggestions which have been made in regard to the language of this amendment, and in order to strengthen it, would the Senator from Indiana have any objection to inserting the words "Constitution and" in the sixth provision? It now reads:

Whether or not parties are being convicted and punished in violation of the laws of the United States.

It would then read, "punished in violation of the Constitution and laws of the United States."

Mr. KERN. I have no objection whatever to that modification.

Mr. BORAH. If I may have the attention of the Senate, then, I offer the amendment. After the word "the" and before the word "laws," in the sixth subdivision of investigation, I move to insert the words "Constitution and."

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 4, line 10, after the words "violation of the," insert the words "Constitution and," so as to read:

Sixth. Whether or not parties are being convicted and punished in violation of the Constitution and laws of the United States.

The VICE PRESIDENT. Without objection, the resolution will so read.

Mr. KERN. I should like to call the attention of the Senator from Georgia [Mr. BACON] and of the other members of this body, particularly those who are lawyers, to certain provisions of the constitution of the State of West Virginia. The first is this remarkable provision, which goes right to the root of some of the questions that we are discussing here to-day:

The provisions of the Constitution of the United States and of this State are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

No similar provision is found in the constitution of any other State with which I am familiar. Let me read it again, and while I am reading it this time, please keep in mind those things that are conceded to have happened in West Virginia within the past three months:

The provisions of the Constitution of the United States and of this State are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

That constitution was adopted in 1872. Does that section of the constitution require any construction? Was it necessary for the Supreme Court of West Virginia in a decision covering some pages to undertake to make that provision plain? The constitution of West Virginia follows almost in terms the language of the Supreme Court of the United States in the Milligan case. I read from page 120, Seventy-first United States Reports. Says the Supreme Court of the United States:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

Let us go a little further with the constitution of West Virginia.

The military shall be subordinate to civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State.

Does that require construction? Is that language plain?

No citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State.

Yet the Supreme Court of West Virginia has denied the benefit, the privilege, of the writ of habeas corpus to two men who were tried by a military court-martial and imprisoned by the finding and judgment of that military court.

Mr. BACON. Will the Senator permit me to ask, for information, whether there has been any effort to have that decision of the Supreme Court of West Virginia carried to the Supreme Court of the United States?

Mr. KERN. I suppose if the poor men who are now in prison can find money enough to carry it to the Supreme Court of the United States it will be carried there.

Mr. BACON. Suppose they did not have the money to carry it to the Supreme Court of the United States, can we release them?

Mr. KERN. Oh, not at all. After the answer I made the Senator so specifically awhile ago as to the purpose of the investigation and good effects that might come to the public, the public morals, the public weal, by an investigation of this kind, why should he continue to draw the technical point as to what law we will enact in case we find certain things have occurred?

Let us go a little further. The constitution of West Virginia, adopted in 1863, provided as to the writ of habeas corpus as follows:

The privilege of the writ of habeas corpus shall not be suspended except when, in time of invasion, insurrection, or other public danger, the public safety may require it.

But when the constitutional convention of 1872 met that section was amended so as to read as follows:

SEC. 4. The privilege of the writ of habeas corpus shall not be suspended—

Stopping there and leaving off everything else, making it a part of the fundamental law of West Virginia that under no circumstances should the privilege of the writ of habeas corpus ever be denied to the citizen. That constitution provides further:

No person shall be held to answer for treason, felony, or other crime not cognizable by a justice unless on presentment or indictment of a grand jury.

Article III, section 10, provides that—

No person shall be deprived of life, liberty, or property without due process of law and the judgment of his peers.

Article III, section 17, provides for jury trial of criminal offenses.

Now, in connection with those constitutional provisions, that are so plain that he who runs may read, I desire to call your attention to the military order under which scores of men were tried and convicted, under which 2 men at least are now serving sentences in the penitentiary, and 8 or 10 more are confined in the county prison. Listen to the military order which created this court to try these cases in this State, whose people are protected by a constitutional provision that any departure from the constitution in time of peace or war "under the plea of necessity or any other plea is subversive of good government":

General Orders, No. 23.

The following is published for the guidance of the military commission organized under General Orders, No. 22, of this office, dated November 16, 1912:

1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

In other words, this handful of militia officers, scions of the mighty stock of coal operators as some of them doubtless are—this little coterie of little men may, if they desire, under the provisions of that constitution, declare that a man who is guilty of larceny shall suffer death.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. KERN. Certainly.

Mr. SUTHERLAND. By whom was this order, which the Senator has just read, issued?

Mr. KERN. It was issued by command of the governor, and signed "C. D. Elliott, adjutant general."

Mr. CHILTON. What is the date of it?

Mr. KERN. The date is not here. It was issued, however, after November 16, 1912.

Under this order, I repeat, these American citizens have been tried; under this order two of them were confined in the penitentiary. Those men thus confined in the penitentiary in West Virginia have been denied the privilege of the writ of habeas corpus by a majority of the supreme bench of that State.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. KERN. Certainly.

Mr. CUMMINS. The Senator from West Virginia some time ago remarked that something had been decided by the supreme court of that State. I should like to know whether the court of last resort of West Virginia has rendered a decision affirming the legality or the constitutionality of the order which the Senator from Indiana has just read?

Mr. KERN. I have just stated—and I have the opinion here—that a majority of the Supreme Court of West Virginia denied to these men in the penitentiary the privilege of the writ of habeas corpus.

Mr. CUMMINS. I am very sorry to hear it. I have great respect for courts, but that is the most extraordinary thing I have ever heard in all my life.

Mr. KERN. I was about to say, Mr. President, that under the provisions of this order, signed by command of the governor by the adjutant general, a man or a woman charged with the most trivial offense might forfeit his or her life; and if there was judgment of forfeiture which went to the extent of depriving the citizen of life, under the decision of the majority of the Supreme Court of West Virginia there would be no redress, because they say the governor's power under a statute that has been enacted under the constitution of that State can not be questioned.

Mr. CUMMINS. Mr. President, may I ask one further question of the Senator from Indiana?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. KERN. Certainly.

Mr. CUMMINS. Is the decision of the Supreme Court of West Virginia based upon the governor's power to suspend the right of the writ of habeas corpus, or is it based upon the lawfulness of the order issued by the governor of West Virginia?

Mr. KERN. It is based, as I understand, upon the lawfulness of the conduct of the governor in creating this military court, which found these men guilty and sentenced them to the penitentiary. I have not, however, read all of the order.

Mr. WORKS. Mr. President——

Mr. KERN. If the Senator from California will allow me, I desire to finish reading this general order.

2. Cognizances of offenses against the civil law as they existed prior to November 5, 1912, committed prior to the declaration of martial law and unpunished will be taken by the military commission.

3. Persons sentenced to imprisonment will be confined in the penitentiary at Moundsville, W. Va.

By command of the governor:

C. D. ELLIOTT, *Adjutant General.*

Now I yield to the Senator from California.

Mr. WORKS. Mr. President, it was said by the Senator from Indiana that the decision of the court turned upon the validity of this particular order; but I suppose the court must have gone behind that to determine whether the governor had declared a state of insurrection to exist that would afford a basis for the issuing of an order of that kind. Is not that true?

Mr. KERN. Oh, I think so.

Mr. WORKS. Then, really, the question depends upon whether there was such a condition as to authorize the governor to declare the State, or a particular county of the State, in insurrection, and, based upon that, to issue the order, and thus to justify, or attempt to justify, the arrest and trial of those men. I do not see that there is anything so very extraordinary about that. The circumstances might not have warranted the order; I do not know; but certainly there is nothing extraordinary about it.

Mr. KERN. Speaking facetiously, I suppose it occurs every day in some State; but, speaking earnestly, I insist that such proceedings as are complained of in West Virginia have occurred in no other State.

Mr. CUMMINS. Assuming that there was a state of insurrection, and that the governor of the State properly declared it, the order that has just been read by the Senator from Indiana is entirely unwarranted. It could not, as it seems to me, be sustained under any circumstances. I do not know, and I never even heard, of the assertion of a power of that sort before.

Mr. KERN. Perhaps it ought to be stated, in this connection, that this military zone within which this military commission has jurisdiction was situate within the same county in West Virginia in which the capital of the State is situate, and it is conceded here, and it must be conceded everywhere, that at that time and at all times the courts in that county seat, which was the capital of the State, were open and able to execute and have had at hand sufficient power to execute the laws.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. KERN. Certainly.

Mr. BRANDEGEE. Mr. President, the Senator from Indiana has said that he has the decision of the Supreme Court of West Virginia at hand in this matter. If he has not already done so, I hope he will put the reference to it in the RECORD. I should like to read the decision and like to know where it is to be found. I suppose it is in one of the State Reporters. Being a recent decision, of course, I assume it is not in the bound volumes of the State Reporters.

Mr. KERN. It is in the present volume of the Southeastern Reporter, on page 243.

Mr. BRANDEGEE. What is the date of the volume?

Mr. KERN. It is the current volume. I have not the date.

Mr. SUTHERLAND. Mr. President, unless it is too long, will the Senator from Indiana read the syllabus of the case?

Mr. KERN. The syllabus of the case is as follows:

The governor of this State has power to declare a state of war in any town, city, district, or county of the State, in the event of an invasion thereof by a hostile military force or an insurrection, rebellion, or riot therein, and, in such case, to place such town, city, district, or county under martial law.

* * * * * * * *

2. The constitutional guaranties of subordination of the military to the civil power, trial of citizens for offenses cognizable by the civil courts in such courts only, and maintenance of the writ of habeas corpus are to be read and interpreted so as to harmonize with other provisions of the constitution authorizing the maintenance of a military organization and its use by the executive to repel invasion and suppress rebellion and insurrection, and the presumption against intent on the part of the people, in the formulation and adoption of the constitution, to abolish a generally recognized incident of sovereignty, the power of self-preservation in the State by the use of its military power in cases of invasion, insurrection, and riot.

3. It is within the exclusive province of the executive and legislative departments of the Government to say whether a state of war exists, and neither their declaration thereof nor executive acts under the same are reviewable by the courts while the military occupation continues.

4. The authorized application of martial law to territory in a state of war includes the power to appoint a military commission for the trial and punishment of offenses within such territory.

5. Martial law may be instituted in case of invasion, insurrection, or riot in a magisterial district of a county, and offenders therein punished by the military commission, notwithstanding the civil courts are open and sitting in other portions of the county.

6. Acts committed in a short interim between two military occupations of a territory for the suppression of insurrectionary and riotous uprisings, and such in their general nature as those characterizing the uprising are punishable by the military commission within the territory and period of the military occupation.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. KERN. Yes; certainly.

Mr. BRANDEGEE. Of course, I do not want to break the continuity of the Senator's remarks, nor do I want to ask for the insertion of anything that he would not want to appear in the speech that he is making, but if he does not intend to ask unanimous consent that that decision may be incorporated in the RECORD I should like to ask unanimous consent that it may be printed in the RECORD; if the Senator does not want it in his speech, at some other part of the RECORD, because I for one should like, and I think other Senators might like, to observe the course of reasoning pursued by the court.

Mr. KERN. There was a dissenting opinion by Judge Robinson, which is also here.

Mr. BRANDEGEE. I would certainly want both the opinion and the dissenting opinion.

Mr. KERN. I shall be very glad to have them published in the RECORD.

The VICE PRESIDENT. As a part of the Senator's remarks?

Mr. KERN. At the conclusion of my remarks.

Mr. BRANDEGEE. Let them come in at the conclusion of the Senator's remarks, if he does not object. If there is no objection, I will also ask that the opinions be printed as a Senate document.

The VICE PRESIDENT. Is there any objection to the request?

Mr. JAMES. There will be no necessity for that.

Mr. KERN. Mr. President, under that order another person, alluded to here the other day, was tried.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Florida?

Mr. KERN. Certainly.

Mr. BRYAN. Was the opinion of the court ordered printed as a Senate document?

The VICE PRESIDENT. It has not yet been so ordered.

Mr. BRANDEGEE. I should like to have a ruling upon the request. Was there any objection to it?

The VICE PRESIDENT. Is there objection to the request?

Mr. JAMES. I do not imagine—although I would not object to the request of the Senator—that there would be any use for the paper as a public document. It looks to me as if it might be used by Senators merely to determine how they would vote upon this resolution, but I can not see that it would be of any use to the public generally to have the opinion printed, although I have no objection to that, if the Senator so desires.

Mr. BRANDEGEE. I thought very likely it might be useful, Mr. President, and I thought there might be some demand for it. It might be more convenient in document form than in the RECORD.

The VICE PRESIDENT. Is there objection to the request?

Mr. JAMES. I have none. Of course, that includes the dissenting opinion, because that would be of as much interest to the public, I imagine, as the majority opinion of the court.

Mr. BRANDEGEE. Oh, certainly; I should want that printed by all means.

Mr. WORKS. There are more than one of these decisions, I understand.

Mr. BRANDEGEE. It was only for the printing of one that I asked, I will say to the Senator from California, and that was the one of which the Senator from Indiana has just read the syllabus.

Mr. WORKS. There is another, a later decision, as I understand, involving these very same questions; and if the others are going to be printed, it seems to me that this ought to be printed also.

Mr. BRANDEGEE. If the Senator will make that request I shall not object.

Mr. WORKS. I have in my hand a copy of the decision in the case in re Mary Jones and others, a very interesting statement of the case and of the questions involved. The opinion is an important one, of course, and I suggest that both decisions be printed in the same document.

Mr. KERN. I have no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the decisions referred to will be ordered printed as a public document. (S. Doc. 43.)

Mr. KERN. Mr. President, I was about to say that under this order the old woman alluded to here the other day, familiarly known as Mother Jones, was tried. She was arrested last February by military order. She was imprisoned until some time in March, when she was tried by this military court-martial. Under the practice of the court-martial the officers constituting it made their finding and sent it to the governor for his approval. They made their finding last March, and they sent it to the governor some time in March. With that finding in his possession, its contents undisclosed, Mrs. Jones was kept in custody until about the time of the commencement of the discussion on this resolution the other day, and after the light began to be turned on here Mrs. Jones was taken under guard to the city of Charleston, where she had a conference with the governor of the State. After that conference, which was of no importance whatever, she was permitted to go unattended by a guard. She is now in Washington City, a free woman. So that, if this resolution does no other good in any other direction, it will have accomplished the liberation of this woman, who has been unlawfully imprisoned since last February.

Mr. JAMES. Mr. President, I should like to ask the Senator from Indiana whether or not anybody has any information as to what was the finding of this court-martial which was sent sealed to the governor?

Mr. KERN. Mother Jones will go down to her grave without knowing whether or not there was a finding that she should die or live. She only knows that she was arrested in the city of Charleston, carried into the military zone, imprisoned, and tried by these young militia officers, and then her imprisonment continued, as stated; she only knows that she was deprived of her liberty since last February, and that now she is free.

After reading the provisions of the fundamental law of West Virginia, which contain those safeguards by which it was thought that the liberty of the people of that State would always be held inviolate, and after reading this military order and reading the decision of the court, which strikes down the provisions of the fundamental law and upholds the governor in this unprecedented exercise of arbitrary power, is it remarkable that there are people, even in West Virginia, who believe in the doctrine of the recall of judges?

Mr. President, when Theodore Roosevelt last year in a speech at Columbus, Ohio, uttered those remarkable sentiments in favor of a recall of judicial decisions there was a sort of shudder of horror on both sides of this Chamber and at both ends of this Capitol, and the wiseacres of both political parties predicted that that declaration of Theodore Roosevelt would end his political career. Yet those of us who watched the progress of events were startled still more a little later when it became known that in those localities in which those utterances of his had been most strongly urged against him he received a greater vote than he received in other quarters where the question had not been discussed. That utterance of Theodore Roosevelt found such approval in the ranks of the Republican Party that when the election came in November he received a majority of the Republican votes in the Republic.

Mr. President, no doubt the doctrine of the recall of judges and of judicial decisions has gained ground immeasurably in the past five years; and why? Every such decision as that to which I have referred here to-day, written in the interest of hoarded wealth, striking down the liberty of the citizen, and abridging the rights of the common people, makes 10,000 converts to the doctrine of judicial recall and the recall of judicial decisions. I am not enamored of the doctrine; I have not been enamored of it; but, Mr. President, if decisions of this kind are to become common, if they are to multiply very much, if courts in the various States of the Union that enunciate such doctrines as these and undertake, as this decision does, to strike down the provisions of the fundamental law enacted for the protection of the people, then you may be sure that it will not be very many years until a vast majority of the people of this country who are interested in the problems of human liberty will be tempted to join the forces that declare that there resides in the great body of the American people the power to overcome such decisions, which are so subversive of popular rights.

I had a telegram the other day from a leader of socialism denunciatory of these conditions. When I showed it to a Senator here he deprecated the idea that there was such relationship between me and that man that he would feel free to telegraph me. Men are being imprisoned in West Virginia to-day because they are Socialists; newspapers are being suppressed because they teach the doctrines of socialism; men are discharged from mines, according to the testimony taken before the military commission, because they vote the Socialist ticket and because they belong to a labor union; and while the doctrine of judicial recall gains favor with the people whose rights are stricken down by unjust decisions, so do the forces of socialism multiply in such breeding grounds as those in parts of West Virginia, with special privilege on one hand eating out the substance of the people, and with judges setting aside constitutional safeguards to the end that the people may be oppressed and denied rights for which their fathers fought and died.

Socialism has grown in this country until more than a million men cast their votes for the Socialist ticket at the last election. The fire of socialism is fed by such fuel as this West Virginia decision, and the lawless action there of men charged with the execution of the laws. Socialism grows and will grow in exact proportion as wrongdoing is countenanced and upheld, not only by the strong legislative forces of the country, but especially when they are backed up by the judicial arm of the Government.

Senators, these million men who voted the Socialist ticket last November are the men who ought to be full of that kind of patriotism in time of war that would impel them to go out and walk on the uttermost ridge of battle, to peril their lives in defense of their country and their country's flag because they love their country, because they venerate the laws of the land.

This great body of a million or more men whose loyalty you question, and the millions more who make up the organized labor forces of the land, and who are not yet Socialists, will love their country and its flag if you will permit them, and not drive them away by making them constantly realize that they can not expect fair treatment either in the administration of the law by executive officers or in the construction and enforcement of law by the courts.

If the time comes—we all pray it may be averted—when the integrity of this Nation is assailed, either from within or from without—if the time comes when the American Republic is brought face to face with the marching armies of the nations

beyond the sea, we will need those million of men, for they are men that toil with their hands. They have strong arms. They are the same type of men as that splendid Army of the Republic 50 years ago who won for themselves imperishable renown by their sacrifices in behalf of the Union and the flag.

Do you make good citizens of men by denying them their rights? Do you command the respect and the patriotism of the toilers of this land by turning them away when they come into this great tribunal and simply ask that the light be turned on, to the end that the people may know as to whether or not God reigns and the Constitution still lives, and whether they and their kind are to be despoiled of their heritage of liberty?

For a man to be a loyal, good citizen of this country he must love his country. Can you ask him to love his country and be true to her traditions and institutions when in his heart of hearts he knows that in this land and beneath its flag there is a law for him which is not enforced against others, and that he can no longer appeal to the courts for the enforcement of his constitutional rights?

Mr. President, the junior Senator from West Virginia [Mr. GOFF], in his interesting address the other day, spoke of martial law and the wiping out of the right of trial by jury as being matters of little moment. He made this statement; I do not want to misquote him:

> But it is said we have martial law in West Virginia. Is that anything new in this country? Would it not be much better if in some localities where martial law has not been declared it had been proclaimed?
>
> Now, what is martial law? It is simply the rule of the military when the civil power is inadequate. That is all

Omitting a sentence or two, he proceeds:

> Would not a justice of the peace in this strike zone in West Virginia, the sheriff of the county, or the constable of the district make a lovely spectacle of himself in attempting to arrest two or three thousand riotous men? How long would the man stay under arrest with a thousand of his comrades to rush him from the officers of the law? How long would the courts stay open in that zone?

That question, Mr. President, doubtless presented itself to Gen. Washington at the time he interfered in the great whisky rebellion in the State of Pennsylvania. The example of Washington's conduct was referred to by President Garfield, I think, in the speech that he made in the Milligan case. He said:

> President Washington did not march with his troops until the judge of the United States district court had certified that the marshal was unable to execute his warrants. Though the parties were tried for treason, all the arrests were made by the authority of the civil officers. The orders of the Secretary of War stated that "the object of the expedition was to assist the marshal of the district to make prisoners."

Behold the difference between Washington's construction of the Constitution and that of the governor and the Supreme Court of West Virginia!

> Every movement was made under the direction of the civil authorities. So anxious was Washington on this subject that he gave his orders with the greatest care and went in person to see that they were carefully executed. He issued orders declaring that "the Army should not consider themselves as judges or executioners of the laws, but only as employed to support the proper authorities in the execution of the laws."

The military power of West Virginia—aye, the whole military power of the United States under the Constitution—would be brought to the aid of the humblest officer in West Virginia to enable him fully and effectually to perform his duty in the execution of the laws of the State and to carry out the mandates of the civil courts.

Mr. President, the sentiments of the Senator from West Virginia expressed upon this floor in defense of military law, military courts, and the exercise of arbitrary power in his State is in striking contrast with the language employed by Gen. Garfield in his great argument before the Supreme Court of the United States in the Milligan case. That great Republican statesman and soldier, fresh from the field of battle, within a year after the close of the Civil War, at a time when the blood of the soldier was still hot and the embers of civil strife still smoldering, appeared before that great tribunal, without fee or hope of reward, only because he loved his country and venerated its Constitution, and in one of the greatest arguments of his time, pleading for the supremacy of the civil over military law, said:

> Your decision will mark an era in American history. The just and final settlement of this great question will take a high place among the great achievements which have immortalized this decade. It will establish forever this truth of inestimable value to us and to mankind: That a republic can wield the vast enginery of war without breaking down the safeguards of liberty; can suppress insurrection and put down rebellion, however formidable, without destroying the bulwarks of law; can, by the might of its armed millions, preserve and defend both nationality and liberty. Victories on the field were of priceless value, for they plucked the life of the Republic out of the hands of its enemies; but
>
> "Peace hath her victories
> No less renowned than war."
>
> And if the protection of law shall by your decision be extended over every acre of our peaceful territory, you will have rendered the great decision of the century.

What a long step downward from the patriotic sentiments of Republican statesman Garfield to the recent performances of the Republican governor of West Virginia and the defense of that conduct on the floor of the Senate by the distinguished Republican Senator from that State.

The Senator from West Virginia, in the course of his remarks, was kind enough to refer to the "strike conditions" that prevailed in the State; and in the face of the fact, as it has been brought out here, that men can not belong to organized labor and work in the coal mines in that district, he says: "Mr. President, I believe in the rights of labor."

When I was a boy attending college in the State of Michigan, it was my privilege to hear a political speech made by Zachary Chandler, one of Michigan's great Republicans. It was in the presidential campaign of 1868. In the course of that speech Mr. Chandler used language something like this:

"Democrats talk a good deal about their rights. Fellow citizens, I recognize the fact that they have rights which they are entitled to enjoy, at least two rights—one a constitutional right and the other a divine right—a constitutional right to be hung and a divine right to be damned."

As I listened to the Senator from Virginia the other day and heard him first defend the arbitrary and unlawful acts of West Virginia's governors against the rights and interests of the working people of that State, and then declare that he recognized the rights of organized labor, I could not fail to conclude that he was as generous in his estimation of the rights of workingmen as Zachary Chandler was of the rights of Democrats in 1868.

Mr. President, I have detained the Senate much longer than I had intended. I introduced this resolution at the request of certain representatives of organized labor, without knowing more of the subject than that it had been introduced previously by the distinguished Senator from Idaho [Mr. BORAH]. I made no examination into the facts before I introduced the resolution, because I had such confidence in his integrity and patriotism that I felt sure he would father no resolution that had not sufficient basis to merit consideration. But, Mr. President, since the resolution was introduced, since the discussion commenced, I have received information from every quarter of the scene of the trouble, from many counties in West Virginia, and, as I said a while ago, from every part of the United States. I have received letters and telegrams by the thousand, asking that the Senate of the United States shall not permit this resolution to be sidetracked, demanding that this investigation take place. Within the last 24 hours I have received several telegrams saying: "What is the matter? What has become of the resolution? Have you permitted them to drive or persuade you from the line of action you have marked out?"

The people want to know. They have a right to know. As I said a while ago, if these coal operators in West Virginia are the men they claim to be, they ought to come forward as one man and say: "These charges that have been sent broadcast through the land are false charges, and we demand an opportunity to meet and disprove them." Instead of that, their voice is heard about here, first, in objection, and, second, in favor of referring this serious question to some committee of the Senate, in order that that committee may decide for us whether or not these questions ought to be investigated.

With the facts before this body, have you not information enough to justify action in ordering an investigation? The governor of West Virginia says that he desires it; that he would hail it with delight. The senior Senator from West Virginia [Mr. CHILTON] says he will not go counter to the will of the governor in that regard. The public demands it. Every consideration of humanity demands it. I trust the Senate will not hesitate to yield to that demand.

Mr. HOLLIS. Mr. President, there is nothing novel or revolutionary about the proposition to have an investigation of industrial trouble by a committee of one of the Houses of Congress. In March, 1912, there were hearings before the Committee on Rules of the House of Representatives on the strike at Lawrence, Mass. No particular objection was made to the investigation. No report recommending action was made, but the facts were brought out, and they are now available in a public document. I believe there will not recur at an early day another situation such as occurred a year or more ago in Massachusetts. I think both sides will not go precipitately into another such conflict as we saw there.

I wish to occupy just a few moments to explain what I understand to be the real attitude of labor unions toward such conditions as are said to exist in the Paint Creek district of West Virginia.

Enough is conceded at the outset to warrant this investigation. It seems to be agreed that the miners went out on strike; that there was personal violence; that the governor felt war-

ranted in suspending the civil authority; that men have been imprisoned for long terms through court-martial proceedings; that Mother Jones was detained against her will; and that military government to-day, contrary to accepted American institutions, exists within 20 miles of the capital of West Virginia and within 300 miles of the city of Washington.

It is claimed by the junior Senator from West Virginia [Mr. GOFF], in a vigorous speech, that the Paint Creek district was dominated by a mob of striking workmen; that the civil authorities were unable to cope with the situation; and that it was necessary for the governor of West Virginia to place the district under military control and to suspend civil authority, including the rights of the writ of habeas corpus and of trial in the ordinary courts.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from West Virginia?

Mr. HOLLIS. Certainly.

Mr. GOFF. Not for one moment has the writ of habeas corpus been suspended in West Virginia, nor did I ever intimate it.

Mr. HOLLIS. Then I will accept the correction, and will say that if by some technicality the writ of habeas corpus itself has not been suspended, the efficacy of the writ of habeas corpus, or the principles which we have all understood govern that proceeding, have been suspended.

I understood it to be conceded the other day by the learned Senator that nothing but a serious emergency would warrant the governor in placing a district under military control, but that he insisted that such an emergency did exist. It is claimed on the other side that no such serious emergency as would fairly warrant the governor in suspending the civil law existed in West Virginia. It is claimed that men are now being forced by the military authorities to work in the mines against their will. It is claimed that Mother Jones was detained without a fair trial and without knowing what the findings against her were. It is claimed that the resumption of government in West Virginia in accordance with American standards has been unduly delayed.

I believe, Mr. President, all reasonable men are fairly agreed upon the legal and ethical principles that should be applied to a situation like this. So far as I know, no one contends that a man has a right by violence to endeavor to advance the object of a strike. I have never heard a labor-union man claim the right to interfere by force with other workmen who wished to work, or to injure the property of his employer. I am well aware, however, that there have been frequent occasions when labor-union men have damaged property and when, by violence, they have prevented "scabs" from working, and when they have assaulted and injured such men.

I do not defend such violence. I am sorry when I hear of it, and I know the leaders of union labor disapprove of it as much as anybody in this Chamber. They understand that crimes against the law prejudice the public against their movement, and they know that such crimes interfere with the objects for which they are working. But violence is not confined to laborers who are out on strike. There have been deeds of violence in this very Chamber. A prominent banker of the city of Washington was brought before the bar of the House of Representatives only a few days ago for committing an assault upon a Member of that body. It is unfortunate, but it is true that violence is confined to no class.

When we are considering the rights and the temptations of striking laborers we have a great many things to take into account. They strike to obtain better wages, or otherwise to ameliorate the conditions under which they work. They do not strike lightly. They know that if strikes are protracted they and their families will suffer. They know that, no matter how long the strike is protracted, their employers will not suffer the pangs of hunger, will not go without any reasonable comfort, or even luxury.

I hope no Member of this body will ever sit at the bedside of a dying wife or child and know that that precious life is ebbing for lack of nourishing food or proper medicine, while he sits idle from lack of work. I hope I shall never be stirred to acts of violence by scenes like that. But I hope if I am so stirred I may be tried before a court that is established by the law of the land, and that I may be reasonably and properly punished according to the law of the land. It is conditions such as these that we should investigate.

I believe we all agree that military control is not desirable, although at times it is necessary. I believe we all agree that striking workmen ought not to resort to violence, but sometimes they do. I believe we all agree that the powers of the Government ought not to be used to help out capitalists in their struggles with organized labor, but should be used merely to preserve the law and to prevent violence. I think we all agree, Mr. President, that lawlessness on one side, and I care not which, begets lawlessness on the other side, and I think we all agree on the efficacy of publicity and of public opinion.

Now, then, with no practical dispute as to the legal principles involved, with little agreement on the facts involved, we are asked to investigate the facts, to apply legal principles so far as we may, and to ascertain whether government according to the usual American standard has been unreasonably suspended, and whether the constitutional rights to life, liberty, and property under due process of law have been unreasonably overthrown.

Mr. President, I understand that both the Senators from West Virginia agree with us that these rights are among the most precious that we have in this country, and that they ought to be maintained, if they can, whether we have the power or whether the power is somewhere else, in all their force and in all their purity. The gentlemen state, and I think they believe—I hope they believe and I take their word for it—that nothing wrong has gone on in West Virginia in the Paint Creek district on the part of the authorities. They ask us to believe it. But these charges come from responsible sources. The facts that are conceded here create grave suspicion at the very least, and what are we to do but to investigate? How are we to get at the real facts unless we investigate? How are we to decide whether we shall do something or do nothing until we are reliably informed?

The friends of labor unions ask for an investigation. The governor of West Virginia does not oppose it. I have sufficient faith in the power of publicity and of public opinion to be satisfied that nothing but an investigation by a committee of the Senate is needed to clear up what trouble exists there now and to prevent similar trouble for many years to come.

Mr. GOFF. Mr. President, I shall not detain the Senate for any length of time. We have heard many, many matters entirely foreign to this subject discussed here to-day. We have had very, very few of the facts really involved in this matter alluded to.

The Senator from Indiana [Mr. KERN] in closing his interesting and very lengthy remarks tells us that he introduced this resolution without any information relating to the matter, and I want to tell him that he has proceeded to discuss it without having investigated many of the questions involved. The resolution is to-day, as it was when he presented it, quoad the facts and the law applicable thereto.

Now, it has been said that the governor of West Virginia does not oppose the investigation. I am delighted that he does not. He stands upon a pedestal before this country and before this Senate, and he is ashamed of nothing relating to his official life or pertaining to the situation now existing in West Virginia. Surely he will have no objection to an investigation, and it is plain that he has nothing to conceal.

But, Mr. President, is that any reason why the investigation should be made? He says, "I will welcome a committee of investigation. I will open the doors of the statehouse. I will throw wide the gates, and all the facts, all the information, we have will be at your disposal." It would not be like him, the State would resent it, were he to intimate anything to the contrary.

Take this matter home, each of you, to your own State. Would not your governor do and say the same thing? And yet would it follow, Mr. President, that on that account the dignity of the State of New York, of Ohio, of Indiana, or any other of the States of this Nation should be invaded in this manner? Wherein has West Virginia been derelict? It is so easy to talk, Mr. President; it is so easy to build up a fancied case, Munchausen-like theories illuminated by the Thousand-and-one Nights Tales, delightful, beautiful, but when you come down to the fundamental facts relating to the situation under consideration what do we find?

It is admitted that it is decidedly unpleasant to be confronted with conditions requiring the existence of martial law. No one has asserted to the contrary. There are not many States in the Nation that have not been subjected to the turmoil and confusion now existing in a small section of West Virginia. I could mention State after State where similar conditions have existed and where martial law has been declared; and though I alluded to and explained that matter a few days ago, still the Senator from Indiana to-day gravely insists that West Virginia is alone in that particular.

The case read by the Senator from Idaho [Mr. BORAH], in which questions arising in the State of Colorado were reviewed, indicates that just such situations as now exist in West Virginia may call for martial law, may demand that in a certain zone military power shall be supreme. Has not the Supreme Court of the United States told us in substance that at cer-

tain times it is necessary that the military power shall be supreme? When and where? When the liberty of the people is in jeopardy, where insurrection prevails and the civil law is unable to cope with conditions then existing.

The argument we have heard here to-day relates to one side only. It is in the interest of men engaged in a controversy with their employers, involved in a "strike" in which they have substituted their will in place of law. Everything, according to the Senator from Indiana, must yield to their wishes, or the locality will be involved in confusion and riot. What comes to all the people who live in the vicinity where the strike exists and in the localities surrounding this distracted zone if the riot and confusion referred to are permitted to continue? They are reputable people—men, women, and children. They are engaged in the various avocations of life—farmers, merchants, miners, laborers; some of them operators of mines and men of means. Concede it, is that reprehensible? Does that deprive them of the protection of the law? They are the men who are developing and building up the country where they live. They have invested there large sums of money; they are employing thousands of men. Some are natives of that section; some are from Ohio, others from New York, Pennsylvania, Massachusetts, and other New England States. They are conquering the wilderness.

A few years ago I stood on the summits of the mountains near that section that divide the tidewater on the east from the then unbroken forests to the west, and the view was majestic, inspiring, full of wondrous possibilities, fair to gaze upon, a primeval, unbroken wilderness, rich beyond description, and as grand a gift as a propitious Providence ever gave to the children of men.

Now they are developing it. They have established industries all through it. Is it not a pity that we can not build railroads, open mines, construct furnaces and ovens, or do those things that make the hum of industry sweet music to the ear unless we also have strife, confusion, riots, insurrection, bloodshed, and death?

Now, why not be fair about this matter? Why insist that West Virginia alone is so afflicted? Such incidents, such misfortunes, come to all sections. It is so in your locality; it is so in mine; it is so everywhere where human agencies are endeavoring to make improvements, to construct mills and factories, to operate mines, to do things. The men who are doing things want to do it their way, and the men who are doing the labor part of it want to do it their way. The result is contention, differences, strikes, and frequently riots and insurrection. We have that situation now in West Virginia. We have had it there before this; but this is the first time that the Senate has deemed it proper to propose an investigation. Strikes have existed in other States, resulting in martial law, but this Senate did not interfere, did not suggest investigation. I was tempted to ask the eloquent Senator from Idaho about a great strike in his State, in the beautiful region of Coeur d'Alene, where I happened to be when it was going on. The State of Idaho knew how to control it, knew how to settle it, and many other of the States of the Union have known how to handle and adjust the strikes, riots, and insurrections they have had to contend with.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I do.

Mr. BORAH. I do not take issue with the Senator from West Virginia upon the proposition which he has thus far stated; that is, the power of the governor to declare that an insurrection exists and to declare martial law. The point which it was difficult for me to solve without further investigation was the suspension of the right of trial of these men in civil courts.

Mr. President, I passed through the strike in the Coeur d'Alene. If I may be permitted to make a personal reference, in view of the Senator's reference, I was one of the attorneys who represented the prosecution in those cases; but it never occurred to us to try anybody by military tribunals, and we never had to do it.

Mr. GOFF. No?

Mr. BORAH. When the governor had declared martial law and policed the situation, we tried those men before a court and in the ordinary methods in which men are tried in times of peace. They were given a trial before a jury according to the usual course of procedure in such matters.

Mr. GOFF. I thank the Senator for his suggestions, and I will reach that point in my discussion of the West Virginia situation in a few moments. We had best discuss it as we develop the facts.

Now, then, this condition existed in West Virginia. The governor tried all means in his power to adjust it without resorting to military power. He appointed committees; he designated distinguished citizens. His action was nonpartisan. He asked a gentleman of the highest character of Republican faith, and a gentleman of equal dignity and character of Democratic belief. He put at their head one of the purest, grandest men in that or any other State, clean, upright, courageous, a disciple of the lowly Nazarene, now occupying the exalted position of bishop in the Roman Catholic Church—bishop of the diocese of Wheeling. Those three men went into this disturbed community, of which you have heard so much; they went there bearing with them the seal of the State on the commission of the governor; they took a solemn oath, and after due inquiry made a report of the situation to the governor. They went into the miners' homes. They did not find the wolf at their cabin doors. They advised with them; they heard and considered all complaints. They asked them what was the matter; they asked them in what particular they were mistreated; they asked them to state fully and freely their wishes. The miners did so. They welcomed this committee and talked with it freely. The complaints they submitted were fully considered. The committee then went to the operators, to the men who were conducting this great work to which I have alluded—the men who were opening up the wilderness, developing that section of West Virginia—heard their statements, and duly their grievances. "What is your grievance?"

Now, regardless of the slighting allusions of the Senator from Indiana to my regard for labor, I want to tell him, standing face to face with him, that such regard is just as honest, as true, and as conscientious as any that he has ever held or expressed at any time in his honored career toward laboring men or labor organizations.

If he will go into the localities in West Virginia where labor is employed, and where I have lived, he will find that the men who labor that they may live know me better than he does, and that they joined with the voters of my district in sending me to represent them at the other end of this Capitol. They know me, and I am willing to be judged by the record I have made.

Now, what was the report of that commission? In some particulars they found the miners to be correct, and that they should have the relief they asked for—such as the method of mining and weighing coal. It advised the executive that the miners were in the right and suggested that he sustain them in their insistence. He did so. It sustained the miners in their position that the mine guards should be abolished. The governor agreed with the commission; satisfactory terms of settlement were agreed to. Do you know that there is no trouble on Paint Creek to-day? Do you realize that there is no riot, no strike in the valley of Cabin Creek to-day? The end has come; it is a thing of the past. Gov. Hatfield suggested the terms of settlement and all agreed to them. He went to their homes; he broke bread with them; they appreciated him, and he sympathized with them. There was no guard with him; he mingled with them freely—this despot, this tyrant, this cruel commander in chief. He went in broad daylight, through the valleys and over the mountains of this martial zone, with a few personal friends, and everywhere was received as the honored man he is, not as a conquering lord, but as the beloved executive he is.

Now, as to the strike zone. At the time these troubles originated, as I have indicated, the situation was such, the difficulties so great, that the civil authorities were powerless, and you could as easily, with straw, have impeded the flow of the rushing waters of the Ohio during its recent flood as have maintained order in that section by its justices, its constables, and its sheriffs. Will it be right to go back; will it be profitable to seek for the original cause of this trouble? Cui bono? Still a cause existed. If I say the trouble arose because of strangers coming into that community, bringing with them orders from other localities, demands from lodges and associations, I will stir up somebody's bad blood. There were inflammatory addresses; there were such speeches and threats made—not appeals to reason; not fair discussion, but suggestions for riot and insurrection—as led to suspension of work, destruction of property, intimidation, violation of law, importation of arms for illegal use; in fact, chaos and death.

I hope we may never experience the like of it again. Let us have the seal of your disapproval now. It may come to you next. They call it the right of free speech. That we will never oppose. Never yet in any land of civilization has it been held that free speech means unlimited license; that it means permission to incite to riot, to advise insurrection, to suggest the violation of the laws.

Was the governor of that State, realizing that situation, to stand idly by? Thousands of men, armed and desperate, on mountain top and in valley, were ready for the fray. They were miners, workmen, agitators, owners of the properties

guards, and citizens. Some were contending for the right to labor, others for the right to prevent some from laboring; some were defending their property, others were for destroying it unless they were given the right to control it.

The governor properly concluded he was powerless without the aid of the military organization. Did he not do right? Who will rise in the Senate and tell me he did not? The law of necessity impelled him to so act, and the statutes of West Virginia authorized him to do so. I will read it to you. It is not unusual:

When any portion of the military forces of this State shall be on duty under or pursuant to the orders of the commander in chief, or whenever any part of the State forces shall be ordered to assemble for duty in time of war, insurrection, invasion, public danger, any breach of the peace, tumult, riot, or resistance to process in this State, or imminent danger thereof, the Rules and Articles of War and the general regulations for the government of the Army of the United States shall be considered in force and regarded as a part of this chapter until said forces shall be duly relieved from such duty. No punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted except in time of actual war, invasion, or insurrection declared by proclamation of the governor to exist, and then only after the approval of the commander in chief of the sentence inflicting such punishment. In the event of invasion, insurrection, rebellion, or riot the commander in chief may, in his discretion, declare a state of war in the towns, cities, districts, or counties where such disturbances exist. (Acts 1897, ch. 61; sec. 92, ch. 18, West Virginia Code, 1906.)

You will not find anybody in West Virginia familiar with the circumstances who will not say to the governor, "Well done, thou good and faithful servant." He drew the line of martial law around just a small place, a small part of one county in the State. Let the Senate Chamber represent West Virginia, and this little desk will be the strike zone. Here is where martial law prevailed; here is where the military commission met; and in all the rest of the Chamber the civil courts would be in force, just as they have been for 50 years past, for all the time West Virginia has been a State.

It has been intimated here that the writ of habeas corpus was suspended. There has been a feeling engendered in this Chamber and throughout the country against the State of West Virginia based on just such reckless assertions as that. Such assertions should come from the lips of no man unless he knows whereof he speaks, because it is doing an injustice to as great, as free, and as gallant a people as ever drew the breath of life. Our mountaineers, you know, are always free. The motto "Montani semper liberi" is upon the seal of our State. The writ of habeas corpus has never been suspended. Those held in the martial zone availed themselves of it.

The case which the Senator from Indiana [Mr. KERN] discussed and criticized here so severely, the case which he read and reread and relies upon, what was it? An application for a writ of habeas corpus, showing that such writ had not been suspended, demonstrating that it had not been refused. The writ of habeas corpus suspended! The books and records are full of cases showing where those who complained of the acts of the military commission petitioned the courts and the judges issued the writ, the military officials brought in the parties, the judges heard the cases and said: "We can not discharge you; go back to your prison; because according to the Constitution of the United States and the laws and constitution of West Virginia you are properly held by the military authority." That is what they said. Why can not West Virginia courts speak and be entitled to the same respect and be given the same credit that the courts of other States have and receive? I know those judges—the judges of the inferior as well as of the superior courts, including the judges of the court of appeals. They will stand in learning, in intelligence, and in dignity with any bench that wears the judicial gowns. Even if they are mistaken, why should they not have credit given them until in the lawful, orderly way their judgment is reversed? How are we going to maintain republican government unless we respect the judgment of the highest courts of the country?

I desire to quote from another decision, in addition to the case from which the Senator from Idaho [Mr. BORAH] read—the Milligan case—in which the Supreme Court held the military commission invalid because where it was held there was no insurrection. That was the ground of the decision in that case. The commission was not acting in the war zone; it was not sitting south of the Potomac; it was not in a section where disorder reigned supreme and the usages of war applied. Therefore the military commission had no right to sit or dispose of the question before it. Back in the years gone by, early, relatively, in the history of this Government, the Supreme Court of the United States laid down the rule that has prevailed in West Virginia through all this trouble. It reiterated it in the case from Colorado. I refer to the case of Luther against Borden, arising in the State of Rhode Island. What did the Supreme Court of the United States say in that case? I read from Seventh Howard, page 45:

And unquestionably a State may use its military power to put down an armed insurrection too strong to be controlled by the civil authority. The power is essential to the existence of every government, essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other government. The State itself must determine what degree of force the crisis demands.

Let me reread that:

The State itself must determine what degree of force the crisis demands—

This decision was given by Chief Justice Taney, and was concurred in by some of the ablest judges that ever sat upon the Supreme Bench of this Nation—

and if the government of Rhode Island deemed the armed opposition so formidable and so ramified throughout the State as to require the use of its military force and the declaration of martial law, we see no ground upon which this court can question its authority. It was a state of war, and the established government resorted to the rights and usages of war to maintain itself and to overcome the unlawful opposition.

Now, will you listen to this? Will the Senator from Indiana listen to this and see how much out of the way West Virginia has been and how great an outrage the governor of that Commonwealth has committed, or his military officials have been guilty of?

And in that state of things the officers engaged in its military service might lawfully arrest anyone who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection, and might order a house to be forcibly entered and searched when there were reasonable grounds for supposing he might be there concealed. Without the power to do this martial law and the military array of the government would be mere parade and rather encourage attack than repel it.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I do.

Mr. BORAH. The Supreme Court in the Milligan case in nowise modified that rule.

Mr. GOFF. No.

Mr. BORAH. And, so far as I know, no one here controverts that proposition.

Mr. GOFF. I beg the Senator's pardon.

Mr. BORAH. I have not heard anyone do so.

Mr. GOFF. It has been stated over and over again that men and women were arrested without authority and detained without warrant of law.

Mr. BORAH. I have no doubt at all that the military authorities had the right to detain people and to arrest them for the purpose of preventing them continuing unlawful acts; but the question which that case does not reach, and which the Milligan case does reach, is the right, in addition to that, to try those parties before a military tribunal. As I understand, the people who were tried in West Virginia simply committed offenses against the laws of the State of West Virginia.

Mr. GOFF. Some of them; but not all of them.

Mr. BORAH. Yes; but they were tried before a military tribunal for the violation of the laws of West Virginia, when, according to the Senator himself, the State courts were open.

Mr. GOFF. Every one of them, except in this zone.

Mr. BORAH. And juries ready to be impaneled.

Mr. GOFF. I say the zone where this commission sat, and where these trials were held and where these offenses were committed, was without law and without courts.

Mr. BORAH. But, Mr. President, courts were open to which these people could have been taken, and their jurisdiction covered this particular territory.

Mr. GOFF. I concede you that military commissions are not new. Does not the Supreme Court, in the case from which I have just read, if the Senator from Idaho will recall, lay down the doctrine positively that the State may do those things necessary to protect the dignity of the State, the liberty of its citizenship, and the peace of the community?

Mr. BORAH. Mr. President, as I understand the law, it is that while you may arrest and detain parties from doing unlawful acts where martial law prevails, you may not try those people for the violation of civil law or for the violation of the laws of the State, unless they are themselves in the Army or the Navy, in any other wise than by the civil courts. Is there any decision to the contrary?

Mr. GOFF. There is this decision, under which they may arrest anyone found within this insurrectionary district that they believe is aiding the insurrection.

Mr. BORAH. And when they have arrested him, if they propose to punish him, they must punish him in accordance with the laws of the State or of the United States?

Mr. GOFF. I have just reached that point.

Now, we are in the military zone. Now, we are in this place where martial law has been declared and where the usages of war prevail.

Mr. BORAH. Exactly; but the military zone is still within the jurisdiction of the court.

Mr. GOFF. Its acts are subject to the revision of the court. Is it possible that we are to be told in this late day and generation that a military commission can not sit when war or insurrection is in progress in the identical spot where the insurrection is extant?

Mr. BORAH. Mr. President, I declare at this late day that it has been declared so many times that I did not suppose it would be controverted that, although the governor of a State may declare martial law and fix a military zone for the purpose of policing the situation and preventing lawlessness, he can not improvise a military tribunal for the purpose of trying men who have violated the laws of the State.

Mr. GOFF. That raises the question again. Great men will differ. Great courts will differ.

Mr. WILLIAMS. Mr. President, I desire to interrupt the Senator from West Virginia for the purpose of asking him if it would not be more convenient for him to go on with his speech to-morrow after the Senate meets. It is now a quarter to 6 o'clock, and it seems to me that if the Senator will yield to permit an adjournment he can complete his speech better in the morning. I ask the Senator to yield for that purpose.

The VICE PRESIDENT. Will the Senator from West Virginia yield to the Senator from Mississippi?

Mr. GOFF. I may be perfectly willing to accommodate the Senator from Mississippi if he can assure me that the situation to-morrow will be that which he indicates.

Mr. WILLIAMS. I understand the resolution goes over as the unfinished business and will come up in that shape to-morrow, when the Senator can continue his remarks.

Mr. GOFF. Then, will the Senator move an adjournment?

Mr. WILLIAMS. I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi that the Senate adjourn. [Putting the question.] The ayes seem to have it.

Mr. JAMES. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). I desire to state that my colleague [Mr. CULBERSON] is necessarily absent. He is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is necessarily absent from the Senate. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. POMERENE (when his name was called). I am paired with the junior Senator from North Dakota [Mr. GRONNA]. I understand if he were present he would vote "yea." That being the case, I will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], and therefore withhold my vote.

Mr. SAULSBURY (when the name of Mr. SMITH of Maryland was called). At the request of the senior Senator from Maryland [Mr. SMITH] I desire to announce his pair with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. RANSDELL (when Mr. THORNTON's name was called). I desire to announce, on behalf of the senior Senator from Louisiana [Mr. THORNTON], that he is unavoidably absent on account of sickness.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I announce that my colleague [Mr. WARREN] is absent from the Senate on public business. He is paired with the senior Senator from Florida [Mr. FLETCHER].

The roll call was concluded.

Mr. CHAMBERLAIN. I desire to inquire whether the junior Senator from Pennsylvania [Mr. OLIVER] has voted?

The VICE PRESIDENT. The junior Senator from Pennsylvania has not voted.

Mr. CHAMBERLAIN. I am paired with that Senator. I am advised, however, that if he were present he would vote "yea." Therefore I am at liberty to vote. I vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from South Carolina [Mr. SMITH], that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Arizona [Mr. SMITH], and that the Senator from Washington [Mr. JONES] is paired with the Senator from Louisiana [Mr. THORNTON].

The result was announced—yeas 44, nays 27, as follows:

YEAS—44.

Borah	Cummins	Myers	Smith, Mich.
Bradley	Dillingham	Nelson	Smoot
Brandegee	Gallinger	Norris	Stephenson
Bristow	Goff	Overman	Sterling
Burton	Gore	Owen	Sutherland
Catron	Hitchcock	Page	Swanson
Chamberlain	Johnson, Me.	Penrose	Tillman
Chilton	Kern	Perkins	Townsend
Clark, Wyo.	La Follette	Pomerene	Weeks
Colt	McLean	Reed	Williams
Crawford	Martin, Va.	Root	Works

NAYS—27.

Ashurst	Hughes	O'Gorman	Smith, Ga.
Bacon	James	Ransdell	Stone
Bankhead	Johnston, Ala.	Robinson	Thomas
Brady	Kenyon	Saulsbury	Thompson
Bryan	Lea	Shafroth	Vardaman
Clarke, Ark.	Lewis	Sheppard	Walsh
Hollis	Martine, N. J.	Shively	

NOT VOTING—25.

Burleigh	Jackson	Oliver	Smith, Md.
Clapp	Jones	Pittman	Smith, S. C.
Culberson	Lane	Poindexter	Thornton
du Pont	Lippitt	Sherman	Warren.
Fall	Lodge	Shields	
Fletcher	McCumber	Simmons	
Gronna	Newlands	Smith, Ariz.	

So the motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 15, 1913, at 12 o'clock meridian.

SENATE.

THURSDAY, *May 15, 1913.*

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

ESTIMATE OF APPROPRIATIONS (S. DOC. NO. 35).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, calling attention to House joint resolution No. 80, appropriating $300,000 for temporary and auxiliary clerks in post offices and the sum of $300,000 for substitute auxiliary and temporary city-delivery carriers, and transmitting a communication from the Postmaster General setting forth the immediate needs for these additional funds in order to avoid serious embarrassment to the service of the Post Office Department, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF SERGEANT AT ARMS (S. DOC. NO. 34).

The VICE PRESIDENT laid before the Senate a communication dated March 15, 1913, from the former Sergeant at Arms of the United States Senate, transmitting a statement of the receipts from the sale of condemned property from December 2, 1912, to March 15, 1913, which was ordered to lie on the table and to be printed.

THE SUGAR INDUSTRY.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram which will be read.

The Secretary read the cablegram, as follows:

[Cablegram.]

ILOILO, *May 14, 1913.*

PRESIDENT SENATE, *Washington:*

Visayan Provinces appeal for salvation of sugar industry. Free sugar means loss livelihood million and quarter people and ruin to fifty millions American and Filipino capital.

ILOILO BOARD OF TRADE.

The VICE PRESIDENT. The cablegram will be referred to the Committee on Finance.

THE TARIFF.

The VICE PRESIDENT. The Chair, for information, desires to make an inquiry of the Senators present.

The next order of procedure is messages from the House of Representatives on the table. As is known to the Senate, House bill 3321, commonly known as the tariff bill, has not been disposed of. It has not been referred to any committee as yet.

For the information of the Chair I should like to know where that bill is, whether it is a message from the House of Representatives still on the table which is now to be taken up and further discussed in reference to the motion to refer, or whether it is ever to be taken up again until some one takes it out of the air and brings it down and presents it to the Senate.

For the information of the Chair, if Senators who have knowledge of the mode of procedure will inform the Chair as to whether this is the time or not, he would be obliged.

Mr. LODGE. Mr. President, as I understand the Chair, the question is in regard to referring the tariff bill.

The VICE PRESIDENT. It is whether under this particular order of business it is the duty of the Chair now to call the attention of the Senate to it.

Mr. LODGE. A case precisely of this kind I do not recall. A message from the House, which is the form in which the bill comes to us, is a privileged question to the extent that the message must be laid before the Senate on the request of any Senator or at the discretion of the Chair. But when it has been laid before the Senate the privilege is exhausted.

Now, the next step it appears is a new matter. It would seem to me by analogy that the question of the reference of the bill comes when the order of bills is reached in the routine morning business; that is, a bill for reference comes before the Senate properly at that time and must then be decided. I do not think it would shut out the ordinary morning business and prevent the presentation of petitions and reports of committees. I should think the question of reference would come up after the introduction of bills; but, as I said, I know of no case precisely like this, and that would be merely my judgment from analogy.

Mr. BACON. Mr. President, I have very great confidence in the judgment and experience of my learned friend. I should like, not by way of argument or controversy but for information, to have the Senator suggest upon what he bases the opinion that the privilege had been exhausted.

Mr. LODGE. The only privilege the bill has is the privilege that it is a message from the House. The rules provide that a message from the President or a message from the House may be laid before the Senate by the Chair at any time, and shall be laid before the Senate on the request of a Senator. When that is done, exactly like a conference report, the privilege is then exhausted; there is no further privilege.

Mr. BACON. The idea of the Senator is that it is then in the possession of the Senate.

Mr. LODGE. It is then in the possession of the Senate to take any action they please. They can take it up; they can raise the question of consideration, and refuse to consider it; but it has no privilege after the privilege of laying it before the Senate has been exhausted. A motion to refer has been made, and, of course, a motion can be made to take it up and dispose of it at any time.

Mr. BACON. Would not the Senator consider that the motion, made when the message was first laid before the Senate, is a privileged motion?

Mr. LODGE. No.

Mr. BACON. It was a part of the privilege.

Mr. LODGE. No; I do not think so.

Mr. BACON. Some disposition was to be made of it.

Mr. LODGE. The Senate could have refused to consider it; they could have refused to refer it. The Senate could have done anything with it they pleased. As a matter of fact, the motion to refer was made. That motion is open to debate. I think in the natural order of things it must come up automatically every morning after the order of bills, but I do not think that prevents moving that the Senate proceed to the consideration of the reference of the bill. That can be done at any time.

Mr. SIMMONS. Mr. President, I was laboring under the impression that the Senate would not meet until 2 o'clock this afternoon, and I was not here at the opening of the session. I desire to inquire what motion is pending before the Senate?

The VICE PRESIDENT. The Chair will state, for the information of the Senator from North Carolina, that there is no motion pending. The Chair was inquiring for information in regard to the conduct of the Chair as to whether, under the order of messages from the House of Representatives on the table, it was either the duty or the power of the Chair now to lay before the Senate the motion made to refer to the Committee on Finance what is commonly known as the tariff bill with the amendment thereto.

Mr. SIMMONS. Mr. President, I am under the impression, that being a House bill which has been laid upon the desk of the Vice President and a motion made to refer it, that would be a privileged motion, and it may be called up at any time during the morning hour.

The VICE PRESIDENT. By a Senator?

Mr. SIMMONS. By a Senator. I desire now to ask that that motion be laid before the Senate.

Mr. SMOOT. I wish to say to the Senator from North Carolina that the bill is only a privileged question to the extent that it shall be presented to the Senate. I agree fully with the Senator from Massachusetts on that point. But after a day has passed then it is no longer a privileged question, and it is in no other position than any other bill which may be on the calendar or any resolution or bill which may be on the table. The Senator from North Carolina, or any other Senator, can move to take it up at any time, just the same as if it were a bill on the table or a bill on the calendar.

Mr. SIMMONS. That is what I have just done.

Mr. SMOOT. If the Senator moves to take it up, of course it is in order.

Mr. SIMMONS. That is what I have done.

The VICE PRESIDENT. After the inquiry made by the Chair, the Chair is now of the opinion that it is the duty of the Chair to proceed with the regular order, and that at the conclusion of the regular order the Senator from North Carolina has a right to call for the further consideration of the bill.

Mr. LODGE. There can be no doubt of that.

Mr. SIMMONS. Mr. President, I insist upon the motion. I ask the Chair to lay before the Senate the motion for the reference of the bill to the Committee on Finance.

The VICE PRESIDENT. That is a motion on the part of the Senator from North Carolina. The Senator from North Carolina moves that the further consideration of the motion to refer what is commonly known as the tariff bill to the Committee on Finance be laid before the Senate with the amendments thereto. All in favor of that motion will say "aye." [Putting the question.] The "ayes" have it, and the motion is agreed to.

Mr. SIMMONS. I now move that the bill be referred to the Committee on Finance.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. The Senator from California.

Mr. PENROSE. Excuse me one moment. Of course the motion carries the amendments with it, or do they have to be separately acted on?

The VICE PRESIDENT. The Chair will state that the question now pending before the Senate is upon the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], accepted by the Senator from Pennsylvania [Mr. PENROSE], carrying instructions for the Committee on Finance to have open hearings upon the tariff bill when it is referred to that committee; and upon that the Senator from California [Mr. WORKS] has the floor.

Mr. WORKS. Mr. President, when this motion was made and the amendment to it proposed by the Senator from Pennsylvania it at once brought about a discussion——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. I yield.

Mr. SIMMONS. I asked the Senator from California to yield to me for the purpose of seeing whether it is not possible to agree upon an hour to take the vote upon this motion to-day.

Mr. WORKS. Certainly, Mr. President, I yield for that purpose.

Mr. SIMMONS. Mr. President, I suggest that we vote upon the motion, say, not later than 5 o'clock this afternoon. I think that will give ample opportunity for debate on each side.

Mr. LODGE. At what hour?

Mr. SIMMONS. Not later than 5 o'clock.

Mr. SMOOT. That is all right.

The VICE PRESIDENT. Is there unanimous consent to that proposition?

Mr. SUTHERLAND. I should like to ask, before that is acted upon, what will become of the unfinished business—whether, if the unfinished business should be taken up at 2 o'clock——

Mr. LODGE. Oh, no.

Mr. SUTHERLAND. And proceeded with, that may not take out three hours of the time?

Mr. LODGE. I take it the Senator from North Carolina means that the day is to be given to the question of reference, and that that question is not to be set aside at 2 o'clock.

Mr. SIMMONS. Oh, no. I shall insist upon the continuous consideration of this matter until we can definitely act upon it.

Mr. SUTHERLAND. I suppose the understanding is that the unfinished business will be laid aside?

Mr. LA FOLLETTE. Unless that is a part of the unanimous-consent agreement——

Mr. SIMMONS. I ask that that be a part of the unanimous-consent agreement.

Mr. KERN. Will that displace the unfinished business?

Mr. SIMMONS. The unfinished business can be informally laid aside at 2 o'clock. I hope the Senator from Indiana will not interfere with this proposed agreement.

Mr. KERN. With the understanding that the resolution is to remain the unfinished business——

Mr. SIMMONS. There is no purpose to displace the unfinished business.

Mr. KERN. Very well. With the understanding that the resolution is to remain the unfinished business, I shall not object.

Mr. LODGE. As I understand it, the request of the Senator from North Carolina is that the vote shall be taken not later than 5 o'clock to-day on the pending motion to refer, and that it is also understood that at 2 o'clock the unfinished business shall be temporarily laid aside.

Mr. SMITH of Georgia. That it shall be temporarily laid aside, and that this question shall be the continuous business until 5 o'clock, if it is not until then disposed of.

Mr. PENROSE. Unless sooner disposed of.

Mr. SIMMONS. That it is to be continuously discussed, unless disposed of before 5 o'clock.

The VICE PRESIDENT. Is there objection to the request?

Mr. SMITH of Michigan. I object.

Mr. SIMMONS. Then, one additional inquiry. Will the Senator from Michigan suggest any time at which he would agree to take a vote?

Mr. SMITH of Michigan. No, Mr. President. This matter is so important, and the attitude of the other side is so arbitrary——

Mr. SIMMONS. This is a mere matter of the reference of the bill to the committee, Mr. President.

Mr. SMITH of Michigan. The attitude of the other side is so arbitrary that I do not feel that it calls for any special generosity upon the part of Senators on this side of the Chamber. I do not mean by that to suggest——

Mr. SIMMONS. I wish to say to the Senator from Michigan that I am not asking for any generosity from that side of the Chamber. I was merely asking whether Senators on that side of the Chamber were willing to agree to a time certain for a vote on this question in the interests of the public business.

Mr. WORKS. Mr. President, the Senator from Michigan [Mr. SMITH] has objected.

Mr. SIMMONS. I wish to disclaim any purpose to appeal to the generosity of Senators on the other side.

Mr. WORKS. I call for the regular order.

The VICE PRESIDENT. There seems to be objection, and the unanimous-consent agreement is not entered into. The Senator from California has the floor.

Mr. WORKS. Mr. President, when this motion was originally made and the amendment to it offered by the Senator from Pennsylvania [Mr. PENROSE], it brought about a discussion here of some of the merits of one of the provisions in the tariff bill. The discussion was not necessarily called for, and was really not appropriate to the mere question of reference, but it did bring about some statements, particularly by the Senator from Colorado [Mr. THOMAS], that I can not allow to pass even at this time without laying before the Senate some of the facts so far as they relate to the State of California.

It was stated by the Senator from Colorado that in that State the sugar-beet growers were paying their employees from 20 to 22 cents a day. I was sure at the time the statement was made that the Senator from Colorado was mistaken, and that he would eventually discover that fact and make the proper correction. He has already done so; but in correcting that statement he has made the further statement that the wages paid in Colorado are a dollar and a half a day.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Colorado?

Mr. WORKS. I yield.

Mr. THOMAS. My recollection is that the statement was not limited to any particular sum, but that the wages were from a dollar and a half to two dollars a day. I may be in error, but that is my recollection.

Mr. WORKS. Well, let that be as it may, even with that qualification it does not meet the facts as they exist in my State.

The further question was raised here as to the kind of labor employed, it being insisted by the same Senator that foreign labor was employed in the beet fields of all of the Western States. I was not able to say at the time certain inquiries were directed to me what the facts were with respect to that matter; but it seems to be the impression of some people that it is a positive offense to employ foreign labor in this country. We have invited these people here; they are rightfully in this country; they have a right to employment where their services are needed; and, so far as the State of California is concerned, we would rather employ these foreigners and pay them reasonable and decent wages than to see them go into the slums of the city and become thieves and assassins. We do employ foreign laborers in our State. They are employed in the work that is done in the beet fields, the same as in other lines of employment, especially on the farm, but we do not pay them foreign wages. They are paid the same wages that are paid to others. We are trying in that way to elevate the citizenship of these people who have come into this country as immigrants, so that they may be good American citizens in the end.

Of course, we have had rather thrust upon us some foreign labor that is objectionable to our people. That can not be helped.

There was a further question raised here, and that was as to the profits that are being realized in the manufacture of sugar in the State of California, and one of the manufacturing plants in that State was singled out, and the statement made that it had realized 100 per cent profit. That statement has been made for several years past. It has been repeated and repeated time and again after it has been conclusively disproved by men who have perfect knowledge on the subject. When this question as to the amount of wages that are paid in my State was raised, I telegraphed to the secretary of the Beet Growers' Association of California to ascertain what wages were being paid in that State, and I have this answer from him:

Workers in beet fields receive an average of $2.50 per day.

As to the general situation, including the wages paid, I have a letter here from Mr. F. B. Case, manager of one of the beet-manufacturing establishments in the State of California, which I will ask to have read by the Secretary.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

SOUTHERN CALIFORNIA SUGAR CO.,
Santa Ana, Cal., April 15, 1913.

Hon. JOHN D. WORKS, *Washington, D. C.*

DEAR SIR: I am in receipt of your favor of the 9th instant requesting me to forward to you a statement showing the profits made by this company for the last three or four years. In compliance therewith I inclose herewith copies of the sworn statements of this company made to the collector of internal revenue for this district, together with statement prepared by us and distributed among our stockholders.

In connection therewith I desire to bring to your attention the fact that in the statement made to the Government there has been a charge for 10 per cent depreciation annually, while in the statement to the stockholders no charge for depreciation had been made. This statement is made for our annual stockohlders' meeting of the business of each year.

We have been in operation four years. Out of the profits during that period we have been able to pay three 10 per cent dividends. The balance of our earnings we have been forced to put back into our plant to keep it in repair and up to date. This is the tenth year that the writer has engaged in the sugar business, having been prior to 1909 manager of the St. Louis Sugar Co., of St. Louis, Mich. At the time I left there the St. Louis Sugar Co. enjoyed the reputation of being the most profitable sugar factory in the United States. During my connection with that company we paid annually to the stockholders a dividend of 12 per cent. The business was conducted solely in the interest of its stockholders, and every dollar and penny available for that purpose was used for paying dividends. Since coming to California I have made a success of the business of this factory, and it has been conducted with that end in view the same as the St. Louis Sugar Co., to wit, payment to its stockholders of as large a dividend as possible in order that their investment might be profitable.

This company was the first one in California built and conducted upon the policy of purchasing its beets from growers. All other factories had been located upon lands donated or partly donated for the purpose of inducing their construction. The success of our company in this community drew to Orange County three other companies, to wit, the Holly Sugar Co., of Huntington Beach; the Anaheim Sugar Co., of Anaheim; and the Santa Ana Cooperative Sugar Co., of Santa Ana, with the effect that the assets accruing to this company by reason of its favorable location have been dissipated by overcompetition. This overcompetition forced the price of beets to advance 75 cents per ton last year with the resulting loss of profit.

The past year has taught us that it is not a question of factory profits, but the preservation of the business that is involved in the reduction of the tariff on sugar. While I am not fully posted in regard thereto, I believe that the profits of the St. Louis Sugar Co. and of the Southern California Sugar Co. upon the capital invested exceed that of all others. Were the profits as enormous as the misrepresentations have made them, there would be no difficulty in getting capital to extend the industry and build more plants.

The enormous profits to which you have referred are found in the testimony of Claus Spreckels, of the Federal Sugar Refining Co., who stated before the Hardwick committee that his father had informed him that the profits of the Watsonville plant, located at Watsonville, Cal., were for the two years of 1888 and 1889 enormous—12 per cent and 80 per cent upon its capitalization. The refutation of that statement, which gave the actual profits at the Watsonville factory for those two years as $11,075.38 and $23,550.23, respectively, has been smothered by the promulgation of the falsehood as to the enormous profits. This refutation is found on pages 2682, 2683, 2684, and 2686, respectively, of the record of the Hardwick hearings. Besides this refutation the Watsonville factory closed its doors and is now dismantled, the latter fact refuting the possible presumption that it had made such enormous profits.

There was also another reference made by the discredited Mr. Lowery as to the profits of the Union Sugar Co. at Betteravia. The statement of Mr. John L. Howard, on page 685 of the hearings, and statements submitted to the Committee on Finance of the United States Senate of the Sixty-second Congress, he being president of that company, on page 690, is: "So that instead of the carefully misrepresented dividend of 100 per cent, we find an average dividend of the Union Sugar Co., resulting from its sugar business during the first 12 years of its existence, of 6 per cent per annum in cash and 5½ per cent in stock." The Union Sugar Co. is idealy located; they own most of the land from which their beets are produced, the balance they are enabled by reason of their isolation to purchase at a much less price than the sugar fac-

tories which have competition. I believe the two instances mentioned above are the only ones cited as showing the enormous profits of the beet-sugar business, and I would state from my own experience that I do not believe such profits are possible even in an abnormal year of high prices.

Mr. Howard, with whom the writer is well acquainted, informed me that at no time in any year have the profits of their business per pound of sugar equaled that of the tariff levied. On pages 3964 and 3965 of the *hearings of* the Hardwick committee, in the statement of Mr. Rithett, president of the California and Hawaiian Sugar Refining Co., you will find an estimation of the character of Mr. Claus Spreckels as stated by a man who knew him.

In connection with the profits of the St. Louis Sugar Co. and the Southern California Sugar Co., before referred to, I desire to further bring to your attention the fact that both these companies are capitalized at small amounts, the St. Louis Sugar Co. at $400,000 common stock and $40,000 preferred stock, making the total capitalization at $440,000. The Southern California Sugar Co. is capitalized at $500,000, while our original investment was $600,000, we having given a $100,000 mortgage, payable in five years in equal annual payments. Of the latter we have from our earnings paid off $60,000.

Mr. J. Ross Clark, vice president of the Salt Lake Railroad, and one of the owners and managers of the Los Alamitos Sugar Co., advises me that he does not consider a 10 per cent depreciation annually high enough. Each beet-sugar factory requires a large amount of machinery and is operated night and day through its manufacturing season, and the wear and tear upon the machinery and the perishable nature of the products dealt with make the amount of repairs each year high. If we are to keep pace with the improvements in other countries, we are compelled to make the necessary changes in machinery and the accompanying alterations in the plant. The object in view of all sugar factories is to reduce the cost of production.

The destruction of the beet-sugar factories in this country, which I believe to be inevitable if the Underwood bill or any free-trade measure on sugar is put through, will financially ruin people who, like myself, have invested their all therein. There are many small stockholders who have invested their savings; while not being ruined, they will incur losses which they can ill afford.

We in California could, if the industry were allowed to expand to its possible limits, produce all the beet sugar consumed in the United States. With the threatened tariff legislation and the uncertainty of the profits, we are not able to induce capital to invest in new enterprises and we are meeting with difficulties in financing those now in operation. None of the factories, so far as I know, have a surplus sufficient to conduct its own business without recourse to the banks for temporary loans during the manufacturing season. Our raw product—the beets—is our largest item of expense; they must be received and worked up at the proper time or they will spoil, and the farmers must be paid, and for that reason we require a large amount of money during the campaign operations, which would be idle the balance of the year if the companies were capitalized with working capital. Although our stock issue represents the amount of money invested in our plant, we require approximately an equal amount to carry on the business, which we obtain from banking sources. Those sugar factories which were built in California prior to 1909 and which own their own land or a large part of the lands from which they obtain their raw material, can possibly live with a lower rate of duty than those factories which buy their beets from the ranchers, as the former factories, and thereby save the profits which go to the growers. The destruction of the business of the latter factories will not only injure the stockholders of the company, but it will work equal and greater injury to these landowners who are in possession of soils upon which beets are the only profitable crop. Thousands of acres of alkali land before the introduction of beet culture were used for pasturage for sheep and cattle are now turned into profitable crop-producing lands, while there are some that have become subdued, or partially subdued, and some small crops may be raised thereon. There are others which would go back to their original state.

This season has been exceedingly unfavorable for alkali lands, and many acres have been lost and will this year become unproductive by reason of the destruction of the beet crop by the alkali.

I regret exceedingly—and I am joined by other people engaged in the sugar industry—that you did not return to California last summer. We had planned to give you an extensive trip, and show you the industry and what it means to those who are connected with the factories as well as those whose business and prosperity depend on their successful operation.

Through the industry we have converted sections which were known as swamps into veritable gardens in appearance, free from weeds and showing the effect of careful farming. If you could know the conversion of abandoned and uncultivated lands into utilized and productive farms, and the upbuilding of villages and cities resulting from the prosperity that has been wrought in California by the beet-sugar factories, I know that you would be with us in hearty opposition to any act or measure that would tend to retard or injure its continuation.

Aside from the factories and farmers' interests in the industry, and not second to either, is the matter of wages to the common laborer. Here in California the most of the farm labor is done by Mexicans, with a sprinkling of Japanese and East India Hindus; although most of these people are foreigners, they receive the American scale of wages. Last year, in 1912, laborers being scarce, these men were paid from $2.50 per day up. The effect of these good wages upon the Mexican laborers in the past four years has been marked; they dress better, take better care of themselves, and are more orderly than formerly. It is unfortunate that we have no white laborers who will do this work; but there is almost a total absence of this class of labor in this part of California. Take it in the Middle States—in Michigan to Colorado—this hand labor is done by the farmers, their families, or school children. It has been slurringly referred to as degrading work, but I have never been able to see anything in the work performed that could be considered degrading or lowering in any way. The beets are thinned by people working on their hands and knees; consequently children can do that work better than grown people.

In those communities where there is not sufficient local help to perform that work the factories have gone to the cities and employed families to come to the fields to work. These latter generally consist of Europeans—Russians, Austrians, Bohemians, and Belgians.

There is another factor entering into the beet-sugar business which affects alike the factory and the beet grower. The character of the beets is a matter over which the man raising them has no control, for a man may keep his field clean and in good shape, thereby increasing the tonnage, but he can not in any manner control the quantity of sugar in the beets or the purity of the beet itself. By purity of the beet we mean the relation of sugar to the total amount of solids in the juice of the beet. A good beet should be of 83 per cent purity, and any beet below 80 per cent purity is a poor beet. The foreign solids in the juice consists of salts and acids; when they are relatively high they prevent the sugar of the beet from crystallizing. In order that I may make myself clear, I will state that from a beet of 85 per cent purity it is possible to extract 80 per cent of sugar, but of a beet of 80 per cent purity it would be difficult to obtain 70 per cent of sugar in granulated form. If, as is occasionally the case, the purity of the beets is very low and it is a matter of climatic conditions or the soil, the factories will operate at a loss, whereas if the beets are of high purity the factory will be able to obtain a large extraction and make profits, irrespective of the price of sugar, which may be relatively low. Our profits are all made from the amount of sugar crystallized over and above the amount necessary to cover the cost of the beets and the cost of manufacture. If from beets testing 18 per cent sugar 260 pounds of sugar are obtained, the factory has paid the grower the price fixed upon of the amount of sugar in the beets, to wit, 360 pounds, whereas the factory has obtained but 260 pounds. The balance of 100 pounds is either a factory loss and has gone into the sewer or has become part of the molasses. Low purity means low extraction and a large quantity of molasses, while high purities are susceptible to high extraction.

The writer has been informed that the reason the Watsonville plant closed down was due to the fact that the beets raised by the growers were of such low purity that the elder Mr. Spreckels refused to accept and pay for them at the contract price, and made the growers stand the whole loss. They therefore refused to grow beets for his plant and compelled them to close it down, it since having been dismantled.

We here in California generally have from year to year a uniform summer climate, but there have been instances of early rains when a quantity of beets would deteriorate very rapidly and were at the end of the campaign worked at a loss. The character of the beets raised will often vary materially in a small area. The writer experienced one year in St. Louis in which the beets grown for that factory were of such inferior quality that we were able to extract a small amount of sugar, and only by reason of the high price of sugar were we able to escape a serious loss, while at the same time the Saginaw factory, located 30 miles to the east, harvested their best crop of beets known in the history of the institution.

The Holly Sugar Co., the writer was informed by its former manager, Mr. Wiley, having two plants, one located at Holly and one at Swink, in Colorado, in a locality known for its high quality of beets, after their plants were built the quality of the beets raised were so low that they operated a number of years at a loss. If our banner years are taken and the tariff based upon the results from operation during such periods, we may any year meet with such serious losses as to cripple, if not destroy, the operating company.

If there is no factor of safety permitted by the adjustment of the tariff, there can be no extension to the industry nor any assured life to the plants now in existence.

The writer has requested Mr. Palmer to assist you in every way possible in furnishing data and information concerning the sugar industry in other countries and in laws enacted for the upbuilding and preservation of the same.

Very respectfully,

F. B. CASE.

Mr. WORKS. Mr. President, the letter that has just been read to the Senate is a private letter. It was not written to be used in the Senate, and the writer of it had no knowledge that it would be used for that purpose. I have been endeavoring on my own account to satisfy my own mind on the subject and to ascertain what the facts are that are partially disclosed in this letter.

I have here another letter bearing upon the same subject and procured in the same way. It is from Mr. E. W. Mayo, who is manager of the Domestic Sugar Producers. I will ask to have this letter printed as a part of my remarks. I do not care to take up the time of the Senate by reading all these letters.

The PRESIDENT pro tempore. Unless there is objection, that will be the order. The Chair hears none, and it is so ordered.

The letter referred to is as follows:

WASHINGTON, D. C., *April 30, 1913.*

Hon. JOHN D. WORKS,
United States Senate.

DEAR MR. SENATOR: The proposal to remove the duty on sugar involves the infliction upon the Western States of losses far greater than are to be measured by the destruction of their rapidly growing sugar-beet industry. The results already obtained prove that this crop is particularly well adapted to cultivation on the reclaimed land of these States, and the extinction of sugar-beet culture will deprive this whole territory of one of the most fruitful agencies for its rapid and prosperous development. In this connection we take the liberty of calling certain facts to your attention.

The last census showed that the 11 westernmost States had increased 66.83 per cent in population within the last decade, as compared with the average increase of 21.6 per cent for the entire country.

The greater proportionate increase in the Western States is largely due to the rapid advance made in irrigation through private and governmental agencies. In the Pacific Coast States great tracts of land formerly used for ranching or grazing purposes are now being subdivided and brought under intensive cultivation in orchards, vineyards, alfalfa, sugar beets, and other crops.

The United States Reclamation Service, only yet in its infancy, has 25 great irrigation projects either complete or in course of construction. When fully completed these projects alone will bring over 3,000,000 acres under a high state of cultivation, an area larger than the improved lands of New Jersey or of Massachusetts. It must also be remembered that 1 acre of this irrigated land has a productive power of double the area of the best nonirrigated lands in other sections of the country. The possibilities of agricultural development in the great West are almost limitless, provided an outlet can be found for such products as can profitably be grown under intensive cultivation, subject to high marketing charges.

The opening of the Panama Canal and the great exposition to be held at San Francisco in 1915 doubtless will attract many thousands of people toward the West. The canal will also provide new facilities

for the immigration of agricultural classes from the Old World. Already, it is said, arrangements have been made for the transportation of large numbers of people from the shores of the Mediterranean to the Pacific coast.

The one great problem in connection with the development of the West is transportation to the great consuming centers of the East. Local consumption of general farm and garden products must necessarily be limited for many years, except in the vicinity of the large Pacific coast cities. An export crop must therefore be produced—one that will find a ready market at destination. Thousands of acres are going into fruit, from the citrous groves of California to the apple orchards of the Northwest. Where is the market to be found for this increasing production? Surely there is a limit to the amount of fruit that the American people can consume. Even last year saw an overproduction of the apple crop of Washington and Oregon. Furthermore, with the proposed heavy cut in tariff rates, the products of the California groves will come into direct competition with the cheap importations from the Mediterranean, Cuba, and other tropical and semitropical countries.

The one great staple for which there is a constantly expanding market is sugar. The United States imports at the present time nearly 2,000,000 tons of sugar per annum from foreign countries, practically all from Cuba. Sugar is a staple for which there is always a market, and, if necessary, it can be stored for long periods with little deterioration. Furthermore, beet sugar is a finished product representing only about 15 per cent of the weight of the raw material from which it is produced; whereas in the case of fruit, alfalfa, and grain crops high freight charges to the eastern markets must be paid on the entire weight of the commodity just as it comes from the orchard or the field.

It has been demonstrated by years of experience that no section of the United States, in fact, no country in the world, is better adapted to the cultivation of the sugar beet than are the irrigated lands of the West. The production of sugar beets under irrigation for the first time in the world's history was commenced in Utah in 1891, and so successful has it been that 70 per cent of the total beet-sugar output of the United States is now produced in the Western States under irrigation.

It has been demonstrated also that the cultivation of sugar beets in rotation with alfalfa and grain crops increases the yield of the latter to such an extent as to make the production of cereals profitable even with the high cost of irrigation. The result is that while few new beet factories have been built within the past five years, the beet acreage has increased 25 per cent, and in some localities the factories have been compelled to turn away contracts for beets.

If sugar is placed on the free list, either now or three years hence, as proposed, it will give the eastern cane refiners, who import and now pay duty on their raw material, the absolute power to depress prices below the cost of the production of sugar beets as well as Louisiana cane. This they are anxious to do, as they are all alarmed at the encroachment of beet sugar in the eastern markets. For several months of each year, when beet sugar comes on the market, these big refiners either have to reduce the price of refined sugar or withdraw from the trade altogether until the beet sugar is disposed of, all of which tends to the lowering of prices to the consumer.

Free sugar in three years will be just as effective a death warrant for the domestic sugar industry as though the execution took place immediately, the only difference being that more time is allowed for the funeral arrangements. While the cost of production is gradually decreasing, and would further decrease with a large output, three years will make no appreciable difference under existing conditions. At the present time the eastern refiners are utilizing less than half the productive capacity of their plants, and it will be a simple matter for them to deal a death blow to the domestic production of sugar, as they will have the assurance of an absolute monopoly as soon as the domestic industry is annihilated.

In order that the beet-sugar industry may expand and become a greater factor in the development of the West new factories must be built. The beet growers themselves, as a rule, are pioneers, and whatever capital they possess is required in the improvement of their lands. Outside capital can not be secured for the erection of large factories after free sugar has given the eastern refiner a monopolistic control of market conditions. The inevitable result will be not only the abandonment of many of the present factories, but it will be the death knell of future expansion. This will mean that the thousands of acres now in beets, and which would be planted in beets in the future under conditions permitting this industry to expand, must go into fruit, alfalfa, and other general farm products, and will result in glutting a market already on the verge of oversupply.

The great fight for supremacy between the eastern cane refiners on the one side and the domestic producers of sugar on the other is now on. Those responsible for tariff legislation have it in their power to say whether the industry shall expand into one of the greatest factors in the upbuilding of the West, stimulated by immigration through the Panama Canal, or whether it shall be throttled and stagnation take the place of progress in a vast domain where the future holds so much of promise.

Respectfully, yours,

DOMESTIC SUGAR PRODUCERS,
E. W. MAYO, *Manager*.

Mr. WORKS. I also ask to have printed, without reading it, another letter, written by the secretary of the Chamber of Commerce of the city of Sacramento, Cal.

The PRESIDENT pro tempore. Unless there is objection, the request of the Senator from California will be granted. The Chair hears none, and it is so ordered.

The letter referred to is as follows:

CHAMBER OF COMMERCE OF SACRAMENTO,
Sacramento, Cal., May 1, 1913.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: Your letter of April 7 asking me our opinion regarding the effect a reduction on the sugar tariff to 1 cent would have upon the industry of California has been received.

In reply permit me to submit the following: The full duty on 96° sugar is 1.685 per 100 pounds. Most of the duty-paying sugar into the United States, however, comes from Cuba, which by reason of our reciprocity that country takes a preferential duty of 20 per cent less, 0.3370. Therefore on nearly all duty-paying sugar into the United States (96° sugar) there is a duty of 1.3480 per 100 pounds or $26.96 per ton.

Under present market prices the California beet-sugar factories must figure their results about as follows:

To-day's price, duty paid, at New York and New Orleans for 96° raw cane sugar (Cubas) is per 100 pounds	$3.39
Add difference between raw and refined (being manufacturers' cost and profit), say	.75
Price of cane, New York or New Orleans	4.14
Add freight, New Orleans to Missouri River	.33
Price for cane sugar, Missouri River	4.47
Deduct difference between cane and beet	.20
	4.27
Less 2 per cent	.0854
Price for beet sugar, Missouri River	4.1846
Now deduct freight from Pacific coast points to Missouri River	.55
Leaves to-day's net price realized f. o. b. factory in California	3.6346

It therefore follows that if the tariff is reduced to 1 cent and 34 cents must be deducted from the net received by a California factory, then all they can expect to realize would be, say, 3.29, which is below the average cost at present, and which cost can only be further reduced by economy in the field and the perfecting of methods of agriculture and irrigation, all of which is in training and will finally result.

It could be argued that the present market prices for sugar are very low, but the man does not live that can forecast future values, dependent upon the law of supply and demand and the speculative position of the controlling markets, which continue to be Hamburg and London.

It therefore follows that any reduction in tariff is to the detriment of the beet-sugar plants and the development of the industry—sure to be injurious to the farmer and to the labor employed. To the students of economics it must be apparent that the way to reduce sugar to the consumer is to produce the consumption and then let competition do the rest.

Yours, very truly,

S. GLEN ANDRUS.

Mr. WORKS. Since this discussion was entered upon there has come into my hands a printed pamphlet entitled "Cost of producing sugar in the United States, Germany, Austria-Hungary, Russia, and Cuba." The compilation is by Mr. Truman G. Palmer, who, as is well known, has given great attention to this subject. In a brief way I wish to call attention to some of the information contained in the pamphlet.

On page 6 this statement appears:

The average price paid to farmers for beets in the United States, as given in the April issue of the Crop Reporter, issued by the Department of Agriculture, was $5.50 per ton in 1911 and $5.82 per ton in 1912. Direct reports from 65 factories show an average freight charge on beets paid by the factories of 43 cents per ton in 1911, 45 cents in 1912, and 41 cents per ton for agricultural expenses in 1911, 38 cents for 1912.

Thus the average cost of beets laid down at the factory gates in the United States was $6.34 per ton in 1911 and $6.65 in 1912.

Then follows a tabulated statement of the farmers' receipts for raw material. It shows that the farm price per ton of 2,000 pounds is in the United States $5.82; Russia, $3.90; Austria-Hungary, $3.68, and Germany, $4.14; and the average extraction of the beets is in favor of the European countries. In the United States it is 264.41; it is 316.98 in Russia; in Austria-Hungary, 315.20; in Germany, 328.30; and the average farm cost of 100 pounds of sugar is in the United States $2.20; in Russia, $1.23; in Austria-Hungary, $1.16; and in Germany, $1.26.

The table is as follows:

Farmers' receipts for raw material.

	Farm price of beets per 2,000-pound ton.	Average extraction of raw sugar per 2,000-pound ton of beets, 1907–1911.	Average farm cost of 100 pounds of sugar in the beet.	United States farm cost per 100 pounds of raw sugar in the beet in excess of cost in other countries.
United States	$5.82	264.41	$2.20	.....
Russia	3.90	316.98	1.23	$0.97
Austria-Hungary	3.68	315.20	1.16	1.04
Germany	4.14	328.30	1.26	.94

In another table following this is another statement that should be of interest in determining the question as to the rate of tariff to be imposed upon sugar or whether it shall be placed upon the free list. It gives the cost of beets per ton, the average extraction of raw sugar per ton of beets from 1907 to 1911, the average cost of 100 pounds of raw sugar in the beet, and the United States cost per hundred pounds of raw sugar in the beet in excess of cost of other countries. I am not going to take up the time of the Senate in reading the table, but I do desire to incorporate it in my remarks and make it a part of them without reading.

The VICE PRESIDENT. The Chair hears no objection, and that will be done.

The matter referred to is as follows:

Factory cost of raw material.

	Cost of beets per 2,000-pound ton.	Average extraction of raw sugar per ton of beets, 1907-1911.	Average cost of 100 pounds of raw sugar in the beet.	United States cost per 100 pounds of raw sugar in the beet in excess of cost in other countries.
UNITED STATES.		*Pounds.*		
Average price paid farmers in 1912.	$5.82			
Average freight paid by factories..	.45			
Average agricultural expense incurred by factories	.38			
Total per ton	6.65	264.41	$2.51	
RUSSIA.				
Average price paid for beets in 1911	3.90			
Assuming for freight as in Austria.	.20			
Total per ton	4.10	316.98	1.29	$1.22
AUSTRIA-HUNGARY.				
Bohemia, 1913 contract price at receiving stations	3.68			
Contract price delivered at factory	3.88	315.20	1.23	1.28
GERMANY.				
Average cost, purchase beets, 1904 to 1910	4.44			
North Germany, average 1913 contract price purchase beets, delivered at factory gates	4.34	328.30	1.32	1.19

Mr. WORKS. Then follows another very interesting table.

Mr. THOMAS. May I ask the Senator the title of the pamphlet from which he is reading?

Mr. WORKS. I have given the title.

Mr. THOMAS. There was so much confusion in the Chamber I did not catch it.

Mr. WORKS. There is generally confusion in the Chamber. The title of it is "Cost of producing sugar in the United States, Germany, Austria-Hungary, Russia, and Cuba," compiled by Truman G. Palmer.

Then follows another table entitled "Factory cost of raw material by States." This table very clearly shows the difference in the amount paid by the State of California as compared with other States. The average cost of beets per ton laid down at the factory is stated as follows:

California, $7.29; Utah and Idaho, $5.80; Colorado, $6.79; Michigan, $6.52; Ohio, Indiana, Illinois, and Wisconsin, $6.43; and other States, $6.64.

The amount of raw sugar extracted per ton of beets is in California, 312.91; Utah and Idaho, 271.63; Colorado, 270.41; Michigan, 253.63; Ohio and the other States named, 251.28; and other States, 251.19.

The cost per hundred pounds of extractable raw sugar in the beet is in California $2.33; Utah and Idaho, $2.13; Colorado, $2.51; Michigan, $2.57; Ohio and the other States named, $2.55; and other States grouped, $2.64, as shown by the following table:

Factory cost of raw material, by States.

	Average cost of beets per ton, laid down at factory, 1912.	Raw sugar extracted per ton of beets, 1907-1911.[1]	Cost of 100 pounds of extractable raw sugar in the beet.
		Pounds.	
California	$7.29	312.91	$2.33
Utah and Idaho	5.80	271.63	2.13
Colorado	6.79	270.41	2.51
Michigan	6.52	253.63	2.57
Ohio, Indiana, Illinois, and Wisconsin	6.43	251.28	2.55
Other States	6.64	251.19	2.64

[1] Based on the assumption that 100 pounds of raw sugar is equivalent to 107 pounds of refined.

There is another interesting table giving the gross return to farmers per acre. Without reading the whole of it, it shows returns in Russia per acre at $3.90 per ton, $27.79; Austria-Hungary, $3.68 per ton, $42.21; Germany, at $4.14 per ton, $55.35; and the United States, at $5.82 per ton, $58.95, as follows:

Gross returns to farmers per acre.

Russia, 7.126 tons per acre, at $3.90 per ton	$27.79
Austria-Hungary, 11.47 tons per acre, at $3.68 per ton	42.21
Germany, 13.37 tons per acre, at $4.14 per ton	55.35
United States, 10.13 tons per acre, at $5.82 per ton	58.95

There is still another table that should be taken into account. It shows the tons of beets per acre, the price paid, and the gross returns per acre. It shows that California grows 10.37 tons per acre; Utah and Idaho, 11.32; Colorado, 10.64; Michigan, 8.58; Wisconsin, 10.2; and other States, 9.7.

The price paid to the farmers per ton for beets in 1912 was: California, $6.46; Utah and Idaho, $4.97; Colorado, $5.96; Michigan, $5.69; Wisconsin, $5.60; and other States, $5.81, as shown by the following table:

	Beets per acre, 1907-1911.	Price paid to farmers per ton for beets in 1912.	Gross returns per acre.
	Tons.		
California	10.37	$6.46	$66.99
Utah and Idaho	11.32	4.97	62.57
Colorado	10.64	5.96	63.41
Michigan	8.58	5.69	48.82
Wisconsin	10.02	[1] 5.60	56.11
Other States	9.07	5.81	52.69

[1] Under new classification by Department of Agriculture this is the average price paid in Wisconsin, Indiana, Ohio, and Illinois.

It will be seen, Mr. President, that in all these comparisons, whether it relates to the subject of the amount of wages paid or any other expenditure on the part of the beet growers themselves, California is paying higher prices than any other State in the Union. It shows also, in comparison as between this country and other countries, that the United States is paying more for labor and other expense than any other nation. It appears that in the State of California the best wages and the highest price for beets are paid, as compared with any other locality in the world.

Then, coming down to the question of the cost of farm labor in the beet fields of the United States, there is this statement, a part of which I shall read and all of which I shall desire to incorporate in my remarks without reading:

COST OF FARM LABOR IN THE BEET FIELDS OF THE UNITED STATES AND IN EUROPE.

The United States Department of Agriculture recently issued a bulletin on the cost of farm labor in 1912, in which it was stated—

Mr. President, it should be observed that this relates to farm wages generally—

wages now, compared with the average of wages during the eighties, are about 53 per cent higher; compared with the low year of 1894 wages now are about 65 per cent higher. The current average rate of farm wages in the United States, when board is included, is—by the month, $20.81; by the day, other than harvest, $1.14; at harvest, $1.54. When board is not included the rate is—by the month, $29.58; by the day, other than harvest, $1.47; by the day, at harvest, $1.87.

That is the end of the quotation.

An analysis of the labor figures as given in the March Crop Reporter of the department shows that the average wage of day laborers on the farms in the 16 sugar-beet States in 1912 was $2.45 at harvest time and $1.95 at other seasons of the year.

So it will be seen that the average wage paid is far in excess of the amount paid in Colorado, according to the statement of the Senator from that State. Reading further from the pamphlet it says:

From 76 direct reports received from the various beet-growing sections, I found that the average daily wage in the beet fields was $2.21; the average daily earnings of pieceworkers, $3.25.

A comparison of these wages with the wages paid in the beet fields of Europe is illuminating.

The wage rate for agricultural laborers in Poland is 26.2 cents per day for men and 20.6 cents for women, while the German wage rate is the highest to be found in the three great European beet-sugar producing countries. Due to the introduction of sugar beets and the other root crops which followed and were introduced in the rotation, the acreage yield of cereal crops in Germany has been more than doubled, and instead of assisting emigration, because of inability to feed a population of 30,000,000 people, Germany to-day, with a population of 65,000,000 people, annually imports 800,000 seasonal workers to help till her fields and work in her shops.

Sixty-seven per cent of these workers come from certain provinces of Russia and Austria, the other two great sugar-producing countries, attracted by the higher wage which prevails in the German Empire.

Due to a semiofficial immigration bureau and to strict passport regulations which prevent an emigrant from living in any portion of the German Empire save the particular place for which he or she is booked, the wage is fixed and regulated to a nicety. Of late, certain districts of other countries which need workers have been bidding against Germany.

Then follows a statement showing the amount of wages paid in European countries. In Germany it is 41.4 cents per day; Denmark, 45.2 cents; Prague, 41.1 cents; Vienna, 41.1 cents; Crakow,

42.1 cents; as to women, Germany, 36 cents; Denmark, 35.4 cents; Prague, 36.1 cents; Vienna, 36.9 cents; and Crakow, 38 cents.

The statement is as follows:

The director of the German labor bureau gives the following as the standard wage when all allowances have been converted into money:

For men.

Germany, 1 mark 74 pfennigs per day (41.4 cents U. S.).
Denmark, 1 mark 90 pfennigs per day (45.2 cents U. S.).
Prague, 1 mark 73 pfennigs per day (41.1 cents U. S.).
Vienna, 1 mark 73 pfennigs per day (41.1 cents U. S.).
Crakow, 1 mark 77 pfennigs per day (42.1 cents U. S.).

For women.

Germany, 1 mark 51 pfennigs per day (36 cents U. S.).
Denmark, 1 mark 49 pfennigs per day (35.4 cents U. S.).
Prague, 1 mark 52 pfennigs per day (36.1 cents U. S.).
Vienna, 1 mark 55 pfennigs per day (36.9 cents U. S.).
Crakow, 1 mark 60 pfennigs per day (38 cents U. S.).

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. I yield to the Senator.

Mr. SIMMONS. I should like to inquire of the Senator from California whether it appears in the document from which he is reading that the rates he has just read as prevailing in certain countries in Europe include board or are without board?

Mr. WORKS. I am not certain whether it does or not. The quotation that I shall make, I think, will disclose that fact. The Senator will notice that in giving the amounts paid from the portion I have read the amount when board was included and when it was not included was shown.

Mr. SIMMONS. I thought the Senator gave that as to wages in California.

Mr. WORKS. No; it was as to wages generally.

Mr. SIMMONS. I did not know but that was the case as to the rates he gave in Europe.

Mr. WORKS. Mr. President, bearing upon this question of the employment of foreign labor, I have here a letter from a resident of Oxnard, Cal., which I should like to read. The writer says:

OXNARD, VENTURA COUNTY, CAL., *April 24, 1913.*

Hon. JOHN D. WORKS,
Senate Chamber, Washington, D. C.

DEAR SIR: In speaking of the sugar-beet business a correspondent of the Los Angeles Tribune recently said: "If the grower, as a rule, would employ American labor in the place of cheap Asiatic labor, he would no doubt receive more sympathy from the consuming public."

Under ordinary circumstances a misleading statement like this would pass unnoticed; but as the beet business is still in its infancy and yet is destined to play such an important part in our political and business affairs, we should all try to understand it aright. The fact of the matter is that the sugar beets make so much field work that there is scarcely sufficient "American labor" to bring the crop up to that stage where the "cheap Asiatic labor" is able to take hold of it. At this stage of the crop the call for labor is generally so urgent that the farmer never thinks of asking any questions as to nationality or color. All he thinks about is getting his beets thinned and hoed or topped, and he generally pays a first-class price, and if he gets even second-class work he esteems himself more than lucky. If a person wants to see "cheap labor," they should never look in a beet field, because it's not there. These "cheap laborers," who top beets by the ton, sometimes make from $5 to $7 in a day.

The sugar beet is really one of the most wonderful plants we possess. It makes more work, puts more money into circulation, and brings more land under intensive cultivation than anything else we grow. Suddenly elliminate this one crop from our fields and the wages of farm labor would immediately fall, and upon the heels of labor would fall the price of several of our farm products. And with stagnation in the country from whence would the cities draw their prosperity?

A beet farmer produces one crop but is a very large consumer of several, among his heaviest items of expense being hay, grain, horses or mules, farm implements, and labor.

I feel that it is not only the duty of the Government to protect the cultivation of the sugar beet, but that it would be showing the greatest wisdom by fostering and encouraging this industry by every means in its power.

Respectfully, yours, JOHN EASTWOOD.

Now, Mr. President, I have found it necessary at this stage to present thus briefly the facts so far as they relate to my own State, and in comparison with the rates that are paid as compared not only with other States but with other nations as well.

I am not going to enter into a discussion of the tariff bill in any general sense. There is left, however, the question as to whether the beet growers in California are making exorbitant profits out of their business. There is really no foundation for this statement, except the testimony of Mr. Spreckels, as relating to one beet factory alone, and his statement in that respect was pure hearsay. He simply said that his father had told him so, and there has been ample evidence produced at various times showing the falsity of his statement as compared with that one factory.

I want to call the attention of the Senate to a part of the testimony that was given on this subject by Mr. Howard, whose name was mentioned in the first letter that was read, which I think will explain how this mistake, if it was a mistake, came about. He says:

It may be well at this point to explain the much-advertised and phenomenal dividend of 100 per cent declared by the Union Sugar Co. in 1911.

At the end of 1910 the issued share capital was $1,265,000, and during the previous 12 years of the company's existence there had accumulated an undivided surplus of $1,440,101.57, not in cash but represented by property and equipment.

Of this amount, $607,678.65 was due partly to assessments paid upon the stock and partly to profit on the sales of land which had been leased with the privilege of purchase.

Senator SMOOT. Pardon me. You say that seven hundred and some odd thousand dollars came from assessments?

Mr. HOWARD. $607,000 was partly due to assessments and partly due to profits on the sales of land.

Senator SMOOT. What assessments were they?

Mr. BALLOU. Two and a half dollars a share, three times; seven and a half dollars a share were paid on those assessments.

Senator SMOOT. The assessments were made for what purpose? To increase the capital stock or to provide for losses you had made?

Mr. HOWARD. It was not for the purpose of issuing stock. The assessments were made to pay for losses and new equipment.

Senator SMOOT. That is what I wanted to find out.

Mr. HOWARD. The soil was found to be too light and sandy for sugar beets, but admirably adapted for beans, which crop for several successive years had commanded such high prices as to create a strong demand for suitable land. Availing ourselves of existing conditions the company exercised its option, subdivided and resold the land, reinvested the proceeds in other localities, and credited the profits.

The balance of the surplus, $832,422.42, was contributed during the 12-year period by the sugar business.

To compensate the share owners for assessments, land and sugar profits, which had gone into property investments, a stock dividend equal to the outstanding share capital as of December 31, 1910, was declared and paid.

But cash dividends had previously been paid totaling $895,780, or an average of nearly $75,000 per year, equal to nearly 6 per cent per annum on the outstanding capital on December 31, 1910.

If, then, we take the $832,422.42 contributed by the sugar business to the undivided profits, and which was capitalized by this stock dividend, it will be found to average, during its 12 years of accumulation, $69,368.53 per year, which is equal to 5.5 per cent on the share capital on December 31, 1910.

So that instead of the carefully misrepresented dividend of 100 per cent, we find an average dividend of the Union Sugar Co. resulting from its sugar business during the first 12 years of its existence of 6 per cent per annum in cash and 5½ per cent in stock.

But, Mr. President, it is fair to say that the stock of the company was practically worthless, as is suggested in the testimony of Mr. Howard. It was found that the land in that section was not suitable to beet growing. They realized some of their so-called profits by selling the land to be devoted to other purposes, and this beet-sugar factory, that is alleged to have made profits to the extent of 100 per cent, has gone out of business because it could make no profits at all, and the plant itself has been dismantled.

Now, sir, I think I have said all I desire to say at this time.

Mr. SIMMONS. Mr. President, for information, I should like to ask the Senator from California one question. What is the market value of the beet lands of California?

Mr. WORKS. I am not able to state that accurately, but I will do so before this matter is disposed of. I should say, however, such lands are worth in the neighborhood of $200 an acre.

Mr. SIMMONS. What was the market value of those lands before they began to be cultivated in beets?

Mr. WORKS. That depended very much on the kind and quality of the land. There are some lands there that are practically worthless; they are what we call out in our State alkali lands. Such land is impregnated with alkali until it would not grow any other crop, so far as has been discovered, except the sugar beet. The result of growing beets upon the land has been to reclaim it from that condition, and to make it valuable land not only for the purpose of growing beets but for the growing of other crops as well.

Mr. SIMMONS. So that the beet grower not only gets a profit upon the sale of his beets, but he gets a large profit in the enhanced valuation of his land by reason of the fertilizing effects of beet growing?

Mr. WORKS. So far as it applies to that kind of land, yes; but not always. The beet land, I may say to the Senator from North Carolina, does not differ, so far as prices are concerned, from other farm lands in California.

Mr. SIMMONS. The Senator means the price of the beet lands does not differ?

Mr. WORKS. Not materially.

Mr. SIMMONS. I should like to ask the Senator from California if the beet lands have not increased in value since the beginning of beet culture in that State more rapidly than have the lands cultivated in other crops?

Mr. WORKS. Cultivated in other crops? Yes; but——

Mr. SIMMONS. I mean crops outside; I will say citrous-fruit crops.

Mr. WORKS. I think that would be so with respect to lands that are used for the purpose of growing grain and like crops,

but the land is of greater value for beet growing than for those purposes.

I will say to the Senator from North Carolina that I am probably not prepared to give him accurate information on this subject at this time. I would not want to mislead him; but I shall be able to give the necessary information at the proper time.

Mr. SIMMONS. Could the Senator now give me some information as to the labor cost of cultivating an acre of land in beets?

Mr. WORKS. No; I am not able to do so other than is done in these tables which are given. I am not a beet grower or a beet manufacturer. I am just like the Senator; I have to get my information from other persons, as best I can, and I have endeavored conscientiously to do that from all sources where I thought I could get accurate and reliable information. Further along I expect to lay that information before the Senate.

I have risen now simply for the purpose of meeting some of the statements that were made which I felt reflected upon my State with respect to the payment of wages and the price paid for the beets.

Mr. SIMMONS. I want to say to the Senator that I am asking these questions because I know he would not answer me unless he had information that was entirely satisfactory to himself.

Mr. WORKS. I would not, I hope.

Mr. SIMMONS. And I hoped that the Senator might have that information.

Mr. WORKS. As I have already stated to the Senator, I have not the information at this time.

Mr. MARTINE of New Jersey. I wish to introduce a bill——

Mr. SIMMONS. I hope the Senator will not attempt to do so at this time. I am afraid, if the Senator does that, other Senators will desire to do the same thing, and we may be interrupted in the discussion of the pending question.

Mr. MARTINE of New Jersey. Very well; I will withhold it.

The VICE PRESIDENT. The question is still on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] to the motion of the Senator from North Carolina [Mr. SIMMONS].

Mr. GALLINGER. As I understand the matter, Mr. President, the Senator from Pennsylvania desires to incorporate in his amendment the amendment of the Senator from Wisconsin, so that the question will be put as on one amendment.

The VICE PRESIDENT. As one amendment. The Chair so understands. There being no objection, that will be done.

Mr. THOMAS. Mr. President, I shall not at this time enter into any general discussion of what is popularly known as the sugar question. The debate upon the motion to refer this bill to the Finance Committee has, however, brought into the question some phases which may as well, so far as I am concerned, be discussed now as at any other time. One of them involves the rate of wages which prevails in the sugar-beet industry. That discussion was precipitated by the Senator from Michigan [Mr. SMITH] in his general insistence upon the amendment of the Senator from Pennsylvania [Mr. PENROSE]. During that discussion something was said, among others by myself, about the wage rate in the beet fields of the West, which has given rise to a somewhat interesting series of events culminating in the receipt of a good deal of information upon the subject from various sources throughout the West.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. THOMAS. I do.

Mr. SIMMONS. I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Shively
Bacon	Hughes	Norris	Simmons
Borah	James	O'Gorman	Smith, Ariz.
Brady	Johnson, Me.	Overman	Smith, Ga.
Bristow	Johnston, Ala.	Owen	Smith, Mich.
Bryan	Kenyon	Page	Stephenson
Catron	La Follette	Perkins	Stone
Chamberlain	Lane	Pittman	Swanson
Clark, Wyo.	Lea	Pomerene	Thomas
Clarke, Ark.	Lewis	Ransdell	Thompson
Crawford	Lippitt	Reed	Tillman
Cummins	McLean	Shafroth	Townsend
Fall	Martin, Va.	Sheppard	Vardaman
Gallinger	Martine, N. J.	Sherman	Williams
Goff	Myers	Shields	Works

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is engaged outside the Chamber on important Government business. He is paired with the Senator from Florida [Mr. FLETCHER].

Mr. BRYAN. I desire to say that my colleague [Mr. FLETCHER] is necessarily absent. He is paired, as has been stated, with the Senator from Wyoming [Mr. WARREN].

Mr. RANSDELL. I desire to announce that my colleague [Mr. THORNTON] is too unwell to be present in the Senate to-day.

Mr. SHEPPARD. I wish to state that my colleague, the senior Senator from Texas [Mr. CULBERSON] is necessarily absent. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. HOLLIS. I desire to state that the junior Senator from Delaware [Mr. SAULSBURY] is detained on important public business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Colorado will proceed.

Mr. THOMAS. Mr. President, I had stated at the time of the roll call that a great deal of information had been obtained upon this phase of the question under discussion since the debate upon it began on the 9th day of May. My purpose is not to detain the Senate by a recital of all of the matter which has reached my own hands, some of which came voluntarily and some of which was solicited, but, rather, to discuss some other phases of the labor question as connected with this industry, which, to my mind, are as important as the mere matter of wages, if not more so.

I took occasion last Monday, I think, to correct a statement which I had previously made and which I had hazarded as to the wage rates in the beet fields of my own State. I intended, in that connection, to call attention to an equally conspicuous error of my distinguished friend from Michigan [Mr. SMITH], who, in the course of his remarks upon the 9th instant, said:

> You have got to pay the laborer who works in the beet fields, on an average, $2.75 a day, while the peon who works in the sugar fields of Cuba, who wears a clout upon his stomach and not even a hat upon his head or shoes upon his feet, does not get over 10 cents a day; and you propose to pit the farmers and the laborers upon the farms in that industry against such labor as that.

Here is a statement of a wage rate which is lower than anything that ever occurred to me as being possible, either in Cuba or outside of it. Yet my regard for the learning and generally accurate statements of my distinguished friend from Michigan was such that I did not feel warranted in challenging the assertion at the time it was made.

Since then I have made some investigation of the subject—a very slight one, because the information I desired came from another source. In the House of Representatives, on the 28th of April, Representative HARDWICK, in discussing this phase of the tariff question, compared the wage rate in this industry as between the State of Louisiana and the Republic of Cuba, and at page 731 of the RECORD he gave it in these words:

> The labor cost in factories in Cuba and Louisiana is practically the same, and for field labor Louisiana pays hardly as much as is paid in Cuba. It appeared in the sworn testimony before the special committee that in Louisiana the sugar planters pay the following rates for field labor: Seventy-five to eighty cents to men per day, 75 cents per day to women, and $1 per day in harvesting time; whereas in Cuba for the same class of labor the planters are paying from $1 to $1.25 per day, and in Cuba the women do not work in the fields. So it seems to me that the equalization of labor cost is not involved in this proposition.

Thus, the record discloses estimates of wage rates which are mutually erroneous and that the head and front of my offending seems to be both equalized and offset in this discussion by the remarkable assertion of the Senator from Michigan.

Mr. SIMMONS. Mr. President, I did not hear the Senator's statement as to what the Senator from Michigan said was the prevailing wage in the cane fields of Cuba.

Mr. THOMAS. Ten cents a day.

I shall not take serious issue with any of the Senators from the beet-sugar States upon or as to the question of per diem rates of wages in the beet fields beyond calling attention to some facts in my own possession and to the nature of that labor as I understand it.

It is what is called contract labor, or hand labor, and is a prime essential to the successful cultivation of the beet. The prevailing rate is $20 an acre. It is done by field hands, generally speaking, operating as a sort of colony or in company with each other and under the direction of a head man. It is evident, therefore, that the wage rate depends very largely upon the capacity of the contractor and his employees and the amount of labor performed by them within a given time. Inasmuch as this labor is frequently performed by women and children as well as by men, it is difficult to say what the wage rate is, unless it be calculated upon some basis which takes these things into consideration.

Another phase of the matter is that the work is not confined to any specific number of hours, and is labor of the most exacting and back-breaking sort. There is nothing disgraceful about it; there is nothing dishonest or dishonorable about it; but it is hard work of the lowest quality, done in the broiling sun, and which must be done, as I am informed, as the progressive growth of the crop requires it. Those engaged in it toil from daybreak until darkness, and sometimes beyond, thus embodying not 8 hours, but 10, 14, and 16 hours out of 24. It is this sort of day labor of which men speak when they assert that it commands $2 and $2.50 per day. Measured by the 8-hour standard instead of 12 or 14, the figures would, of course, be considerably less.

Upon this subject the labor commissioner of my State reports—and I am perfectly willing to take his statement—that "the contracts are $20 an acre for thinning, two hands pulling and topping beets, all contract work, foreigners only employed. All the family work 16 hours a day, about $1.50 each, and board themselves."

In view of the fact that I inquired of the junior Senator from California [Mr. WORKS], on the 9th instant, as to the class of employees in this work in his section of the country, I deemed it only proper to ascertain from the labor commissioner of that State what the facts were. My inquiries were as to the nationality of the labor employed in that State, as well as to its compensation, and this is the reply which I have received from him:

SAN FRANCISCO, CAL., *May 10.*

C. S. THOMAS,
Highlands, Washington, D. C.:

Help employed on beet farms in California, 1910, Japanese represented 66 per cent; Chinese, Mexicans, Hindus, 12 per cent. Large acreage controlled by Japanese, who only employ Japanese help. Work done for others under contract. Wages for weeders, $1.50; toppers and loaders, $1.93 per day, without board.

And although he does not say so, I assume that the hours of labor are equally exacting as elsewhere.

I stated the other day that this labor was largely, if not entirely, foreign in its character. The Senator from California [Mr. WORKS] seems to infer that this statement carried with it something of a reflection upon those who were engaged in this line of employment. It was far from my intention to cast the slightest reflection upon these people. The fundamental assertion—I will not call it argument—of the protectionists of the hour is that their system of duties, by means of and through which the masses of this country are taxed for the benefit of the few, elevates and dignifies American labor by giving to the American wage earner the opportunity to receive proper compensation for his labor, and thus enables him to support his family in comfort and to educate his children, thus making theirs a life of opportunity of which they need only take advantage to elevate themselves to the pinnacle of American citizenship. But if the citizen is, as I contend, supplanted in many lines of protected industry, and ultimately will be in all of them, by the substitution of a cheaper imported labor, this assertion can not be true.

I therefore referred to the nationality of this particular class of labor in order to focus attention upon a fact that I think is applicable to every highly protected industry in this country, which is that it has driven and is driving out of employment our own citizens and substituting in their places the hordes of foreigners against whom there is no duty and from the resources of which these great interests may at all times draw their supplies. My contention was that the beet-sugar industry was no exception to this general rule; that the class of labor which was to be protected by a continuation of existing conditions was that class of labor, to a large extent, which has recently necessitated so much diplomatic intercourse, if I may so term it, between the central powers at Washington and the governor and the Legislature of the State of California, with whose action I have abundant sympathy, and with whose policy I can find no fault, because California is face to face with a condition which is largely based upon the operation of our protective system, its greed and overcapitalization prompting it to exploit the laborer and the material man at one end of the line, while exalting prices to the consumer at the other.

This was the chief reason and motive which I had in focusing attention upon that particular phase of the situation. My attention was called to it a year or two ago, if I remember correctly, by reading an article entitled "Beet sugar and the tariff," by Prof. Taussig, of the chair of economics in Harvard University, in which he says:

No machinery has been devised that serves to dispense with the large amount of hand labor called for. "Several attempts have been made to construct a mechanical device by which the beets can be topped, thus saving a large expense, and perhaps a successful device of this kind may some day be invented." So far as is known at the present time, however, this process has not been successfully accomplished by machinery, and the topping must still be done by hand. "Inventive ingenuity in Europe and especially in America," said the special agent of the Department of Agriculture in 1906, "has been directed to planning a harvester which will do away, as far as possible, with this expensive hand work. * * * It can not be said that any of these newly devised implements works successfully in all soils." In 1909 he reported that "these machines are not now in general use, but their use is increasing," and he still laid stress on the need of elaborate hand cultivation.

It follows that the successful growing of the sugar beet calls for a large amount of monotonous unskilled labor; no small part of it labor that can be done by women and children, and that tempts to their utilization. In the documents of the Department of Agriculture there is constant reference to the peculiar labor problem confronting the farmer who sets out to raise sugar beets. "As a rule the farmer, if he grows beets to any extent, does not have on his farm sufficient labor to take care of the work of thinning, bunching, hoeing, and harvesting the sugar beets." Not only does the typical American farm and farm community lack the number of laborers required; the labor itself is of a kind distasteful to our farmers. "Thinning and weeding by hand while on one's knees is not a work or posture agreeable to the average American farmer. Bending over the rows and crawling along them on one's hands and knees all day long are things that the contracting farmer is sure to object to as drudgery. * * * Our farmers ride on their stirring plows, cultivators, and many implements." As was remarked by one of the witnesses before the Ways and Means Committee at a tariff hearing, "The thinning and the topping of the beets, it is pretty hard to get our American fellows to do, and they prefer to hire the labor and pay for it." The Kansas State Board of Agriculture informs its constituents "If the American farmer is to realize all possibilities in raising sugar beets, he will do so through his ability as a superintendent and not as a drudge."

The manner in which this need of extra labor has been met is instructive not only as regards the beet-sugar situation itself but also as regards the general trend of industry in the United States during the last generation.

That is the subject to which I have just referred, the general trend of industry toward the employment of a class of labor that is un-American.

Almost everywhere in the beet-sugar districts we find laborers who are employed or contracted for in gangs; an inferior class, utilized and perhaps exploited by a superior class.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 37, authorizing the investigation of conditions in the Paint Creek coal fields, West Virginia.

Mr. KERN. In the remarks I made yesterday, which have not yet been printed, I inadvertently omitted a quotation from a speech of Gen. Garfield in the Milligan case before the Supreme Court March 6, 1866. It is a short quotation. I ask unanimous consent for leave to insert it in its appropriate place in my remarks.

The VICE PRESIDENT. If there is no objection, that may be done.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. KERN. I was asking unanimous consent to insert a quotation in the speech I delivered yesterday.

The VICE PRESIDENT. There being no objection, that may be done.

Mr. SMOOT. Would the Senator object to having it read, so that it may be answered if anybody desires to answer it?

Mr. KERN. Yes; I will read it.

Mr. SMOOT. I have no objection to the insertion, only I thought it would be better, perhaps, to read it.

Mr. KERN. The quotation is as follows:

Your decision will mark an era in American history. The just and final settlement of this great question will take a high place among the great achievements which have immortalized this decade. It will establish forever this truth of inestimable value to us and to mankind: That a republic can wield the vast enginery of war without breaking down the safeguards of liberty; can suppress insurrection and put down rebellion, however formidable, without destroying the bulwarks of law; can by the might of its armed millions preserve and defend both nationality and liberty. Victories on the field were of priceless value, for they plucked the life of the Republic out of the hands of its enemies; but

"Peace hath her victories
No less renowned than war."

And if the protection of law shall by your decision be extended over every acre of our peaceful territory, you will have rendered the great decision of the century.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution, adopted by the General Court of the Commonwealth of Massachusetts, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolution relative to the sale by the United States Government of a certain tract of land in the city of Chelsea.

Resolved, That the General Court of Massachusetts hereby requests Congress to pass such a measure as may be necessary to procure forthwith the sale by the United States Government of a certain tract of land in the city of Chelsea, formerly used for the purposes of a powder

magazine, and such parts of the naval-hospital grounds in the said city as are undesirable for hospital purposes, the Secretary of the Navy having been authorized in the year 1906 to sell the aforesaid land.

HOUSE OF REPRESENTATIVES, *February 14, 1913.*

Adopted; sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*
SENATE, *February 19, 1913.*

Adopted; in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk House of Representatives.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a full, true, and complete transcript of senate joint memorial No. 9 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau, this 17th day of April, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

Senate joint memorial 9.

To the President of the United States of America, greeting:

We, your memorialists, the Legislature of the Territory of Alaska, the youngest and smallest Territorial legislative body within the confines of the United States, representing a larger and richer area of land than any similar body of men heretofore under the American flag, do most earnestly request you to consider the within statements and take action thereon.

About 16 years ago the first great rush was on to the interior of Alaska. Previous to that time southeastern Alaska had been settled to some extent and fishing and mining had been carried on as a business, notably in the vicinity of Juneau, the capital of the Territory. The mammoth Treadwell gold mine had been partially equipped and some other smaller mines put in operation. All of the settlements and development of consequence were at that time along the coast line and easy of access. About the date mentioned above gold in placer deposits and quartz veins, coal in vast quantities, and oil were discovered in the interior of Alaska. People from every State in the Union located and purchased mining claims under the laws of the United States and proceeded to operate some of them under the same legal rights as citizens of the United States had done throughout all the mineral-bearing States of the West, but under much harder conditions.

Of the resources of Alaska there can be no question. First, the placer belts are large and scattered from Cook Inlet to Fairbanks, Iditarod, Kuyokuk, Candle, Nome, and other camps; and aside from the richer grounds, there are thousands upon thousands of acres of low-grade placer ground that can not be worked at a profit under present high cost of transportation of supplies and fuel. Second, the quartz gold condition is receiving much attention, and along the seacoast it is now developing into a large and profitable business. The quartz gold, however, is not confined to the coast. Slowly quartz mines are being developed in the interior, and under more favorable transportation and fuel conditions would forge ahead by leaps and bounds. Third, both on the coast in certain places and in the interior there are numerous copper mines. Those near the coast can be and are worked at a profit. Nevertheless they are handicapped in many places on account of the high cost of fuel necessary for the generating of power for mining and smelting. Taking up the copper mining of the interior, we find a far different proposition. The fuel question is prohibitive, excepting to operate the richest of properties, and as a consequence only one copper mine in the interior of Alaska is now in operation and shipping ore, and that one could not operate if it were not exceedingly high-grade ore. There are hundreds of copper properties, some quite rich and many of lower grade, that would be opened up and shipments made therefrom were shipping conditions different. To sum up, the opening of the quartz gold, low-grade placer and copper deposits of the interior of Alaska depends solely on cheap fuel and adequate and cheaper transportation controlled by the Government.

COST OF FUEL.

With millions of tons of good steam, stove, and coking coal lying within a few miles of salt water, the opening of which has been retarded by what we consider a mistaken policy, the citizen of Alaska pays for his own house coal brought from British Columbia mines, in trust owned and controlled bottoms, from $14 to $30 per short ton in the most favorable localities, north and west of Juneau and Sitka, and $4 would be a fair price for Alaska coal delivered at the same localities.

THE COAL QUESTION.

It has become generally known throughout the United States that there are extensive coal deposits near the coast, as well as in the interior of Alaska, and because some misguided citizen, not of Alaska, sought to obtain control of large areas of coal land, perhaps in some cases not within the law, the great majority, yes, 99 per cent, of the entire population of Alaska who have no interests, directly or indirectly, in the coal question, only so far as to obtain cheaper fuel, have been denied the use and benefit of Alaska coal pending the settlement of the alleged rights of these so-called coal claimants.

This body declares:

First. That all coal claimants who located coal lands strictly within the law as it existed at that time should receive patents therefor. We do not deal with or consider any illegal entry. We do, however, believe that the coal claimants should have their day in court.

Second. Regardless of the rights of any or all claimants, we do most respectfully urge that the Government of the United States take immediate action and in some way open the coal lands of Alaska, or some of them, and that the selling price of the coal will be controlled by a department of the General Government of the United States, to the end that justice may be brought about to all of the people of Alaska.

TRANSPORTATION FOR ALASKA.

Many portions of Alaska Territory lie adjacent to the coast line and therefore have a measure of competitive and fairly reasonable freight rates, most notable is southeastern Alaska. As to the localities farther north this does not exist. For instance, the lowest freight rate to Katalla, Cordova, Valdez, and Seward, excepting on coal, is $11 per ton, weight or measurement. Quite often this runs up to even $30 per ton or higher. On all explosives the rate is $25 per ton, and as one goes farther west along the Kenai Peninsula and north the rates are much higher. First-class passenger rates to the first-mentioned points are $45, the distance being about 1,600 miles. The great crying need, however, is cheaper transportation from the seacoast to the interior, and it was for the purpose of examining routes and conditions pertaining to interior transportation that the railroad commission was appointed and did visit Alaska during the fall of 1912, and after making a hurried examination reported to the President of the United States their findings and recommendations, and it was their general report that this legislative body indorsed at the beginning of this present session. Southeastern Alaska is not much interested in interior transportation only so far as it covers the White Pass & Yukon Railroad, over which rates are exceedingly high.

The coal fields under consideration lie largely within the third judicial district, as well as the developed copper properties and a portion of the gold quartz properties, and the people residing in the second, third and fourth divisions of Alaska are mostly interested in the question of interior transportation. But to the third and fourth divisions the transportation question is vital, viz, to transport coal to the seacoast to be distributed by water where needed and to furnish coal and other supplies, machinery, and men to interior points at reasonable rates.

We are aware you have full knowledge as to the transportation system now in Alaska, and it is only necessary to give a few figures as to the present freight rates per ton for goods laid down at the end of the Copper River & Northwestern Railroad. Dynamite laid down at that point costs $90 per ton freight, including water and rail from Seattle. The rate on groceries and provisions, less than car lots, is $60 per ton, and all other goods, hay, feed, and machinery in the same proportion. The rate out on ore is graduated on lines that an operator can not afford to mine and ship grades of copper ore lower than 20 per cent, and there are very few mines that can produce ore of this grade even by close sorting The Bonanza mine that is now shipping and paying is an exception, and the fact that that mine is operating and paying is not a criterion by any means, for it is the only copper property in the Chitina copper belt that can afford to ship as a business under the present conditions.

As to other interior points: During the best days of the Fairbanks camp, when $10,000,000 in value was taken from the ground by the miners yearly, it is stated upon good authority that one-half of the whole amount was paid out for freight and transportation. This statement is verified by report of Alfred Brooks, of the United States Geological Survey. At the present time the Fairbanks camp, as well as others, is working on much lower grade gold-bearing gravels, of which there are large areas; therefore cheaper transportation is absolutely necessary in order to work the present low-grade placers at a profit. Aside from the present established camps there are thousands of acres of low-grade placers that have not been touched owing to the high cost of transportation.

WHAT IS THE REMEDY?

The people of Alaska are hoping for and expecting that the present administration will at its earliest convenience adopt some measure that will open the coal fields of Alaska, or some of them, on lines that monopoly can not control the selling price of the product thereof, and at the same time do justice to all honestly located claims and claimants.

They also pray most earnestly that matters will be put in force in some way, and soon, that will start construction work on two or more lines of railway that will start at tidewater and extend to the interior, through the beautiful valleys of agricultural land, and on, until every camp of importance and every valley fit for agriculture purposes shall have been reached and the inhabitants thereof supplied with cheap and reasonable transportation controlled by the strong arm of the Government.

Notwithstanding discouragements and the unnatural obstacles thrown in the way of the development of Alaska, the business of the country shows improvements along commercial lines. The total trade for the year 1912 aggregated $72,741,000, exceeding that of any former year by 27 per cent. The white population is about 30,000; thus the commerce of the country shows about $2,400 for each man, woman, and child in the Territory. It is worthy of comment that about $25,000,000 of the exports from Alaska during the year 1912 were gold, silver, and copper, which have been added to the permanent wealth of the United States.

With a population of but 30,000, the commerce of Alaska with the United States far exceeds that of the Philippine Islands, with a population of over 8,000,000 people. With this in mind compare the expenditures of the Government in Alaska and in the Philippines, and remember that the population of Alaska is composed of loyal sons and daughters of the Union.

From the earliest settlement of our country the Government has encouraged the forward movement and the opening of new territory, and it has always had within its borders the blood and brawn of the pioneers; and as they, single handed and alone and in small groups, have blazed the way and advanced into the unknown, their faces ever to the westward, combating not only wild nature, but often wilder men, the strong arm of the Government has followed the pioneer and made it possible to still follow with more civilized modes of life, even going to the extent of donating hundreds of millions of value in lands in aid of transportation. The Government has given millions of money for the aid of the brown man of the Philippine Islands and has given to Cuba millions in money and lives of brave men. We would respectfully ask, Are the Cubans, the Filipinos, or the Porto Ricans more valuable to this great country of ours than the hardy, brave, intelligent pioneers of Alaska, every one of whom, from 16 to 70 years of age, is willing to fight for his country and flag? Are we, the citizens of this great Alaska empire, not entitled to due consideration and help from our country? Men are here from every State and representing every phase and condition of life, from the old grizzled advance agent of civilization, who has faced storm and flood alone, sought out the secrets of nature, and then returned to civilization to spread the glad news that the energetic and progressive business man and capitalist might follow over the paths he has made smooth and develop and reap with him the wealth he has found. We believe that the time has come for the just consideration of our great needs by those in authority and power to relieve and assist in the development of our great Territory.

The secretary of the Territory of Alaska is hereby requested to forward a certified copy of this memorial to each of the following persons: One to the President of the United States, one to the Secretary of the Interior, and one each to the honorable the President of the Senate and the Speaker of the House of Representatives of the United States, and one to the Delegate to Congress from Alaska.

Adopted by the senate April 3, 1913.

L. V. RAY,
President of the Senate.

Adopted by the house April 15, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Mr. PERKINS presented petitions of sundry citizens of Los Angeles, Cal., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. GALLINGER presented petitions of Frank Rumuzzer, of Rochester, N. H.; Truly Warner, of New York; E. C. Blandy, of Osceola Mills, Pa.; E. H. Cady and E. M. Baumgardner, of Toledo, Ohio; W. E. Matthews, J. B. Lowman, Fred Krebs, and William G. Hager, of Johnstown, Pa.; S. G. Cleaver, of Wilmington, Del.; and J. Murray Africa and John White, of Huntingdon, Pa., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

EMIGRATION CANON RAILROAD CO.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 541) granting to the Emigration Canon Railroad Co., a corporation of the State of Utah, permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad tracks, a certain piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah, reported it with an amendment and submitted a report (No. 40) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 1982) granting a pension to Frank M. Eldredge; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 1983) to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property; to the Committee on Naval Affairs.

Mr. TILLMAN. I ask that the papers accompanying the bill be printed and referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

By Mr. SMITH of Michigan:

A bill (S. 1984) authorizing and directing the Secretary of the Navy to place the name of Raymond W. Dikeman on the retired list as a second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

A bill (S. 1985) to remove the charge of desertion from the military record of Capt. Daniel H. Powers;

A bill (S. 1986) to remove the charge of desertion from the military record of Henry Fuller;

A bill (S. 1987) to remove the charge of desertion from the record of Joseph Neveux;

A bill (S. 1988) to remove the charge of desertion from the military record of John H. Armstrong;

A bill (S. 1989) to correct the military record of Adam D. Shriner;

A bill (S. 1990) to correct the military record of Samuel J. Kearns; and

A bill (S. 1991) correcting the military record of Abram H. Johnson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1992) granting a pension to Dallas Garner (with accompanying paper);

A bill (S. 1993) granting an increase of pension to Benson K. Robbins (with accompanying papers);

A bill (S. 1994) granting a pension to Almira J. Sterling (with accompanying papers);

A bill (S. 1995) granting an increase of pension to Oliver B. Bond (with accompanying papers);

A bill (S. 1996) granting a pension to Catherine Healey (with accompanying papers);

A bill (S. 1997) granting a pension to James B. Parker (with accompanying paper);

A bill (S. 1998) granting an increase of pension to William H. Southwell (with accompanying paper);

A bill (S. 1999) granting an increase of pension to Thomas H. Crapo (with accompanying papers);

A bill (S. 2000) granting an increase of pension to Joseph Johnson (with accompanying paper);

A bill (S. 2001) granting a pension to Isolina M. Forbes (with accompanying paper);

A bill (S. 2002) granting a pension to Joseph Hadden (with accompanying papers);

A bill (S. 2003) granting a pension to Lucy Ann Palmer (with accompanying paper);

A bill (S. 2004) granting an increase of pension to Charlotte H. Ely (with accompanying papers);

A bill (S. 2005) granting an increase of pension to Charles Newton Eddy (with accompanying paper);

A bill (S. 2006) granting an increase of pension to John A. Churchill (with accompanying papers);

A bill (S. 2007) granting a pension to James E. Embury (with accompanying papers);

A bill (S. 2008) granting a pension to Verona H. Coon;

A bill (S. 2009) granting a pension to Allen B. Be Dell;

A bill (S. 2010) granting an increase of pension to Charles H. Eding;

A bill (S. 2011) granting a pension to Aaron P. Essex;

A bill (S. 2012) granting a pension to Robert Fletcher;

A bill (S. 2013) granting an increase of pension to W. R. Foote;

A bill (S. 2014) granting an increase of pension to Margaret W. Goodwin;

A bill (S. 2015) granting an increase of pension to Patrick Gibbons;

A bill (S. 2016) granting an increase of pension to Jesse Gray;

A bill (S. 2017) granting a pension to Charlotte Hammond;

A bill (S. 2018) granting an increase of pension to Ephraim Hanson;

A bill (S. 2019) granting a pension to Agnes Hunt;

A bill (S. 2020) granting a pension to Amanda M. McKinney;

A bill (S. 2021) granting an increase of pension to Lewis B. Moon;

A bill (S. 2022) granting a pension to James H. Seward;

A bill (S. 2023) granting a pension to Lucinda W. Van Hyning;

A bill (S. 2024) granting an increase of pension to Charles S. Vahue;

A bill (S. 2025) granting an increase of pension to Benjamin Stroup;

A bill (S. 2026) granting an increase of pension to Charles A. Voorheis;

A bill (S. 2027) granting an increase of pension to John A. Battenfield;

A bill (S. 2028) granting an increase of pension to John Stansell;

A bill (S. 2029) granting a pension to Dora Stevens;

A bill (S. 2030) granting a pension to Lauchling McDonald;

A bill (S. 2031) granting a pension to Bert Dakens;

A bill (S. 2032) granting a pension to Marv A. Solter;

A bill (S. 2033) granting a pension to Margaret A. Wiles;

A bill (S. 2034) granting an increase of pension to Fannie E. Newberry;

A bill (S. 2035) granting a pension to Cyrus Hicks;

A bill (S. 2036) granting an increase of pension to Mineria Beeman;

A bill (S. 2037) granting a pension to Marcus W. Bates;

A bill (S. 2038) granting an increase of pension to Augustus M. Barnes;

A bill (S. 2039) granting an increase of pension to David C. Crawford;

A bill (S. 2040) granting a pension to David Carr;

A bill (S. 2041) granting a pension to Cynthia A. Slayton;

A bill (S. 2042) granting a pension to Emeline C. Seger;

A bill (S. 2043) granting an increase of pension to Sidney M. Smith;

A bill (S. 2044) granting an increase of pension to Geraldine Tift;

A bill (S. 2045) granting a pension to Elizabeth A. Stebbins;

A bill (S. 2046) granting a pension to Louisa Moorman;

A bill (S. 2047) granting an increase of pension to David S. Fairchild;

A bill (S. 2048) granting an increase of pension to Fred E. Williams;

A bill (S. 2049) granting an increase of pension to Lucy L. Norton;

A bill (S. 2050) granting a pension to Lovina Warren;

A bill (S. 2051) granting an increase of pension to Martin Selak;

A bill (S. 2052) granting a pension to Mary E. Smith;

A bill (S. 2053) granting an increase of pension to Daniel W. Spring;

A bill (S. 2054) granting an increase of pension to George M. Peaslee;

A bill (S. 2055) granting a pension to Rachel F. Prince;

A bill (S. 2056) granting an increase of pension to Anthony Peterson;

A bill (S. 2057) granting a pension to Michael Reichard;

A bill (S. 2058) granting a pension to W. H. Rugg; and

A bill (S. 2059) granting a pension to Charles A. Rupert; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 2060) granting an increase of pension to Daniel L. Hazzard; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 2061) opening the surplus and unallotted lands in the Colorado River Indian Reservation to settlement and entry under the provisions of the Carey Land Acts, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 2062) for the relief of the administrator and heirs of Fritz Contzen, to permit the prosecution of an Indian depredation claim; to the Committee on Indian Depredations.

By Mr. LEA:

A bill (S. 2063) for the relief of the deacons of the Gethsemane Baptist Church, of Davidson County, Tenn.; and

A bill (S. 2064) for the relief of Josie Myer Reynolds (with accompanying paper); to the Committee on Claims.

A bill (S. 2065) to provide for participation by the Government of the United States in the National Conservation Exposition, to be held at Knoxville, Tenn., in the fall of 1913; to the Committee on Industrial Expositions.

By Mr. MARTINE of New Jersey:

A bill (S. 2066) for the relief of Edward S. Farrow; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 2067) authorizing national-bank associations to make loans on real-estate security in certain cases; to the Committee on Banking and Currency.

By Mr. SMOOT:

A bill (S. 2068) to authorize the allowance of second homestead and desert entries; to the Committee on Public Lands.

By Mr. MYERS:

A bill (S. 2069) for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 2070) for the relief of the deacons of the Missionary Baptist Church, of Toone, Tenn.;

A bill (S. 2071) for the relief of the deacons of the Gethsemane Baptist Church, of Davidson County, Tenn.; and

A bill (S. 2072) for the relief of the Court Avenue Presbyterian Church, incorporated as the First Cumberland Presbyterian Church, of Memphis, Tenn.; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 2073) for the relief of the heirs of the late Jennie Hunter; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 2074) granting a pension to Charles L. Cloutman (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. STONE submitted an amendment providing for the appointment of a joint commission to investigate Indian affairs, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE TARIFF.

Mr. SIMMONS. Mr. President, I am exceedingly anxious to go on with the consideration of the motion to refer the tariff bill to the Committee on Finance. For very nearly a week now this matter has been held up, and there are a great number of experts who have been sent here by the department from New York to assist the subcommittees and the committee. They are here in idleness because Senators can not find time to take up these questions. On that account and because I am sure the country is anxious that this matter shall be finally settled, I dislike very much to yield to any other business at this time.

I wish to inquire of the Senator from Indiana if at a certain hour—at a certain time—he will not consent to lay aside temporarily the consideration of the unfinished business.

Mr. KERN. Mr. President, I sympathize very greatly with the members of the Finance Committee in their effort to bring the question which has been before the Senate to a vote. I am aware that there are a number of people who are vitally interested in the question they have immediately in hand. There are many millions of people interested in the question that is now before the Senate.

I shall be very glad to make an agreement that if a vote is not reached on the resolution now before the Senate within one hour from this time I will consent, if it is agreeable to the Senate, that it may be temporarily laid aside until the other matter is disposed of. I do not desire to lay it aside except temporarily, so that it will not lose its place on the calendar,

Mr. SMOOT. I have no objection at all to taking up the matter of referring the tariff bill, but I would not want it understood that if a Senator was speaking one hour from now, and his speech was not concluded, he would be taken off the floor. Of course, the Senator recognizes the fact that the unfinished business would have to be laid aside by unanimous consent, and I would not want it understood that at the end of an hour a Senator should be taken off the floor.

Mr. SMITH of Georgia. It does not require a vote of the Senate temporarily to lay aside the unfinished business.

Mr. SMOOT. The Senator from Indiana said he would ask unanimous consent that it be temporarily laid aside. If any other business is not taken up by unanimous consent, it then becomes the unfinished business. Of course, the Senator from Indiana does not want to have the unfinished business lose its place.

Mr. KERN. I will not be discourteous, of course, to any Senator on the floor. I thought in about an hour, if the debate continues until that time, it could be laid aside; but unless it was apparent that some Senator was speaking against time——

Mr. SMOOT. With that understanding, I have not any objection at all.

Mr. KERN. We will endeavor to preserve the courtesies.

Mr. THOMAS. At the conclusion of the hour, I ask the permission of the Senate and the Chair that I may then be permitted to finish what I have to say on the matter which has been under discussion.

Mr. SMITH of Michigan. Is this a request for unanimous consent?

Mr. STONE. No.

The VICE PRESIDENT. The unfinished business is before the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina a question. The Senator from North Carolina urges as a necessity for the immediate disposition of his motion to refer the tariff bill so called to the Finance Committee the fact that there are a very large number of experts here who have been called for the purpose of aiding the committee.

Mr. SIMMONS. I will say to the Senator I stated that only as a subsidiary reason; that is all.

Mr. SMITH of Michigan. It is a very important suggestion.

Mr. SIMMONS. Yes; it is.

Mr. SMITH of Michigan. I think it should have some weight. Would it be asking too much of the Senator from North Carolina to tell us just how many experts there are waiting?

Mr. SIMMONS. I could not state the number; I think six or seven, probably more than that.

Mr. SMITH of Michigan. Six or seven?

Mr. SIMMONS. Yes; for the different subcommittees.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from North Carolina again, would it be inconvenient for him to furnish to the Senate the names of those experts?

Mr. SIMMONS. Not at all. I will state that they are generally appraisers sent over from New York by the department to assist the committee.

Mr. SMITH of Michigan. I wonder if they are that type of men described by the President of the United States in one of his very interesting works.

Mr. SIMMONS. I do not know what type of men they are. I will state to the Senator that we have asked the department to send us from New York experts who are familiar with certain schedules, and they have sent them to us. If the minority members of the committee desire their services after we are through with them, they can have them.

Mr. SMITH of Michigan. Does the Senator mean that these experts are regularly employed experts in the Treasury Department?

Mr. SIMMONS. I mean they are regularly employed by the Government.

Mr. SMITH of Michigan. In what capacity?

Mr. SIMMONS. They are, I think, connected with the appraisers' office in the city of New York.

Mr. SMITH of Michigan. Is it entirely for their convenience that we must move along as rapidly as the Senator suggests?

Mr. SIMMONS. Not for their convenience at all, but there is a responsibility attached to them and we are keeping them from their duties.

Mr. SMITH of Michigan. Are they entitled to extra pay?

Mr. SIMMONS. No; but they are entitled and will receive and have received from the committee from time immemorial, ever since I have been on the committee, their actual expenses in the city of Washington—their board and traveling expenses. I will ask the Senator from Utah [Mr. SMOOT] if that is not true?

Mr. SMITH of Michigan. Are these the same gentlemen who have been aiding the House Committee on Ways and Means in the preparation of the bill?

Mr. SIMMONS. I do not know whether any of these experts have been before the House committee or not.

Mr. SMITH of Michigan. Is it proposed that the testimony of these experts shall be taken by the Committee on Finance?

Mr. SIMMONS. We are not taking their testimony. We are asking from them information with reference to certain schedules.

Mr. SMITH of Michigan. Will they impart this information privately or publicly?

Mr. SIMMONS. I assume they will talk with us just as the experts assigned to the minority members of the committee by the department confer with them. I know that there are experts assigned by the department to the minority members of the committee, because I have had to approve the account of experts who have been assigned to minority members of the committee at this session of the Senate upon these tariff schedules. I think the Senator is not familiar with the course that has been pursued by every Finance Committee as to the revision of the tariff. It was and has been the custom all along. When we were considering the Payne-Aldrich bill, the minority and the majority members of the committee had experts assigned by the department to assist them.

Mr. SMITH of Michigan. Yes.

Mr. STONE. Mr. President, I rise to a question of order. This is an absurd waste of time. I ask for the regular order.

Mr. SIMMONS. I agree entirely with the Senator.

The VICE PRESIDENT. The regular order is demanded. The regular order, which is the unfinished business, is before the Senate.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. The Senator from Michigan.

Mr. SMITH of Michigan. I suppose that the question of the reference of the tariff bill has now been superseded, and under the rule the business before the Senate is the resolution of the Senator from Indiana [Mr. KERN].

The VICE PRESIDENT. That is the business before the Senate.

Mr. SMITH of Michigan. The understanding has been, I assume, that that would be discussed for an hour, after which the Senate would return to the consideration of the Finance Committee's motion. If the Senator from North Carolina insists that the best reason he can give for the immediate reference of that bill to his committee——

Mr. SIMMONS. Oh, Mr. President, I stated to the Senator that I had given that merely as a subsidiary reason.

The VICE PRESIDENT. The unfinished business is before the Senate.

Mr. SMITH of Michigan. I am discussing that question, Mr. President, and it will remain the unfinished business unless we can have discussion in the usual and orderly way. If the best reason that can be given for the immediate reference of the tariff bill is that urged by the Senator from North Carolina, of course I could not yield, because Senators have not been in the habit of moving to suit the convenience merely of the attachés of the Treasury Department in the administration of the customs laws. This matter is of too much moment——

Mr. SIMMONS. Did the Senator hear me when I said that the reason of the holding off of this matter is the Finance Committee were unable to go on with the work of preparing the bill?

Mr. SMITH of Michigan. That is just the point I am approaching.

Mr. SIMMONS. Did the Senator understand me to state that the main reason why I desire action is that the Senators charged with this duty might go on with the bill in the interest of dispatch and the public welfare?

Mr. SMITH of Michigan. I am afraid I misunderstood the Senator.

Mr. SIMMONS. I stated as a subsidiary reason that we had these gentlemen here on expense and we could not use them, because our time is taken up here in the Senate Chamber with the discussion of the bill.

Mr. SMITH of Michigan. Mr. President, I am afraid that I misunderstood the Senator from North Carolina. I understood him to say that he would like to resume the consideration of the motion, because there were a large number of experts here who desired to be heard. Now, if I am in error——

Mr. SIMMONS. I stated that as one of the reasons.

Mr. SMITH of Michigan. If I am in error about that, and it is a matter of convenience to my colleagues, who can not leave the Chamber because of the discussion of this measure to attend to this bill, that presents a vastly different question.

I wish to say once for all and to relieve the mind of the Senator from North Carolina, if he is at all apprehensive regarding my course, that if he thinks it is my purpose to wage prolonged and fruitless contest against an appropriate reference of this bill, he is mistaken. I have no such purpose in my mind. I did object to the unanimous-consent agreement this morning, because I was unwilling to be a party even to the reference of this bill to the committee, especially when it goes to the committee with the avowed intention of acting so promptly upon it and of accepting no suggestions from the millions of our countrymen who are vitally affected by its provisions.

I am perfectly willing that the Senator from North Carolina should press his motion. He need not hesitate a moment, so far as I am concerned, to give me an opportunity to vote "nay." That was the purpose of my objection this morning; nothing more. We will have ample opportunity to discuss it before it ripens into law.

But I was amazed and perhaps in error when I assumed that the sole reason for its immediate reference was the convenience of regular employees of the Treasury Department. I have an abundance of information which I believe would be important, which has been communicated to me by business people in my own State and manufacturers and merchants in other States. I could appropriately delay consideration for a number of days, but that has never been my policy here, and I do not propose to do so now.

Having said what I have to say about it, I am quite prepared, Mr. President, that the Senate shall proceed with the resolution of the Senator from Indiana or that the motion of the Senator from North Carolina may go to a vote.

Mr. SIMMONS. Will the Senator now agree to a time this afternoon to vote?

Mr. SMITH of Michigan. No; I shall agree to nothing in connection with this bill; and if the Senator from North Carolina and his party in power desire to refer this bill on the motion now pending, I shall simply content myself with voting "nay."

Mr. STONE. The motion is pending.

Mr. SMITH of Michigan. But it is not insisted upon. It has been waived to accommodate the Senator from Indiana.

Mr. SIMMONS. The Senator has taken up 20 minutes of that hour.

Mr. SMITH of Michigan. I could take up 20 minutes more in reply to the statement of the Senator from North Carolina. His speech appeared in the RECORD only this morning and I have had no opportunity to examine it. But I shall not even take the time to do that. We would make progress fully as rapidly with just a little inclination to humor the disposition of Senators who are unalterably opposed to this bill, and I shall by no unanimous consent or vote, from the first roll call to the last, give my approval to a single line or syllable of your bill.

I dislike, however, to think that from day to day a great department of the Government is called upon to threaten the business people of America with prosecution if perchance they undertake to save the industry now in jeopardy.

Mr. President, I have said all I am going to say at the present time. Later I may read a few chapters by the present President that were written before he assumed his high public place, but I forbear now to offend the sensitiveness of my genial friend from Missouri [Mr. STONE].

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same.

The committee of conference have been unable to agree on amendment numbered 2.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.
JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move that the conference report be adopted.

The PRESIDENT pro tempore. The Senator from Virginia moves that the conference report, so far as it reports an agreement, be adopted. Unless there is objection, such will be the order.

Mr. TOWNSEND. Mr. President, I should like to know what the amendments are, and especially what is the amendment from which the Senate has receded.

Mr. MARTIN of Virginia. The two items on which the committee reached an agreement were purely formal ones, consisting of the addition of the letter "s" in two places. There is only one item that is really in controversy, and that is this: The House sent the bill to us containing a provision that when vacancies occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers they shall not be filled until the whole number of members is reduced to 5. There are now 11 members of the board. The Senate amended the House bill by striking out the provision which contemplated a reduction of the membership of the Board of Managers of the Soldiers' Home from 11 to 5 by not making appointments when vacancies occur.

Mr. TOWNSEND. And it is upon that amendment that the Senate and the House are still in disagreement?

Mr. MARTIN of Virginia. Yes; the House seems very persistent in rejecting the Senate amendment. The House wants the number of the Board of Managers of the Soldiers' Home reduced to five. The Senate amended the bill by striking out the provision and thus declining to make the reduction.

Mr. TOWNSEND. I am very much in favor of the Senate insisting upon its position in the matter. I do not think we ought to yield.

Mr. BURTON. Mr. President, I concur in the statement of the Senator from Michigan. I also most strongly concur in the action of the conference committee in adhering to the action of the Senate. As I understand it, the striking out of the provision in the House amendment leaves the law as it is at present.

Mr. MARTIN of Virginia. The Senate amended the House bill by striking out the provision reducing the number.

Mr. BURTON. That leaves the law as it now is?

Mr. MARTIN of Virginia. That leaves the law as it now is, if we strike out that provision in the House bill.

I move that the Senate further insist upon its amendment and ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate at the further conference.

AMENDMENT OF THE RULES.

Mr. WILLIAMS. Pursuant to the notice which I gave on yesterday of an amendment of the rules, and which went over for one day, I submit a resolution and ask that it be read and referred to the Committee on Rules.

There being no objection, the resolution (S. Res. 84) was read and referred to the Committee on Rules, as follows:

Resolved, That the rules of the Senate be amended as follows: Rule XII, clause 1, after the words "by the Senate," there shall be inserted the following: "and any Senator may arise and declare that he is paired and how he would vote if not paired, and may add that being present he desires to be so recorded in order to constitute a quorum; whereupon he shall be so recorded, and his presence as a part of the quorum announced by the Chair."

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The question is, Shall the resolution (S. Res. 37) of the Senator from Indiana [Mr. KERN] be referred to the Committee on Education and Labor? The Senator from West Virginia [Mr. GOFF] is entitled to the floor.

Mr. GOFF. Mr. President, I shall not detain the Senate very long in the further consideration of this matter. I commence to-day by asking the Senate to advise me what possible good can result from the adoption of this resolution. I can very readily see how it might result in disaster, but not how it can bring any good to the State of West Virginia, to the country at large, or give any additional information or advice to the Senate.

Yesterday we had under consideration the decisions of the courts relative to the right of the executive of a State during a period of insurrection to proclaim martial law. It seemed to be conceded that ordinarily this right existed, but for some reason, unknown to me at least, it was questionable in the minds of some as to whether or not that general rule was applicable to West Virginia.

Now, in the first place, considerable anxiety seemed to be expressed at the proclamation of the governor for the organization of a military commission. I can probably no better present my views upon that than by reading from a decision of a distinguished court, it is true a decision that has been very severely criticized, but an opinion that the Supreme Court of the United States has not passed upon as yet, an opinion founded on former decisions of said great tribunal.

Military commissions are courts organized under the international law of war for the trial of offenses committed during war by those not in the war or naval forces.

Now, for a moment let us consider what the Supreme Court of the United States has held, as has also the Supreme Court of Pennsylvania, and it might be well to digress for a moment and call attention to that decision, reported in Two hundred and sixth Pennsylvania, page 165, the Commonwealth ex rel. Wadsworth against Shortall. I am reading the syllabus:

MARTIAL LAW—GOVERNMENT—RIOTS—ORDER OF GOVERNOR.

Martial law exists wherever the military arm of the government is called into service to suppress disorder and restore the public peace.

Where the governor of the Commonwealth issues a general order calling out the militia for the purpose of suppressing violence and maintaining public peace in a district affected by a strike, such an order is a declaration of qualified martial law in the affected district. It is qualified in that it is put in force only as to the preservation of the public peace and order, and not for the ascertainment or vindication of private rights or the other ordinary functions of government. For these the courts and other agencies of the law are still open. But within its necessary field and for the accomplishment of its intended purpose it is martial law with all its powers.

The resort to the military arm of the government by such an order means that the ordinary civil officers to preserve order are subordinated, and the rule of force under military methods is substituted to whatever extent may be necessary in the discretion of the military commander.

The effect of martial law is to put into operation the powers and methods vested in the commanding officer by military law. So far as his powers for the preservation of order and security of life and property are concerned, there is no limit but the necessities and exigency of the situation. And in this respect there is no difference between a public war and domestic insurrection. What has been called the paramount law of self-defense, common to all countries, has established the rule that whatever force is necessary is also lawful.

Governor Hatfield issued his proclamation. He issued it by virtue of a statute of West Virginia long ago, in substance, incorporated in the code of that State, founded on the rules of war, referred to in the decisions alluded to.

As to the direct question propounded by the Senator from Idaho [Mr. BORAH], which, conceding the right of the governor to issue his proclamation, nevertheless questions the power of the military commission to proceed under the same, I beg to say that—

Military commissions are courts organized under the international law of war for the trial of offenses committed during war by persons not in the land or naval forces.

Now, we have had no court-martial trials in West Virginia. All this talk about "the sentences of drumhead courts-martial" is not properly in this case or before the Senate. A military commission was formed, and the order creating it has been severely criticized. We are not very familiar with military commissions or military courts, and I am glad of it, and the Senate, I doubt not, is glad of it. They come but seldom, but in time of insurrection and war they are not unusual. I quote:

In the United States their jurisdiction is confined to enemy territory occupied by an invading army, or at least to those sections of the country which are properly subject to martial law, and their authority ceases with the end of the war. (40 Cyc., 391.) By a practice dating from 1847 and renewed and firmly established during the Civil War, military commissions have become adopted as authorized tribunals in this country in time of war. They are simply criminal war courts, resorted to for the reason that the jurisdiction of courts-martial, creatures as they are of statute, is restricted by law and can not be extended to include certain classes of offenses which in war would go unpunished in the absence of a provisional forum for the trial of the offenders. Their authority is derived from the law of war, though in some cases their powers have been added to by statute. Their competency has been recognized not only in acts of Congress but in Executive proclamations, in rulings of the courts, and in the opinions of Attorneys General. During the Civil War they were employed in several thousand cases; more recently they were resorted to under the "reconstruction" act of 1867; and still later one of these courts has been convened for the trial of Indians as offenders against the laws of war.

The Judge Advocate General of the Army has collated these commissions, the numbers of cases that they have tried and

disposed of, and in his digest, on page 1066, is found the quotation that I have used as also the following:

The jurisdiction of a military commission is derived primarily and mainly from the law of war, but special authority has in some cases been devolved upon it by express legislation, as has already been noticed. Military commissions are authorized by the laws of war to exercise jurisdiction over two classes of offenses committed, whether by civilians or military persons, either (1) in the enemy's country during its occupation by our Army and while it remains under military government, or (2) in the locality not within the enemy's country or necessarily within the theater of war, in which martial law has been established by competent authority.

The digest goes on to cite a great many cases that have been so disposed of by military courts, and says:

Although there is no express provision of the Constitution or acts of Congress authorizing military commissions, yet such commissions are tribunals now as well known and recognized in the laws of the United States as the court-martial. They have been repeatedly recognized by the executive, legislative, and judicial departments of the Government as tribunals for the trial of military offenses.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. GOFF. I do.

Mr. POMERENE. May I ask the Senator from West Virginia from whose opinion he is reading?

Mr. GOFF. I am now reading a quotation from the opinion of the Supreme Court of West Virginia; but the citations that I have alluded to, taken from that opinion, are from the Digest of the Judge Advocate General to which I just referred:

A military commission—

This is still the digest—

A military commission, unlike a court-martial, is exclusively a war court; that is, it may legally be convened and assume jurisdiction only in time of war, or of martial law or military government when the civil authority is suspended.

Mr. President, this is a serious subject, worthy of the attention and consideration of all of the Senate. You can not conduct a war with kid gloves on. War is necessarily harsh; it has been recognized as such from the earliest civilization. While we abhor it, still this country has not failed to resort to it when the necessity demanded it.

Concede that you do not find this power in the Constitution, concede that there is no congressional enactment on the subject, yet there never was a government organized that did not inherently and impliedly carry with it the power to protect itself. Every State of our Union has that right. It is the right of self-defense. A man driven to the wall does not hesitate to strike with the intent to kill if necessary to preserve his own life.

I wonder when it was that my friends on the other side of the Chamber concluded to abandon that creed, handed down to them from Jefferson, involving the sovereignty of the States. When did they yield it? When did they concede that only the Government of the United States can take charge of these matters, the State necessarily surrendering its dignity, its power, and its right to live by its own edict and action?

It is much easier to find, by the usual rules of construction, in the Constitution of the United States the right of a State to issue such proclamations—to establish such military courts—than it is to find in that Constitution such power inherent in the Federal Government. Yet does anyone undertake to say that the General Government does not possess it, has not exercised it? And do we not all thank God to-day that it did exercise it?

The military commission in West Virginia existed by virtue of proper authority. It tried all cases of all persons caught red-handed in insurrection. Has anyone ever intimated that there was a man or a woman arrested and taken before that court who was not properly so arrested? If so, I have not heard of it. Was anyone convicted by that court who was innocent? Many arraigned before it plead guilty, and with a reprimand and an admonition were discharged.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I do.

Mr. BORAH. Our contention is that it never can be determined whether or not those persons were properly convicted until they come before a tribunal which is recognized under the law as a proper tribunal to try that question. To say that they were guilty is not to meet the question, because, though guilty, they were entitled to a trial in the same manner and under the same laws as if they were innocent. No man stands convicted until he has been convicted in a tribunal which has the jurisdiction to try him.

Mr. GOFF. Mr. President, I am contending that the military court was a proper tribunal to try that question; and I have shown to the Senate that on appeal taken from that military court, the subordinate as also the supreme court of my State held that such persons were properly arrested. That is what my contention is. I say I have demonstrated it, and I say that the judgment of that court should stand as the law until proceedings have been taken under our judicial methods to modify or reverse that judgment of the court. Can anyone properly take issue with me on that?

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. I do.

Mr. CUMMINS. What gave the Supreme Court of West Virginia appellate jurisdiction over a military commission? The Senator from West Virginia has just said that there was an appeal from the commission to the court.

Mr. GOFF. That is correct in the general sense. I will explain it.

Mr. CUMMINS. Very well; I should like to know about it.

Mr. GOFF. The writ of habeas corpus was sued out by those people who were tried by the military court. That writ issued from a civil court, a court of competent jurisdiction, presided over by a judge learned in the law, and he held that they were properly arrested, properly convicted, and legally detained. It went then to the Supreme Court of West Virginia, and that court held as I have indicated.

Mr. CUMMINS. Is it not true that the decision of the Supreme Court of West Virginia was simply that the military commission had jurisdiction to try these offenses?

Mr. GOFF. Yes.

Mr. CUMMINS. It did not inquire into the guilt or the innocence of those who were tried?

Mr. GOFF. That would have been utterly impossible under the writ of habeas corpus.

Mr. CUMMINS. I understand that perfectly well; but what I wanted——

Mr. GOFF. The only question that can or should be determined by a court of competent jurisdiction on a writ of habeas corpus is, Did the court that tried this petitioner have jurisdiction of the matter? Now, what is the presumption of law?

Mr. CUMMINS. Precisely. I simply wanted that to be perfectly clear in the debate. I thought that some confusion might arise by the suggestion that there had been an appeal from the military commission to the civil authorities of the State.

Mr. GOFF. Well, I did not use the word "appeal" in the sense the Senator has indicated.

Mr. CUMMINS. I think the Senator from West Virginia is entirely right in his statement that the court of his own State has held that this commission was properly organized and that the proclamation of the governor was a legal proclamation. May I ask another question while I am on my feet?

Mr. GOFF. Certainly.

Mr. CUMMINS. Did any other governor in the whole history of the country ever issue a proclamation similar to the one issued by the governor of West Virginia?

Mr. GOFF. I have not examined the language of all the proclamations that have been issued, and I am therefore unable to answer the Senator.

Mr. CUMMINS. One more question, which I ask very largely for information. I understood the Senator to say that there had been a great many cases tried in this country by military commissions. Will the Senator, if he has examined into the matter, tell the Senate what cases have been tried by military commissions acting under martial law during the last 50 years? I do not mean that he should recite the cases, but state the class of cases.

Mr. GOFF. Well, I will read now from the opinion of the Judge Advocate General.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. GOFF. With pleasure.

Mr. NELSON. I can recall one case, and that is the case of the Indians who assassinated Gen. Canby when he went to them under a flag of truce to negotiate peace. Those Indians were tried by a military commission, and the trial was held to be a legal trial. I do not remember its date, but the Senator from Iowa will remember the incident of Gen. Canby's assassination.

Mr. BORAH. Mr. President, I think another case that might be cited is the case in which Gen. Andrew Jackson tried Armstrong and Arbuthnot and executed them; but not even Jackson was ever able to justify the legality of that proceeding. And John C. Calhoun is said to have denounced it as murder.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from California?

Mr. GOFF. I yield.

Mr. WORKS. The point has been made here that, conceding the fact that a state of insurrection or war had been declared by the governor, the military tribunal would have no jurisdiction over an offense committed against the State laws. That question is one of jurisdiction, and would be directly involved in the proceedings under habeas corpus. Therefore, as to that question, these parties unquestionably have had their day in court. Whether they were guilty of the specific offense charged is another matter, and that is a matter, in my judgment, about which the Senate has no reason to inquire.

Mr. CUMMINS. Unquestionably, Mr. President, the court of last resort of West Virginia has held that the action of the governor was authorized and has held that the military commission was properly organized and had jurisdiction, not only of offenses against the martial law, which was substituted for the civil law by the order, but had jurisdiction of all offenses against the law of the State as that law was prior to the insurrection. It has not only affirmed an order which so declared, but it has also affirmed an order which gave to the military commission the power to punish by death what formerly was punishable by fine or imprisonment, or to punish by imprisonment an offense that was formerly punishable by death. The order is complete and comprehensive, and the Supreme Court of West Virginia, as I understand, has affirmed its validity.

I do not agree with the Supreme Court of West Virginia with regard to its construction of the law, although I yield to it very great respect, as I do to all the courts in the country. But I was trying to find out whether any other governor in the history of the United States had ever issued such an order as is under review in the Senate at this moment. I knew the Senator from West Virginia had examined the matter and that if there was any precedent for it, he would be able to give it to us.

Mr. GOFF. I have not, as I said a moment ago, examined the proclamations and orders of the different executives of the various States bearing upon that point. I know they were issued; but I have not examined them and therefore will not undertake to answer that inquiry; but I will answer the question the Senator asked me a moment ago.

> Of the ordinary crimes taken cognizance of under similar circumstances by these tribunals, the most frequent were homicide, and after these robbery, aggravated assault and battery, larceny, receiving stolen property, rape, arson, burglary, riot, breach of the peace, attempt to bribe public officers, embezzlement and misappropriation of public money or property, defrauding or attempting to defraud the United States.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. GOFF. I do.

Mr. SUTHERLAND. The Senator has read a long list of classes of cases that have been taken cognizance of by tribunals of this character. Now, can the Senator tell us how those tribunals were constituted—that is, whether or not they were tribunals constituted by the governor of a State after the declaration of martial law, or whether they were tribunals incident to the military government of a conquered territory?

Mr. GOFF. The list that I have just read comprises offenses that were committed and tried by military courts established by the commanding general or the President during the Civil War.

Mr. SUTHERLAND. Well, Mr. President, if the Senator will permit me further, I quite understand that where a military government has been established as a result of or as incident to war, and where the sovereignty of the enemy has been driven out of existence, military courts may be established; but I understand the rule—and I invite the Senator's attention to that proposition—I understand the rule to be confined to those military governments; that is, if we were engaged in a war with a foreign country, with Mexico, for example, and our troops were in the field in Mexico, and we had driven out that Government, there being no other government capable of administering civil justice, as a matter of necessity the military organization would establish courts, and as a matter of necessity the will of the commanding officer would in effect become the law. As I understand, however, a State has no right to declare war; it has no right to engage in war, unless it is invaded or in grave danger of being invaded; so that it would seem to me to be an improper statement to say that a state of war exists in West Virginia at this time. Undoubtedly, there were circumstances of disturbances—riots and insurrection, if you please—which would justify the governor in declaring martial law; but when he had declared the existence of a state of affairs which authorized him to declare martial law, and he had declared martial law, then the military force would simply be authorized to do what the civil executive officers were unable to do—make arrests and preserve the peace—but notwithstanding that, all the courts would be in existence, and when an arrest was made by the military authorities, just as when an arrest was made by the sheriff of the county, the person arrested charged with a crime, it seems to me, would have the right to demand that his case should be taken before the civil courts which were in existence.

Now, if the Senator will bear with me just for one moment further, I will say to the Senator that this is a question which has troubled me very greatly. I recognize the gravity of any action which the Senate might take looking to an investigation of the affairs of a sovereign State, and I recognize that it ought not to be done except upon very grave occasions; and yet, if the view which I have in mind with reference to this matter is the correct view, then the military authorities of West Virginia have been guilty of very grave usurpation of power, men have been deprived of their right to resort to the civil courts, and it presents a question, as it seems to me, under the fourteenth amendment; and it would seem, in that view of it, to present a case where the Senate would be justified in ordering an investigation. The order which was issued by the governor, among other things, contains this language:

> 1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed—

That is, as the laws existed—

> prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

Now, if I understand the force of that order, it is not only that the power of the military authority is substituted for the authority of the courts to try offenses, but the will of the military tribunal is substituted for the law of the State. The law of the State declares that such and such acts shall constitute an offense. The law of the State prescribes that when that offense is committed certain prescribed punishment shall follow. This order says not only that the courts shall not try those cases and that this military tribunal shall try them, but that the law which declares the punishment is superseded and the will of the military authorities takes its place.

If the Senator has any precedent for that, if it has been held by any court in the United States, save by the court of West Virginia, that that sort of an order could be justified under our form of government, I should like very much to have the Senator from West Virginia call our attention to it.

Mr. GOFF. I will say to the Senator from Utah that the governor of West Virginia, when he issued that proclamation, simply put in concise terms an instruction to the court he had established that was drawn from the decisions of the Supreme Court of the United States, the Supreme Court of Pennsylvania, as well as the Supreme Court of West Virginia. Why do I say that? Because the Supreme Court has said, as have all other courts, that a state of insurrection, of riot, in any one of the States produces the same situation in law that actual war does. That is what I mean. That is how I answer these questions.

If there were actual war in West Virginia in the sense the Senator from Utah alluded to—as in the case of a conflict with Mexico—there would be no necessity of alluding to riot or insurrection. Therefore the Supreme Court, in disposing of these questions that involve riot and insurrection, says that the governor of the State may do just exactly those things that he might do if the actual war that the Senator alludes to were existing.

That is what the governor did. Was he wrong? It may be that he was. I do not think he was. Men differ about these things. It is well we do differ about many things. That was his conclusion. He had able advisers. He simply read into his proclamation the legal effect of his order. It was to guide the military commission, to simplify the situation. They would have been bewildered—any of us not familiar with such matters would have been—not have known what to do, or how to proceed, or what they might do if the governor had not advised them.

Looking at the decisions, including even the Milligan case, the Supreme Court holds, instructs us—I am not sure that I use the exact words, but I am confident that in substance it said, under circumstances similar to those existing in West Virginia when the governor issued his martial-law order—

> The military process is substituted for the civil process.

The governor, then, simply said to his commission, "I advise you that the law is as set forth in my orders." Martial law was proclaimed in a small section only and was not to exist in any other part of the State. It is just as I illustrated it yesterday. It was only in this part of the Chamber, at this desk—

which is in the riot zone, so to speak—that the military court had jurisdiction.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. GOFF. I do.

Mr. KERN. Is it not true that the governor of Colorado, in directing the arrest of citizens of that State, simply ordered them detained and then turned over to the civil courts for trial? Was not that the extent of the authority which he undertook to exercise?

Mr. GOFF. That may be.

Mr. KERN. Is it not so stated?

Mr. GOFF. I am not aware as to whether or not a proclamation was issued there that gave any special directions. But does it follow because that course was taken in Colorado that it should also be taken in other places? Why, not at all.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. REED. The Senator from West Virginia has stated that this riotous condition was limited to a very small territory. I wish to be clear as to whether or not the ordinary civil and criminal tribunals of the county in which this territory was situated were in full operation. Were the ordinary courts of justice open and in a condition to transact business?

Mr. GOFF. The ordinary courts of justice in the strike zone, as we will call it, consisted of courts held by justices of the peace, in effect.

Mr. REED. If the Senator will pardon me, I will state the point I am trying to get at, and I am trying to get at it for the purpose of obtaining light. There was a strike zone, a zone in which there was riot and disturbance and disorder, and I apprehend, from what has been said here, of a very aggravated kind. But were not the ordinary criminal and civil courts or the courts having criminal and civil jurisdiction in that county in a condition to proceed unobstructed by the strike?

Mr. GOFF. Outside of the strike zone?

Mr. REED. Yes.

Mr. GOFF. Most undoubtedly.

Mr. REED. Could not a man arrested for a criminal act within the strike zone have been taken outside of the strike zone, before the ordinary court of the county, and have been tried without difficulty?

Mr. GOFF. He might have been, but in my judgment it would have been utterly improper for him to have been so tried.

Mr. REED. I was simply trying to ascertain the fact.

Mr. GOFF. Very well.

Mr. REED. May I ask a further question? As I understand, then, it is conceded that these courts were open, and that the processes of justice went on unobstructed. Does the Senator think those courts would have performed their duty, and would have punished crime, if the criminal had been properly brought before the court with proper evidence?

Mr. GOFF. In the first place, the courts to which the Senator has alluded would have no jurisdiction of a crime outside of assault and battery.

Mr. REED. I do not want to have any misunderstanding with the Senator. I will say to the Senator that I am not asking these questions for the purpose of being antagonistic to him.

Mr. GOFF. I hope I have not intimated anything of that kind.

Mr. REED. In West Virginia you have a court that has general criminal jurisdiction in each county, I take it?

Mr. GOFF. Yes, sir.

Mr. REED. That court was held at the county seat of the county in which this strike zone existed; and that court was constantly open for the transaction of business during the strike, as it would have been at any other time. That is correct, is it not?

Mr. GOFF. That is correct.

Mr. REED. Was there any such condition existing in that county as would have made it impossible or difficult for that court to have administered justice in the case of a man who was arrested within the strike zone and brought before it?

Mr. GOFF. I have said repeatedly, and I am glad of an opportunity to say it once more, that all the courts in West Virginia were open, are open, have been open, are held by distinguished judges, and cases are expeditiously and properly disposed of, except in the strike zone.

Mr. REED. Coming now to the Senator's illustration, if he will pardon me, he states that he will consider this Chamber to represent the State of West Virginia and his desk to represent the strike zone. Suppose an act of violence were committed at the point indicated as his desk, the strike zone. As I understand him that would be within a certain county, and the man guilty of the act of violence would have been tried within that county, in a court presided over by a distinguished judge, and the processes of justice would not have been interfered with at all by the strike condition. The court would have been held, a jury would have been impaneled, and justice would have been administered. That was the condition of affairs, as I understand?

Mr. GOFF. Very well.

Mr. REED. Now, I desire to ask the Senator this question: With that court open, presided over by a distinguished judge, with the processes of justice unobstructed, with the certainty of conviction in a proper case, does he think the governor of the State was justified in setting aside the laws of the State, or of attempting to set them aside, and improvising a criminal tribunal composed of militia officers to try men and impose serious penalties? Does he think he was justified in doing that when the courts of West Virginia were open, and had been duly organized, and were presided over by men of distinction and learning and ability?

Mr. GOFF. Had the governor of West Virginia made any effort to place any other part of the territory of that State in the condition in which he placed the zone, he could not and would not have been upheld a moment of time.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from California?

Mr. GOFF. I do.

Mr. WORKS. The Senator from Missouri is asking the Senator from West Virginia as to what condition of things existed at that time. Necessarily the proclamation of the governor of the State placing this particular territory under martial law was founded upon the fact that the conditions were such that the courts could not perform their ordinary functions. That is a question which the governor himself must determine and as to the correctness of which the Senate of the United States has no power to inquire. There is no reason why we should investigate as to that particular phase of it, because I understand the courts have held time and again that the governor of the State has the right to determine that question, and his determination of it is conclusive.

Mr. BORAH. Will the Senator permit me to say a word in answer to what the Senator from California has said?

Mr. GOFF. I will.

Mr. BORAH. If it be true that the governor of a State may declare a territory within the State in insurrection, of course he may declare the entire State under martial law. If it be true that after he has declared martial law he may supplant the civil authority and the civil law and try men by court-martial, then there is positively nothing left of our institutions as we have understood them. There is no crime, there is no offense, which he may not try in his own way and with his own improvised tribunal. If the fact that he has declared the State to be in insurrection be conclusive, and these other things follow as a result of that conclusion, and the United States Government must stand and look on and see it proceed, we can be Mexicanized inside of 48 hours. Now, the governor can declare martial law, but he can not thereby suspend all provisions of the Constitution and nullify the law of the land.

Mr. GOFF. Mr. President, the Senator from Idaho may put that construction upon what has taken place in West Virginia if he wishes.

Mr. BORAH. I was assuming that if the Senator from California was correct in his position and we were powerless to examine into the matter, that was what would follow. I do not say that has followed in West Virginia. I have avoided discussing these facts, which I do not desire to discuss until the investigation has been had and we know precisely what happened. But the Senator from West Virginia must recognize the fact that if the proclamation of the governor is conclusive, and if it follows as a matter of law, as a matter of right, or as a matter of authority from that proclamation that he may supplant the civil authority and do away with the civil courts and try men by military tribunal for the violation of State laws, the theory of a right to trial by jury is a mere theory. Now, we will not disagree as to the power of the governor to declare martial law, but we disagree as to what follows as a result of that declaration.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. GOFF. With pleasure.

Mr. NELSON. Partly in response to the question suggested by the Senator from Utah [Mr. SUTHERLAND] and partly in reference to doubts expressed by the Senator from Iowa [Mr. CUMMINS], I beg leave to read the following paragraph from Benet's Military Law on the subject of courts-martial. It is very brief, and I trust the Senator will not object to my reading it:

JURISDICTION.

Military offenses under the rules and articles of war must be tried in the manner therein directed, by courts-martial; but military offenses which do not come within the statute must be tried and punished under the laws of war, by military commissions. Many offenses, however, which in time of peace are civil offenses, become in time of war military offenses, and the offenders are to be tried by a military tribunal, even in places where civil tribunals exist.

Mr. CUMMINS. Mr. President, I have no doubt whatever of the right of a military commission not only to try criminal offenses, so called, but to try civil cases. It can award judgment for the plaintiff against the defendant for the recovery of money. The question is, What conditions must exist in order to warrant the military commission?

In addition to what the Senator from Idaho [Mr. BORAH] has said, I desire to ask the Senator from West Virginia if this further consequence would not follow if the conclusion or the finding or proclamation of the governor were conclusive. Of course he can supplant the legislature just as easily as he can supplant the courts. There is no such thing as a legislature under military law, for there is no need of a legislature. The commanding general makes the law, and I think there are circumstances under which he must make it. But I am sure it would not be contended that the governor of West Virginia could issue a proclamation placing the whole State under martial law, supplanting the general assembly, supplanting the courts, and substituting for both the will of the commanding general. I do not believe the Senator from West Virginia will go to that length.

Mr. GOFF. If there is insurrection throughout the limits of the State of West Virginia, the governor has the same right to designate the entire State as being under the rule of martial law; and, using the language of the Supreme Court of the United States, the commander in chief in that State would control it by his own will, because that is the law of war.

Mr. BORAH. Mr. President, suppose there is no insurrection in the State of West Virginia, but the governor of West Virginia declares that there is a state of insurrection and issues a proclamation?

Mr. GOFF. Oh, that is a violent assumption.

Mr. BORAH. Exactly; but in order to arrive at the logical conclusion, to which we must go if we are going to follow this matter, we must assume that such a condition of affairs could exist. Suppose he should do it; suppose that the governor, not of West Virginia but of some other State, should do it; then the supposition would not be so violent perhaps. Does the Senator say we could not inquire into the conditions which prevailed in the State as a result of declaring martial law?

Mr. GOFF. Not the Senate of the United States.

Mr. BORAH. Does the Senator say no one else could—neither the courts nor anybody else?

Mr. GOFF. I am not prepared to say that.

Mr. BORAH. Then it is a very easy job to change our form of government.

Mr. GOFF. No; it is a violent supposition that a man elected to the executive office of any of the States of this Nation would presume to take any such action as the Senator from Idaho has indicated.

Mr. BORAH. Mr. President, the very object and purpose of the fathers in framing our form of government as they did, and putting these limitations upon it, was on the theory that somebody might do that very thing. It was to get away from the gentlemen who had done those things that we rebelled and set up our form of government.

Mr. GOFF. And we have established a government that from that time down to this has never given us one isolated instance of conduct on the part of an executive such as the Senator from Idaho has alluded to. They have never taken such action; and I say it is a violent assumption to assume that they would do so in any State of the American Union.

Mr. BORAH. Mr. President, the Senator lays considerable stress upon the proposition that that has not been done "down to this time."

Mr. GOFF. Yes.

Mr. BORAH. I concede that proposition, but the question we are now discussing is whether this is not a precedent.

Mr. GOFF. I understood the Senator to indicate that he believed the governor had the right to proclaim martial law, and to prescribe the zone within which it should prevail.

Mr. BORAH. I do.

Mr. GOFF. Very well.

Mr. BORAH. But I do not concede that the governor of the State has the right to close the courts, or to supplant the civil authorities, or to ignore the provisions of the Constitution.

Mr. GOFF. The Senator is right.

Mr. BORAH. If the Senator will permit me——

Mr. GOFF. One minute, in answer to that suggestion. The governor does not close the courts. It is the absolute, inevitable result of war that closes courts and establishes martial law. That is what it is.

Mr. BORAH. Mr. President, I should like to read at this point a single sentence from the Milligan case, because it answers the whole controversy, as it seems to me, over which the discussion has ranged to-day:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Mr. GOFF. That is true. Now, will the Senator take the decision of the Supreme Court of the United States in the Moyer case? Are we not to read these decisions and to construe them in the light of the situation existing when the decision is rendered?

Mr. BORAH. Mr. President, the Moyer case sustained no other principle than the right of the executive to police the situation and to execute the processes of the civil authorities when the civil authorities themselves could not execute them.

Mr. GOFF. The principle laid down in the Moyer case, in the language of the court, was that pending an insurrection of that character the very process of the civil courts was superseded by the process of the military authorities.

Mr. BORAH. The process—exactly.

Mr. GOFF. Yes.

Mr. BORAH. If I may be permitted to say so, when we had the difficulties in the Coeur d'Alene region we sometimes brought the prisoners, we brought the witnesses, to the court oftentimes in the company of soldiers, for the reason that the riotous conditions were such that the processes of the court could not be served otherwise; but that was simply the execution of the process of the court. It was not an attempt to supplant the trial of a court. Martial law may accompany a citizen to the courthouse steps, but it can not enter the courthouse so long as the courthouse door is open.

Mr. GOFF. My idea is that a court that is held to try prisoners that are taken before it by soldiers is a court that necessarily is inefficient in the discharge of its duties.

Mr. BORAH. Mr. President, we succeeded in that instance.

Mr. GOFF. Very well; you may have. But is it not preposterous to assume that the courts are to be kept open by military guard and that it requires the strong arm of war, of soldiery, to conduct prisoners to their doors? Why, the very statement of the case, it seems to me, shows the utter folly of trying to hold court under such circumstances.

Mr. BORAH. That is exactly the line of demarcation between martial law and civil law, and it is a matter of common law. Martial law may police; it may keep order; but that is the extent to which it may go. It can go no further.

Mr. WILLIAMS. It may arrest.

Mr. BORAH. I say, it may keep order.

Mr. GOFF. We have cited here case after case from the Supreme Court of the United States in which exactly the contrary has been held. That is the Luther versus Borden case. You know that is the decision of the Supreme Court.

Mr. BORAH. Mr. President, the Luther versus Borden case, if the Senator will permit me for a moment——

Mr. GOFF. I will. I should like to have the Senator explain it in any other light if he can.

Mr. BORAH. The Luther versus Borden case went no further than to establish that exact proposition. What was the Luther versus Borden case? As we know, Rhode Island at the time of the formation of the Union remained under the old royal charter—the charter from the King. A certain portion of her people became tired of that charter; they formed a different constitution and voluntarily met together for that purpose. The main question in that case was as to which should prevail—the Royal Government, under the royal charter, or the one which had been organized by the voluntary meeting of the citizens. That was the main proposition.

During this controversy between the two State governments martial law was declared, however, and in the execution of the processes of the authorities a house was broken into for the purpose of arresting and detaining a person who was acting in violation of law. They went no further. The man was not tried by any military tribunal. He was simply arrested. The processes of the law were executed by the military authorities. But Chief Justice Taney says in that very decision that they may go so far as to restrain the violence of the citizen, but if

they proceed any further they must be responsible to the civil authorities for what they do. Let me read that:

It was a state of war; and the established government resorted to the rights and usages of war to maintain itself, and to overcome the unlawful opposition. And in that state of things the officers engaged in its military service might lawfully arrest anyone who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection; and might order a house to be forcibly entered and seached, when there were reasonable grounds for supposing he might be there concealed. Without the power to do this martial law and the military array of the government would be mere parade, and rather encourage attack than repel it. No more force however, can be used than is necessary to accomplish the object. And if the power is exercised for the purposes of oppression, or any injury willfully done to person or property, the party by whom, or by whose order, it is committed would undoubtedly be answerable. (U. S. 48, Howard's Reports, p. 45.)

Now, let me read another citation here, while I am on my feet; and I read it for the reason that, in my judgment, a thousand years ago this line of demarcation was laid down and has never been departed from by any Anglo-Saxon court.

Lord Coke says (in 3 Inst., 52): "If a lieutenant, or other that hath commission of martial authority in time of peace, hang or otherwise execute any man by color of martial law, this is murder." "Thom. Count de Lancaster, being taken in open insurrection, was by judgment of martial law put to death," and this, though during an insurrection, was adjudged to be murder, because done in time of peace, and while the courts of law were open. (U. S. 48, Howard's Reports, p. 64.)

Now, there is the line of demarcation.

Mr. GOFF. Because done in time of peace.

Mr. BORAH. But in time of insurrection.

Mr. GOFF. That does not mean, though, if it was done in the district where the insurrection existed. That is what I mean.

Now, the Senator has read from the Supreme Court in the Luther versus Borden case a portion. Let us see what else the court says:

And, unquestionably, a State may use its military power to put down an armed insurrection too strong to be controlled by the civil authority. The power is essential to the existence of every government, essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other government. The State itself must determine what degree of force the crisis demands. And if the government of Rhode Island deemed the armed opposition so formidable and so ramified throughout the State as to require the use of its military force and the declaration of martial law, we see no ground upon which this court can question its authority.

The declaration of martial law proclaims the inability of the civil courts to maintain order, to enforce their process, to subdue insurrection.

Mr. BORAH. Mr. President, that is where I differ with the Senator.

Mr. GOFF. I know you do; but that is what the authorities enunciate.

Mr. BORAH. The declaration of martial law need not interfere with the civil courts at all, and, in my judgment, it can not interfere with the civil courts. There is not any power in this Government to supplant the civil authorities or the common law of the country or the statutory law of the country through the power of martial law.

Mr. GOFF. Not except during the existence of the insurrection; certainly not; but during that it must exist.

Mr. BORAH. But the martial law goes to the extent of restraining the violence, of policing the situation, and no further.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. REED. I just wanted to ask, as a matter of information, who constituted the military tribunal before whom these people were tried, if the Senator knows, personally, of course?

Mr. GOFF. I can not give you their names; but they were members of the military corps in that zone, some of them.

Mr. REED. Were they officers of the militia or were they men trained in the law, judges, or men of that kind?

Mr. GOFF. I think they were officers of the militia.

Mr. REED. Can the Senator tell us under what rule of law they tried the men? I notice in this order the statement is made that the military tribunal may impose heavier penalties or lighter penalties than are provided by law. I take it the civil law was wiped out. Now, under what law, by what rule, did they adjudge these men? There being no civil law, where did they get their law? Had there been any proclamation defining crime? Had there been anything by which a man could tell whether he had violated the law or not until he was brought before that tribunal and found out what that tribunal of military officers considered a violation?

Mr. GOFF. I have endeavored several times to explain the theory that the governor acted on, and on which he based his proclamation. That, again, is this, and it answers the Senator's question: He took the position that I think he was justified in taking, that the insurrection on Paint and Cabin Creeks was of such a character as to render it absolutely necessary for him, in the discharge of his duty, in protecting the citizenship and the dignity of the State, as under the decisions of the courts made his will the law—made him, as commander in chief, virtually a dictator in the martial zone. Unless you concede that right, unless the governor of a State, when he issues a proclamation of that kind, when he declares the existence of martial law, has the supreme power as the usages of war give him, unless that power exist to him he might just as well not issue the proclamation.

Mr. REED. Mr. President, if the Senator will pardon a further question, I think I understand the Senator's position. It is that the governor had the power to issue an order placing this section of his State under martial law.

The question I am trying to get at is what this martial law consisted of in that territory. To illustrate what I mean: I have always understood that when a country was actually placed under martial law in time of actual war the authority declaring it under martial law proceeded to issue the law, to issue an order to the inhabitants which prescribed the offenses and warned them against committing the offenses, and then in case of a violation of that order in time of actual war a military offender would be tried by a military tribunal. But in this case I want to know whether there was any order issued, any statement ever made to the people as to what would constitute offenses, or whether men were simply dragged before this military commission by the soldiery and put upon trial for having violated martial law, and what that martial law was rested solely in the breast of the commission, and was nowhere else to be found.

Mr. GOFF. The Senator is mistaken about that. The governor did issue his proclamation. The governor did state, as I endeavored to explain a few moments ago, what the punishment should be, except in some cases that they might make it heavier or less. The crimes he referred to were all specified in our statutes, defined in our code, and it was these offenses that the military commission was given jurisdiction over. The governor, as a matter of fact, was commander in chief, and under the usages of war, as it has existed almost from time immemorial, his will was law. You will all recall the decision in the Butler case, which originated in New Orleans during the Civil War, in which the Supreme Court of the United States held in just so many words that the will of Gen. Butler was supreme law at New Orleans. That is what I am trying to explain to the Senate—that the governor when he so acted, acted as I say the Supreme Court had given him authority to do. The military court, if you wish to so call it, was his agent; it acted for him, for he could not be everywhere. He reserved the right to supervise its proceedings, which he always did with justice and with mercy. When war or insurrection prevails because of which martial law exists—fearful as it is to even contemplate—nevertheless the situation must be met with an iron hand, if not peace will never return and law and order will forever disappear.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. GOFF. I do.

Mr. SIMMONS. I simply desire to say to the Senator from West Virginia that we had something in the nature of an understanding about an hour and a half ago. It was not sanctioned by the action of the Senate, but I think there was general assent to it. It was that the matter the Senator is now so ably discussing should be taken up for an hour, and then the Senator from Indiana [Mr. KERN] would ask to lay it aside. I was going to ask the Senator from West Virginia if he would not be willing, in view of that tentative understanding, to postpone his remarks until, say, to-morrow.

Mr. GOFF. Do I understand the Senator from North Carolina to intimate that the Senator from Indiana is willing or anxious that this resolution shall go over? I understood that the situation was so serious that it demanded immediate and urgent attention.

Mr. SIMMONS. I understood the Senator from Indiana to state that in an hour he would ask that it might go over. The Senator from Indiana has been pressing the resolution with great vigor, I think, but in deference to the wishes of a great many Senators that the matter with reference to the tariff bill should be disposed of, the Senator, as I understood him, stated that at the end of an hour he would ask that the resolution be temporarily laid aside. I trust the Senator from West Virginia will acquiesce in that course and permit us to proceed with the motion.

Mr. GOFF. Will the Senator from North Carolina advise me clearly and fully what it is he desires to take up and dispose of?

Mr. SIMMONS. It is the motion to refer the tariff bill to the Finance Committee.

Mr. SMITH of Georgia. And what we desired, Mr. President, was to know if the Senator from West Virginia would yield to allow us to displace the matter now before the Senate and take up the motion referring the tariff bill.

Mr. SIMMONS. I did not understand——

Mr. BORAH. Mr. President, I am not in charge of the resolution, but I am sufficiently interested in it to say that I would not consent to a motion being made which would displace it. If the Senator from Indiana, in the exercise of his judgment, shall ask to have it temporarily laid aside, I think there will be no objection.

Mr. SIMMONS. I understood that that is what the Senator said he would do at the end of an hour.

Mr. KERN. Mr. President——

Mr. GOFF. I yielded yesterday when I was discussing this proposition right in the midst of the discussion of a case which I had cited from the Supreme Court. Now the same proposition comes to me, and unless there is some urgency about the matter that I do not at this time realize I beg to be excused.

Mr. SIMMONS. Of course the Senator recognizes that there is no disposition to take him off his feet without his consent. I supposed, in view of the statement made by the Senator from Indiana that at the end of an hour he would ask the Senate to temporarily lay the unfinished business aside, by reason of which statement I did not make a motion to proceed with the consideration of the motion to refer the tariff bill to the committee, the Senator from West Virginia would agree to yield.

Mr. GOFF. Is it the wish of the members of the Finance Committee—and I am speaking now of those upon both sides of the aisle—that this course should be taken?

Mr. SIMMONS. It is the wish of the majority members of the Finance Committee. I do not know what may be the wish of the minority members.

Mr. PENROSE. I think the minority members of the Finance Committee are anxious to have a vote on the motion of the Senator from North Carolina at as early a time as possible.

Mr. KERN. I am very anxious to have the matter which is now under discussion disposed of, and I have so expressed myself at all times. I know, or thought I knew, that all the members of the Finance Committee desire a vote on the question of the reference of the tariff bill. In view of that, I said it would be entirely agreeable to me, and at the expiration of an hour I would ask that the pending business be temporarily laid aside until that vote was taken. It was suggested by the Senator from Utah [Mr. SMOOT] that if at the end of an hour there was some speaker on his feet the request should not be made. I assured him and the Senate that any speaker on his feet would be treated with courtesy.

If the Senator from West Virginia is to be inconvenienced, of course I will not make the request. If, however, he could without inconvenience suspend his remarks and let this matter be temporarily laid aside until the vote may be taken to refer the tariff bill in the course of two or three hours, it would be a favor to me and doubtless to all members of the Finance Committee. That is all of the situation.

Mr. SIMMONS. I wish to assure the Senator from West Virginia that there is an earnest desire, as I understand it, on the part of the Finance Committee that the matter of reference should be disposed of this afternoon.

Mr. WORKS. May I ask the Senator from North Carolina——

Mr. GOFF. Does the temporary delay or suspension the Senator alludes to necessarily mean that the pending matter goes over for to-day?

Mr. SIMMONS. No; it will be taken up as soon as a vote is had on the motion to refer.

Mr. GOFF. What do I understand by two or three hours?

Mr. KERN. It remains the unfinished business.

Mr. SIMMONS. It remains the unfinished business. It is not displaced.

Mr. KERN. If it will accommodate the Senator to let it go over as the unfinished business until to-morrow, we would yield that point to him.

Mr. WORKS. I wanted to ask the Senator from North Carolina whether it would be understood that the resolution is laid aside temporarily only for the purpose of taking a vote upon the motion without the intervention of other business, executive or otherwise.

Mr. SIMMONS. That is my understanding.

Mr. KERN. That is all.

The VICE PRESIDENT. The Senator from West Virginia has the floor.

Mr. GOFF. I yield to the suggestion of the members of the Finance Committee, if it will be understood that the pending resolution comes up as the unfinished business.

Mr. SIMMONS. I beg pardon of the Senator; I did not hear him.

Mr. GOFF. The resolution will come up as the unfinished business?

Mr. SIMMONS. It does not displace it as the unfinished business. I ask that the resolution——

Mr. BORAH. Mr. President, I presume we may safely assume that it will not be brought up again to-day.

Mr. KERN. I think it is doubtful; but it is not displaced. It will remain as the unfinished business of the Senate after the motion to refer is disposed of.

Mr. CRAWFORD. I understand that no other intervening business is to occur except the motion to refer.

Mr. SIMMONS. That is the understanding.

Mr. KERN. That is all.

Mr. CLARKE of Arkansas. If it goes over as the unfinished business, it will come up regularly at 2 o'clock to-morrow. It would not preclude the morning business and such other things as may be necessary.

Mr. CRAWFORD. It is not the purpose to take it up again this afternoon?

Mr. SIMMONS. I understand that it is not. I ask that the motion to refer the tariff bill to the Finance Committee be laid before the Senate.

Mr. SMOOT. I would suggest to the Senator from Indiana that he had better ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. KERN. I understood that that was implied.

Mr. SMOOT. It has not been done by the Senate.

Mr. KERN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent that the pending resolution, which is the unfinished business, be temporarily laid aside.

Mr. CLARKE of Arkansas. The effect of that is to carry it over until 2 o'clock to-morrow?

Mr. SMOOT. Certainly.

Mr. CLARKE of Arkansas. With that understanding, I do not object.

The VICE PRESIDENT. There being no objection, the unfinished business is temporarily laid aside.

THE TARIFF.

The VICE PRESIDENT. The Senator from North Carolina now asks that his motion to refer the tariff bill to the Finance Committee, with amendments thereto, be laid before the Senate. There being no objection, that question is now before the Senate, and the Senator from Colorado [Mr. THOMAS] has the floor.

Mr. THOMAS. Mr. President, when interrupted I was reading an extract from an article by Prof. Taussig which refers to the character of labor employed in the beet fields of the country. I will proceed at the point where the consideration of this subject was suspended:

> Almost everywhere in the beet-sugar districts we find laborers who are employed or contracted for in gangs; an inferior class, utilized and perhaps exploited by a superior class. The agricultural laborers in the beet fields are usually a very different set from the farmers. On the Pacific coast they are Chinese or Mexicans. Except in southern California, where the Mexicans are near at hand, most of the work is done by Japanese under contract, there being usually a head contractor, a sort of sweater, who undertakes to furnish the men. In very recent years Hindus (brought down from British Columbia) also have appeared in the beet fields of California. In Colorado "immigrants from old Mexico compete with New Mexicans (i. e., born in New Mexico), Russians, and Japanese." Indians from the reservation have been employed in Colorado, and boys have been sent out under supervisors from the juvenile court of Denver. At one time convict labor was used in Nebraska.
>
> In some parts of Colorado, in Montana, and at the beet fields of the single factory in Kansas, Russian Germans are employed. These curious and interesting people are Germans who were imported into Russia by the Empress Katherine; they persistently maintained their race and language and religion; in recent years they have been driven from Russia by persecution. They now center about Lincoln, Nebr., and are shipped under contract to the beet fields, where they are assiduous and much-prized workers. They are much more welcome than the fickle Indians and Mexicans; more welcome even than the Japanese, who are quick and capable, but often break their contracts. The German Russians camp in whole families at the beet region for the summer; men, women, and children toil in the fields. In Michigan the main labor supply comes from the Polish and Bohemian population of Cleveland, Buffalo, and Pittsburgh. The circulars issued by the Department of Agriculture and by the State boards and bureaus repeatedly call the attention of the beet farmers to the possibility of employing cheap immigrants. The troublesome labor problems, it is said, need not cause worry; here is a large supply of just the persons wanted. "Living in cities there is a class of foreigners—Germans, French, Russians, Hollanders, Austrians, Bohemians—who have had more or less experience

in beet growing in their native countries. * * * Every spring sees large colonies of this class of workmen moving out from our cities into the beet fields."

Now, my criticism of this condition is not aimed at the workers as such nor at the work itself. It is aimed at the fact that if protection is needed for this industry because of the problems of labor involved in it, then that protection does not benefit the citizens of this country, but is for a class some of whom may become citizens, some of whom are precluded from becoming citizens, but all of whom belong to that class which under the system of protection is undermining the employment of Americans and substituting for them in all the varied lines of highly protected pursuits a class of people who ought not to be so employed to the exclusion of our own people unless it is due to the absolute necessity of conditions beyond the control of men. It is this phase of the question of labor in America which, in my judgment, constitutes its most important and at the same time its most sinister aspect.

It may be that the nature of the work which these people are required to do and for which it is said they are better paid than they would be anywhere else is such that it will not be performed by any other class of people, and therefore these must be employed to do it in this particular industry, and I think that is very largely true. But the necessity which requires this employment is one thing and the contention that high wages are paid to them because of the protection granted by the Government to that industry is quite another thing.

There is another class of labor, of course, which is employed in this industry, a higher class of labor, but which is separate and distinct from the hand labor in the beet fields to which I am now referring. There is still another class in the factories, but its amount is comparatively small, the boast of the beet-sugar refiner being that through improved machinery conditions the human hand does not touch the material from the time the beets are sliced at one end of the factory until the finished product appears ready for the market at the other. Of course, my criticisms do not concern that element.

Mr. President, I willingly concede that there are wages paid by some of these companies which stand in grateful contrast to the rate paid to the common laborer, whatever that rate may be. It is not peculiar to this industry; it is characteristic of all these highly organized and capitalized combinations. It is the wage which is received by the men on top, by the men higher up, and which is also included in the general aggregate of the cost of production, the contrast between the two being as strikingly apparent as it is in other protected industries.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I yield.

Mr. WORKS. Does the Senator from Colorado mean to be understood that in the amount of wages paid, as I gave them, the higher-up employees were included?

Mr. THOMAS. Oh, no.

Mr. WORKS. My discussion of the subject related entirely, I will have the Senator understand, to workmen in the beet fields.

Mr. THOMAS. I understood that perfectly. I have reference, Mr. President, to the salaries paid by some of these companies to their officials, which, as I have said, is remarkable, if for no other reason, for the contrast presented to the class of laborers and the amount of their wages, which have been here the subject of discussion and which, as I have said, also constitute an item entering into the cost of production. I know of one company which pays its president $35,000 a year.

Mr. SMOOT. Mr. President, will the Senator name the company?

Mr. THOMAS. Certainly. It is the Great Western.

Mr. SMOOT. How many factories has the Great Western Co.?

Mr. THOMAS. They have 9, I think—9 or 10—9 in my State.

Mr. SMOOT. And they pay their president $35,000 a year?

Mr. THOMAS. Yes; and they pay the manager $25,000; the vice president $10,000, and the treasurer $5,000. What the scale of wages is below that I do not know; but it is indicative of the fact, Mr. President, that there are two scales of wages in these protected industries—one out of all proportion, in my judgment, in its size; the other never beyond what the market justifies.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. Certainly.

Mr. SMOOT. I should like to ask the Senator if that is not the case in every vocation of life, and particularly as to the fees in the practice of law?

Mr. THOMAS. I think it is the case, Mr. President, in industries as now organized; and I think that in the law the men who have laboriously acquired a position in the profession, whose abilities and reputation have been established, and particularly when they have been established to such a degree that they appeal to these great combinations, which need those abilities to enable them to graze the edges of the law and avoid its penalties in carrying out their schemes and machinations—some of these are very highly compensated, as I am informed.

Mr. SMOOT. Well, Mr. President, I suppose that the Senator will not confine his comparison to that particular class of attorneys——

Mr. THOMAS. Oh, no.

Mr. SMOOT. Because I am sure the Senator knows just as well as I do that in the great mining suits in the West, when large questions are involved, the men who are interested in those disputes always seek out the man whom they think is most able to present their case in the very best possible way. On the other hand, I never object to the attorney charging for it whether the suit concerns a great corporation or any other kind of a company.

Mr. THOMAS. I do not know whether the Senator's statement is intended for a question or a stump speech.

Mr. SMOOT. Oh, not at all. I am only referring to my own personal experience. I will say that I never had the Senator as an attorney in a lawsuit, but I have had experience along that line, and I am speaking from personal experience.

Mr. THOMAS. It is undoubtedly true, Mr. President, that the class of counsel to whom the Senator from Utah refers are not all of them employed in the manner to which I have referred. I plead guilty to the fact also that I have received some pretty good fees in mining cases, and that the work was in many respects more lucrative, if not more agreeable, than the task in which I am now engaged.

Mr. SMOOT. I agree with the Senator.

Mr. THOMAS. But, Mr. President, I do not believe that attorneys, when employed in mining cases or in any other cases, if you please, should be confounded with that class of salaried men whose compensation is included in the cost of production of a given article of commerce, and so included as a reason for continuing a high tariff duty upon the necessities of life upon the theory that the cost of production makes such protection necessary as against foreign competition. I am mentioning this matter in no captious spirit, in no complaining mood. I am not here for the purpose of saying that those gentlemen do not earn their money. I might go further and admit that they do, but it is the contrast to which I wish to focus attention, for it reveals the real beneficiaries of protection as well as the range of compensation which, when the question of cost of production is considered, in its bearing upon the general welfare of the consumers of the country, is carefully kept in the background. I shall say nothing further upon this general subject, but there are one or two other matters which have been discussed in this debate to which I wish to refer before taking my seat.

The Senator from Michigan [Mr. SMITH], the other day, either misconceived or misconstrued my purpose when I called the attention of the Senate to a circular which was issued by a certain manufacturing concern in the State of New York. He said that I gave an exhibition of brazen effrontery here in asserting that the institutions and industries interested in or affected by the schedules of the Underwood bill should not be heard to remonstrate or to complain, and would be investigated if they did. If I had taken such a position, the criticism of the Senator from Michigan would be just, but I am unconscious of having done so. What I purposed was to focus attention upon what seemed to be a calculated and deliberate attempt to coerce the employees of a great industry into uniting with their employer in bringing pressure to bear upon the Senate of the United States for the purpose of preventing the enactment, in its present form at least, of the Underwood bill.

I said then, and I repeat, that whenever and wherever such conditions manifest themselves, I think it is the duty of Senators on both sides of this Chamber to emphasize the fact and to let the country know it, for, surely, no Senator in this body will contend that any man or corporation, however powerful or however sincere in the apprehension of impending injury or disaster, has any right or authority whatsoever to force the hands of dependent employees by threatening to reduce their wages, by demanding that they write letters or petitions, or by otherwise interfering with their voluntary action, to the end that the legislative policy of this body shall be influenced. Men may petition all they please; they may remonstrate all they please; they may entreat all they please; they may threaten all

they please, and prophesy to their heart's content; that is one thing, and no man should interfere, whether his judgment commends or condemns the practice. It is the exercise, however, of authority over others, that is always done on occasions of this kind, that has been done in the course of political campaigns heretofore, and that has determined the result in some of them—it is that evil to which my remarks were directed, Mr. President, an evil that has assumed tremendous proportions in the past, and which would exceed these proportions now were it not for the fact that the present administration is a tariff-revision-downward administration, and is in sympathy with the majority of both Houses of Congress, and, therefore, armed with authority to protect the weak and the dependent from this unwarranted and oppressive requirement. It was therefore, both desirable and just to have done what I did the other day in bringing the matter to the attention of the Senate as soon as the first specific instance of its exercise appeared, and thereby saving a good deal of trouble hereafter.

Mr. President, the Senator from Michigan, in the course of his remarks the other day, emphasized the old contention that any interference with or attempted amendment of tariff schedules, any attempted application of what I think he termed the Democratic idea of finance and of administrative economy to the laws of the country, produced great industrial disturbances and depressions. He drew a picture of the ovation which was paid to Mr. Wilson in the House of Representatives in 1894, on the occasion of the passage of the Wilson tariff bill through that body, and declared that the shoulders which bore him in triumph from that Chamber on that occasion soon afterwards bore a burden so heavy that it took 20 years of time for the party responsible for that measure to regain a sufficient amount of confidence from the American people to get back into power. Of course the inference, if not the assertion itself, was that we are on the threshold of a repetition of those unfortunate conditions, which can only be prevented by the defeat of the present measure or by submitting the task of revision to our friends across the aisle.

Mr. President, I think I can say with perfect impunity that no panic in the past history of this country was ever caused by any attempted reform of the tariff or by a downward revision of tariff schedules; that no such disturbance has ever occurred in the past which can be logically or properly traced to changes or attempted changes in the protective tariff laws of the United States. The Senator is too well acquainted with the history of his country, he is too able a statesman to be ignorant of the fact that the panic to which he alluded the other day was born, reached maturity, and had practically passed its crisis before the Wilson bill became a law.

It was a panic, Mr. President, which had its origin in entirely different causes; it was a panic deliberately produced in this country for the purpose of doing away with a statute of the United States, the operation of which was objectionable to the great financial powers of the country—I refer to what was popularly known as the Sherman silver law, whose repeal was accomplished through the perpetration of the most colossal tragedy of the nineteenth century, regardless of its consequences upon the business interests of the Nation, upon the welfare of the people, upon the general prosperity then everywhere prevalent.

The campaign of 1892 was ostensibly a campaign between two great political parties, with our old familiar friend, the tariff, as the issue between them. Each party nominated its ticket, adopted its platform, organized for the campaign, and made the issue of protection or tariff reform the principal subject of contention. The people supposed that to be the issue; but it was merely the decoy placed before the public for the purpose of arousing and deceiving them, as it did deceive them, while the real purpose of the campaign to be made effective through the election of Mr. Cleveland and the defeat of his opponent involved a tremendous revolution in the financial policy of the country.

Mr. President, I am not going into the history to any very great extent of that frightful period; but I believe that it is necessary at the outset of the consideration and determination by the Senate of this great measure to let the country know what were the real causes of the great industrial disturbances of the past, to the end that this apprehension, this prophecy of disaster, this campaign of prophecies of bad times, may not have the effect upon the public mind which it is designed to have, and which, when entertained, necessarily deters many from a consideration and performance of what the duties and demands of the time require.

I have said that the panic of 1893, ascribed to the change in our tariff policy as contemplated and pledged by the Democratic administration and upon which issue it was supposed to have been elected, was wholly due to other causes. There was a great silver sentiment in those days. It was based upon the best of reasons. Those who believed in bimetalism stood with their feet firmly planted on the Constitution of the United States, and the great heart of the common people everywhere sustained them. They knew, as we knew, that both metals were essential in the performance of their monetary functions to the financial well-being of the country; but the great financial interests of that day, Mr. President, were, and had been for years, absolutely opposed to anything but gold in this country as the ultimate money of redemption, the Constitution to the contrary notwithstanding. Not only that, but they were absolutely opposed to a continuance in circulation of the greenbacks and demanded their retirement. They also coveted the great power of note issue, which belongs to the Government and must belong to every government calling itself such the world over, and which, surrendered to the hands of private interests, would invest them with the most potent engine of sovereignty known to modern civilization.

President Cleveland was elected, and on the 4th day of March, 1893, took his seat. Eight days afterwards, on the 12th day of March, this circular was sent to national banks in the United States:

DEAR SIR: The interests of national bankers require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired.

I will read that again:

Silver, silver certificates, and Treasury notes must be retired and the national-bank notes, upon a gold basis, made the only money. This requires the authorization of $500,000,000 to $1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential business men. Advocate an extra session of Congress for the repeal of the purchase clause of the Sherman law, and act with other banks of your city in securing a large petition to Congress for its unconditional repeal, as per accompanying form. Use personal influence with Congressmen, and, particularly, let your wishes be known to your Senators.

Then, as now, the votes of Senators seemed to be of supreme importance, perhaps of controlling importance, the House of Representatives being then, as now, too unwieldy and with a majority too great, coming fresh then, as now, from the people, to be influenced in the right direction.

The future life of national banks as fixed and safe investments depends upon immediate action, as there is an increasing sentiment in favor of governmental legal-tender notes and silver coinage.

That circular acted, as a writer upon the subject has well said, "like a bombshell in a glass factory." A third of the bank notes were to be retired from circulation; in other words, millions of circulating money were for all practical purposes to be destroyed and money made as dear as possible. On the other hand, one-half of all the outstanding loans were to be called in. No enginery which the mind of man can conceive, Mr. President, is so powerful as those two agencies combined for the production of widespread and universal national disaster, and it came. And the interests which to-day are declaring their belief that disaster may result from the enactment of legislation designed to reduce the burdens of taxation may, if it becomes necessary from their point of view, precipitate panic through their control of credits and exchanges. I said that that was a conspiracy. There can be no question about it.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. Certainly.

Mr. NORRIS. I want to ask the Senator if he has the name of the person or the firm sending out that circular letter?

Mr. THOMAS. The Senator will find an account of this subject in the July, 1895, number of The Forum, under an article entitled "Sound currency the dominant political issue."

Mr. NORRIS. Can the Senator not give the name of the author?

Mr. THOMAS. I can not give it at this moment. It emanated from New York City.

Mr. NORRIS. Does the Senator know the bank from which it emanated?

Mr. THOMAS. I do not.

Mr. NORRIS. Does the Senator know how universally the instructions were obeyed which were contained in the circular?

Mr. THOMAS. History answers that.

Mr. NORRIS. I would ask the Senator particularly if the banks did immediately, and for the reason that they were commanded to do so by the circular, call in one-half of all their loans?

Mr. THOMAS. The bankers retired a good part of their circulation and called in their loans, or a great many of them did.

Mr. NORRIS. Those things have occurred, at least to some extent; but I wanted to know, if I could, just how much effect that circular had upon the situation and how well it was obeyed. It seems to me that the ordinary banker would refuse to be dictated to by a letter which absolutely commanded him to call in one-half of his loans.

Mr. THOMAS. Oh, I suppose that there were many bankers who paid no attention to it. I do not mean to say that every person or every institution who received a copy of this circular acted in accordance with it. I know that was not the case in my section of the country.

Mr. NORRIS. I should like to ask the Senator if he can give us any information as to how much publicity was given to the circular at the time or about the time it was sent out?

Mr. THOMAS. I can only answer that——

Mr. NORRIS. I should think such a circular would have attracted a good deal of attention everywhere.

Mr. THOMAS. We heard a good deal during the special session of 1893 of an object lesson which had been given to the country. We heard a great deal at that time about the object lesson that had been given the country, and this was the object lesson.

Mr. NORRIS. Did the Senator at the time that it occurred have any knowledge of the circulation of that letter?

Mr. THOMAS. I knew while the debates at the special session of 1893, to which I listened from the gallery, that such a circular had been issued.

Mr. NORRIS. Was evidence given at that time as to who sent it?

Mr. THOMAS. My recollection is that if the Senator will turn to the debates of that memorable special session he will find information upon the subject.

Mr. NORRIS. I have no doubt of that; and I am interrogating the Senator for the purpose of information only. Personally I never heard of that circular, or if I did I have forgotten it. It struck me as being a remarkable thing, and it seemed to me that perhaps the Senator might be able to give me much more definite information in regard to it. Can the Senator inform us as to how general its circulation was? Was it sent to all of the banks?

Mr. THOMAS. My recollection is that it was addressed to the national banks.

Mr. NORRIS. I understand that.

Mr. THOMAS. The pamphlet which I have in my possession is an article upon the subject by Allan L. Benson, which appeared in Pearson's Magazine for March, 1912. I shall be very glad to give it to the Senator.

Mr. NORRIS. Has the Senator any other information as to its actual circulation than what is contained in that article?

Mr. THOMAS. I have referred to the article in The Forum and also to the debates at the special session. That is as much information as I can give the Senator at the present time.

Mr. PAGE. Mr. President——

Mr. NORRIS. Now, I should like to ask the Senator, if he will yield further, whether he does not know, as a matter of fact, that this letter could not have been widely circulated, or that, as a matter of fact, it was not something that was generally known all over the country?

Mr. THOMAS. Oh, Mr. President, it was not published in the daily papers. It was not sent to everybody.

Mr. NORRIS. Would it not have been published in the daily papers if it had been sent broadcast?

Mr. THOMAS. Oh, undoubtedly; and if it had been published in the daily papers it would have defeated its purpose.

Mr. NORRIS. The Senator does not mean to say that if every banker did receive one he would have been willing to conceal the fact that he had received it?

Mr. THOMAS. I do not think I said that.

Mr. NORRIS. No; I say, the Senator does not want to give that impression?

Mr. THOMAS. No.

Mr. NORRIS. Then, as a matter of fact, if it was sent to all of the bankers in the country, it would naturally have followed that a great many copies would have gotten into other hands and would have been given publicity immediately?

Mr. THOMAS. That depends entirely upon the circumstances under which it was sent. I have no doubt circulars have been sent since then by the same interests.

Mr. NORRIS. Oh, I have no doubt of that, either.

Mr. THOMAS. Which desire now to take the power of note issue from the Government of the United States and to retire the outstanding greenbacks.

Mr. NORRIS. I have no doubt but that that has often occurred, but in this particular instance it seems to me a remarkable statement is made. A command emanates from some source telling the bankers how they shall conduct their business, and it seems to me remarkable that it should not have received great publicity at the time.

Mr. THOMAS. The men who control the finances of the United States are very apt to command, and do command, and their commands are generally obeyed.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?

Mr. THOMAS. The Senator from Vermont [Mr. PAGE], I think, has the preference.

Mr. PAGE. I yield to the Senator from New York.

Mr. ROOT. I did not observe who signed this circular. I did not hear the Senator read the name of the signer.

Mr. THOMAS. I did not give the name of the signer, because there is no signer in the copy I have.

Mr. ROOT. Was this an anonymous circular?

Mr. THOMAS. I do not know, but I do not think it was. I think perhaps the Senator knows better than I do where it came from.

Mr. ROOT. I never heard of it. The idea that any considerable effect would be produced upon the action of the bankers of this country by a circular without any signature seems to me to be rather absurd.

Mr. THOMAS. I am not responsible for the manner in which it strikes the mind of the Senator from New York.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. THOMAS. In a moment. I think the Senator from New York is personally acquainted with Mr. William Solomon, of the great international banking house of Speyer & Co., who perhaps can give him a great deal of information, if he is still living.

Mr. ROOT. Mr. President, I have not the honor of the acquaintance of that gentleman, and if I had I certainly should not expect him to give me more or better information than the Senator from Colorado thinks would justify him as the basis of a speech to the Senate. It is the Senator from Colorado who has produced this circular and has stated that this was the basis of the panic which followed the repeal of the Sherman silver act and the agitation of the Wilson tariff bill. It is his responsibility to tell us what it is; and if he does not know who signed it, or whether it was signed by anyone, then he is taking up the time of the Senate on a very slender foundation of conjecture and suspicion.

Mr. THOMAS. Mr. President, the Senator from Colorado does not have to take instructions from the Senator from New York, either as to this circular or as to anything else. He is responsible to his own people and to the country for what he says, and he proposes to continue this discussion along those lines, however much the Senator from New York may disapprove it.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. THOMAS. I do.

Mr. PAGE. I have great respect for the Senator from Colorado, but I think I was in a position to have known if any such circular as he has described had been sent to all the national banks of this country. I understand the Senator to go farther, and to say that a goodly portion of the banks of the country responded to this letter and reduced their loans as suggested by it.

I am morally certain that, so far as my own State is concerned, there was not a single bank in Vermont that responded to that circular if it came; and I think I am in position to have known the fact if it had existed. I want to say further to the Senator, that if he will investigate the matter and finds that a single bank in Vermont proceeded along the lines suggested in that circular, and will name some benevolent institution in his State that is in need, I will give it a check for $250. I will do that for a single instance of any bank in Vermont that complied with that suggestion, if it was received; and I do not believe any one of them did receive it. Indeed, Mr. President, it seems to me the statement is so preposterous as hardly to require an answer. Still, I have no doubt that the Senator from Colorado makes it in good faith.

Mr. THOMAS. This "preposterous" statement seems to be calling forth a good many answers.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. THOMAS. I do.

Mr. LANE. I will say for the information of the various Senators, while I am not taking any part in this discussion,

that I heard rumors that there was such a circular in existence, and inquired of a friend of mine who is and was a national banker and did see the circular. He had received such a circular; it did exist; I read it myself, but I regret to say I have forgotten who signed it. It came from New York. I saw that identical circular, and I was assured by this banker that he acted upon it.

You may have that for just what it is worth. You are entirely welcome to the information.

Mr. SMOOT. Mr. President, if the Senator from Colorado does not know the name, and the Senator from Oregon will give us the name of the banker to whom he refers, we can telegraph and find out; perhaps he can remember the name of the gentleman who signed the circular.

Mr. LANE. I must decline to give the name of the banker. He is a friend of mine and is still in the banking business, and I fear that it would be disastrous to him.

Mr. THOMAS. The Senator from Oregon is very wise.

Mr. SMOOT. Mr. President, I want to say that this is the first time I ever heard of this circular.

Mr. LANE. I have known of it for, lo, these many years.

Mr. SMOOT. I, of course, am not going to question it until I make further examination into the matter, but I know that I was in such a position at that time that if any such circular had been sent to the banks in general I would have known it. I want to say to the Senator from Colorado that if a circular of that kind should come to a bank of which I was president, or of which I was a director, I should consider it an insult. There is no bank and no man in this country that has a right to demand of any banking institution what it shall do with its loans or its circulation. If the statement made by the Senator is correct, we can find out in about 10 minutes whether or not the circulation of the banks was withdrawn.

Mr. THOMAS. Oh, yes; I think if the Senator will consult the reports of the Comptroller of the Currency about the time a panic was inaugurated, he will find that it came about very largely through withdrawal of circulation and the calling in of loans.

Mr. SMOOT. I think the Senator is mistaken as to the circulation question. Of course it is not my desire at this time to discuss the question as to what was the cause of the panic of 1893-94-95. I have listened with a great deal of pleasure to what the Senator has said.

Mr. THOMAS. I have yielded more time now than I had supposed would be consumed; but let me ask the Senator from Vermont a question, if the Senator from Utah is through.

Mr. SMOOT. Yes; if the Senator desires to ask a question of the Senator from Vermont.

Mr. THOMAS. I desire to ask the Senator if he has ever seen this circular in Vermont?

Mr. PAGE. I do not know that I ever have; and I think if any circular of that kind had come from a responsible source I should have remembered it.

Mr. THOMAS. The Senator's recollection, then, is not clear on that subject?

Mr. PAGE. I was at that time, and am now, the president of a national bank.

Mr. THOMAS. I knew that, or the Senator would not have made an offer of $250 for this purpose.

Mr. PAGE. I wish to say to the Senator that I have great respect for the bankers of Vermont——

Mr. THOMAS. So have I.

Mr. PAGE. And I do not believe any one of them would have received such a circular without having made it public and denouncing it.

Mr. BURTON. Will the Senator from Colorado yield to me for a moment?

Mr. THOMAS. Certainly.

Mr. BURTON. I was unfortunately absent when the statement was made which has evoked criticism. What do I understand is the statement of the Senator from Colorado—that a circular was issued advising the national banks to diminish their circulation?

Mr. THOMAS. Yes, sir.

Mr. BURTON. At what time?

Mr. THOMAS. In 1893, on the 12th day of March.

Mr. BURTON. 1893?

Mr. THOMAS. Eight days after Mr. Cleveland's inauguration.

Mr. BURTON. Does not the Senator from Colorado know that the circulation of national banks increased, rather than diminished, after that?

Mr. THOMAS. No; I am not aware of it. On the contrary, I do not think that is the case.

Mr. BURTON. The circulation of national banks reached its minimum in the year 1891. There was a very sharp decline in circulation from 1888 to 1891, due principally to a perfectly plain cause, namely, the very considerable amount of silver which was circulating as currency. That decrease continued to the year 1891, when it reached its minimum—that is, the circulation of national-bank notes. It increased in 1892 over 1891. It increased in 1893 over 1892, and again in 1894 over 1893. So it seems that the inference of the Senator from Colorado is incorrect.

Mr. THOMAS. Perhaps it is, Mr. President; but the historic fact is that in the early summer of 1893, 15 months before the Wilson bill became a law, this country was visited with the most tremendous panic in its history. Times were good, crops were abundant, industry was thriving. There was no occasion for it unless it was produced by artificial means. I have the right to call attention to these matters in answer to the assertion that the Wilson bill of 1894, which became a law in August of that year, carried in its train a fearful freight of miseries to the people of the United States and to its various industries.

Mr. Solomon, in the issue of the Forum to which I refer, said upon this subject—and I believe I stated that he was, or used to be, a member of the great banking house of Speyer & Co.:

It was well understood that a reform of the tariff was to be the nominal issue of the campaign in 1892, and that all the changes were to be rung upon that theme, but enthusiasm for a reform of the tariff would not have produced for the antisnapper movement the sinews of war

That reminds me of the "antisnapper movement," as it was called, which was the name given by the Cleveland Democrats to the early convention of Senator Hill, which was called for the purpose of electing Hill delegates to the Chicago convention of that year.

What it produced then was the conviction that the triumph of the Democratic Party, with Mr. Cleveland at its head, would mean a repeal of the purchasing clause of the Sherman Act. A large number of the men who joined actively in the work of organization, though also tariff reformers, could not have afforded to make the numerous self-sacrifices necessary to taking an active part in a canvass on any but such a vital issue as that of the maintenance of the integrity of the currency.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. If it will not take but a moment.

Mr. SMOOT. Will the Senator object to my quoting from the Statistical Abstract of the United States?

Mr. THOMAS. It depends upon how long it takes.

Mr. SMOOT. Just a few minutes—not a few minutes; it will not take that. I just wanted to quote from the Abstract what the circulation was in 1892, 1893, 1894, and 1895.

Mr. THOMAS. Go ahead.

Mr. PAGE. Has the Senator the figures for 1891?

Mr. SMOOT. I have, if the Senator wishes them.

Mr. ROOT. Read them, too.

Mr. SMOOT. I will begin with 1891. The circulation in 1891——

Mr. THOMAS. What is the Senator giving? Is this the amount of national-bank notes?

Mr. SMOOT. National-bank notes in circulation.

Mr. THOMAS. What time in 1892?

Mr. SMOOT. It is for the year 1891 first. I will give the other years as I go along.

In 1891 the circulation was $162,220,646; in 1892 it was $167,271,517; in 1893 it was $174,609,786; in 1894 it was $200,718,200; in 1895 it was $206,903,601; and in 1896 it was $215,168,122.

Mr. THOMAS. The Wilson tariff bill seems to have had one good effect, anyhow, if it increased the national-bank circulation.

Mr. SMOOT. Rather than decreasing it, as the article says.

Mr. THOMAS. That may or may not be. The Senator has not read anything except the aggregate amount of note issues for each year. But to proceed. Mr. Solomon also says:

The nomination of Mr. Cleveland might be called a mere tempest in a teapot, compared with the battle to repeal the purchasing clause of the Sherman Act. This required the calling of an extra session of Congress in the summer, and after the people had had an object lesson in the threatened danger.

Of what did that object lesson consist, unless it was something of this sort? I do not think the political literature of the day will show any other than this particular object lesson, deliberately inaugurated for the purpose of securing the repeal of the purchasing clause of that statute.

He continues:

The severity of this object lesson in every part of the country is too well known to need much comment. Surely the men who have lived to see the financial crises of 1873, 1874, and 1890 were convinced that the crisis of 1893 surpassed all of the others combined in its duration and in the extent of its damage.

What did Senator Hill say in discussing the subject of the repeal on the floor of this Chamber on August 25, 1893? I read:

They (the bankers) inaugurated the policy of refusing loans to the people, even upon the best of security, and attempted in every way to

spread disaster throughout the land. These disturbers—these promoters of the public peril—represent largely the creditor class, the men who desire to appreciate the gold dollar in order to subserve their own selfish interests; men who revel in hard times; men who drive harsh bargains with their fellow men regardless of financial distress; and men wholly unfamiliar with the principles of monetary science.

Mr. President, without reference to how much money was retired or whether any was retired, without reference to the calling in of loans or whether any loans were called in, the colossal fact is that some method was resorted to for the purpose of producing an object lesson the effect of which was to be the repeal of an obnoxious financial statute. If Senators who say or think this circular is mythical, who deride its existence, will give any other basis, any other object lesson than the one to which I have called attention, which was then administered to the people of a nation, I am perfectly willing to accept it to the extent to which it goes. But until that is done I maintain that the panic of 1893 was a manufactured panic—manufactured by the means I have asserted, manufactured for a deliberate purpose, which was finally accomplished without regard to the misery, the bankruptcy, and the ruin that followed for two or three years in its trail, a condition which I trust in God this country may never again encounter, but which can not, whatever may be said of it, be laid to the passage and subsequent operation of a Democratic tariff law, as it was called. We have the result; we have this assigned as the cause, and that is either the cause or some other than the tariff situation must be assigned for it.

One further reflection, Mr. President, and I am done. I do not think even the Senator from Michigan will contend that the panic of 1907 was due to any threat of tariff revision, or that it was due to any impending disturbance of existing industrial conditions. Every man is entitled to his own opinion concerning these matters.

My opinion is, Mr. President, that that, too, had for its object the suppression of what big business considered the incendiary utterances of the President of the United States against it, the acquisition of the Tennessee Coal & Iron Co. by the Steel Trust, the suppression of an irritating rival of the Standard Oil Co., or some of its constituent elements, to be followed by financial legislation that would go one step further and give to a great central reserve association, as it was called, but a great central national bank, as it would be, the absolute power to determine how much money the people of the United States should have and when and under what circumstances; to take from the Government of the United States its power of note issue and lodge it in the hands of this tremendous power which to-day is the real menace to the welfare, to the liberties, and the insfitutions of the people of the United States.

I deny that anywhere throughout the history of this country can any statement find justification which places upon an attempted reduction of taxation through legislation the responsibility for any financial or industrial disaster. I am satisfied, Mr. President, that the country will go through the present great reform and the country will adapt and adjust itself to the great changes that the Underwood bill is designed to carry out, with no disturbance except those which arise from an aroused apprehension that is being largely manufactured for the purpose of producing just such conditions, to the end that the hands of the Democratic Party may be stayed, its promises defeated, and its purposes paralyzed.

Mr. RANSDELL. Mr. President, when I was about to conclude my remarks yesterday I was asked a question by the Senator from Kentucky [Mr. JAMES]. I hope that Senator is in the Chamber, or, if not, that he may be sent for. I simply want to attempt to answer his question as to whether free sugar is incorporated in the Baltimore platform. In order to make my reply intelligent I must refer to his question, which appears in this morning's RECORD.

Mr. SHEPPARD. Mr. President, I will say to the Senator from Louisiana that the Senator from Kentucky is very anxious to be here when he makes this statement; and it seems that he can not be found at this time.

Mr. RANSDELL. I will state to the Senator from Texas that I notified the Senator from Kentucky that I should take up this matter this afternoon, and asked him to be present. I wish him to be here, but I think in all fairness to myself I ought to make this explanation to-day. I wanted to make it yesterday, but I had no opportunity to do so. I hope the Senator will be sent for.

He said:

Mr. President, the Senator from Louisiana stated that the Democratic Party had done nothing which his people could construe as being in favor of free sugar, or had taken no action that would have advised his people in advance that if the Democratic Party obtained control we would place sugar upon the free list. Is it not true that the Democratic House of Representatives last year placed sugar upon the free list?

Mr. RANSDELL. It is.

Mr. JAMES. And is it not true that the Democratic national platform of 1912 specifically indorsed that action?

Mr. RANSDELL. No.

Mr. JAMES. Did it not do it in these words——

Mr. RANSDELL. Read the words.

Mr. JAMES. I have them here:

"At this time, when the Republican Party, after a generation of unlimited power in its control of the Federal Government, is rent into factions, it is opportune to point to *the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We indorse its action, and we challenge comparison of its record with that of any Congress which has been controlled by our opponents.*"

"We indorse its action," says the Democratic platform. What was its action? Passing various tariff bills, chief among which was a free-sugar bill.

At that point, Mr. President, I was interrupted, and the unfinished business was taken up; so I had no opportunity to reply.

Now, Mr. President, the pertinent inquiry made is, Did the people of Louisiana think, after the Democratic platform of last year was adopted, that the party was pledged to free sugar and the consequent destruction of this great industry? I wish in a few words to explain what was their understanding. In the first place, we based our reliance upon this plank of the platform, the business plank, not the pyrotechnical one:

We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry.

That plank, let me repeat, is the business plank of the platform. It is the one which was sounded upon by the campaign speakers, and especially by our standard bearer, Mr. Wilson, in making his speech of acceptance. Let me quote what he said rather briefly on the subject:

Tariff duties, as they—the Republicans—have employed them, have not been a means of setting up an equitable system of protection. They have been, on the contrary, a method of fostering special privilege. They have made it easy to establish monopoly in our domestic markets. Trusts have owed their origin and their secure power to them. The economic freedom of our people, our prosperity in trade, our untrammeled energy in manufacture depend upon their reconsideration from top to bottom in an entirely different spirit.

We do not ignore the fact that the business of a country like ours is exceedingly sensitive to changes in legislation of this kind. It has been built up, however ill-advisedly, upon tariff schedules written in the way I have indicated, and its foundations must not be too radically or too suddenly disturbed. When we act—

Please listen to these words, Mr. President and gentlemen of the Senate:

When we act we should act with caution and prudence, like men who know what they are about, and not like those in love with a theory. It is obvious that the changes we make should be made only at such a rate and in such a way as will least interfere with the normal and healthful course of commerce and manufacture.

Let me repeat those words:

It is obvious that the changes we make—

Make where? Make in the tariff schedules—

should be made only at such a rate and in such a way as will least interfere with the normal and healthy course of commerce and manufacture.

And yet we are going to completely destroy the great sugar industry and put wool, too, on the free list, and other things besides. But to continue. Mr. Wilson said:

But we shall not on that account act with timidity, as if we did not know our own minds, for we are certain of our ground and of our object. There should be an immediate revision, and it should be downward, unhesitatingly and steadily downward.

Is there any pretense at free trade in that statement? Is there anything to indicate when our standard bearer was presenting his claims to the American people for the greatest office in the world that he was advocating free trade? I challenge anyone to single out the words in that letter of acceptance and get free trade out of them.

I go further. One of the principal tariff experts, if not the principal one, in the House of Representatives last session, other than Mr. UNDERWOOD himself, was the distinguished Representative from the State of New York who now occupies a position in the Cabinet of President Wilson. I find in the New York Times of August 1, 1912, this interview had with Mr. William C. Redfield at Sea Girt, N. J., on July 31 last. He says:

He (Gov. Wilson) is not for free trade. He is not for drastic action of any kind. He is willing to work through a series of years to accomplish the result of a tariff for revenue at which he aims. He is not disposed in any way to inflict changes that would upset and destroy business.

"A tariff for revenue"—

Gentlemen of the Senate.

"He is not disposed in any way to inflict changes that would upset and destroy business."

Let me say here you propose to upset and destroy the business of the Louisiana sugar industry and also the beet-sugar industry.

His views are clear and sound, and he has no rash or hasty ideas. I outlined the situation to Gov. Wilson in this way: I told him that a big manufacturer had all his capital tied up in his plant and that the tariff was a large figure in the cost of his goods. I said this manufacturer could not turn his stock over in a week or a month or even in a year, as a wholesaler could. If the tariff on his goods were 50 per cent where it ought to be only 20 per cent, then there would be an opportunity for the display of great wisdom. In outlining this case I did not urge clemency on the governor. I said the revision should be as full and complete as the case demanded, but that the revision should be done in gradual stages, not in sudden jumps. I suggested stages of, say, 5 per cent a year until the 20 per cent basis was reached. That would do justice and conserve business interests at the same time.

I compared the tariff problem to the case of a man who owed you $5,000. If the whole lump sum were demanded at once, you would probably put him out of business, but if you agreed to take $50 a month until the sum was paid, you could get your money in full and your debtor could save his business. I want to see the governor give every business a chance, and yet I believe that every schedule in the present tariff bill could be improved by downward revision.

Is there any suggestion of free trade for sugar, the greatest revenue producer in the whole tariff system—an article which has borne a rate of duty since the beginning of this Government, except for a brief period when it had a bounty—in this statement of Mr. Redfield, one of the leaders of the Democratic Party at that time, a man who made a great many speeches for his party, especially discussing the tariff, and who was honored by being given a place in the Cabinet? Does it sound in any degree like free trade? But I go further.

On the 18th of October, in the city of Pittsburgh, Mr. Wilson himself made this statement—at least he is so quoted in the Pittsburgh Dispatch of October 19 last. In discussing the party's attitude, Mr. Wilson said, and I ask every Senator to listen carefully to these words; the statement is very brief:

The Democratic Party does not propose free trade or anything approaching free trade. It proposes merely such reconsideration of the tariff schedules as will adjust them to the actual business conditions and interests of the country.

"The Democratic Party," said our standard bearer, now the President of the United States, "does not propose free trade or anything approaching free trade." Were not the people of Louisiana, Mr. President and Senators, justified by the plank of the platform from which I have read and from the statements of Mr. Wilson himself and Mr. Redfield, one of his mouthpieces, in believing that the party did not contemplate the destruction of this great and certainly this legitimate industry? If they were not justified in so believing from those plain words, plain English words, from a great master of English such as our President is, then I for one do not understand how you can make people understand anything.

Mr. President, when the Baltimore convention was held there was division among the delegates from Louisiana. It was said there, and was a matter of common report, that Mr. Wilson was friendly to sugar; that if Mr. Wilson became President sugar would not be destroyed, but that it would have to suffer a reasonable reduction, which all Democrats expected, and which, let me say in passing, I expect and am perfectly willing to submit to. But we did not then expect destruction. We did not then expect free trade. It was in the atmosphere then, and it was carried by the press reports and by our delegates to Louisiana, when they returned home, that our nominee would not stand for free trade in sugar and the destruction of Louisiana's greatest industry.

Those are some of the reasons, Mr. President and Senators, why the Louisianians did not expect from the Democratic Party the destruction of their industry.

In making my remarks yesterday my colleague in the House of Representatives [Mr. BROUSSARD], Senator elect to come into this body from Louisiana two years hence, was seated near me when the Senator from Kentucky [Mr. JAMES] finished his question, and I was unable to reply because of the close of the morning hour. I asked Mr. BROUSSARD if he would not give me his explanation of the circumstances under which the plank referred to by the Senator from Kentucky was inserted in the platform. I did this because Mr. BROUSSARD was a member not only of the platform committee but of the subcommittee of 11 men appointed to write the platform.

To-day he handed to me this letter, which I will read. It is addressed to me:

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., May 14, 1913.

Hon. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I was present in the Senate to-day when Senator JAMES, of Kentucky, quoted from the platform of our party, drafted at Baltimore, the following:

"At this time, when the Republican Party, after a generation of unlimited power in its control of the Federal Government, is rent into factions, it is opportune to point to the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We indorse its action and we challenge comparison of its record with that of any Congress which has been controlled by our opponents."

In conversation with you subsequent to this quotation of the Senator from Kentucky you reminded me that I was a member not only of the committee on platforms and resolutions but of the subcommittee of eleven which drafted the platform a quotation from which the Senator from Kentucky had read to you to-day in open Senate, and you asked me to give you my interpretation of that plank in the platform quoted by the Senator from Kentucky.

It is scarcely necessary to call your attention to the fact that if the Senator from Kentucky had read the entire plank of the platform instead of only the first paragraph of it the full meaning and purpose of that plank would have at once been made apparent. The committee on platforms and resolutions of the Democratic national convention at Baltimore did not stop where stopped the Senator from Kentucky in quoting the platform plank, but continued to enumerate the particular things which it thought were worthy of commendation by the Democratic national convention at Baltimore; so that if the Senator from Kentucky had read the balance of the plank instead of stopping with the first paragraph of it the Senate would have known at once that the committee on platforms and resolutions had enumerated the particular things about which it challenged comparison with the record of any other Congress controlled by the opponents of our party; hence that plank in the platform calls attention to the record of the Sixty-second Congress for its efficiency, economy, and constructive legislation as to the following subjects:

In revising the rules of the House of Representatives and thereby granting Members freedom of speech and action in advocating, proposing and perfecting remedial legislation;

In passing bills for the relief of the people and the development of our country;

In proposing amendments to the Constitution providing for the election of United States Senators by the direct vote of the people;

In securing the admission of Arizona and New Mexico as two sovereign States;

In requiring the publicity of campaign expenses both before and after the election and fixing a limit upon the election expenses of Senators and Representatives;

In passing bills to prevent the abuse of the writ of injunction;

In passing a law establishing an eight-hour day for workmen on all national public work;

In passing a resolution forcing the President to take immediate steps to abrogate the Russian treaty;

And, finally, in passing the great supply bills, which lessen waste and extravagance and which reduce the annual expenses of the Government by many millions of dollars.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. I do.

Mr. STONE. I should like to ask the Senator from Louisiana if he objects to the speedy reference of this bill to the Committee on Finance?

Mr. RANSDELL. I do not.

Mr. STONE. Then I will ask him the further question, if he will not be willing to incorporate in the RECORD, without reading, as a part of his remarks the very long letter he is reading?

Mr. RANSDELL. Mr. President, I always like to do anything which the Senator from Missouri asks of me; but I must submit this is an unreasonable request. I am not going to read any long letter. This is not a long letter. It is about 11 pages in all, I believe. It is not from any outsider; it is from a Member of the House of Representatives, and a gentleman who will soon be a Member of this body, and I must decline not to finish the letter.

Mr. STONE. The only view I had in mind was because of my high regard for my friend from Louisiana. I am sure he has not, but unless he has a purpose to cooperate with my distinguished friend from Michigan [Mr. SMITH] and others in procrastinating the final determination of this simple motion to refer the bill that comes from the House to the Finance Committee, that that committee may go on and consider it, does he not think that we might forego the pleasure and all that sort of thing of prolonged discussion on this side?

Mr. RANSDELL. Mr. President, I am perfectly willing that the bill should be referred to the Finance Committee and that they should go to work on it. I would much prefer to have public hearings, and shall vote for them if I get an opportunity, because my people are demanding that of me. My people are being very badly treated. I do not know who is responsible. I know this, however, Mr. President, that the party platform did not declare for free sugar; I know the Senate last year did not vote for free sugar; I know that the President did not say free sugar once in all his speeches; I know that he made speeches in which he said that he was not for free trade; and yet now some influence seems to be inducing—I will not use a harsher word—the Democrats in the Congress of the United States to give us free sugar. I for one, propose to be heard fully, Mr. President, before free sugar shall ever be written into the statutes of the United States; and a good many more people are also going to be heard.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. RANSDELL. I do.

Mr. SMITH of Michigan. I would not interrupt the Senator from Louisiana had it not been for the attempt of the Senator

from Missouri [Mr. STONE] to give the impression that we are in collusion over the reference of the pending bill. I wish to disavow any such purpose. The Senator from Missouri has nothing to base his statement upon; but to say that I am not interested in what the Senator from Louisiana is saying now would, of course, be untrue. He says the President of the United States has never said he was for free trade in any public utterance since he became the candidate of the Democratic Party for President. The Underwood bill that you are about to refer to the Committee on Finance contains a free list that from its schedules and the volume of trade anticipated thereunder more than 55 per cent will come into the country under that bill free, and will not be stopped at the customhouse at all.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. WILLIAMS. I trust the Senator from Louisiana will yield to me for a moment.

Mr. RANSDELL. I shall be delighted to do so.

Mr. WILLIAMS. Mr. President, I merely want to reply in an ineffective and weak way to the somewhat earnest remarks of the Senator from Michigan [Mr. SMITH].

The Senator from Michigan has just said that in every schedule in the Underwood bill we are presenting a propaganda of free trade to the country. So far as I am individually concerned I have never been afraid of the word "free." I have never been afraid of freedom of thought, of freedom of religion, or of freedom of trade. The Senator from Michigan, however, has made a statement which is not borne out by the cold facts. Not only is it not true that every schedule of the Underwood bill is for free trade, as he said——

Mr. SMITH of Michigan. I did not say that.

Mr. WILLIAMS. But it is true that the average duties upon imports from foreign countries under that bill are more than 25 per cent, taking it up and down. It is also true that the Underwood bills, taken as a whole, present for the contemplation of the Senate a proposition of a reduction of about 35 per cent. I do not intend to be mathematically accurate, because it is impossible to be so.

Now, I want to say that an industry that can not exist with an advantage of 25 per cent over foreign competitors is an industry that confesses that it is unworthy to exist. I want also to say that when anybody says that 25 per cent or 30 per cent or 35 per cent is free trade he is confessing himself without the ability of an ordinary 14-year-old boy to make a mathematical calculation, for certainly hampering trade to the extent of 25 or 35 per cent is not free trade, whatever else may be said about it. There may be a discussion about its wisdom, its feasibility, or what not, but no human being can say that that is free, unhampered trade.

Mr. SMITH of Michigan. Mr. President——

Mr. RANSDELL. Mr. President, I shall have to decline to yield further. I wish merely to make a brief speech, and I can not consent to go into a general discussion of the tariff.

Mr. WILLIAMS. Mr. President, I was proceeding by the indulgence and courtesy of the Senator from Louisiana. I thank him very kindly for so much of it as I have already enjoyed and shall not trespass upon his time any further.

Mr. RANSDELL. Mr. President, I will resume the reading of the letter sent me by Mr. BROUSSARD. He continues:

> Now, these were the specific things which the subcommittee of eleven of the committee on platforms and resolutions declared were the accomplishments of the Sixty-second Congress, and that declaration of the subcommittee found ample indorsement by the entire committee on platforms and resolutions, and, subsequently, of the convention itself acting with unanimity.
>
> Nowhere in that declaration can there be found any intimation that the "Underwood free-sugar bill" of the House met with the approval of the subcommittee of eleven, or of the committee on platforms and resolutions acting as a whole, or of the convention itself, as contended by the Senator from Kentucky.
>
> I shall have occasion a little later to refer to the specific declaration with regard to the tariff bills passed by the Sixty-second House of Representatives, among which the Senator from Kentucky reads in the "Underwood free-sugar bill of the House."
>
> This plank of the platform, from the aforementioned statement or from a careful study of the plank in its entirety, does not warrant the conclusion drawn by the Senator from Kentucky, as I understood his presentation of it to the Senate this afternoon in his question addressed to you.
>
> If the construction placed thereon by him be correct, what results? And let us view this question from conditions existing at the time the Democratic convention met at Baltimore.
>
> Five distinct and separate tariff bills, emanating from the Ways and Means Committee, had passed the House prior to the convening of the convention. Among these was a bill admitting foreign sugar into the United States free of duty, known as the "Underwood free-sugar bill." That bill had passed the House, together with the four other bills coming at the same time from the same committee of the House. The Senate Finance Committee, controlled at that time by the Republican Party, had given ample hearings on the "Underwood free-sugar bill," and after full and complete hearing not a single Senator—Democrat, Republican, or Progressive—on that committee approved of the action of the House in so far as the "Underwood free-sugar bill" was concerned. A contest over the bill subsequently occurred in the Senate, the Republicans and Progressives supporting what was then known as the Lodge-Bristow bill, reported by a majority of the Finance Committee of the Senate in place of the "Underwood free-sugar bill," which had passed the House.
>
> As far as the Democratic members of the Finance Committee were concerned, they discarded entirely the "Underwood free-sugar bill" and reported in lieu thereof an amendment, which was subsequently offered as a substitute for the Lodge-Bristow sugar bill, imposing a duty on sugar. In that contest upon the floor of the Senate between the Republicans and Progressives advocating the Lodge-Bristow bill and the Democrats advocating a duty on sugar as opposed to the "Underwood free-sugar bill," which had already passed the House, a vote was taken, and it occurred in the Senate as it had occurred on the vote taken in the Finance Committee that not one solitary Democratic Senator gave his adherence or his vote to the "Underwood free-sugar bill."

Senators, let me again read that pregnant sentence:

> "It occurred in the Senate, as it had occurred on the vote taken in the Finance Committee, that not one solitary Democratic Senator gave his adherence or his vote to the Underwood free-sugar bill."
>
> The Senate Democrats supported the Simmons amendment, which places a duty of 63 cents a hundred pounds on sugar of 75° of the polariscope and twenty-four one-thousandths cent additional for each additional degree.
>
> To summarize the action of the Senate on this measure, I will say that the Republicans and Progressives supported the Lodge-Bristow bill, which imposed certain duties upon sugar entering the United States, while the Democrats in that body supported the minority report of the Finance Committee, which imposed certain other duties upon sugar, and there was not one solitary, individual Senator belonging to our party that gave his influence or his vote in behalf of the Underwood free-sugar bill which had passed the House.
>
> When the convention met at Baltimore the disagreement between the House and Senate on the Underwood free-sugar bill was existent and the conferees of the House and Senate had been unable to reach an agreement thereon. The House insisted upon free sugar, while the Senate, with unanimity, insisted that some duty should be placed upon sugar. The difference between the attitude of the Democrats on one side and the Republicans and Progressives on the other was that the former wanted a slightly lower duty than the latter.
>
> I make this statement, known to yourself and Senators generally, as a prelude to what I am about to say.
>
> The subcommittee of eleven, selected by the committee on platforms and resolutions, included amongst its membership five distinguished Senators, namely, KERN, of Indiana, O'GORMAN, of New York, POMERENE, of Ohio, NEWLANDS, of Nevada, and MARTIN of Virginia. I was also a member of that subcommittee, the only Member of the House of Representatives who was such member. The six of us were a majority of the subcommittee of eleven. Now, all five of these distinguished Senators had stood with their colleagues in the Senate for a duty on sugar, as above recited, and against the attitude of the House of Representatives, which had passed the Underwood free-sugar bill. I myself had voted against that bill in the House, and it is easily understood that a majority of the subcommittee which drafted the platform were pledged, from a record which they had made in that, the Sixty-second, Congress in opposition to the Underwood free-sugar bill.
>
> If the construction placed on that platform by the Senator from Kentucky be correct, it is then apparent that in the drafting of the platform a majority of the subcommittee of eleven had voted to repudiate the position which they had but awhile ago occupied in that, the Sixty-second, Congress. Not only that, but the five Democratic Senators, members of the subcommittee, had also voted to put in the platform a condemnation not only of their attitude in opposition to the Underwood free-sugar bill, but a condemnation likewise of the action of their Democratic colleagues of the Finance Committee, and, finally, a condemnation of the attitude of all their Democratic colleagues in the Senate.
>
> I take it that no argument is needed to show the absurdity of the construction of that plank of the platform by the Senator from Kentucky, as evidenced by the question he directed to you.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. Certainly.

Mr. REED. Because of the statement repeated in that letter, which amounts practically to an assertion that all Democratic Senators who now vote for free sugar stultify themselves, that statement being based upon the votes cast at the last session, I want to ask the Senator if he is not aware of the fact that the votes of the Democratic Senators upon that bill were a part really of the general program of compromise which was adopted when we were seeking as a minority party to pass the House schedule tariff bills in the best form we could, and therefore, having agreed upon a program, we voted for it, and that the vote did not at all represent the sentiments of each Senator? I think the Senator ought to concede that that is the fact, and not make it appear by his speech, which goes to the country, that the Democrats were committed to a tariff upon sugar because they voted at that time in that way.

Mr. RANSDELL. I do not concede that that is the fact, Mr. President, and I do not think the debates at that time will bear it out. If the Democratic Senators had at that time desired to go on record for free sugar, if they had desired to support the Underwood free-sugar bill, what was there to prevent them from doing so? They knew that they could not pass their compromise measure, if the Senator chooses so to designate it; they knew that the Republicans and Progressives had a majority of the Senate at that time; they knew that the two Louisiana Senators were going to vote in regard to sugar with the other side of the Chamber; they knew it was utterly impossible to pass any kind

of a compromise of that character; and if they were frank and sincere in favor of free sugar it seems to me they should have voted in favor of free sugar, or at least should have explained their votes fully when voting for the Simmons amendment.

Mr. REED. If the Senator will pardon me, since the matter has taken this form, I should like the privilege of making this statement: The general policy, which was adopted upon this side with reference to tariff legislation at the session of Congress referred to, was to endeavor to agree upon a bill which would secure enough votes from the other side of the Chamber to pass it, and in the event that that was not possible to present a bill that would be as hard as possible for certain of the Members on the other side to reject, the thought, at least of some Senators, being that if they could not entirely remove an evil they desired to minimize it. Accordingly their votes were recorded time and again throughout that session for higher rates of tariff than would have been adopted by a caucus held upon this side of the Chamber alone. We were trying to do the best we could under the conditions. If we had assumed an heroic attitude and insisted upon having our own way absolutely and yielding nothing, we could not have passed a single bill. I think the author of that letter knows those facts perfectly, and that any attempt to commit the Democrats upon this side of the Chamber irrevocably by their votes of last session is unfair and unjust. It is not worthy of the author of the letter nor the distinguished Senator who is reading it. I want to make that statement now, and will be glad to make a further statement at the proper time.

Mr. STONE. Before the Senator proceeds, if he will permit me—I was called out of the Chamber for six or eight minutes and have just returned—I should like to ask if the letter the Senator is now reading is the same little billet doux of 11 pages that he spoke about?

Mr. RANSDELL. It is the same little billet doux. In reply to the kind criticism of the Senator from Missouri [Mr. REED], I will say that the gentleman from Louisiana [Mr. BROUSSARD] and myself are representatives now of a dying industry if the policy succeeds which certain people on this side of the Chamber are trying to carry out, and it is legitimate for us to fight just as hard as we can.

Can the Senator deny any of the facts stated in this letter? Can the Senator deny that every Senator on this side voted for a duty on sugar, as stated in this letter by Mr. BROUSSARD, the two Louisiana Senators voting for the higher rate of duty proposed in the Bristow-Lodge amendment and the rest of the Democratic Senators voting for the other rate of duty?

Mr. President, I know not what might have been the attitude of these Senators had the question of free trade been presented at that time. But the cold facts of the case are that when the Underwood free-sugar bill was before them they did vote, not for free sugar, but for a decided rate of duty upon sugar. When these five distinguished men, these Senators whom I have named, were acting on the subcommittee of the platform committee of their party in the city of Baltimore they knew the action which had been taken here. It is utterly unreasonable to suppose that those men would have criticized themselves by indorsing free sugar. They never contemplated anything of that kind in the plank.

I will now hear the Senator from Missouri, if he wishes.

Mr. REED. I simply say, as I said before, that I am not denying that this vote is recorded; but I am utterly denying and repudiating the implication that the Democratic Senators committed themselves to a tariff upon sugar because they voted for a rate which they hoped might pass the Senate under the circumstances then existing, and which would have been a decided reduction.

I wish to say now to the Senator that, so far as more than one Senator upon this side is concerned, I think they have under consideration whether or not this tariff ought to be all taken off at one time. But I say to the Senator, with great kindness, that it does not appeal to me very strongly to have my vote, and the vote of others who want to settle this question upon its merits, characterized in the way it is now being characterized.

Mr. RANSDELL. Mr. President, I do not intend any unkind criticism or reflection upon the vote of the Senator from Missouri, or any other Senator in this body. I assure him that nothing is further from my thoughts. But when I am asked by the Senator from Kentucky whether or not my people in Louisiana did not have good cause to believe—that is, in substance, his question—that the Democratic Party was in favor of free sugar, and that we had nothing to expect from the Democratic Party, it surely is proper for me to state what actually occurred in the Senate of the United States, a coordinate branch of the lawmaking power, when a free-sugar measure was before Congress last year and was being considered. I could not tell what was in the minds of every one of these Senators. There was no way for me to know what they meant except by ascertaining what they did; and what they did was to vote for a considerable rate of duty on sugar. I may say, further, to the Senator from Missouri that the inference he has drawn that a majority of the Democrats of the Senate was opposed to a tariff on sugar is at variance with the actual facts, with which he should—to put it as kindly as possible—acquaint himself ere he attempts to speak.

Mr. President, I wish the Senator clearly to understand that I do not desire in the slightest way to reflect upon him or any other Senator. I am delighted to hear him say that a number of Senators on this side are very seriously contemplating some rate of duty on sugar. I earnestly hope that enough of them on this side will think that way to give us a fair rate of duty on sugar. Senators, let me beg of you not to destroy this great industry—this industry that has lasted so long and is so necessary to my State.

Continuing my reading of this letter—

I go a little further and say that if his [Mr. JAMES'S] construction of it be correct, how does he explain the fact that after the platform was adopted, after the national election, and after Mr. Wilson and Mr. Marshall had been elected President and Vice President, respectively, there was a session of Congress, during which was pending the controversy between the House, standing for the Underwood free-sugar bill, and the Senate, standing by sugar as a legitimate subject for tariff taxation, no Democratic Senator was heard during that entire session of Congress to urge that the Democrats had erred in not supporting the Underwood bill, and that the Democratic Senators at least proposed to recede from the position which all of the Democratic Senators had occupied prior to the convention? Why did not some Democratic Senator urge the Democratic conferees of the Senate, in obedience to that platform, to recede from their position in favor of a duty on sugar and to accede to the demands of the Members of the House of Representatives, whose action the Senator from Kentucky states was approved by the Baltimore convention, that sugar be put on the free list?

Just as the Senator from Kentucky, stopping as he did in his question to you, omitted to specifically recite the things the Democratic convention at Baltimore approved as the accomplishments of the Democratic House of Representatives in the Sixty-second Congress, so does the Senator from Kentucky overlook the specific things enumerated in the platform which make absolutely clear the declaration of the Baltimore convention with regard to the bills revising the tariff. I recited a while ago that the resolutions committee enumerated the specific things for which it commended the Democratic House of Representatives of the Sixty-second Congress.

Let us revert now to the first proposition in the platform, that about the tariff, of which you were speaking at the time the Senator from Kentucky read the plank to which I have just referred.

We find that at the very outset of the declaration of the principles of our party there is a denunciation of President Taft for "vetoing the bills to reduce the tariff of the cotton, woolen, metal, and chemical schedules, and the farmers' free list, all of which were designed to give immediate relief to the masses from exactions of the trusts."

These were the specific things with regard to tariff revision that the platform approved, and for which they denounced the President as having used the veto power to prevent these bills, specifically mentioned, from becoming law, and in the plank referred to by the Senator from Kentucky it will be noticed that there is no mention of the "Underwood free-sugar bill." That bill at the time was in suspense between the two Houses, and the convention did not presume to indorse the Democrats in the House who favored free sugar, nor did it condemn the Democrats in the Senate, every one of whom was opposed to free sugar.

But the plank which the Senator from Kentucky may have properly called to your attention as applicable "on all fours" to the Democratic attitude with regard to sugar reads:

"We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy any legitimate industry."

Now, this provision declared it to be the purpose of the Democratic Party, in revising the tariff downward, to neither injure nor destroy any legitimate industry. Mr. UNDERWOOD, chairman of the Ways and Means Committee, with great frankness, said repeatedly on the floor of the House that the provision in his bill regarding the duty on sugar would destroy the Louisiana sugar industry. Mr. HARDWICK, of Georgia, unquestionably the best posted of the Members advocating free sugar, likewise admitted that the Louisiana sugar industry would be destroyed as a result of this legislation.

The history of that plank in the platform, interesting as it is, need not be recited here, because it is apparent to the logical mind that that plank, and that plank only, applies to the subject which you were discussing when interrupted by the question of the Senator from Kentucky.

I suggest that if further inquiry is to be made about this, along the lines suggested by the Senator from Kentucky, there are many Senators who can explain this platform as intended for the people to understand.

Apart from the Senators whom I have already mentioned, a new Democratic Senator has come from Montana, Mr. WALSH, who himself was a member of the subcommittee of eleven. Two Senators, Mr. CLARKE of Arkansas and Mr. CULBERSON, of Texas, were members of the general committee on platforms and resolutions. Another distinguished then Senator elect, who now occupies a seat in this body, Mr. VARDAMAN, was also a member of the general committee. There are doubtless other Senators and members of the present cabinet who may enlighten the Senator from Kentucky in his desire to ascertain just what the Democratic platform did intend and did say upon this question.

One salient point remains, and that is that the Senator from Kentucky was himself the permanent chairman of the Democratic convention at Baltimore. I listened attentively to his address—and he is always interesting when speaking—and I recall distinctly his plea for free sugar. That plea met with no response from either the subcommittee of eleven which drafted the platform, or the entire committee, which reported it to the convention, or the convention itself.

I recall that while the subcommittee was engaged in drafting the platform, and after the distinguished Senator from Kentucky had made his ardent appeal for free sugar, the Sugar Trust, acting through the instrumentality of Frank C. Lowry, an employee of Mr. Spreckels, of the Federal Refining Co., was bombarding not only the subcommittee but the entire committee on platforms with telegrams, urging the convention to include in the platform a plank for free sugar.

Senators, what a spectacle! The Senator from Kentucky—he was not then a Senator, but a great Member of Congress—being backed up in his efforts for free sugar by Frank C. Lowry, the agent and representative of the Sugar Trust!

It must appear to you and, in fact, to every fair-minded man that, with the chairman of the convention, the Senator from Kentucky, pleading to the body over which he presided for free sugar, and with the Sugar Trust, by telegrams, imploring the convention to declare for free sugar, it was not an oversight on the part of either the subcommittee of eleven or the full committee on platforms and resolutions or the convention that it was not written in the platform, as the Senator from Kentucky now attempts to read it in, that the Democratic Party stood or stands for free sugar, but, on the contrary, this action was the deliberate conclusion that the Democratic Party stood against the "Underwood free-sugar bill" and in favor of a duty on sugar.

Kindly pardon me for writing to you at such length. I have studiously abstained from saying anything regarding the deliberations leading to the writing and adoption of the platform. I have assumed to discuss this platform absolutely from the analytical standpoint of one who seeks the truth, just as the Senator from Kentucky has sought, despite his knowledge of all of the facts, to find in the platform words which never were written in it, were never intended to be written in it, and which a full analysis of the platform does not warrant to be construed as having been written into it.

Yours, very sincerely, R. F. BROUSSARD.

Mr WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. RANSDELL. Just a moment, and then I will yield.

It is unnecessary for me to tell the Senate who Mr. BROUSSARD is. He has been a Member of the House of Representatives for a great many years. He lives in the very heart of the sugar belt. He has been a close student of sugar and a great champion of it during his entire career in Congress. He was a member of the subcommittee of eleven, along with the five Senators I have referred to who assisted in framing the Baltimore platform. Does any reasonable man pretend to intimate that this man, with his record of faithful service to sugar, championing the cause of sugar for 18 years, would have forgotten himself so far as to agree to a plank actually condemning the interest that he had stood for during his entire congressional career? Such a supposition is preposterous.

I now yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I want to ask the Senator from Louisiana this plain question: I want him, if he can, to explain to this side of the House, to the Senate, and to the country why it is that the Louisiana Senators now, as in past time, have resisted just as obstinately any reduction of the duty on sugar as they resist free sugar. I want the Senator to explain, if he can, why it was that the two Louisiana Senators in the last Congress voted upon this floor against a reduction of 33⅓ per cent in the sugar duty, on which reduction every Louisiana planter now admits that he could live, and why it is that they are now fighting the reduction of 50 per cent, the only alternative, against free sugar just as obstinately as they fight free sugar itself. It seems to me that they are imitating somewhat the ancient régime, the old noblesse of France, who failed to make concessions until they stirred up a feeling which destroyed them.

I am perfectly willing to admit that free sugar will dismantle every sugar house in the State of Louisiana. I know it as well as I know my name is JOHN WILLIAMS. Mr. UNDERWOOD has admitted the same thing. When we faced the proposition of reducing the duty in the last Congress in the Senate of 33⅓ per cent only it would not have destroyed them. It would have left them with a reasonable profit. They fought that just as vigorously as they are now fighting free sugar. They deprived the men who wanted a square deal, who do not want to single sugar out as the only industry to be destroyed, of all opportunity to help them. I should like to have some explanation of that.

I will add to it this: If the Senate, instead of putting sugar on the free list at the end of three years would vote for a proposition to cut the duty on sugar half in two, leaving it, generally speaking, at three-quarters of a cent, 96 polariscopic test, varied above and below it by the differential, would the Senator if that proposition were presented to him accept it as against the present bill?

Mr. RANSDELL. May I understand the last proposition, please? Do I understand the Senator to ask whether or not if at the end of three years, instead of having a free-sugar clause take effect——

Mr. WILLIAMS. No; I said if instead of the present proposition, which is a substantial reduction of 25 per cent ad valorem for three years, and after three years free sugar, you were to be presented with a proposition to put a duty upon sugar of substantially three-quarters of a cent, three-quarters of a cent at 96 polariscopic test, varying from it on both sides accordingly, would you prefer it?

Mr. RANSDELL. To take effect at once?

Mr. WILLIAMS. To take effect at once, and to continue without the three years' clause. Which one of the two would you accept?

Mr. RANSDELL. Mr. President, it will take me but a minute to answer that. So far as we are concerned and so far as my knowledge of sugar is concerned, coming, as I said yesterday, from a cotton section of the State, I would unhesitatingly prefer a duty of 1 cent for three years, because we die then at the end of three years certainly. If we had a cut in the rate of 50 per cent it would give us something like three-quarters of 1 cent indefinitely, and with that rate I do not believe it possible for the industry to live. Yet I feel that some few people might struggle along for a while. I think the future quick death would be better. They would know beyond question that they had to die at the end of three years, and it would be kinder to them to make it three years than to give then a 50 per cent cut now.

Mr. WILLIAMS. Mr. President——

Mr. RANSDELL. If the Senator from Mississippi will allow me a further statement: If a proposal were made to make the duty 1 cent for three years, after which there would be a reduction to 50 per cent of the present rate, I say now in my position as Senator, that I would advise my people to accept it. They would thereby be given time to change their methods and to install a refining process, which I am told has been about perfected.

But I further say that having pledged myself in the most solemn manner on at least 50 platforms when I was a candidate for the United States Senate that I would stand by the interest of sugar in a legitimate way and do everything in my power to prevent the industry from being destroyed by what I considered unfair legislation, I would have to oppose even that unless my people were willing to accept it; but I believe I could induce them to accept that at the end of three years.

Mr. WILLIAMS. I do not want to talk about any specialty. This situation presents itself to me as pathetic. The United States Government has invited and even incited, encouraged, and almost driven a whole lot of people into raising sugar cane and sugar beets, two artificial industries which, upon their own legs, could never have existed in this country to-day. The industry as far as cane sugar is concerned is impossible, and as far as beet sugar is concerned is premature now, because the country was not ready for it when the country was thrown into the beet-sugar production. I believe that a duty of three-quarters of a cent will enable the beet-sugar industry of this country to exist and to make a reasonable profit in all factories which are conducted with up-to-date machinery, with efficient labor and conducted in the way in which a factory ought to be conducted. I believe that it will enable—the 50 per cent reduction will enable—the sugar-beet farmer to exist at a price that will render him more profit upon his farm per acre than the cotton planter of the South receives per acre in absolute free competition with the fellaheen of Egypt at 17 cents a day and with the Hindus of India at 8 or 10 cents a day.

So I am not talking about the protectionist phase of it. I am talking merely about the condition which now confronts us. I am not willing to do an unfair or an unjust thing, whether in keeping with my theory or in violation of it. It is pathetic to me to think that these people have been invited to come in and walk in deep water on stilts, and that when they are now asked to walk without stilts they must be drowned.

I am a neighbor to Louisiana. I have friends there. I love the State and I love its people. I have volunteered to make more sacrifices than any man on this floor, not only of opinion but of sacrifice of support at home to help them out. They will not help themselves out. The Senator has just confessed that he would just as obstinately refuse to vote for any reduction at all as to vote for free sugar.

Mr. RANSDELL. Let me interrupt the Senator. I did not say that.

Mr. WILLIAMS. If the Senator will pardon me, I did not mean to say that I was quoting the Senator exactly. I was merely quoting my inference from what he said.

Mr. RANSDELL. Then I wish to explain, if the Senator will let me explain, right at this time. I did not say that I would not consent to any reduction in sugar. On the contrary, I believe that as a Democrat I am absolutely committed by my party to consent to a reduction in sugar, and though I believe a cut of 25 per cent will drive out of the business a great many of the sugar producers of Louisiana, I for one consent to that

cut and will vote for a 25 per cent reduction in sugar, which I understand is the cut in the Underwood bill. The trouble is that at the end of three years we are to have free sugar. That was my statement.

Mr. WILLIAMS. Mr. President, of course any Member of this body knows that a reduction of 25 per cent will not bring about a really competitive market in sugar; that the gentleman in yielding that yields nothing.

Mr. RANSDELL. I yield to the Senator for a question.

Mr. WILLIAMS. What I have to say will not take long.

Mr. President, of course, if a duty upon any important article were 1,000 per cent and it were proposed to reduce it to 995 per cent, it would drive out of the industry some people who had been living upon the ragged edge of the industry barely making a living, barely making a profit sufficient to justify them to remain in that particular business. So far as that point of the observation of the Senator from Louisiana goes, that is the answer.

I do not deny that a reduction of the rate upon sugar will drive some beet-sugar factories out of business, but they are a sort of beet-sugar factories that ought to be driven out of business, because they either have unwise overhead management, unwise men upon the quarterdeck, or they have inefficient men behind the guns, or they are unfortunately located geographically and with regard to the annual giving out of rain and sunshine, or they are making undue profits.

But, Mr. President, the complete answer to the Senator from Louisiana, as far as Louisiana sugar cane is concerned—the complete confirmation of what I have just said—is contained in this one statement, which nobody will dispute, that at the last session of Congress, when this particular question came up, when a free-sugar bill came from the House—and the President will pardon me for saying that I was at that time a member of the Finance Committee—I felt friendly toward these people, and I also felt the pathos of their situation; I knew that every sugar house in Louisiana would be dismantled if free sugar were put upon the statute books; as I now know, as I have told both the Democratic leader of the House of Representatives and the President of the United States, I proceeded as a member of that committee to try to find a living for them out of the industry in accord with the Democratic platform, which was to reduce duties gradually and not to destroy absolutely any legitimate industry; and the only Members upon this side of the Chamber who, as I found, would not help me were the two Senators at that time from the State of Louisiana. Now, how can you help people who will not help themselves?

Mr. RANSDELL. Will the Senator yield for a question?

Mr. WILLIAMS. Yes.

Mr. RANSDELL. You say that at that time you urged a reduction. I believe it was about one-third—33⅓ per cent.

Mr. WILLIAMS. It was 33⅓ per cent.

Mr. RANSDELL. Is it not a fact that the average reduction in the Underwood bill is about 35 per cent?

Mr. WILLIAMS. Yes; I was willing to give you less reduction than I voted to give the other people.

Mr. RANSDELL. It was a year ago that I am speaking about. The average reduction of the Underwood bill, I think, is about 35 per cent.

Mr. WILLIAMS. I have not calculated it, but it is about the same.

Mr. RANSDELL. Let me ask you why it is you propose to have sugar reduced to 50 per cent when the average reduction is 35 per cent? Why treat sugar worse than the average?

Mr. WILLIAMS. I will state that, too. The average reduction in the Underwood bill is about 35 per cent—without calculating it mathematically; I have not done that—just from a general view of the whole situation I think it was about what it was last year—some things higher and some a bit lower. That was the reduction clear through. The flax and hemp schedule, let me say, is a reduction of 50 per cent. The reduction on wool is 100 per cent; and even if we take the vote of the House at the last Congress it is 50 per cent, as I remember it now. I may be inaccurate, because I have not a great head for figures unless I have them before me.

Now, I have proposed at this session to make a reduction upon sugar of 50 per cent because I thought that was the wisest reduction. I thought 33⅓ per cent reduction wiser, but I thought that 50 per cent reduction was now the only thing that could possibly be gotten through the Finance Committee or possibly be gotten through this body. I had the honor to state to the Senator from Louisiana, personally, as well as to ex-Senator Foster, to his colleague [Mr. THORNTON], and to his colleague elect, Mr. BROUSSARD, my idea that that was the utmost that could possibly be hoped for by them, and that they had to take their choice between a three years' reduction of 25 per cent and free trade afterwards or a reduction now of 50 per cent.

When I went to the sugar-beet men and talked about it to them they told me that they could defend a reduction, although they could not defend free sugar. I do not mean that they said they would not defend it, but I mean that they said they could not, consistently, with their past utterances in their several States. I am talking now with the utmost frankness. But when I went to men who represented the Louisiana people, the Senators, Congressmen, and sugar planters—and amongst the latter are some of the very dearest friends I have in the world; I would myself rather cut off my left hand under safe auspices in a hospital, with good surgical attention, than to hurt them—they returned me the uniform answer that the Senator from Louisiana did a moment ago—that they would rather die suddenly at the end of three years than to die gradually with a 50 per cent reduction.

Mr. President, I do not believe that a 50 per cent reduction does mean death to the Louisiana cane-sugar industry. I may be mistaken; but I have looked into the matter to the best of my poor ability, and I know, as well as I know that my name is JOHN WILLIAMS, that it does not mean death to the beet-sugar industry, except to those inefficient factories on the ragged edges and amongst the people who are not up to date in their overhead management, in their efficiency of labor, and in their wisdom and economy of management.

Mr. RANSDELL. I hope the Senator from Mississippi will allow me to finish.

Mr. WILLIAMS. Wait a moment.

Mr. RANSDELL. Was the Senator about through? I merely want to finish.

Mr. WILLIAMS. My dear sir, I thought you had given up the floor long ago.

Mr. RANSDELL. Not at all. I have been waiting patiently to conclude.

Mr. WILLIAMS. Well, then, I will finish in one more moment. I shall then be through.

I am going to offer my proposition in the subcommittee. If not carried there, I am going to carry it to the Finance Committee; if not carried there, I may or may not carry it to the caucus—I have not made up my mind about that—but if the caucus and the school of political thought to which I belong shall decide otherwise, I shall regret exceedingly that my very dear friends from Louisiana have not helped me to help them; but I shall quit with that, and I shall base my justification for quitting—for I am not a quitter as a rule—upon the speech just made by the Senator from Louisiana, in which he has laid down his ultimatum—the ultimatum of a special industry, the ultimatum of a special privilege; in fact, a declaration of war. After all, the sugar duty is a special privilege, because no man has a God-given or a natural right to make money out of an industry of any sort except where he can stand upon his two legs without legislative help. I have never stood much for special privilege. I have somewhat stood for it in this particular case and have done my best; but I shall justify myself for quitting upon the ground that the Senator from Louisiana said that he would rather die suddenly at the end of three years than to be "tortured to death" all the rest of his life with three-fourths of a cent a pound on sugar.

What is three-fourths of a cent a pound on sugar? It is about one-fourth of the price of sugar—about 25 per cent. What right, speaking now as a theoretical Democrat, no longer as a practical Democrat, no longer as a working Democrat, no longer as a man facing a political situation and condition, but speaking from the standpoint of economic theory—what right has any man to come to a whole people and say, "I can not make a living without an advantage of 25 per cent over the balance of the world, and therefore I demand that 25 per cent advantage"?

There sits before me the Senator from Montana [Mr. WALSH], who made several campaigns in the West in the bravest possible manner for the Democratic Party, and he was faced by his opponent in one of those campaigns, who said "If the Democrats came into power they would put sugar upon the free list." The Senator denied it; and he had every right to deny it; yet we are going to crucify him upon this altar. I hate to do it; I do not want to do it. I am willing to make a greater reduction on sugar than is made upon the average schedule. I am willing to make a reduction of 50 per cent, while the average reduction is 35 per cent.

Mr. RANSDELL. I do not want to interrupt the Senator; but I think I have been very patient. He rose to ask a question, and I have allowed him to do so.

Mr. WILLIAMS. I have heard that before; but I imagined, unless I was very much mistaken, that the Senator from Louisiana had finished his remarks and had taken his seat before I took the floor.

Mr. RANSDELL. Not at all. The Senator is entirely mistaken. I was on the floor.

Mr. WILLIAMS. I am informed by the Senator from Arizona [Mr. SMITH] that I am mistaken; and I therefore withdraw what I have said.

Mr. RANSDELL. I am glad to hear the Senator say so. I want to thank the Senator very much for his kindly interest in Louisiana. I do not know a State, outside of his own, in which he has warmer friends or greater admirers or more of them than in Louisiana, and I know that we are going to continue to love and honor him down there, no matter what action he may finally take in regard to this measure, which is of such vast importance to us. He has been our true and tried friend in the past, and we believe he is going to continue to be our friend. I will not attempt at this late hour, when there are others to speak, to go into a general discussion of the sugar tariff. The Senator from Mississippi admits that free sugar would kill us and dismantle every sugar factory in the State. The people who are in the business—I am not, but those who are in the business—tell me they would be destroyed just as effectually by a reduction of 50 per cent as they would be by free trade. That is the reason why I am opposed to that reduction. They have told me that the very limit that they could stand, and a limit that many of them could not stand, is a reduction of 25 per cent, or a duty in round numbers on the Cuban raw sugar of 1 cent a pound. I have gone just as far as I can in that respect with the present lights before me.

Mr. President, I have no disposition to hold the Senate any longer. I merely wish to add that I hope the milk of human kindness, with which the heart of the Senator from Mississippi is always overflowing, is going to continue to flow in his mind as chairman of the subcommittee in charge of this sugar question, and that he will succeed in reaching some conclusion which will prevent the great industry of my State from being destroyed.

Mr. SIMMONS. Mr. President, I know Senators are anxious that this day's session, which has already been very much prolonged, shall be ended, and I wish to ask the Senators on the other side if they will not consent to fix an hour to-morrow, say, at 3 o'clock, to vote upon the pending motion and amendments to it.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate agree to take a recess at this time until 11 o'clock to-morrow, and that the vote be taken at or before 3 o'clock to-morrow afternoon.

Mr. JAMES. Mr. President——

Mr. SIMMONS. I will accept the suggestion of the Senator from Utah [Mr. SMOOT] that a vote be taken at or before 3 o'clock to-morrow.

Mr. JAMES. Just a moment. The Senator from Louisiana [Mr. RANSDELL] has occupied about an hour and a half, together with the assistance of the Senator from Mississippi [Mr. WILLIAMS], in which time he has undertaken to answer the question I asked him yesterday. In the course of his remarks he has made an attack upon my record in regard to sugar in the national convention, and I certainly desire an opportunity to answer his speech.

Mr. SMOOT. Mr. President, I will modify my request in this way, that at the conclusion of the speech of the Senator from Kentucky [Mr. JAMES] to-night the Senate take a recess until 11 o'clock to-morrow morning, and that a vote be taken upon this question at or before 3 o'clock p. m. to-morrow.

Mr. WILLIAMS. I should like to ask for a further modification of the request. I am satisfied that it would suit the convenience of the Senator from Kentucky [Mr. JAMES] better that the Senate should meet to-morrow morning at 11 o'clock, that the Senator from Kentucky should be recognized at that time, immediately after the reading of the Journal, and that, after the morning hour, a vote be taken upon the pending motion.

Mr. SMOOT. We could hardly dispose of the matter by that time.

Mr. SIMMONS. I will ask the Senator from Utah if he will not modify his suggestion and provide that the vote shall be taken to-morrow at 1 o'clock? The Senator from Indiana [Mr. KERN] does not wish, and I do not wish, the consideration of the pending matter to displace his resolution, unless it is absolutely necessary.

Mr. SMOOT. Mr. President, if the request is granted it will not displace the resolution of the Senator from Indiana at all. At the conclusion of the morning hour all the Senator need do is to ask to lay the resolution aside temporarily. Then I will assure the Senator from Indiana that, immediately upon the conclusion of the vote upon the pending matter, I personally will vote to take up the resolution, if there is any question as to the Senate taking it up to-morrow.

Mr. KERN. It might just as well be included in the unanimous-consent agreement.

Mr. SMOOT. I am perfectly willing to include it, so as to provide that to-morrow, immediately after the vote is taken upon the question of the reference of the tariff bill to the Finance Committee, the resolution of the Senator from Indiana shall be considered.

Mr. KERN. It will still be the unfinished business.

Mr. SMOOT. It will still be the unfinished business, of course.

Mr. CLARK of Wyoming. Mr. President, it seems to me that somewhere in this agreement there ought to be some provision for debate upon the side of the House that desires to discuss the question before the Senate at this time, to wit, the question of open hearings. The Democratic side of the Senate to-day have discussed for three or four hours, not at all that question, but the question as to the merits of the proposed tariff bill, and the Senator from Kentucky [Mr. JAMES] has given an intimation that he desires to reply at length to the statements that have already been made on the other side. It occurs to me that there ought at least to be included in the proposed agreement the proposition that 20 or 30 minutes before the vote is taken shall be allowed Senators on this side of the Chamber who desire to discuss the merits of open hearings.

Mr. WILLIAMS. That is fair. I suggest that that be incorporated.

Mr. SMOOT. I hardly think that will be necessary.

Mr. STONE. Mr. President, will the Senator from Louisiana yield to me to make a motion?

Mr. RANSDELL. Certainly.

Mr. STONE. I do not know what answer the Senator from Kentucky may make to the observations of the Senator from Louisiana [Mr. RANSDELL]; we would all be delighted to hear him, of course; but however able or eloquent his address may be it is not really, with all due deference to him, so important as it is to get on with this business, and since the Senator from Louisiana yields to me I move to lay the amendment offered——

Mr. SMOOT. I hope the Senator will not do that at this time.

Mr. STONE. I move to lay the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified on the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE] on the table, so that we may have an immediate expression upon the question as to whether we will have public hearings.

Mr. SMOOT. Mr. President, on that I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays are demanded. Is the demand seconded?

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President, I do not understand the motion of the Senator from Missouri.

The VICE PRESIDENT. The Senator from Missouri moves to lay on the table the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified on the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion of the Senator from North Carolina [Mr. SIMMONS] to refer the bill to the Committee on Finance.

Mr. STONE. Mr. President, I wish to say——

Mr. SIMMONS. I ask the Senator from Missouri to withdraw that motion, and that we may have the regular order.

Mr. LODGE. The regular order is the motion to lay on the table.

Mr. STONE. If the chairman of the Committee on Finance, of which I am a member, asks me to withdraw the motion, I will do so; but I desire to bring this matter to a head.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

Mr. STONE. I withdraw the motion.

The VICE PRESIDENT. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. By unanimous consent, has not the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] already been adopted and become a part of the motion? I understand that has been done by unanimous consent.

Mr. SMOOT. Oh, no.

Mr. NORRIS. If so, it can not be in order to lay on the table an amendment that has already been agreed to and is a part of the original motion.

Mr. SMOOT. It has not been agreed to.

Mr. SIMMONS. No; it has not been agreed to.

The VICE PRESIDENT. It has not been agreed to.

Mr. SIMMONS. I ask——

Mr. JAMES. I rise to a parliamentary inquiry.

Mr. SIMMONS. I ask the Senators on the other side if they are at this time willing to agree to give unanimous consent to vote upon this motion and any amendments thereto at 3 o'clock to-morrow evening?

Mr. SMOOT. Mr. President, that is the very request that I originally made.

Mr. SIMMONS. Now I ask unanimous consent that to-morrow afternoon at 3 o'clock a vote be taken upon the pending motion and all amendments thereto.

Mr. SMOOT. But when are we to take it up?

The VICE PRESIDENT. There is a motion now pending before the Senate.

Mr. SIMMONS. It can be taken up when the Senate meets to-morrow. I move that when the Senate adjourns to-night, it adjourn to meet at 11 o'clock to-morrow morning, and I ask unanimous consent that at 3 o'clock to-morrow afternoon there be a vote upon the motion to refer the bill to the Committee on Finance and all amendments thereto.

Mr. CLARK of Wyoming. I ask if the Senator will agree to a division of time?

Mr. SIMMONS. We will give you ample time. We will give you half the time.

Mr. JAMES. I desire to ask the Senator from North Carolina, if the Senate meets at 11 o'clock, whether his request, if granted, will give me an opportunity to reply to the extended argument made by the Senator from Louisiana [Mr. RANSDELL]?

Mr. SIMMONS. I will say to the Senator that immediately upon the convening of the Senate to-morrow I will ask that this matter be laid before the Senate.

Mr. JAMES. And that I be recognized?

Mr. SIMMONS. I think there will be ample time for the Senator.

Mr. SMOOT. There will be four hours, of course, and I feel that the Senator from Kentucky is entitled to answer the remarks of the Senator from Louisiana.

Mr. SIMMONS. And the Senator from Kentucky will have ample time in which to do so.

Mr. PENROSE. Mr. President, I have just entered the Chamber, and I should like to make an inquiry as to the status of pairs. Are pairs to be entertained to-morrow on this question?

Mr. SIMMONS. I presume the same rule that always obtains as to pairs will apply to-morrow.

Mr. PENROSE. I have heard some report about pairs having been canceled.

Mr. SIMMONS. Nothing of that kind has been done.

Mr. KERN. There is nothing of that kind proposed at this time.

Mr. WILLIAMS. Pairs would not be withdrawn except after giving fair notice to the other side.

Mr. PENROSE. I understood such a notice had been given.

Mr. WILLIAMS. There was some talk on this side of having a caucus for the purpose of canceling all pairs——

Mr. SIMMONS. Of course pairs will be recognized.

Mr. WILLIAMS. Coupled with the idea of giving four or five days' notice, or whatever is reasonable, to the other side. Of course we are not going to cancel pairs without notice.

Mr. PENROSE. I can not be here to-morrow, and of course I wanted a pair on the motion.

Mr. KERN. I understand that the original arrangement as to the pending unfinished business was included in the agreement.

Mr. SMOOT. That is, that immediately after the conclusion of the vote on the pending motion to-morrow the Senator may move to take up his resolution.

Mr. KERN. Yes.

The VICE PRESIDENT. The Chair desires to understand what the proposed unanimous-consent agreement is. Is it to the effect that when the Senate adjourns to-day it shall adjourn until 11 o'clock to-morrow, and that immediately upon reconvening it shall proceed with the discussion of the motion, and that a vote be taken at 3 o'clock?

Mr. SMOOT. Not later than 3 o'clock.

The VICE PRESIDENT. And then, after the conclusion of the vote, that the regular order, the unfinished business, shall be taken up?

Mr. SMOOT. That the unfinished business shall then be taken up for consideration.

Mr. NORRIS. Mr. President, I should like to inquire if there is any understanding on the part of the Senator from North Carolina and other Senators as to how the time is going to be parceled out?

Mr. SIMMONS. I wish to say to the Senator that I do not know of any Senator on this side, with the exception of the Senator from Kentucky [Mr. JAMES], who desires to speak to-morrow.

Mr. NORRIS. I should like to say to the Senator that I have some remarks to make. I have not undertaken to get recognition, because I knew that my remarks would perhaps not be directly on the point, and I wanted to give every Senator an opportunity to discuss, if he desired so to do, the real question before the Senate.

Mr. SIMMONS. I will say to the Senator that I am satisfied that the other side will be given ample time to-morrow.

Mr. SMOOT. We have not had any time whatever yet.

Mr. STONE. You have had all the time, practically.

Mr. NORRIS. The unanimous-consent agreement, as I understand, Mr. President, contemplates that the Senate shall meet to-morrow at 11 o'clock?

The VICE PRESIDENT. It does.

Mr. SIMMONS. Yes; it provides that the Senate shall meet at 11 o'clock to-morrow.

Mr. LIPPITT. Mr. President, I should like to ask the Senator from Kentucky about how long he expects to speak to-morrow.

Mr. JAMES. I will occupy nothing like the time consumed by the Senator from Louisiana [Mr. RANSDELL]. I should say that I shall not take over 40 minutes, if that much time.

Mr. NORRIS. I should like to say to the Senator from North Carolina that I have no desire to prolong this discussion or to prevent a vote from being taken; and I would not like to be the means of preventing any other Senator speaking on the question, if he so desires. At the same time, I should not like to have a unanimous-consent agreement made with a limitation of debate that would necessarily cut me out.

Mr. SIMMONS. I think I can say to the Senator that, so far as this side of the Chamber is concerned, there will be nothing to interfere with his having all the time he may desire to-morrow.

Mr. LA FOLLETTE. Mr. President, just a word.

The VICE PRESIDENT. Does the Chair understand that there is a unanimous-consent agreement or that there is not?

Mr. LA FOLLETTE. There is not yet, Mr. President.

I am very anxious that a unanimous-consent agreement shall be reached if possible. I have an amendment pending here. The debate has not proceeded upon the amendment at all at this time. It has proceeded upon the tariff bill. I have no assurance that the entire time will not be taken up in that way. I want an opportunity to speak, for a few minutes at least, possibly half an hour, upon that amendment. I have delayed asking for the floor up to the present time, because I wanted to speak upon the pending question somewhere near the time when it was going to be voted upon.

I desire to make the suggestion that at 3 o'clock to-morrow 10-minute speeches may be made upon amendments. Then, if I found myself unable to get any time before 3 o'clock, I could withdraw my amendment, and offer it then, and speak at least 10 minutes under that arrangement.

Mr. SIMMONS. And that a vote be taken not later than 4 o'clock to-morrow?

Mr. LA FOLLETTE. Certainly; and that then the unfinished business shall come up.

Mr. SIMMONS. I modify the request in that way.

Mr. STONE. What is the request?

Mr. SIMMONS. That when the Senate adjourns to-night it adjourn until to-morrow at 11 o'clock——

Mr. SHERMAN. I should like to inquire of the Senator from North Carolina about the partition of the remainder of the time. If it is occupied by my friends of the opposite persuasion as liberally as it has been this afternoon, I do not know where any of the rest of us are likely to get any time.

Mr. SIMMONS. I can not say anything to the Senator with reference to that; but I am advised that there is no one upon this side who desires to speak except the Senator from Kentucky [Mr. JAMES].

Mr. WALSH. Mr. President, I desire to say to the Senator from North Carolina that I shall ask for an opportunity to address the Senate for about three minutes upon the amendment offered by the Senator from Wisconsin.

Mr. SHERMAN. I wish to say further, Mr. President, in continuation of my inquiry, that a great many of us have

listened with considerable appreciation to the discussion. It has ranged over the entire field of this controversy. Such time as several of us desire to consume will be used in speaking directly to the amendment of the Senator from Pennsylvania. That deals with the propriety or impropriety of granting hearings before the Finance Committee. That would only involve, from such considerations as I wish to present, any change in conditions that has occurred since the last hearings before the Finance Committee and since attempted legislation was had to the present time. Really the pertinent inquiry, Mr. President, is whether any changes have occurred in that period which would make it proper to consume time before the committee in the hearings contemplated by the amendment of the Senator from Pennsylvania. I should like to have assurances, before unanimous consent is given, if I can properly exact them, that there will be adequate time for a very brief presentation of those changes in the conditions as we see them.

Mr. SIMMONS. I think I can assure the Senator that there will be ample time for that purpose.

Mr. PENROSE. Mr. President, does the Senator mean that the Finance Committee intends to give hearings before the full committee?

Mr. SIMMONS. No; I was not talking about that.

Mr. PENROSE. I understood that was the purport of the statement.

Mr. SIMMONS. I was talking about the opportunity of gentlemen on the other side to discuss the question, Mr. President.

Mr. STONE. Mr. President, I desire to say that I withdrew the motion that I made to lay on the table the amendment of the Senator from Pennsylvania [Mr. PENROSE] as modified by the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. I made the motion because of this protracted filibuster, which has been going on for nearly a week, since this bill reached the Senate, and the motion of the Senator from North Carolina was made to refer the bill to the Finance Committee. My idea was to bring the question directly to a vote and indirectly in that way to determine whether or not the Senate desires these hearings. If the motion to lay on the table was carried it would be an expression on the part of the Senate that it did not intend to enter upon hearings, and then there would be but one thing before the Senate—the naked question whether the bill should be referred to the committee. But acting upon the appeal of my friend the chairman of the committee of which I am a member to withdraw the motion, I did so, and if we can agree to an hour to vote I am perfectly willing. But if it can not be done, I shall again propose that we end this interminable debate by a motion to lay these amendments on the table, and then see whether we shall go on filibustering upon the mere proposition as to whether the bill shall be referred to the Finance Committee.

Mr. JAMES. I should like to ask the Senator from Missouri a question. After those amendments were laid on the table, could not the Senators on the other side offer some others which you would have to lay on the table?

Mr. STONE. To be sure.

Mr. JAMES. You would have to continue to do that and lay those on the table; so the best way is to get an agreement for a vote.

Mr. STONE. I say so; I have said so. Hence I withdrew the motion. But I give notice now, all the same, that unless an agreement is made, as far as I am concerned, I am going to urge——

Mr. SIMMONS. Mr. President, I ask the Chair to lay before the Senate the request for unanimous consent.

The VICE PRESIDENT. Is there objection to the request for unanimous consent that upon the adjournment of the Senate to-day it shall adjourn until 11 o'clock to-morrow; that at that hour the matter now pending before the Senate shall be taken up and, if needful, continued until the hour of 3 o'clock, after which time 10-minute speeches may be made until the hour of 4 o'clock, when a vote shall be taken, and then that the unfinished business—the resolution for the Paint Creek coal fields investigation—shall be taken up?

Mr. SIMMONS. Mr. President, that should be upon the motion and all pending amendments.

Mr. OLIVER. I ask that the request be put, Mr. President.

The VICE PRESIDENT. Is there objection to the request for unanimous consent? The Chair hears none, and consent is given.

Mr. KERN. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 16, 1913, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 15, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we most earnestly pray for Thy spirit, that it may come in all fullness and possess our minds and hearts, that we may be quick of perception, clear of thought, wise of judgment, pure of motive, strong of action; that as individuals we may personify truth, justice, mercy, righteousness, peace, and good will, and thus satisfy our own aspirations and the desires of Thy heart revealed in Jesus Christ our Lord. Amen.

The Journal of the proceedings of Monday, May 12, 1913, was read and approved.

LEAVE TO WITHDRAW PAPERS.

Mr. LAFFERTY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 20450, for the relief of the Victor Land Co., Sixty-second Congress, no adverse report having been made thereon.

Mr. BROCKSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the Delaware Transportation Co.'s claim against the Government (H. R. 11084, 62d Cong.), no adverse report having been made thereon.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communications, which were read by the Clerk:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ELECTION OF PRESIDENT,
VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS,
Washington, D. C., May 10, 1913.

Hon. CHAMP CLARK,
Speaker United States House of Representatives.

DEAR SIR: Inclosed please find duplicate copy of my resignation, which I have forwarded to the secretary of state of the State of Michigan.

Yours, truly,

H. OLIN YOUNG.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ELECTION OF PRESIDENT,
VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS,
Washington, D. C., May 10, 1913.

To FREDERICK C. MARTINDALE,
Secretary of State of the State of Michigan:

I hereby tender my resignation as Representative in Congress from the twelfth district of Michigan, to take effect May 16, 1913.

H. OLIN YOUNG.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, for printing under the rule.

The SPEAKER. The Clerk will announce it by title.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. Does this conference report present an agreement?

Mr. FITZGERALD. It is a disagreement on the provision relating to the management of the soldiers' home.

Mr. MANN. Why not dispose of it this morning?

Mr. FITZGERALD. The Senate must act on it first.

JOSEPH G. CANNON (H. DOC. NO. 48).

Mr. MANN. Mr. Speaker, I ask unanimous consent to have printed as a House document an article which appeared recently in the Saturday Evening Post, written by Mr. Cannon, former Speaker of the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to have printed as a public document Mr. Ex-Speaker Cannon's article which was published in a recent number of the Saturday Evening Post. Is there objection?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. METZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of trade agreements in Germany.

The SPEAKER. The gentleman from New York [Mr. METZ] asks unanimous consent to extend his remarks in the RECORD on the subject of trade agreements in Germany. Is there objection?

There was no objection.

Mr. THACHER. Mr. Speaker, I ask unanimous consent that certain resolutions relating to the tariff, adopted in New Bedford, Mass., be printed in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. THACHER] asks unanimous consent that certain resolutions passed by citizens of New Bedford, Mass., on the subject of the tariff, be printed in the RECORD. Is there objection?

Mr. MANN. If the gentleman will modify his request so as to ask unanimous consent to extend his remarks in the RECORD, which is, of course, another way of doing the same thing, I will not object.

Mr. THACHER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. THACHER. Mr. Speaker, under the leave granted, I present the following resolution, which I wish to place in the RECORD, and which I indorse in part:

At a conference of representatives of all the mill corporations of New Bedford held May 2, 1913, the following resolutions were unanimously adopted:

Resolved, That we protest against the reductions in rates on cotton cloth, cotton yarns, and cotton manufactures contained in H. R. 3321, now pending in Congress, as too radical and too drastic, and which, if finally adopted, will seriously affect the whole cotton-manufacturing industry.

The cotton manufacturers of New Bedford, realizing the great importance of this proposed revision to its continued prosperity, respectfully urge upon Congress the necessity of so amending these rates as to enable our industries to meet the competition of foreign countries in the manufacture of fine cotton goods.

The business is a highly competitive one and for this reason, if for no other, every effort has been made by our manufacturers to practice and encourage efficiency in every department of effort.

The mills are modern, equipped with the best machinery, skillfully managed, and manned with competent operatives. No readjustment of tariff rates is needed to stimulate efficiency in our manufacture, nor will increased efficiency take the place of the proper and more favorable consideration of tariff rates which are needed to continue the prosperity of this industry in all its branches.

This whole community is deeply interested in this subject, and therefore not alone in our own interests, but in the interest of every phase of our community life we respectfully petition for an opportunity to present to Congress and its committees the protest and views of the New Bedford manufacturers.

On behalf of the committee:

FREDERIC H. TABER, *Clerk*.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

HENRY N. LEWIS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 49.

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Henry N. Lewis, nephew and sole heir of Elijah Lewis, late a messenger on the old soldiers' roll of the House, a sum not to exceed $250, for the funeral expenses of the said Elijah Lewis.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

LEAVE TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that at the end of the business of this morning I may be permitted to address the House for 15 minutes.

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman upon what subject?

Mr. MONDELL. On the state of the Union. [Laughter.]

Mr. HARDWICK. I shall object unless the gentleman makes it a little more definite.

Mr. MONDELL. I desire to call attention to some remarks that have been made relative to the state of the industries of the country, but particularly to refer to some remarks made at a banquet last night in this city.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

OREGON LAND-GRANT DECISION.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to include the printing of an editorial concerning the Oregon land-grant decision.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the article referred to:

[From the Oregonian, Portland, Oreg., Thursday, May 1, 1913.]

LAND GRANT FORFEITED.

Judge Wolverton's decision forfeiting the Southern Pacific land grant was almost a foregone conclusion, but it can not become effective until it has been finally confirmed by the United States Supreme Court. In the meantime no disposition of the land can be made. The Southern Pacific's title is now so clouded that it could find no buyers, even though it complied strictly with the terms of the grant. The Government can do nothing until the grant is finally annulled and until Congress has provided by legislation for the disposal of the land. The decision is assurance that in not less than two years the way will have been cleared for raising the embargo on the development of southern Oregon, but how this will be done remains to be decided.

It is necessary to lay stress on these facts, because many persons have been deluded into the belief that by settling on tracts in the land grant or by making a tender of the legal price to the railroad they have established a prior claim to purchase whenever the forfeiture is confirmed. They have established nothing, but have simply thrown away their money. Forfeiture of the grant will rescind all its conditions and will restore the land to the public domain, but not render it open to settlement under any of the general land laws. The courts can only declare that the Government, not the railroad, is the owner. They can not declare on what terms it may be purchased from the Government; Congress alone can do that. Men who pay $200 to $250 apiece to lawyers and land locaters are buying a mere shoestring. Let them take warning and keep their money.

The decision is important as a judicial determination that the greatest corporations, like the poorest individual, must keep faith with the Government. When they acquire land from the Government, they must comply with the terms of the grant or give back the land. The homesteader can not get a patent without improving his claim and standing the fire of a special agent's inquiry and a land-office hearing. The railroad stands on the same footing. It has the money to fight a lawsuit through to the highest court, but the Government is equally ready and able to fight, and will do so. The decision means that there is to be an end of deals between the people and corporations wherein the people live up to their side of the bargain and the corporations ignore theirs.

It has been freely predicted that the forfeited land, being mostly timbered, will be added to the national forests and that there will be little, if any, left available for agriculture. This is by no means certain. Congress, during the Roosevelt administration, passed a law forbidding any further additions to the national forests without specific enactment. Congress has shown increasing reluctance to pass such laws. Much of the timbered grant land, being in the valleys and near the railroads, will be admirably adapted for farming when cleared. Such land may be turned over to the Forestry Bureau with orders to sell the timber without delay. It may then be thrown open to homesteading. The West will not consent to the legislative sanction of the Land Office's new classification of some land as "timbered homesteads" and to such land being withheld from settlement on that pretext. It would probably agree to the harvesting of the timber by the Government before agricultural settlers are admitted. That course would accord with the policy of conservation which carries with it the development of the country.

MILITIA ORGANIZATION AND DISTRIBUTION.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution from the chamber of commerce in the city of Spokane, Wash., relative to the militia, its organization, and distribution.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the matter referred to:

Whereas it is the belief of the Spokane Chamber of Commerce and of the people of Spokane that these things are true:

That the approaching completion of the Panama Canal emphasizes the importance of the obligation assumed by the United States in the Monroe doctrine, wherein it is stated "that any attempt on the part of a foreign power to extend their system to any portion of this hemisphere is dangerous to our peace and safety."

That the shifting of the world's activities to the Western Hemisphere and especially to the Pacific coast makes it a national duty to take every precaution to prevent warfare by a thorough organization of the forces of national defense and offense.

That in view of the overwhelming expense and disaster which has followed the early efforts of the American arms in all previous wars, the present force of 20 regiments of infantry on the mainland of the United States is so insufficient as to be a menace to all business conditions of the country.

That this insufficiency is now much more serious than it has been at the time of any previous war because of the new basis of greater science upon which all preparations for warfare are conducted. The wars of the past were struggles of closely massed men. The wars of the future will be widely extended, long-range operations in loose, open-order formation. In such contests there will be great dependence upon the responsibility of the individual officers and men. To attain success under such conditions necessitates high training, physical endurance, and skill. Small arms, machine guns, and field guns are being built for long range and rapid fire, with many complications and adjustments. Modern warfare will involve conditions never known in private life or in past wars. Arms, ammunition, and men for modern service require time to prepare and have ready, while wars are sudden and of terrific violence.

That the Army should not only be increased in numbers and equipment, but that the arrangement of the Army in the United States should be upon a carefully prepared plan to give a maximum of efficiency in time of war.

That in the preparation of such a plan particular attention should be given to the Pacific coast, not alone because of the opening of the Panama Canal, but because of the growing importance of the Orient.

That in the working out of such a plan Spokane is of great strategic importance. Spokane is protected by the chain of the Cascade Mountains with passes capable of fortification and defense.

That Spokane is a natural modern strategic center by reason of the seven transcontinental and many branch railroads entering at the city, supported by the railroad repair and construction shops. Spokane is a point where a large force can be concentrated and a large depot of supplies assembled ready to be quickly sent over any one of several railroads to any point on the coast or the frontier. Such a storage at any point on the coast would be impractical and unwise by reason of the ability of an enemy to land at any point on the north and south line of the coast and thus prevent the furnishing of aid or support from one coast point to another.

That in any development for higher efficiency Fort George Wright is invaluable to the Army. It is ideal for the work of the men because it has a healthy mountain climate. The Weather Bureau reports that in 30 years there has never been a death from excessive heat or cold. For maneuvers the soil is a gravelly loam favorable to all three arms—Infantry, Cavalry, and Field Artillery. The immediate locality of the post is favorable to varied field maneuvers of every kind.

That Fort George Wright is especially desirable for the work of the Army because of the interest at all times manifested by the people of Spokane, an interest dating from 20 years ago when the people of the city donated the magnificent site to the United States Government.

Therefore, in view of all these facts, the Spokane Chamber of Commerce does hereby adopt and spread upon its minutes the following resolutions:

Resolved, That the United States should have a larger Army.

Resolved, That for the greater efficiency of the Army on the North Pacific coast Fort George Wright should be enlarged into a brigade post and be made a depot for the storage of reserve military supplies.

Resolved further, That a copy of these resolutions be transmitted to the Secretary of War, the Chief of Staff, and the Senators and the Representatives in Congress from the State of Washington.

PRINTING ADDRESS OF COL. TOWNSEND, PRESIDENT MISSISSIPPI RIVER COMMISSION.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to have published as a House document an address delivered by Col. Townsend, president of the Mississippi River Commission and a member of the Army Corps of Engineers, recently delivered before the drainage convention in the city of St. Louis.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to have printed as a House document an address by Col. Townsend at the drainage convention. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Wyoming is recognized for 15 minutes.

THE TARIFF.

Mr. MONDELL. Mr. Speaker, on the last day of the debate in the House on the Underwood tariff bill, in discussing the point of order raised by him on the motion to recommit, offered by the gentleman from New York [Mr. PAYNE], the gentleman from Alabama [Mr. UNDERWOOD] digressed from his discussion of the point of order to issue what I assume he intended as a solemn warning, in the following language:

Mr. Speaker, we have established a Bureau of Foreign and Domestic Commerce that goes far beyond anything that these gentlemen desire to obtain in their tariff board, and it is well for the country to know it. It not only has the power to investigate the question of cost either here or abroad, the amount of imports and exports and American consumption, but when a great manufacturing institution is ready to threaten its laborers with a reduction of wages because they say there has been adverse action and legislation in Congress, or to reflect on the action of the Government of the United States, that bureau has the power to walk into their offices and ascertain whether there is real reason for their cutting the rates of wages of their labor or whether it is merely a selfish attempt to put money into their own pockets. [Applause on the Democratic side.]

The statement has been made that this tariff bill will act on labor and affect the wages of laboring men. I give you notice now that when the men from whom you bring that message endeavor to grind labor in the interest of Republican politics there is a bureau of this Government that is going to ascertain the reason why. [Applause on the Democratic side.]

Mr. Speaker, at the time the gentleman from Alabama uttered these words he had been under a severe strain for nearly two weeks piloting his bill through the House. He had been compelled to listen to some very severe criticism of the measure and to the perfectly sincere and very emphatic statements made by gentlemen on both sides of the aisle to the effect that the proposed legislation threatened the prosperity, and, in some cases, the very existence of great industries, and, consequently, the rate of wages and the employment of many people. The gentleman from Alabama is good-natured and a good deal of a philosopher, and yet these criticisms and warnings quite naturally somewhat disturbed his usual imperturbable equanimity. He therefore had perhaps some license for a little extravagance of statement. Under ordinary circumstances I think the gentleman would have hesitated to warn those engaged in enterprises threatened by his bill that they must continue to operate without any reduction of wages, without regard to the financial loss that such operation might entail. In the heat of debate the gentleman attempted to convey the impression that any suspension of business which might occur, or reduction of wages that might follow, would be purely for political purposes, and based on this false and unfair hypothesis he proceeds to utter a warning entirely unwarranted under the circumstances. Possibly the bluff of the gentleman from Alabama can be forgiven in view of the condition of its utterance.

The morning papers bring us, however, notice of a threat which, in view of its source and its apparent careful preparation, can not be so readily overlooked. We are informed that the honorable Secretary of the Department of Commerce, in the course of some remarks at the banquet of the National Association of Employing Lithographers, at the Willard last evening, following the expression of fears on the part of some of those present that the Underwood bill threatened employment and wages, proceeded to make some very pointed remarks along the lines of the statement made by the gentleman from Alabama, a portion of which are reported in the Washington Post, as follows:

PURPOSE OF THE DEPARTMENT.

"The Department of Commerce exists," said the Secretary, "for the purpose of promoting American industry and commerce at home and abroad. It intends to do its work as well as it can with the force and funds provided. As the head of that department, I feel that while its scope in aiding commerce is broad and has many phases, one of these phases which is important is that of turning light upon inefficiencies wherever they can be found.

"I have spoken frankly, gentlemen, on this particular line, because I have received a circular, issued under the auspices of your association, from which I take these words, referring to the reduction in the tariff on the goods in which you are interested as producers:

WARNING TO LITHOGRAPHERS.

"'This means workmen thrown out of jobs. It means that wages must go down in order to compete. It may mean longer hours than 48 hours a week.'

"You have been yourselves, you see, as frank as I, and your statement was made first. If, in the final result, the words I have quoted are put into effect by you in a substantial degree, it may become the duty of the Department of Commerce to inquire into your business methods."

Every right-minded citizen is heartily in sympathy with every proper effort of Government departments to bend their energies toward the establishment of favorable conditions among American industries and toward the maintenance of fair and equitable relations between the managers and the management of industries and those who as employees in such industries, through their skill and labor, render them successful. The Department of Commerce and the Department of Labor are particularly charged with responsibility in these matters, and will have the support of all the people in the performance of their duty along these lines; but I know of no statute which contemplates that a department of the Government shall attempt to coerce men into continuing an enterprise or attempting to continue it without modification of terms of employment when conditions brought about by legislation render the continuation of the industry under present or past conditions of operation and employment impossible without serious financial loss. Has the Secretary of the Department of Commerce any funds at his disposal whereby he can compensate employers for losses which would accrue from the continuation of enterprises on the present basis of wages should the effect of the Underwood bill be to make it impossible to thus continue the enterprise without serious financial loss?

Mr. Speaker, remarks somewhat similar to those I have quoted have been made by some very high in office and authority, and I think it is about time that some attention was paid to and reference made to them. In my opinion they are at this time less warranted than ever in the history of tariff legislation. At the beginning of my remarks on the Underwood bill I called attention to the peculiarly favorable conditions and circumstances under which our friends on the other side have undertaken the revision of the tariff. In my opinion there is nowhere in the country any considerable number of men who, whatever their fears may be relative to the effect of that legislation, are not anxious that they may be able under it to continue their enterprises without loss, and in this state of the public mind, in this condition, when even those who fear the most are themselves most anxious that you shall be successful, it is peculiarly ungracious, to use no stronger term, that men in high station, charged with great responsibility, should in cold blood—not in the heat of debate—in carefully prepared statements warn the employers of the country that unless they continue to run their industries, unless they continue to run them under the plan relative to wages and employment now in force, they shall have their business inquired into by a Government bureau which arrogates to itself the authority to inquire and to decide as to the motives which actuate a shutting down, a limiting of production, or an attempt to keep going by a reduc-

tion of wages. We are gravely informed by the head of a Government department that he proposes, if enterprises in any way modify their business after the passage of the Underwood bill, to make inquiry and ascertain whether their machinery is up to date, whether their methods of operation are entirely satisfactory from the viewpoint of the high and mighty Secretary of Commerce.

I must say that of all I have ever heard during tariff debates some things that have been said along these lines are the most extraordinary. Does the Secretary of the Department of Commerce believe that he can compensate the flockmasters of my State, for instance, for the losses they are sure to suffer under this bill? We hope, we pray, that those losses will be comparatively light, but that loss will come all must admit. If not, what rhyme or reason was there in your action? Wool was placed on the free list for the purpose of reducing the value of the product. If that was not the object, there was none. And can you reduce the value of that product without disturbing the industry? Is there a department of the Government somewhere to compensate for such loss? If there is, the flockmasters of my Commonwealth will be entitled to apply, for our losses are certain. Has the Department of Commerce some method of compensating the manufacturers of beet and cane sugar for the certain dismantlement of the great majority of their factories, admitted practically by all? Has the Secretary of Commerce a fund at his disposal to compensate the farmers who are to lose heavily if the reduced values of their products promised under this bill shall materialize; and is he prepared to guarantee that the wage of farm and ranch labor shall be maintained?

The Secretary serves notice that he proposes to inquire, should industries be suspended or crippled in output or opportunity of employment, as to their business methods, their efficiency, their up-to-dateness. Is that for the purpose of serving notice on them that they must run their business according to a method prescribed by the Secretary; and if not, what does he propose to do about it? Should his advice and recommendations be followed and business continued, is he prepared to guarantee reasonable returns, or any returns at all? Does he expect to compensate for losses incurred under such conditions? Have we come to that pass that a department of the Government shall rise and say that men whose lifelong savings are jeopardized, men anxious to carry on their industries, men desirous of paying good wages, shall be threatened because, forsooth, they, in perfect good nature and good faith and with intense sincerity, insist that their industries are jeopardized? You are fortunate, gentlemen, you are fortunate beyond all experience in the attitude of the American people toward your revision, and in heaven's name be gracious enough to acknowledge and be thankful for this frame of mind. It is not possible, and you all know it, that with the great range of our industries, multiplied thousands in kind and character, from one end of the Nation to the other, that some will not be seriously disturbed by this radical legislation.

Products of great volume and value, the fruits of the labors of a vast number of people, can not be taken from the dutiable list and placed on the free list without seriously, if not disastrously affecting, not only investment, but labor as well. Industries great and small can not have the rates of tariff schedules which affect them radically changed without serious disturbance, without probable destruction to some and serious injury to all. No thoughtful person denies the truth, to a certain extent at least, of this assertion, and as labor is the largest element in production, and wages paid to labor a large proportion of the cost of any product, there can be no denying the fact that this radical legislation of yours seriously threatens a loss of employment in certain lines of activity and rates of wages in many lines. Yet because men honestly express their fears in regard to these matters they are threatened with some undefined sort of coercion, a threat which would be ridiculous if it was not intended to carry a real menace from official sources to those who, from the standpoint of certain Government officials, may be so unpatriotic as to decline to carry on their business at a permanent loss.

As a matter of fact, the legislation is urged with the claim that there must be a lowering in the returns of certain industries for the general good, and a very serious one in certain lines. The American people are anxious, if they can, to adjust their affairs to your legislation. I do not think there is an employer anywhere who desires to reduce wages. In your effort to do what you believe is the right thing to do, and thus necessarily threatening or jeopardizing employment, you certainly should restrain yourselves from threatening men who, in their efforts to readjust to meet changed conditions, fear they will find it necessary to ask their employees to decide between less favorable labor conditions or the closing down of industries. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that he may address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, it is not my desire to reopen the case that has been sent to the Senate. The gentleman from Wyoming [Mr. MONDELL] is a typical representative of his party, able, strong, but a thorough exponent of the doctrine of protection for the great industries of this country. He has shown the dividing line this morning. For years gentlemen on that side of the House have stated that they levied the tariff taxes in this country in the interest of labor. To-day the glove is off the mailed hand, and the gentleman from Wyoming exposes the ground on which his party has always stood. [Applause on the Democratic side.] He stands here only in the interest of the great manufacturers of this country and cares nothing whatever for the labor that works in the factories. [Applause on the Democratic side.] Now, the situation is simply this: If you will examine the tariff hearings which were held last winter before the Ways and Means Committee you will find page after page and volume after volume filled with the statements of the manufacturers that if the Democratic House dared to reduce this protective tariff in the interest of the American people that they would take that reduction out of the labor in their mills and their factories, and you can not deny it. Man after man in these great industries came before us and stated that what reduction you make shall come out of the labor——

Mr. MONDELL. Will the gentleman yield—the gentleman wants to be fair.

Mr. UNDERWOOD. I do.

Mr. MONDELL. I think that the gentleman did not have anyone before his committee who made just such a statement as the gentleman has made.

Mr. UNDERWOOD. Yes; I have.

Mr. MONDELL. Many gentlemen said they could not continue to operate under changed conditions without a reduction of wages.

Mr. UNDERWOOD. That is exactly what I said, there is no difference; that they would take the reduction out of their labor and not out of their own profits.

Mr. MONDELL. Does the gentleman expect them to run permanently at a loss?

Mr. UNDERWOOD. Not if they are not making unreasonable profits, and many of them, and the gentleman knows it as well as I do, have made enormous profits, and now they would continue to keep those enormous profits at the expense of their labor, and more than that, gentlemen on that side of the House for more than two weeks in the debate in this House on the tariff bill contended that if we passed that bill it meant that the effects of the bill would be visited on the labor of this country. Now I want it distinctly understood that we are not threatening industry, nor are we threatening labor. You contended here that we needed a tariff board to ascertain facts in order that the rights of industry and the rights of labor might be well guarded. I told you you did not need a tariff board, that we had already organized a board in this Government that could ascertain the facts and would ascertain the facts, and now that the machinery of Government has started to ascertain the facts you throw up your hands and show the white feather and run to cover, because you are afraid to have a just and a fair investigation. [Applause on the Democratic side.] That is all. There is no desire on the part of the Government to interfere with any industry. We have got no right to stop them, but when we see conditions in this country existing that will be detrimental to labor we are entitled to know one of two things. First, whether or not they are telling the truth. [Applause on the Democratic side.] If they are not telling the truth and they intend to injuriously and unfairly punish their labor, taking an enactment of Congress as an excuse, then it is nothing but right that the facts should be given publicity and the people of the United States should know the facts. [Applause on the Democratic side.]

That is all there is to that side of it. On the other hand, if a law on the statute books has in any particular instance been so drastic that it may affect the great industrial interests in this country and affect the wages of their labor, whether you want to know it or not, this side of the House wants to know it, because we propose to do abstract justice, and if we

have made a mistake we will not be afraid to recognize it. [Applause on the Democratic side.]

We do not intend to hide behind closed doors, but we are prepared to throw the limelight of public opinion not only on the acts of the manufacturer, but the acts of this House. If we have made a mistake we are men enough to acknowledge it and rectify it [applause on the Democratic side], and if we have not we will see that the other man does justice——

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MONDELL. Does not the gentleman think he will know without an investigation of the Department of Commerce if the industries of the country are seriously jeopardized or seriously injured, and do I have his promise that if there are any industries which are seriously injured by your bill the injustice shall be rectified by legislation in the near future?

Mr. UNDERWOOD. When the Department of Commerce report, after a careful, disinterested, and honest investigation, that an injustice has been done either to an industry of this country or to the labor employed in that industry, you may rest assured that this side of the House will rectify any wrong which has been done.

Mr. MONDELL. Does that include the wool industry and the sugar industry?

Mr. UNDERWOOD. Oh, there are some propositions that we recognize are not entitled to be classed as legitimate industries any more than you can grow lemons in Maine, or that we expect to continue an artificial or improperly conducted or improperly managed industry. But we are entitled to know the facts, and we are going to know them. It is no threat. These men came before the committee and made their statements about this labor matter. Many of them invited the committee to inspect their books. The committee did not have the machinery with which to do it. But the committee is investigating the pottery industry in this country, and, following that investigation, is going on with other industries.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I understand that the gentleman from New York [Mr. FITZGERALD] will have a bill before the House to-morrow. [Applause on the Democratic side.]

WITHDRAWAL OF PAPERS.

Mr. FRENCH asked and obtained unanimous consent to withdraw from the files of the House, without leaving copies, papers in the following cases, no adverse reports having been made thereon:

H. R. 13138. A bill for the relief of Pierson Bros. & Co.;
H. R. 27843. A bill for the relief of Oliver P. Pring;
H. R. 18463. A bill for the relief of T. S. Williams;
H. R. 17067. A bill correcting the military record of Reuben Sewell;
H. R. 17066. A bill correcting the military record of Jonas O. Johnson;
H. R. 26170. A bill correcting the military record of James C. Simmons, alias James C. Whitlock;
H. R. 26369. A bill granting a patent to Joseph Robicheau;
S. 4839. A bill for the relief of Mary J. Webster;
H. R. 22548. A bill granting a pension to Mary C. Warren;
H. R. 27846. A bill granting a pension to William H. Winters;
H. R. 27748. A bill granting a pension to Currency A. Gummere;
H. R. 24938. A bill granting a pension to John W. Clark;
H. R. 22926. A bill granting a pension to Edward Flannery;
H. R. 26368. A bill granting an increase of pension to Thomas W. Wheeler;
H. R. 24340. A bill granting an increase of pension to Frank E. St. Jaques;
H. R. 10043. A bill granting a pension to George W. Smith, alias George Smith;
H. R. 17954. A bill granting an increase of pension to Hans P. Nielson;
H. R. 21034. A bill to correct the military record of Aaron Kibler;
H. R. 21323. A bill granting a pension to William R. Trull;
H. R. 13519. A bill granting a pension to Floyd L. Campbell;
H. R. 13518. A bill granting an increase of pension to Albert Hagstrom;
H. R. 17320. A bill to provide relief for Anton Conyar;
H. R. 19148. A bill to provide relief for the widow and minor children of James Kerr; and
H. R. 13517. A bill granting an increase of pension to Charles E. Lewis.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the bills be not read. They all refer to military affairs and private land cases or are otherwise of private character.

Mr. UNDERWOOD. I understand that no adverse report has been made upon any of them.

Mr. FRENCH. No.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p. m.) the House adjourned until 12 m. to-morrow, Friday, May 16, 1913.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 3786) granting a pension to John Kinkade, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 5133) for the purchase of a site and the erection of a public building at Waupaca, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5134) for the purchase of a site and the erection of a public building at Shawano, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5135) for the purchase of a site and the erection of a public building at Marshfield, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5136) for the purchase of a site and the erection of a public building at Grand Rapids, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. EVANS: A bill (H. R. 5137) to promote instruction in forestry in States and Territories which contain national forests; to the Committee on Agriculture.

By Mr. AVIS: A bill (H. R. 5138) to amend and reenact section 113 of chapter 5 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HAMILL: A bill (H. R. 5139) to provide for the retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. FLOYD of Arkansas: A bill (H. R. 5140) to improve the postal service and to fix the salaries of postmasters of the fourth class; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Maine: A bill (H. R. 5141) to except the ports of Machias and Eastport, in the State of Maine, from the reorganization of customs-collection districts; to the Committee on Ways and Means.

By Mr. SLOAN: A bill (H. R. 5142) to permit homesteaders who have heretofore taken and acquired homestead of less than 160 acres within the limits of railway grants to take and acquire an additional tract sufficient to make the aggregate taking and acquirement not more than 160 acres; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 5143) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

Also, a bill (H. R. 5144) to establish a biological and fish-cultural station in the twenty-third congressional district of Illinois; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDWICK: A bill (H. R. 5145) to amend section 28 of the Judicial Code of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 5146) to increase the limit of cost of the public building at Augusta, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 5147) to amend the laws relating to shippers' manifests of merchandise for exportation; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5148) to amend section 4197 of the Revised Statutes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 5149) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended by the act approved August 23, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 5150) to establish a fish-cultural station at some suitable point on the Gulf coast of Florida; to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKEAD of New Jersey: A bill (H. R. 5151) to amend an act entitled "An act to create a uniform system of bankruptcy in the United States and Territories," approved July 1, 1898; to the Committee on the Judiciary.

By Mr. SHERWOOD: A bill (H. R. 5152) to provide the least number of men who must be assigned to each engine or locomotive engaged in handling cars used in interstate commerce and in switching cars in any railroad yard or on any railroad track in the States and Territories of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 5153) to authorize the construction of a bridge across San Francisco Bay, to connect the cities of Oakland and San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5154) authorizing the President to appoint Alexander Shiras Gassaway a second assistant engineer in the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 5155) to provide for a district judge in the northern and southern districts of the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Maryland: A bill (H. R. 5156) to establish a Federal rural credit system under the Department of Agriculture; to the Committee on Agriculture.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 5157) authorizing the Ottawa Tribe of Indians of Oklahoma to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Also, a bill (H. R. 5158) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 5159) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States; to the Committee on Indian Affairs.

Also, a bill (H. R. 5160) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 5161) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States; to the Committee on Indian Affairs.

By Mr. SMITH of New York: Resolution (H. Res. 105) making it the duty of standing and subcommittees of the House to prepare and preserve records of all meetings of such committees or subcommittees, and said records or minutes shall be open to public inspection; to the Committee on Rules.

By Mr. FRANCIS: Resolution (H. Res. 106) to appoint a committee of five Members of the House to investigate the American Woolen Co. and ascertain whether said company has violated or is violating the antitrust act of 1890, or any other law of the United States; to the Committee on Rules.

By Mr. STEPHENS of Texas (by request of the Universal Peace Union, Philadelphia): Joint resolution (H. J. Res. 83) requesting the President to communicate with Great Britain with a view to the appointment of a commission to investigate the possibility of rectifying the boundary of southeastern Alaska; to the Committee on Foreign Affairs.

By Mr. LEVER: Joint resolution (H. J. Res. 84) limiting the editions of the publications of the Bureau of Education; to the Committee on Education.

By Mr. ROGERS: A memorial of the Legislature of Massachusetts, relative to the tariff; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 5162) for the relief of the heirs of Catherine Norris, deceased; to the Committee on War Claims.

By Mr. AINEY: A bill (H. R. 5163) for the relief of Archibald Nurss; to the Committee on Military Affairs.

Also, a bill (H. R. 5164) for the relief of Edward Lane; to the Committee on Military Affairs.

Also, a bill (H. R. 5165) granting an increase of pension to Henry L. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5166) granting an increase of pension to Horace L. Butler; to the Committee on Invalid Pensions.

By Mr. AVIS: A bill (H. R. 5167) granting a pension to Edgar E. Cummings; to the Committee on Pensions.

Also, a bill (H. R. 5168) granting a pension to Mary A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5169) granting a pension to Margaret Jane Racer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5170) granting an increase of pension to George H. Imboden; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 5171) granting a pension to William G. Parks; to the Committee on Pensions.

Also, a bill (H. R. 5172) granting a pension to John W. McKissick; to the Committee on Pensions.

Also, a bill (H. R. 5173) to correct the military record of Orvis P. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 5174) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. BROWN of New York: A bill (H. R. 5175) granting a pension to Emma J. Crocker; to the Committee on Pensions.

Also, a bill (H. R. 5176) granting a pension to Eva Prime; to the Committee on Pensions.

Also, a bill (H. R. 5177) granting an increase of pension to Jacob Fister; to the Committee on Invalid Pensions.

By Mr. BROWNE of Wisconsin: A bill (H. R. 5178) for the relief of August Schultz; to the Committee on Indian Affairs.

By Mr. BRYAN: A bill (H. R. 5179) granting an increase of pension to Pedro B. de G. Fernandez; to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 5180) for the relief of Alexander H. Allan and others; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 5181) granting a pension to Sallie Clark; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 5182) to reimburse Minnie Dillon; to the Committee on Claims.

By Mr. EVANS: A bill (H. R. 5183) for the relief of Mary L. Boehnert; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 5184) granting a pension to Anna Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5185) granting an increase of pension to Augusta A. Lellyett; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 5186) for the relief of William Dorgan; to the Committee on War Claims.

Also, a bill (H. R. 5187) for the relief of Charles Snyder; to the Committee on Military Affairs.

Also, a bill (H. R. 5188) granting a pension to Jacob Heffler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5189) granting an increase of pension to J. C. Judy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5190) to remove the charge of desertion from the record of L. N. Mansfield; to the Committee on Military Affairs.

By Mr. GOODWIN of Maine: A bill (H. R. 5191) granting a pension to Frank N. Curtis; to the Committee on Pensions.

Also, a bill (H. R. 5192) granting a pension to Ellen H. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5193) granting a pension to George C. Goodhue; to the Committee on Pensions.

By Mr. GORMAN: A bill (H. R. 5194) granting a pension to Joseph Morgan; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 5195) for the relief of the Atlantic Canning Co.; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 5196) granting an increase of pension to Julius Vogt, sr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5197) to carry out the findings of the Court of Claims in the case of the city of Glasgow, Mo.; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 5198) for the relief of Albert Edgerton Buckman and others; to the Committee on Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 5199) granting an increase of pension to Electa B. Merrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5200) granting an increase of pension to Mary Sullivan; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 5201) for the relief of William J. Beard; to the Committee on Naval Affairs.

Also, a bill (H. R. 5202) for the relief of Edward Johnston; to the Committee on Military Affairs.

Also, a bill (H. R. 5203) for the relief of Catherine Kenealy; to the Committee on Military Affairs.

Also, a bill (H. R. 5204) for the relief of Thomas Reilly; to the Committee on Military Affairs.

Also, a bill (H. R. 5205) granting a pension to John Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 5206) granting an increase of pension to George Van Orden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5207) granting an increase of pension to George Cort; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5208) granting an increase of pension to Joseph Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5209) to remove the charge of desertion now existing on the records of the War Department against John H. Melber; to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 5210) granting a pension to Peter Dell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5211) granting an increase of pension to Franklin I. Kridelbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5212) granting an increase of pension to Clara E. McRoberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5213) granting a pension to Mary A. Moorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5214) granting an increase of pension to Sarah Smail; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5215) granting an increase of pension to Charles Blitz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5216) granting a pension to William H. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5217) granting a pension to Caroline E. Mason; to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 5218) granting a pension to Michael Kelly; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 5219) granting an increase of pension to Catherine Morris; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 5220) for the relief of Caleb Aber; to the Committee on Military Affairs.

Also, a bill (H. R. 5221) for the relief of Elizabeth Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 5222) for the relief of Gertrude A. Dotterer; to the Committee on Military Affairs.

Also, a bill (H. R. 5223) for the relief of Amos Teel; to the Committee on Military Affairs.

Also, a bill (H. R. 5224) for the relief of William Shoenberger; to the Committee on Military Affairs.

Also, a bill (H. R. 5225) for the relief of Theodore W. Kreamer; to the Committee on Military Affairs.

Also, a bill (H. R. 5226) for the relief of Curtis V. Milliman; to the Committee on Military Affairs.

Also, a bill (H. R. 5227) for the relief of Warren Van Vliet; to the Committee on Military Affairs.

Also, a bill (H. R. 5228) for the relief of John S. Dorshimer; to the Committee on Military Affairs.

Also, a bill (H. R. 5229) for the relief of Isaac Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 5230) for the relief of William H. Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 5231) for the relief of James Heiney; to the Committee on Military Affairs.

Also, a bill (H. R. 5232) for the relief of Alice O'Connor; to the Committee on Military Affairs.

Also, a bill (H. R. 5233) for the relief of Philip D. Connelly; to the Committee on Military Affairs.

Also, a bill (H. R. 5234) for the relief of Jefferson Fox; to the Committee on Military Affairs.

Also, a bill (H. R. 5235) granting a pension to Rose Blackburn; to the Committee on Pensions.

Also, a bill (H. R. 5236) granting a pension to Louisa Drey; to the Committee on Pensions.

Also, a bill (H. R. 5237) granting a pension to Howard S. Gardner; to the Committee on Pensions.

Also, a bill (H. R. 5238) granting a pension to Edward J. Hart; to the Committee on Pensions.

Also, a bill (H. R. 5239) granting a pension to Catharine Butz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5240) granting a pension to Phoebe A. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5241) granting a pension to John B. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5242) granting a pension to Jeremiah Brong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5243) granting a pension to Ezra R. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5244) granting a pension to John H. McCarty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5245) granting a pension to Sarah Werkheiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5246) granting a pension to Catherine Jaich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5247) granting an increase of pension to William J. Ramsey; to the Committee on Pensions.

Also, a bill (H. R. 5248) granting an increase of pension to Elmer E. Frederick; to the Committee on Pensions.

Also, a bill (H. R. 5249) granting an increase of pension to James Riley; to the Committee on Pensions.

Also, a bill (H. R. 5250) granting an increase of pension to Isaiah Frutchey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5251) granting an increase of pension to William S. Brouch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5252) granting an increase of pension to Peter Mager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5253) granting an increase of pension to John Lattimore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5254) granting an increase of pension to Thompson Decker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5255) granting an increase of pension to Harrison Brecht; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5256) granting an increase of pension to Jacob Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5257) granting an increase of pension to Henry Wildrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5258) granting an increase of pension to Herman Alsover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5259) granting an increase of pension to George Starner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5260) granting an increase of pension to William Peltz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5261) granting an increase of pension to Urilla Helms Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5262) granting an increase of pension to Theodore Correll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5263) granting an increase of pension to William W. Padgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5264) granting an increase of pension to James Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5265) granting an increase of pension to Jacob Staples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5266) granting an increase of pension to Aaron Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5267) granting an increase of pension to William H. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5268) granting an increase of pension to George Setzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5269) granting an increase of pension to Benjamin F. Gerhard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5270) granting an increase of pension to George L. Bradford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5271) granting an increase of pension to Jacob E. Dreibelbies; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5272) granting an increase of pension to James A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5273) granting an increase of pension to Jacob Itterly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5274) granting an increase of pension to Charles Henning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5275) granting an increase of pension to William D. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5276) granting an increase of pension to Anna M. Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5277) granting an increase of pension to Aaron Culberson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5278) granting an increase of pension to Jacob Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5279) granting an increase of pension to Alice King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5280) granting an increase of pension to Catharine Kistler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5281) granting an increase of pension to George H. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5282) granting an increase of pension to Frank B. Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5283) granting an increase of pension to Robert McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5284) granting an increase of pension to William Custard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5285) granting an increase of pension to William Riehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5286) granting an increase of pension to Margaret Bunnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5287) granting an increase of pension to William Geary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5288) granting an increase of pension to Theodore Strunk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5289) granting an increase of pension to William D. Everitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5290) granting an increase of pension to George W. Heim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5291) granting an increase of pension to George H. Ruth; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 5292) granting a pension to Israel Henno; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 5293) granting an increase of pension to Walter McDaniel; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 5294) granting a pension to Mrs. Ernest R. Schultz; to the Committee on Pensions.

Also, a bill (H. R. 5295) granting an increase of pension to Eliza T. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5296) granting an increase of pension to Jonathan L. Shamp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5297) to correct the military record of John Carney; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 5298) granting a pension to Martin W. Sewall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5299) granting an increase of pension to William Oliver; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 5300) for the relief of Solomon Boyer; to the Committee on War Claims.

By Mr. TUTTLE: A bill (H. R. 5301) for the relief of Samuel Baker; to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 5302) granting an increase of pension to Benjamin F. Protzman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens of Missouri, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also (by request), petition of sundry New Bedford manufacturers, against reduction of duty on cotton cloth, etc.; to the Committee on Ways and Means.

Also (by request), petitions of the National Citizens' League, favoring the early passage of banking and currency reform laws; to the Committee on Banking and Currency.

By Mr. ASHBROOK: Petitions of sundry merchants of Ohio, favoring a change in the interstate-commerce laws; to the Committee on the Judiciary.

Also, petitions of James H. Talmage and other citizens of Ohio, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the Socialist Party of St. Louis, Mo., favoring an investigation of conditions in the coal regions of West Virginia; to the Committee on Labor.

By Mr. BELL of California: Petitions of the National Citizens' League of Los Angeles and other leagues of California, favoring immediate legislation in banking and currency reform; to the Committee on Banking and Currency.

Also, petitions of Clarence Dougherty and 23 other citizens of California, against reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Petition of William McMahon and 20 other citizens of Portage, Wis., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. DALE: Petition of members of the Medical Society of the State of New York, favoring removing the duty on surgical instruments, etc.; to the Committee on Ways and Means.

Also, petition of sundry mill corporations of New Bedford, against reduction of the duty on cotton cloths, etc.; to the Committee on Ways and Means.

Also, petitions of the Reliance Ball-Bearing Door Hanger Co. and Earl & Wilson, of New York City, and the Commercial Travelers' Mutual Accident Association of America, of Utica, N. Y., favoring passage of House bill 4322; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of the Socialist Party and sundry citizens of St. Louis, Mo., favoring an investigation of the conditions in the coal fields in West Virginia; to the Committee on Labor.

Also, petitions of the Meyer Bros. Drug Co., Joseph L. Rossmann & Co., and the Proctor-Connell Fish Co., of St. Louis, Mo., against levying a fee upon lodging of protests against assessment of duties by collectors of customs; to the Committee on Ways and Means.

Also, petition of Ransom Post, No. 131, of St. Louis, Mo., favoring the passage of House bill 2464, regarding the erection of a monument in St. Louis to the memory of Gen. Sherman; to the Committee on the Library.

Also, petition of Dr. Joseph B. Chiles and Jules P. Sarmquit, of St. Louis, Mo., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of Dr. I. W. Metz, of Springfield, Ill., protesting against the funds of mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. GRIFFIN: Petitions of sundry citizens of New York, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. HINEBAUGH: Petition of the Northern Illinois State Normal School, De Kalb, Ill., favoring the clause prohibiting the importation of plumage and skins of wild birds; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of the Pingree National Bank, of Ogden, Utah, favoring amendments to the banking and currency laws; to the Committee on Banking and Currency.

Also, petitions of sundry citizens of Utah, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of the Board of Trade of Newark, N. J., against the provision in the sundry civil bill which prefers a privilege to any one class; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of Bayonne, N. J., favoring amending the income-tax bill; to the Committee on Ways and Means.

Also, petition of E. G. Ruehle & Co., of New York, against the assessment of any fee in relation to the filing of protests against assessment of duties by the collectors of customs; to the Committee on Ways and Means.

By Mr. LEVY: Petition of the Stationers' Board of Trade of New York City, against manufacturers fixing the resale price of patented articles; to the Committee on Patents.

Also, petition of sundry New Bedford manufacturers, against reduction of the duty on cotton cloth, etc.; to the Committee on Ways and Means.

Also, petitions of the Reliance Ball-Bearing Door Hanger Co. and others, of New York City; the Commercial Travelers' Mutual Accident Association of America, of Utica; and the Buffalo Envelope Co., of Buffalo, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN: Petitions of sundry citizens of the State of West Virginia, favoring an investigation of the conditions in the coal regions of West Virginia; to the Committee on Labor.

By Mr. RAKER: Petition of the Rocky Mountain Ore Producers, against reduction of the duty on lead ores; to the Committee on Ways and Means.

Also, petition of the Albers Bros. Milling Co., against oatmeal and rolled oats on the free list; to the Committee on Ways and Means.

Also, petition of Nelson Sage, of Rochester, N. Y., against reduction of the duty on vegetable ivory; to the Committee on Ways and Means.

Also, petition of the Muscatine Commercial Club, of Muscatine, Iowa, against reduction of the duty on pearl buttons; to the Committee on Ways and Means.

Also, petition of the Frostmann & Huffmann Co., of Passaic, N. J., against reduction of the duty on fine yarns and fabrics; to the Committee on Ways and Means.

Also, petition of the Merchants and Manufacturers' Board of Trade, of New York City, against any increase in the value of articles purchased abroad; to the Committee on Ways and Means.

Also, petition of the Salts Textile Manufacturing Co., of Bridgeport, Conn., relative to giving out the date on which the new tariff bill will go into effect; to the Committee on Ways and Means.

Also, petition of the International Brick, Tile, and Terra Cotta Workers' Alliance, of Chicago, Ill., against reduction of the duty on floor and wall tile; to the Committee on Ways and Means.

Also, petition of the California Walnut Growers' Association, of Los Angeles, Cal., favoring retention of the present duty on walnuts; to the Committee on Ways and Means.

Also, petition of the California Almond Growers' Exchange, of Sacramento, Cal., against reduction of the duty on almonds; to the Committee on Ways and Means.

Also, petition of the Eureka Hill Mining Co., of Salt Lake City, Utah, against reduction of the duty on lead ores; to the Committee on Ways and Means.

Also, petition of the Passaic Board of Trade, Passaic, N. J., against reduction of the duty on woolen and other manufactured goods; to the Committee on Ways and Means.

Also, petition of Swayne, Hoyt & Co., of San Francisco, Cal., regarding the duty of five-eighths cent per pound on rice; to the Committee on Ways and Means.

Also, petition of the Stauffer Chemical Co., of San Francisco, Cal., against reduction of the duty on tartaric acid; to the Committee on Ways and Means.

Also, petition of the Red Cedar Shingle Manufacturers' Association of Seattle, Wash., against placing shingles on the free list; to the Committee on Ways and Means.

Also, petition of the American Spice Trade Association of New York City, against the same duty on ground spice as on whole spice; to the Committee on Ways and Means.

Also, petition of the Jewelers' Board of Trade of the Pacific Coast, of San Francisco, Cal., against reduction of the duty on diamonds, etc.; to the Committee on Ways and Means.

Also, petition of the National Association of Window Glass Manufacturers' Association of Pittsburgh, Pa., against reduction of the duty on window glass; to the Committee on Ways and Means.

Also, petition of the American manufacturers of steel shears and scissors, against reduction of the duty on steel shears and scissors; to the Committee on Ways and Means.

Also, petition of the Sweater and Fancy Knit Goods Manufacturers' Association of New York, relative to the tariff on knit goods; to the Committee on Ways and Means.

Also, petition of the Hanlon & Goodman Co., of New York, N. Y., against reduction of the duty on brushes; to the Committee on Ways and Means.

Also, petitions of Maillard & Schmiedell, of San Francisco, Cal., relative to the Interstate Commerce Commission ruling relative to imported vegetables greened with copper salts; to the Committee on Agriculture.

Also, petition of the Alber Bros. Milling Co., against placing oatmeal and rolled oats on the free list; to the Committee on Ways and Means.

Also, petition of the National Cloak, Suit, and Skirt Manufacturers' Association, of Cleveland, Ohio, favoring a higher duty on finished clothing; to the Committee on Ways and Means.

Also, petition of J. D. Hammonds, La Mesa, Cal., against reduction of the duty on citrus fruits; to the Committee on Ways and Means.

Also, petition of the Committee of Wholesale Grocers, against reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petition of the Lancaster Leaf Tobacco Board of Trade, of Lancaster, Pa., against free tobacco from the Philippines; to the Committee on Ways and Means.

Also, petition of the Crown Columbia Paper Co., of San Francisco, Cal., relative to the exportation of pulp wood; to the Committee on Ways and Means.

Also, petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., protesting against the proposed reduction of the tariff on such a great number of the California products; to the Committee on Ways and Means.

Also, petition of the Van Duzer Extract Co., New York, N. Y., protesting against the placing of vanilla beans on the dutiable list; to the Committee on Ways and Means.

Also, petition of the Ennis Brown Co., Sacramento, Cal., protesting against any reduction of the tariff on beans; to the Committee on Ways and Means.

Also, petition of the American Olive Co., Los Angeles, Cal., relative to the tariff on olives; to the Committee on Ways and Means.

Also, petition of sundry employers and employees of the gold-leaf industry in the United States, protesting against the proposed reduction of the tariff on gold leaf; to the Committee on Ways and Means.

Also, petition of the Retail Butchers' Association of San Francisco, Cal., favoring the placing of live stock on the free list; to the Committee on Ways and Means.

Also, petition of A. B. C. Dohrmann, relative to the proposed change in the tariff on earthenware; to the Committee on Ways and Means.

Also, petition of sundry citizens, business concerns, and corporations of California, protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of the Salts Textile Manufacturing Co., of New York, N. Y.; the Greswold Worsted Co., Darby, Pa.; and 2 other companies, favoring a differential duty of about 40 per cent between raw hair and the finished products; to the Committee on Ways and Means.

Also, petition of the Pennsylvania Millers' State Association, Lancaster, Pa., and the Washington bureau of the Buffalo News, favoring tariff being placed on the products of grain equal to that on the grain; to the Committee on Ways and Means.

Also, petition of the Citrus Protective League, Los Angeles, Cal., and the Fruit Trade Journal and Produce Record, New York, N. Y., protesting against the proposed reduction of the tariff on citrus fruits; to the Committee on Ways and Means.

Also, petition of the Ludlow Manufacturing Associates, Boston, Mass.; J. S. Dunningan; and other citizens and business concerns of San Francisco, Cal., favoring a differential duty on burlap and jute bags; to the Committee on Ways and Means.

Also, petition of Field & Cramer, San Francisco, Cal., and the New York Life Insurance Co., New York, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Hugo Reisinger, New York, N. Y., favoring the reduction of the tariff on electric-light carbons; to the Committee on Ways and Means.

Also, petition of Isaac Prouty & Co., Spencer, Mass., protesting against the proposed reduction of the tariff on boots and shoes; to the Committee on Ways and Means.

By Mr. SCULLY: Petitions of sundry citizens of New Jersey, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of the O. Newman Co., Haas Baruch & Co., and 5 other business concerns of Los Angeles, Cal., protesting against assessment of duties by the collector of customs; to the Committee on Ways and Means.

Also, petition of J. Herber & Hall Co., Pasadena, Cal., and L. Nordlinger & Sons, Los Angeles, Cal., protesting against the proposed increase of the duty on diamonds; to the Committee on Ways and Means.

Also, petition of the Los Angeles Rubber Stamp Co., the Cudahy Packing Co., Stewart & Tinklepaugh, and other business concerns, corporations, and citizens of Los Angeles and other cities and towns of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Federated Improvement Association of the city of Los Angeles, Cal., favoring the passage of legislation for relief from restriction of American water shipping; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. C. Calkins and Flora H. Calkins, Monrovia, Cal., favoring the passage of legislation prohibiting the importation of plumes and feathers of wild birds for commercial use; to the Committee on Ways and Means.

Also, petition of the Globe Grain & Milling Co., Los Angeles, Cal., favoring the passage of legislation equalizing the duty on wheat and flour; to the Committee on Ways and Means.

Also, petitions of J. W. Morgan, of Garden Grove, and C. R. Keller, of Oxnard, Cal., against reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of sundry citizens of Rock Island and Moline, Ill., favoring the clause prohibiting importation of plumage and skins of wild birds; to the Committee on Ways and Means.

By Mr. TUTTLE: Petition of the New Jersey Association Opposed to Woman Suffrage, protesting against any amendment to the Constitution of the United States granting suffrage to women; to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 16, 1913.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE TARIFF.

The VICE PRESIDENT. Under the unanimous-consent agreement the Senate resumes the consideration of the motion of the Senator from North Carolina [Mr. SIMMONS] to refer to the Committee on Finance the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, received from the House of Representatives for concurrence on the 9th instant.

Mr. MARTINE of New Jersey. I suggest the absence of a quorum.

Mr. SIMMONS. I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	O'Gorman	Smoot
Bankhead	Johnson, Me.	Overman	Stephenson
Bradley	Johnston, Ala.	Page	Sterling
Brady	Kenyon	Penrose	Stone
Bristow	Kern	Perkins	Sutherland
Bryan	La Follette	Pomerene	Thomas
Burton	Lane	Ransdell	Thompson
Chilton	Lea	Robinson	Thornton
Clapp	Lippitt	Saulsbury	Tillman
Clark, Wyo.	Lodge	Sheppard	Townsend
Crawford	McLean	Sherman	Vardaman
Dillingham	Martin, Va.	Shively	Weeks
Gallinger	Martine, N. J.	Simmons	Williams
Hitchcock	Myers	Smith, Ariz.	Works
Hollis	Newlands	Smith, Ga.	
Hughes	Norris	Smith, S. C.	

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent from the city for a few days on important business.

Mr. SMITH of Georgia. I desire to state that the senior Senator from Georgia [Mr. BACON] will be necessarily detained from the Senate by official business until after 12 o'clock.

Mr. SHEPPARD. I wish to state that my colleague, the senior Senator from Texas [Mr. CULBERSON], is necessarily absent, and that he is paired with the Senator from Delaware [Mr. DU PONT].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. JAMES. Mr. President——

Mr. MYERS. I will ask the Senator from Kentucky if he will yield to me to present a matter for the RECORD before he begins.

Mr. JAMES. I yield to the Senator from Montana.

Mr. PENROSE. I did not hear the request of the Senator.

Mr. LA FOLLETTE. He wishes to put some matter in the RECORD.

Mr. SMOOT. Does it relate to this bill?

Mr. MYERS. Yes, sir.

Mr. President, during the discussion of the last few days upon the pending motion a number of documents and communications have been read, notably a lengthy communication to a Senator from a gentleman, styling himself a Democrat, in Michigan, in which he tells about all the dire things that will happen to him and the Democratic Party and the country in general if the special privileges enjoyed by him and his associates at the hands of the Government and at the expense of the people be withdrawn by enactment of the House tariff bill. It has been well styled by the Senator from North Carolina [Mr. SIMMONS] a brief for the sugar manufacturers.

This week I have received a telegraphic communication, in the nature of a petition, from parties in Montana, which may be styled a brief for protected interests. It is very brief and very pointed. It is admirable as a model of brevity, conciseness, and frankness. It is much in little. In three lines it expresses all that is expressed in the doleful appeal of the Michigan gentleman. I, too, received a copy of the direful Michigan appeal, and I can make reply to both in one reply. I read the telegram referred to received by me:

MOORE, MONT., *May 12, 1913.*

Senator MYERS, *Washington, D. C.:*

Standing pat for a proper protection of the wool and sugar industries will be appreciated by your constituents in this vicinity.

MOORE COMMERCIAL CLUB.

That is admirable for concise advice. Stand pat for protection for wool and sugar! Some of my constituents seem to be under a misapprehension as to my politics. The reply that I made to that telegram will serve to answer all like communications that I have received or may receive from Montana or elsewhere. In answer I wrote as follows:

WASHINGTON, D. C., *May 13, 1913.*

MOORE COMMERCIAL CLUB, *Moore, Mont.*

GENTLEMEN: I am in receipt of your telegram of the 12th, reading: "Standing pat for a proper protection of the wool and sugar industries will be appreciated by your constituents in this vicinity."

I assure you that I am standing pat, but I am standing pat for the people—the great masses of struggling people who enjoy no special privileges at the hands of the Government that they toil to help support. I must respectfully decline to stand pat for protection of the wool or sugar industry or any other special interest enjoying special privileges for the benefit of the few at the expense of the many.

I do not consider that I was elected to the Senate to stand pat for the wool and sugar industries of Montana, but to represent all of the people of the whole State of Montana and to legislate for the greatest good to the greatest number. If your views differ from these, I regret it, but can not help it. I can not surrender my convictions.

Mr. President, I did not know that when I was elected to this honorable body I was a standpatter. I did not know that I was ever considered a standpatter. However, as long as the appellation has been tendered me, I will accept it, and I now announce that I will stand pat for the interests of the whole people and all of the people, for the masses, the millions who are struggling under a load of taxation for the benefit of a favored few. I will stand pat for protection of the masses. The time has come when the people need protection from special interests. I now announce that I am for free wool and free sugar. Tariff reform, like charity, should begin at home. Let us first strip our own protected interests of special privilege. Then we are in a position to demand that others be required to do likewise. I am against special privilege in my own section as well as other sections of the country.

As to the pending motion for hearings on the tariff bill, I do not favor allowing unlimited and indefinite hearings before the Senate Finance Committee to keep us here all summer and allow the representatives of protected interests to work the country into a fevered state of alarm and a furore of anxiety over dire predictions of calamity to ensue upon the withdrawal of their special privileges. They can easily prove on paper that the country and everybody in it will be ruined if their special favors be withdrawn or diminished. I am against the amendment of the Senator from Pennsylvania [Mr. PENROSE].

Mr. NEWLANDS. I ask the Senator from Kentucky to yield to me for one moment.

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Nevada?

Mr. JAMES. I do.

Mr. NEWLANDS. I ask unanimous consent that after the Senator from Kentucky closes his speech, which I understand will take only about 40 minutes, the time of Senators be limited until 3 o'clock to half an hour.

Mr. SMOOT. Mr. President, I object to that request. It is too late to make the request at this time.

Mr. PENROSE. We can not modify the unanimous-consent agreement.

The VICE PRESIDENT. It has been unanimously agreed that debate shall be limited after 3 o'clock.

Mr. SIMMONS. We have not in this debate limited the speech of any Senators, and I must object.

The VICE PRESIDENT. The Senator from Kentucky will proceed.

Mr. JAMES. Mr. President, when the Senator from Louisiana [Mr. RANSDELL] was addressing the Senate the other day I inquired of him if it was not true that the Ways and Means Committee had given all the time desired to the sugar industry to present their case. He answered with perfect scorn, and said that they were offered only 45 minutes; that that was all the time they could get; that they had not had an opportunity to present their case to the committee; that they were cut off without the slightest chance by the committee.

I wish to read from the hearings of the Ways and Means Committee, of which I was a member at that time, what occurred. The chairman, Mr. UNDERWOOD, said:

If that be agreeable to the witnesses, all right; but I do not want to make the witnesses do what they do not want to do, and unless it is agreed we will call the calendar. If it is agreed upon, we will follow that agreement to a total limit of five hours, if necessary, instead of following the calendar.

Mr. BROUSSARD. I think an hour and a quarter will be satisfactory to the cane people. Of course I am not speaking for the beet-sugar people.

That was the statement of the gentleman from Louisiana [Mr. BROUSSARD]. They were given an hour and a half, and a total time of 5 hours, every particle of time they said was necessary to present their case.

Now, the distinguished Senator from Louisiana comes upon the floor of this Chamber and charges that the Ways and Means Committee denied them an opportunity to present their case. I said to him that the sugar question had been investigated only recently by the Hardwick special investigating committee; that they had taken testimony embracing many volumes, covering more than 4,000 pages; that every phase of that question had been gone into; that a thorough and complete investigation had been made.

I find that in addition to that, as suggested by the Senator from North Carolina [Mr. SIMMONS], the Finance Committee of the Senate last year gave hearings upon the sugar question which consumed considerable time, several weeks, and covered many hundreds of pages.

Mr. SIMMONS. Nine hundred.

Mr. JAMES. Nine hundred pages. Now, we are told by the Senator from Louisiana that Louisiana's industry is to be murdered in the Senate without a hearing being given to it.

Why, Mr. President, I have no hesitancy in saying that there is no Senator upon this floor who in three months' time could read and digest the testimony that has been taken upon the sugar question. What the American people want is action by Congress, not delay. I have talked with more than 200 men who have come to me because I am a member of the Subcommittee on Finance, we having before our committee many of

these schedules, each one of them making suggestions and presenting to me his brief, some wanting rates to remain as written, some wanting rates raised, others the rates lowered; but practically all of them said they wanted action and not delay, they wanted the bill passed—immediate action—they all agreed upon that; they knew the American people had in two Nation-wide contests spoken, and that their voice should be at once obeyed, and the American people will not approve the action of any Senator upon this floor, whether it be the Senator from Louisiana [Mr. RANSDELL] or a Senator of one of the minority parties upon the other side, who seeks to hold the great business interests of this Republic up in the air while they talk and talk investigate and investigate a question that has been most thoroughly and completely investigated; and the hearings, testimony, and briefs upon the tariff in all its schedules now reach more than 20,000 pages.

The Senator took me to task because I read the Democratic national platform and said that that platform declared for free sugar. I am here to defend that declaration; I am here to prove that statement. The Senator says in a letter that he presents from my good friend BROUSSARD, covering the fatal number of 13 pages, that the platform adopted at Baltimore did not mean free sugar, and he gives certain reasons why it was not the purpose of that convention to declare for free sugar. I am perfectly frank in saying to the Senator that I hope I may be excused from accepting the version of the Democratic Party's platform as enunciated by Mr. BROUSSARD, because I recall, Mr. President, that Mr. BROUSSARD voted for the Dingley tariff bill and he voted for the Payne-Aldrich tariff bill, the two most oppressive protection measures ever written into law; and I have no doubt that he could have written a letter—it might not have taken 13 pages, perhaps it might have taken more—to have shown to his own satisfaction that the Democratic platform justified such a vote. So this, I take it, explains why I refuse to accept the "Broussard version" of the Democratic platform.

But the criticism the Senator makes is that, after I read the first part of this platform, I did not read it all. Let us see. Here was the part I read:

At this time, when the Republican Party, after a generation of unlimited power in its control of the Federal Government, is rent into factions, it is opportune to point to the record of accomplishment of the *Democratic House of Representatives in the Sixty-second Congress. We indorse its action* and we challenge comparison of its record with that of any Congress which has been controlled by our opponents.

You say I did not read it all. What is it that you say limits this sweeping indorsement of the action of a *Democratic House of Representatives*—not the action of Democrats in Congress, which would have included the Senators; not at all—but the Democratic national convention adopted a platform that indorsed the action of the Democratic House of Representatives. What was its action? Chief among its acts of relief to the American people was free sugar. What follows? Here is what the Senator says I ought to have read:

We call the attention of the patriotic citizens of our country to its record of efficiency, economy, and constructive legislation.

It has, among other achievements, revised the rules of the House of Representatives so as to give to the representatives of the American people freedom of speech and of action in advocating, proposing, and perfecting remedial legislation.

It has passed bills for the *relief of the people* and the development of our country.

Is not that an indorsement of free sugar? Is it not a relief to the people to give them free sugar—untaxed sugar? It would have saved them annually $115,000,000.

But the platform proceeds:

It has endeavored to revise the tariff taxes downward in the interest of the consuming masses, and thus reduce the high cost of living.

Does not free sugar reduce the cost of living? The platform proceeds:

It has proposed an amendment to the Federal Constitution providing for the election of United States Senators by the direct vote of the people.

It has secured the admission of Arizona and New Mexico as two sovereign States.

It has required the publicity of campaign expenses, both before and after election, and fixed a limit upon the election expenses of United States Senators and Representatives.

It has also passed a bill to prevent the abuse of the writ of injunction.

It has passed a law establishing an eight-hour day for workmen on all national public work.

It has passed a resolution which forced the President to take immediate steps to abrogate the Russian treaty.

And it has passed the great supply bills which lessen waste and extravagance and which reduce the annual expenses of the Government by many millions of dollars.

And there it stops. The Senator from Louisiana says that because I did not read that portion that that is a limitation of the indorsement written by the convention of the action of a Democratic Congress in passing a free sugar bill. Is there any reference there to the woolen bill? Is there any reference there to the cotton bill? Is there any reference there to the chemical schedule? Is there any reference there to the excise tax bill? Not one; yet if your version is true, the Democratic national convention assembled at Baltimore indorsed nothing done by the Democratic Congress except those things suggested there.

But the Senator asked another question in the letter of Mr. BROUSSARD, and stated that the Democratic platform used these words:

We denounce the action of President Taft in vetoing the bills to reduce the tariff in the cotton, woolen, metal, and chemical schedules and the farmers' free-list bill, all of which were designed to give immediate relief to the masses from the exactions of the trusts.

You ask why they did not include sugar in that? It is a very simple and very plain answer, that a sugar bill was not vetoed by the President. That is why they did not include it there. Do they include an excise-tax bill there? No. Why? For the very same reason that the excise-tax bill did not pass the American Congress and get to the President. Would you say that we did not include the excise tax bill and we therefore repudiated it?

The Democratic Party has for 25 years, Mr. President, challenged the opposition of the fortunes of the Republic, demanding just taxation in favor of the common people of this land. Will you say that because they did not specify that by name, therefore the Democratic Party has repudiated it? Would not the excise tax bill be included with free sugar, the woolen bill, the cotton bill, and the free list bill under the national Democratic platform indorsement of bills passed for the relief of the people and also bills to reduce the cost of living! The party that fought on and on and finally succeeded in having the Federal Constitution amended for the first time in a hundred years, except by the sword of war? Yet, according to the argument of my distinguished friend, the Democratic Party repudiated the excise-tax bill and repudiated the free-sugar bill because they are not included as having been vetoed by the President—when they were not passed through Congress, so the President could veto them.

He says in addition to that that Senators over here voted against free sugar. Certainly they did. They were voting to get the maximum relief possible from an opposition body. Certainly the Democrats here were contented, if they could not get a whole loaf, to take a half loaf; certainly the Democratic Senators here, seeing that they could not get the Underwood wool bill, accepted the La Follette wool bill. Is it to be urged because a few Senators upon this side of the Chamber voted to give such relief as they thought was the most they could obtain for the American people, that therefore that binds the Democratic Party?

Let me say to my distinguished friend that the Democratic platform is not written by a few Senators, however great they may be; it is not written by yonder House, in which I served 10 years with you; it is not written by the version of Mr. BROUSSARD. The Democratic platform is written by the assembled hosts of Democracy fresh from the people from every part of this Republic in convention assembled.

My friend says that it was in the atmosphere over at Baltimore that we were to have a tax on sugar. I will say this: Democratic platforms are not written in the atmosphere. There were a great many things in the air at Baltimore, but I never heard it suggested before that opposition to free sugar was there.

The Senator said I made a speech in that convention in which I advocated free sugar. That is true. I have it here. But he did not tell all. In recounting to that convention the triumphs of the Democratic Party I enumerated the wool bill, the metal bill, the cotton bill, the chemical schedule bill, and then I said:

Then we offered to the American people a bill taking the tax off sugar, giving to them free sugar and placing an excise tax on all incomes in excess of $5,000. This bill is now in the Senate of the United States unacted upon.

I believe in free sugar. It will save every householder in this country 2 cents upon every pound of sugar. I believe in a tax upon incomes; I believe in an excise tax and I deny that the people who are well to do, those who are rich, those who are so fortunate as to have their thousands pouring in every year, are unwilling to bear their part of the burden of taxation to sustain this mighty Government of ours.

That met the enthusiastic approval of that convention. But not only did I as the permanent chairman call attention to free sugar, but the temporary chairman, Judge Parker, did likewise. Here is an extract from his speech:

Under sagacious and intrepid Democratic leadership special bills have been passed having for their purpose a revision of the tariff downward, ultimately to a revenue basis. These bills are known as "Free list—Wool, cotton, metals, chemicals, sugar, and excise." The President's use of the veto power has postponed, however, the hour when the people shall enter into the enjoyment of the relief proposed until after the inauguration of the next President.

That sentiment of the temporary chairman of that convention met the enthusiastic approval of the convention.

But let us go further, Mr. President. My friend read from a book yesterday; but I fear he has not looked carefully into it. Here was the book [exhibiting] from which he read. I have it in my hand now, with a different cover. It is the Democratic Textbook of 1912, issued *by the Democratic national committee* and the *Democratic congressional committee*. Has the Senator ever looked into that? It is worthy of his perusal. I will quote from this book. It was sent broadcast to every Democratic orator as giving our position upon the various questions that have been discussed. Among the many things enumerated I find this:

It has made an excellent record—

Speaking of the Democratic Congress—

It has made an excellent record in revising the tariff downward to a revenue basis, having passed measures thus affecting the schedules of most vital moment to the people, namely, wool, cotton, metal, chemical, and has placed sugar and other necessary food products on free list.

But that is not all. The Democratic textbook goes further, and I find, in addition to that, that it has this to say upon the question of sugar. I read from page 82:

The bill placing sugar on the free list was passed in deference to a very general and persistent demand on the part of consumers. By it the consumers would save during a year not less than $115,000,000 from sugar prices, and if enacted the measure will substantially reduce the cost of living. The tariff tax on sugar amounts to about 1½ cents per pound. As this entire tax enters into the price of sugar to the consumer, it is easy to estimate the consumer's burdens because of tariff duties on sugar. The amount of sugar consumed in continental United States in 1911 was about 7,663,000,000 pounds, and the application of 1½ cents per pound to this consumption affords the estimate of $115,000,000 as representing the saving to the people.

Does the Senator mean to tell me that he claims allegiance to a party whose national committee and congressional committee, resting their belief upon this Democratic platform in favor of free sugar, would scatter broadcast as the word of the party, to advise the people where we stood and give utterance to words like these, if we were not in reality for free sugar?

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

Mr. JAMES. Certainly.

Mr. RANSDELL. Is it not a fact that the President, our standard bearer last fall, said in a speech at Pittsburgh that the Democratic Party did not stand for free trade or anything approaching free trade?

Mr. JAMES. Certainly; and he does not. I was coming to that. The Senator asked me that question yesterday. I will answer it. President Wilson does not stand for free trade. This bill that is to-day before the Senate will produce a revenue of $300,000,000 to the Public Treasury. Does the Senator call that a free-trade measure? But let me ask the Senator a question. If President Wilson is a free trader because he advocates free sugar, what was the Senator when he advocated free meat, and free bread, and free boots, and free shoes, and free farming implements? He voted for the farmers' and laborers' free-list bill. Is he a free trader?

Mr. RANSDELL. No; I am not; but I want to ask this question——

Mr. JAMES. Well, I wish the Senator would tell me the difference between himself and the President. If he denominates the President a free trader because he is for free sugar, why is the Senator not a free trader when he was for free boots and shoes and meats and bread and farming implements?

Mr. RANSDELL. I have not said that the President was a free trader.

Mr. JAMES. That was the argument the Senator used.

Mr. RANSDELL. I said that the President in his Pittsburgh speech said that the Democratic Party did not stand for free trade, or anything approaching free trade.

Mr. JAMES. Certainly, he did.

Mr. RANSDELL. Is it not free trade when you put sugar on the free list? Is it not free trade in one of the greatest revenue-producing commodities we have?

Mr. JAMES. The Senator draws his conclusion of what constitutes free trade, not when he votes to put the products of other people upon the free list but when other people vote to put his products upon the free list. That is the Senator's definition of a free trader. [Laughter.]

Mr. RANSDELL. Will the Senator yield for another question?

Mr. JAMES. Certainly.

Mr. RANSDELL. The Senator says this campaign book was scattered broadcast. Is it or is it not a fact that when our campaign speakers were sent to the Western States they were told not to discuss the question of free sugar; and is it not a fact that if they had discussed free sugar and intimated that we were going to have free sugar we would never have carried those Western States?

Mr. JAMES. No, sir; I deny that the Democratic Party is guilty of such duplicity as the Senator suggests. If I believed it was, I would withdraw my allegiance from it and take my seat upon the other side of the Chamber. I spoke in the West, and everywhere I went I advocated free sugar, and I got more applause for free sugar than for any other schedule which I said we would revise for the relief of the American people. But let me proceed.

Mr. RANSDELL. Will the Senator let me explain?

Mr. JAMES. Certainly.

Mr. RANSDELL. Mr. ASWELL, a Member of Congress from my State, went out West and made a number of speeches for the party, and in getting his instructions at Chicago from the national campaign committee he was told, so I am informed, that he must not discuss the question of free sugar.

Mr. JAMES. Because they thought he would take the position that the Senator takes in favor of a tariff on sugar. That is why he was told that.

Mr. RANSDELL. But they told him that.

Mr. JAMES. Certainly; and I would have told the Senator that also if I had sent him out to make speeches. [Laughter.]

Mr. RANSDELL. He voted for this bill, did he not?

Mr. JAMES. I do not know how he voted; but I can understand why the campaign committee would suggest to a Democrat from Louisiana not to talk about sugar when he went out West.

Mr. RANSDELL. Would the Senator not consider that duplicity if they gave one kind of instructions to one man and another kind to another?

Mr. JAMES. Not at all. I would consider that the Democratic Party believed that the Louisiana gentleman had the wrong view on the sugar question, a view not in keeping with the Democratic platform, and they did not want to commission him to go out there and make votes against his party by repudiating his party platform. But, now, let us see. The Senator talks about the West. The West has no terrors for me, my dear friend; it is a glorious part of this Republic. I will read you something from the West:

RESOLUTION FAVORING SUGAR DUTY DEFEATED AT FRUITA, 64 TO 5.

[Evening Telegraph.]

FRUITA, COLO., *May 12.*

A resolution urging the retention of the present duty on sugar was defeated by a vote of 64 to 5 at a meeting of the chamber of commerce Saturday night. The members of the organization signed a petition to the Colorado delegation in Congress urging them to support the administration tariff bill, sugar clause and all. Fruita furnishes two-thirds of the beet supply for the Grand Junction sugar factory.

That is out West. Why, as I understand the sentiment in the West, the Senator from Colorado stood for free sugar and was elected to the Senate from that great State. In Louisiana, if I may be pardoned for suggesting it, if the consumers of sugar in that great State would take as much interest in inquiring how Senators and Congressmen were to vote as the sugar barons take, perhaps we would have more advocacy of free sugar in Louisiana.

But the Senator suggested in his speech yesterday that the President of the United States was advocating free trade because he wanted to put sugar upon the free list. Why, I have the RECORD here—I brought it so that there might be no mistake—where the Senator himself voted to override President Taft's veto of the farmers' and laborers' free-list bill, which placed on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meat, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles. I find that the Senator voted to pass that bill over the President's veto; and I find that his distinguished colleague [Mr. BROUSSARD] voted to pass the bill in the House of Representatives. I have not yet looked to see whether he voted to pass it over the President's veto or not. I will now look. No; he did not vote for it, but he was paired for it:

Mr. BROUSSARD and Mr. SLAYDEN for passing the bill over the President's veto, with Mr. FORDNEY against.

You know it took two-thirds to pass the bill over the veto—so it took two votes to pass the bill over the veto—to one opposing it.

The Democratic Party can not be called a free-trade party because it favors putting on the free list some necessities of life, things entering directly into the consumption of every home and every family, at every fireside. Neither President Wilson nor any other Democrat who takes that position is any more a free trader than the Senator himself or his distinguished colleague [Mr. BROUSSARD].

But I did not read all this Democratic textbook. I tell you it is a valuable thing, and I knew what a pile of dynamite the Senator was holding in his hand yesterday. He had not

looked into this book. Let me read from this Democratic textbook, expounding our faith:

The family sugar bowl.—How a protective tariff extorts from the humblest consumer.

There is an article here of nearly six pages in favor of the Democratic position for free sugar. Among other things it says:

The total cost to the American consumer annually by reason of the duty is $125,675,000. Of this $52,300,000 goes to the Government in revenue, the balance goes into the pockets of the tariff-favored sugar interests of Hawaii, Porto Rico, the Philippines, Cuba, Louisiana planters, and promoters of beet-sugar factories, as a bounty from the Government. The tariff on sugar is perhaps the best illustration of the extortionate operation of our tariff laws. The Government levies a tax upon the imported half, from which is collected 17 per cent of our entire customs revenue. The domestic producers, who supply us with half of our requirements, base their prices on the value of imported sugar, plus the duty, so that the American consumer pays the equivalent of the full amount of the duty on all the sugar he consumes.

Mr. RANSDELL. Mr. President——

Mr. JAMES. Just a moment, until I get through reading this; you may want to ask about some more of it as I go along.

After receiving subsidies, both through direct bounties and indirectly through the tariff, for over 100 years, the sugar industry of Louisiana, if it can not stand alone, has no further claim upon the American people.

It is absurd to ask the Government to continue to tax consumers, through the tariff, $125,000,000 annually so that Louisiana may produce a crop, the yearly value of which is about $25,000,000. We should look to industries that could be of service to the American people and not to industries that the American people must serve.

The absurdity of attempting to frame a tariff on the "difference of cost of production between here and abroad" theory is shown first by the wide range in the cost of production at home. The beet-sugar factories in California, by their own reports, produce sugar at 2.70 cents per pound. The Hardwick investigating committee found that the average cost to produce beet sugar in the United States was 3.54 cents per pound. Louisiana claims that it cost 3.75 cents per pound to produce raw sugar, and it would cost at least 0.60 cent more to refine and market this, making the cost 4.35 cents per pound. What is the cost of producing sugar in the United States?

It is absurd to say that the consumer will not receive the benefit from a material reduction or the removal of the duty on sugar. Every dealer in sugar knows the fallacy of this, and the domestic producers' clamor for the maintenance of the present duty is a recognition that if the tariff is reduced they will be forced to sell their product at lower prices.

The proof of the effect of the tariff is the difference between the domestic price of 5 cents and export price of 3.4 cents, quoted for sugar in August this year.

During the period of free raw sugar between 1891 and 1894 the price was reduced 2¾ cents per pound; consumption increased 23 per cent in the first year and 42 per cent during the whole period. A removal of the present duty would eventually result in a reduction of about 2 cents per pound. This would be of incalculable benefit not alone to the consumers but to such interests as canners, preservers, etc.; and it would not only increase their domestic business, but they would also be in a position to greatly increase their exports, thus creating a demand for the fruits and berries of the farmers that now go to waste for lack of a market, and this in turn would increase the demand for glass and tin ware, labels, and boxes. The transportation companies would also share in these enormous benefits.

England imports both fruit and sugar and supplies the world with preserves, while the United States, the greatest fruit-growing country in the world, does not even supply the home market with preserves because of the high price of sugar.

For 124 years the sugar industry of this country has had a right to lay tribute upon every other industry and upon every individual of this Republic who uses sugar, and after 124 years of enjoyment of that bounty we hear the Senator say that it can not stand alone. In the first 75 years of its existence it was an infant; it was too young to have this tariff tax taken from it. Now, in the last half of its existence it is too old to have the tariff tax taken from it. After you have had this industry encouraged by countless millions of money poured into the coffers of the men engaged in this business, you say here that your industry will be destroyed if sugar is placed upon the free list. One hundred and twenty-four years old is this infant that is not now ready to be weaned.

Mr. RANSDELL. Mr. President, will the Senator yield for a question now?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Louisiana?

Mr. JAMES. Certainly.

Mr. RANSDELL. I notice that the Senator is getting away from the platform of the Democratic Party, and is devoting all of his attention, or practically all of it, to the Democratic campaign book. Will the Senator kindly tell us who wrote this article on sugar that he is reading from?

Mr. JAMES. It was written by Democratic authority, with the approval of the Democratic national committee and the Democratic congressional committee.

Mr. RANSDELL. Who wrote it, please?

Mr. JAMES. I do not know who wrote it, but I know it had their approval.

Mr. RANSDELL. I have been told by a member of the national committee that it was slipped into the book without ever being submitted to the committee. Col. Robert Ewing, the national committeeman from Louisiana, is my authority for that statement.

Mr. JAMES. I notice that it has never been repudiated or taken out of the book; and I will say for the Democratic national committee, which the Senator seems to be willing to charge with sending men to double-deal in the West, and now charges with forgery in the Democratic campaign book, that they will repudiate that charge. I undertake to say that the article was not slipped into this campaign book, but it was written there by the authority of the Democratic national committee.

Mr. RANSDELL. It is strange, then, that the Senator can not tell us who wrote it.

Mr. JAMES. How could I tell who wrote all these articles in the Democratic campaign book?

Mr. RANSDELL. I guess it would be pretty hard to tell. Will the Senator let me ask him another question?

Mr. JAMES. Certainly.

Mr. RANSDELL. The Senator says the Louisiana industry is an infant 124 years old.

Mr. JAMES. Yes.

Mr. RANSDELL. Does not the Senator admit that it has been getting a considerable rate of duty during all of those 124 years?

Mr. JAMES. Certainly it has.

Mr. RANSDELL. Does not the Senator admit that a very large sum of money has been invested in the sugar industry by the people of Louisiana, and also by the people of Texas, on the faith of laws that have been on the statute books of this country for 124 years?

Mr. JAMES. I know that sugar was placed upon the free list back in 1890.

Mr. RANSDELL. Was there not a bounty put on it at the same time?

Mr. JAMES. I know they have had notice of the agitation of the sugar question, and I will say to the Senator that no right becomes a vested right because special privilege happens to get it through Congress. You have no right to claim for the people of Louisiana who have been producing sugar a vested right to extort tribute from every other consumer in America to enable them to do a profitable business.

Mr. RANSDELL. Would not the argument of the Senator apply to every article that has been bearing revenue?

Mr. JAMES. Certainly it would not apply to every article that has been bearing revenue.

Mr. RANSDELL. Why not?

Mr. JAMES. Because sugar is an absolute necessity of life.

Mr. RANSDELL. Are not clothes a necessity of life?

Mr. JAMES. Clothes are a necessity of life; certainly they are.

Mr. RANSDELL. Is the Senator in favor of putting wool on the free list?

Mr. JAMES. Certainly I am in favor of putting wool on the free list.

Mr. RANSDELL. Are you in favor of putting clothes on the free list?

Mr. JAMES. No, sir; we are not.

Mr. RANSDELL. Do people wear wool or clothes?

Mr. JAMES. The Senator might go on and ask me a thousand questions about what we are putting on the free list. We are putting sugar on the free list. That is one thing I know.

Mr. RANSDELL. Since the Senator is so solicitous for free sugar, I will ask him if we do not pay a great deal more tribute to trusts and to revenue-producing articles in clothes than we do in sugar?

Mr. JAMES. So far as I am concerned, I should be glad if we could raise sufficient revenue in various ways to give the people free clothes. This we can not do, but we can give them free sugar. Sugar in this country is controlled by a trust, and the Senator knows it; and clothes are not.

Mr. RANSDELL. I will ask the Senator if sugar is not the cheapest article of human food and if its price has not gone steadily down for many years?

Mr. JAMES. Suppose it is the cheapest article of human food—does that give you any right to rob the consumers who want it?

Mr. RANSDELL. The Senator says it is controlled by a trust. Why is it so cheap if it is controlled by a trust?

Mr. JAMES. I should be glad if the Senator would allow me to proceed. He has spoken about four hours upon this matter. The Senator will not deny that sugar is controlled by a trust.

Mr. RANSDELL. To a certain extent it is controlled by a trust, and you are preparing to let it be absolutely controlled

by a trust, in cooperation with Mr. Frank C. Lowry. You are trying to make the American people believe that they can get cheap sugar when you make it free.

Mr. JAMES. I will show you another thing in the Democratic platform that applies to that:

Articles entering into competition with trust-controlled products and articles of American manufacture which are sold abroad more cheaply than at home should be put upon the free list.

So, you have gotten on the free list twice with your sugar proposition.

Mr. RANSDELL. Not at all.

Mr. JAMES. Mr. President, if the Senator will allow me to proceed until I present my reply to his speech, I shall be very glad then to yield to him. I can not possibly yield, however, just to have the Senator enter into a quarrel with me on everything that happens to come into his mind.

Mr. RANSDELL. I do not want to do that, but the Senator has tried to put improper words into my mouth——

Mr. JAMES. Oh, no; the Senator is mistaken about that.

Mr. RANSDELL. And I simply want to say that the only hope we have against the Sugar Trust is the competition of the domestic producers of sugar—largely the beet-sugar producers. They certainly are in no trust, and the Louisiana sugar producers are in no trust. But destroy the domestic sugar producers of Louisiana and the West and you will have it all controlled by a trust, and you are playing into the hands of a trust when you put sugar on the free list.

Mr. JAMES. That is like the Senator's statement yesterday, that Mr. Lowry was the agent of the trust. The Senator certainly knows better than that. Mr. Lowry is the agent of the independents that are trying to get free sugar for the American people. [Manifestations of disapproval on the Republican side of the Chamber.] I know I may find some "ah, ha's" upon the other side; I do not doubt that; but the people gave you enough to hold you for awhile last November. [Laughter and applause in the galleries.]

Mr. GALLINGER. Mr. President, this may be entertaining, but I rise to ask that the rules of the Senate may be enforced, and that applause in the galleries may be suppressed. We do not want a town meeting here to-day.

The VICE PRESIDENT. The Chair tried to suppress it the other day when the shoe was on the other foot. The Chair will ask the Sergeant at Arms to see that the galleries keep order.

Mr. GALLINGER. No, Mr. President; I take exception to the statement about the shoe being on the other foot. I simply ask that the rules be enforced.

The VICE PRESIDENT. The Sergeant at Arms will see that the galleries keep order, or he will clear them.

Mr. JAMES. The Senator's argument is that the word "legitimate" in the Democratic platform, where it says, "we advocate * * * legislation that will not injure or destroy legitimate industry," gives the Louisiana sugar growers the right to maintain this duty. The word "legitimate" is not written into the platform to mean "lawful"—that is, that you shall conduct your business so as not to get in the penitentiary, so as not to violate the criminal laws. The word "legitimate" means industrially legitimate, commercially legitimate. Can the Senator say that an industry in this country is legitimate that has had for 125 years aid from the Government and is not able now to sustain itself?

Mr. President, we may differ about Democratic platforms, but we can not differ about what Thomas Jefferson, the father of Democracy, said about that question:

Taxes on consumption, like those on capital or income, to be just, must be uniform. I do not mean to say that it may not be for the general interest to foster for a while certain infant manufactures until they are strong enough to stand against foreign rivals; but when evident that they will never be so, it is against right to make the other branches of industry support them.

That was Thomas Jefferson. He was the wisest seer of his time. No man before him and no man after him has ever proved himself the philosopher, the benefactor of humanity, that Thomas Jefferson did. His utterance was that it was unjust to impose a tax of that sort, and he further said:

When it was found that France could not make sugar under 6 h. a pound, was it not tyranny to restrain her citizens from importing at 1 h.? Or would it not have been so to have laid a duty of 5 h. on the imported?

That was the position of Mr. Jefferson, when we found we were unable to stand alone, and that we never should be.

The Senator told us here yesterday that sugar could be produced in Cuba for 2 cents a pound, and that it could not be produced in Louisiana for less than 3½ cents, and that if we took off the tariff it meant destruction of their industries.

Mr. President, I do not want to destroy any legitimate industry in this Republic. It has been suggested here that free sugar would dismantle the sugar factories. I do not want to do that. But I rejoice that we have found a President of the United States who is standing in front of and resisting with all his might the dismantling of the humble homes of the people of this Republic. It is always easy to find some one who is willing to stand and defend the big things from being dismantled, while proceeding to dismantle the little ones by unjust taxation. I have read the position of Mr. Jefferson upon that question—it is the position of the Democratic Party.

Mr. President, there was no issue that was submitted to the American people that met with such popular favor as free sugar. Next to sugar, there was no act of the Democratic Congress that met with such favor as the excise-tax bill. Let me show the Senator what the Democratic textbook says upon that question:

RÉSUMÉ OF TARIFF WORK.

The following tabular statement presents a summary of the results of the tariff work in the House of the Sixty-second Congress:

Measure.	Equivalent ad valorem rates.		Estimated saving to consumers.[1]
	Import, 1911.	Democratic bill.	
Free list	[2] 18.75	Free.	$390,000,000
Wool (raw, manufactures of)	42.20	20.00	52,000,000
	87.65	42.55	
Cotton	47.05	27.06	88,000,000
Metals	34.51	22.42	81,000,000
Chemicals	25.72	16.66	17,000,000
Sugar	53.95	Free.	115,000,000
Total			743,000,000

[1] 12-month period. [2] Import, 1910.

The excise-tax bill would have transferred fifty millions of tax from the poor man's table to the rich man's profit.

Yet the Senator would have us believe that with the Democratic Party going forth before the country and presenting its reasons why it should have the support of the American people, the one schedule that gave to the American people the greatest relief, except that of the free list, was not indorsed by the Democratic national convention.

Mr. President, platforms are a bond of honor. This is a new age. As has been happily said by the President in the White House, it is a new day and a new freedom. When we find our President, who was elected upon this platform, standing like a stone wall, demanding that it shall be carried out, it is no time for other men to falter. The American people are eagerly watching the action of the Democratic Party; they demand that platform promises shall not be betrayed; they ask that the faith shall be kept. Our Republican friends passed the Payne-Aldrich bill; that, in my judgment, was a betrayal of their promise to the American people. If William H. Taft had possessed one-half the courage of Woodrow Wilson, he would have vetoed that bill, and bonfires would have burned in his honor upon every hilltop and in every valley in this Republic, and I have no doubt he would have been reelected President of the United States. But he signed it, and the people called him to account and sent him and his party to overwhelming defeat. We have a President now who writes upon the color lance of the Democratic Party, "No compromise; I am seeking none; I ask none; I want none. I am for free sugar and I am for free wool."

Mr. President, my friend from Louisiana refers to the speech of Secretary Redfield in which he said he did not want to destroy any legitimate industry. But the Senator knew when he was making that speech that Mr. Redfield himself, as a Member of Congress, had voted for the farmers and laborers' free-list bill placing all these various articles upon the free list. The Senator knew that Mr. Redfield had voted for free sugar. How could the Senator believe he was an honest man and construe his language in the light of his conduct by anything else except to say that certain articles which enter into the daily use of all the people of the country—necessaries of life—should be placed upon the free list? That was his act and that was his vote. Anything that he might have said in any statement given to the newspapers after he talked to the President must be construed in the light of his own action.

But the Senator tells us that the President of the United States has never said that he was for free sugar. The Democratic Party makes its platform, and the Democratic Party commissions a committee to go and notify the nominee. That committee bears with it a copy of the national platform. It presents that platform to the nominee and says to him, "Upon this platform we most respectfully ask your acceptance of the

nomination." Woodrow Wilson accepted this nomination upon this platform, and he has the courage to stand up to it—every letter of it.

But the Senator says that it was suggested at Baltimore by some one, the Senator does not tell us who, that the President was not antagonistic to a tax upon sugar. That is a rather indefinite statement, because you do not give us the name of anyone who had the authority to speak for him. I say here now, and I challenge contradiction of it, you can not find a human being to whom Woodrow Wilson ever declared he was in favor of a tax upon sugar.

The Senator talks about the speech of the President at Pittsburgh. All of the utterances of the President merely say what the Democratic platform says, that we do not want to destroy any legitimate industry.

Mr. President, the growing of bananas might possibly be accomplished in a slight degree in Vermont, but would anyone say that a tariff tax in order to sustain it would make it a legitimate industry? Not at all.

Mr. RANSDELL. Will the Senator yield for just one question?

Mr. JAMES. Certainly.

Mr. RANSDELL. I ask the Senator if he considers the great sugar industry of the West and the South a legitimate or an illegitimate industry?

Mr. JAMES. Oh, Mr. President, in answer to that statement I will say that I suppose the sugar industry of the South and of the West does not violate the law. I suppose in that way it is legitimate; that is, legally legitimate. But it is not economically legitimate. The Senator himself admits that when he asks to tax the American people in order to let it live.

But let me say to the Senator that you have fertile land in Louisiana. You grow sugar cane there. Your land is more fertile than our blue-grass fields in Kentucky. Our farmers grow corn and wheat. Does the Senator believe that it is right to tax our people in Kentucky, who go out and till the soil just as hard as your people do, and to take from their pockets money in order to make your industry profitable?

Mr. RANSDELL. Will the Senator allow me to answer that question?

Mr. JAMES. Certainly.

Mr. RANSDELL. If you can show any Kentucky industry that has been receiving a rate of duty for 124 years, and an industry which everyone admits will be destroyed if the duty is not continued upon it, like the sugar industry, which the very able Senator from Mississippi [Mr. WILLIAMS] yesterday admitted would be completely destroyed, which the chairman of the Committee on Ways and Means also admits will be completely destroyed, an industry——

Mr. JAMES. I did not yield for a speech.

Mr. RANSDELL. Let me state the question. An industry in the West, which has grown up in the last 25 years from nothing to producing nearly 650,000 tons of sugar every year, which has grown 1,800 per cent in 25 years, is certainly a legitimate industry. If that kind of an industry in your State is now going to be destroyed, I say I will vote 100 times to continue the duty upon it. Name the industry in your State.

Mr. JAMES. I differ from the Senator in his construction of the term "legitimate industry." In the first place, I stand for the same treatment of a Kentucky interest that I give to other people. The Senator wants a tax on sugar, but is willing to make lumber free. He is willing to make meat and bread free. He is willing to make boots and shoes free. Why do you not accord to other industries in this country the same treatment that you ask for yours? They have not had tariff protection for 124 years.

Mr. RANSDELL. Will it destroy those industries to take off the tax?

Mr. JAMES. They said it would; but you did not pay any attention to it. They all told us it would destroy them, and you and I and BROUSSARD all voted to place them on the free list.

Mr. RANSDELL. Does not the Senator admit that it would destroy the Louisiana industry?

Mr. JAMES. Mr. President, it is immaterial from my standpoint what might be the effect upon the Louisiana industry. In the first place, I do not believe it would destroy it. In the second place, the Senator has no right to ask all the American people to continue a tariff 124 years old for any industry which, during all these years, is not able to supply the domestic demand nor practically more than 25 per cent of it.

Mr. RANSDELL. Do you think you know better about the effect on this industry than the Senator from Mississippi or the gentleman at the head of the Ways and Means Committee?

Mr. JAMES. I do not care to draw any invidious comparison between my opinion and the opinion of the Senator from Mississippi, or between what I think and what the chairman of the Ways and Means Committee of the House thinks. I think they are both splendid Democrats and their opinions are entitled to great respect.

Mr. RANSDELL. You ask about my vote on the other matters. Do you think it would destroy the lumber industry of this country to place lumber on the free list?

Mr. JAMES. Certainly I do not.

Mr. RANSDELL. Do you think it would destroy these other articles to place them on the free list?

Mr. JAMES. You have no right to ram your hand into the people's Treasury in order to maintain an industry that can not stand upon its own legs after it has had 124 years' trial.

Mr. RANSDELL. Then, why do you not put everything on the free list? Put them all on the free list, and I will vote for free sugar.

Mr. JAMES. The Senator surely would not do that, because the Senator told us with great solemnity yesterday that he had given a promise to the people of Louisiana that under no condition would he betray them—that he never would vote for reduction of duty on sugar—and surely the Senator would not vote for free sugar. You must retract that statement made in the heat and anger of the moment. The Senator will want to take it out of the RECORD.

Mr. RANSDELL. Never will I want to take it out.

Mr. JAMES. I ask that I may proceed.

Mr. RANSDELL. I make the statement with the understanding that if you will take the tariff duty from everything my people have to buy, from all the implements and all the clothing and everything they buy and put them on the free list, we will stand for free sugar, though I do not wish to be understood as advocating any such proposition as that.

Mr. JAMES. That is, if they will do the impossible thing, the thing that can not be done, a thing that you know will not be done, you will do the thing you know now you will never be called upon to do.

Mr. RANSDELL. Why do you single out sugar for slaughter and provide for a duty on other things?

Mr. JAMES. I have answered that four or five times. We are placing various things on the free list.

I wish to say in conclusion, Mr. President, that what I have said to the Senator here, the utterances I have given, have not been in anger. They have been rather according to that Biblical statement, "Whom the Lord loveth he chasteneth." [Laughter.] I have not meant to be harsh. I have meant only to be emphatic.

I stand, Mr. President, for free sugar and for free wool. I am earnestly in favor of carrying out the letter and spirit of our national platform. I am prepared to uphold the hands of Woodrow Wilson, the greatest President we have had in this Republic in 50 years, and, in my judgment, one who has the American people back of him this hour as no man has had since the days of Andrew Jackson.

The VICE PRESIDENT. The Chair desires to state to the Senator from New Hampshire [Mr. GALLINGER] that the Chair was out of order a little while ago and hopes the Senator will understand that it was not intended to be unparliamentary nor personal to the Senator.

Mr. GALLINGER. No; if the Chair will permit me, I certainly have the profoundest respect for the Chair, and I will not say anything or intimate anything to the contrary.

The VICE PRESIDENT. The Chair felt it his duty to the Senator from New Hampshire to make this statement.

Mr. NORRIS obtained the floor.

Mr. GALLINGER. Will the Senator from Nebraska yield to me one moment?

Mr. NORRIS. I yield.

Mr. GALLINGER. In view of what has occurred during the past two days, I want to read three lines from The Rivals. Sir Lucius O'Trigger is a famous character in the play, and he said:

> Pray, sir, be easy; the quarrel is a very pretty quarrel as it stands; we should only spoil it by trying to explain it.

Mr. NORRIS. Mr. President, about a year ago the Department of Justice began a suit entitled the United States against Herman Sielcken and others, in the United States district court in the city of New York. The object of the suit was in reality to bring about the breaking up of a great international trust that had gained control of the sale and the distribution of coffee throughout the entire world. Soon after the administration changed the suit was dismissed. I introduced a resolution in the Senate calling upon the Attorney General for certain information and certain documents in relation to the dismissal of that suit. That resolution was passed, and the Attorney General has made his reply.

Before I proceed to comment upon that reply I want briefly to review the situation in regard to the so-called valorization of coffee. In 1906 Sao Paulo, one of the States of the Brazilian Government, undertook to purchase coffee upon the markets of the world and take it out of the commerce and trade of the world, with the view of controlling the price. Bonds to the amount of $15,000,000 were issued and taken by various bankers in Europe and in America. One-third of the amount was taken, I believe, by the National City Bank of New York. After this scheme had been undertaken it was discovered that the magnitude of the undertaking was too great, and with the amount of money that they had realized from the sale of these bonds they were going to be unable to successfully carry out the plan. In the year 1908 another plan was agreed upon by which $75,000,000 of bonds were issued by the State and placed upon the markets of the world.

The defendant in the suit about which I expect to talk a little later, Herman Sielcken, was the great master mind that brought about the successful operation of this great international trust. These bonds were issued by the State of Sao Paulo. They were guaranteed by the Brazilian Government, and laws were passed prohibiting the planting of coffee trees in Brazil. A surtax was levied upon the exportation of coffee from Brazil, and a general agreement was entered into between the men who had charge of these bonds and the Brazilian Government in order to be able to carry out the object of controlling the world's market price in coffee.

Mr. President, in addition to the security of this State and the guaranty of the Brazilian Government and the surtax that was levied by the Brazilian Government upon the exportation of coffee, the coffee itself that was purchased with this money was put up as security for the payment of the bonds.

On the 26th of April, 1911, in the House of Representatives, I went into detail and showed fully the names of all the men who furnished the money, the proportion of the bonds which they took, and all the details of the agreement. At this time I only want to review it briefly, in order to explain what I want to say in regard to this particular suit. I showed at that time that this combination, this international trust, had been successful, and that during the time they were in operation, up to the day I made those remarks in the House, the price of coffee had more than doubled; that from the time of the second arrangement the price of coffee had been steadily advancing step by step until the price had more than doubled.

I might say, by the way, that I explained there what I believed to be the duty of the Department of Justice, and called attention to what I believed to be a violation of law by the men who were engaged in this gigantic scheme that laid them liable both to a civil and a criminal prosecution under the laws as they existed, chiefly the Sherman antitrust law.

But later on I introduced a bill that during the last session of Congress was enacted into law. It was an amendment of sections 73 and 76 of the act of August 27, 1894, which I believe more completely declared the legislative opinion as to the illegality of this kind of a trust than had existed before. And at this point, Mr. President, I will ask the Secretary to read sections 73 and 76, as they were amended by the bill I introduced in the last Congress.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months.

SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy, and being the subject thereof, mentioned in section 73 of this act, imported into and being within the United States or being in the course of transportation from one State to another, or to or from a Territory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Approved, February 12, 1913.

Mr. NORRIS. Mr. President, my own judgment is, from the investigation that I have been able to make—and I will show before I get through that that judgment was concurred in by the Department of Justice—that the men who were engaged in this gigantic plan to corner the coffee of the world, the men who furnished the money, as well as the men who furnished the brains to concoct the scheme, were all equally liable. I concede, speaking in reference to these bonds now, that bonds secured as these were, if placed upon the market and sold in the ordinary course of business, would carry with them no imputation of dishonesty or dishonor to any man who furnished the money to buy them.

Mr. HITCHCOCK. Will the Senator from Nebraska yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to his colleague?

Mr. NORRIS. I yield to the Senator.

Mr. HITCHCOCK. I did not fully understand by whom these bonds were issued.

Mr. NORRIS. I will repeat it as soon as I finish this statement.

In this particular case, however, before these bonds were issued, before any money was put up, the men who furnished the money, the men who were instrumental in bringing about the scheme or plan, knew in advance and demanded in advance—

First. That the bonds should be issued by the State of Sao Paulo.

Second. That they should be guaranteed by the Brazilian Government.

Third. That the Government continue in force laws that should prohibit the planting of coffee trees in order to curtail the future output.

Fourth. That thhe Government should pass a law providing for the collection of a surtax on every bag of coffee shipped out of Brazil, this tax to be remitted weekly to the bondholders' committee and to be applied in the payment of expenses and interest on the loan.

Fifth. That the bonds should draw 5 per cent interest and should be given to the men who furnished the money at 85 cents on the dollar.

Sixth. That in case the surtax and the limiting of the planting of trees should not sufficiently limit the future production, that an additional ad valorem tax should be levied on all coffee exported above a certain number of bags stipulated in the agreement.

Seventh. That the proceeds of the bonds, after paying expenses and discounts, and so forth, should be used for the purchase of coffee on the market, and that the coffee so purchased should be taken out of the ordinary channels of trade and held as further security for the loan.

Eighth. That the sale of this coffee so purchased should be under the control of a committee of seven, one member of such committee to be selected by the American bankers, one to be selected by each of the five European bankers, and the seventh by the Government of Sao Paulo.

Afterwards, when the scheme was completed and carried out, Herman Sielcken was selected as the American member of this managing committee and is still serving in that capacity.

These men knew in advance, before a dollar was furnished, the details of the scheme, the intention of which must necessarily have been to increase to the consumers of coffee the amount they would have to pay for it, to interfere with and restrain trade in coffee between this country and Brazil.

We are the largest consumers of coffee in the world. In some of the documents that I shall ask to have printed in the RECORD it will appear that we consume from 40 to 50 per cent of the world's production of coffee and that we get from Brazil about 80 per cent of the coffee which she produces.

The man who did the most in negotiating the deal was Herman Sielcken, the defendant in this suit. He was assisted at all times in his subsequent action in trying, first, to prevent legislation by Congress, and second, in trying to prevent the Department of Justice from enforcing the laws of Congress, by the representatives of the Brazilian Government.

Mr. President, I believe it must be conceded that when a sovereign government, one of the great governments of the civilized world, leaves its proper sphere, comes down into the marts of trade, and buys and sells and traffics in articles of produce that are bought and sold upon the market, it leaves behind it its sovereign character and subjects itself to the same laws and the same rules and regulations that every individual who trades in the markets subjects himself to.

When the bill I have mentioned was pending in Congress we find Mr. Sielcken doing everything he can to prevent the enactment of the bill into law. Under his influence the coffee men who have been favored by him, and perhaps some of the coffee men who are afraid of him, held a meeting in New York and passed resolutions condemning it. Mr. Sielcken himself, from

his palatial home in Europe, cabled an interview to the American press in which he held the law up to ridicule, claiming that it was of no effect, could not be enforced, meant nothing, and would amount to nothing. While this was going on, however, before the public and in the newspapers a different procedure was being enacted behind the scenes in the State Department. There efforts were being made not only to prevent the passage of the bill, but to prevent the enforcement of the law after it had been passed and to bring about the dismissal of this suit against Sielcken. There it was given the most serious consideration, and it was claimed that unless this concession was made to this valorization scheme and the laws of our country not enforced as against this international trust that the Brazilian Government would take retaliatory measures and withdraw some of the concessions she had been in the habit of making to some of the products of this country that are imported into Brazil. The Brazilian Government had been enjoying particular favors in tariff concessions from our country. Over 99 per cent of everything she produces is admitted to the ports of the United States free of duty. To partially repay this liberal concession Brazil had given some tariff concessions to this Government on flour and a few other articles. So while the emissaries representing the financial end of the scheme were trying to control congressional action through newspaper publicity the Brazilian Government was trying to do the same thing through the State Department, mildly threatening a tariff war against the products of the United States.

I found not very long ago in a great many newspapers in the United States something similar to this. I have a large number of them from leading newspapers in the United States. I will only read this one. The statement is substantially the same in every newspaper, though in different language, the idea always being the same:

UNITED STATES LOSES BRAZIL'S TRADE—LOSS OF $3,000,000 ANNUAL BUSINESS DUE TO COFFEE SCHEME BAN.

The $3,000,000 annual flour trade of American millers with Brazil, as well as a lucrative business in cement, typewriters, certain classes of machinery, and other American products, probably has been finally lost, owing to the resentment of the Brazilian Government at the breaking up of the coffee valorization scheme by the Department of Justice.

The Brazilian ambassador, Señor Da Gama, has had several conferences with State Department officials, and has now let it be known that his Government will decline to extend hereafter the differential of 30 per cent in customs dues on those American products. In consequence the Argentine millers will early command the Brazilian market.

As I say, this dispatch, or the substance of this dispatch, appeared in all the leading daily papers of the country. Brazil proceeded to carry out its threat, and I understand has withdrawn some of the advantages that heretofore existed in regard to the importation into that country from this of some American products, notably flour.

Mr. President, I believe and I hold that, even though Brazil were able seriously to interfere with our foreign commerce and our foreign trade, we could not, with that kind of a veiled threat, refuse or neglect to enforce our laws against Brazil and these international bankers who are engaged in this so-called valorization of coffee. We can not afford to do this, because it is not fair or right that Brazil should ask it. She can not honorably ask for herself and for Mr. Sielcken and his moneyed associates any concession or any favor that our laws do not give to our own citizens. We can not honorably submit to it, even though a refusal to do so would mean the loss of all our foreign trade. She can not honestly ask it; we can not honorably agree to it.

In addition to that, there is another reason why we should not submit, which ought to appeal to those who take only a selfish view of the situation. Brazil is living in a glass house. The American people, by the consumption of coffee, have made it possible for this gigantic scheme to succeed. If the American people would cease to use coffee for three months, the Brazilian Government, these international bankers, and Herman Sielcken, the defendant in this suit, would be on their knees begging for mercy.

Mr. President, that gigantic scheme is sometimes said to have been intended for the benefit of the Brazilian coffee planter. I would not find fault, and I do not believe anyone would have a right to find fault, with the Brazilian Government if it does anything that it can honestly and fairly do for the benefit of any of its citizens; but let us see how much this gigantic scheme has cost and who profits by it.

Before a dollar was taken, before the loan was made, it was agreed by this committee and the officials of that State in Brazil—the Brazilian officials—that these bonds should be taken at 85 cents on the dollar. The bonds draw 5 per cent interest, and, counting the time they have to run, the interest rate would amount to about 9 per cent. Mr. Sielcken, in his testimony before one of the committees of the House of Representatives some time ago, admitted that these were the best secured bonds that he had ever had anything to do with—in fact, they were drawing 9 per cent interest. They were secured by the guaranty of a State of Brazil that has never repudiated or failed to pay a dollar of her debt; they were guaranteed by the Brazilian Government; and then the coffee bought with the money or with the money that was left after the fellows in the scheme took what belonged to them—the balance was invested in coffee, and that was put up as security. That coffee was kept in different warehouses in various parts of the world. Then the Brazilian Government levied a tax of 5 francs on every bag of coffee that went out from Brazil, and that money was remitted to this bankers' committee, who used it to pay the expenses and to pay the interest on the bonds. The Brazilian Government then by law provided a heavy tax on the planting of coffee trees in Brazil. So we really have the same situation as though the great State of New York would issue $75,000,000 of bonds, invest the proceeds in something that was produced almost entirely within the limits of New York, then would sell bonds at 85 cents on the dollar, invest the money in that product, whatever it might be, put it up as security, and then, to prevent an overproduction, later pass a law that would limit the production, and then, in addition to it all, the United States Government would guarantee the bonds.

A report was made by one of the officials of the Brazilian Government showing the expense up to the 30th day of September, 1910. As I have said, there was a discount of about $11,000,000 to begin with:

The payment of storage, freight, fire and marine insurance, interest on drafts against shipments, interest on advances in account current, commissions for opening credits, various expenses connected with the storage of the coffee, interest on loans, difference in "type" of loans, difference in exchange on drafts against shipments—

amounted to over $50,000,000 up to that time.

So that after all the poor coffee-tree planter in Brazil, who in the end has to pay the bonds and the interest, is not going to profit very much by this proposition. When this coffee was bought Mr. Sielcken, through his firm of Crossman & Sielcken, assisted in purchasing the coffee with the money that was realized from the sale of these bonds. Sielcken, representing the bankers, purchased a part of the coffee that was bought with this money from Sielcken himself or from his firm. His own testimony shows that later on he bought some of the valorized coffee when it was put on the market; in other words, as the agent for the bankers' committee he sold to himself and then he sold it to the trade at a profit. So we have the peculiar condition, so far as this man is concerned, of first representing the Brazilian Government, taking this money and buying coffee from himself for the valorization committee; and then, as representing the committee, selling to himself and then selling the same coffee to the trade. It is presumed he made a profit when, as the owner of the coffee, he sold it to himself as a member of the committee. Then, as a member of the valorization committee, he received a commission when he sold it to himself; and then, as a member of his firm, he made another profit when he sold it to the trade.

The agreement provided that this committee should get 1 per cent upon all the coffee they sold. Under the agreement they also provided themselves with an office in the city of London and paid for the employment of clerks and other necessary expenses, discounts and all amounting, as I have said, to over $50,000,000. The expenses connected with the first loan of $15,000,000—a scheme that Mr. Sielcken negotiated and worked out through his own master mind—amounted to 24 per cent of the amount of the loan. So that of these bonds, the best secured bonds and drawing the highest rate of interest, in my judgment, of any bonds that ever have been issued in the civilized world, the great bulk of them we find going in the shape of expenses, discounts, and profits to the men who concocted the scheme and who carried out the plan.

Now, let us see how they could handle the coffee trade of the world, and particularly of the United States, by holding out from the markets of trade this immense quantity of coffee. The dealers in coffee in New York and throughout this country who did not "stand in" with Hermann Sielcken did not know and never did know what was going to happen the next day to the coffee market. I have here the New York Journal of Commerce of March 31, 1911, where it gives the course that was pursued in Europe when they sold valorized coffee, and compares it with the proceeding that took place in the United States when valorized coffee was sold. I read from it:

The New York coffee trade, except those who will be unduly favored by this remarkable condition of affairs, are disgusted at the proceedings. Trade has recently been completely disorganized, and some important members of the trade believe that an open and fair coffee market can not exist until the entire stock of valorized coffee has been sold. Representatives of the Government have recently been interviewing members of the coffee trade in this city, collecting data for an investigation of the Coffee Trust.

Then it goes on to say that when valorized coffee was sold in Europe it was sold at public sale. Any man who wanted to bid on it had the right and the privilege of doing so, and notice was given to him by public advertisement to go to the place where samples were kept and examine samples of the coffee, so that they bid with their eyes open. Every man had a right to bid as he saw fit.

In New York, when the valorized coffee was sold in this country, it was sold in secret. It was sold, as the evidence discloses, often—always, I think—with an agreement that it should not be reoffered for sale on the coffee exchange.

This article goes on to show that such has always been the case in the sale of valorized coffee. So that unless men understood just what was going to be done with the amount of coffee that might be placed upon the market by this committee represented by Mr. Sielcken, they had no way of knowing whether coffee was going up or whether it was going down. They knew that this syndicate held in their own hands millions and millions of bags of coffee that they could, if they so desired, secretly sell among their friends—that, in reality, would mean no sale. They had, in effect, control of the market. They made what are known in the trade as restricted sales.

I find, among the papers sent up, a memorandum made by one of the agents of the Government in regard to these sales:

With regard to "restricted sales," Burroughs told me that Crossman & Sielcken, 90 Wall Street, representing the bankers' committee, and through them the Brazilian Government, and Arbuckle Bros.—the two principal offenders.

The "offenders" are the men who sell at restricted sales.

By "restricted sales" are meant, to quote from an article in to-day's Journal of Commerce—and which are, in fact, Burroughs's own words—those which, by formal contract, or gentlemen's agreement, or other subterfuge, are made below the market price, on condition that the coffee shall not be delivered on contracts on the exchange. In other words, the plan is to create an artificial shortage, so far as coffee deliverable on the exchange is concerned, and thus prevent the full supplies of coffee available in this country from becoming a factor in the official New York price for coffee.

There is not any doubt but that these sales were in reality made in secret.

When we remember that an increase of 1 cent a pound on coffee means $10,000,000 from the coffee consumers of the United States, we can realize what this gigantic scheme amounts to.

Mr. Sielcken's defense of the matter is that he was desirous of encouraging trade between the United States and Brazil; he was desirous of bringing the two countries on a more friendly basis. He had no thought, he said, of increasing the price of coffee to the consumer; and he even denied that the valorization plan would tend to increase the price of coffee. Yet in the midst of it all the Brazilian records show, in an official report made in Brazil, comparing the prices of coffee before the beginning of the scheme and afterwards, the true result.

The official making the report compares the prices of coffee for four years preceding valorization and the prices for four years afterwards. During the first four years of the valorization scheme the production of the world's coffee attained its highest point. The largest world's product of coffee was during one of those years. He goes on in this report to say:

There is no foundation whatsoever to the suggestion which has sometimes been made that the benefits which followed the Government's action were due simply to natural causes and were not in any way influenced by such action. What happened was just the contrary, and it may be easily verified by examining the figures for the crops of four years preceding and four years succeeding the intervention.

Then the official goes on to show what the crops were. He shows that for the four years preceding the so-called valorization the average yearly production of the world's coffee was 15,574,000 bags, and that for the four years following the commencement of the valorization scheme the average world's production of coffee was 18,418,000 bags, showing that while the production of coffee was increasing at an enormous rate the price of coffee was going up, and in the meantime had doubled. While an overproduction was going on the consumers of coffee were required to pay twice the amount they paid before for their coffee.

As I have said, Mr. President, the master mind that has done all this, more than any other one mind, is that of Hermann Sielcken; and his defense is that he was really a philanthropist trying to be good to people that he was punishing.

Mr. President, I believe every man is responsible to his Creator for the talents that have been given him. If he possesses wisdom, if he possesses wealth, if he possesses power, he is and ought to be held accountable by humanity for its use. The man who has more wealth than he can possibly use himself and more than can possibly be enjoyed by those who are dependent upon him and who uses that wealth to oppress the poor or to increase the hardship of those who toil has, in my judgment, committed a greater sin in the eyes of God than any offense that can be committed against any man-made law.

If you are suffering with hunger and some man steals your dinner, it will not appease your appetite to be afterwards informed that he stole it because he loved you, or because he thought it would not be good for you to eat it; and it will not increase your respect for his love and his philanthropy if you afterwards learn that after he stole it from you he sold it at exorbitant figures to some other hungry mortal.

I have some little respect for the bold highwayman who, in broad daylight, on the public highway, holds you up and takes your purse, but I have no respect for the man already reeking with wealth who stands at the doorway of every humble home and with itching palm outstretched compels unwilling tribute in pennies from millions of God's poor.

Mr. President, while this bill I have mentioned was pending in Congress and before it was passed Mr. Wickersham, the then Attorney General, commenced suit against Herman Sielcken and others, the object of which was to compel the sale upon the open market of something over 900,000 bags of coffee that this committee then had in store in the city of New York. He commenced that suit before we had passed the law that has been read in your hearing.

Mr. CRAWFORD. Mr. President, will the Senator permit me to ask him a question?

Mr. NORRIS. I will.

Mr. CRAWFORD. I wanted to get in my mind all the material facts that underlie this matter. Do I understand that originally the coffee planters themselves incurred the obligation represented by these bonds, and that the State of Sao Paulo guaranteed their obligations, and then the Brazilian General Government in addition guaranteed them?

Mr. NORRIS. No; the Senator does not have it quite right. The bonds were regularly issued by the State of Sao Paulo.

Mr. CRAWFORD. Without the original obligation coming from the coffee planters?

Mr. NORRIS. Yes. They were regular Government State bonds, issued by that State.

Mr. CRAWFORD. Then who owned the coffee that was sequestered to secure the bonds? Did the Brazilian Government buy that and turn it over to the bondholders or does it belong to the coffee planters? That is the only other question I wanted to ask.

Mr. NORRIS. I will make it plain to the Senator. They entered into an agreement with the Government, and the agreement provided that this entire scheme should be under the control of a committee of seven. The American member of that committee is Herman Sielcken, the defendant in this suit, and the other members of the committee represent the other six Governments where money was furnished. Our bankers here, the National City Bank of New York and the First National Bank of New York, represented by Mr. Sielcken, furnished ten millions of these seventy-five millions of dollars. The agreement provided that there should be a committee of one from each of these financial institutions and that the Government of Brazil should appoint another member, making seven, and that this committee of seven should have control of the coffee—control of its sale, its storage, and so forth—under certain stipulations and limitations that were contained in the agreement.

The coffee was bought, then, by this committee. The coffee, whenever they decided to sell any of it, was sold through this committee. At one time, when there was just a little fear that the production might continue to increase, the committee seriously considered the proposition, and consent was given by the Government to take into the ocean coffee from Brazil and sink it into the sea. At another time they proposed that they would burn one-tenth of the coffee in order to prevent an overproduction, in order to make good the price of coffee, which would make good these bonds and make sure the repayment of the money that had been given for the bonds by the different bankers.

Mr. CRAWFORD. Did they ever actually do that?

Mr. NORRIS. They never actually did that. They did, however, provide—and the agreement provided that it should be done—that this surtax should be levied upon all coffee exported from Brazil, and that that should be remitted weekly to this committee to pay their expenses, and to pay interest, and so forth. They provided also, in order to guard against any future big crop of Brazil, that beyond a certain amount of exportation of coffee in every year a heavy export tax should be levied, running up as high as 20 per cent, in order to prevent and discourage the larger production of coffee.

I believe, when the Senator interrupted me, I was just ready to speak of this particular suit which the Attorney General had commenced.

Mr. CRAWFORD. I did not want to divert the Senator.

Mr. NORRIS. No; the Senator's question was enlightening, and I am glad he interrupted me.

The Attorney General began this suit on the theory that under the broad equity powers of the court, after he had alleged in substance these facts that I have given, he would be entitled to an order of the court compelling a sale of that coffee. He asked for a restraining order which, in effect, would restrain the dock company—the company that had the coffee actually in its possession in storage—from permitting it to go out of the jurisdiction of the court.

This preliminary injunction was denied by the court, and I believe rightly. I can not help but believe that the Attorney General expected it would be denied, because there was no assurance—there was no belief, in fact—that the coffee was going to be taken out of the jurisdiction of the court. The real object of the suit was to compel its sale.

While that suit was pending negotiations sprang up between the attorneys in the suit, and the Attorney General agreed that he would dismiss the suit if they would make a bona fide sale of the coffee. They agreed to do this, and claimed that they had done it; but the Attorney General, not being satisfied with the bona fides of the sale, refused to dismiss the suit.

Now, I want to give you, from some of the papers that have been sent up here by the Attorney General, some things that have a direct bearing not only upon this particular suit, but upon the question of valorization in general.

June 3, 1912, after this suit had been commenced, the Attorney General wrote a letter to the President, in which he cited his authority for the suit and told the President, in substance, all the details of the suit. I ask, without reading, to have that letter printed in the RECORD.

The VICE PRESIDENT. If there is no objection, that will be done.

[The letter appears at the end of Mr. NORRIS's speech.]

The VICE PRESIDENT. Will the Senator from Nebraska suspend for just one moment? The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate resolution 37; and in accordance with the unanimous-consent agreement the unfinished business is now temporarily laid aside until the disposition of the motion to refer House bill 3321. The Senator from Nebraska will proceed.

Mr. NORRIS. Mr. President, September 16, from New York City, Attorney General Wickersham wrote a letter to the Secretary of State. It might be well for you to note that all the time negotiations, through the representatives of the Brazilian Government, were taking place in the Department of State with reference to this suit and with reference to the enforcement of any law against this valorized coffee. In this letter the Attorney General says:

42 WEST FORTY-FOURTH STREET,
New York, September 16, 1912.

The honorable the SECRETARY OF STATE.

SIR: Your letter of September 5 is just received by me, owing to my absence for a fortnight past in the White Mountains. It is rather significant that the interview reported to you by telegram, received at the department on the 4th instant, between the Brazilian minister for foreign affairs and the American ambassador to Brazil, should have been almost coincident with the receipt at the department of a letter from Mr. Crammond Kennedy, the attorney for Mr. Hermann Sielcken, in which that gentleman informs me that an adjustment which I had supposed had been practically arranged with Mr. Sielcken can not be carried out. At Mr. Kennedy's request I had agreed to delay any further proceedings in the case until his return to this country in September, in order that Mr. Sielcken might have the opportunity to lay my final offer in response to his overtures of settlement before his associates. Mr. Kennedy now informs me that the Brazilians are unwilling to enter into the arrangement suggested, and he argues at some length that to continue the prosecution would endanger the good relations existing between the United States of Brazil and the United States of America.

In the opinion of this department the valorization scheme, in so far as it has been carried out in this country, has involved a willful and deliberate violation of the laws of this country and has resulted in doubling the price to our citizens of a commodity of common use, and has subjected all concerned in this country to prosecution under our laws. Mr. Sielcken has filed a demurrer to the petition brought by the Government under the Sherman Act, and it may be desirable to try out that demurrer in order to allow the court to pass upon the legal question arising upon the facts presented. If, however, as a matter of international policy it should be deemed better not to push that suit, the department is prepared to submit the facts in the case to a grand jury, and I have no doubt that the indictment of Mr. Sielcken, and possibly some others, would follow. I can not well deal with this question fully until my return to Washington, when I shall hope to confer with the Secretary of State about it. Meantime I am advising Mr. Kennedy of my regret at the attitude taken by his clients and my entire unwillingness to enter into any agreement with him which involves a recognition in the slightest degree of either the legality or the propriety of the valorization plan or the acts done pursuant to it.

Very respectfully,

GEORGE W. WICKERSHAM,
Attorney General.

I think, Mr. President, we can very well conclude from the correspondence of the Attorney General, both from this letter and others, particularly the one that I have had printed in the RECORD, that continually there were representations made to him through the State Department, and that the representatives of the Brazilian Government, perhaps through our State Department, had taken it up with the President of the United States and that the President had conferred with the Attorney General in regard to it. Here is a letter from the Attorney General of November 6, 1912, to the United States attorney in New York who had personal charge of the case:

NOVEMBER 6, 1912.

UNITED STATES ATTORNEY, *New York, N. Y.*

SIR: I have your favor of 25th ultimo about the case of United States *v.* Sielcken and others. I have also a letter from the State Department making some suggestions regarding the disposition of the matter which have come from the Brazilian ambassador, and which will require some conference with the State Department before I can determine the attitude which this department should assume toward the suggestion made. Under these circumstances—

He goes on then to ask him not to take up the case until he hears from him again. It is safe to assume that he had further correspondence and that he had interviews with the President in regard to it, and that he was laboring particularly in the letter which I have had printed in the RECORD to have the President understand what kind of a case he had, and that he was interceding with the President to induce him, if he could, not to demand that this suit be withdrawn or that it be dismissed. So it is not surprising that a little later——

Mr. NELSON. Will the Senator allow me an interruption? It comes in here.

Mr. NORRIS. I will.

Mr. NELSON. I simply desire to say that my recollection is that the bill the Senator referred to at the outset was reported by me from the Judiciary Committee, and that we had a letter before that committee from Mr. Wickersham recommending the passage of the bill.

Mr. NORRIS. Yes.

Mr. NELSON. He was very earnest for this legislation. I think he ought to receive credit for it.

Mr. NORRIS. I am going to give him credit for it. Mr. President, I am very glad that the Senator interrupted me; I might have forgotten it. I will take this occasion to say that no man did more than Attorney General Wickersham, in my judgment, not only to amend the law in order to make it stronger, but to do his full and complete duty in this case and in fighting the great scheme of valorization. He did it no doubt under circumstances that were harassing. I know he did everything he could after the bill had passed the House, when it was before the Senate committee, to induce the committee to give it consideration and to induce the Senate to pass it.

Now, a little later, November 22, 1912, I find this letter was written to the Attorney General:

THE WHITE HOUSE,
Washington, November 22, 1912.

Hon. GEORGE W. WICKERSHAM,
Attorney General.

MY DEAR MR. ATTORNEY GENERAL: I send you herewith a note from a friend of mine, named Schmidlapp, who knows Sielcken. The language of Sielcken is such as to indicate that he is not telling the truth; but I refer it to you for such comment as you wish to make.

Sincerely, yours,

WM. H. TAFT.

In answer to that letter, under date of November 25, 1912, the Attorney General writes as follows:

NOVEMBER 25, 1912.

The PRESIDENT, *the White House.*

DEAR MR. PRESIDENT: I have yours of 22d instant, inclosing a letter addressed to you by Mr. Schmidlapp, who incloses one to him by Mr. Sielcken, a defendant in the coffee valorization suit.

His statement of what the assistant in charge of this case has said, I believe to be absolutely untrue. In the second place, the statements about the suit are silly, because it was brought only after a most careful and thorough investigation of the whole subject; and his statement of what the court said in denying the motion for an injunction is also wide of the facts. The whole difficulty of the case is that Sielcken has been shielding himself behind the Brazilian Government; and the only reason why I have not brought on for argument the demurrer to the petition filed in New York is because of the pendency of negotiations opened on behalf of the Brazilian Government or Sielcken—I am not quite sure which, because made by the attorney who represents both of them—to do voluntarily precisely all that this equity suit can accomplish, namely, to compel the sale in New York, free and clear of all restrictions, of some 900,000 bags of coffee now stored there, subject to the control of the valorization syndicate. My own firm belief is that Sielcken ought to be indicted, and that he would be convicted of a violation of the Sherman law if the facts were related before a jury; but in view of the relation of the Brazilian Government to the matter I have yielded to the wishes of the State Department to avoid further public discussion of the matter, provided a satisfactory result can be reached. The operations of this syndicate have already extracted more than $10,000,000 of unlawful profit from the pockets of American consumers of coffee. But that is gone. What I am trying to do now is to prevent further acts which would levy an additional toll of the same kind on the remaining undisposed-of coffee.

A few days since Mr. Crammond Kennedy, who is counsel for both the Brazilian Government and Sielcken, stated to me that he could satisfy me that the entire amount of 920,000 bags would be sold probably before the 1st of January, and he asked me to dismiss the suit on the assurance that this would be done. I told him that if I had satis-

factory assurance that it would be done, I would be willing to dismiss the suit, making at the same time a public statement of the reasons for so doing. He objected to this statement being made now. I then told him that when the coffee was sold and I was satisfied of that fact, I would dismiss the suit, at that time making a statement of the reasons for so doing. He went away to consider which of the two courses he would prefer to have adopted, and in the meantime I am withholding any further proceeding in the civil suit, although I have a brief ready for the argument of the demurrer, and I am entirely satisfied that the Government has a perfectly good case. I have collected additional evidence regarding Mr. Sielcken's relation to the subject which strengthens the opinion which I expressed concerning his liability for violation of the statute.

I return the correspondence you sent me.

Faithfully, yours;

GEORGE W. WICKERSHAM,
Attorney General.

Mr. NELSON. That was in November?

Mr. NORRIS. It was in November, 1912.

Mr. CRAWFORD. The one just read?

Mr. NORRIS. November 25, 1912.

Mr. President, that gives the Senate an idea not only from my statement of the facts from the investigation that I have made, but from the investigations made by the Attorney General and the Department of Justice, as to what kind of a scheme this was and what kind of a case the Attorney General had. I was very much surprised not many days ago to learn that this case had been dismissed—or I was surprised a few days before that to learn that it was going to be dismissed.

It was claimed that this coffee was sold, and they asked the Department of Justice, under the present Attorney General, to dismiss it in accordance with the agreement made with Attorney General Wickersham that it would be dismissed if the coffee was sold. The question arose at once, Has the coffee been sold? The Attorney General dismissed the suit, and at the time of doing it he issued this public statement. This is from Attorney General McReynolds——

Mr. CRAWFORD. What is the date?

Mr. NORRIS April 16, 1913.

The Government's action in the so-called "valorization coffee suit" was brought to cause the speedy marketing of 920,000 bags of coffee withheld from the market and the ordinary channels of trade in New York warehouses in the hands of Mr. Herman Sielcken, the American member of the valorization committee. The coffee was a part of the security for a loan made by the State of Sao Paulo, guaranteed by the Republic of Brazil. Negotiations through our State Department were entered into looking to the amicable adjustment of the matter. An understanding was reached December 1 last that if the entire 920,000 bags of coffee then in New York were disposed of to bona fide purchasers in the regular course of trade by April 1 this suit would be dismissed.

Now, that far I think the present Attorney General stated the facts correctly. Then he goes on:

Good faith assurances have been presented by the Brazilian Government that the understanding was fulfilled in letter and spirit before the date set, and the entire amount of coffee disposed of to 80 dealers in 33 cities of 20 States. These assurances are accepted, and the suit will be dismissed accordingly.

It is apparent that the disposal of the coffee as represented fulfils the province of the Government's action.

The department asked whether any further steps are contemplated declined to say.

Statement authorized by Attorney General.

I did not believe, Mr. President, that a bona fide sale had been made, and I did not believe it because I was unable to ascertain, and so far as I was able to find out nobody else was able to ascertain, who bought this coffee if it ever was sold. So I introduced Senate resolution No. 58, and at this point I desire the Secretary to read that resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolved, That the Attorney General be, and he is hereby, directed to transmit to the Senate the following information:

First. Copies of any and all requests asking for the dismissal of the case of The United States of America, petitioner, *v.* Herman Sielcken and others, defendants, heretofore pending in the District Court of the United States for the Southern District of New York.

Second. Copies of any and all agreements that were made by the parties to said action during its pendency, providing for its discontinuance or its dismissal.

Third. Copies of any and all correspondence regarding the maintenance or dismissal of said action.

Fourth. Copies of any and all reports that were made by any agent or special attorney of the Government investigating the existence of any trust or combination in coffee or any scheme or plan for the valorization of coffee.

Fifth. The names and addresses of the parties purchasing the coffee involved in said suit, together with the price and the amount purchased by each.

Sixth. Copies of any memoranda, correspondence, letters, or documents on file in the Department of Justice pertaining to or connected with the settlement and dismissal of said action.

Seventh. Any additional statement that he may desire to make touching any of the above matters.

Mr. NORRIS. Mr. President, in answer to that resolution which the Senate passed, the Attorney General, I think, has substantially complied with all the requests except the fifth, and that reads as follows:

Fifth. The names and addresses of the parties purchasing the coffee involved in said suit, together with the price and the amount purchased by each.

That was the thing I wanted to find, if anybody knew it; and the Attorney General, in his reply, has absolutely ignored that part of the request, and has made no reply to it whatever. Of course if he does not know who the purchasers of the coffee are, he would not be able to give us the names and addresses, but I think he ought at least to have said that he did not know. Of course he does not know; I was satisfied when I introduced the resolution that he did not; but I wanted an official acknowledgment that no one did know who bought the coffee, or how much any man bought or what he paid for it. I contend, Mr. President, if the names of the purchasers had been given, the probabilities are 100 to 1 that there are men in the department who would know as soon as they saw the names whether there had been a bona fide sale or not; and if there had not been a bona fide sale it would have given valuable information to the department in any future prosecution, criminal or civil, that it might desire to take under the new law that now is in existence.

I am satisfied that the Attorney General has been acting in good faith, although I believe if he had been in office before, if he had the personal knowledge his predecessor had, he would have done as his predecessor did—refuse to dismiss the suit until he had been given evidence that it was a bona fide sale. Without intending to criticize him, I do believe that these coffee magnates gave to the Attorney General a gold brick and made him believe that it was a genuine article. He has now a law on the statute books that his predecessor did not have, under which he would be able to seize every pound of that valorized coffee that came into the United States as soon as it was landed, sell it at public sale, confiscate it, and turn the proceeds over into the Treasury of the United States. It is a law that would apply in the same way to me or to you if we were importing articles. It applies to all alike; it is a general law, and it is no more severe against the people of Brazil than it is against anyone else.

But, Mr. President, I believe that if the American people really knew all the intricacies and all the details of this great plan of valorization of coffee they would refuse to submit further to it, even though there was one of the great civilized nations a party to the combination.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. NELSON. Is that valorization scheme still subsisting and pending?

Mr. NORRIS. Yes.

Mr. NELSON. And active?

Mr. NORRIS. Yes.

Mr. NELSON. If that is the case, why would it not be a good plan to put into this tariff bill a provision charging coffee of that kind with a heavy duty? Would not that be a good way to reach it?

Mr. NORRIS. Mr. President, I do not care to discuss that question. I did discuss that very point at length in the House of Representatives. There are a good many men who think that might be accomplished, and I think we might frame a bill, probably, that would do it; but the present law if enforced would break up this combination, and if the same kind of law were applied to other combinations, so that the property itself could be taken and confiscated to the Government then such criminal and unholy combinations would cease. But I am not in favor of placing a tariff on coffee. If there was a tariff on coffee, our Democratic friends would blame this gigantic trust to the tariff. This is one trust that surely can not be charged to the tariff.

Mr. President, if we must submit to it because there is a great Government that is interested in the scheme, then we might just as well apply for a national receiver and go out of business. It does not seem to me that in any view we might take of it we can concede for a moment that we will give to men who are backed up by a Government freedom from prosecution under our criminal statutes, as Sielcken has been given during these years. Neither can we afford to give protection to the product of any foreign Government that is the subject of such a criminal combination.

I have no desire to get into dispute with Brazil or to have any unfriendly feelings spring up between this Government and that. I have nothing but the friendliest feelings for Brazil and for her people. She is destined to become one of the greatest nations of the world, in my judgment. But we can not afford, whether she is great or whether she is small, not only to permit her to violate our laws, but permit our own citizens when they represent her to violate our criminal laws and violate our antitrust laws, and give to them a right to do lawfully what we deny all other citizens the right to do.

Mr. President, I want to ask leave to have printed as a Senate document the report of the special attorney who was ap-

pointed originally to make this investigation, and who did make a very full and complete report on the entire valorization scheme. I ask leave to have printed as a public document the report of Special Agent Chantland, of the Department of Justice.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NORRIS. At the suggestion of some other Senators who have suggested that I make the request, I ask that this report of Mr. Chantland be also printed in the RECORD.

Mr. SMOOT. Does the Senator really think it is necessary to have it in the RECORD when it is published as a public document?

Mr. NORRIS. Several Senators have just called my attention to it, and said they would like to have it printed in the RECORD.

Mr. SMOOT. I think it very much better to have it printed as a public document.

Mr. NORRIS. I think that is true. I do not want to withdraw my request to have the report printed as a public document. I do not want the Senator to get that idea.

Mr. SMOOT. What will be the benefit to have it printed in the RECORD?

Mr. NORRIS. As far as I am concerned, I will say to the Senator that personally I have no particular desire to have it printed in the RECORD. I made the request at the suggestion of other Senators.

Mr. LANE. It is a matter of giving publicity to important information, in my opinion.

Mr. SMOOT. Of course, everybody who is interested in the information can get it through the public document. I do not believe the RECORD ought to be encumbered with so many things. I shall object, Mr. President.

The VICE PRESIDENT. Objection is made to the request to print the report in the RECORD.

Mr. Wickersham's letter, which was ordered to be printed in the RECORD, is as follows:

JUNE 3, 1912.

THE PRESIDENT, *The White House.*

DEAR MR. PRESIDENT: I want to make clear my views with respect to the valorization suit.

The defendants in that suit are individuals—German bankers and one American coffee merchant—who constitute a committee empowered to control the sale of the coffee held under the valorization scheme. On the argument before the circuit court in New York the Solicitor General expressly disclaimed, as does the petition in the suit, any proceeding whatever against the Republic of Brazil. So far as the State of Sao Paulo is concerned, he quoted the language of Chief Justice Marshall in United States *v.* Planters' Bank (9 Wheat., 904):

"It is, we think, a sound principle that when a Government becomes a partner in any trading company it divests itself, so far as concerns the transactions of that company, of its sovereign character and takes that of a private citizen. Instead of communicating to the company its privileges or prerogatives, it descends to the level of those with whom it associates itself, and takes the character which belongs to its associates and to the business which is to be transacted."

And he referred to the decision in the South Carolina Dispensary case (199 U. S., 437), to the effect that—

"When the State of South Carolina engaged in the business of selling intoxicating liquors it stood upon the footing of any individual engaged in that business, and was subject to the laws of the United States with respect thereto."

He contended that when the property of the foreign State was brought within the jurisdiction of this country it became subject to our laws, police and municipal, and subject to taxation. Moreover, it was developed in the course of the argument and in the affidavits filed that just before the existing agreements under which the operation is being carried out were made the committee brought within the United States a large amount of coffee, namely, 1,744,000 bags, which had come here and become a part of the property engaged in commerce in this country, a large portion of which was actually purchased within the United States, and that of that amount 440,000 bags were left. It appeared, moreover, that 600,000 bags which were sold by the committee in April, 1911, and which the Brazilian ambassador, in response to an inquiry from our State Department, stated had been made "directly to various purchasers in the West, South, and East," had, as a matter of fact, been sold to Mr. Herman Sielcken individually, and by him resold at a personal profit.

The agreements under which the committee, who are the defendants in the bill, had carried on their operations for the last three years gave them plenary power over the marketing of the entire amount which was brought under the agreement, the only restriction being that the trade should always have at its disposal the quantities which it required "at a price not lower than 47 francs per 50 kilos good average, and 50 francs for Havre type superior."

As a matter of fact, the bill alleges and the proof demonstrates that the operations of the committee resulted in more than doubling that minimum price. There was published in the Journal of Commerce April 3, 1909, a telegram from the secretary of the Brazilian Embassy at Washington quoting a cable received at the embassy from the minister of finance of Sao Paulo, which expressly stated:

"The government of Sao Paulo is no longer engaged in any valorization operations, and ceased entirely with its intervention in the market with the signing of the fifteen million pound sterling loan. All the coffee stock belonging to the State has been delivered to a committee of bankers authorized to sell it. The committee is obliged to sell in accordance with the contract, at the market price, and to the amount of 500,000 bags during the year 1909–10, 600,000 during the year 1910–11, and 700,000 bags during the year 1911–12, and an equal amount in the following years. The committee can, however, sell all or any coffee as soon as the price will reach 47 francs per 50 kilos of good average."

That telegram was sent at a time when our Government was about to revise the tariff on imports, and was for the purpose of influencing Congress against imposing a duty on imports of coffee; and the dispatch went on to say:

"There is therefore no action of this Government to advance the price of coffee, as its whole stock can be sold within a few years at the market price."

As we consume in this country between five and six million bags of Brazilian coffee of 60 kilos, or about 132 pounds each, and as the advance in price of 1 cent a pound amounts to about $10,000,000, the effect of the manipulations in the market by the committee, which have increased the price from 7 to about 14 cents a pound within three years, have, of course, resulted in laying a tax of $70,000,000 upon our people.

In his argument before the circuit court the Solicitor General conceded the right of the State of Sao Paulo and the Government of Brazil to enact laws looking to the increase in the price of coffee as it pleased, and that its citizens and legislators when so doing were no doubt animated by patriotic motives; but he pointed out that neither individuals nor institutions in the United States could have had any other motive than gain in participating in those arrangements; and he contended that when they came within the jurisdiction of our laws and not only brought coffee which belonged to the State of Sao Paulo, which was purchased by the State at home out of the valorization loan, but also purchased in this country a large amount which they withdrew from the channels of trade in this country for the express purpose of increasing the price of the commodity dealt in in our markets, and then proceeded to so hold and dispose of the same in our country as to bring about the extraordinary rise in price shown in this case, everyone concerned in that transaction and the property employed in it who or which are within our jurisdiction became amenable to our laws.

The relief prayed for in the petition is that it be adjudged that the scheme, "in so far as the same affects the interstate and foreign commerce of the United States and has been and is being consummated within the United States, be declared violative of" the antitrust law. That all acts of the committee and each of its members committed personally or through agents done in pursuance of said conspiracies, "in so far as they have been carried out in the United States or restrain the interstate and foreign trade and commerce of the United States, be declared unlawful."

That defendant Sielcken, personally, and as a member and agent for said committee, be permanently enjoined from withholding from the market the coffee held by him as a member and agent of the committee, and stored in New York, as described in the petition, and from selling the same on condition that the purchaser will not recall the same. The remainder of the prayer is for temporary relief.

The circuit court, in denying the motion for an injunction pendente lite, said:

"The numerous issues of fact and law which have been referred to on the hearing present important questions and contain too many elements of uncertainty to be decided summarily in advance of the trial. They may, with greater propriety, be disposed of when the testimony shall have disclosed the exact facts. We are not persuaded by anything in the papers submitted that there is any reason to apprehend that in the interim there will be such changes in the situation as will injuriously affect the position of the Government."

The bringing of this suit has been made the subject of sharp attack upon, and criticism of, the Department of Justice, as was to be supposed when it is considered that one-third of the great loan of money which was negotiated to carry out this transaction was made by a national bank in New York; and on the argument Mr. Choate permitted himself to make a statement which was widely quoted in the press, to the effect that the Government proposed as a remedy to be administered by the court, sooner or later, that it should force a sale of the coffee on store in New York "to break the market and make the fortune of somebody who was represented probably indirectly behind this suit."

The Brazilian ambassador also permitted himself to indulge in criticism of the Department of Justice in a speech made in the presence of the Secretary of State on the evening of Monday, May 27, in which he is reported to have referred to the suit as inflicting a heavy blow to our commercial relations—

"With the indorsement by the Government of the United States of the somewhat arbitrary and quite revolutionary doctrine of paying for other people's merchandise not the price they ask for it, but the price the United States—I mean the American merchants—want to pay for it.

"It is a brand new doctrine, and the United States seemed disposed to enforce it, even to the sacrifice of long-standing international friendship. In their eagerness to establish their right to meddle with the property of a foreign State certain officials of this Government went as far as to proclaim before an American court of justice the forfeiture of the sovereignty of that foreign State, and this with an unthoughtfulness of the consideration due to a friendly State which coincides with the boundaries of international discourtesy."

The ambassador evidently was not aware when he spoke that the language used by the Solicitor General, which he thus criticizes, was that of the Chief Justice of the United States, nor that his very complaint had been considered and decided adversely upon as early as 1812 by Chief Justice Marshall in the case of The Schooner Exchange *v.* M'Faddon (7 Cranch, 116), in which the Chief Justice very carefully drew the distinction between the immunity from prosecution in our courts enjoyed by an armed national vessel of another country found within the waters of the United States and private property of a foreign sovereign brought within our jurisdiction. He said that there was "a manifest distinction between the private property of the person who happens to be a prince, and that military force which supports the sovereign power and maintains the dignity and the independence of a nation. A prince, by acquiring private property in a foreign country, may possibly be considered as subjecting that property to the territorial jurisdiction; he may be considered as so far laying down the prince and assuming the character of a private individual; but this he can not be presumed to do with respect to any portion of that armed force which upholds his crown and the nation he is intrusted to govern."

The same distinction was drawn by Justice Story in the case of the *Santissima Trinidad* (7 Wheat., 283), where, while fully recognizing the doctrine of international law that foreign public ships coming into our ports and demeaning themselves according to law and in a friendly manner, are exempt from local jurisdiction, he said, after stating that, as a general proposition, all persons and property within the territorial jurisdiction of a sovereign are amenable to the jurisdiction of that sovereign and his courts, and that exceptions to that rule were such only as by common usage and public policy had been allowed in order to preserve the position and harmony of nations and to regulate their intercourse in the manner best suited to their dignity and rights.

"It would indeed be strange if a license implied by law from the general practice of nations for the purposes of peace should be construed as

a license to do wrong to the nation itself, and justify the breach of all those obligations which good faith and friendship, by the same implication, impose upon those who seek an asylum in our ports."

This is the same doctrine which we have applied with respect to the State of our own Union, and in the case of South Carolina *v.* United States (199 U. S., 437) it was held that agents of the State government carrying on the business of selling liquor under State authority were liable to pay the annual revenue tax imposed by the Federal Government, the rule applied being, to quote the comment on it in Flint *v.* Stone Tracy Co. (220 U. S., 157)—

"that the exemption of State agencies and instrumentalities from national taxation was limited to those of a strictly governmental character, and did not extend to those used by the State in carrying on business of a private character."

In other words, on principle and on authority, there seems to be no basis for the contention that a state of a foreign nation can combine with bankers and coffee merchants to monopolize and enhance the price of an article of common necessity in the United States, of which our citizens consume an enormous quantity, import that commodity into our territorial jurisdiction, and there carry out the powers which they have acquired through that monopoly to the enhancement of the price and the detriment of our own citizens, and then claim the protection of the alien sovereign to which they would be entitled if they were here in a sovereign capacity, as, for example, in the presence of an armed vessel of that nation or a military force crossing our territory with the permission of our Government.

Perhaps as good a comment as could be made of this whole transaction was one which appeared in a New York evening paper, the day following the argument in the circuit court, in the following language:

"We are by no means satisfied that, considering the peculiar governmental aspects of the matter, our Department of Justice was wise in pressing the case as it did—at all events, in filing suit without some friendly preliminary negotiations with Brazil. But there are some things to say on the other side, and one of them is that when a Government goes into trade and engages, directly or indirectly, in operations on the markets of a foreign state it thereby inevitably subjects itself to the laws of that state regulating trade and commerce. If our Government were to place an import duty on coffee, Brazil could hardly claim exemption for Government-owned coffee sent to be stored and marketed in this country. Or, to take a more extreme case, if the Brazilian or any other state were to engage in production of some article proscribed by our pure-food law, no one is likely to contend that consignments of that article would be free from the prohibitory clauses. The principles underlying the present suit are, first, that neither a foreign merchant nor a foreign government acting as a merchant is entitled to do in the American market what the American merchant is forbidden to do, and, second, that operations of the sort in question, if conducted by a private American syndicate, would be repugnant to the law. When the Brazilian ambassador speaks with easy confidence of the 'new American ways' and the 'brand-new doctrine' asserted by the Attorney General he appears to us to forget that of all new ways and brand-new doctrines the theory and practice of the 'coffee valorization plan' are among the very newest."

Under all of these circumstances I am very strongly of the opinion that the suit should be proceeded with in personam in an effort to obtain the permanent relief which has been prayed. I think that to yield in the face of the character and sources of the criticism that has been made would constitute a reflection on this department which should not be permitted.

Very sincerely, yours, GEORGE W. WICKERSHAM,
Attorney General.

Mr. STONE. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Goff	O'Gorman	Smith, S. C.
Borah	Hitchcock	Oliver	Smoot
Bradley	Hollis	Overman	Stephenson
Bristow	Hughes	Page	Sterling
Bryan	James	Perkins	Stone
Burton	Johnson, Me.	Pomerene	Sutherland
Catron	Johnston, Ala.	Reed	Thomas
Chamberlain	Kern	Root	Thompson
Chilton	La Follette	Saulsbury	Thornton
Clapp	Lane	Shafroth	Tillman
Clark, Wyo.	Lea	Sheppard	Townsend
Clarke, Ark.	Lewis	Sherman	Vardaman
Crawford	Lippitt	Shively	Weeks
Cummins	McLean	Simmons	Williams
Dillingham	Martine, N. J.	Smith, Ariz.	
du Pont	Myers	Smith, Ga.	
Gallinger	Norris	Smith, Md.	

Mr. CATRON. I wish to announce that my colleague [Mr. FALL] has been suddenly called away from the city on account of the death of his father. He is paired on all questions where votes are required to be taken with the Senator from Arizona [Mr. SMITH].

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

Mr. SHERMAN. Mr. President, I wish to confine myself briefly to the motion to refer and to the amendment offered by the Senator from Pennsylvania [Mr. PENROSE]. This involves the question of hearings before the Finance Committee of the several interests affected by the proposed tariff legislation. Matters that would justify the hearings are the questions that have arisen largely since former legislation was attempted on the subject, and hearings were then granted. At that time there was not the constitutional power to levy an income tax. Since that time, by proper amendment, the power now exists. Whatever might have been said, or whatever proposed legislation was attempted, was not then under the responsibility of constitutional sanction. Whatever is done now, beyond any question is authorized by the organic act as it has been amended.

The sobering effect of constitutional power would justify a hearing upon section 2 of the bill. There are sweeping provisions in that section. There are provisions that not only reach what seems to some of us an entirely justified matter of taxation, but it goes beyond the "malefactors of great wealth," the swollen fortunes, the incomes that are not needed for the support of those who have them or those dependent on them, and attacks the provident under the guise of income taxation. It taxes not only income, but it seeks to tax the protection which every prudent head of a house provides for those who are dependent either upon his activities as a wage earner or as an income producer for the family. I would be glad to have any additional information on this subject that could be given by a hearing before the committee.

I am entirely in accord with the exemption of fraternal life insurance associations or companies and building and loan associations from the operation of this proposed act. I would extend that exemption so as to include the companies doing a life-insurance business on a purely mutual plan without capital stock, without profit to any shareholder, and without profit to the members of the company. The company in such cases is the certificate or policyholder. They are only providing, by setting apart some of their earnings, for the inevitable time when those dependent upon them will need the results of their provident action. I think the introduction of this section into the bill would justify some additional hearings.

As originally prepared in the House of Representatives, the bill contained a provision that levied, under the guise of an income tax, a real inheritance tax upon the proceeds of life policies. That, upon a hearing, appeared to be indefensible and was stricken out, either in caucus or in committee; and it does not now appear in the bill. In order to more fully negative what was undertaken in the first instance, some affirmative language has been added so as to exclude the proceeds of life insurance companies from the operation of this bill. This is one provision of the measure that certainly is entitled to some hearings. If it were a matter of income alone, perhaps it might not be; but it is not a matter of income; it is a matter of protection. The only argument in its favor that I have heard offered up to this time is that there are certain large policyholders and certain life insurance companies in this country doing business on a purely mutual plan that run into a considerable sum on the face of the policy and in the reserve or surplus set aside for the security of the several policyholders. That is a matter certainly which is entitled to some hearing and some consideration at the hands of the committee.

Another section is section 3, known as the administrative features of the bill. Section 3 largely, if not entirely, concerns itself with the regulations at home and abroad that are consequent upon a different basis of import duties.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Certainly.

Mr. REED. I want to ask the Senator from Illinois simply this question: If he does not think that the language of the bill as it now is does exempt all policies—that is, the payment upon all policies—of life insurance, the payment upon all annuities, and the payment of all other sums provided for in the contract? I ask the Senator if he has examined the amendment which was made to the printed text? I do not know that I make myself plain.

Mr. SHERMAN. It may be I do not understand the Senator. Will he please repeat the question?

Mr. REED. I do not want to interrupt the Senator, and perhaps should not have arisen to do so; but I wanted to ask the Senator whether he had examined the bill as it is now written, and if he wants to be understood as saying that the bill does not exempt from taxation not only the amount paid upon the face of the policy at death, but all annuities and all other sums which are paid by reason of the contract? I ask if he does not understand that they are exempted from taxation?

Mr. SHERMAN. I understand they are exempted in the amended bill as it came to us.

Mr. REED. Is not everything that goes to the policyholder exempted in the amended bill; and is not the sole tax which is levied under the amended bill a tax upon the net profits, the net income of a company?

Mr. SHERMAN. No, sir; it is not. I do not think, in its present form, that that is the necessary effect of the section or of the several sections which relate to this matter.

Mr. REED. Well, I was very anxious to know whether the Senator took that position. If he does, well and good.

Mr. SHERMAN. Mr. President, I have no criticism to make of the exemptions made, so far as they go, but I do not think

they go far enough. To that end I have thought that it would be entirely proper that we should collect such available information as the committee might have offered to it, in order that we might be further enlightened.

The administrative feature which I mentioned is necessary because of the change in the method of levying duties. Ad valorem rates of duty necessarily require a much more inquisitorial process of collection than the simpler method of specific duties. There are two provisions, however, in section 3 that penalize not the manufacturer or jobber in another country, nor those who are responsible for whatever failure to give evidence may occur, but they penalize the jobber and the importer in this country, without an opportunity to reach the source of the trouble. It is provided that the merchandise shall be excluded from entry in the event that the manufacturer or wholesaler in a foreign country refuses to give certain specified information. It penalizes the jobber or wholesaler in this country if the retail merchant refuses to give the information. The latter can be reached, because the retailer in this country is within our jurisdiction, while the mnufacturer or wholesaler in a foreign country can not be reached by any process that will be effective as a remedy to exempt the domestic importer from the results of the refusal of the foreign authorities to give the information. This will in itself be a most effective way of preventing the innocent party from conducting his business and of exempting the guilty party from the operation of his refusal.

There are, in addition, some matters in this bill that have occasioned protest, which it seems fair that the committee should hear. There are in the western and northwestern portions of this country and elsewhere extensive flouring mills. They have invested a considerable sum of money. There are many thousands of them conducting their operations. It is one of the industries as to which not even a charge nor a suspicion of combination has been made to raise the price of their product or to limit their output. There is no flour-mill trust in this country. The different flouring mills have maintained business on a purely competitive basis. In this bill the peculiar process to me is that the millers' raw material, as they properly protest, is made dutiable and the finished product is free listed. On that the communications that come to me have been numerous. I select from the number two of them which are fairly typical of the entire situation. The first is from the Sparks Milling Co., of Alton, Ill. I ask unanimous consent that their letter may be inserted in the RECORD as a part of my remarks, without consuming the time of the Senate in reading it.

The VICE PRESIDENT. If there is no objection, permission is granted.

The letter referred to is as follows:

SPARKS MILLING CO.,
Alton, Ill., U. S. A., April 8, 1913.

Hon. LAWRENCE Y. SHERMAN, *Washington, D. C.*

DEAR SIR: We desire to call your especial attention to the tariff bill as reported by the Ways and Means Committee of the House, and which, if possible, we desire to have changed before it is reported by the Senate Finance Committee.

The bill provides for a duty of 10 cents per bushel on wheat and 10 per cent ad valorem on flour.

The above would be a discrimination against the American miller equivalent to about 7 cents per barrel on flour. For example, taking Canadian wheat at 90 cents per bushel, it would require, say, 4 bushels and 35 pounds to make a barrel of flour. The duty on the 4 bushels and 35 pounds would be equal to 45.83 cents on a barrel of flour. A barrel of flour made from 90-cent wheat costs approximately $3.85. Therefore ad valorem duty on the flour would be 38.5 cents per barrel, against a duty on the corresponding quantity of wheat of 45.8 cents, or 7.3 cents per barrel discrimination against the wheat.

It is easy to see that this would be highly in favor of the large Canadian mills and against all the mills in this country

We feel that the duty on wheat and flour, whatever it may be, should be exactly the same; that is, there should be ad valorem duty on both wheat and flour or specific duty on both wheat and flour.

The specific duty on flour equivalent to 10 cents per bushel duty on wheat would be approximately 46 cents per barrel.

The bill further provides that countries admitting our flour free can ship flour duty free to this country. At the present time this would give the British millers an opportunity to make flour from cheap Russian, Indian, and Argentina wheat and ship it into this country duty free, to be sold in competition with flour made by American mills from American wheat. This in itself would be a serious blow to American millers, as there are very large and modern mills in England, particularly in Liverpool, which, under such an arrangement as this, could, and no doubt would, ship thousands of barrels of flour to our eastern markets.

At the present time Canada has a duty against imported flour, but if our bill is passed in its present form there is hardly any doubt but what Canada would immediately take off the duty on flour, which would permit their mills to ship flour into this country free, while there would be a duty against their wheat, thus giving their mills a big advantage, as, of course, the flour market in this country is a great deal larger than that of Canada.

We will certainly appreciate anything you can do toward eliminating the "free-flour" clause and also toward making absolutely the same duty on flour as is imposed upon wheat.

You will note from the above that we are not asking protection on flour, but are trying to avoid a discrimination in favor of foreign manufactured products compared to foreign raw material.

Yours, truly,

SPARKS MILLING COMPANY.
GEO. S. MILNOR.

Mr. SHERMAN. The second is from the B. A. Eckhart Milling Co., of Chicago, Ill. I make the same request as to their letter in order to save time.

The VICE PRESIDENT. If there is no objection, the letter will be inserted in the RECORD, as requested.

The letter referred to is as follows:

CHICAGO, *April 12, 1913.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: If the bill agreed upon by the Ways and Means Committee of the House should pass in its present form in relation to wheat and flour the foreign mills, who have the enormous advantage of cheap wheat duty free from Canada, Russia, Argentina, India, and Australia, would either destroy the American milling industry or else the tariff of 10 cents a bushel on foreign wheat would and could not afford the American farmer any protection.

If flour is admitted duty free the foreign millers could flood our country with flour made from cheap foreign wheat, and a tariff of 10 cents per bushel on wheat would not benefit our farmers at all, as the admission of free flour would destroy the American milling industry, and, therefore, the American farmer could not hope to sell his wheat to the American miller.

The American farmer would be obliged to export his wheat and sell it in competition with other wheat-producing countries and accept such prices as Liverpool would be willing to pay for the wheat. Furthermore, Canada would take off her duty on American-manufactured flour, and hence could ship, duty free, Canadian-manufactured flour to this country, made from Canadian wheat raised on new, cheap land. This would be an easy matter for Canada to do, because there is comparatively little flour consumed in Canada, as their population of about 6,000,000 is relatively small compared with the population of the United States of 90,000,000; and as Canada has a very large milling capacity they would flood the American market with Canadian flour made from Canadian wheat, which is superior to our wheat in quality.

This would prevent the American farmer from disposing of his wheat to American millers, so long as Canada and Great Britain would be able to supply the consumers of this country with flour made from cheap wheat raised in foreign countries.

Great Britain is not dependent at all upon the United States for her supply of wheat; in fact, of late years she has been able to secure much cheaper wheat from Canada, Argentina, and India, countries where land and labor is much cheaper than in America.

As I understand the report of the committee in respect to wheat and flour, countries admitting our flour free can ship flour to this country duty free.

A duty of 10 cents per bushel on wheat is equal to 50 cents per barrel on flour, as it requires about five bushels of wheat to produce a barrel of flour.

The average profit to the American miller is less than 10 cents per barrel on flour, and as the ocean freight from England, Belgium, Holland, Germany, and Canada to our great central markets—such as New York, Philadelphia, Baltimore, and Boston—is a comparatively small item, as all of these markets can be reached by cheap water transportation, it would give the foreign miller who has free wheat an enormous advantage over the American miller.

According to the last census there are about 11,000 mills in the United States, grinding about 500,000,000 bushels of American wheat. These great milling plants are scattered over 46 States of the Union. The amount of money invested in flour mills is over $450,000,000. The value of the product of the mills is over $900,000,000.

To adopt such a policy as outlined by the report of the Ways and Means Committee would be an economic fallacy disastrous both to the American farmer and the American miller.

It is inconceivable how intelligent men can possibly propose such a policy, much less enact it into a law. We must therefore appeal to the Senators of the United States for justice and fair play. I know that I need only to call your attention to this unfair and fallacious proposition to enlist your earnest and hearty support in behalf of the American miller and the American farmer.

With kindest regards, I am,
Sincerely, your friend,
B. A. ECKHART.

P. S.—I take the liberty of inclosing a copy of an editorial from the Northwestern Miller of April 9, 1913.

Mr. SHERMAN. The criticism very properly is made—and I think it ought to be considered by the Finance Committee—that the making dutiable of their raw material, which is the farmers' finished product, wheat, can not well be defended when their finished product, flour, is free listed. They call attention in what I think is a perfectly legitimate way to the competition to which they will be necessarily exposed. The mills all the way from the Southwest, in the far Mississippi Valley, to the extreme Northwest, touching the Canadian line, are affected vitally by such a provision. They are exposed to competition from wheat collected from the entire world wherever it is accessible as a merchantable product, and, with cheap ocean freight, it will put our millers and the men who produce the wheat in direct and open competition, without any compensating advantages in the way of an import duty.

There has been a statement made, further, that I think the committee ought properly to consider. It has been made by authority we can not well ignore, and it has been repeated on the floor of the Senate that, in the event this bill in its present form should become the law on that subject, if any gentleman now in business in this country should see fit to suspend either one or all his or their business and cease to give employment to the workmen, it will be made the subject of an investigation, without benefit of clergy, under the Sherman antitrust law for a conspiracy to restrain or hinder trade in its natural operation. Whatever may be the condition of things, to use the euphonic language quoted by my friend yesterday, it will make no difference whether or not such action interferes with the normal and healthy course of commerce and manufacture, all

such employers are now threatened in advance that if the operation of this bill should be such as to make it unprofitable for them to carry on business, and one or more of them should suspend operations, they are to be threatened with the penalty of an indictment, at least, whether or not at the hands of a jury they should ever be convicted. I believe this would justify us in at least listening to those opposed to some other features of this bill who were not present at the last hearing, something like a year ago.

Another thing that seems to me material, although I have not any doubt it has been maturely considered every time any tariff bill has been up for consideration, is the time when the bill shall become operative. From the quarter of the country from which I come, and with whose business operations I am familiar, there comes what I consider a reasonable request. Many millions of dollars of merchandise are stored in warehouses; it belongs to and is a part of the current commerce of the country. Manufacturers are now, or in the ordinary course of trade will be, under contract for furnishing merchandise in the future under present conditions. In the course of modern competition no merchandise of certain kinds can be made up in anticipation and stored in warehouses to await orders from the trade. They must, in the ordinary way of business, be prepared long in advance. Many of these concerns are not merely order-merchandise manufacturers, but they must secure contracts many months, sometimes 6 to 12 months, in advance to prepare for orders taken and for prompt deliveries in accordance with their terms. Warehouses are, in some instances, not only full of goods manufactured under present conditions, but the conditions of the trade are such that it is necessary that this act shall become operative at some time in the future instead of becoming immediately so.

The condition of the clothing trade is a fair illustration, which would require, under present conditions, postponement of the operation of the act until about the 1st day of January, 1914, in order not to unduly interfere with the healthy growth, development, and manufacture of the country. That language I do not say, Mr. President, is original, but I am adapting it to be used on this occasion as entirely applicable. I think the question ought to be submitted to the Finance Committee in accordance with the amendment offered by the Senator from Pennsylvania, so that the different industries may be considered, and that, if any differences exist in the necessary method of transacting business, those differences may be adjusted and that the proper time may be fixed when the act shall become operative upon those lines most concerned. To arrive at such a readjustment as will be indispensable in a bill that reaches into every nook and corner of commerce, manufacturing, and industrial activity, it seems to me that it would be wise to allow those who would be so materially affected by it to be heard.

There will be some differences, some losses, some readjustment of prices, some rearrangement of the methods of manufacture and of distribution, some settlement of the finances necessary to conduct large enterprises. But these losses ought, in justice, to be reduced to a minimum. If time be given upon certain lines of manufacture and commerce they will be so reduced. To that end it seems as if these hearings could be profitably had in order that these different lines of effort might be so heard and differentiated that no undue loss would occur upon the application of the proposed law.

The last lines of the bill say that it shall become operative immediately upon its approval by the Chief Executive; so that in many of these cases it would interfere materially not only with contracts now made but with stocks of merchandise now on hand.

There is one further document that I wish to add that pertains to Schedule M and relates entirely to the lithographing business.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

MAY 8, 1913.

To the Congress of the United States:

Schedule M, paragraph 412, of the tariff act of 1909, to provide revenue, equalize duties, and to encourage the industries of the United States, and for other purposes, provides that:

"Views of any landscape, scene, building, place, or locality in the United States on cardboard or paper, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process: Not thinner than eight one-thousandths inch, $0.15 per pound plus 25 per cent ad valorem."

H. R. 3321, the Underwood bill, paragraph 337, page 83, provides that:

"Views of any landscape, scene, building, place, or locality in the United States on cardboard or paper, not thinner than eight one-thousandths of an inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying 35 square inches or less of surface per view, bound or unbound or in any other form, 45 per cent ad valorem."

The foregoing reduction in the duty on post cards it is evident will favor importations from foreign countries. The conditions covering their production make it possible for them to be sold in our market in unfair competition with American manufacturers of the like article. We quote below prices of a German manufacturer of Dresden, Germany, comparing them with our own colored view post cards of the same kind:

C. T. colorchrom:

1,000 per subject	$6.50 per M
2,000 per subject	5.50 per M

C. T. photochrom:

3,000 per subject	4.50 per M
5,000 per subject	3.50 per M
10,000 per subject	2.75 per M

Stengel & Co., Dresden, A, quotes style No. 22 colored view post cards:

By 1,000, at 15.50 marks	$3.72
Proposed 45 per cent ad valorem would be	1.67
Freight, etc	.30
	5.69
Curt Teich & Co.	6.50
Stengel & Co	5.69
	.81

By 1,000 cards per subject the importer can buy cards for 81 cents less per 1,000 view cards in Germany.

Stengel & Co., Dresden, A, quotes style No. 22 colored view post cards:

By 2,000, at 11.50 marks	$2.76
Proposed 45 per cent ad valorem would be	1.24
Freight, etc	.30
	4.30
Curt Teich & Co	5.50
Stengel & Co	4.30
	1.20

By 2,000 cards per subject the importer can buy cards for $1.20 less per 1,000 view cards in Germany.

Stengel & Co., Dresden, A, quotes style No. 22 colored view post cards:

By 3,000, at 10 marks	$2.40
Proposed 45 per cent ad valorem would be	1.08
Freight, etc	.30
	3.78
Curt Teich & Co	4.50
Stengel & Co	3.78
	.72

By 3,000 cards per subject the importer can buy cards for $0.72 less per 1,000 view cards in Germany.

Stengel & Co., Dresden, quotes:

By 5,000, at 8.75 marks	$2.10
Proposed 45 per cent ad valorem would be	.94
Freight, etc	.30
	3.34
Court Teich & Co	3.50
Stengel & Co	3.34
	.16

By 5,000 cards per subject the importer can buy for $0.16 less per thousand view cards in Germany.

The above figures show very plainly that the proposed 45 per cent ad valorem duty is not sufficient to place the American manufacturers of view post cards on an even basis with the foreign manufacturers.

Paragraph 337, page 83, should be revised to read as follows:

"Views of any landscape, scene, building, place, or locality in the United States on cardboard or paper, not thinner than eight one-thousandths of 1 inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process, any size (except show cards), bound or unbound, or in any other form, 15 cents per pound plus 25 per cent ad valorem.

That the rate in the Underwood bill confers very great advantage upon the foreign manufacturers is evident from the letter of Kunstanstalt Stengel & Co. (Ltd.), of Dresden, Germany, dated March 29, 1913, to certain dealers handling their cards in this country. It is as follows:

"During the year 1912 I had some correspondence with you in regard to the tariff revision, and you were kind enough to express your willingness to make some efforts for a reduction of the duty for view post cards imported into the United States of America.

"Mr. Wilson will have an extra session of the Congress next month especially for the revision of the tariff, and it is now the right time to come forth with your demand for lower rates on view post cards.

"In order that such a protest finds due attention it is necessary that it should be sent to all Democratic Congressmen and Democratic Senators. But care must be taken that nothing indicates that foreign houses are interested in this matter. Please be very particular about this point.

"I inclose a memorandum about the tariff on view cards, which will give you a lot of information needed in making up your protest. However, this memorandum must not be sent out to anyone; it is just for your own use.

"Thanking you in advance for the interest you will take in this matter, I remain, with best regards."

Every 1,000 view post cards weigh approximately 10 pounds. "Occupying 35 square inches or less of surface per view" should be left out, as double cards, size 3½ by 11, occupy 38.5 square inches; triple cards and panorama cards occupy more square inches in proportion.

At the present time there are about 3,000 artists and skilled mechanics employed in the manufacturing of local view and fancy post

cards in the United States. The wages they receive are three times as high as paid to the same employees in Germany.

The largest portion, or about 60 per cent, of view post cards are printed in three and five thousand editions, bought and sold to the American public by the stationery and news companies and 5 cent and 10 cent store syndicates, who will naturally import their view cards should the proposed tariff of 45 per cent ad valorem be adopted. The syndicate stores buy mostly in 3,000 and 5,000 editions, for which they pay to the American manufacturer on an average of about $4 per thousand. The stationery and news companies, which buy their cards in one and two thousand editions, pay to the American manufacturer on an average of about $6 per thousand.

Under the proposed ad valorem tariff of 45 per cent ad valorem, any American dealer in post cards can import the same quality of view cards at a saving of about 75 cents per thousand, which reductions the American manufacturers can not meet for the fact that it costs them more for labor and material to manufacture these goods.

The United States Post Office Department statistics prove that during the year 1912 about 1,000,000,000 view and fancy post cards went through the mails of the United States, and it can safely be stated that the same amount of cards were kept as souvenirs for collections and used for other purposes, which shows that about 2,000,000,000 post cards are consumed every year in the United States, of which 80 per cent are at the present time manufactured in the United States by American labor, representing about a total sale of $5,000,000 per year. The largest part of this business will go to foreign manufacturers should the proposed tariff of 45 per cent ad valorem be adopted.

We also beg to state that if the ad valorem duty alone, instead of the pound and ad valorem rate, is substituted on this article, orders for view post cards will be taken in this country by importers and placed with foreign manufacturers, giving part of the work, such as plate making, to one firm, the printing to another, and the lithographing to a third firm. This has been done previously and will be done again in order to get the very lowest prices, and if the work, in the opinion of the importer, is not satisfactory, the importers will ask for large deductions. The cards will then be shipped to the United States and billed at a ridiculously low price and will cost the importer, with only the ad valorem duty added, less than what the American manufacturer has to pay for his labor and paper stock, thereby forcing the American manufacturer to discontinue the manufacture of view post cards. Also large amounts of local view post cards will be ordered, and when they reach this country will be left at the customhouses to be disposed of by the Government. The records of the customhouse in New York and other cities will prove that millions upon millions of view post cards were sold in this country for less than duty charges.

CURT TEISH & Co. (INC.).
CURT TEISH, *President.*

Mr. GALLINGER. Mr. President, I was absent a portion of the time when the Senator was discussing the provision relating to life insurance policies, and I did not hear all that he said. My mail is flooded with letters, chiefly from policyholders in mutual companies, complaining that the provision of the bill is hostile to their interests. The Senator observed, which I have understood to be the fact, that the bill had been changed in that particular so as to give some degree of relief; but I think the Senator further observed that he thought it did not go far enough.

Mr. SHERMAN. Yes; that is correct.

Mr. GALLINGER. I will ask the Senator—because I want, as far as I can, to give accurate information to my correspondents—whether or not the Senator has prepared or will suggest an amendment to that section of the bill which will give these people full relief to the extent that they ought to have relief?

Mr. SHERMAN. Yes; I have.

Mr. GALLINGER. That is satisfactory, then.

Mr. SHERMAN. I have already offered that as a proposed amendment, Mr. President. It will be submitted for consideration at the proper time and place.

Mr. SMOOT. Mr. President, I agree with all that has been stated by the Senator from Illinois in relation to the necessity of having hearings upon the tariff bill that is now about to be referred to the Finance Committee. Agreeing with those reasons given by him, I want to take just a short time to call the attention of the Senate to the fact that there are many other reasons why public hearings should be had. In fact, we have had no hearings whatever upon any bill that is before the Senate at this time. The bills introduced have been changed so radically that no manufacturer of this country, or no person interested in any item in the bill, knows what the rates are, unless he has received a copy of the bill since it has been received by the Senate.

Barring all of the bills that were before the previous Congress, and barring the hearings that have been had upon them, let us see what changes have been made in the first tariff bill introduced by Mr. UNDERWOOD in the House of Representatives on the 7th day of April, 1913, compared with the second bill that was introduced by him on April 21, 1913, and pay no attention whatever to the changes that were made on the floor of the House.

Mr. President, I find in the first bill that was introduced by Mr. UNDERWOOD that alizarin was placed upon the dutiable list at 10 per cent. I also find that indigo was placed upon the dutiable list at 10 per cent. But I find that when the second bill was introduced into the House of Representatives alizarin was still upon the dutiable list at 10 per cent, but indigo was placed upon the free list. Why the change in the one and not the other?

The reason is because indigo is used by the cotton manufacturers of the South in dyeing denims and cotton goods, and they had a voice so potential with members of the Ways and Means Committee that that item was taken from the dutiable list at 10 per cent and placed upon the free list, while alizarin, used by the woolen manufacturers of the North, the Middle West, and the East, still remains upon the dutiable list at 10 per cent. Further than that, Mr. President, I find that they have omitted from the alizarin paragraph of the present law these words:

And dyes derived from alizarin or from anthracene.

Senators, alizarin technically means a dye that will produce the color red. The derivatives of alizarin cover hundreds of different colors—browns, blues, blacks, oranges—almost every color known to the woolen trade. The words "and dyes derived from alizarin or from anthracene" throw all these colors into another paragraph, with a 30 per cent duty imposed. I find that the coal-tar dyes are given a rate of duty of 30 per cent, no change whatever from the present law; and by the striking out of these words all of the derivatives from alizarin, that have been on the free list ever since they were first made, are thrown into the paragraph that carries a 30 per cent duty.

Should not this be called to the attention of the committee? This is only one item. If I had the time I could show not only a change in this one item, but changes on nearly every other page of the bill. I believe I can see what influences have been at work and what pressure was brought to bear upon those who had the power to change the bill.

I say to the Senators upon the other side of this Chamber that the people interested in this tariff bill have not had a chance to be heard on the bill as it passed the House, and they are pleading for it from one end of this country to the other. It seems to me, Mr. President, that it all depends upon whose ox is gored. I remember that when the cotton schedule was up in the Senate a year ago the Senators from North Carolina demanded public hearings; and they demanded them because the cotton manufacturers of the South demanded them. I have here the remarks of the Senators from North Carolina made at that time, and I am not asking any more to-day than those Senators then asked of the Senate of the United States.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. When the Payne-Aldrich bill was up, did you give public hearings?

Mr. SMOOT. Yes, Mr. President. Representatives of every industry in this country and everyone interested in the bill had all the time to be heard they desired. I will say to the Senator that when the bill was in the House of Representatives there were nine volumes of testimony taken upon that particular bill.

Mr. SMITH of Georgia. Will the Senator allow me to ask whether public hearings were granted by the whole committee on the Payne-Aldrich bill?

Mr. SMOOT. Does the Senator mean by the Senate or by the House of Representatives?

Mr. SMITH of Georgia. I mean by the Senate.

Mr. SMOOT. I have said time and again, Mr. President, that there were no public hearings reported or held before the full committee on the Payne-Aldrich bill, and I have stated the reasons for it. The Payne-Aldrich bill was introduced into the House of Representatives, and hearings were held upon every schedule and every item of that bill. That is not the case here to-day. You have had no hearings whatever upon any bill that is before the Senate of the United States. The hearings that were given by the Ways and Means Committee of the House were upon no bill. The persons who were heard were allowed to come and express themselves as to whether or not they wanted any particular change in the present rates. That is the difference between the attitude taken in the Senate under the Payne-Aldrich bill and the one that is being taken at the present time.

I have heard it said that there were not going to be many changes made in the House bill, and yet I have come in contact with men who have stated that they are perfectly satisfied now that their interests are going to be taken care of. I have here a circular from the Amoskeag Manufacturing Co. I ask the Senators to take notice of the bill as it is received by the Senate and then watch the changes made when it is reported back to the Senate from the Finance Committee. I have no doubt but that the cotton schedule will be changed. I have no doubt but what some of the cotton rates are to be taken

care of. But why change the cotton schedule any more than the wool schedule? Why take the cotton schedule any more than the sugar schedule?

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. As that is one of the schedules submitted to my subcommittee, I will tell the Senator why it is being carefully examined by the subcommittee. If the Senator will allow me further, I will add that we have heard everybody that wanted to discuss the chemical schedule; we have heard men on the paper schedule; and we are hearing every man who wants to be heard on either one of the schedules submitted to us.

Mr. SMOOT. Does the Senator say that he has not promised men representing the cotton interests, and interested in the cotton schedule, that the rate shall not be changed?

Mr. SMITH of Georgia. I have promised nobody anything.

Mr. SMOOT. I am glad to hear the Senator say it, because I have heard otherwise.

Mr. SMITH of Georgia. And if the Senator will allow me further, I will say that we are hearing to-day, as we did yesterday, and as we have for a week, men on this cotton schedule from Maine to South Carolina. The same thing that we are doing with reference to that schedule we are ready to do with every schedule that is submitted to Senator JOHNSON of Maine, Senator HUGHES of New Jersey, and myself.

Mr. CLARK of Wyoming. Mr. President, will the Senator from Utah allow me to ask the Senator from Georgia a question?

Mr. SMOOT. Yes.

Mr. CLARK of Wyoming. When the Senator says "we are hearing," to whom does he refer—the Finance Committee?

Mr. SMITH of Georgia. I mean the subcommittee to which those schedules were referred.

Mr. CLARK of Wyoming. By whom?

Mr. SMITH of Georgia. By the Democrats of the Finance Committee.

Mr. CLARK of Wyoming. How many members are there of the Finance Committee?

Mr. SMITH of Georgia. There are 17 members.

Mr. CLARK of Wyoming. How many Democratic members?

Mr. SMITH of Georgia. There are 10 Democratic members.

Mr. CLARK of Wyoming. How many members are there of the subcommittee?

Mr. SMITH of Georgia. There are three.

Mr. CLARK of Wyoming. Do any of the Democratic members of the committee, except the three, have the cotton schedule in charge?

Mr. SMITH of Georgia. The three have it first in charge. The three will carry back to all of the Democrats of the committee the result of their work, and the 10 Democrats will then go over the schedules together. We are sitting down in the room below, permitting Senators and Congressmen, anyone who wishes, to come, and we are taking up the criticized provisions in the schedule. We are taking up any provisions in those schedules that are criticized, consolidating, as far as we can, the men who wish to criticize them, and hearing them together.

I can not better illustrate what we are doing than by what we have been doing to-day. To-day we had before us the presidents of two great organizations of cotton-manufacturing companies and a dozen additional manufacturers. We also had Senator LIPPITT with us nearly the entire day. We allowed them to point out paragraph after paragraph that they criticized and to file their written briefs upon them, and to give us all the information they wished. The room was large; the door was open; anyone who wished or who was willing to be there could come. Republican Senators, Republican Members of the House, and Democratic Members of the House have brought their representatives before us and have stayed with us during the examinations.

Mr. CLARK of Wyoming. Mr. President, I know the Senator from Georgia is doing his entire duty as a Senator in being informed upon the cotton and other schedules which he has in immediate charge. I know he is listening patiently to the suggestions of any interest that may appear before him. But I think the Senator will hardly say that a hearing before a subcommittee of 3 of a large committee of 17 is a public hearing before that committee in the sense in which public hearings are usually spoken of.

Mr. SMITH of Georgia. Mr. President, I am glad to have an opportunity to answer the Senator. I do not believe it would be possible for 17 men to get the benefit from these conferences that we three get. I do not think a public meeting consisting of 17 men could do the work so effectively. We have passed from that stage of the investigation. There are volumes upon volumes of testimony that has been taken in that way. If additional information is desired by any Senator upon any schedule or any item of a schedule referred to our subcommittee, we will be glad to furnish him briefs and point him to ten times the written testimony that he will undertake to examine.

Mr. SMOOT. Mr. President, of course I know that this bill is going to be referred to the 10 Democrats upon the Finance Committee, and I believe I know that it will not stop there. I believe I know that it will then be taken to the caucus, and whatever the caucus decides the Democratic Members of the Senate are going to follow.

Mr. SMITH of Georgia. I think that is very probably true.

Mr. SMOOT. That is what I predict.

Mr. SMITH of Georgia. It is a Democratic measure and it ought to be presented as a Democratic measure, and we are going to take the responsibility for it when it is passed.

Mr. SMOOT. Yes; and I am pleased that you will have to take the responsibility. But I was going to ask the Senator whether he thinks it proper that Senators who do not believe that rates fixed in any particular schedule by a Democratic caucus are right, who believe they will bring ruin to the industries in their States, should be bound by a caucus rule as to how they should vote?

Mr. SMITH of Georgia. I will answer the Senator. I do not believe it is possible for a complete tariff schedule to be made up which would entirely satisfy anyone. I do not expect the schedules that our committee agrees upon to satisfy me entirely. A schedule covering thousands of items will be made up finally by mutual concessions, and the responsibility will be upon each Senator when the entire bill is made up to determine whether he does or does not prefer the measure to the present law.

Mr. GALLINGER. Mr. President, will the Senator from Utah permit me to ask the Senator from Georgia a question?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I should like to ask my friend from Georgia whether the manufacturers of the country generally understand, or have had any means of understanding, that these hearings are being held by the subcommittees?

Mr. SMITH of Georgia. I have no doubt of it. I will state the extent to which we have gone. I know all the cotton-manufacturing men understand it, and are formally represented here to-day.

Mr. SMOOT. Cotton, of course.

Mr. SMITH of Georgia. And I want to say to the Senator that there is no effort to increase the rates on cotton manufactures in my State.

Mr. GALLINGER. Mr. President——

Mr. SMITH of Georgia. One moment, Mr. President. I think it is due me to reply to that side remark of the Senator. He turned his back upon me, and, looking in the other direction, said, "Yes; cotton." Undoubtedly the just impression that anyone might get who did not know his relations to me, which are most cordial, might be that he meant I wanted to take care of cotton because my people manufactured it, and to disregard everything else. I want the privilege of answering that. Not a suggestion of a raise of a rate on cotton manufactured goods has come to me from Georgia. The rates that we are studying are upon the higher fabrics, the finer fabrics, manufactured in New England.

Mr. SMOOT. Such as ginghams?

Mr. SMITH of Georgia. Yes; that is one of them.

Mr. SMOOT. Mr. President, I do not say anyone from Georgia has come to the Senator for advances on rates on cotton.

Mr. SMITH of Georgia. No; but you insinuate——

Mr. SMOOT. I will more than insinuate now.

Mr. SMITH of Georgia. I state that it is untrue that anybody has come to me from Georgia upon this subject or with reference to Georgia interests. The Senator must not insinuate that that is influencing me in the matter either, because that would not be right.

Mr. SMOOT. Mr. President, if the Senator had just waited a moment——

Mr. SMITH of Georgia. I will wait. I wait, Mr. President. In the most amiable manner, I wait.

Mr. SMOOT. If the Senator had just waited, all that he has said would have been unnecessary. I do not claim that anyone from Georgia has come directly to the Senator; but I do claim that representatives of the cotton associations have been here, and that they represent every cotton industry of the South. What difference does it make, Mr. President,

whether they come directly from Georgia or whether they send their representatives here, representing all of the cotton industries of the country?

Mr. SMITH of Georgia. That is true, Mr. President.

Mr. SMOOT. That is all I was going to say, Mr. President. That is all I did say; and the Senator has placed upon what I said a construction that was uncalled for.

Mr. SMITH of Georgia. What I wanted to emphasize was that the places in the schedule to which our attention is being particularly called by people asking for a reclassification apply almost exclusively to New England manufactures, where the higher fabrics and productions are made, and where it is insisted that sufficient recognition of the cost of conversion is not found, by proper classifications, in the bill.

Mr. SMOOT. That will all be pointed out, Mr. President, when the bill comes into the Senate.

Mr. GALLINGER. If the Senator will permit me to repeat my question to the Senator from Georgia——

Mr. SMOOT. Certainly.

Mr. GALLINGER. I want to give intelligent information to my constituents. There are a great variety of manufacturers in New England, small manufacturers making such articles as latch needles, we will say, and cutlery, and other things. Have those men had any means of knowing that there are hearings going on here? And if they have not, can I get definite information whereby I can inform them and have them come here in order to have them?

Mr. SMITH of Georgia. The Senator from Colorado tells me that that is his schedule and that they have been before him day after day. I can only refer to the schedules before the subcommittee of which I am a member.

I want to say to the Senator from New Hampshire that we expect to continue all next week hearings and conferring with men who come to criticize particular schedules. We have been through nearly every schedule with representatives of the industry affected. We have sent for importers when the manufacturers have been with us. We have sent for the Government representatives when they were with us. We have been seeking to apply the written information that has already been published by means of the practical suggestions that can come to a small number of men sitting down in a room, conferring, rather than with the formality of hearing testimony. I want to say that I should be glad to have anybody in New England who is interested in these schedules communicate with us, in writing or orally.

Mr. GALLINGER. The reason I asked the question was that from my correspondence I judged that the persons writing me have felt that they would not have hearings; and they have been very insistent and clamorous for the committee to have public hearings, so that they might appear and present their case. That is the only object I had in view in asking the question.

Mr. SMITH of Georgia. I have been trying for several days to get an opportunity, just for a few minutes, to explain the way in which our subcommittee is conducting hearings, and to let it be known by everybody and to invite people to appear. We have had at least 50 Members of the House come before us with their constituents; and all the members of the House understood it, Republicans and Democrats.

I thank the Senator for yielding to me. I had no idea of interrupting him for so long a time. I am sure the Senators upon the other side want to be fair in this matter, however, and I wanted to let you know that we are sitting down with every man who has a criticism and investigating the criticisms with that thoroughness which can not be had at a public meeting of 17.

Mr. SMOOT. Mr. President, I disagree with the conclusion of the Senator, because I think it could be done a great deal better by the full committee.

Mr. SMITH of Georgia. That is where we differ.

Mr. SMOOT. The idea of putting the interests of this whole country in the case of one schedule whose invested capital is $400,000,000, with an annual pay roll of nearly that amount, in the hands of three men to decide the question as to what shall be its future, and these three men behind closed doors.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I yield to the Senator.

Mr. BRISTOW. I want to ask a question of the Senator from Georgia, if I may. I agree that the same process is being gone through by the Finance Committee now that was followed by the Finance Committee four years ago. It seems to me exactly the same. I objected to it then, and I object to it now. What I want to inquire is, Why can not these subcommittees have their hearings printed, so that any Member of the Senate can have the advantage of them when the discussion of the bill comes up, as well as the individual members of the subcommittee?

Mr. SMITH of Georgia. We have not had a stenographer with us to take down all that is said. It would have been a source of gratification to me to have had one and to have furnished anything that came to us to anyone who wished it. They have, in nearly every instance, furnished us in writing practically everything they said. They have made a presentation of all the facts and then they have given us individually, by the personal conference, a more perfect comprehension of what they had put in writing.

Mr. BRISTOW. I understand. That is very valuable to the subcommittee. I believe it is more practical to handle it by subcommittees than by a committee of 17.

Mr. SMITH of Georgia. It is the only way——

Mr. BRISTOW. If the Senator will excuse me, when each schedule is handled by a subcommittee, it seems to me the information which that subcommittee elicits ought to be for the use of the Senate, and not solely for the use of the subcommittee. My objection is that these proceedings which the subcommittees are holding will not be of any use to Members of the Senate who have not the good fortune to be members of the Finance Committee or of a subcommittee.

Mr. SMITH of Georgia. The briefs or written arguments we have, and they are ready to be furnished to any Senator who would like to have them. The oral explanations really are to make us comprehend the written arguments, so that we can write more correctly any modification we may wish to make in the bill.

Mr. BRISTOW. If the Senator will pardon me, I know he wants to be fair, and I have great confidence in the Senator, but he will realize how important we feel it is to us to have exactly the same explanation available for our use that the Senator himself as a member of the subcommittee is getting; and that is the weakness of the resistance to hearings. I do not want hearings that will prolong the bill into the summer; I want to get away as quickly as anybody; nor will any one man read anything like the hearings before any one of the subcommittees; but they are books of reference and there are special items which interest every Senator whose constituents are interested. All the information that the committee has the advantage of should be published, so that any Senator may avail himself of that information.

Mr. SMITH of Georgia. That would be impossible; certainly as to the past evidence. So far as I am concerned, I would have been glad to have had every conversation and every conference we have had taken down in shorthand, if it had been suggested earlier that any Senator would like to have it. I really thought there was so much more already printed than any Senator would examine that we were merely being helped by the oral conference to know just how to make modifications.

For instance, we have a written brief pointing out that putting indigo on the free list is not sufficient, that alizarin and anthracene ought to be on the free list; and not only ought they to be on the free list, but that the dyes derived therefrom ought to be on it. We have a brief on that subject which is elaborate.

Parties interested come before us and point out the sections covering the subject and explain their briefs. We have a Government expert present who aids our investigation, and we seek the help of both for the further study of the question.

Mr. SMOOT. I have received hundreds of letters from all parts of the United States, the writers claiming to have received letters from Representatives of their districts in which they answered letters in protest of the tariff bill. On receipt of the letter protesting against items in the bill the answer from the Representative was something like this:

"Your letter received. I am sorry that your protest did not come earlier. If it had, no doubt the change could have been made; but now that the Democratic caucus has passed upon the bill it is impossible to change it. However, if you can get your Senator to change it, I am assured that the Members of the House of Representatives will not object."

Mr. President, are these protestants to be treated in the same way by the Senate? We will see when the bill is reported from the committee.

I had so much to say to-day, Mr. President, that I do not know where to begin now, as my time is about expended. Senators on the other side talk as if there was no necessity for hearings. They point to the information contained in the handbook that was issued by the Ways and Means Committee of the House, sometimes called the Democratic tariff bible. From a casual examination I find that if the information in

that handbook is to be followed by your party as a basis for tariff rates the result would be absolutely ruinous to certain industries, for the information is not true.

Take paragraph 285, linoleum and corticine, and all other fabrics for coverings for floors. The handbook says that there is a production in this country of $108,731,948. That is not true, Mr. President. There is a production of only $24,176,224.

What are the facts? They have taken the production of all the tablecloth and put it into Schedule J. The very figures ought to have shown any man in the House of Representatives that they were false. It is stated that the unit value of production is 13 cents per square yard. There is not a man who does not know that could not be if it were linoleum. Yet they recommend a rate based upon this kind of information.

Then they say that the exports of this item are $353,544. Mr. President, there is not a dollar of export. The export was all table oilcloth, and falls in Schedule I instead of Schedule J. This is the class of information that is given in the handbook, and Congress is asked to act upon it.

Mr. President, this is importers' day. The importers have their innings, and the Halls of Congress are daily filled with them. I met the other morning a manufacturer of steel buttons. The wording covering this particular item is taken from Schedule N and placed in Schedule C and is added to so that it includes not only steel trouser buttons, but every form of metal buttons, and the wording used will lead to endless suits. This manufacturer happened to meet one of the importers just coming from the subcommittee, and he said to him, "Have you noticed the wording of that particular item? There certainly is a mistake in it, and I am going before the subcommittee and see if I can not have it changed." The importer said, "You need not try. There is no mistake; I wrote it myself."

Mr. REED. Mr. President, it would be interesting now to know the name of the importer.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. No, Mr. President; I do not yield at this time. I suppose if there is any desire on the part of the Senator to know the name, the subcommittee will know the importers who have been before them, and they can find it out and give the information to the Senator.

Mr. REED. It is interesting to know whether any importer wrote that schedule.

Mr. SMOOT. Mr. President, I have no doubt the statement is true, and if we have these hearings we are asking for you will find out whether they did or not.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Mr. President, the Senator from Wisconsiu [Mr. LA FOLLETTE] wants to speak upon his amendment, and I think he is entitled to the floor. I have not even started to cover what I wanted to say, but I feel that it is my duty to yield to the Senator.

I will say just one word, and then close, Mr. President. I do not want to be discourteous to the Senator from Missouri, but the general debate must end at 3 o'clock.

Mr. REED. The Senator need not apologize.

Mr. SMOOT. Otherwise I would yield to the Senator willingly for any question that he might wish to ask.

Mr. President, who is rejoicing over the prospect of the passage of this bill? Not the American manufacturer or the American laborer. England is rejoicing; Germany is rejoicing; France is rejoicing; every foreign country is rejoicing. I want to say to the Senators upon the other side of this Chamber I have a collection of articles from all these countries showing how their manufacturers are preparing to invade the American market. Remember, every additional dollar imported means that much less for the American laborer to produce. I am not a calamity howler. There never was a time in the history of the country when you could put your tariff rates into force with as little disturbance to business as the present. Prosperity is almost universal. The cost of everything is high all over the world. In England, in Germany, in France, and in every civilized country men are well employed. There is a demand for goods, and they command a high price. I hope to see this condition of affairs continue, but I know it will not do so forever. It may for one, two, three, or four years; but I say to my Democratic brethren now that whenever the time comes that prosperity ceases in Europe and hard times are the universal condition in the world, as was the case in 1893, the foreigner, before he closes his business, is going to invade the American market, and then is the time when our workingmen will be out of employment. Whether this condition will occur next year or the year after I am not prepared to say, but I do know when it comes the result will be the same as it was in 1893 and your party will be retired from power for another quarter of a century.

Mr. LA FOLLETTE. Mr. President, the discussion has covered a wide range and has been very interesting. Much of it, however, would have better application after the bill has been considered by the committee and reported. I should like to bring the Senate back now for a few minutes to the consideration of the pending motion, which proposes to refer the bill to the Committee on Finance with instructions.

Mr. President, I want to say at the outset that I can not join with my colleagues upon this side in sweeping criticism of the manner in which the members of the Finance Committee are now proceeding, because, Mr. President, it is a matter of tariff history that the majority members of the present Finance Committee are engaged in doing exactly what the majority members of the Finance Committee did four years ago under Republican control. They are conducting hearings in secret; that is, they are conducting hearings that are not open to the public. There are no representatives of the press present, and opportunity to be heard is granted only to those who are invited in by the majority members of the Finance Committee. This is just as hearings were conducted under the Aldrich régime. Four years ago the Payne-Aldrich bill, after being in the possession of, not the Finance Committee, but the Republican members of the Finance Committee, for 48 hours, behind locked doors, was reported back to the Senate with something like 600 amendments. And I remember standing on this floor then and protesting against that procedure.

Mr. President, the Democratic majority of the Committee on Finance is now engaged in conducting like hearings, as I understand it. And I apprehend that when the bill is reported back to the Senate for its consideration it will come with the amendments and corrections which the majority, as a result of those hearings, believe ought to be made to the bill as it passed the House.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I do.

Mr. SMITH of Georgia. I only desire the opportunity to correct the Senator in a slight extent. The newspaper men are not excluded at our hearings downstairs. I have myself invited them to be present. Everyone is welcome who wants to come. Only three of us are doing the work; we are asking the questions and trying to narrow the information down.

Mr. LA FOLLETTE. I am very happy, Mr. President, to hear that and to accept the correction of the Senator from Georgia. I differ with him when he says that it is only a slight correction. I think it is an important correction. I think it tremendously important that all legislative committee hearings should be open to the public. And I am glad to know that the Democratic majority of the Finance Committee in conducting hearings upon the tariff bill at this time—although they be somewhat limited hearings—are permitting representatives of the press to attend. I consider that a most significant and important departure.

Mr. President, I have but a few moments in which to submit some observations before the time for general debate expires. If I have not concluded in 10 minutes, I shall ask the presiding officer to recognize me to make a slight amendment pro forma, in order that I may speak for 10 minutes additional upon it.

Mr. SIMMONS. Mr. President, I wish to say to the Senator that my understanding of the agreement was that the 10-minute order should not begin until 3 o'clock.

Mr. LA FOLLETTE. I think it does.

Mr. SMITH of Georgia. The Senator will have 10 minutes afterwards.

Mr. LA FOLLETTE. At that time I will speak upon my pending amendment. So that allows me in all 20 minutes, and I think I can conclude in that time.

Mr. President, with the difference, then, that the Democratic majority of the Finance Committee have granted permission to representatives of the press to attend these hearings, the proceedings at this time are exactly what they were four years ago.

Indeed, Mr. President, as I have traced the history of the various tariff bills, public hearings have been conducted by the Ways and Means Committee first in the House, with both parties on the committee present. Such hearings were always held in advance of the introduction of the bill.

Complaint has been made that hearings upon the pending bill have been held prior to its introduction. That is true. So the hearings on the Payne-Aldrich bill were held prior to the introduction of the bill by Mr. PAYNE in the House. The hearings upon that bill began months before it was introduced in the House of Representatives. The testimony filled some 10 printed

volumes, and was taken before the bill was ever introduced. The bill was introduced——

Mr. STONE. Was that hearing held by the Republican members of the committee?

Mr. LA FOLLETTE. No; all of these printed hearings, of which we may obtain the different sets——

Mr. STONE. I have a set.

Mr. LA FOLLETTE. Were before the full committee. I was a member of the Ways and Means Committee when the McKinley bill was framed. We began our hearings in December. They were public, open hearings. They were held in the presence of all the members of that committee—Democratic as well as Republican members—and an opportunity was given for cross-examination freely by the representatives of the different political parties upon that committee. And all the hearings from that time down to this have been held in exactly the same way—before the bill was introduced. On the Wilson bill, which followed the McKinley bill, that was the fact. On the Dingley bill, which followed the Wilson bill, the hearings were held in the same way and were completed before the bill was introduced.

The same was true of the Payne bill. The hearings were held in the open. Both parties as represented upon the Ways and Means Committee were present. They had an opportunity to cross-examine everybody who appeared. Then, after the hearings were completed, the bill was framed, and on the 17th of March Mr. PAYNE——

Mr. CLARK of Wyoming. When did the hearings begin?

Mr. LA FOLLETTE. The hearings began November 10, 1908, and were completed before the bill was introduced. The same has been true of every tariff bill.

Mr. President, it was my impression that the McKinley committee had been more open in its proceedings than subsequent committees. But when I examined the record of the various tariff bills I found that the procedure of the Ways and Means Committee has been almost identical in the case of every tariff bill from 1890 down to the present time.

Furthermore, I find that the course of the Senate Finance Committee has been equally consistent. After the bill has been messaged over from the House it has been the practice to refer it to the Finance Committee. And I find no record anywhere of public hearings by the Senate Finance Committee. Such hearings as they have granted were held by the majority members. And, as I say, I do not find any printed record of them. In the debate occasional reference is made to them by way of criticism. Senators will remember that we had that sort of criticism four years ago on the Payne-Aldrich bill. I recall that Democratic Senators rose here and complained, and I did myself, because Senator Aldrich was conducting secluded hearings on that bill. And I remember that Senator Bailey defended that proceeding, stating that it was exactly what all other parties had done and citing specifically the case of the Wilson bill, which the Democratic members of the Senate Committee on Finance revised in private sessions.

Mr. STONE. I do not want to interrupt the Senator, but I should like to have him put in his remarks the statement that while the majority Members are holding these hearings the minority Members are having hearings also with the same sort of assistance—Government expert assistance.

Mr. LA FOLLETTE. I do not understand that the minority Members of the committee are holding hearings as members of the committee. I am free to say that the Committee on Finance has granted me an assistant to aid me in my work upon the bill.

Mr. STONE. And the other minority Members.

Mr. LA FOLLETTE. Now, Mr. President, I am willing as a Republican to take advantage of——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. I wish to state to the Senator that I think he is entirely correct when he says that all the hearings before the Ways and Means Committee have been before the bill was framed. The hearings have been with a view to assisting them in framing the bill. I think the Senator is further correct in saying that the Finance Committee of the Senate has never had hearings upon these tariff bills, with one single exception. The only exception that I know to that rule was with reference to the House schedule bills last year. Then, as the Senator knows, there was one party in power in the House and another in the Senate, and the House committee did not give hearings on the schedule bills because of the recent hearings upon the Payne-Aldrich bill. But when the bill came over here, a different party being in power in this body and having a majority upon the Finance Committee, they insisted upon adopting a rule that the Finance Committee had never before adopted, and had hearings before that committee.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him a moment?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. I rose before the Senator from North Carolina [Mr. SIMMONS] did to call the Senator's attention to the fact that we had hearings on all those schedule bills that came over from the other House. Here is a printed hearing on Schedule E [exhibiting].

Mr. LA FOLLETTE. That is true.

Mr. GALLINGER. It is on sugar, molasses, sirup, and so forth, and on every bill that came over we had public hearings.

Mr. SIMMONS. That was the first time the Finance Committee had ever had public hearings upon tariff bills to my knowledge.

Mr. LA FOLLETTE. I was tracing the history, Mr. President, of tariff revision, of general bills, and I think I stated the facts accurately.

The present proceeding is strikingly parallel to that of four years ago. The action of the present Democratic majority is no more unwarranted than the action of the then Republican majority. Nor can such unwarranted action then justify a wrong course at this time.

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Chair recognizes the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I favor the motion for open public hearings before the full Committee on Finance in the presence of the representatives of both sides. I am opposed to excluding any of the members of any legislative committee from committee hearings. I believe that the appointees of both parties upon the committees that have charge of legislation have the right to be present. And, sir, I believe that it is in the interest of the public that they should be present. I believe that the doors of committees should stand open; I believe that the representatives of the press should be permitted to attend these meetings. I think that even the caucuses of political parties, when they deal through their representatives with the public business, should be open to the public. I can not believe that it is in the interest of the public to transact business affecting all the people in private or secret conferences, for surely all legislative business is public business.

And so, Mr. President, I am in favor of having this bill referred to the Committee on Finance with the instruction that it shall proceed to hold open hearings upon the subjects with which it deals.

As I say, I believe that proceedings before committees upon all legislation should be open to the public. And this is particularly true when we come to consideration of the tariff. It deals with great interests; it deals with interests that have had the benefit of special advantage; it deals with interests whose advantages are to be taken away from them altogether or are to be modified by the proposed bill. There is opportunity for misinformation if you permit only partial hearings. And if you conduct hearings before only a limited number of the committee, if you permit hearings where there may not be the widest publicity and the most searching cross-examination of those who appear, you may be misled, however honest your intentions. For your own protection those hearings should be open and in the presence of the opposition. They should not be under the suspicion which attaches to all secret and ex parte proceedings.

More than that, Mr. President, in a tariff bill there is opportunity for sectional advantage; there is opportunity within a single industry for advantage of one branch of that industry over another. There is no subject of legislation where there ought to be more searching investigation or wider publicity with no opportunity afforded for special favor to any branch of any industry.

Besides all this, Mr. President, every man who has sought for information from these printed tariff hearings has been forced to search through a mass of vague, unsubstantial matter of such a general nature as to prove very discouraging.

To determine the proper rate, whether it be a protective rate or a revenue rate, requires definite and exact information as to every industry affected.

To that end I have proposed an amendment which will require the Committee on Finance to compel those appearing before the committee to protest against the duties proposed in the pending bill to answer certain specific questions.

These questions are as follows:

1. What is the nature and use of the commodity which you produce?
2. What are the raw materials used in its production?

3. What is the amount of the production of this commodity in this country?
4. What is the amount of the consumption of this commodity in this country?
5. How many concerns are engaged in the manufacture of the commodity under consideration?
6. Who are the principal producers?
7. What are the ruling market prices of this commodity in this country?
8. What are the ruling market prices of this commodity in competing countries?
9. What is the total cost of production per unit of product in this country?
10. What is the total cost of production per unit of product in competing countries?
11. What is the percentage of the labor cost to the total cost of a unit of product in this country?
12. What is the percentage of the labor cost to the total cost of a unit of product in competing foreign countries?
13. What is the cost of transportation to the principal markets in this country from the principal point of production in this country?
14. What is the cost of transportation to the principal markets in this country from the principal points of production in competing foreign countries?
15. What part of the existing duty represents the difference in the cost of production between this and competing foreign countries?
16. What part of the existing duty represents the profit of the American manufacturer?

The answers to these questions will furnish the committee and the country with detailed information, without which it is wholly impossible to know whether duties are too high or too low. A tariff investigation should be conducted upon scientific lines.

It matters not whether it is the aim to fix duties at a point where they will be fair to the manufacturer, fair to the labor which he employs, and at the same time fair to the consumer; it matters not if the bill is to be framed solely as a revenue measure and against the principle of protection, this information is vital.

Without the facts which the answers to these questions will furnish the committee can not possibly know whether the duty fixed on any product is a protective duty or solely a revenue duty.

If the duty is a protective duty, the committee can not know whether the rate is excessively protective or not.

If the duty should be so low as to have eliminated all of the protective elements of the duty, then the committee can not, without this information, know whether the duty is fixed at the point where it would produce the largest measure of revenue possible.

If it is aimed to reduce the duty to a level that will maintain a sharp competition between the domestic producer and the foreign producer, then the data which the answers to these questions will furnish the committee will enable it to make the duty what is termed a competitive duty.

Limit the open hearings, if you wish; I am not working for delay, but merely seeking the truth. That is what we want, Mr. President. I perhaps do not agree with many of my colleagues. There are some men so strongly partisan, Mr. President, that they are willing to see the worst possible bill enacted; a bill that shall bring ruin and disaster, a bill that shall not be even just to the 90,000,000 people who are the consumers; a bill that shall bear with great hardship on the millions of men and women who are wage earners; a bill that shall oppress and injure the hundreds of millions of capital invested—there are some men, I say, Mr. President, who would rejoice to see such a bill passed; in the hope that it would create a political revolution and force a return to the high rates of the Payne-Aldrich law.

Mr. President, I am a Republican. I want to see a protective bill; but I want it so moderately protective that it will fairly measure, as best we can with our imperfect information, the difference between the cost of producing the thing upon this side of the ocean and producing it on the other side, so that that difference will be justly equalized by the tariff. Then the laborer will be protected. That is my concern; that is what I want to see. I do not want to see a bill passed by you Democrats so bad that because of the radical changes wrought depression and disaster will follow it, bringing back into power the men who represent the other extreme of tariff, the highest possible duties. I do not want to see the American people forever ground between the representatives of a tariff so low that it will oppress our labor and the representatives of a protective tariff so high that it will burden and oppress the consumers of the country.

I appealed to my Republican colleagues four years ago to consent to such a reduction as would measure the difference in the cost of production here and abroad. If they had been satisfied with just and reasonable rates, we would have been able to maintain them.

Mr. President, I have exhausted my time, but not my subject.

Before I yield the floor I ask leave to print in connection with my remarks a signed editorial which I recently published in La Follette's Weekly. It bears directly upon the subject under discussion and I venture to suggest that it may be found of interest.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

DEMOCRATIZING THE SENATE.

On Tuesday, April 8, the Senate Democrats in caucus adopted a resolution which it is hoped marks the beginning of an important reform. It provides (1) that a majority of a committee may call the committee together at any time for the consideration of any pending bill; (2) that a majority of the majority members of a committee may name subcommittees to consider pending bills and report the same for action by the full committee; (3) that a majority of the majority members of any committee may name committees to confer with House conferees on any bill upon which the two Houses have disagreed.

The standing committees of the Senate are selected under a plan which enables a few men to control the action of the Senate on legislation. For years these rules have been in existence. From time to time I have criticized this plan of control upon the floor of the Senate and editorially in La Follette's. I can not better describe the method through which this mastery of legislation has been centered in the hands of a few Senators than by quoting from my discussion of the Lorimer case May 26, 1911:

"Sir, I believe the time is near at hand when we will change the practice of naming the regular or standing committees of the Senate.

"It is un-American. It is undemocratic. It has grown into an abuse. It typifies all of the most harmful practices which have led an enlightened and aroused public judgment to decree the destruction of the caucus, convention, and delegate system of party nominations.

"Under the present system of choosing the standing committees of the United States Senate, a party caucus is called. A chairman is authorized to appoint a committee on committees. The caucus adjourns. The committee on committees is thereafter appointed by the chairman of the caucus. It proceeds to determine the committee assignments of Senators. This places the selection of the membership of the standing committees completely in the hands of a majority of the committee on committees, because in practice the caucus ratifies the action of the committee and the Senate ratifies the action of the caucus.

"See now what has happened. The people have delegated us to represent them in the Senate. The Senate, in effect, has delegated its authority to party caucuses upon either side.

"The party caucus delegates its authority to a chairman to select a committee on committees. The committee on committees largely defer to the chairman of the committee on committees in the final decision as to committee assignments.

"The standing committees of the Senate, so selected, Mr. President, determine the fate of all bills; they report, shape, or suppress legislation practically at will.

"Hence the control of legislation, speaking in a broad sense, has been delegated and redelegated until responsibility to the public has been so weakened that the public can scarcely be said to be represented at all."

Under this system the leader of the majority practically controls committee assignments of the majority membership of the Senate; and in like manner the minority leader controls the committee assignments of the minority membership. When the Senate was Democratic, Mr. Gorman directed the majority committee assignments, and thus controlled legislation. When the Senate was Republican, Mr. Aldrich directed the majority committee assignments, and thus controlled legislation.

But the system does not stop here. To make this control of legislation water-tight, the trusted lieutenants assigned to the chairmanship of the committees have always exercised authority (1) to determine when a committee should meet; (2) to appoint subcommittees for the consideration of all bills referred to the committee by the Senate; and (3) to name the conferees to be appointed by the presiding officer of the Senate.

Thus the chairman through his power to call or refusal to call meetings of committees indirectly controls committee action or nonaction upon bills. He can select a "safe" subcommittee to suppress or hamstring measures to which the system is opposed. And finally, through his ability to select conferees, he exercises an especially insidious and despotic power over legislation, because the conferees can in conference radically change a measure passed by the Senate; and when reported back to that body for final action their report, under a rule which still further augments this power, is not subject to amendment by the Senate, but must be accepted or rejected as a whole. This latter rule is a most vicious one. Often the Senate is confronted with the problem of accepting bad provisions in order to secure good provisions or of rejecting good provisions in order to defeat bad ones which have been incorporated in conference.

But this proposed reform by the Democratic majority does not go to the root of the matter. The action of committees, subcommittees, and conference committees on all bills is conducted in executive session—that is to say, in secret session. As a member of the Senate I have again and again protested against the secret action of congressional committees upon public business, and against the business of Congress being taken into secret party caucuses and there disposed of by party rule. I have maintained at all times my right as a public servant to discuss in open Senate and elsewhere, publicly, all legislative proceedings, whether originating in the executive sessions of committees or behind the closed doors of caucuses and conferences.

Evil and corruption thrive best in the dark. Many, if not most, of the acts of legislative dishonesty which have made scandalous the proceedings of Congress and State legislatures could never have reached the first stage had they not been conceived and practically consummated in secret conferences, secret caucuses, secret sessions of committees, and then carried through the legislative body with little or no discussion.

The rules of the House of Representatives and of the Senate should be so changed as to require caucuses and committees to make and keep for public inspection a record of every act of such organizations involving the public business.

In a great body like the Congress of the United States nearly all legislation is controlled by committees. The action of a subcommittee has great weight with the committee. The sanction of a committee is practically controlling with Congress. Members of Congress and the Senate must, in large measure, depend for the details of legislation upon the committees appointed for the purpose of perfecting legislation. As the business of the country grows, and the subjects of legisla-

tion multiply, so committee action upon bills becomes more and more important.

We spend large sums of money to print the CONGRESSIONAL RECORD in order that the public may be made acquainted with the conduct of their business, and then we transact the important part of the business behind the locked doors of committee rooms. The public believes that the CONGRESSIONAL RECORD tells the complete story, when it is in reality only the final chapter.

By its caucus action the Democratic majority promises a partial reform. It should make this first step secure by incorporating it as a part of the Senate's code of procedure. The mere adoption of resolutions limiting the power of the chairmen of committees can readily be modified or reversed by subsequent caucus action. Once a part of the standing rules of the Senate the record will be made, and this arbitrary power will never again be restored to the chairmen of committees.

But, more than this, the rules of the Senate must be so changed as to provide for the election of members of committees by the Senate, pursuant to a direct primary conducted by each party organization under regulations prescribed by Senate rules.

The chairmen of the committees should be elected by a record vote of the members of such committees.

The conferees on all bills should be elected by a record vote of the members of the committees reporting such bills.

A permanent record should be made of the action of caucuses, standing committees, and conference committees upon all matters affecting legislation.

All caucus proceedings touching legislation, and the proceedings of subcommittees, committees, and conference committees should be open to the public.

Then, and not until then, will the Senate be truly democratized.

ROBERT M. LA FOLLETTE.

Mr. LA FOLLETTE subsequently said: Mr. President, the Senator from Massachusetts [Mr. LODGE] has called my attention to the fact that there is one instance in the tariff history of the last 50 years in which the Senate Committee on Finance held open public hearings on a general tariff bill aside from those held by the Finance Committee on the special schedules a year ago. That was upon the Mills bill of 1888. The Senator has kindly furnished me with a report which I was unable to get from the Senate library myself and which contains those hearings. In that report, made by Senator Aldrich, I find the following:

> For weeks we have patiently listened to persons employed in the various pursuits and from every section, and with doors open to all we have received the advice and counsel of the men whose labor, enterprise, and skill have made the United States the foremost industrial country of the world, and not one person has appeared to approve or to advocate the bill under consideration.

I had called for exactly that information and received this report:

> So far as the records of the Senate Library show, there were no hearings on the Walker tariff, the Morrill tariff, the Morrison Act, or the Mills bill; and there are no documents showing hearings on any of these measures.

This was upon the Mills bill, and to that extent the report was in error. That mistake is chargeable neither to my own secretary, who was dispatched to the Senate Library to secure the information, nor to the Senate librarian, but to an omission in the index which misled those who were making the search for me. The fact remains, however, that upon no tariff bill which became a law were Senate hearings ever accorded.

Mr. SIMMONS. Mr. President, I only desire to say to the Senator from Wisconsin [Mr. LA FOLLETTE], with respect to the interrogatories that he proposes to ask in his amendment shall be submitted to the industries asking protection, that after conference with members of the Finance Committee I can say to the Senator that it is our purpose, whatever may be the result of the controversy now before the Senate, to send those interrogatories to the representative of every industry that has filed a brief with us or who has appeared before the committee asking for a duty upon their product, with the request that they will cause those interrogatories to be answered under oath and send the committee their answers.

Mr. President, when the Senator from Utah was upon his feet——

Mr. LA FOLLETTE. Will the Senator permit just a brief interruption there? I know his time is limited.

Mr. SIMMONS. I yield.

Mr. LA FOLLETTE. If we can not have those questions answered in any other way except in writing by the interests that are seeking to maintain existing duties, I shall be glad to have them answered in that way; but there is a world of difference between their being answered in that way and the representatives of such industries appearing before the committee and being cross-examined upon their answers.

Mr. SIMMONS. I simply wanted to state to the Senator what was our purpose with reference to it.

When the Senator from Utah [Mr. SMOOT] was about to close his speech, he referred to the Democratic handbook, so-called, and took occasion to criticize very severely some of the data contained in that handbook, which I thought a little foreign to the subject, and I wish to call the Senator's attention to the subject which he selected for special animadversion, that of linoleum. The Senator said, as a basis of his criticism of the data furnished in this handbook upon that subject, that the book showed that there were imported into this country $108,000,000 worth of this product.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. I thought the Senator must be mistaken as to his facts. I tried to interrupt him, but he was so excited that he could not see except upon the other side of the Chamber.

Mr. SMOOT. So earnest, the Senator means.

Mr. SIMMONS. Just a moment. Immediately after the Senator had taken his seat, I went to his desk and asked him if he meant $108,000,000, and the Senator said to me that he did.

Mr. SMOOT. Mr. President, I will say to the Senator if that is what he asked, I certainly misunderstood him.

Mr. SIMMONS. That is what the Senator said upon the floor.

Mr. SMOOT. I think not, Mr. President.

Mr. SIMMONS. That this book showed that there were produced in this country $108,000,000 worth of this product.

Mr. SMOOT. I do not think I said there was $108,000,000 worth produced. I said there were 108,000,000 square yards produced in this country.

Mr. SIMMONS. No; the Senator said "dollars," because I went and asked if he said "dollars," and the Senator told me that he said "dollars," and insisted that he was correct.

Mr. SMOOT. I will now call the Senator's attention to the facts as they are. If I said "dollars," it was a slip of the tongue. The Senator ought to know that it was a slip of the tongue, because I followed the statement immediately by giving the unit of value, 13 cents.

Mr. SIMMONS. I went to the Senator to find out whether it was a slip of the tongue.

Mr. SMOOT. I spoke of the mistakes of the handbook as a reason why we ought to have hearings.

Mr. SIMMONS. If the Senator has in his mind what he said upon the floor, the Senator, as I understood him, said that the production of linoleum in this country amounted to $20,000,000, or somewhere around that amount.

Mr. SMOOT. The production of linoleum amounts to 24,176,224 square yards.

Mr. SIMMONS. I simply wanted to call attention to the fact that the data contained in this book conformed to the statement—the revised and corrected statement—of the Senator from Utah.

Mr. SMOOT. I know it conforms to the statement, and I say that the figures in the handbook are wrong.

Mr. STONE. Does the Senator mean the statement he made was wrong?

Mr. SMOOT. No; the statement the handbook makes is wrong. I say that instead of the production of linoleum being 108,000,000 square yards it was but 24,176,224 square yards, and if the Senator will ascertain the amount of square yards of linoleum produced in the United States and add it to the amount of square yards of tablecloth produced in the United States he will find they both amount to 108,000,000 square yards as reported in the Democratic handbook.

Mr. SIMMONS. And not "dollars"?

Mr. SMOOT. And not "dollars"; but I can tell the Senator exactly what it would amount to in dollars.

Mr. SIMMONS. If the Senator from Utah had read the heading to that paper he would have seen that it covers linoleum, corticene, and other fabrics or coverings for floors.

Mr. SMOOT. For floors, yes; but tablecloths do not cover floors.

Mr. SIMMONS. It does not say that tablecloths cover floors.

Mr. SMOOT. Yes; but it takes tablecloth to make the yardage. And tablecloth is found in Schedule I instead of Schedule J. The book is wrong.

Mr. SIMMONS. There is where it ought to be.

Mr. SMOOT. I say so, too; but the book endeavors to put it in Schedule I.

Mr. GALLINGER. Mr. President, I have carefully refrained from discussing tariff matters during the consideration of the pending motion to refer the bill to the committee. I apprehend that we will have a good many weeks in which to discuss the bill after it comes from the committee, and so I have no disposition to take a single moment to-day in any observations on the general questions involved in the proposed legislation, but I was interested a little while ago in the statement made by the Senator from Georgia [Mr. SMITH] that the subcommittee of which he was the chairman was giving consideration——

Mr. SMITH of Georgia. I am not the chairman. The Senator from Maine [Mr. JOHNSON] is the chairman.

Mr. GALLINGER. But the Senator is a member of the subcommittee.

Mr. SMITH of Georgia. I am just one of the working members.

Mr. GALLINGER. As I was about to say, I was interested in the Senator's statement that the subcommittee of which the Senator is a member was giving consideration to the cotton schedule. My people are greatly interested in that schedule. I am gratified that the Senator has heard some representatives of the cotton mills in New Hampshire, and I am particularly gratified to learn, not from the Senator or his subcommittee, but from other sources, that at least one item in that bill is to be attended to in the way that the representatives of that great industry have requested. I hope that is true.

Now, Mr. President, what I desire to do at this time——

Mr. SMITH of Georgia. Mr. President, if the Senator will pardon me a moment.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. I do not think the subcommittee has reached any final conclusion, but each member of it has talked with perfect freedom with everybody who came before them.

While I am on my feet, I should like just to take a moment of time to say that if any Senator on the other side, or on this side, has a constituent or constituents whom he wishes to bring or to send before either of the subcommittees we will be glad to have them come; we will give them a hearing, and if they want their statements reported, we will have a stenographer present and have them reported; and then, if the Senate approves, we will have them published whenever it is so desired.

Mr. GALLINGER. Mr. President, I have no doubt that is true, and I apprehend some of my constituents may present themselves before the subcommittee in due time.

The Senator from Georgia suggested that the subcommittee were giving particular consideration to the higher grades of cotton manufactured in New England, rather than to the coarser grades manufactured in the South. I want to call the Senator's attention to the fact that a good many of the coarser grades are produced in the North as well as in the South, and that even the manufacturers of the coarser grades are somewhat disturbed. For the purpose of showing that, Mr. President, I desire to have the Secretary read the telegram which I send to the desk from one of our large manufacturing concerns in New England.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

CONCORD, N. H., *April 30, 1913.*

Senator JACOB H. GALLINGER,
Capitol, Washington, D. C.

DEAR SIR: We have been informed that the prevailing impression of people at Washington is that New England manufacturers are, as a whole, fairly well satisfied with the proposed new tariff. Such is not the case, for many are apprehensive of a serious loss in trade. We beg to call your attention to certain provisions of the tariff bill which are of vital importance to us. The lowering of the duties on manufactured goods injures all cotton mills in this State, which injury we share with other mills. The proposed duty upon dyestuffs will work additional harm to our business. Our mills, after a period of from 50 to 60 years running on print cloths and other coarse fabrics, have been thoroughly reconstructed, and due to changes in the condition of the cloth market are now making finer goods, such as striped shirtings and chambrays. We are specializing upon a fast-colored chambray which has met with the approval of the trade, since it is an excellent fabric and of medium price. Our colors are obtained from algol, alizarin, natural and artificial, and dyes derived from alizarin or from anthracine, which under the present tariff, paragraph 487, are free, but under paragraph 6 of the new tariff would be subject to 10 per cent ad valorem, or even 30 per cent ad valorem in European goods against which we compete. These colors are used very largely in Europe. Those colors are free, and if in addition to the reduction in the import duty on the finished goods we have to suffer a penalty of 30 per cent ad valorem on the dyes, our efforts to compete would be hopeless. We wish, if possible, the dyestuffs above referred to to remain on the free list, or if this is impossible to add "and dyes derived from alizarin and from anthracine" to paragraph 6. We respectfully urge you to give this matter your thoughtful attention.

HARRY J. RICKETSON,
Agent Suncook Mills.

Mr. GALLINGER. I also ask to have read a telegram from another large manufacturing concern in New Hampshire which manufactures cotton goods.

The VICE PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

[Telegram.]

NEW MARKET, N. H., *May 1, 1913.*

Senator J. H. GALLINGER,
United States Senate, Washington, D. C.:

Believe Underwood bill in present form extremely detrimental to interests of this corporation and of all cotton mills in New England.

NEW MARKET MANUFACTURING CO.,
GEORGE E. SPOFFORD, *Agent.*

Mr. GALLINGER. I also ask to have read another telegram from a large cotton mill in my State.

The VICE PRESIDENT. In the absence of objection, the Secretary will read, as requested.

The Secretary read as follows:

[Telegram.]

SOMERSWORTH, N. H., *April 30, 1913.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

The lack of protection on five-counts cotton goods will indirectly seriously affect the coarse-goods mills of New Hampshire. The prospect of such conditions is already throwing employees out of work in our plant. We believe the Underwood schedule should be modified.

GREAT FALLS MANUFACTURING CO.,
PHILIP H. STILES, *Agent.*

Mr. GALLINGER. Mr. President, I have had similar telegrams from other cotton-manufacturing concerns in my State. I remember two from the city of Nashua which I have mislaid. I simply put these in the RECORD for the purpose of getting them to the subcommittee for their consideration. I ask that they be referred to the Committee on Finance, and I trust that the Senator from Georgia, in the kindness of his heart, will take them under serious consideration, both as regards the duty on cotton cloth of the various kinds and also the matter of alizarin and other dyes in which our manufacturers are greatly interested.

Mr. SMITH of Georgia. I am glad to say to the Senator from New Hampshire that I have heard manufacturers from Massachusetts and New Hampshire and Maine and Connecticut and Rhode Island discuss these dyes, and, not speaking for the committee but for myself, I do not believe in putting a tax on them. I think they ought to remain on the free list.

Mr. GALLINGER. Mr. President, that information is extremely gratifying. I will simply add that I have received perhaps thousands of letters, certainly many hundreds of letters, and numerous telegrams from people in my State begging that public hearings may be given on this bill, which it will be readily understood affects their interests very materially; and I am hopeful that, when the vote is taken, the amendment proposing that the bill shall be referred to the committee and that public hearings shall be held will receive a majority vote of the Senate. Of course, if it does not, we will do the best we can with our Democratic friends, who, I apprehend, will listen patiently to us at least, whether they grant our requests or not. I will repeat that, so far as the discussion of the bill and its merits or demerits are concerned, I will patiently await the time when it can properly be discussed.

Mr. NEWLANDS and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, like the Senator from Wisconsin [Mr. LA FOLLETTE], I believe in public hearings——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. GALLINGER. If the Senator from Nevada will permit me, I promised to yield for a moment to the Senator from Massachusetts [Mr. LODGE] before I took my seat.

Mr. NEWLANDS. My time has commenced, and I should like to go on.

Mr. LODGE. I merely wished to call attention to a report. I was not going to make a speech.

Mr. NEWLANDS. The Senator can have his own time, I imagine, to do that.

Mr. LODGE. The Senator from New Hampshire promised to yield to me, but the Senator from Nevada was recognized before the Senator from New Hampshire had an opportunity to do so.

Mr. NEWLANDS. If the Senator simply wishes to present a formal matter, I will yield.

Mr. LODGE. I shall get it in at some time.

Mr. NEWLANDS. Mr. President, like the Senator from Wisconsin [Mr. LA FOLLETTE], I believe in public hearings. I am opposed to proceedings behind closed doors. I do not believe for a moment that the Democratic Party contemplates the latter procedure, and for that we have the assurance of the Senator from North Carolina [Mr. SIMMONS], who proposes practically through the action of the committee to assure the collection of the information sought to be ascertained by the amendment of the Senator from Wisconsin. We must have party solidarity and we must have party action, and, so far as I am concerned, the Finance Committee has my confidence, and I propose to follow its lead with reference to the method of procedure, with confidence that it will meet the just expectations of the Senate regarding hearings. If, however, later I should find that it is not doing so, I will exercise my independent judgment with reference to its methods.

Mr. President, I wish to say a few words regarding the sugar question, which has been discussed here. I wish to clarify a

little the situation, for, unfortunately, we have drifted into a condition of excitement regarding it. What is the question? The question is whether at the end of three years, a temporary reduction being meanwhile made of about one-third in the tariff duty upon sugar, sugar shall drift entirely to the free list or whether it shall remain on the dutiable list but with a very large reduction of duty, such duty not exceeding the average of the duties now imposed by the Underwood bill upon articles on the dutiable list, namely, a duty of about 25 per cent. This question does not involve a duty that will be of advantage to the refiners, because the bill carries no differential duty on refined sugars, and the only question that is before this body is as to whether a reduction from the duty fixed by the Underwood bill at the end of three years to the free list will work a serious injury to the sugar industry, and whether or not a duty not greater than the average duties in the Underwood bill of 25 per cent shall remain upon sugar with a view of maintaining that industry as a live industry. The question is not whether we shall continue the Sugar Trust, or the benefit of the sugar refiners, or the advantages of the sugar factories, but the question is whether we shall, by fixing a moderate revenue duty, such as is imposed on other food and agricultural products, enable the cane and beet sugar production to continue. That is the only question.

We find that upon the various agricultural products which become part of the food of the Nation the Underwood bill imposes certain duties. It imposes duties upon wheat, upon oats, and upon other farm products—eggs, butter, and things of that kind. It is a duty, I believe, that is reduced, but still a duty of from 10 to 15 per cent. So the Underwood bill already provides for a moderate revenue duty upon articles of food constituting the necessaries of life, and the question is whether the same treatment shall be accorded to another agricultural product, namely, cane and beets, from which sugar, an article of food, is produced.

We must consider this question not simply as a domestic question, but also as a question involving our insular possessions, involving Porto Rico, Hawaii, and the Philippine Islands, and also as involving Cuba, which, in a certain measure, is our ward, though not a part of our governmental or economic system.

Mr. SIMMONS. Mr. President——

Mr. NEWLANDS. I can not submit to any interruptions.

Mr. SIMMONS. I simply want to call the attention of the Senator to the fact that the bill does impose a duty on sugar beets.

Mr. NEWLANDS. Yes; upon beets though whose bulk prevents transportation and importation, but not upon sugar whose condensation in weight and value facilitates transportation and importation. Whoever heard of importing sugar beets? A duty on beets is worse than that other sham in this bill—a duty on wheat, no duty on flour.

How does this question involve the United States? First, it involves the admitted fact that the sugar industry in Louisiana will be absolutely destroyed by free sugar. Second, it involves the question of a serious crippling of the beet-sugar industry in the West, and its possible destruction. Third, it involves the question of the production of sugar in Hawaii, in the Philippine Islands, and in Porto Rico, in all of which the production has been largely stimulated by the admission of those countries within our tariff wall—so much so that estimating roughly the production of Porto Rico has increased from about 100,000 tons annually to nearly 500,000 tons; the production of Hawaii has increased from about 200,000 tons to about 500,000 tons; and the product of the Philippine Islands from about 50,000 tons to 200,000 tons; and since the Spanish War the production of Cuba, favored by a small reduction in our tariff duty of only 20 per cent, has increased from about 500,000 tons to 2,300,000 tons.

The consumption in this entire country is three and a half million tons. The United States proper and all of these islands combined, including Cuba, produce about 4,200,000 tons. So we can eliminate the entire world from our view, so far as sugar production is concerned, except our home region, our insular possessions, and the island of Cuba; and the question is whether we are going to sacrifice an industry in our own country which produces to-day, on our territory and soil, 1,000,000 tons, and in our insular possessions very nearly a million and a quarter tons, and give it absolutely over to Cuba, which has a capacity of production much in excess of the power of this country to absorb. For, recollect, Cuba is the nearest point of production; it is the cheapest point of production, surpassing in cheapness the production of the Philippine Islands, Hawaii, and Porto Rico. The freight is almost nothing. Its freight can be delivered for 10 cents a hundred pounds in New York; and when the Mississippi River is opened, as it will be, by an improved waterway system, it can deliver its freight right in the center of our country, at St. Louis, for 20 cents a hundred pounds; and when the Panama Canal is finished it can deliver its freight to San Francisco as cheaply as Hawaii itself.

So we propose to surrender a production of approximately 4,000,000 tons of sugar, consumed by the American people, to an island not a part of our governmental and economic system, increasing the production there and diminishing and perhaps destroying our production here.

Admitting that in the vast enterprises and industries of this country that will not have an appreciable effect upon our prosperity what will be the effect upon our dependencies?

The VICE PRESIDENT. The 10 minutes of the Senator from Nevada are up.

[Mr. NEWLANDS continued his remarks after the disposition of the motion to refer the tariff bill to the Finance Committee, as follows:]

Mr. NEWLANDS. Mr. President, I also wish to supplement my remarks by a very few words regarding the democratization of the sugar industry.

Mr. KERN. Mr. President, I rise to a question of order.

Mr. NEWLANDS. I do not yield the floor, Mr. President.

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. KERN. My point of order is that the Senate is operating under a unanimous-consent agreement which provided that immediately upon the vote being taken on the motion then pending the resolution in relation to the West Virginia coalfields inquiry should be proceeded with as the unfinished business.

Mr. GALLINGER. It has been laid before the Senate.

Mr. KERN. And I am calling for the regular order.

Mr. NEWLANDS. I am not interfering at all with the unfinished business. It has been customary in the Senate to allow the widest range of debate upon every question, and I have never known that rule to be varied by calling any Member from the floor and prescribing to him a certain line of discussion. I repeat, I certainly am not interfering with the consideration of the resolution. My remarks will be brief, but I wish at this time to supplement something that I have already given expression to in the consideration of the question just disposed of.

I commented upon the fact, Mr. President, that the Democratic Party contemplates the democratization of the sugar industry. This tariff does not involve the question of a protective duty to the sugar refiner. It involves simply the question as to whether a moderate revenue duty not exceeding the average duty imposed by the Underwood bill shall be imposed upon sugar or whether sugar shall be put upon the free list, and I have yet to learn that it is undemocratic to argue the question as to whether an article shall be upon the free list or upon the dutiable list, where the duty is simply a revenue duty, and a moderate revenue duty at that.

I pointed out the fact, Mr. President, that our only rival in the production of sugar is Cuba. There are 18,000,000 tons of sugar annually produced in the world, one half of it beet sugar and the other half of it cane sugar. Every ton of beet sugar has been stimulated in production, either by a protective tariff duty or by a bounty. The result of the duties imposed by certain European countries, as well as our own, and of certain bounties paid for sugar production, has been that beet sugar has become the great rival of cane sugar, and that rivalry in the markets of the world has reduced the price of sugar from 10 cents a pound to from 4 to 5 cents a pound.

Now, the question is whether the Democratic Party is going to pursue a policy which may again raise the price of sugar by crippling the efficiency of beet sugar as a rival in the markets of the world. I have already shown that Cuba, since the Cuban War, has increased its production from 500,000 tons to 2,300,000 tons, and that during that time the entire continent of the United States, with its industry favored by a high protective duty, has increased its production through beet sugar less than 500,000 tons, and that during that very time Hawaii, inside of our tariff wall; the Philippine Islands, inside of our tariff wall; Porto Rico, inside of our tariff wall, and having the advantage over Cuba for a time of about 1¾ cents a pound, and later on of 1⅛ cents a pound, being the amount of the duty imposed upon Cuban importations—all of them combined have not increased the production as rapidly as has Cuba. It follows, therefore, conclusively that if Cuba, with a handicap during this entire period since the Cuban War of a duty imposed on its product of from 1¾ cents a pound down to 1⅛ cents a pound, has been able to increase its production more largely than the United States, Porto Rico, the Philippine Islands, and Hawaii combined, necessarily, when that handicap is removed,

Cuba will monopolize the production for the entire consumption of the United States, aggregating now three and a half million tons. Can anyone deny that reasoning, and are the American people prepared to face that fact?

Mr. President, we will assume that the United States can stand this, that Louisiana can turn her activities in other directions; that the great arid areas of the West, to which the production of the sugar beet has come as a special benefaction, can get along without the production of beets and can turn to other forms of production. The next question, then, is what will be the effect of our action upon our dependencies—the dependency of Porto Rico, the dependency of Hawaii, and the dependency of the Philippine Islands?

We acquired Hawaii as a part of our country just before the Spanish-American War. Her purpose in annexation was to get inside of our tariff wall and to relieve herself of the payment of a duty. In doing that she gained the advantage of adding to her price our tariff duty, but she suffered the disadvantage of coming under our industrial system, which meant a higher wage cost and a higher supply cost. She also had the disadvantage of absolutely surrendering to the Government of the United States the customs duties which she had been accustomed to collect, so that they form to-day a part of the national revenue and no part of the revenue of Hawaii.

During this time the production of Hawaii has been stimulated by the enhanced price which she has been able to get for her sugar. She not only availed herself of the ordinary production, but of stimulated production through irrigation, at an immense cost, and to-day she has a production of 500,000 tons annually, as against a previous production of 200,000 or 300,000 tons. Now, take down that tariff wall; put her upon an even basis with the island of Cuba—the Hawaiian Islands, 2,500 miles away from our Pacific coast and 6,000 miles away from the very center of our population, and Cuba at our very doors; the Hawaiian Islands, with a stimulated production, a costly, intensive production produced by irrigation, an expensive wage system, an increased cost system for its supplies, because she is within our protective tariff wall and compelled to pay protective prices for everything that she buys; deprived of the opportunity to get her labor in the markets of the world, deprived of the opportunity of getting her supplies in the markets of the world, with a natural production inferior to that of Cuba, enjoying not the same advantages either of soil or of climate, and what will become of the Hawaiian Islands production when Cuba, relieved of the necessity of paying 1⅛ cents tax upon its product, increases her annual production 500,000 tons more? What will then become of the Hawaiian Islands? To what industry can those islands turn? They have tried coffee and failed; they have stimulated the production of pineapples, and they get a small revenue from that industry; but can you point out any other production that the Hawaiian Islands are capable of? There is Cuba, with a richer soil, a better climate, a lower wage cost, a lower supply cost, and a lower freight cost, at the very door of the center of population of this country.

Then, recollect that the Hawaiian Islands will be less fortunate through annexation than by reason of a separate existence, for the very revenues of the customhouse that used to be in the possession of the islands themselves are now turned over to the Federal Treasury. They used to be able to go to China for their laborers. They are now prevented from doing so by our restrictive laws. They used to go to Japan for their laborers. Our Government, when it made its treaty with Japan, exacted the stipulation from the Japanese Government that it would restrict the immigration of its people to our territory.

Where will Hawaii look for the cheaper labor, which she will have to secure in order to compete with Cuba—Cuba, which has access to the markets of the world for its labor; Cuba, which has access to the markets of the world for its supplies; Cuba, having the advantage of its own revenue and customs duties to apply to its own development, and Hawaii deprived of them?

So it is with Porto Rico. Porto Rico is a little island, 100 miles long and 30 miles wide, with a population of 1,000,000, the most densely populated country—I was about to say in the world—with no capacity for an increase of its population by reason of its limited area as compared with Cuba, which at the time of the Cuban War had only 500,000 people in excess of Porto Rico, and has an area capable of supporting 15,000,000 people.

Porto Rico, starting at the Cuban War with only 50,000 or 75,000 tons and its production now stimulated to 500,000 tons—where will Porto Rico stand when Cuba, producing its sugar upon the most fertile soil, in the best climate, and at the lowest wage cost, starts out to absorb the production which Porto Rico has thus far yielded and starts out in the race against Porto Rico rid of the present handicap of 1⅛ cents a pound—$30 a ton—notwithstanding which it has been able since the Spanish War to increase its production from 500,000 tons to 2,300,000 tons?

Then, we have the Philippine Islands, those unfortunate waifs in the ocean that we took under our protection and care. As a matter of mistaken generosity what did we do? Instead of assuring to those islands an isolated existence, with their entire economic and governmental system separated from our own, so that at the right time we could simply cut the tie that bound those islands to ourselves and start them on their career of individualized life, we thought we were doing them a favor by taking them within our protective-tariff system, and we gave them, as the result of successive legislation, the right to import into this country 300,000 tons of sugar duty free; and the bill which we have before us proposes to allow them to import without any limitation whatsoever. What was the effect? The effect was to relieve the sugar producer from the duty of 1⅛ cents a pound which he was compelled to pay to the United States prior to that time. Taken inside of our tariff walls by this reciprocal arrangement, they were relieved of that duty and immediately the production of sugar started, and they now have a production of 200,000 tons in the Philippine Islands as against 50,000 or 60,000 tons prevailing before this action.

The Democratic Party proposes to dispose of the Philippine Islands, ultimately to cut off these islands, and then to start them in an individualized life. Have we been generous to them to accustom them to a hothouse system of a protective tariff during these years, when the very process of cutting them off involves the destruction of the hothouse methods?

The Philippine Islands will then drift into their individual life, compelled to compete not under favored laws with this country but with the entire world—a competition which they were not able to bear before their annexation to this country.

So we will have precipitated upon us the economic distress of the Hawaiian Islands, of Porto Rico, and of the Philippine Islands just as soon as we declare that no duties whatever shall be imposed upon foreign imports of sugar, that the duty now paid upon sugar by Cuban producers shall be taken away, and that Cuban sugar shall have the absolute control of our markets; and we can then have the comforting assurance that the American Sugar Trust, against which so much of our legislation and litigation has been directed, is again triumphant, for it and its stockholders, now owning the most prosperous sugar plantations of Cuba and bound to acquire more, will not only refine but will also produce almost all the sugar consumed in the United States.

Mr. President, I can recall the time when the Cuban reciprocity treaty was up before Congress. I was then a member of the Ways and Means Committee of the House; and against the views entertained by my party generally, I opposed Cuban reciprocity. I insisted that what we needed with Cuba was not a commercial union but a political union. I insisted that if we waited long enough not only political but economic necessity would drive Cuba to seek admission to our Union. I desired the accession of an island not overpopulated like Porto Rico, not overpopulated like the Philippine Islands, but an island with a population of only a million and a half and a capacity of 15,000,000—an island which the white race would have dominated and regenerated and made one of the choicest parts of our territory. But we were disposed to be generous, and we were also a little bit calculating as a result of the pressure of the manufacturers, who were willing to let in Cuban sugar at a reduced duty if Cuba would let in American manufactures at a reduced duty.

So the reciprocity arrangement went through with the consent of both parties. I am glad to say that I had no share in that folly. I believe if we had stood out and had said to Cuba, "We have given you your liberty; we have given you individuality; you are now a sovereign State, and you must get along as you can in your rivalries and your commercial contentions with the world," that was all that Cuba had the right to demand, and that to yield to her request for a favored duty was a weakness approaching folly. I believe if we had waited Cuba would have been driven by economic necessity to ask annexation to this country, and ultimately we could have made out of Cuba what we can never make out of any other of our island possessions—a sovereign State of the Union.

Now, what is the situation? It is proposed now to give away to Cuba all this duty. You propose to make her sugar duty free and at the same time permit her to maintain her tariff wall against American products. You had a reciprocal arrangement by which her sugar came in with the reduced duty and our products went into Cuba under a reduced duty. You now take away all of the duty imposed upon her products and let her tariff wall stand as against all of our products. We have

no reason, then, to ask for any reciprocal arrangement. She can immediately denounce that reciprocal treaty and impose upon all the products of the United States going into Cuba the same duties that she imposes upon other countries; and we will give away that great commercial advantage to a country which is indebted to us beyond expression for the sacrifice of blood and treasure in the securing and the maintenance of her liberty.

Mr. President, is it not time to think instead of to declaim? Is it not about time, first, that we should clear the atmosphere and ascertain what the Democratic Party proposes to do? From the speeches one hears upon this subject you might conclude that there were only two alternatives—one, the maintenance of the present high protective and oppressive duties upon sugar; the other, free sugar.

No one contemplates the maintenance of the present high protective tariff upon sugar. No one contemplates any protection whatever to the refiners of sugar. No one contemplates any advantage whatever to the sugar refiners, to the Sugar Trusts, which thus far have been the objects of execration.

What is contemplated? Why, an immediate reduction, with the approval of the President, of this duty from 1.34 cents on the pound to 1 cent a pound for three years, a duty of about 50 per cent. Then the other question to be determined is, after that three years, whether that duty shall sink to the level of the general percentage of duties imposed by the Underwood bill upon all dutiable articles, viz, 25 per cent—one-half cent per pound—or whether it shall drift to the free list; that is all.

Mr. President, the country which I represent is an arid region, called "The Great American Desert"—a country which some years ago was regarded as almost uninhabitable, but which, through the genius and energy of man, has been made the most favored part of this country for his residence. Private enterprise has constructed there great irrigation works, by means of which the snow waters falling upon the mountains have been spread over the arid plains and have increased the production of a fertile soil under the influence of a kindly sun. The Government itself has supplemented the work of private capital by devoting the proceeds of the sale of public lands to great reclamation works in 17 States, 23 projects rivaling in engineering difficulties the great work of the Panama Canal, and upon which $75,000,000 have been expended, the moneys to be returned by the settlers upon the arid lands in 10 annual installments as payment for their water rights. Thus a great revolving fund has been created, which involves the spending of the moneys on the lands, their return through the sale of water rights, and their expenditure again upon new lands, so that ultimately this fund will reclaim all of that desert that is capable of reclamation.

The Government realized the importance of fitting that great desert for the habitation of man. Private enterprise recognized it as a great outlet for a teeming population that is spreading out more rapidly every day toward the West. The population is as yet limited. Their productions are mainly the productions of the mine, the forest, and the farm. The productions of the forest and the farm are not able to pay for long and distant carriage the freights that are usually exacted and the local population is unable and insufficient to absorb the supply. The products of the soil are bulky—alfalfa, hay, and other products of that kind. They found at last one product, the sugar beet, the whole value of which can be compressed into one-sixth of its weight. The whole value of a ton of sugar beets can be compressed into raw sugar of a weight of 300 pounds, and thus it will bear transportation; and that 300 pounds is a product in universal demand all over the world, which commands a cash price everywhere.

Encouraged by the Government, encouraged by your Agricultural Department, the people of that region have during the last 8 or 10 years started upon the production of sugar beets, involving concurrently large capitalization in factories to slice the beets, extract the sugar, and put it upon the market.

During this time there have been varying conditions as to possible legislation that tended to retard the growth of this costly industry, and yet it has advanced. It has the advantage not only of producing a product which can be compressed into one-sixth of the weight of the beets themselves, but of inducing an intensive cultivation, a rotation of crops, that vastly stimulates the production of the soil. It is to the cultivation of the beet that Germany and France and Austria owe more of their agricultural development than any other thing, and we all know that their production per acre far surpasses our own because of the perfection of their scientific methods.

So we of the West have been hoping that this industry would advance without being crippled in its infancy, though we have not been contentious for high rates of duty. Some of our people have contended for those, but I never have. But we have been insisting that if there was any incidental protection in a tariff for revenue, that incidental protection should reach to the farmer of the arid region as well as to the farmer of the South and of the Middle West.

We find almost all these agricultural products of the Middle West put by this bill upon the dutiable list, and the farm products of the arid West put upon the free list. We inquire the reason, and we ascertain that the Democratic Party was afraid of the farmers' vote.

The Republican Party has fastened its oppressive and outrageous system of protection upon the country how? By creating a community of interest between the manufacturers on the one hand and the cattle growers and the sheep growers and the farmers upon the other. They have deluded the exporting farmers of the country by making them believe that a duty imposed upon the nonexistent imports of farm products really protected them; and the Democratic Party in this bill is guilty of continuing that deception, and continuing it to the farmers of the Middle West and the South, while they deny a tariff which does involve an incidental protection to a struggling and an infant industry in the far West.

My contention is not made upon any protective principle. I have seen enough of a protective tariff. I have been in Congress for 20 years, and have witnessed three or four revisions of the tariff. I have seen the interested parties come here time after time and press their claims. I have seen organizations made, unions made, communities of interest established, by which oppressive rates have been maintained. God knows I do not wish the perpetuation or the maintenance of any such system. But I do insist that a Democrat can still stand for a tariff for revenue; that the Democratic Party has never yet declared itself to be a free-trade party; that its traditions all lie not in the line of a large free list, but of a large but moderate dutiable list. You will find that the enlargement of the free list has been the action of the Republican Party, determined to diminish the area of duties in order that it might increase the magnitude of the duties.

So this free-list policy is not in accord with the history or the traditions of the Democratic Party. It is in absolute accord with the policy and the traditions of the Republican Party, which, in order to maintain high duties upon a few favored articles, put other articles upon the free list lest duties imposed upon them might reduce the general level of duties.

Mr. President, my view of an ideal revision of the tariff is one that will involve a gradual cutting off of the high duties and a gradual reduction of existing duties to a level of about 25 per cent and a gradual imposition of duties commencing at 1 per cent and ending at 5 or 10 per cent upon the articles that are now on the free list. If we would pursue such a policy as that we would have ample revenue, we would have moderate duties, and we would have exceedingly low duties upon the necessaries of life.

Mr. President, we are met by the statement that this question has been practically decided, that the President and the House have practically agreed upon the tariff bill, and that it is incumbent upon all good Democrats to support the bill either as an administration or as a party measure. I am sure that that view can not be entertained either by the House of Representatives or by the President. I have seen nothing whatever in the words or in the actions of the President, with whom I have come in communication upon this subject, that would warrant me in believing that he regards the duty of tariff making as already accomplished. President Wilson throughout the interviews in which I have participated has been considerate and dignified, and has never assumed such a position as the newspapers would have us believe he is assuming.

Nor do I believe the House entertains such a view. It is preposterous that anyone should entertain such a view. There are three factors in tariff making, and when I speak of tariff making I mean making a Democratic tariff. The Democrats of the House, the Democrats of the Senate, and a Democratic President. The President has the power of initiative by recommendation, and he has also the power of veto. So far as I am concerned I have always welcomed him cordially into our councils. I have not been one of those who believed that the President should wait until Congress has acted and should then simply exercise his power either of approval or veto. I believe that through his power of recommendation and of veto he is a part of the legislative organization, and that we, as Democrats, both in the House and the Senate, ought to take him into our councils regarding a Democratic measure.

But surely the President will also cheerfully concede that he is not the only factor, that the Democrats of the House with him do not constitute the only factors, but that the Democrats

of the Senate are called upon by the obligation of their office to discharge their full duty.

The President of the United States is the choice of a popular election, and therefore perhaps represents the whole people more than anyone else. The House as the popular body represents the people of the United States in their respective districts. They represent districts, not the entire people. The Senators are ambassadors of the States, and for the first time, then, the action of States as political units upon matters of legislation is taken. They are the special guardians against either sectional or regional injustice.

Beyond the Missouri there lie 17 States, one-third of all the States in the Union, each one a sovereign State with two Senators in this body. They are entitled to represent those States. They are entitled to present their protests against sectional or regional injustice. They are entitled to demand that the Democratic Party shall not maintain and preserve a protective system in the East and in the Middle West and at the same time in the far West apply a free-trade system, compelling them to produce in a free-trade market and to buy in a protected market. The West has something to say regarding this tariff, and its voice will be heard despite the clamor of the hour.

Mr. President, I will not go into details as to the discriminatory action of this tariff regarding western products. All I can say is that almost everything that is produced there has either been put upon the free list or has been drifted toward the free list, whilst upon eastern and middle western products an average duty of 25 per cent still stands. I do not complain of the latter; I think the Democratic Party has gone far enough in reducing the average of the duties upon the dutiable list from 40 per cent to 25 per cent; but I contend that it goes too far when it reduces duties from an average of 40 per cent to zero, and that, too, upon products belonging to a particular section.

But it is said that sugar and wool are hothouse industries; that hothouse methods have been adopted for years; that the wool industry has not grown; that hothouse methods have been pursued for years and the sugar industry has not grown as rapidly as might be expected; and there is much declamation against hothouse methods.

Well, Mr. President, as between that and a reduction upon a product that is indigenous to the soil, that belongs to our country, with reference to which no protection either intended or incidental is needed, I should say it is much less unjust to take the duty entirely off of the latter product than it is to take the entire duty off a stimulated product, a hothouse product, for if sugar production is a hothouse production it is the result of the settled policy of both the Democratic and the Republican Parties for a hundred years, a policy for which neither party is exclusively responsible, and only varied from once in that whole period, and that not by the Democratic Party, but by the Republican Party, which, in the McKinley tariff, substituted a bounty by way of protection for a duty.

Mr. President, it is the hothouse industry which has been pursued pursuant to law, encouraged by law, encouraged by the settled policy of the country, that should be gently treated when you are reducing the tariff, and it was with reference to just such industries that the Democratic platform declared that the tariff had been inseparably associated with the business of the country, and that therefore reduction should be made in such a way as not to destroy or injure any legitimate industry.

So if sugar and wool are hothouse industries, as it is claimed, it is all the more incumbent upon the Democratic Party under its platform to treat them gently—not to take away all the heat, so that the destruction of life may come, but to gradually reduce the heat, so that they may become accustomed to a normal temperature and may live in it.

The Democratic Party made no war upon hothouse industries. On the contrary, it expressly declared in terms of tenderness that the reductions upon such industries should be made in such a way as not to imperil or destroy them.

Now, Mr. President, I wish to say one word regarding the political aspects of this question. The Democratic Party, after years of effort, has come into power as the minority party—a plurality party. Had the forces of the stand-pat Republicans and the Progressive Party been united in the last campaign the Democratic Party would have been defeated. In that campaign there were four parties—the Socialist Party, the Progressive Party, the Republican Party, and the Democratic Party—and of all those parties the Democratic Party alone declared for a tariff for revenue. Vicious as I regard the protective system and harmful as I regard that system to the country, there can be no question from the party votes and the party platforms that the tariff-for-revenue policy is not the most popular policy in this country. All the country declared for was a material reduction in the tariff. The West stood for that policy, and it stood against the exactions and the oppressions of the Republican Party. As the result of that propaganda, declared by the Democratic Party, the region west of the Missouri, which a few years ago only had one Democratic Senator, swept into the Democratic ranks 14 Democratic Senators.

The Democratic Party has much to accomplish. It will take many years to accomplish what it has before it. Eight years of control at least are essential to put upon the statute books and in administration the reforms that it contemplates. The loss of four Senators from the region west of the Missouri would turn the Senate over to the control of our opponents, and Democratic opportunity would be gone for years. We have to-day an overwhelming majority in the House of Representatives, but if you scan the returns you will see how narrow the margin was in many cases—pluralities, and small pluralities at that. Let this country drift during the next year into a period of depression and the great masses of the people will take their revenge upon the party in power. The voters are not all economists. They simply feel results. They do not reason out what causes the results, and they vote according to the results.

It is for this reason that I have been so anxious, radical as I am in my views regarding the tariff, that the Democratic Party should proceed slowly upon the line of reform, without violent readjustments that would disturb the times and put men out of employment and turn against the party vast masses of voters at the coming election.

The mission of the Democratic Party is a glorious mission. It would be the height of folly to impede and to obstruct that issue by precipitate and disastrous action upon matters of mere detail. With so many great questions of principle before the country, shall we exalt the question as to whether two products shall be upon the free list or shall have the average duty imposed upon them, to the position of a great issue presented to the American people—one involving morality and justice and political loyalty?

Mr. President, I feel sure that the Democratic Party will think; I feel sure that the three factors which shape legislation that is of so much importance to this party in the near future will see to it that by mutual consideration and by mutual concession a line of policy may be adopted not prejudicial to the traditions of the party, but in line with those traditions, that will bring in loyal adherence to the party every Democrat who voted with it at the last election; that there will be no heartburnings, no feelings of sectional or regional injustice, no complaint of discrimination; that, having a radical end in view, we shall advance to that end by gradual, not revolutionary, methods, always having the goal in view, and determined to permit nothing to swerve us from finally reaching it.

I can imagine no greater misfortune to the party, I can imagine no greater misfortune that could occur to the country, than the temporary loss of power by the Democratic Party, either in the other House or in the Senate. As a representative of one of the sovereign States of the Union, I beseech my fellow Democrats to give that region no reason to feel that it is the victim either of discrimination or of injustice. Many loyal Democrats out there may wish on the whole more radical action to be taken than that which we at present contemplate; but though they desire more radical action, they will resent discriminatory action; and this danger is one that is to be considered and met.

Mr. President, I have spoken at considerable length upon this question, but I have not attempted to go into details regarding western products. All I ask is that the Finance Committee shall, regardless of the fact that the other House and the President have come to some conclusions regarding this bill, examine it on their oaths as representatives of sovereign States and see to it, in the only body in which sectional injustice can be guarded against, that loyal Democrats all over the country have no reason to complain of the justice of their party.

Mr. JONES. Mr. President, I had intended to vote against the motion of the Senator from Pennsylvania [Mr. PENROSE] to refer this bill to the Finance Committee with instructions to hold public hearings. I had not considered it necessary to hold hearings. I had thought that the theory upon which the bill was framed did not require any action of that kind, and that we had abundant testimony taken a short time ago to give all the information necessary to act on a bill framed upon the theory of this bill. I was prepared to state my reasons for the vote I had intended to cast; but the Senator from North Carolina [Mr. SIMMONS] has practically stated that the committee has decided to hold hearings of a certain character; that it has decided to call upon those representing the industries of the country for certain information.

I believe, as the Senator from Wisconsin [Mr. LA FOLLETTE] has stated, that whatever hearings are held should be public

hearings, and that when the committee seeks information from individuals it should have those individuals before it, so that it may cross-examine them. By reason of that fact, and the fact that the committee does consider it necessary to ask for and seek additional information, I propose to vote for the motion.

Mr. SIMMONS. Mr. President, I wish to correct the Senator. I presume he was referring to what the Senator from Georgia [Mr. SMITH] said and not to what I said.

Mr. JONES. No; I referred to the statement made by the Senator that the committee had decided to send the interrogatories submitted by the Senator from Wisconsin to those representing different industries and to call upon them for information.

Mr. SIMMONS. And ask them to answer those questions under oath.

Mr. JONES. Yes. My point is that if the committee thinks it is necessary to secure that information it should call those individuals before it so that they can be cross-examined and all the testimony they may give can be brought to the attention of the committee.

Mr. SIMMONS. I desire to say to the Senator that, as I understand, all of the witnesses who were examined before the House Committee on Ways and Means were examined under oath; but the Senator from Wisconsin suggested certain questions which might throw light upon the subject, and I thought, to meet his suggestion, that it would be just as well to send those questions to them and let them answer them as they might see proper.

Mr. JONES. I understand all that; but because of the fact that the House had held hearings, such as they were, before a part of the membership of the committee and because of the previous hearings, I had decided to vote against this motion. However, when the Senator stated, in effect, that the committee felt they ought to have some additional information and that they were going to send these interrogatories out, it seemed to me that it would be almost a farce to have these people send in written answers to these interrogatories, giving just what information they felt free to give and going no further than seemed to them necessary to sustain their contentions. It appeared to me that it would be better for the Senate and the Finance Committee that they should hold hearings, where these people could be cross-examined.

Mr. WALSH obtained the floor.

Mr. STONE. Mr. President, I ask the Senator to yield to me, not to enable me to make a speech or to read anything, but to send up a page or two of remarks made by Senator Aldrich in 1909, touching the very subject matter we are discussing, which I should like to have inserted in the RECORD at this point without reading it.

Mr. SMOOT. Mr. President, would the Senator object if I had the remarks of Senator Daniel, of Virginia, inserted following that?

Mr. STONE. I would not.

Mr. SMOOT. Then, Mr. President, I ask that the remarks of Senator Daniel be inserted to follow those of Senator Aldrich.

The VICE PRESIDENT. Without objection, the matter will be printed in the RECORD, as requested.

The matter submitted by Mr. STONE is as follows:

[In the Senate, Apr. 1, 1909. Page 721, RECORD.]

Mr. ALDRICH. The Republican majority of Congress will be properly held responsible to the people of the country for the character of the tariff legislation which is to be enacted at this session, and they also will be responsible, in my judgment, to an equal if not a greater extent for any failure to act promptly upon this important subject. * * * In a government of parties the responsibility of the party in power for legislation can not be evaded or avoided, and there is no disposition, so far as I know, on the part of any representative of the Republican Party in this Chamber to avoid or evade this responsibility. * * * I have recollection and personal knowledge with reference to the preparation and discussion and disposition of eight different tariff bills—four Democratic and four Republican. * * * In the preparation of each of these bills on the part of the committee of the House of Representatives the work was done by the majority members of the Committee on Ways and Means, without the assent or approval or without a conference with the Republican members of the committee in the case of Democratic measures and without conference with the Democratic members in the case of Republican bills. When the House bills reached this body a similar course was pursued here. The amendments to be recommended by the Finance Committee in each case were agreed to or prepared by majority members of that committee, without conference with the minority members. They were usually prepared by a subcommittee of the majority, who reported to their associates, then to the full committee, and afterwards to the Senate. It will be evident upon the merest examination that this course is absolutely necessary in a country which has a government by parties. A similar course is followed in every country of the world that has a representative government by parties. * * *

(Referring to the Wilson-Gorman bill, Mr. Aldrich said:)

It came to this body and was sent to the Committee on Finance, of which I was then a member. That committee was presided over by the distinguished Senator from Indiana, Mr. Voorhees. * * * At that time at no point in the consideration of the bill was any Republican ever asked his opinion as to what should be done, and there was no meeting of the majority of the committee at which it was suggested that any Republican should be present, and no Republican was ever called into conference.

I will confess that for myself I should have as soon thought of going to Mr. Voorhees and insisting that I should be invited to his house to dinner as that I should have insisted that I had a right to go before the members of the committee and hear the statements of the men whom I knew were before the members of that committee every day.

* * * * * * *

Mr. DANIEL. Are there private conversations recited in the testimony delivered before the members of the committee, or is it public testimony, to be spread before the country?

* * * * * * *

Mr. ALDRICH. I am trying to call the attention of the Senate to the practices of the past.

Mr. DANIEL. I understand. For gentlemen to go off and confer is a privilege which is permissible in every country in the world.

Mr. ALDRICH. These gentlemen were having private conversations, if you please, for the purpose of eliciting information as to the character of the bill they were preparing to present to this body, as they had a perfect right to do. *It is a recognized right in tariff legislation, and has been for half a century, and it will be, in my judgment, until the end of time.*

* * * * * * *

Mr. ALDRICH. The minority of the committee are holding meetings of their own. We do not ask who goes before them. We do not ask to go before them and cross-examine their witnesses. I am seeing personally 100 men a day, so far as I have time, my time being taken up with this matter 18 hours out of the 24. Does the Senator from Georgia think I ought to look him up every time a man comes to me for a conversation, in order that he may cross-examine the man to find out whether he thinks the information is valuable?

* * * * * * *

Mr. BACON. * * * My contention is that the majority members of the Committee on Finance practically determine whether or not there shall be a hearing. They have determined that there shall be no hearing.

Mr. ALDRICH. No public hearing.

Mr. BACON. They have had a hearing by the committee and have excluded the Democratic members from participation in it.

Mr. ALDRICH. The Senator from Georgia is neither brief nor informed in that statement. No such condition has arisen and no such condition is likely to arise. The committee announced publicly and privately that they would not give any public hearings. There have been none. There have been no hearings of any kind technically by any members of that committee. I have had conversations, and various other members of the committee have had conversations, for the purpose of eliciting information that would help us in the great work which has been devolved upon the members of that committee. If we should undertake to follow the suggestions of the Senator from Georgia, we could not pass a tariff bill for the next three years.

* * * The suggestion that all the precedents in reference to this matter should be disregarded and that the members of the minority should be present for purposes of cross-examination at every conversation held by the majority of the committee with the people who are supposed to have, or do have, information is absurd.

* * * * * * *

Mr. DANIEL. What is the objection to Democrats being present and hearing a recital of those important facts?

Mr. ALDRICH. Because the responsibility is upon us and we desire to pass a tariff bill in this year of our Lord.

The matter submitted by Mr. SMOOT is as follows:

DEMOCRATS EXCLUDED FROM COMMITTEE MEETINGS.

Mr. DANIEL. * * * This, Mr. President, is a prodigious bill. It contains 302 pages and carries about a million dollars a page.

The Democratic Members of this body never saw it or heard it read, for it was not read at the one meeting of the Finance Committee which they attended. It was not brought here until April 12, when it was reported by the chairman of the Finance Committee with over 300 amendments. None of these amendments were we permitted to see before they were presented here, and not one of them did we have the opportunity to vote upon before they were brought here with the committee's approbation. Many witnesses appeared, as stated, before the Senate Finance Committee. We heard not one of them. Not one of them were we permitted to cross-examine. There were some of them, if the press be correct, whom I should like very much to have had the opportunity to cross-examine. I should like to have asked some of them, especially those interested in iron and steel, why one of the committee, after their departure, put a duty on sulphate of ammonia, which is the food for the plants of this country, and is a specific burden upon all our farmers. But it was a closed shop.

I can not regard the method pursued as either good or fair government. Each one of us has at home constituents who are as much interested as any other constituent body of any Senator. Besides, we are all Americans. We are all as anxious for justice to be done to all of our country as any of those who assume the prerogative of excluding us from the opportunities of which they avail themselves most elaborately. It is a disadvantage to the whole public, for, having the desire to do the right thing and, so far as we may, the wise thing, we not only wish but need all the light that can be found upon these important matters to guide us through these labyrinthian schedules. The indignity of such a course is toward the people of the United States. It is also toward the Senate of the United States. We have the honor to be Members of the only body in this country where there remains free debate and where the Members in their rules and in their conduct have in nothing more distinguished themselves in the minds of the American people than by creating the reputation that here everybody would be heard. We must be heard in committee as well as upon the floor, and the invitation of our colleagues for light in all things except in their exclusive conduct, that we could go into the Senate and thrash these things out, is an invitation which we are forced to accept from having been denied a share in their councils.

The organization of the House of Representatives as an American institution does not permit any kind of free range to the Members, as of old was the custom of the fathers of this country and of their descendants for many generations. It is not permitted in that body for a Member to offer an amendment to a bill levying upon his constituents with others $300,000,000, and to ask and get a vote upon it. I shall not forget the proper rule of the Senate that one House must not indulge in disrespectful allusions to another. But the facts of the organization of each House are upon an open page of American history, and I may advert to the existence of those facts and admonish and advise my people as to what their Representatives have to encounter under this free Constitution of the United States.

I introduce a witness from that House. He is the chairman, or was the chairman at one time, of the Democratic organization there—the Hon. CHAMP CLARK, of Missouri. This is what he has to say as to conditions in that body:

"The Democratic Members did as much work during the 'hearings' as did the Republican Members, and were as patriotic and conscientious as they. In such a joint labor nobody would have placed in the bill all he wanted. Nor is it at all probable that even a single Republican member of the committee or of the House is entirely satisfied with the Payne bill as reported, to say nothing of the Democratic Members. In such a joint labor there could have been no danger of our outvoting them. If the whole committee could have united on a bill, either in whole or in part, under the peculiar circumstances in which we find ourselves, it would have greatly expedited the passage of the bill, thereby relieving the country of the long and wearisome weeks, perhaps months, of business uncertainty and suspense. If there is delay in the passage of the bill and business stagnates by reason thereof and financial loss results from it, let the blame be placed where it properly belongs, upon the head of the Republican Party.

"Having spent nearly three months in framing their bill, they graciously called in the Democratic Members, and in precisely 12 minutes reported it back to the House without one moment's discussion, without changing a word, without even reading the title—an astounding demonstration of the fact that we live in a fast age and are traveling at a rapid gait.

"This happened on March 18, and no member of the minority had ever seen the bill or any paragraph thereof till noon on Wednesday, the 17th of March, and had not the remotest idea of its provisions except by the merest guesswork. In fact, it was currently reported in the public press that so fearful were the Republican Members that the Democratic Members or some other American citizen might secure some knowledge of the contents of the Payne bill that its authors not only kept it under lock and key, but employed armed guards to keep watch and ward over their precious bantling—an absolutely superfluous performance, as many parts of it are utterly incomprehensible even after careful study. And yet this bill, which was too sacred for any eyes except the 12 majority Members and a few of their trusted friends, contains 234 large pages and deals with tariff taxes on about 4,000 articles of everyday consumption, influencing the interests, prosperity, and happiness of 90,000,000 American citizens and involving our trade relations with the whole world. We have had only five days in which to consider and report upon a bill which they spent nearly three months in preparing."

No gentleman ever cares for the association of other gentlemen when his presence is not welcome. There is not a man in this House, I am sure, who would ever obtrude himself upon any assemblage. We are neither so vain nor so unreasonable as to conceive that the exclusion in this body or in the other had any application to the personality excluded. For what reason that can be proclaimed did the Senate committee exclude its Democratic confrères from holding meetings with that body? It was not from any disrespect of them. It was not that they do not practice the amenities, the civilities, and the proprieties of life in all companionship. What could it have been done for—that they wished to derive some information that they did not wish to impart to others? But I will not probe the matter further. It was certainly not for the convenience of this body. It may have served for the nonce the convenience of some of those members; but I can not think that those gentlemen would appropriate and monopolize to themselves for their own sake conveniences and benefits that they would not readily share with their colleagues, whether Democratic, Republican, or what not.

Therefore it is impossible to conceive of any motive save of some advantage to be gained, either in debate upon this subject or in its result, and, as I am no further concerned with it, I leave it as it stands, but commend the matter to the consideration of a body which was planned by the Constitution of this country to extend equality to every Member, which made that equality basic in the organic law. That equality sends here from New England 12 Senators to exercise properly those conferred faculties. They would not possess them in proportion to inhabitants, but do rightly possess and energetically employ them. These facts should remind them, while in the enjoyment of their privileges, that a Senator in this body from the smallest State, whether in territory, whether in wealth, or whether in political influence or not, whether in the fashion of the times or not, has exactly the same right that any other and every other Senator has. When any one of those Senators takes away from me or my people or from any other Senator in this body the right of equal communication, of equal opportunity, and of equality in all respects which belongs to the positions which we occupy, it is a thing that should receive proper notice.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. DANIEL. With pleasure.

Mr. CULBERSON. I do not think the proposition of the Senator from Virginia needs any support in authority, strong as it is in itself, and yet if he will permit me I will read a short paragraph from Jefferson's Manual, which is published by the Senate as a part of its rules:

"A committee meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled."

Mr. DANIEL. Mr. President, I thank the Senator from Texas for reading so apposite an illustration and declaration of the law of the matter to which I have referred. But, Mr. President, the average American has studied, and if not studied has observed by instinct, the fundamental principles of fair play and square deal. We need not go to any law book to find the vindication of my assertion. It is instinctive to the American man, and I leave it to his contemplation. (CONGRESSIONAL RECORD, proceedings of Apr. 19, 1909.)

Mr. WALSH. Mr. President, I desire to address myself for a few moments to the question before the Senate, the amendment offered by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE].

The agitation to which the present measure has given rise, as has been the case in nearly every general revision of the tariff in a generation, has centered about the two commodities of wool and sugar—coincidentally enough, two of the leading industries of the great State which I have the honor in part to represent. Down to the present time the people of my State have done me the honor, apparently, to believe that as the occasion should arise I would exercise a reasonably sound judgment in the disposition of questions that come before the Senate for consideration, and have not aided me nor troubled me with advice upon them. I am now, however, in connection with the matter before the Senate, the recipient of a large number of telegrams asking me to vote in favor of public hearings before the Finance Committee. Most of these come from people interested in the production of sugar, and in my lack of acquaintance with the procedure in those matters I am led to believe that they come to me as the result of a campaign inaugurated by some one to that end. I am entirely confident that most of these come from people genuinely concerned, and perhaps more or less apprehensive, about the action of this body with reference to the pending measure, who are entirely ignorant of what has transpired in reference to the collation of information upon that subject.

So I take the time of the Senate to say that I have now on my desk before me the report of the Hardwick Committee, appointed by the House of Representatives in the summer of the year 1911, and charged with the duty of investigating the American Sugar Refining Co., popularly known as the Sugar Trust. It contains all the testimony taken upon that hearing, the committee having sat from the month of June, 1911, to the month of January, 1912.

The investigation covered the whole subject of the production of sugar. Witnesses were called from all parts of the country, and the committee pursued not only the line of inquiry into the organization of the American Sugar Refining Co. and other companies engaged in the production of sugar, but into every phase and feature of the production of sugar, including its cost, and the general facts in relation to it. The testimony embraces about 4.000 pages of printed matter.

I have likewise on my desk before me the hearings conducted by the Senate Finance Committee upon the same subject in the month of April, 1912, the hearings stretching over a period of nearly three weeks, when the whole subject was again canvassed by the Senate Finance Committee.

It has been said that the investigation first referred to was conducted by a hostile committee. Be that as it may, the facts have been developed, and they are here for the use of anybody who desires to make use of them.

I likewise have upon my desk a third volume, being the report of hearings conducted by the Ways and Means Committee of the House of Representatives in the month of January last upon this schedule. In this is testimony in relation to the industry in my own State. The Senate committee heard Mr. Hans Mendelson, an eminent scientist connected with the Billings factory, and as well informed upon the subject of sugar throughout the world as perhaps any man in the United States. He is the expert for the company operating the factory in my State. Before the House committee Mr. W. S. Garnsey, jr., the manager of that factory, was heard, and submitted a brief; and at the same time the other side of the question was heard through Mr. I. D. O'Donnell, a farmer of great skill and intelligence, and as well informed about conditions as any farmer in the State of Montana. He is a scientific farmer, a leader in the development of farming in my State, a teacher of scientific methods all over the State through the instrumentality of farmers' institutes and the like. He speaks with entire knowledge of the subject, for he is engaged in the business of raising sugar beets himself.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. I know the Senator's time is very limited, and I shall not break in upon it but for just a moment, if I may do so.

Mr. WALSH. I shall be glad to hear the Senator.

Mr. LA FOLLETTE. I should like to inquire if the Senator has read the hearings upon sugar?

Mr. WALSH. I have.

Mr. LA FOLLETTE. Can the Senator inform me whether they disclose the amount of profit which the beet-sugar people derive from the tariff?

Mr. WALSH. They disclose——

Mr. LA FOLLETTE. That specific fact is the one I am after.

Mr. WALSH. The answer is a mere matter of inference. They disclose the cost, and they disclose the amounts received.

Mr. LA FOLLETTE. But if the Senator has been able to figure out just exactly what the profit is, I should be glad to have him give it; and one thing more: What percentage of the total cost of a unit of production, say 100 pounds of sugar, goes to labor?

Those are just one or two questions. I should like to cover the whole subject, but time does not permit.

Mr. WALSH. The fact is given; the report of the testimony shows the amount paid for labor.

Mr. LA FOLLETTE. It gives the amount paid in wages; but when you come to fix a duty by the pound or hundred pounds, that is just the trouble with all these hearings, if the Senator will pardon me; you can not figure out from the amount of stuff that there is there the thing that you need to fix the duty.

Mr. WALSH. I must answer the question by saying that I am unable to understand how you can demonstrate the fact by calling any witness again when he has given you the cost, and has given you the selling price, and has given all the elements that enter into each item. It seems to me the matter the Senator asks for is a mere matter of deduction that can not be drawn from any witnesses.

Mr. LA FOLLETTE. Mr. President, if the Senator intends to give me time to answer, that is just exactly what you can not get from any of these tariff hearings—the specific data which it is necessary to know, as applied to a unit of production upon which the tariff is levied, in order to determine how much of it goes to labor, how much of it goes to capital, and how much of it represents profit.

Mr. WALSH. However, Mr. President, I desire to continue by simply saying that after a careful study of this matter I am unable to conceive of a single fact in relation to this particular industry that could be elucidated that has not already been presented upon either the one side or the other.

Likewise, with reference to the subject of wool, the Tariff Board only a very short while ago went into an exhaustive investigation of the subject, and gave us the results of its inquiry. That is at the command of everyone.

The VICE PRESIDENT. The Senator's time is up.

Mr. WALSH. I may add if, in my judgment, any further information could be elicited from anybody concerned in either of these industries in my State that would tend to shed any light upon the subject, I should be glad to have the inquiry go on. As it is, it occurs to me to be entirely useless.

Mr. CLARK of Wyoming. Mr. President, the limited time remaining will probably more than suffice for what I shall have to say, because I doubt if anything that can be said in this presence will change the prearranged program in regard to this tariff bill.

I had hoped that there might be hearings before the committee. I had hoped that the great mass of business in this Republic, all of which is to be affected by the legislation which we are called upon to enact, would be given at least the poor privilege of a hearing before the Houses of Congress and letting its wants and views be known. But I have little hope that even if that should be granted, it would make any difference in the result.

I believe the edict has gone forth. I believe the Underwood bill is as much a l w now for all practical purposes as it will be after the vote of the Senate is registered. I believe the real vote upon the Underwood bill will be taken in this body, where it was taken in the other, behind closed doors, in a secret party caucus.

I know men on that side of the Chamber who would gladly break away from political domination. I know men on that side of the aisle who believe that this bill is not just and righteous altogether, who believe that industries in their State are threatened—aye, and who believe that interests in their State are doomed; but, as said by the eminent Senator from Mississippi yesterday, they are going to bow their heads to the demands of the caucus. They are going to obey the lash of party expediency. There is no question about it.

I wish there might have been hearings. Whatever has been said about hearings, open hearings or closed hearings, before committees in times past, I venture to say that never in the history of tariff legislation, since tariff legislation began, was such a successful attempt made to railroad through a secret political caucus a great measure affecting every item of our daily life, in a great country that is the peer of any country on the face of the earth.

Mr. President, I hoped that the things might be otherwise. I had intended to say that I believed these great interests were entitled to come before the committee of the Senate, although not necessarily for the sole purpose of giving information to the committee alone. Undoubtedly the Senator from Georgia [Mr. SMITH] and the other Senators on the majority of this committee are perfectly competent to frame a tariff bill without information. Undoubtedly they have so studied the intricate questions affecting our tariff and our economic life that they are competent to sit down behind closed doors and, without other information to work out a tariff that shall be the economic salvation of this country.

But I believe, further, that there is a right on the part of these great interests themselves. I believe that when a man's interests and his business are threatened or are to be passed upon by Congress, whether it be by the tariff or by other law, he has a right to come to the doors of committee rooms of Congress to be heard.

There are Members on that side who have preached the open door. There are Members who have preached that the committees of this House must always stand with open doors. There are Members upon that side who in their past life have detested down deep in their hearts and have exploited on the floor of the Senate their abhorrence of the secret party caucus. Yet there are very few but that within a few weeks of this time will come upon this floor and vote not their convictions, but what they have been told to vote, and what they will agree beforehand by the secret party caucus to vote.

Is it right? Do you believe it is right? Do you believe it is the right way to legislate? I know you do not. Yet the great Senator from Mississippi [Mr. WILLIAMS], having honest views upon the economic questions that confront us, having his own knowledge and views of right and wrong, said yesterday upon the floor of the Senate that he should take his views upon the tariff from his party associates.

Mr. SMITH of Michigan. Mr. President——

Mr. WILLIAMS. Mr. President, I should like to ask the Senator——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. CLARK of Wyoming. I wish to yield to the Senator from Michigan.

Mr. CLARK of Wyoming subsequently said: Mr. President, I rose just before 4 o'clock for the purpose of putting into the RECORD a short extract, consisting of 10 or 12 lines, which give my views upon the subject matter under discussion. I ask unanimous consent that I may now put in that extract in connection with the remarks I then made.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

Mr. CLARK of Wyoming. In connection with this motion for open hearings, I may be permitted to call the attention of my Democratic friends to a work recently published, The New Freedom, in which the leader of your party, the President of the United States, whose influence is most potent in this Chamber and at whose slightest wish tariff schedules are written and altered, and whose judgment as to rates is implicitly followed by the Democratic Party in this body, makes use of the following words, which I commend to your careful consideration before this vote is taken. The words are found at page 143, and are as follows:

> The moral of the whole matter is this: The business of the United States is not, as a whole, in contact with the Government of the United States. So soon as it is, the matters which now give you, and justly give you, cause for uneasiness will disappear. Just so soon as the business of this country has general, free, welcome access to the councils of Congress all friction between business and politics will disappear.

Mr. SMITH of Michigan. With the consent of the Senator from Wyoming, I desire to send to the desk a telegram I have just received, bearing upon the question of the hearings recently held before the Ways and Means Committee, and ask that it be read for the information of the Senate.

The VICE PRESIDENT. If there be no objection, the Secretary will read as requested.

Mr. WILLIAMS. The telegram interferes with the question and its appropriateness, so I shall not ask it.

The Secretary read as follows:

HOLLAND, MICH., *May 15, 1913.*

Hon. WM. ALDEN SMITH, *Washington, D. C.:*

In behalf of our company and the beet-sugar industry of Michigan, we ask you to use your utmost endeavors to secure a hearing before the Finance Committee for this great Michigan industry. The sugar hearings before the House committee were worse than a farce, the Michigan interests, with an invstment of over $20,000,000, being given less than five minutes' time to present their case. The representative of our company was denied a hearing before that committee in January. He appeared in Washington in April, just before the opening of the present session of Congress, but was denied by the President and his advisors the privilege of presenting our views to them, and was told that the matter was foreclosed.

Not a man from Michigan, representing this industry, was allowed to talk to the President; and now the claim is set up that independent beet-sugar factories of Michigan do not oppose free sugar as provided in the House bill, since they have not protested. This is adding insult to injury. Free sugar will kill the beet-sugar industry, destroy a $2,000,000 investment which we have made in good faith, and give the eastern refiners a monopoly of the business without permanently reducing the price to the consumer. We believe we can establish this fact to the satisfaction of the members of the Senate Finance Committee if given an opportunity. May we urge you to insist that we now be given the right which has been denied us elsewhere.

BOARD OF DIRECTORS HOLLAND-ST. LOUIS SUGAR CO.,
C. M. MCLEAN, *President.*

The VICE PRESIDENT (at 4 o'clock p. m.). The time is up. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] to refer House bill No. 3321 to the Committee on Finance, to which there is an amendment proposed by the Senator from Pennsylvania [Mr. PENROSE] as amended by the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Pennsylvania concurring in the amendment of the Senator from Wisconsin. The question is upon the amendment.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. I ask that the amendment be read as amended.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. The amendment offered by the Senator from Pennsylvania [Mr. PENROSE] is to add to the motion of the Senator from North Carolina [Mr. SIMMONS] the following words:

And that said committee is hereby instructed to hold public hearings upon the bill and the schedules thereof.

The amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment, and accepted by the Senator from Pennsylvania [Mr. PENROSE], is to insert, after the word "thereof":

And the Senate Committee on Finance is further instructed to submit to all manufacturers who shall appear before said committee, or who shall file protests against any of the provisions of said bill or briefs or arguments relating to any of its provisions, the following interrogatories, the same to be answered separately and specifically, the answer to each question to be under oath and to be numbered to correspond with the question propounded:

First. What is the nature and use of the commodity which you produce?

Second. What are the raw materials used in its production?

Third. What is the amount of the production of this commodity in this country?

Fourth. What is the amount of the consumption of this commodity in this country?

Fifth. How many concerns are engaged in the manufacture of the commodity under consideration

Sixth. Who are the principal producers?

Seventh. What are the ruling market prices of this commodity in this country?

Eighth. What are the ruling market prices of this commodity in competing countries?

Ninth. What is the total cost of production per unit of product in this country?

Tenth. What is the total cost of production per unit of product in competing countries?

Eleventh. What is the percentage of the labor cost to the total cost of a unit of product in this country?

Twelfth. What is the percentage of the labor cost to the total cost of a unit of product in competing foreign countries?

Thirteenth. What is the cost of transportation to the principal markets in this country from the principal point of production in this country?

Fourteenth. What is the cost of transportation to the principal markets in this country from the principal points of production in competing foreign countries?

Fifteenth. What part of the existing duty represents the difference in the cost of production between this and competing foreign countries?

Sixteenth. What part of the existing duty represents the profit of the American manufacturer?

The VICE PRESIDENT. The Senator from Pennsylvania consented that the amendment of the Senator from Wisconsin should become a part of his amendment to the original motion. The vote will be upon the amendment, considered as one amendment. Those in favor will say "yea" and those opposed "nay." The Secretary will call the roll.

Mr. GORE. Mr. President, if it is in order, I should like to ask the Senator from Wisconsin if he would not add three other interrogatories.

Mr. GALLINGER. That can not be done now.

Mr. LA FOLLETTE. I understand that the yeas and nays have been ordered upon this amendment.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the junior Senator from Maryland [Mr. JACKSON]. If I were permitted to vote, I would vote "nay."

Mr. SMOOT (when Mr. DU PONT's name was called). The senior Senator from Delaware [Mr. DU PONT] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Texas [Mr. CULBERSON]. If the Senator from Delaware were present, he would vote "yea."

Mr. CATRON (when Mr. FALL's name was called). My colleague [Mr. FALL] is unavoidably absent from the Senate. He is paired with the senior Senator from Arizona [Mr. SMITH]. If my colleague were present, he would vote "yea."

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is necessarily absent from the city. He is paired with the junior Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "nay."

Mr. LEA (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. If I were at liberty to vote, I would vote "nay."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is necessarily absent from Washington. If he were present, he would vote "yea." He is paired with the senior Senator from Mississippi [Mr. WILLIAMS].

Mr. POMERENE (when his name was called). I am paired with the junior Senator from North Dakota [Mr. GRONNA]. I am not advised how he would vote. If I were free to vote, I would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired on this question with the junior Senator from Rhode Island [Mr. COLT]. If he were present, I should vote "nay."

Mr. SMITH of Arizona (when his name was called). The junior Senator from New Mexico [Mr. CATRON] has given notice of my pair with the senior Senator from New Mexico [Mr. FALL]. I entered into a general pair with that Senator, but withheld, by telephone to his house and to his office, the question now before the Senate, retaining my right to vote upon the question of reference with instructions; and on that question I feel at liberty to vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. If I had the privilege of voting, I would vote "nay."

Mr. THOMAS (when his name was called). Upon this motion I am paired with the junior Senator from Maine [Mr. BURLEIGH]. If he were present, I would vote "nay."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is detained from the Chamber by important public business. He is paired with the senior Senator from Florida [Mr. FLETCHER]. If my colleague were present, he would vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. Save for that, I would vote "nay."

The roll call was concluded.

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is necessarily absent. He has a general pair with the Senator from Delaware [Mr. DU PONT]. If my colleague were present, he would vote "nay."

Mr. GALLINGER. I was requested to announce that the Senator from Rhode Island [Mr. LIPPITT] is paired with the Senator from Tennessee [Mr. LEA].

The result was announced—yeas 36, nays 41, as follows:

YEAS—36.

Borah	Crawford	McLean	Smith, Mich.
Bradley	Cummins	Nelson	Smoot
Brady	Dillingham	Norris	Stephenson
Brandegee	Gallinger	Oliver	Sterling
Bristow	Goff	Page	Sutherland
Burton	Jones	Perkins	Thornton
Catron	Kenyon	Ransdell	Townsend
Clapp	La Follette	Root	Weeks
Clark, Wyo.	Lodge	Sherman	Works

NAYS—41.

Ashurst	Johnson, Me.	Owen	Smith, Ga.
Bacon	Johnston, Ala.	Pittman	Smith, S. C.
Bankhead	Kern	Poindexter	Stone
Bryan	Lane	Reed	Swanson
Chamberlain	Lewis	Robinson	Thompson
Clarke, Ark.	Martin, Va.	Shafroth	Tillman
Gore	Martine, N. J.	Sheppard	Vardaman
Hitchcock	Myers	Shields	Walsh
Hollis	Newlands	Shively	
Hughes	O'Gorman	Simmons	
James	Overman	Smith, Ariz.	

NOT VOTING—19.

Burleigh	Fall	Lippitt	Smith, Md.
Chilton	Fletcher	McCumber	Thomas
Colt	Gronna	Penrose	Warren
Culberson	Jackson	Pomerene	Williams
du Pont	Lea	Saulsbury	

So the amendment was rejected.

The VICE PRESIDENT. The question now recurs on the motion of the Senator from North Carolina [Mr. SIMMONS] that the bill be referred to the Committee on Finance.

The motion was agreed to.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate resolution 37, providing for an investigation into the conditions in the Paint Creek coal fields, West Virginia.

Mr. KERN. I ask that the unfinished business be temporarily laid aside, and I will ask that it be taken up on Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business will be temporarily laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; insists on its disagreement to the amendment of the Senate numbered 2 to the bill, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT managers at the further conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. KERN. I have received two telegrams, in the nature of resolutions. They are very short, and I ask that they lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

ST. LOUIS, MO., *May 12, 1913.*

Hon. JOHN W. KERN,
United States Senate, Washington, D. C.:

The Central Trades and Labor Union of St. Louis, Mo., representing 65,000 organized men and women, heartily indorse your West Virginia strike investigation resolution. Such investigation we know will result in bringing to light the outrageous treatment accorded the struggling miners and friends of West Virginia.

DAVID KREYLING, *Secretary.*

[Telegram.]

PORT ARTHUR, TEX., *May 12, 1913.*

Hon. JOHN W. KERN,
United States Senate, Washington, D. C.:

Texas Federation of Labor, in sixteenth convention assembled, unanimously instructs us to wire you that its 70,000 members appreciate fight you are making for the workers of West Virginia.

C. W. WOODMAN.
T. C. JENNINGS.
A. C. SACTHAUSEN.

Mr. JOHNSON of Maine presented memorials of the Central Labor Union of Woodland, of Dirigo Lodge, International Brotherhood of Paper Makers, of Augusta, and of sundry citizens of Presque Isle, Princeton, Woodland, Baileyville, Fort Kent, East Fort Kent, St. Francis, and Frenchville, all in the State of Maine, remonstrating against any reduction in the duty on print paper and pulp, which were referred to the Committee on Finance.

FOURTEENTH INTERNATIONAL CONGRESS ON ALCOHOLISM.

Mr. SWANSON, from the Committee on Foreign Relations, to which was referred the bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes, reported it with amendments and submitted a report (No. 41) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 2075) granting an increase of pension to Thomas S. Henderson; and

A bill (S. 2076) granting a pension to Annie Farnsworth Merritt; to the Committee on Pensions.

A bill (S. 2077) for the relief of Augustus A. Gibson and others; to the Committee on Claims.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 2078) granting a pension to Etta A. Stanchfield; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2079) for the relief of J. B. Johnson;

A bill (S. 2080) for the relief of Mrs. C. A. Smith; and

A bill (S. 2081) for the relief of Celicia Jordon; to the Committee on Claims.

A bill (S. 2082) to correct the military record of Cumberlain Smith;

A bill (S. 2083) to correct the military record of George Miller;

A bill (S. 2084) to correct the military record of John A. Patterson; and

A bill (S. 2085) to correct the military record of William Dunsford, alias William King; to the Committee on Military Affairs.

A bill (S. 2086) granting an increase of pension to Ella A. Tyler (with accompanying paper);

A bill (S. 2087) granting a pension to Charles L. Boggess (with accompanying paper);

A bill (S. 2088) granting a pension to William Ginter (with accompanying paper);

A bill (S. 2089) granting a pension to Abraham W. Howard (with accompanying papers);

A bill (S. 2090) granting a pension to Elizabeth Crum (with accompanying papers);

A bill (S. 2091) granting a pension to William Fergesson (with accompanying paper);

A bill (S. 2092) granting a pension to George W. Smith (with accompanying papers);

A bill (S. 2093) granting an increase of pension to John F. Bennett (with accompanying papers);

A bill (S. 2094) granting a pension to J. A. Vaughan;

A bill (S. 2095) granting a pension to George P. Thompson;

A bill (S. 2096) granting a pension to John A. Thayer;

A bill (S. 2097) granting a pension to Harriet Roeck;

A bill (S. 2098) granting a pension to A. K. Spencer;

A bill (S. 2099) granting a pension to Silas Bradley;

A bill (S. 2100) granting a pension to Adam Akers;

A bill (S. 2101) granting a pension to William H. Jeffers;

A bill (S. 2102) granting a pension to John Hammons;

A bill (S. 2103) granting a pension to Edgar E. Cummings;

A bill (S. 2104) granting a pension to Alexander W. Donaldson;

A bill (S. 2105) granting a pension to John Devinney;

A bill (S. 2106) granting a pension to Harriet A. Glasscock;

A bill (S. 2107) granting a pension to Mary A. Johnson;

A bill (S. 2108) granting a pension to Elijah Hemings;

A bill (S. 2109) granting an increase of pension to Jacob Hilfinger;

A bill (S. 2110) granting a pension to Gideon Hill;

A bill (S. 2111) granting an increase of pension to Laura B. Hess;

A bill (S. 2112) granting a pension to Ida L. Jeffries;

A bill (S. 2113) granting a pension to Sarah Hunter;

A bill (S. 2114) granting an increase of pension to Andrew J. Holdren;

A bill (S. 2115) granting a pension to Cynthe Harrah;

A bill (S. 2116) granting a pension to Adda B. Holmes;

A bill (S. 2117) granting a pension to Margaret C. Jenkins;

A bill (S. 2118) granting an increase of pension to Enos J. Brownfield;

A bill (S. 2119) granting an increase of pension to Oscar C. Black;

A bill (S. 2120) granting an increase of pension to George F. Brown;

A bill (S. 2121) granting a pension to Richard L. Brown;

A bill (S. 2122) granting a pension to G. C. Acree;

A bill (S. 2123) granting a pension to John B. Bromley, jr.;

A bill (S. 2124) granting a pension to Harvey Burns;

A bill (S. 2125) granting a pension to Silas Bradley;

A bill (S. 2126) granting an increase of pension to Samuel W. Ake;

A bill (S. 2127) granting a pension to James W. Magers;

A bill (S. 2128) granting a pension to William B. Lane;

A bill (S. 2129) granting a pension to John W. May;

A bill (S. 2130) granting a pension to James P. King;

A bill (S. 2131) granting a pension to Warner P. Price;

A bill (S. 2132) granting a pension to S. A. Greenlee;

A bill (S. 2133) granting a pension to George W. Cook;

A bill (S. 2134) granting an increase of pension to Margaret Matheny;

A bill (S. 2135) granting an increase of pension to Richard Woods;

A bill (S. 2136) granting a pension to I. M. Conley;

A bill (S. 2137) granting a pension to Benjamin F. Eagle;

A bill (S. 2138) granting a pension to Samuel O. Johnson;

A bill (S. 2139) granting an increase of pension to Mary White;

A bill (S. 2140) granting a pension to W. V. Fish;

A bill (S. 2141) granting a pension to Harlan L. Whaley;

A bill (S. 2142) granting an increase of pension to William W. Waters;

A bill (S. 2143) granting an increase of pension to Levi Toney;

A bill (S. 2144) granting an increase of pension to Andrew B. Keith;

A bill (S. 2145) granting a pension to Florence Harmon;

A bill (S. 2146) granting an increase of pension to John Bachtler;

A bill (S. 2147) granting a pension to Clarinda Cain;

A bill (S. 2148) granting a pension to J. B. Conley;

A bill (S. 2149) granting an increase of pension to John Walton;

A bill (S. 2150) granting a pension to John D. Pearson;

A bill (S. 2151) granting a pension to Mary E. Putney;

A bill (S. 2152) granting a pension to Mary M. Pollard;

A bill (S. 2153) granting an increase of pension to James McConnell;
A bill (S. 2154) granting a pension to B. F. Morrow;
A bill (S. 2155) granting a pension to Charles McCarthy;
A bill (S. 2156) granting an increase of pension to John Groves;
A bill (S. 2157) granting an increase of pension to Charles T. Howard;
A bill (S. 2158) granting a pension to Myrtle Jackson;
A bill (S. 2159) granting an increase of pension to Bettie F. Edens;
A bill (S. 2160) granting an increase of pension to Marshall Canfield;
A bill (S. 2161) granting an increase of pension to Isaac Comer;
A bill (S. 2162) granting a pension to Elizabeth J. Mitchell;
A bill (S. 2163) granting an increase of pension to George A. Porterfield;
A bill (S. 2164) granting a pension to Kate G. Morris;
A bill (S. 2165) granting a pension to Harrie Pierson;
A bill (S. 2166) granting a pension to Cornelius Gandy;
A bill (S. 2167) granting an increase of pension to Henry Harris;
A bill (S. 2168) granting an increase of pension to Amos Hoy;
A bill (S. 2169) granting an increase of pension to Joseph Hunter;
A bill (S. 2170) granting a pension to C. Harvey Sayre;
A bill (S. 2171) granting a pension to Nettie Hustler;
A bill (S. 2172) granting an increase of pension to Allen Tyler;
A bill (S. 2173) granting an increase of pension to Thomas Copley;
A bill (S. 2174) granting a pension to Ida P. Duffy;
A bill (S. 2175) granting a pension to George W. Tyler;
A bill (S. 2176) granting an increase of pension to Rebecca Wriston;
A bill (S. 2177) granting an increase of pension to George J. Wilson;
A bill (S. 2178) granting an increase of pension to Austin B. Wells;
A bill (S. 2179) granting a pension to Jacob H. Wetzel;
A bill (S. 2180) granting a pension to George W. Smith;
A bill (S. 2181) granting a pension to Elizabeth S. Ryan;
A bill (S. 2182) granting a pension to Barbara J. Reed;
A bill (S. 2183) granting an increase of pension to George W. Parsons;
A bill (S. 2184) granting an increase of pension to George Windings;
A bill (S. 2185) granting a pension to Mollie C. Warren;
A bill (S. 2186) granting a pension to Isaac Wharton;
A bill (S. 2187) granting a pension to Lucinda Traub;
A bill (S. 2188) granting an increase of pension to Alexander Thacker;
A bill (S. 2189) granting a pension to Taylor Garrison;
A bill (S. 2190) granting pensions to Daisy M. Watson, Frank L. Watson, Robert L. Watson, Dana B. Watson, Miran B. Watson, and Owings Watson;
A bill (S. 2191) granting an increase of pension to James A. Mahaffy;
A bill (S. 2192) granting a pension to Charles McCarthy;
A bill (S. 2193) granting a pension to John F. Kendall;
A bill (S. 2194) granting a pension to A. T. Landress;
A bill (S. 2195) granting an increase of pension to Samuel W. Harden;
A bill (S. 2196) granting an increase of pension to John S. Hall;
A bill (S. 2197) granting a pension to John A. Harden; and
A bill (S. 2198) granting a pension to Edward D. Hamrick; to the Committee on Pensions.

A bill (S. 2199) authorizing the President to appoint Andrew Summers Rowan to be a colonel in the Army; to the Committee on Military Affairs.

THE TARIFF.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

ADDRESS BY HON. WILLIAM C. REDFIELD (S. DOC. NO. 37).

Mr. POMERENE. Mr. President, I have in my hand an address delivered by the Secretary of Commerce, William C. Redfield, on May 14, 1913, before the National Association of Employing Lithographers in this city. This speech has been referred to a number of times in the course of the debates in the Chamber and has excited a great deal of comment. I ask that it be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. POMERENE. There have been a great many demands for copies of this address, and I ask that 10,000 additional copies be printed.

Mr. SMOOT. Does the Senator mean 10,000 copies in addition to the regular number, or does he mean 10,000 including the regular number?

Mr. POMERENE. I did not express myself as to that. I think it should be 10,000 copies in addition to the regular number.

Mr. SMOOT. I do not know what the paper is, but if the Senator says it is really necessary, I will not object to the printing.

Mr. POMERENE. I know there is a very great demand for it, and the person with whom I have conferred has suggested it.

Mr. STONE. What is the usual number?

Mr. SMOOT. The usual number is 1,764. I will state to the Senator that out of that number, of course, copies are sent to all the libraries and the different departments, and so many to each Senator and each Member of the House of Representatives.

The VICE PRESIDENT. It is so ordered, if there is no objection.

BUREAU OF WOMAN LABOR (S. DOC. NO. 38).

Mr. SMOOT. I have a letter addressed to Hon. William B. Wilson, Secretary of Labor, United States Department of Labor, signed by Mrs. Flora McDonald Thompson. It is very short, and as it is in the shape of a petition to establish a bureau of woman labor I ask that it be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none.

COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. BANKHEAD. I offer the resolution which I send to the desk, and I ask for its present consideration.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent for the immediate consideration of a resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 85), as follows:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ a stenographer, at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

The VICE PRESIDENT. The resolution is not now in order to be considered. It will have to be first referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BANKHEAD. Mr. President, was there objection to the consideration of the resolution which I submitted? I do not care to have the resolution referred, because if we can not have the resolution passed so that the committee may have this permission by Monday we shall not need it. The resolution does not require to be referred at all. We have very important hearings set for Monday.

Mr. SHAFROTH. Does not the Committee to Audit and Control the Contingent Expenses of the Senate meet to-morrow?

Mr. BANKHEAD. The Senate does not meet to-morrow.

Mr. BACON. Mr. President, it is not a matter in the discretion of the Senate. The reference of such a resolution is prescribed by statute law.

Mr. STONE. I should like to have the resolution again read.

The VICE PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution submitted by Mr. BANKHEAD.

Mr. STONE. Mr. President, almost exactly a similar resolution to the one just read was presented to the Senate about a week ago by me under the instruction of the Committee on Indian Affairs and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I asked immediate consideration for the resolution, but some Senator suggested that it must go—and I think he was right—to that committee. Notwithstanding that, I desire to say to the Senator that the Committee on Indian Affairs, practically without authority

of the Senate, has been going on holding what the majority of the members of the committee consider important hearings, and in a way they are important. To-morrow the committee to which the resolution was referred will meet, as I am informed by the Senator from Mississippi [Mr. WILLIAMS], but the resolution can not be reported before Monday. I do not know whether the Senate will ever authorize the work that is now being done by the committee. If they do not, as I have told the members of the Committee on Indian Affairs, we will have to "chip in" and pay it, and it will amount to several hundred dollars.

Mr. SMOOT. The Senator can have an item to cover the expenditure inserted in an appropriation bill, and there is no question that it will be passed.

Mr. JAMES. It is a small matter.

Mr. STONE. Not much—a few hundred dollars. But my object in saying what I have said is that, in view of what we were doing and what I said at that time of the importance of passing the resolution, the situation being exactly that which the Senator from Alabama now presents, the Senate declined to allow the immediate consideration of the resolution——

Mr. SMOOT. The Senate could not allow it under the law without a reference.

Mr. STONE (continuing). Because the statute law requires that such resolutions shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I have been trying to get the Senator from Mississippi for a week to report the resolution; but he is so very busy with other matters and the members of his committee are so busy with other matters that he could not get them together until the regular day of meeting, which will be to-morrow. So we members of the Indian Affairs Committee are taking our chances as to whether the Senate will approve what is being done. Otherwise the members of the committee will have to contribute to the expense.

I think, under the rule and under the law, the resolution of the Senator from Alabama will have to go to the committee. I have said this so that my friend from Alabama will follow the distinguished example that I am presenting and go on with his hearings.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

INTERNATIONAL CONFERENCE ON EDUCATION.

Mr. BURTON. I ask unanimous consent to take from the table and to have considered House joint resolution 82.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent to take from the table and have considered House joint resolution 82, the title of which the Secretary will read.

The SECRETARY. A joint resolution (H. J. Res. 82) authorizing the President to accept an invitation to participate in an international conference on education.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CHILTON. What is the resolution?

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the President is hereby authorized to accept an invitation extended by the Netherlands Government to the Government of the United States to participate by delegates in an international conference on education to be held at The Hague in the year 1913: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or other expenses incurred in connection with said conference.

Mr. BURTON. Mr. President, I will state that a joint resolution almost identical in language is on the calendar, being Calendar No. 25, Senate joint resolution No. 32. I take it that the proper procedure is to pass the House joint resolution and then ask that the Senate joint resolution be indefinitely postponed.

Mr. NORRIS. Mr. President, if the Senator will allow me——

Mr. BURTON. Certainly.

Mr. NORRIS. I notice a provision in the joint resolution to the effect that no appropriation shall be granted for the expenses of delegates.

Mr. BURTON. It is carefully guarded so that there will be no expense to the Government.

Mr. NORRIS. I was wondering what the object was in omitting an appropriation. I should like to ask who will appoint these delegates?

Mr. BURTON. I suppose they will be appointed on the recommendation of the Commissioner of Education. I will state that this joint resolution came from the office of the Commissioner of Education.

Mr. NORRIS. It does not give him authority in terms to do so.

Mr. BURTON. No; but that authority, I take it, is implied, in view of the proposed acceptance of the invitation by the State Department.

Mr. NORRIS. It seems to me that it would be better for the resolution specifically to provide the number of delegates, then provide that the President shall appoint them, and appropriate for the payment of their expenses. I believe, if the conference is of sufficient importance to be international—and I have a good deal of sympathy with that kind of a movement—that we ought not to confine it merely to those who are able to pay their own expenses, but we should be able to get the highest character of delegates; and perhaps persons answering that description could not afford to go unless their expenses were paid.

Mr. BURTON. Mr. President, I raised the point made by the Senator from Nebraska of the desirability of including some specification as to the appointment of delegates; but it was thought not best to make any specification in that regard.

As to the second point, that there should be an appropriation, if I can judge correctly of the temper of the Senate, it is very strongly against appropriations for international conferences. There have been an unusual number of them in recent years. Provision has been made in some way—I have asked no questions how—for paying the expenses of the representatives from this Government at the conference at The Hague, and I do not think it desirable under the circumstances to provide any appropriation.

Mr. NORRIS. Mr. President, it is to be an international meeting on the subject of education, as I understand, something in which every citizen of the country is deeply interested; and while I would not favor an appropriation unless there was a limitation as to appointments, and so forth, and unless the President was given express authority to make the appointments, it seems to me that in a great international meeting on that subject we ought not to run the risk of having delegates selected whose expenses might be paid, perhaps, by some one having an interest in the result of the deliberations of that body, particularly when it is on the subject of education.

Mr. SMOOT. Mr. President, I will say to the Senator that if history repeats itself in this case, as it has done in many other cases, there will be a claim made for the expenses of transportation of the delegates who may go to this convention.

Mr. NORRIS. I will say to the Senator that I will not be in favor of paying that claim when it comes in, because, if we pay the expenses we ought to provide exactly the number who will be appointed, name the appointing power, and make it specific; otherwise, of course, we ought not to pay for it.

Mr. SMOOT. If the Senator is not on the Committee on Appropriations, the appropriation might go through, and he would never know of it.

Mr. NORRIS. He might find it out, and might not be able to prevent it; but, so far as his individual vote or influence is concerned, it would be against it, unless the resolution made compulsory some specific method of appointment and limited the number that could be appointed.

Mr. SMOOT. I rather sympathize with the statement the Senator has made. I simply stated that I did not think there need be any worry about the claim being made against the Government for the expenses.

Mr. BACON. If the Senator from Ohio will permit me——

Mr. BURTON. I yield to the Senator.

Mr. BACON. This matter comes through the State Department, with correspondence between the Netherlands Government and the officials of the State Department, and the apprehension of the Senator from Utah is entirely unfounded, or, rather, it will not materialize, from the fact that it is shown that the money has already been deposited for the purpose of paying these expenses by the parties who are promoting the conference.

Mr. SMOOT. The statement I made was based upon the statement that was made by the Senator from Nebraska. Of course, I had not read the resolution.

Mr. BACON. The resolution does not express it, but the papers which have come to the Committee on Foreign Relations from the State Department give the entire history of the matter and show that a certified check for the amount of $5,000, if I recollect correctly, has already been deposited for the purpose of meeting these expenses. Am I correct in my statement of the amount?

Mr. BURTON. I am not sure of the exact amount.

Mr. KENYON. Deposited by whom, Mr. President?

Mr. SWANSON. Miss Andrews, of Boston.

Mr. BACON. Yes. I will say, furthermore, that the lady herself came and I saw her personally.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arizona?

Mr. BURTON. Certainly.

Mr. ASHURST. I thank the Senator. I was unable to ascertain exactly what Senator had the floor, as six or seven Senators were standing, and I wish to ask for a moment of time. I was unable to tell who had the floor.

The VICE PRESIDENT. The Senator from Ohio [Mr. BURTON] has the floor.

Mr. SWANSON. If the Senator from Ohio will permit me just a minute——

Mr. BURTON. I did not understand the interrogatory of the Senator from Arizona.

Mr. ASHURST. At the appropriate time I wish to secure the floor for a moment. I simply rose to ask the Senator who had the floor if he would not yield to me, not knowing who had the floor.

Mr. BURTON. There is a resolution pending which we desire to have disposed of, I will say to the Senator from Arizona. I now yield to the Senator from Virginia.

Mr. SWANSON. Mr. President, this resolution was reported from the Committee on Foreign Relations. Miss Andrews, of Boston, has agreed to furnish all the expenses incident to this educational meeting. The resolution was passed through the House of Representatives with the distinct understanding and assurance given by Mr. FLOOD that no appropriation would ever be expected to be asked to defray the expenses incident to it, and I am satisfied that none will be asked.

Mr. BURTON. Mr. President, I called up the House resolution. I take it that is clearly understood at the desk.

The VICE PRESIDENT. The Chair understands that the House resolution is before your committee.

Mr. BURTON. It is marked on the resolution, "Referred to the committee," but the Committee on Foreign Relations has reported favorably an identical resolution. House joint resolution 82 is the one which I have asked to have taken from the table and considered, and Senate joint resolution 32 has been favorably reported.

The VICE PRESIDENT. The Chair will state to the Senator from Ohio that the Chair is informed that this is the method of procedure, if the Senator will adopt it: To report this House resolution, put it upon its passage, and, when it is passed, indefinitely postpone the Senate resolution. That will keep the record straight.

Mr. BURTON. I have not so understood the procedure.

Mr. BACON. I want to suggest to the Senator from Ohio that if it is a fact, to which my attention has not previously been called, that this House resolution has already been referred to the Committee on Foreign Relations, of course it can not be acted upon now by the Senate until there is a report from that committee.

Mr. BURTON. Mr. President, would not unanimous consent make it possible to consider this? It is in a position where the objection is a technical one rather than otherwise. There is on the calendar here, Order of Business No. 25, a resolution reported which is absolutely identical in substance. I take it that by unanimous consent it could be considered.

Mr. NELSON. Mr. President, if the Senator will allow me, why not make a motion to discharge the Committee on Foreign Relations from further consideration of the matter and have the bill reported to the Senate, and then ask that the Senate substitute it for the Senate resolution?

Mr. BURTON. I make that motion, Mr. President—that the Senate Committee on Foreign Relations be discharged from further consideration of House joint resolution No. 82.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent that the Committee on Foreign Relations be discharged from the further consideration of House joint resolution No. 82, which the Secretary will state.

The SECRETARY. A joint resolution (H. J. Res. 82) authorizing the President to accept an invitation to participate in the international conference on education.

The VICE PRESIDENT. Is there objection?

Mr. SHIVELY. Let me ask whether this resolution was not reported by the Committee on Foreign Relations?

Mr. BURTON. Yes; it was.

Mr. SHIVELY. Then, why discharge the committee?

Mr. BURTON. It could have been taken from the committee immediately when it came over from the House, but it seems a reference of it was made to the Senate Committee on Foreign Relations.

Mr. SHIVELY. Oh! The Senator's proposition is to discharge the Committee on Foreign Relations from the further consideration of the House resolution?

Mr. BURTON. Yes; and then to pass the House resolution.

Mr. SHIVELY. I understand.

The VICE PRESIDENT. Is there objection to the request?

The Senate, as in Committee of the Whole, by unanimous consent, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BURTON. I ask unanimous consent that Order of Business No. 25, Senate joint resolution No. 32, be indefinitely postponed.

The VICE PRESIDENT. Without objection, that action will be taken.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

The motion was agreed to.

ARMOR PLATE FOR NAVAL VESSELS.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. Mr. President, I presume that motion is not debatable, and, of course, I could not be heard now except by unanimous consent.

Mr. BACON. I will withhold the motion, Mr. President.

Mr. ASHURST. Mr. President, heretofore, to wit, on the 17th of March, 1913, and again on May 8 I introduced the following resolution (S. Res. 78):

Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate for the dreadnought *Pennsylvania;* and

Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton; and

Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and

Whereas it is alleged that this action of the said firms reveals that they comprise an Armor Plate Trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate at as early a date as practicable a report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

Mr. BACON. Mr. President, I thought the Senator simply wished to make a statement.

Mr. ASHURST. I shall occupy only three or four minutes.

Mr. BACON. Does the Senator desire action on the matter at this time?

Mr. ASHURST. No; I shall not ask action on the resolution this evening.

Mr. BACON. I withdraw my objection, then. I thought the Senator wanted to take it up for action.

Mr. ASHURST. I thank the distinguished Senator from Georgia; I am indebted to him for many favors, and his courtesy in withholding his motion at this time is especially appreciated.

Doubting, as I do, an opportunity to secure the early passage of this resolution, I therefore lay before the Senate and before the country the following facts: When the bids were called for, or proposals were published asking for bids for furnishing 8,000 tons of armor plate for the dreadnought *Pennsylvania*, three bids were submitted—one by the Carnegie Steel Co., which is a subsidiary to the United States Steel Co.; one by the Bethlehem Steel Co., of Bethlehem, Pa.; and the third by the Midvale Steel Co., of Philadelphia, Pa. These companies were represented in this city by President Dinkey, of the Carnegie Co.; Vice President Johnston, of the Bethlehem Co.; and Vice President Petrie, of the Midvale Co. These gentlemen all stopped at one of the leading hotels here and were frequently in conference. As a consequence, when the bids were opened it occasioned no surprise to find that the bids did not vary a dollar a ton among these three companies.

When the bids were opened not only was it ascertained that the bids did not vary a dollar a ton among the three companies, pretending to be competitors, but the bids were, in fact, about $34 per ton higher than the price received for armor plate by these three companies on the last previous contract. On the 28th day of February, 1913, before any of the bids had been ac-

cepted or the contract approved, and when the United States Senate was considering an item in the naval appropriation bill as follows:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $11,508,309—

I introduced an amendment to that item in the naval appropriation bill as follows:

Provided, That the Secretary of the Navy shall forward to Congress at the earliest practicable date a full report of all bids received by him relating to the purchase of armor, ship plates, and structural steel for the battleship or dreadnought purported to be named, when completed, the *Pennsylvania;* and that the Secretary of the Navy be, and he is hereby, directed not to award any contract for the purchase of steel, armament, armor, or ship plates until further directed by Congress.

I introduced this amendment in view of the apparent collusion of these three companies, which companies, I might add, comprise the Armor Plate Trust, as it certainly seemed inadvisable that the contract should be awarded without some investigation, especially in view of the fact that it requires about three or four years to construct a battleship, and the armor plate for these ships will not be required for nearly a year. It seemed obvious that no harm could come by a delay of a few weeks until the matter could be investigated. But a point of order was made against the amendment I proposed, which point of order was sustained by the then presiding officer.

I do not especially complain about the ruling of the Chair, as I have some doubt as to whether the amendment was cognizable under the rules at that time, and I find no fault with the rule, although in that particular case it happened to defeat a wholesome modification in the proposed law. Notwithstanding the intimation made on the floor of the Senate that there was apparent collusion among the three pretending competitors, and notwithstanding the complaint that the bids were about $34 per ton higher than the price received for armor plate on the last previous contract, the then Secretary of the Navy, in the expiring hours of a defeated, not to say discredited, administration, accepted the bids, and on the 3d day of March, 1913, let the contract by dividing, for all practical purposes, the 8,000 tons of armor plate among the three companies pretending to be competitors. Without further emphasizing the unexplained and peculiar haste on the part of the retiring Secretary of the Navy to facilitate these companies comprising the Steel Trust, I desire to state that the result of letting such contracts was and is that this Government, if the contract shall be enforced, will be required to pay $454 per ton for class A armor plate when heretofore this Government has never paid a higher price than $420 per ton for class A armor plate. But, Mr. President, the apparent collusion among the pretended competitors and the additional $34 per ton to be paid by this Government for the armor plate are not the only facts relating to that transaction which should be exhibited to the Senate and the country.

Speaking upon this subject in the Senate on May 14, I stated the following: "Our Republican friends on the other side of the aisle have recently fulminated very much and thundered in the index over public hearings, and if they be sincere they will all vote to adopt the resolution I have introduced, so that the American people may see where their money goes. You claim you want 'light.' If you assist in passing this resolution, you will see how the Steel Trust mulcted this Government to the tune of $1,600,000 in furnishing the armor plate that is to be used in the building of the superdreadnought *Pennsylvania*."

A Senator subsequently said to me that he hoped I would explain just how and in what manner the Public Treasury had been mulcted to the amount of $1,600,000 with respect to the armor plate for the *Pennsylvania*, and I am sorry to say it is a fact that the armor plate for the *Pennsylvania*, under these bids as accepted by the former Secretary of the Navy, will cost this Government just $1,600,000 too much, and for the following reasons: The price to be paid by the Government under these contracts is $454 per ton for 8,000 tons of class A armor plate. I have no funds at my disposal with which to employ experts to ascertain at what precise figure armor plate may be purchased, moreover, the best experts in armor are not to be expected to come before Congress and give their knowledge of the cost of armor plate or to prove the inferiority of armor plate furnished for all or for any battleships, when in so doing they would lose thousands of dollars, would be discharged from their present situations, and could obtain no further employment from large steel manufacturers; but I have obtained information from what I conceive to be a reliable source that if Congress will offer the proper compensation and protection to experts, they are able to and will furnish evidence showing conclusively that this class A armor plate may be manufactured at large profit at the price of $254 per ton. If this be true, and many persons believe it can be substantiated, this Government is paying exactly $200 per ton too much on the 8,000 tons of armor plate to be used in the *Pennsylvania*, which makes an excess of $1,600,000 that we are paying for the armor plate in this one battleship.

No Senator will forget it is a matter of record that the Carnegie Steel Co. has heretofore furnished defective armor plate, was convicted of defrauding the Government of nearly $500,000 in an armor-plate contract, and finally compromised the matter by paying, as I remember, about $160,000 as a penalty for its fraudulent transaction.

Therefore the following deplorable situation is before us: Only three companies in the United States manufacture armor plate, namely, the Carnegie Co., the Bethlehem Co., and the Midvale Co. They pretend to compete, when in truth they are in collusion among themselves. They submit bids for 8,000 tons of armor plate at $454 per ton—which is $34 per ton higher than has ever heretofore been paid for such armor plate—when in fact it would be possible to demonstrate that this same armor plate should cost the Government but $254 per ton. The following figures will be found interesting: Eight thousand tons of armor plate at $454 per ton equals $3,632,000; but if this armor plate can be furnished at $254 per ton, the Government should be paying $2,032,000 instead of $3,632,000, which would be a clear saving to the Public Treasury of $1,600,000 on one ship alone. In addition to the fact that these companies are furnishing armor at an extortionate price there exists also an uncertainty as to how much defective armor has been furnished or is being furnished. There exist grave doubts as to whether these companies have furnished good armor plate to the Government and not armor that will prove treacherous and defective in the time of the Nation's greatest need.

Although the Navy Department some 12 or 14 years ago used considerable care in attempting to conceal the information, it is nevertheless a fact that from certain tests made—which tests were not made voluntarily by the Navy Department, but under pressure from Congress—it was ascertained that armor plate which was supposed to be the heaviest and strongest was destroyed by an outside explosion of a single Gathmann high-explosive shell, and no recognition of the result of such tests was ever definitely or adequately reported to Congress. I therefore make this statement at this time and feel that nothing should preclude my laying these facts before the Senate and before the American people, to the end that the day may soon come when the United States shall not be obliged to submit to the extortions of this grasping Steel Trust, which extends its hungry and larcenous fingers into the Public Treasury and from the people's revenue extracts on one contract alone $1,600,000; and even then no man knows whether these companies furnish sound armor plate or defective armor plate.

I see around me Senators earnest and honest in trying to perform their public duties. They observe, as they should, every item in an appropriation bill. I had the pleasure recently to serve on one of the great committees of the Senate (I will not relate what occurred before the committee, because that is against the rules) where Senators closely scrutinized every item in an appropriation bill. That was proper and as it should be; but why not chase large game also? Why scrutinize the salary of some overworked and underpaid postal employee and ignore the fact that a defeated administration in its last hours, over protest and with what I might characterize as suspicious haste, executed a contract on the 3d of March which provides that this Government should pay $454 per ton for class A armor plate when the Government, beyond doubt, could manufacture its own armor plate at about $254 per ton, and, in addition thereto, know that there was no defective material in these great ships, which, eastward and westward with sheen of crystal mail, we send forth upon the ocean to guard well the gleaming strand of this, our native land? I have laid these facts before the Senate in the hope that they might attract attention to the advisability of the Government making its own armor plate and thus be relieved from the extortions and larcenies of this Steel Trust.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Colorado?

Mr. ASHURST. I am just about to conclude. I hold the floor only by virtue of the kindness of the Senator from Georgia [Mr. BACON], and I feel that I can not yield to anyone so long as I hold the floor by his kindness.

The VICE PRESIDENT. May the Chair inquire whether the Senator desires the resolution to lie on the table or to be referred?

Mr. ASHURST. Mr. President, I can not at this moment ask for the adoption of the resolution, because it has always been my training never to ask for action on a proceeding, motion, or

any other matter to which there is objection unless the persons making the objections are present. Observing that the Senator who made the objection the other day is not in his seat at this particular time, I do not ask for the adoption of the resolution. Moreover, I can not ask for action on the resolution at this time, for I obtained the floor upon the understanding that I would not ask for the adoption of the resolution this evening.

Mr. SMOOT. The Senator still wants the resolution to lie on the table?

Mr. ASHURST. I should like to have it lie on the table. And I now give notice that at the earliest opportunity I may secure the floor properly under the rules I shall ask for the adoption of this resolution.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, May 19, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 16, 1913.

COLLECTOR OF INTERNAL REVENUE.

Samuel A. Hays, of West Virginia, to be collector of internal revenue for the district of West Virginia, in place of George E. Work, superseded.

DEPUTY COMMISSIONER, BUREAU OF FISHERIES.

Ernest Lester Jones, of Virginia, to be Deputy Commissioner in the Bureau of Fisheries, Department of Commerce, vice H. M. Smith, appointed Commissioner of Fish and Fisheries.

UNITED STATES CIRCUIT JUDGE.

George Hutchins Bingham, of New Hampshire, to be United States circuit judge for the first judicial circuit, vice Le Baron B. Colt, resigned.

UNITED STATES ATTORNEY.

D. Hayden Linebaugh, of Oklahoma, to be United States attorney for the eastern district of Oklahoma, vice William J. Gregg, whose term has expired.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Burton Y. Read, Eleventh Infantry, to be second lieutenant of Cavalry, with rank from November 30, 1912.

Second Lieut. William T. Pigott, jr., Second Cavalry, to be second lieutenant of Infantry, with rank from November 30, 1912.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Second Lieut. Alexander H. Jones, Thirteenth Cavalry, to be first lieutenant from May 10, 1913, vice First Lieut. Harry L. King, Third Cavalry, detached from his proper command.

POSTMASTERS.

ALABAMA.

Green E. Bankhead to be postmaster at Sulligent, Ala. Office became presidential October 1, 1912.

Mary Eugenia Cain to be postmaster at Wetumpka, Ala., in place of Spencer J. McMorris. Incumbent's commission expired February 27, 1912.

William E. Crawford to be postmaster at Decatur, Ala., in place of William Moseley. Incumbent's commission expired February 1, 1910.

J. B. Sinquefield to be postmaster at Lockhart, Ala., in place of Robert H. Trammell. Incumbent's commission expired December 16, 1912.

John R. McCain to be postmaster at Lineville, Ala. Office became presidential January 1, 1908.

Hamilton B. Ralls to be postmaster at Piedmont, Ala., in place of Charley N. Thompson. Incumbent's commission expired December 16, 1912.

ARKANSAS.

Flora A. Hall to be postmaster at Pocahontas, Ark., in place of Mrs. L. H. Hall, to correct name.

Earl Harrison to be postmaster at Beebe, Ark., in place of T. J. Camp, resigned.

P. G. Henry to be postmaster at Texarkana, Ark., in place of Lyman S. Roach. Incumbent's commission expired March 8, 1913.

N. H. Mitchell to be postmaster at Gentry, Ark., in place of Martin S. Lefors, resigned.

Eduard Screeton to be postmaster at Hazen, Ark., in place of Charles H. Tisdale. Incumbent's commission expired January 28, 1913.

CALIFORNIA.

Thomas Fox to be postmaster at Sacramento, Cal., in place of Robert M. Richardson, resigned.

CONNECTICUT.

Harry W. Potter to be postmaster at Glastonbury, Conn., in place of William E. Gates. Incumbent's commission expired January 20, 1913.

Ashmun P. Prickett to be postmaster at Hazardville, Conn., in place of William A. Smith. Incumbent's commission expired March 1, 1913.

FLORIDA.

P. S. Coggins to be postmaster at Madison, Fla., in place of James A. Zipperer. Incumbent's commission expired March 2, 1913.

Samuel J. Giles to be postmaster at Carrabelle, Fla., in place of Samuel J. Giles. Incumbent's commission expired February 9, 1913.

William R. Roesch to be postmaster at Eau Gallie, Fla. Office became presidential January 1, 1913.

Eva R. Vaughn to be postmaster at Century, Fla. Office became presidential April 1, 1913.

GEORGIA.

James Park Bowie to be postmaster at Rome, Ga., in place of John R. Barclay. Incumbent's commission expired January 27, 1913.

Fannie T. Elmore to be postmaster at Oglethorpe, Ga., in place of Thomas M. Scovill. Incumbent's commission expired January 27, 1913.

Richard E. Lee to be postmaster at Concord, Ga. Office became presidential January 1, 1913.

Merida L. Moore to be postmaster at Bowdon, Ga. Office became presidential January 1, 1913.

R. B. Moore to be postmaster at Milledgeville, Ga., in place of James L. Sibley. Incumbent's commission expired February 2, 1913.

William L. Watterson to be postmaster at Jonesboro, Ga. Office became presidential July 1, 1912.

IDAHO.

L. A. Wisener to be postmaster at Grangeville, Idaho, in place of Nettie B. Carpenter. Incumbent's commission expired December 17, 1912.

ILLINOIS.

William F. Hagebusch to be postmaster at Okawville, Ill., in place of George F. Tacharner. Incumbent's commission expired April 8, 1913.

Harry Holland to be postmaster at Marion, Ill., in place of Henry G. Jones. Incumbent's commission expired December 14, 1912.

George Kirkbride to be postmaster at Vermont, Ill., in place of Henry C. Bogue. Incumbent's commission expired December 14, 1912.

J. P. McPherren to be postmaster at Homer, Ill., in place of Moses C. Thomas, deceased.

H. Peffenberger to be postmaster at Freeport, Ill., in place of Smith D. Atkins, deceased.

B. E. Prater to be postmaster at Cowden, Ill., in place of Edward Cosart. Incumbent's commission expired January 11, 1913.

George Reuss to be postmaster at Bethany, Ill., in place of Leander W. Niles. Incumbent's commission expired January 14, 1913.

O. Cammie Seeders to be postmaster at Palestine, Ill., in place of Harry K. Alexander. Incumbent's commission expired March 24, 1912.

J. H. Sipe to be postmaster at Tremont, Ill., in place of Jacob W. Barkdoll. Incumbent's commission expired January 11, 1913.

INDIANA.

Oscar H. Cravens to be postmaster at Bloomington, Ind., in place of Walter Bradfute, resigned.

James M. Driver to be postmaster at Arcadia, Ind., in place of W. G. Pettijohn. Incumbent's commission expired January 25, 1913.

William B. Fox to be postmaster at South Whitley, Ind., in place of Cash M. Graham. Incumbent's commission expired February 12, 1911.

Adolph H. Martin to be postmaster at Newburg, Ind., in place of Herman Schumacher. Incumbent's commission expired February 1, 1913.

John L. Roblyer to be postmaster at Flora, Ind., in place of Louis T. Bell, resigned.

Atwell J. Shriner to be postmaster at Brookville, Ind., in place of John H. Kimble. Incumbent's commission expired March 3, 1913.

James A. Terry to be postmaster at Laporte, Ind., in place of Phineas O. Small. Incumbent's commission expired December 17, 1912.

Ira M. Whitaker to be postmaster at Morgantown, Ind. Office became presidential January 1, 1913.

Garland D. Williamson to be postmaster at Ridgeville, Ind., in place of Russell W. Addington. Incumbent's commission expired April 26, 1913.

IOWA.

George O. Booth to be postmaster at Prescott, Iowa, in place of Clinton S. Grouse. Incumbent's commission expired January 11, 1913.

John J. Donahoe to be postmaster at Gilmore City, Iowa, in place of Frank J. Tishenbanner. Incumbent's commission expired December 14, 1912.

E. F. Gauthier to be postmaster at Corning, Iowa, in place of Henry E. Westrope. Incumbent's commission expires June 9, 1913.

H. G. Kruse to be postmaster at Vinton, Iowa, in place of Hays H. McElroy. Incumbent's commission expired January 14, 1913.

Edward J. Mitchell to be postmaster at Graettinger, Iowa. Office became presidential January 1, 1912.

Clint L. Price to be postmaster at Indianola, Iowa, in place of L. H. Surber. Incumbent's commission expired December 14, 1912.

George M. Waterman to be postmaster at Sidney, Iowa, in place of Eugene Stiles. Incumbent's commission expired January 11, 1913.

KANSAS.

Elmer E. Dye to be postmaster at Logan, Kans., in place of Floyd E. Richmond. Incumbent's commission expired January 11, 1913.

Robert V. Grattan to be postmaster at Burden, Kans., in place of Eli A. Baum. Incumbent's commission expired December 17, 1912.

Emma L. Hoopman to be postmaster at Lucas, Kans., in place of Allen C. Carson. Incumbent's commission expired February 9, 1913.

A. C. Hopper to be postmaster at Pratt, Kans., in place of John K. Cochran, deceased.

A. E. Jacques to be postmaster at Wichita, Kans., in place of William C. Edwards. Incumbent's commission expired January 21, 1912.

Timothy Sexton to be postmaster at Augusta, Kans., in place of Charles W. Hawes. Incumbent's commission expired January 11, 1913.

William Walker, jr., to be postmaster at Goodland, Kans., in place of Gertrude Stevens. Incumbent's commission expired February 20, 1913.

KENTUCKY.

John H. Grimes to be postmaster at Harrodsburg, Ky., in place of James P. Spilman. Incumbent's commission expired February 7, 1911.

J. M. Richardson to be postmaster at Glasgow, Ky., in place of William H. Jones. Incumbent's commission expired February 9, 1913.

LOUISIANA.

Joseph Abadie to be postmaster at Rayne, La., in place of Charles W. Lyman. Incumbent's commission expired April 9, 1913.

Wilfred Guilgou to be postmaster at Donaldsonville, La., in place of John J. Lafargue. Incumbent's commission expired January 20, 1913.

Charles Manning to be postmaster at Cheneyville, La. Office became presidential January 1, 1913.

H. H. Sample to be postmaster at Lecompte, La., in place of Francis S. Norfleet. Incumbent's commission expired January 20, 1913.

MAINE.

Ned W. Coombs to be postmaster at Castine, Me., in place of Charles H. Hooper, deceased.

Irenee Cyr to be postmaster at Fort Kent, Me., in place of Frank W. Mallett. Incumbent's commission expired December 14, 1912.

Reuben A. Huse to be postmaster at Kingfield, Me. Office became presidential January 1, 1913.

Milford A. Waite to be postmaster at Canton, Me. Office became presidential October 1, 1912.

MASSACHUSETTS.

Walter E. Clarkin to be postmaster at Foxboro, Mass., in place of Charles W. Bemis. Incumbent's commission expired January 26, 1913.

John J. Haverty to be postmaster at Canton, Mass., in place of Francis D. Dunbar. Incumbent's commission expired February 9, 1913.

MICHIGAN.

Russell A. Lee to be postmaster at Harbor Springs, Mich., in place of R. F. Lemon. Incumbent's commission expired January 11, 1913.

MINNESOTA.

Harvey Hildebrand to be postmaster at Lyle, Minn., in place of Burton J. Robertson, resigned.

A. J. Lovestrom to be postmaster at Stephen, Minn., in place of John F. Lundin. Incumbent's commission expired January 12, 1913.

Fred Von Ohlen to be postmaster at Henning, Minn., in place of Iver Bondy. Incumbent's commission expired January 11, 1913.

George H. Smith to be postmaster at Excelsior, Minn., in place of Frank E. Bardwell. Incumbent's commission expired January 14, 1913.

O. C. Vaaler to be postmaster at Spring Grove, Minn., in place of Ole B. Tone. Incumbent's commission expired January 23, 1912.

MISSOURI.

Wilbur E. Austin to be postmaster at Trenton, Mo., in place of Benjamin C. Nichols. Incumbent's commission expired January 11, 1913.

Lant Campbell to be postmaster at Princeton, Mo., in place of William P. Brown, deceased.

J. B. Davis to be postmaster at Schell City, Mo. Office became presidential October 1, 1912.

Edgar Jones to be postmaster at Frankford, Mo., in place of Leonard D. Kennedy. Incumbent's commission expired January 26, 1913.

Alfred H. Long to be postmaster at Festus, Mo., in place of William E. Osterwald. Incumbent's commission expired March 10, 1912.

Robert M. Morton to be postmaster at Green Castle, Mo. Office became presidential January 1, 1912.

Roscoe C. Murphy to be postmaster at St. Clair, Mo., in place of James S. Weldon, resigned.

John S. Smith to be postmaster at Eldorado Springs, Mo., in place of A. H. Doermann. Incumbent's commission expired March 2, 1913.

Francis Elmer Thurston to be postmaster at Knobnoster, Mo., in place of Jennie A. Mahan. Incumbent's commission expired May 15, 1912.

MONTANA.

J. S. Kelly to be postmaster at Kendall, Mont., in place of Lottie M. Conyngham, resigned.

NEW YORK.

Edward Blackwell to be postmaster at Pearl River, N. Y., in place of William A. Serven. Incumbent's commission expired January 18, 1913.

John H. Bullock to be postmaster at Cohoes, N. Y., in place of William B Le Roy, removed.

Harry M. Fisher to be postmaster at Nanuet, N. Y., in place of William Hutton, jr., resigned.

Willis H. Hawkins to be postmaster at Bellport, N. Y., in place of Henry E. Corwin. Incumbent's commission expired December 16, 1912.

Robert B. Irwin to be postmaster at Nichols, N. Y., in place of William H. Clark. Incumbent's commission expired December 16, 1912.

Albert B. Taylor to be postmaster at Hunter, N. Y., in place of Horace B. Fromer. Incumbent's commission expired February 9, 1913.

NORTH CAROLINA.

P. J. Caudell to be postmaster at St. Pauls, N. C. Office became presidential April 1, 1913.

Howard C. Curtis to be postmaster at Southport, N. C., in place of Robert W. Davis, resigned.

William H. Etheredge to be postmaster at Selma, N. C., in place of Ann Z. Pearce. Incumbent's commission expired February 7, 1910.

Hector McL. Green to be postmaster at Wilmington, N. C., in place of Thomas E. Wallace. Incumbent's commission expired February 27, 1912.

John L. Gwaltney to be postmaster at Taylorsville, N. C. Office became presidential April 1, 1912.

W. C. Hall to be postmaster at Black Mountain, N. C. Office became presidential July 1, 1912.

W. D. Pethel to be postmaster at Spencer, N. C., in place of J. Rufus Dorsett, resigned.

Plato C. Rollins to be postmaster at Rutherfordton, N. C., in place of Thomas C. Smith. Incumbent's commission expired April 28, 1912.

Mrs. Nettie G. Rowland to be postmaster at West Raleigh, N. C. Office became presidential January 1, 1911.

Joseph S. Stallings to be postmaster at Spring Hope, N. C., in place of Mack Brantley, deceased.

W. H. Stearns to be postmaster at Tryon, N. C., in place of Eugene Brownlee. Incumbent's commission expired January 28, 1912.

Duncan L. Webster to be postmaster at Siler City, N. C., in place of Lossing L. Wrenn. Incumbent's commission expired February 9, 1913.

C. W. Whitehurst to be postmaster at Beaufort, N. C., in place of William A. Mace. Incumbent's commission expired December 19, 1910.

Lee H. Yarborough to be postmaster at Clayton, N. C., in place of Zach Stephenson. Incumbent's commission expired January 13, 1913.

OHIO.

Solomon C. Allison to be postmaster at Ashville, Ohio, in place of James H. Long. Incumbent's commission expired February 9, 1913.

Frank T. Campbell to be postmaster at Marion, Ohio, in place of Milton B. Dickerson. Incumbent's commission expired February 10, 1913.

W. W. Daniels to be postmaster at Leroy, Ohio. Office became presidential January 1, 1913.

Stewart D. Hazlett to be postmaster at Ada, Ohio, in place of Walter Elliott. Incumbent's commission expired January 26, 1913.

Henry W. W. Spargur to be postmaster at Bainbridge, Ohio, in place of William C. Newell. Incumbent's commission expired December 17, 1912.

John E. Taylor to be postmaster at Crooksville, Ohio, in place of Granville W. Springer. Incumbent's commission expired January 27, 1913.

Benjamin G. Trew to be postmaster at Shawnee, Ohio, in place of Gomer C. Davis. Incumbent's commission expired January 27, 1913.

W. F. Uhle to be postmaster at Attica, Ohio, in place of Alva G. Sutton. Incumbent's commission expires June 22, 1913.

C. A. Weidaw to be postmaster at Bloomville, Ohio, in place of Frank A. Chatfield. Incumbent's commission expires June 14, 1913.

Harmon Wensinger to be postmaster at Fremont, Ohio, in place of G. A. Gessner. Incumbent's commission expired February 9, 1913.

OKLAHOMA.

Samuel C. Campbell to be postmaster at Enid, Okla., in place of F. Everett Purcell, removed.

Milton B. Cope to be postmaster at El Reno, Okla., in place of Charles G. Wattson. Incumbent's commission expired June 28, 1910.

W. M. Davis to be postmaster at Okemah, Okla., in place of Peter J. Becker, resigned.

L. D. Flint to be postmaster at Fairland, Okla. Office became presidential October 1, 1912.

Hattie Gore to be postmaster at Nowata, Okla., in place of Frank McCartney, removed.

Ira B. McCrary to be postmaster at Dewey, Okla., in place of James M. Lusk, resigned.

OREGON.

L. R. Van Winkle to be postmaster at Weston, Oreg., in place of Merritt A. Baker. Incumbent's commission expired January 20, 1913.

PENNSYLVANIA.

William S. Clegg to be postmaster at New Bloomfield, Pa., in place of A. B. Grosh. Incumbent's commission expired February 9, 1913.

H. E. Petrie to be postmaster at Greencastle, Pa., in place of Elmer D. Carl. Incumbent's commission expired January 13, 1913.

John T. Slattery to be postmaster at Port Carbon, Pa. Office became presidential October 1, 1912.

SOUTH DAKOTA.

Mary Brennan to be postmaster at Lake Preston, S. Dak., in place of Lyman J. Bates. Incumbent's commission expired April 9, 1913.

TEXAS.

W. J. Beck to be postmaster at Kaufman, Tex., in place of Robert H. Armstrong. Incumbent's commission expired April 28, 1912.

James G. Burleson to be postmaster at Lockhart, Tex., in place of Maurice C. Kelly. Incumbent's commission expired April 9, 1913.

W. H. Clement to be postmaster at Palacios, Tex., in place of Christian Doss. Incumbent's commission expired December 16, 1912.

E. L. Correll to be postmaster at El Campo, Tex., in place of Carl E. Ericson, resigned.

W. D. Daniel to be postmaster at Hughes Springs, Tex., in place of John J. Bartlett. Incumbent's commission expired April 28, 1912.

S. M. Davis to be postmaster at Nocona, Tex., in place of William N. Merritt, resigned.

S. G. Dean to be postmaster at Haskell, Tex., in place of John B. Baker. Incumbent's commission expired April 2, 1912.

A. M. Gosch to be postmaster at Flatonia, Tex., in place of Fred W. Laux. Incumbent's commission expired April 21, 1912.

S. J. Holchak, jr., to be postmaster at Runge, Tex., in place of Rudolph L. Reuser. Incumbent's commission expired April 28, 1912.

Mrs. W. F. Holmes to be postmaster at Jasper, Tex. Office became presidential January 1, 1911.

A. S. Jarvis to be postmaster at Troupe, Tex., in place of James A. Butler. Incumbent's commission expired December 16, 1911.

R. H. King to be postmaster at Alvin, Tex., in place of Marion S. French. Incumbent's commission expired April 28, 1912.

Nora Lemmon to be postmaster at Garland, Tex., in place of George W. Crossman. Incumbent's commission expired March 29, 1913.

R. A. Motley to be postmaster at Overton, Tex. Office became presidential January 1, 1912.

J. M. Price to be postmaster at San Augustine, Tex., in place of Lafayette Sharp. Incumbent's commission expired March 1, 1913.

G. H. Riddle to be postmaster at Omaha, Tex. Office became presidential January 1, 1912.

E. P. Shands to be postmaster at Mesquite, Tex., in place of Americus C. Nafus, removed.

Billie W. Simmons to be postmaster at Mexia, Tex., in place of Isidore Newman. Incumbent's commission expired April 20, 1913.

William S. Strain to be postmaster at Lancaster, Tex., in place of William S. Strain. Incumbent's commission expired February 11, 1913.

C. Herbert Walker to be postmaster at Dalhart, Tex., in place of Wesley J. Clarke, resigned.

B. Wildenthal, jr., to be postmaster at Cotulla, Tex., in place of Caroline Cotulla, deceased.

Joseph E. Woods to be postmaster at Teague, Tex., in place of J. Wed Davis. Incumbent's commission expired May 23, 1912.

VERMONT.

Allan T. Calhoun to be postmaster at Middlebury, Vt., in place of Lewis A. Skiff. Incumbent's commission expired January 22, 1913.

Robert J. Orvis to be postmaster at Manchester, Vt., in place of David K. Simonds. Incumbent's commission expired January 11, 1913.

WASHINGTON.

Edgar Battle to be postmaster at Seattle, Wash., in place of George F. Russell. Incumbent's commission expired December 9, 1912.

WISCONSIN.

William E. Cavanaugh to be postmaster at Berlin, Wis., in place of Thomas McKinney. Incumbent's commission expired December 12, 1911.

William R. Stephan to be postmaster at Sawyer, Wis., in place of Erik N. Anderson. Incumbent's commission expired December 12, 1911.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 16, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, everywhere present, working in and through the hearts of men, grant that we may ever be in a receptive mood, that the kingdom of heaven may be ours to enjoy, to advance, the goal of which is perfection for the individual, the race; that evil may depart that good may triumph, and Thy will be done on earth as it is in heaven. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; had further insisted upon its amendment No. 2, disagreed to by the House of Representatives; had asked a further conference with the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls up the conference report on the sundry civil bill. Does the gentleman desire the report to be read or the statement?

Mr. FITZGERALD. Both. They are very short.

The SPEAKER. Without objection, the Clerk will read both the report and the statement.

There was no objection.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT (NO. 17).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

The committee of conference have been unable to agree on amendment numbered 2.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year 1914, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

On amendment No. 1: Makes a verbal correction in the bill.

On amendment No. 3: Restores the title "Department of Commerce and Labor," as proposed by the House.

On amendment No. 2: Relating to the Board of Managers for the National Home for Disabled Volunteer Soldiers, the committee of conference have been unable to agree.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask that the Clerk report Senate amendment No. 2.

The SPEAKER. The Chair would inquire if a complete agreement was reached, excepting the one amendment?

Mr. FITZGERALD. Yes; except the amendment No. 2.

The SPEAKER. The Clerk will report Senate amendment No. 2.

The Clerk read as follows:

Hereafter vacancies occuring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement with the Senate amendment.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House further insist on its disagreement with the Senate amendment. The question is on agreeing to that motion.

Mr. HINDS. Mr. Speaker, I would like to move to recede and concur.

The SPEAKER. The gentleman from Maine [Mr. HINDS] makes the preferential motion to recede and concur.

Mr. FITZGERALD. Mr. Speaker, how much time does the gentleman desire?

Mr. HINDS. About three minutes.

Mr. FITZGERALD. I yield five minutes to the gentleman.

The SPEAKER. The gentleman from Maine [Mr. HINDS] is recognized for five minutes.

Mr. HINDS. In moving to concur in the Senate amendment I desire to present the views of the veterans who are living in the homes and also their friends among the Grand Army and others who are interested in them. One of these homes is located in Maine, and the department commander of the Grand Army of that State has protested against the change of management.

The management of the various branches of the soldiers' home has been successful, and, what is more, they have been real homes for the unfortunate veterans who have no other homes. When the misfortunes of those veterans who have been obliged to go to the homes are considered, the management has been wonderfully successful. With officials chosen from their own comrades, with an organization analogous to that of the volunteer army of which they were a part, they are now at the close of a career of usefulness which, in the nature of things, can not now last more than a few years. Such being the case, why can not the organization still continue with the local control and the local sympathy? It is not demonstrated that a change in the number of managers will induce greater efficiency, and it is certain to lessen the sympathy between the inmates and the organization.

Speaking especially for the soldiers of the Augusta Home, it may be said that the manager is a distinguished volunteer officer who went out in 1861 and served through the war. His associates are of the same distinguished class. They know their more unfortunate comrades, have sympathy with them, and a desire to so manage the homes that the last years of the inmates may be as happy and peaceful as possible. Therefore I hope that the amendment of the Senate will be concurred in.

Mr. GOULDEN. Mr. Speaker, I would like to ask my colleague, the chairman of the committee, just what the contention is between the Senate and the House upon this proposed amendment?

Mr. FITZGERALD. The Senate has stricken out the provision.

Mr. GOULDEN. What is the present provision that exists now in the law? How many men are provided for?

Mr. FITZGERALD. Mr. Speaker, there are at present 11 managers of the Soldiers' Home.

Under the statute one of them must be a resident of a State or Territory west of the Rocky Mountains. They are elected by Congress. They must be citizens of the United States, and all must be residents of States which furnished organized bodies of soldiers to the Government in the Civil War commencing in 1861, and no two of them shall be residents of the same State. No person who gave aid or countenance to the rebellion shall ever be eligible. The term of each of these managers is six years, or until a successor is elected.

Mr. GOULDEN. As I understand, no salaries are paid except to the president and treasurer.

Mr. HAY. Only to the secretary-treasurer. The president does not receive any salary.

Mr. GOULDEN. The only one who receives a salary is the secretary-treasurer?

Mr. HAY. Yes.

Mr. MANN. May I urge gentlemen to talk loudly enough so that they may be heard 10 or 20 feet away? We could not hear what has been taking place over there. I suppose it is in reference to this conference report.

Mr. GOULDEN. Could not the gentleman hear me?

Mr. MANN. No. I always like to hear the gentleman.

Mr. GOULDEN. Thank you.

Mr. FITZGERALD. Mr. Speaker, the Board of Managers of the National Soldiers' Homes consists of 11 members.

Mr. MANN. That is under the law, but not in fact now.

Mr. FITZGERALD. Yes; in fact.

Mr. MANN. I think we have not filled the last vacancy or two.

Mr. FITZGERALD. There are three expired terms, but under the law the members hold on until their successors are qualified.

Mr. MANN. I did not know that.

Mr. FITZGERALD. I just read it.

Mr. MANN. That was one of the things we could not hear.

Mr. FITZGERALD. The term of office of these managers shall be for six years, or until a successor is elected. The terms of three of them expired in 1912. Their successors have not been elected.

Mr. Speaker, there are 10 branches of the National Soldiers' Home, and under the arrangement that has existed up to this time one of the members of the board is chosen president, and one member of the board is assigned as a local manager for each branch. The result is that in the administration of the affairs of these various homes there is practically no board action. The manager assigned to a particular home presents in the meeting of the board the matters affecting the home to which he is assigned, and it is very rarely that any action is taken adverse to his recommendation; so that instead of the benefits of board action there is practically a manager elected for each home, and his administration is not controlled by the other members.

Within the past few years there has been some complaint of the management of the homes. There has been complaint at times of the character of the food and of the treatment accorded to the members of the homes. After investigations covering several years the House finally, upon the recommendation of the Committee on Appropriations, several times adopted a provision providing for a reduction in the size of the board, so that there would no longer be that local attachment or sentiment about each member and so the board might conduct its affairs in a more businesslike manner.

In the first session of the last Congress the House adopted such a provision, but because of the vacancies that were about taking place in 1912 the Senate refused to agree to the provisions.

In the sundry civil bill as it passed Congress in the last session this provision was inserted in the House, and the Senate agreed to it, and it was in the bill when it went to the President. It now appears, however, that there will be four vacancies in 1914, and there is on the part of those whose terms will expire at that time some opposition to this provision going into effect. The provision will not affect the election of successors in the place of those whose terms expired three years ago, three in number, but it will eliminate four places the vacancies in which will exist in 1914.

I have no personal interest in anybody who is on the board or who desires to be on the board; but, as a result of the investigations that have been made into the administration of the homes, investigations connected with the estimates for the money required for the homes, I was convinced and I am still convinced that in the interest of good administration and in the interest of the old soldiers themselves who are the beneficiaries of the maintenance of these institutions, that it is very desirable to reduce the membership of this board.

The time is very near at hand when some of these branches must be discontinued. The question to be thrashed out in the board will be one that will not be easy. It will be somewhat difficult to decide as to the particular branches that must be abandoned first. If the board is to continue with each home having a representative, it will be very difficult to have such action taken as will represent the very best thing that should be done, while if a board is so constituted that no one member can be said to speak for any particular branch, then, in the interest of the old soldiers, when the homes must be abandoned and transfers made, it is quite likely that the ones abandoned first will be those which are most undesirable or least suited for the purposes of the homes.

Mr. GOULDEN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GOULDEN. What are the expenses in connection with the various managers? Do they travel from time to time to their respective homes and supervise and look after the homes—take an interest in them personally? If so, at whose expense, and about what is that expense?

Mr. FITZGERALD. I do not recall. I do not think the expense attached to the maintenance of the board of 11 members is of such a character that it makes any difference at all. There are some traveling expenses, but the amount is not sufficiently large to make it a matter to be considered in determining what should be done.

Mr. GOULDEN. If my colleague will permit a statement, as one of the managers of the New York State Soldiers and Sailors' Homes I will say that our members have been diminishing very rapidly. Two years ago we had 2,250, and now we are down to 1,600, and the death rate is such that it is only a question at the outside of about 10 years when the home will have to be turned over to other purposes. So, I take it that the position assumed by the gentleman from New York [Mr. FITZGERALD] is the correct one, that we must sooner or later abolish or combine some of these homes.

Mr. FITZGERALD. There is an additional reason why the population of the various branches will be reduced other than because of the excessive death rate, and that is the belief that as a result of the pension legislation which was enacted recently many men who otherwise would have remained in the homes will now be able to remain outside. That has been stated frequently, and that is the belief.

Mr. GOULDEN. Mr. Speaker, that has not had the material effect that we expected or anticipated. It has had some, but very much less than was expected at the time the Sherwood bill was passed.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SLOAN. Has the gentleman any information as to whether there has been a general decrease in these several homes, speaking collectively, during the last five years?

Mr. FITZGERALD. I do not recall the figures. I do not recall just at present whether there has been an increase or a decrease. It has varied. A year or two ago I believe the population ran up very high. I have not looked the matter up recently with sufficient care to be able to make an accurate statement.

Mr. SLOAN. In the progress of the government of the home, has the work in supervising these homes been materially reduced so that 5 men can do as well as 10 or 11?

Mr. FITZGERALD. The conviction of the members of the committee who looked into the matter is that they will do better.

Mr. SLOAN. Has the plan heretofore been that these several members have had charge or oversight of the particular institutions somewhere near their own residences?

Mr. FITZGERALD. That has been the policy.

Mr. SLOAN. One of the effects of this change would be to isolate the membership somewhat from the institutions?

Mr. FITZGERALD. One of the differences would be that instead of having 1 man responsible, and his judgment accepted by the other 10, 5 members would all feel sufficiently responsible themselves to be informed regarding each home, and each would thus exercise his own judgment in disposing of the business connected with it.

Mr. SLOAN. Has the board itself made any recommendation as to the reduction of its own membership?

Mr. FITZGERALD. I think the board itself adopted resolutions recently opposing this change, but they were not unanimously adopted. The president of the board has been in favor of the change. Last year, if I recall, Mr. Cox, of Ohio, took considerable interest in the Dayton Home, in his own town. He made a number of speeches about it both in the last Congress and in the previous one. During the examinations about this matter, Mr. Wadsworth, the president of the board, was before the Committee on Appropriations, and Mr. Cox examined Mr. Wadsworth as follows:

Mr. COX. The question I am going to ask you may be outside of the scope of this hearing, but inasmuch as it affects the administration of the homes I think it is proper. I would like for you to state to the committee, if you will, your opinion as to what should be the size of the board.

Mr. WADSWORTH. Looking at it from a business point of view, it is entirely too large.

Mr. COX. From my observation, and I have given some little attention, at least, to the administration of the homes, I think that a mistake has been made in designating some man as the resident manager.

Mr. WADSWORTH. There is no provision in the law for a "local manager"——

Mr. COX (interposing). As a result of that, might not this condition exist: You might have an incompetent governor; you might have a pretty general condition of inefficiency in one of the branches, and yet, because of this "senatorial" courtesy, the board might not make the changes which, in the opinion and judgment of the board, ought to be made.

Mr. WADSWORTH. I think that has been the case.

Mr. COX. How large ought the board to be, in your opinion?

Mr. WADSWORTH. It should consist of six members, and no more. They should elect their president, and then there would be five members on the floor, so to speak.

Mr. COX. That would remove all local considerations?

Mr. WADSWORTH. Yes, sir.

Mr. COX. And that would not operate to the detriment of the board?

Mr. WADSWORTH. That is my own individual judgment, and I think several members of the board concur in that view also.

That is one statement that has been made. At different times others of a somewhat similar character have been made. The committee was convinced, as a result of the hearings upon the various items, that the board should be reduced in the interest of efficient administration.

Mr. LOBECK. I have been informed that these local men, situated in the different localities throughout the country, are very convenient for the old soldier who would make application to go to these homes in that he would get his reply that much sooner, the local man being in the neighborhood where these homes are.

Mr. FITZGERALD. Oh, there is nothing in that at all. The old soldiers are scattered all through the United States, and there is no particular advantage in writing to a man, for instance, in St. Louis rather than Chicago, in making their applications. That same argument was used against the abolishment of the pension agencies and the payment of pensions from Washington, and nobody gives it serious consideration.

Mr. LOBECK. There has been some complaint of that out in our direction.

Mr. FITZGERALD. I think that is one of the reasons suggested, yet, in my opinion, it is of no importance, because if a man is located in a town 25 miles away from the place where the application is to be made it makes little difference whether he is 500 miles away. The application would probably be by mail.

Mr. McGILLICUDDY. Mr. Speaker, will the gentleman yield me some time?

Mr. FITZGERALD. I yield the gentleman five minutes.

Mr. McGILLICUDDY. Mr. Speaker, one of these homes is located in my State. It covers not only the people of my State but the people of all New England, and our people are very deeply interested in this proposition. As I look at it, there is no economy in cutting down the membership of this board from 11 to 5. The members of the board get no salary whatever, outside of the president and treasurer, who would be retained with the smaller board, consequently there would be no economy in cutting down the board from 11 to 5. There would be no economy even in the matter of traveling expenses. Eleven men now constitute the board, and one man is located in the vicinity of each of these boards and in close communication with the home, so that his travel is very small, and if five men, under the proposed management, have to travel all about the country, of course it is very easy to see that their travel will more than exceed that of 11 men, as the board is now composed. Now, the old soldiers are very much interested in this matter. It is true, of course, that in time these homes will have to be abolished, but I beg to say to the gentleman from New York [Mr. FITZGERALD] that that time has not yet arrived. The old soldiers in the home in my State now practically approach 2,000. They love that home as much as you and I love our homes. All of the association in the world that appeals to the heart and the memory of the old soldier is located in that home, the only home he has got on the face of this earth, and I say it is too early now to give them notice to quit or evict them from the place where they have so long lived.

Now, under the present arrangement each home has a local manager, a man who is in direct sympathy with the inmates of each home, a man who will lend a sympathetic eye to their condition and a sympathetic ear to their appeals for justice and relief in case of suffering. Remove that man from them and then they have to appeal to a distant board and not to one of their own comrades who is in direct communication with them. Now, I have in my hand some letters which have been sent to me. I will not take the time of this House to read them, but I want to read one, because the gentleman writing it is so eminent in this country that I know his words will weigh greatly on the Members of this House. This is a letter from Gen. Warner, of Missouri, an ex-Member of this House and an ex-United States Senator, and it was directed to Gen. Joseph S. Smith, the local manager of the home in my State, and reads as follows:

WASHINGTON, D. C., *April 9, 1913.*

Gen. JOSEPH S. SMITH,
The Richmond, Washington, D. C.

MY DEAR GENERAL: In reply to your inquiry as to my judgment as to whether or not it would be to the best interest of the members of the National Home for Disabled Volunteer Soldiers to reduce the membership of the board of managers to five, I am decidedly of the opinion that such a change would not be to the best interests of the home.

The board as now constituted consists of 14 members, the President of the United States, the Chief Justice of the Supreme Court of the United States, and the Secretary of War, together with 11 members appointed by Congress. Thus it will be seen that there are 11 active members of the board of managers. This gives one member, known as the local manager, to each of the 10 branches of the home, leaving the other active member of the board for the position of president, with supervision of the general affairs of the home. The local manager pays frequent visits to his branch of the home, taking a special interest therein without losing interest in the other branches. These local managers at the meeting of the board make valuable suggestions and requests for such changes as are necessary for the happiness and contentment of the twenty-odd thousand members. To reduce the board of managers to five would, as a natural consequence, concentrate more power at headquarters of the board in New York. My experience after eight years' service on the board convinces me that this change is not desirable. In this view I am supported by a resolution unanimously adopted a few weeks since at a meeting of the board of managers at the Marion Branch.

In giving you thus briefly my views on the question asked, I have only one purpose in view, and that is the welfare of my comrades who are members of the home. I am not interested in the appointment of anyone as a member of the board, nor am I even a receptive candidate for reappointment.

With kindest regards, believe me, sincerely,

WM. WARNER.

Now, this is a letter from a man who has no desire to become a member of the board, entirely disinterested, who has served upon that board for a term of eight long years. No man in this country to-day is in closer touch with the necessities and the needs of all kinds of the old soldiers in these various branches of the homes than ex-Senator Warner, and I trust that the membership of this House will not be a party to giving the old soldiers, twenty-odd thousand of them, in the only homes they have on the top of God's earth, a notice to quit before, in the nature of things and in God's own good time, it will be necessary for them to leave there. [Applause.] I now desire to insert the remainder of the letters I have received.

The letters are as follows:

LAFAYETTE, IND., *April 21, 1913.*

SIR: I have the honor to state that I think it will be a serious mistake and an irreparable injury to the welfare of the veterans in the National Soldiers' Home to reduce the number of managers to five. Under the present arrangement one of the managers (designated as local manager) is given special supervision of a branch of the home. This enables him frequently to visit the branch of which he is local manager, confer with the governor and other officers, and personally inspect the quarters and all the operations connected with the branch. In this way he picks up valuable information which he is able to suggest to other managers in their meetings. If the number of managers was reduced to five, it would be impossible to have the branches visited except at stated meetings of the board, unless the president or some of the other managers voluntarily took it upon themselves to visit the branches during the intervals betwen the meetings of the board.

Each manager serves without compensation, except his necessary traveling expenses. Each one resides only a comparatively short distance from the branch of which he is local manager and is able to frequently visit it with very small expense.

I can speak of this matter disinterestedly, as my term will expire in about a year, and on account of my age, even if a reappointment were available, I will not wish to serve longer.

Yours, very truly,

EDWIN P. HAMMOND,
Manager National Home for Disabled Volunteer Soldiers.

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NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Bangor, Me., April 16, 1913.

DEAR SIR: Having been requested to give my views regarding the proposed legislation to reduce the number of the Board of Managers of the National Home for Disabled Volunteer Soldiers to five, I would state:

First of all it should be stated that this amendment was introduced without having any consideration by the board of managers or by any officers of the several branches of the National Home. Such consideration, it seems to me, the amendment should have received, for it means a change in the administration of the affairs of the several branches, an administration that has marked the history of the National Home for Disabled Volunteer Soldiers in its gradual development from a single branch in 1866 to the nine branches and the Battle Mountain Sanitarium at the present time, when to each of these a member of the board is assigned as local manager. Manifestly this development of the position of the local manager has been in the interest of efficiency. His residence is reasonably near the branch, so near as to admit of frequent visits and a familiarity with its affairs. How much this means to its officers because of its opportunities for consultation, and also to the members of the branch, who thus come into personal contact with the local manager, can be readily seen. I am confident that both the officers of the several branches, as well as the old soldiers themselves, would deprecate the proposed change. It would destroy largely the personal interest represented now in the local manager and centralize the affairs of the several branches at headquarters of the board in New York. This does not seem to me to be called for, either on the ground of efficiency or economy. As to efficiency, my experience has taught me that a single branch is as large a field as any one member of the board can properly cultivate, while as to economy it is suf-

ficient to say that the members of the board as now constituted serve without pay.

If I were to summarize the advantages of the present arrangement, I should say:

1. It secures to each branch of the National Home a very close and desirable relation between the officers of the branch and the board of managers in its governing capacity. The local manager, because of his frequent personal visits, has such an intimate acquaintance with the needs of the branch which he represents that the officers are assured that the interests of the branch will be sympathetically and intelligently presented to the board. The action of the board also, whatever it may be, will be sure to reach the officers of the branch in such a way as to secure the fullest possible information. An intermediary of this kind can not but conduce to harmony and efficiency in the management of the affairs of the several branches.

2. The present arrangement likewise provides an intermediary between the members of the home in its several branches and the board of managers in its governing capacity. Of the board as a whole they see but little. There is an annual visit, it is true, but on these occasions the members of the branches do not come into such close personal contact with the members of the board as they do with the local manager of the branch with which they are connected. They see him often. They become personally acquainted with him and look upon him as a friend and a comrade with whom they have come into sympathetic relations. A change that would in any way lessen this feeling on the part of the old soldiers would not, in my opinion, prove otherwise than detrimental. What they crave above everything else is sympathy, and the local manager is the one to whom naturally they look for a sympathetic representation of their interests at the meetings of the board.

It is generally wise to let well enough alone. For nearly half a century the Government has cared for the disabled volunteer soldiers of the Civil War. The history of the National Home provided for these disabled soldiers is one of which the Government has reason to be proud. There is no call for the proposed change either on the part of the board of managers or of any of the officers and members of the several branches, and until there is such a call Congress may well hesitate to take any action whatever.

For these reasons I feel it my duty, in the interest of and for the welfare, comfort, and happiness of the old veterans committed to our care, to most earnestly and strongly pray that the amendment be not enacted.

Very respectfully, JOSEPH S. SMITH,
Manager N. H. D. V. S., Local Manager Eastern Branch.

Allow me to add that it would seem that the expenditure of more than $4,000,000 appropriated by Congress annually for the support of these homes would naturally be better looked after by a majority of a board of 11 (6) than by that of a board of 5 (3). This is simply a business proposition.

J. S. S.

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CAMBRIDGE, MASS., *April 17, 1913.*

To the CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS.

SIR: I have learned with surprise that it is proposed, by an amendment to the sundry civil bill, not to fill existing vacancies in the Board of Managers of the National Home for Disabled Volunteer Soldiers, or any vacancies hereafter occurring, until the number is reduced to five, and that this number shall thenceforward constitute the entire board.

As an old soldier, and one who until July last (when I resigned on account of age) had served as chaplain of the Eastern Branch of the National Home, I sincerely hope that this amendment will not pass. I am sure that if the members of the home could have a voice in this matter it would be a unanimous voice against the proposed change. The present average of these old soldiers is about 71 years. What they need and what they most desire is sympathy. They have no use for merely barrack life. What they want is a home, and such a home as Congress intended the National Home for Disabled Volunteer Soldiers should be.

The present arrangement as to local managers gives to each branch a representation in the board. This means that each branch has its own local manager; that is, one upon whom rests the duty of looking after the interests of the old soldiers there, frequently visiting the branch, meeting the members personally, sympathizing with them in their varied experiences, opening his ear to their complaints and his eye to their needs; in a word, showing himself a friend in all his relations with them.

The local managers I have known have been such men. The suggested changes would abolish this relation of the members of the board to the several branches of the home. The five members of the board, under the proposed arrangement, would be obliged to confine their attention to business details wholly. As one deeply interested in the welfare of the old soldiers, therefore, and as one who has had an opportunity of knowing how generously Congress has provided for these aged veterans of the Civil War, I trust that Congress will not now deprive any one of the branches of the home of the service of a local manager. To do this will be to deprive the old soldiers of a friend they love and to whom they look for that sympathy which they crave.

Very truly, yours,
HENRY S. BURRAGE,
Late Chaplain Eastern Branch,
National Home for Disabled Volunteer Soldiers.

Mr. JONES. Will the gentleman permit a question?

Mr. McGILLICUDDY. Certainly.

Mr. JONES. The gentleman speaks of local managers. Does the gentleman desire to create the impression that there is a manager for each one of these homes appointed from and residing in the locality in which the home is located?

Mr. McGILLICUDDY. Not necessarily. Each local manager is a member of the general board, and, as a rule, as I understand it, the local manager comes from the vicinity of his local home. It is not legally necessary that he should, but it is regarded as proper.

Mr. JONES. I will say to the gentleman that it is not only not legally necessary that he shall be a resident of the State wherein the home is located, but that it is, in some cases at least, legally necessary that he shall not be a resident of that State. The law governing these appointments reads as follows:

And be it further enacted, That the Board of Managers shall be composed of the President and Secretary of War and Chief Justice of the United States ex officio, during their term of office, together with nine other citizens of the United States, not Members of Congress, no two of whom shall be residents of the same State, but who shall be residents of States which furnished organized bodies of soldiers to aid in the war for the suppression of the rebellion.

The SPEAKER. The time of the gentleman from Maine [Mr. MCGILLICUDDY] has expired.

Mr. FITZGERALD. I yield two minutes more to the gentleman.

Mr. JONES. Now, as a matter of fact, the most popular, if not the largest, soldiers' home in the United States is that of Hampton, Va., which is in the district which I have the honor to represent. The so-called local manager for that home resides in the State of New Jersey, and the law will not permit the appointment of a resident of Virginia. Does not the gentleman think that the law ought to be changed in this respect? If we are going to have local managers, as he thinks is necessary for the good of the homes, does he not think the law should be changed so that the local manager for the Hampton Home should come from the State of Virginia?

Mr. McGILLICUDDY. We will cross that bridge when we get to it. That is not before the House now.

Mr. JONES. If the gentleman be correct in his contention—and I take no issue with him as to that—should not the local manager for the popular home which is located in the district I represent be a resident of Virginia and not of New Jersey? The Hampton Home is as much entitled to a local manager as any other home.

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has half an hour remaining.

Mr. FITZGERALD. Mr. Speaker, I have no desire to drag into this discussion the individual members of the board. The letter read by the gentleman from Maine [Mr. MCGILLICUDDY] was written by a gentleman who is at present a member of the board. His term expired in 1912. The House since that time has passed a resolution proposing members for the vacancies. It went to the Senate, and the name of Maj. Warner was not in the House resolution, but when the resolution was reported from the Senate his name had been substituted for one of the names proposed by the House. And it must be borne in mind that Maj. Warner, while he has been vigorously and actively interested in the welfare of the soldier, is a member of the board whose actions during the last six or seven years have been such that, in the opinion of those who have been so located as not to have any particular interest in a particular home or manager, makes desirable the change proposed. Included among those members were one from Dayton, Ohio, where a home is located, and another from Danville, Ill., where another home is located. The Members representing those districts—Mr. Cox of Ohio and Mr. Cannon of Illinois—believed the present system to be wrong and that the board should be reduced to produce proper results. Taking this action is not serving notice upon the old soldiers that they will be evicted. There will be no attempt in any way to take away from them the comforts of the homes, but the conditions will be so improved that these aging old veterans will receive better treatment under the new conditions than under the present ones.

I yield three minutes to the gentleman from Illinois [Mr. O'HAIR].

Mr. O'HAIR. Mr. Speaker, I am unable to understand any good reason for reducing the number of managers for these soldiers' homes. It can not be economy, because they draw no salary. When this law was enacted, and as long as it has been in effect, it has been considered that 11 members, with the President and 1 member of the Supreme Court ex officio, were necessary to constitute a proper body. There are 10 homes with over 20,000 soldiers in them. Now, these homes will probably be abolished by the death of the soldiers, and it will be soon enough to abolish some of the positions of managers when a home is needed no longer.

The home in my district has over 3,000 soldiers in it, and it seems to me that the argument that by eliminating certain members of this board the management will be less centralized is not good. The fact is that by eliminating six, by taking away six, the management will be centralized, and it will be nearer one-man rule, if that is the idea, than it is to-day.

There are many millions of dollars being spent each year in the maintenance of these soldiers' homes. Here are 10 men, 1 for each home, supposed to be managers. Now, those 10, I think, with probably one exception, are old soldiers or officers of the Civil War. I have heard no one say that those men have not at heart the good of these old soldiers, and I think that these soldiers' homes ought to have a man near to them, a quasi manager, at least, to whom the soldiers can report, to whom the soldiers can make appeals, instead of a small board

situated somewhere—in New York or Chicago, or scattered very much, it might be, because these homes reach from California to Maine; scattered all over the country.

Mr. LOBECK. That is what they do now.

Mr. O'HAIR. I am unable to see—and that is why I speak against this proposition—the virtue of reducing the number of these managers. I think the home in my district has 3,200 soldiers in it, and it needs some man who has at heart the interests of the soldiers close at hand to look after them.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Speaker, I yield three minutes to my colleague from New York, Mr. GOULDEN.

The SPEAKER. The gentleman from New York [Mr. GOULDEN] is recognized for three minutes.

Mr. GOULDEN. Mr. Speaker, with a practical experience as a trustee of one of the largest State soldiers' homes in the country I may be able to throw a little light on the subject.

I am sorry I can not agree with my distinguished friend from Maine [Mr. MCGILLICUDDY] and the equally distinguished gentleman from Illinois [Mr. O'HAIR]. The fact is that at the national homes the men go to the homes in accordance with their personal feelings. New York State has at Togus, Me., somewhere between 100 and 200 of its old soldiers. Therefore they are a long distance from a local managing member, so called. The gentleman who is supposed to represent the Hampton Soldiers' Home in Virginia lives, as my friend from Virginia [Mr. JONES] says, in New Jersey, so that it is not required that they should be physically located so as to be able to meet these men.

In the State home in New York we had a board of 11 and reduced the number to 7, and it is working better now than when the number was larger. I have every confidence in the president of the board of managers, Maj. Wadsworth, who served long and creditably in this House, and his views, to my mind, would go far as the number is concerned. I heartily agree with him that the reduction from 11 to 5 would work good results, and I am willing to follow the suggestion of Maj. Wadsworth every time, and I am therefore in sympathy with and will support the amendment offered by the committee and adopted by this House. I trust that the amendment known as No. 2 will prevail and that the House will insist upon it.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, we are "up against" the same old proposition of how to abolish a job. One would suppose that it would not be a hard thing to abolish a place which had no salary connected with it and where you did not oust the present incumbent. And yet four gentlemen whose terms have now expired—or perhaps it is only three—have been able to work up quite an agitation to keep those positions still in existence.

Last year, when three of these terms had expired, and the House had passed a resolution providing for the naming of three managers, and making a change, I believe, as to one—possibly two—even that effort to change the holder of the job from one man to another was held up. They could not pass the resolution through the Senate, and it did not pass, except with an amendment restoring the one who now holds the job holding over, so that he would have a reappointment.

Everybody knows that 5 managers will do better work than 11 managers. A board of 5 will do the work better than a board of 11 who will not do the work. That is the case now. The very theory of having a man who is supposed to be the manager for each home is wrong. He does not manage the home. There is a superintendent to manage the home. I recently read the report of the board of managers, which was quite a volume, and I also read the report of the investigation carried on by a Senate committee, of the home in California. Certainly something ought to be done. No one is proposing to affect adversely the soldiers in the homes. There is no proposition here to close a home and turn any old soldier out of a home, as suggested by the gentleman from Maine [Mr. MCGILLICUDDY]. No such idea is carried here. The purpose is to secure efficiency.

It took us a great many years to pass a law providing for the abolishment of the seven Isthmian Canal Commissioners and get it through the Senate of the United States. Every time a proposition has come up for the abolishing or reducing of these useless, unwieldy boards we have had the same kind of a contest.

In the last Congress we passed the sundry civil bill, and it went to the Senate and was there amended in many respects. The bill was sent to conference. The House conferees agreed to some amendments and the Senate conferees receded on some amendments, and the House accepted the Senate amendments which were agreed to in conference. Under those circumstances I think the Senate is under obligation, in good faith, at this time to accept the propositions of the House which were agreed to in conference before. We have taken the conference bill without question and passed it through this House.

I think we can afford occasionally to reduce the membership of a board which will be more efficient and more economical and will furnish a better service with a smaller number than it does or can with the larger number.

Mr. REED. Will the gentleman yield?

Mr. FITZGERALD. I yield three minutes to the gentleman from New Hampshire.

Mr. REED. Mr. Speaker, I have no desire to take up more than a moment of the time of this House in its consideration of this amendment. I believe it is unwise for this House to adopt a penurious policy in dealing with a proposition of this kind. We should maintain a broad and liberal policy in taking care of the grandest body of men that this or any other country ever knew—the old soldiers—who, by their deeds of valor, have made this the beautiful country it is, in which we live.

We have a soldiers' home in the State of New Hampshire, which State I in part represent, that is maintained by the State itself. We have never asked the National Government to contribute one dollar toward its establishment or maintenance. In almost every city and village in the State of New Hampshire there are Grand Army posts, and in my home city of Manchester the post headquarters is furnished by the city, and is heated and lighted and the janitor service provided by the people of Manchester, who love the old soldiers and who desire to do everything possible to make their declining days comfortable.

It has been said here that we have no desire to affect injuriously the welfare of the old soldiers, and I believe that is the sentiment of this splendid body of men whom I now have the pleasure of addressing. Let us do nothing that will cause the old soldiers one moment's uneasiness or worry in their declining days. Let us, on the other hand, do everything we can to make their last days comfortable. It seems to me that, as National Legislators, we owe that much to these old soldiers. We should not adopt this recommendation for a change in the present rules, which will bring about conditions that I am sure the membership of this House does not desire, particularly in view of the fact that no financial saving to the Government will be effected.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. HAMMOND. I desire to ask the gentleman from New York a question.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. FITZGERALD. Yes.

Mr. HAMMOND. I should like to know if there are any items in this appropriation bill appropriating money that must be used in the immediate future?

Mr. FITZGERALD. There are in this bill what are known as continuing appropriations.

Mr. HAMMOND. Is there a necessity for the passage of this bill within a very few days?

Mr. FITZGERALD. Not within the next 24 hours. I think this matter will be settled by Monday.

Mr. HAMMOND. I have seen a statement in the newspapers, if I am not mistaken, in connection with some appropriation included in this bill, indicating that there was an urgent necessity that the bill should be passed at a very early date.

Mr. FITZGERALD. There has been an urgent necessity that the bill should be passed since the 4th day of March, when it should have become a law. In my opinion, it should not have been vetoed. The House expressed its opinion to that effect by its vote. If the gentleman expects me to say that I think it is more important that the House should concur in the Senate amendment rather than that the bill go over until Monday, I can not accommodate him, because I believe it to be of more importance that this amendment of the Senate be defeated than that this bill become a law to-day. There are continuing appropriations—appropriations for river and harbor work, for instance—in this bill.

Mr. HAMMOND. The gentleman thinks that this matter of decreasing the number of members upon this board from 11 to 5 is of so much importance that these appropriations should be delayed further than they have been?

Mr. FITZGERALD. I do. I hold in my hand, Mr. Speaker, the report of a Senate committee made last January—since gentlemen wish to bring such matters into this discussion—pursuant to a resolution of the Senate directing the Senate committee to investigate one of these homes—to investigate it because of the innumerable complaints that had been made of the

treatment of the old soldiers in it, and I shall read some of the findings of the committee as to conditions under the present system.

Mr. REED. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. I should like to finish this statement.

Mr. REED. I just wish to say to the gentleman——

Mr. FITZGERALD. I decline to yield at present. Here are some of the findings made by this committee after investigating the Pacific Home, at Santa Monica, Cal., as a result of which I think the governor was removed. A member of the board lives in Pasadena, Cal., and he is the local manager of the home. I read from the tenth finding:

The conditions in the general homes are far from satisfactory. The food is often badly cooked and badly served. There are two sittings at each meal, with about 750 men at each sitting. No water is available during the meal. No sugar or cream or milk is placed on the table.

Then further along down in the report is the following:

The bread is generally heavy, soggy, and unattractive in appearance. The bread pans did not appear to be suitable.

The regulations for the government of the home have grown until it requires quite a volume to contain them—

The old soldiers are expected to know and to obey these regulations.

There are now 662 paragraphs in the regulations. Many of these regulations were made 25 or 30 years ago. They may have been adapted to the conditions then, but they are not adapted to the conditions now.

Under this present system with the local manager of the board having complete say as to what should be done, these are the conditions that were found. The committee makes a number of recommendations, and this is one of them, that this home be taken out of the control of the board of managers and turned over to the War Department. When a suggestion is made here to abolish conditions that produce such a report as this, and to make a board that will be efficient and to improve conditions, gentlemen complain that we are trying to hurt the old soldiers.

Mr. Speaker, as to the Togus Home, in Maine, this delightful spot to which these old soldiers are yearning to go, I was never more surprised in my life to learn that it was built on a hill in the middle of a swamp, one of the most unhealthful places in the State of Maine. It was put there because somebody discovered a spring to which some unusual medicinal qualities were assigned. The old soldiers go to Maine and get malaria, and then they go traveling about the country to the homes known as sanitariums, trying to get rid of the malaria. The most active and most consistent antagonist of this proposition to reduce the number of the board of managers from 11 to 5 is the local manager from Maine, whose term expires in 1914.

Mr. Speaker, I am interested in the welfare of these old soldiers. I desire these homes conducted by an up-to-date, energetic, live board of men who will not take somebody's statement as to conditions and as to policies, but who will travel about the country, from home to home, seeing for themselves, and basing their policy and action on information gained from personal observation and inspection. It is time that a change was made, and made in the interest of the men who are the beneficiaries of the homes.

Mr. McGILLICUDDY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. McGILLICUDDY. Mr. Speaker, I want to say that I do not know where the gentleman got his information about the swamps at Togus, but certainly it is misinformation. There is absolutely nothing of the kind at Togus, and the best possible proof that I know of the healthful conditions of the spot is that the gentleman's own colleague from New York, Mr. GOULDEN, just said that some 200 of the old soldiers in New York left New York and went to Maine to live, and are there in the home now.

Mr. FITZGERALD. Mr. Speaker, I got my information from the members of the board of managers when they appeared before the Committee on Appropriations.

Mr. McGILLICUDDY. I live there and I have seen it, and I know what I am talking about.

Mr. FITZGERALD. My recollection is that Gen. Smith, the local manager for the home, was present when the statement was made. I have neither anything to hide nor do I desire to conceal the sources of information.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. The gentleman from Minnesota [Mr. HAMMOND] asked a question designed, or perhaps not designed, to show the necessity of disposing of the sundry civil bill to-day. My recollection is it is about five weeks since Congress met. The sundry civil bill could have been passed the first week. Will the gentleman say how long since the bill did pass the House? The bill, of course, will show.

Mr. FITZGERALD. I think we passed the bill early in the session; I do not recall, however.

Mr. MANN. The bill passed the House April 22. If there has been any such urgent demand for the funds provided in the bill in the opinion of the Senate, the bill would have passed the Senate before May 7, as the only change made in the bill by the Senate was adding the letter "s" to some place in order to make it "departments" instead of "Department of Commerce and Labor" and this one amendment, and if the Senate thought it necessary to wait two weeks in order to insert those amendments, does the gentleman think there is any objection to the House considering it for 24 hours?

Mr. FITZGERALD. No; I do not. My opinion is that it is of very great importance, Mr. Speaker, both for the management of the homes and the welfare of the men who live in them, that the board of managers be reduced. I ask for a vote upon my motion.

The SPEAKER. The gentleman from New York moves that the House further insist on the amendment reported by the Clerk, and the gentleman from Maine [Mr. HINDS]——

Mr. REED. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. REED. I want to ask the gentleman from New York if, in his opinion, these iniquities exist as shown by the report, would they not continue perhaps quite as likely under a board of 5 as under a board of 11, and if the personnel of the board is not more responsible for it than the number of the board?

Mr. FITZGERALD. I think not, Mr. Speaker. If I thought that by reducing the number of members of the board we would increase the evils, I would not advocate reducing the membership of the board, but I should favor abolishing the board and turning the control of the homes over to some other organization.

Mr. REED. If there is iniquity, why is it not just as easy to correct these evils existing under a board of 11 as under a board of 5?

Mr. FITZGERALD. I have endeavored in the hour which I have more or less occupied on the floor to explain the reasons that make me believe 5 members would be better than 11, and if I have not convinced the gentleman I can not do so now. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman from New York moves to further insist on the disagreement and the gentleman from Maine [Mr. HINDS] makes the preferential motion to recede and concur. The vote is on the motion of the gentleman from Maine.

The question was taken, and the motion was rejected.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT.

ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

The motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 7 minutes p. m.) the House adjourned until Tuesday, May 20, 1913, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting the eighth annual report of the American National Red Cross (H. Doc. No. 49), was taken from the Speaker's table, referred to the Committee on Foreign Affairs, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 5303) to amend section 3 of an act entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein," approved October 1, 1890; to the Committee on Military Affairs.

Also, a bill (H. R. 5304) to increase the efficiency of the aviation service of the Army, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 5305) to provide for the purchase of a site and the erection thereon of a public building at Luray, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5306) to erect a monument to the memory of Gen. Peter Gabriel Muhlenburg at Woodstock, Va.; to the Committee on the Library.

By Mr. LLOYD: A bill (H. R. 5307) providing for carrying in the mails reply letters and postal cards without prepayment of postage; to the Committee on the Post Office and Post Roads.

By Mr. HINEBAUGH: A bill (H. R. 5308) to provide for a tax upon all persons, firms, or corporations engaged in interstate mail-order business, and for other purposes; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: A bill (H. R. 5309) for the erection of new buildings for the Golden Gate Life-Saving Station at San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: Joint resolution (H. J. Res. 85) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; to the Committee on Military Affairs.

By Mr. GARDNER: Memorial of the Legislature of Massachusetts, relative to tariff legislation now pending; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Memorial of the Legislature of California, urging banking and currency reform legislation; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 5310) granting a pension to Mary Ellen Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5311) granting a pension to Margaret Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5312) granting a pension to Bridget Moran; to the Committee on Pensions.

Also, a bill (H. R. 5313) granting an increase of pension to Charles H. Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5314) granting an increase of pension to Milton Trout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5315) granting an increase of pension to Jacob Alles; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 5316) granting an increase of pension to Oliver Cromwell; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 5317) authorizing the Secretary of the Interior to enroll Isabell Richter, née Bell Cook, and her son Charles H. Richter as Cherokee Indians; to the Committee on Indian Affairs.

By Mr. FIELDS: A bill (H. R. 5318) granting a pension to W. T. Mobley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5319) granting a pension to Julia A. Gorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5320) granting a pension to Albert Ramey; to the Committee on Pensions.

Also, a bill (H. R. 5321) granting a pension to Charles A. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5322) granting a pension to Henderson Ramey; to the Committee on Pensions.

Also, a bill (H. R. 5323) granting a pension to William Praterer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5324) granting an increase of pension to James M. Vansant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5325) granting an increase of pension to Newton Ridgway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5326) granting an increase of pension to James Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5327) granting an increase of pension to William N. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5328) granting an increase of pension to Andrew Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5329) granting an increase of pension to James B. Coyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5330) granting an increase of pension to Francis Marion Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5331) granting an increase of pension to Jeremiah Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5332) granting an increase of pension to Thomas B. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5333) granting an increase of pension to Levi H. Colburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5334) granting an increase of pension to David A. Tipton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5335) granting an increase of pension to James Seaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5336) granting an increase of pension to James M. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5337) granting an increase of pension to Henry Braden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5338) granting an increase of pension to Thomas M. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5339) granting an increase of pension to George M. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5340) granting an increase of pension to Brice Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5341) granting an increase of pension to Charles W. Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5342) granting an increase of pension to Henry C. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5343) for the relief of the heirs of William D. Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5344) for the relief of John W. Kincaid; to the Committee on Military Affairs.

Also, a bill (H. R. 5345) for the relief of Eli F. Prather; to the Committee on Military Affairs.

Also, a bill (H. R. 5346) for the relief of Ben P. Nicholson; to the Committee on War Claims.

Also, a bill (H. R. 5347) for the relief of John A. Gribble; to the Committee on Military Affairs.

Also, a bill (H. R. 5348) for the relief of Jeremiah Hunt; to the Committee on Military Affairs.

Also, a bill (H. R. 5349) for the relief of Carlos Sharpe; to the Committee on Military Affairs.

Also, a bill (H. R. 5350) for the relief of Townley H. Bellomy; to the Committee on Military Affairs.

Also, a bill (H. R. 5351) for the relief of John Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 5352) for the relief of William G. Anderson; to the Committee on War Claims.

Also, a bill (H. R. 5353) for the relief of James Black; to the Committee on Military Affairs.

Also, a bill (H. R. 5354) for the relief of Isaac Musser; to the Committee on Military Affairs.

Also, a bill (H. R. 5355) for the relief of Solomon Lunsford; to the Committee on Military Affairs.

Also, a bill (H. R. 5356) for the relief of Allen Conley; to the Committee on Military Affairs.

Also, a bill (H. R. 5357) for the relief of W. J. Flannery, jr.; to the Committee on Military Affairs.

Also, a bill (H. R. 5358) for the relief of W. S. Adams; to the Committee on War Claims.

Also, a bill (H. R. 5359) for the relief of William Woodmansee; to the Committee on Military Affairs.

Also, a bill (H. R. 5360) for the relief of Overton Turner; to the Committee on Military Affairs.

Also, a bill (H. R. 5361) for the relief of the estate of Ann S. Jackson; to the Committee on War Claims.

Also, a bill (H. R. 5362) for the relief of the legal representatives of H. Mack Whitaker, deceased; to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 5363) granting a pension to Charles W. Reeves; to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 5364) for the relief of Pierre C. Stevens; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 5365) to correct the military record of George Moran; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 5366) granting an increase of pension to Emory J. Millard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5367) for the relief of Francis A. Goodenow; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 5368) to remove the charge of desertion against James Halloran; to the Committee on Military Affairs.

Also, a bill (H. R. 5369) to remove the charge of desertion against Michael Houlihan; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 5370) granting an increase of pension to Charles B. Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5371) granting an increase of pension to Franklin McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5372) for the relief of S. J. Miller; to the Committee on War Claims.

Also, a bill (H. R. 5373) for the relief of the heirs of Drew Gwin; to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 5374) granting a pension to Grant W. Berry; to the Committee on Pensions.

Also, a bill (H. R. 5375) for the relief of O. P. Phillips; to the Committee on War Claims.

By Mr. MAHER: A bill (H. R. 5376) granting an increase of pension to John Flood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5377) granting an increase of pension to Charles L. Konollman; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 5378) providing for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. O'SHAUNESSY: A bill (H. R. 5379) granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 5380) granting an increase of pension to William L. Tarbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5381) granting an increase of pension to John D. Traft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5382) granting a pension to Roy Bruner; to the Committee on Pensions.

Also, a bill (H. R. 5383) providing for the presentation of a medal of honor to William M. De Hart; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 5384) granting an increase of pension to Catherine Casler; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Jene B. Morrow, of Louisiana, Mo., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. BARTON: Petition of business men of sundry cities and towns of the fifth congressional district of Nebraska, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petition of the Pacific Association of Railway Surgeons, favoring creation of a department of public health with an officer in the Cabinet; to the Committee on the Judiciary.

By Mr. DALE: Petitions of Hogan & Son, of New York City; the Buffalo Envelope Co., of Buffalo; and Merrill Bros., of Maspeth, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Frank Rosenblatt, of Brooklyn, N. Y., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. DYER: Petition of the Mercantile Trust Co., of St. Louis, Mo., favoring repeal of the clause allowing American ships free tolls through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Hilker & Bletsch Co., of St. Louis, Mo., against assessment of a fee for filing protest against assessment of duty by collector of customs; to the Committee on Ways and Means.

By Mr. MAHER: Petition of the Medical Society of the State of New York, favoring removal of the duty on surgical instruments; to the Committee on Ways and Means.

Also, petition of the members of the provision trade of the New York Produce Exchange, protesting against the duty on live stock; to the Committee on Ways and Means.

By Mr. MANN: Petition of sundry citizens of Chicago, Ill., protesting against the dissolution of the United States Steel Corporation and subsidiary companies; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of sundry business men of the State of Colorado, favoring change in the interstate-commerce laws compelling concerns selling goods by mail to contribute their share of funds in the development of the local community; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of California: Memorial of Los Angeles, San Diego, Pasadena, Santa Barbara, Santa Ana, Riverside, Redlands, Long Beach, Alhambra, San Bernardino, Pomona, Santa Monica, Ventura, and Oxnard (Cal.) Branch National Citizens' League and Los Angeles Chamber of Commerce, favoring immediate consideration of currency-reform laws; to the Committee on Banking and Currency.

SENATE.

MONDAY, *May 19, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Friday last was read and approved.

GOVERNMENT EXPRESSAGE ON LAND-GRANT RAILROADS (S. DOC. NO. 39).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 15th ultimo, reports received from the Auditor for the State and Other Departments, the Auditor for the Treasury Department, the Auditor for the War Department, the Auditor for the Post Office Department, the Auditor for the Interior Department, and the Auditor for the Navy Department, giving information relative to the payments made out of public moneys to express companies for transportation of property of the United States over lines of railway companies which received grants of land from the Government upon the express condition that such lines shall be and remain a public highway for the use of the Government of the United States, etc., which, with the accompanying papers, was referred to the Committee on Public Lands and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of sundry journeymen cigar makers, residents of Chicago, Ill., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

Mr. WEEKS presented a memorial of the Cigar Makers' International Union of America, remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Real Estate Exchange of Massachusetts, relative to the administration of the provision in the income-tax clause of the pending tariff bill relating to real estate, which were referred to the Committee on Finance.

Mr. GALLINGER presented petitions of J. B. Kuntz and Hugo Mayer, of Huntingdon, Pa.; John Garland Pollard, of Richmond, Va.; H. G. McCormick, of Williamsport, Pa.; A. S. Reed, of Wilmington, Del.; Thomas E. Reynolds and M. Nathan, of Johnstown, Pa.; and of George S. Washington and Frank W. Renninger, of Philadelphia, Pa., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

Mr. NEWLANDS presented petitions of sundry citizens of Reno, Osceola, Goldfield, Elko, Carson, East Ely, Lovelock, Manhattan, Virginia City, Fallon, Austin, and Winnemucca, all in the State of Nevada, and of sundry citizens of Washington, D. C., praying for the exemption of mutual life insurance companies from the operation of the income-tax provision of the pending tariff bill, which were referred to the Committee on Finance.

Mr. SHEPPARD presented petitions of sundry citizens of Kopperl, Grand View, and Fort Worth, all in the State of Texas, praying for a reduction in the duty on sugar, which were referred to the Committee on Finance.

Mr. HOLLIS presented a petition of sundry citizens of Hanover, N. H., and a petition of sundry citizens of Concord, N. H., praying for the repeal of the clause in the Panama Canal act exempting American coastwise shipping from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

Mr. PENROSE presented a memorial of the Chamber of Commerce of Philadelphia, Pa., remonstrating against certain provisions in the sundry civil appropriation bill prohibiting the expenditure of money for the enforcement of the antitrust laws, etc., which was referred to the Committee on Appropriations.

Mr. PERKINS presented a resolution adopted by the Pacific Association of Railway Surgeons, favoring the establishment

of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. JOHNSON of Maine presented a memorial of sundry citizens of the State of Maine, remonstrating against the passage of the pending tariff bill, which was referred to the Committee on Finance.

He also presented a memorial of the selectmen of East Livermore, Me., remonstrating against a reduction in the duty on print paper and pulp, which was referred to the Committee on Finance.

Mr. DILLINGHAM presented petitions of Woman's Christian Temperance Unions of Chelsea, Washington, and Vershire, all in the State of Vermont, praying for the enactment of legislation providing for the closing of the gates of the Panama Canal Exposition on Sundays, which were referred to the Committee on Industrial Expositions.

PAPERS IN THE DEPARTMENT OF STATE.

Mr. JONES. I have received a letter from Dr. J. Edward Buckley relative to access being denied to secret papers held by the Department of State and requesting that certain communications and papers which accompany the letter be placed on the files of the State Department. I move that the letter and accompanying papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. REED, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 73, authorizing the Committee on Naval Affairs to employ an assistant clerk, reported it with amendments.

He also, from the same committee, to which was referred Senate resolution 80, authorizing the Committee on Indian Affairs, or any subcommittee thereof, to hold hearings, etc., reported it without amendment.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, reported it with amendments and submitted a report (No. 42) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 60) to provide for agricultural entry of oil lands, reported it without amendment and submitted a report (No. 43) thereon.

THE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, without amendment, Senate resolution 85, authorizing the Committee on Post Offices and Post Roads, or any subcommittee thereof, to hold hearings, and so forth, and I ask unanimous consent for its present consideration.

Mr. GALLINGER and Mr. PENROSE. Let the resolution be read.

The Secretary read the resolution, submitted by Mr. BANKHEAD on the 16th instant, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

MRS. A. E. GRANT.

Mr. MARTIN of Virginia. From the Committee on Appropriations, I report back favorably, with an amendment, Senate joint resolution No. 30, and I submit a report (No. 44) thereon. It is a very brief resolution, but a very important one, which, I think, will appeal to every Senator. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Appropriations was, in line 4, after the word "extend," to insert "for a period not exceeding six months," so as to make the joint resolution read:

Resolved, etc., That the Commissioners of the District of Columbia be, and they hereby are, authorized to further extend, for a period not exceeding six months, with pay the leave of absence to Mrs. A. E. Grant, a clerk in the office of the assessor of the District of Columbia.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DEFICIENCY POSTAL APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 80) making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to carry out effectively the provisions of sections 5 and 8 of the act making appropriations for the service of the Post Office Department, approved August 24, 1912, the following additional sums, being deficiencies for the service of the fiscal year 1913, namely:

For temporary and auxiliary clerks in post offices, $300,000.

For substitute, auxiliary, and temporary city delivery carriers, $300,000.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. BRISTOW. Let me inquire why this additional appropriation for clerk hire is necessary? Was no money for this purpose provided in the appropriation act?

Mr. MARTIN of Virginia. It is in connection with the parcel post and covers expenses which were not necessary or estimated for when the regular appropriation bill was passed. The amount appropriated has been exhausted, and this deficiency is an existing one. The law department has decided that it can not be carried as a deficiency, and the proper dispatch of the postal business is being materially interfered with. If the Senator desires it, I will have read a letter from the Postmaster General.

Mr. BRISTOW. I desire to inquire if it really is not due to the legislative provision which requires 8 hours' work to be done in 10 and provides pay for overtime that results in additional clerks being necessary in a great many post offices to do the work which heretofore has been done without hardship to the clerks or carriers?

Mr. MARTIN of Virginia. That is the case to a large extent. Three hundred thousand dollars of this appropriation is intended to meet that exigency. The law limited the work of carriers to eight hours, and they can not in the eight hours do the work.

Mr. BRISTOW. There had been an 8-hour law previously to this; they have been on the 8-hour system all along; but this requires that 8 hours' work shall be performed within 10 hours. I have a number of requests from my own State asking additional help where it had not been needed, because it is now necessary either to employ additional carriers or to let the work go undone. It is not due to any excessive amount of work imposed upon the carriers, but because they could not arrange the 8 hours within 10 so as to make it convenient to do the work. It is the fruits of what appeared to me to be an unwise provision at the time in requiring the carriers and the clerks in many offices, where the trains did not run conveniently, to do their 8 hours' work within the 10 hours. To illustrate, say Monday is a heavy day and Friday will be a light day. Under the old system a carrier might work over half an hour on Monday, and he would be permitted to deduct that from some other day during the week, putting in 48 hours during the week instead of exactly 8 hours each day. The repeal of that provision has necessitated this additional expense even where the burden of the service is no greater now than it was then.

Mr. MARTIN of Virginia. To some extent that may be true.

Mr. BRISTOW. It will in the end aggregate, I am advised, about three and a half million dollars a year.

Mr. MARTIN of Virginia. I think that is correct. That will be the additional expense incurred by the legislation referred to; but the legislation has been enacted; it creates a liability on the Government to carry out the law which has not been appropriated for, and $600,000 is asked for to cover only two months. It is a deficiency for two months, and it is a deficiency that arises under laws that Congress saw fit to enact.

Mr. BRYAN. Mr. President, I suggest to the chairman of the committee that he ask permission to have incorporated in the RECORD the letter from the Postmaster General, so that it may be demonstrated, while we are considering this deficiency bill, that the estimate of the Post Office Department for this eight-hour provision in the Post Office appropriation bill of 1913 is approximately correct. It will add about $1,800,000 a year. In the act for the current year Congress foresaw that by providing as follows:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $2,285,000.

And also:

For temporary and auxiliary clerk hire at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $1,000,000.

Of course, not all of that million dollars is because of the provision put into the Post Office appropriation act last year, but we might just as well understand now that the result of the Senate yielding to that House provision will cost the Government $2,000,000 a year at the lowest estimate. This is only an estimate for less than a third of the year.

Mr. MARTIN of Virginia. For two months.

Mr. BRISTOW. I will inquire of the Senator——

Mr. BRYAN. It will be $3,600,000, if the estimate is correct for the next nine months, and it is growing. It ought to call to our attention that necessity of changing that provision of the law in line with the amendment offered by the Senator from Kansas [Mr. BRISTOW], or in line with the amendment which I had the honor to offer, which in effect was that instead of paying the extra money for an hour or two overtime of service we give compensatory time. I understand that the men themselves before the Committee on Post Offices and Post Roads did not claim that they wanted more money for the service, but that they did not want to be required to work overtime. But this provision invites the department to work them overtime, and is an inducement to the men who are to stand for it because they get more pay.

No business man would submit to that kind of thing. It is a very different proposition to say to a man who has to earn his living by manual labor, you shall not be required to work more than eight hours a day, from saying to a clerk in the office that although your employer may find it necessary to stay there beyond that time, if you are required to do so you shall be paid additional, although the day before you might not have been required to work eight hours.

It seems to me that we are following a dangerous precedent. Of course, I understand perfectly that it is the duty of Congress now to make the appropriation, but the fact that here for two months' work we are appropriating $600,000 of money for a deficiency ought to make Congress stop and consider whether that provision ought not to be repealed.

Mr. BRISTOW. I wish to inquire of the Senator from Florida if it is not a fact that the department did not ask for this provision and suggested the wording of a provision that would have maintained the eight-hour day as perfectly as it is now maintained, which would not have imposed any hardship upon the carriers and that would have avoided this unnecessary deficiency.

Mr. BRYAN. Of course, that is true, Mr. President. The representative of the Post Office Department objected most strenuously to that provision being incorporated into the bill. Nevertheless it was incorporated by the committee, but when it came into the Senate it was stricken out, and it was put back again in conference. The prediction of the Second Assistant Postmaster General is borne out by the necessity for this piece of legislation.

Mr. WEEKS. Mr. President, I should like to say a word on this subject. When the Post Office appropriation bill came to the Senate last winter it was estimated that $3,000,000 would be required to provide for giving clerks and carriers 8 hours in 10, and the Senate added $900,000 to an appropriation made by the other House for that purpose. The probabilities are that some part of that money has been needed in providing for the additional expense incurred in carrying on the parcel-post operations, but there was never any doubt in the minds of either the House or Senate Post Office Committees, I think, that substantially $3,000,000 would be required to pay the clerks and carriers for the additional expense incurred in giving them 8 hours in 10.

The question whether that was justifiable or not is quite another matter. Senators have just said that they thought it was not, and that the provision should be repealed. My judgment is that it was justifiable. Before the enactment of that law very frequently clerks and carriers were required to perform what amounted to 10 or 12 hours of service on account of the difficulty in fixing their routes, so that they were obliged to remain at the post office between the morning and afternoon service. Such investigation as I made of the subject at the time made me come to the conclusion that this provision in the law is justifiable; but, of course, you can not impose an additional obligation of that sort without providing the necessary money to pay for it; and we can not incur the burden of the parcel post without paying for the expense of the service. Senators must expect, in my judgment, that such provisions in the law will require additional appropriations; and this particular additional obligation was provided for in the bill when it was in the Senate, and agreed to in conference.

Mr. BRISTOW. Mr. President, I desire to suggest to the Senator from Massachusetts [Mr. WEEKS] that while I believe there were occasional cases where hardships were imposed upon carriers and clerks in the application of the 8-hour law, that is, 48 hours a week, they were very rare. Occasionally in cities like New York, Boston, or Chicago, the way the law was administered was a hardship, requiring 8 hours to be taken in 12 hours or 14 hours, and in undertaking to correct a few isolated abuses, we have enacted a law which requires the employment of additional clerks and carriers where they never were needed and are not needed to-day. To illustrate: I have in mind now a city in my own State where the heavy mails come in at night. The clerks and carriers are at the office, say, at half past 7 or at 7 o'clock in the morning to distribute the mail that accumulates during the night. The next heavy mail comes in at 3 o'clock in the afternoon. After the first delivery was over the carriers were given two hours in the middle of the day and they would go to their homes to work about their places to do their gardening or any other personal service they might want to do. That was a convenience to the carriers, not a hardship. It was a desirable period for them to have in the middle of the day. Then they would come back in the afternoon and finish their work and serve 8 hours. Now, because of this provision, additional carriers and additional clerks have been required in that office when there is no need for them whatever except for the getting of the 8 hours within the 10 hours or to let the people go without service. Applying this law to thousands of offices imposes upon the Government additional expense without relieving anyone from hardship, because there was little or no hardship and there had been no complaint. It is done in order to relieve some hardship, because of—I will not say maladministration—but unintelligent administration of a few large offices.

Mr. WEEKS. Mr. President, this is not a matter that can be determined at this time, and I do not care to take the time of the Senate, therefore, to discuss it, but I am not in accord with the Senator from Kansas in his expression of opinion that these cases were isolated and that there was really no demand for this law, because I think there were a great number of such cases and there was an active demand for this legislation, both from associations of carriers and clerks engaged in the postal service.

Mr. DILLINGHAM. Mr. President, I have come into the Chamber since this discussion began; but in support of the view expressed by the Senator from Kansas [Mr. BRISTOW], I will simply add that what he has said of the post offices in Kansas is also true of the post offices and service in Vermont. At the capital of the State, a town of perhaps 10,000 inhabitants, the effect of the imposition of this rule has been such that mail that reaches there at 5 o'clock in the afternoon on Saturday is not delivered at my house until half past 11 o'clock on the following Monday morning, though my house is only 10 minutes' walk from the post office. The night mail that comes into that town at half past 3 in the morning is not distributed in the business section of the town until half past 11 in the forenoon, so that the evening papers from Boston reaching there at half past 3 the next morning are not distributed until half past 11.

I looked into the matter when I was last at home, because the inconvenience there was so great, and the postmaster told me that with the amount of labor he had assigned him under this rule of 8 hours in 10 it was impossible for him to make schedules to meet the demands of the public. I think the complaint has been very general throughout that section of the country.

Mr. MARTIN of Virginia. Mr. President, I ask that the letter from the Postmaster General, which is incorporated with the estimate certified to the Senate by the Secretary of the Treasury, may be printed in the RECORD. I have an unofficial copy of that communication in my hand, but the communication is on the desks of Senators in its official shape. That communication explains very fully the urgency of this appropriation.

The VICE PRESIDENT. In the absence of objection, the paper referred to by the Senator from Virginia will be printed in the RECORD. The Chair hears none, and it is so ordered.

The letters referred to are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 14, 1913.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to invite the attention of the Senate to House joint resolution 80, which passed the House of Representatives on the 10th instant, appropriating the sum of $300,000 for temporary and auxiliary clerks in post offices, and the sum of $300,000 for substitute, auxiliary, and temporary city delivery carriers, being deficiencies for the service of the Post Office Department for the fiscal year 1913.

In this connection I forward herewith the communication of the Postmaster General to the Secretary of the Treasury, of the 6th instant,

setting forth the immediate needs for these additional funds in order to avoid serious embarrassment to the service of the Post Office Department.

Respectfully, W. G. McADOO, *Secretary.*

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 6, 1913.

Hon. WILLIAM G. McADOO,
Secretary of the Treasury.

SIR: Section 5 of the postal-service act of August 24, 1912, provides—

"That on and after March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly."

Section 8 of the same act made provision for the establishment of a general parcel-post service on January 1, 1913.

For the purpose of administering section 5 the estimate for temporary and auxiliary clerk hire submitted by the Post Office Department for the year 1913 was increased $500,000 and that for auxiliary and temporary carriers $400,000, but no increase was made in either of these appropriations for administering section 8.

The appropriations for temporary and auxiliary clerk hire and auxiliary and temporary carriers have not been sufficient to carry out the provisions of section 5 and to provide for the parcel-post service and are exhausted. It is estimated that $300,000 additional will be needed in each of these appropriations to provide for the service during the remainder of this fiscal year.

In the opinion of the Attorney General a deficiency can not be incurred in these appropriations, and to avoid serious embarrassment to the service the department finds it necessary to ask Congress for additional funds to meet the immediate needs of the service.

It is therefore recommended that a joint resolution of Congress embodying the following draft of legislation be passed at the earliest possible date.

"To enable the Postmaster General to carry out effectively the provisions of sections 5 and 8 of the act approved August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000 for temporary and auxiliary clerks in post offices and $300,000 for substitutes, auxiliary, and temporary city delivery carriers, which shall be immediately available."

Owing to the exigencies of the case, may I ask that this matter receive your prompt attention?

Respectfully, A. S. BURLESON,
Postmaster General.

Mr. MARTIN of Virginia. As has been stated by the Senator from Vermont [Mr. DILLINGHAM], this law can not now be executed. Whether it was wisely enacted or not, I need not now discuss; but it is the law of the land, and it can not be executed without additional money. The communication from the Postmaster General which was sent to the Senate with the estimate not only explains the matter fully but makes manifest its extreme urgency. The law officers have decided that it can not be provided for as a deficiency, and the department is without any way of obtaining the money to meet this exigency. About one half of it is due to this provision of the 8-hours-in-10 law and the other half is due to the increased service under the parcel-post system.

Mr. GALLINGER. Mr. President, I quite agree with the Senator from Virginia [Mr. MARTIN] as to the urgency of this appropriation, and I apprehend that there will be no objection to its being acted upon immediately.

I want, however, to supplement what the Senator from Vermont [Mr. DILLINGHAM] has said, Mr. President, by calling attention to another change that was made, which I think was absolutely without rhyme or reason, and that is the inhibition of delivering mail on Sunday at the post office when patrons call there for their mail. I never discovered that there was any objection to that; there certainly was not in my own city; and business men were enabled to get their letters by calling for them at the post office, and the clerks were quite willing to perform that duty; yet in our great zeal to change the law, to reduce the hours, and do what had been requested of us by the associations of clerks and carriers we went to the extent of denying the patrons of the office the privilege of going to the post office and getting their mail on Sunday. As a consequence letters which come to the post office on Saturday evening are not delivered until Monday forenoon. I believe that it has been ruled that if a patron hires and pays for a private box his mail will be put into that box; but I sincerely regret that in our great earnestness to make these changes that uncalled for, as I think, change was made in the law. The patrons of the office are denied a privilege which they have always had and which is of very great value, particularly to business men. I do not know that there is any remedy—there is no remedy now, certainly—but I trust that the Committee on Post Offices and Post Roads will give that matter consideration before we are called upon to consider another Post Office appropriation bill.

Mr. BRYAN. Mr. President, since this matter has come up, I believe that I will offer an amendment to the joint resolution, to come in as section 2. I send to the desk and ask the Secretary to read section 5 of the act approved August 24, 1912, as I have interlined it.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Florida.

The SECRETARY. It is proposed to add at the end of the joint resolution a new section, to be known as section 2, and to read as follows:

SEC. 2. That on and after March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than 8 hours a day: *Provided*, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours and the schedules of duty of the employees shall be regulated accordingly.

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of 8 hours a day, and for such additional services they shall be allowed compensatory time on one of the six days, Sunday excepted, following the day on which they perform such service.

Mr. BRYAN. Mr. President, it will appear from an examination of the CONGRESSIONAL RECORD of August 13, 1912, that the Senate sent the Post Office appropriation bill to conference with section 5 amended exactly in the words of the proposed amendment I have offered. Of course, the effect of the adoption of this amendment would be to discontinue the policy of paying men for overtime.

A great deal has been said, Mr. President, about the 8-hour day, but the agitation for the 8-hour day has not come about because of overtime work of clerks in offices; the agitation for the 8-hour day came about because men engaged in manual labor were worked beyond their strength. I undertake to say there is not a Senator here who, in his own affairs, would apply or would submit to a provision similar to that. What man in an office would allow his stenographer or clerk to walk out immediately upon the completion of 8 hours work to-day, and if required by him to remain longer? What employer would submit to paying him for overtime to-day when to-morrow he might let him off an hour or two earlier?

We might as well be reasonable about this matter. The men engaged in the work of the post office in offices and as letter carriers seek these positions; they are desirable positions. As I understand, there is hardly any complaint by the letter carriers. Imagine the Government running a post office; it hires clerks in the office to do the necessary work, and it is a remarkable proposition for this Congress to subscribe to, that if a train happens to be half an hour late to-day and necessitates a clerk in the post-office staying a little beyond the ordinary time, the Government is going to pay him additional compensation, when, if on to-morrow the train is on time and the work is finished within less than 8 hours, the Government gets no concession for it.

This amendment was offered because it would correct an abuse by providing that "instead of giving you money we will make good to you the time we make you work beyond the 8 hours to-day by allowing you an equal amount of time off from your work to-morrow or within 6 days," and in order that the postmaster may not impose upon a clerk we except Sundays.

I asked the representatives of the clerks, when they were before the Committee on Post Offices and Post Roads, if this section 5 was put into the bill at their demand because they wanted more money. The fair way to meet that was to investigate and see if they deserved more, and if so, to pay it. They said that they did not ask for more money, but it occurred to them that was the only effective way to insure the fact that they would not be worked beyond 8 hours within 10. Then, this amendment would cure that as effectually as the payment for overtime, and the department, through its Second Assistant Postmaster General, says this way is entirely feasible. If this amendment is adopted, we send back to the House now a provision covering the position taken by the Senate and abandoned by the conference committee, but insisted upon by the Senate over the recommendation of the Committee on Post Offices and Post Roads at the last session of Congress, and call the attention of the country again to the fact that we are spending uselessly here, under the guise of protecting these men from working more than 8 hours a day, $3,000,000 a year.

Why, Mr. President, how many bookkeepers will it take simply to find out how many minutes a day each clerk works over 8 hours and to send all that up here to the Postmaster General? It would be a very simple matter for the postmaster to write down if a clerk has worked overtime to-day and allow him compensatory time to-morrow, but if all these records of overtime are to be sent to the department and thrashed out—in the first place, it would require an army of clerks to do the work; and, in the next place, we would be simply inviting the men not to finish the work within 8 hours. It becomes not a question of principle that men shall not be worked beyond

8 hours a day, but it becomes a question of mere hire and salary for the money there is in it. That is all there is to the proposition as finally agreed to in conference.

I proposed at the time the bill was here the inclusion of the provision that was finally agreed upon, and the Senate on a yea-and-nay vote decided they would not pay for overtime, but would allow compensatory time within six days. The bill went to conference in the closing days of the session, and the House provision was restored. Here we have an opportunity to state again the position taken by the Senate—the sensible and right position to maintain.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. BRYAN. Certainly.

Mr. OWEN. I should like to suggest to the Senator from Florida, before he takes his seat, if it would not be practicable to put an amendment onto this provision appropriating this money, so that in the future the system of compensatory time will be established in lieu of money?

Mr. BRYAN. That is exactly what my amendment proposes.

Mr. OWEN. I have not heard the amendment.

Mr. BRYAN. I offered an amendment to be known as section 2, which was section 5 of the bill as passed by the Senate at the last session.

Mr. WEEKS. Mr. President, it does not seem to me that the amendment offered by the Senator from Florida should prevail. This is a matter which has been considered by the Senate and the House, by the committees of the House and of the Senate for many years. I think the Senator is mistaken in his statement that in the last Congress a majority of the Senate Committee on Post Offices and Post Roads were opposed to that provision of the law as it now stands. I have here a memorandum, made by the chairman of the Post Office Committee, to the effect that a majority of the committee approved of the action of the House, but that a minority of the committee were opposed to reporting the bill without putting in a provision for compensatory time instead of money. Therefore not only the Senate Post Office Committee, but the Senate itself, were in favor of the law as it now stands.

As this question has been considered in both the Senate and the House many times, and as the law has been in operation for only two months, and as it was understood at the time the bill became a law that this additional appropriation of $3,000,000 would be required in order to carry out its provisions, it seems to me this is a most inopportune time to reverse a policy which is being tried, and which has not been tried a sufficiently long time to warrant changing it in any way.

I therefore hope the amendment will not prevail.

Mr. BRYAN. Mr. President, I should like to ask the Senator from Massachusetts a question. It has been tried sufficiently long, has it not, to demonstrate that we will have to appropriate over $3,000,000 a year because of it?

Mr. WEEKS. Mr. President, it was fully understood at the time the provision was adopted that $3,000,000 additional would be required; and the Senate itself added to the bill $900,000 to provide for that additional necessity between the 4th of March and the 1st of July of this year.

Mr. BRYAN. Does the Senator think, however, that the Senate ought to take its own judgment or the judgment of the committee, the Senate at the last session having refused to take the report of the committee, and having, on a record vote, declared itself in favor of the identical proposition now sent to the desk?

Mr. WEEKS. I do not think it is necessary that this Senate should take either the judgment of the committee of the last Senate or the judgment of the last Senate itself. I do think, however, that when a change of policy of this kind is involved, all the information obtainable should be in the possession of the Senate before any action is taken, and I submit there is no information before us at this time as to the working of this system.

Mr. MARTIN of Virginia. Mr. President, the amendment proposed by the Senator from Florida undertakes to reopen a question which engendered a sharp conflict between the two Houses, and which was adjusted only last March. The present proposition is to reopen that conflict by undertaking general legislation on an urgent deficiency appropriation bill. If this law, which was enacted last March, needs to be reviewed, it should be reviewed after careful consideration, which can be had at the next regular session. I think it would be unfortunate to undertake matters of that sort on an urgent deficiency bill, and as it is plainly general legislation I make the point of order against it.

The VICE PRESIDENT. The Chair sustains the point of order.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SWANSON. I ask unanimous consent to call up Senate bill 1620.

Mr. CHAMBERLAIN. The regular order.

Mr. GALLINGER. Let us have the morning business first.

The VICE PRESIDENT. There being objection, reports of committees are still in order.

HEARINGS BEFORE THE COMMITTEE ON WOMAN SUFFRAGE.

Mr. SHAFROTH. I report back from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, Senate resolution 55, and I ask that it may be considered immediately.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent for the immediate consideration of the resolution.

Mr. CLARK of Wyoming. Let it be read for information.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, submitted by Mr. THOMAS on the 17th of April, as follows:

Resolved, That the Committee on Woman Suffrage, or any subcommittee thereof, be, and hereby is, authorized to send for persons and papers and to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate, and that the said committee, or any subcommittee thereof, may sit during the sessions of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 4, after the words "employ a stenographer," to insert the words "at a cost not to exceed $1 a printed page."

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. OWEN. I desire to call up Senate resolution 66, a like resolution, which is on the calendar.

Mr. GALLINGER. I object. Let us complete morning business.

The VICE PRESIDENT. There being objection, the regular order is reports of committees. If there are no further reports of committees, the introduction of bills and joint resolutions is in order.

PANAMA-CALIFORNIA EXPOSITION.

Mr. WORKS. From the Committee on Industrial Expositions, I report back favorably, without amendment, House bill 4234, and I submit a report (No. 45) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Senator from California asks unanimous consent for the present consideration of a bill reported by him. Is there objection?

Mr. GALLINGER. Let the bill be read for the information of the Senate.

Mr. LODGE. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to require the Panama-California Exposition Co., of San Diego, Cal., to deposit with a depository, to be named by the Secretary of the Treasury, such sum or sums of money as in the discretion of the Secretary shall be necessary to cover awards, medals, certificates, prizes, and premiums, and all other obligations incurred by said corporation with exhibitors at the Panama-California Exposition, which money shall be held by said depository as a pledge to the United States Government for a faithful fulfillment of the above obligations; or the Secretary of the Treasury may, in lieu of such cash pledge, accept a good and sufficient bond from said exposition company, to be approved by him and conditioned for the faithful performance of every liability or obligation incurred by said exposition company in respect to exhibitors at said exposition, to be held in San Diego, Cal., during the year 1915.

SEC. 2. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Panama-California Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to have the last proviso read again. I did not catch the full meaning of it.

The Secretary again read section 2 of the bill.

Mr. SMOOT. Mr. President, the latter part of the proviso is hardly the usual one, but I will not object to it at this time. There is a chance of valuing goods after being handled at the fair at such a low price that it would virtually be allowing the goods to free entry.

Mr. WORKS. Mr. President, I have understood that this bill is in the exact form that has been adopted on other occasions. Is not that the case?

Mr. SMOOT. I think so, Mr. President, with the exception of the last part of section 2. As I said, however, I shall not object even to that.

Mr. PENROSE. Mr. President, will the Senator from California permit me to ask him a question?

Mr. WORKS. Certainly.

Mr. PENROSE. This is a bill which might have been referred with propriety to the Finance Committee, I suppose; but that is immaterial. I should like to ask the Senator from California whether it has been referred to the Treasury Department, and whether it has been favorably reported on by that department?

Mr. WORKS. There has been no reference of it to the Treasury Department, for it involves no liability whatever on the part of the Government, either in the way of money or in the way of responsibility.

Mr. PENROSE. I do not think we ought to pass a bill like this without its being referred to the Secretary of the Treasury.

Mr. SMITH of Michigan. Why not?

Mr. PENROSE. Because it permits the bringing in of articles which are exempted from customs duties.

Mr. SMITH of Michigan. Only for exposition purposes.

Mr. PENROSE. I know that; but I want to see that abuses are not possible under it. I do not want to delay the bill, however. Is there any haste about it?

Mr. WORKS. Yes; there is. It is in exactly the form that has been uniformly adopted. There seems to be no reason why it should be referred to the Secretary of the Treasury. I hope the Senator will not delay it on that account.

Mr. PENROSE. I will not persist, Mr. President; but in my opinion it certainly should have been referred to the Treasury officials for their examination and report.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHIVELY. Mr. President, I ask that the first section of the bill may be again read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary again read section 1 of the bill.

Mr. SHIVELY. May I inquire of the Senator from California whether this is the usual form which has been observed on the occasion of former expositions?

Mr. WORKS. As I understand, it is precisely the same.

Mr. PENROSE. The only difference is that every similar proposition has been referred to the Finance Committee, and examined by that committee and reported. This has been referred to a committee that is not supposed to have any familiarity with the laws involved.

Mr. WORKS. On the contrary, Mr. President, it was referred to the committee that had these matters directly in hand.

Mr. PENROSE. Yes; exposition matters, but not internal-revenue and customs matters.

Mr. WORKS. This bill does not involve an expenditure of money, and therefore it was not thought necessary to send it to the Finance Committee.

Mr. PENROSE. The Finance Committee has nothing to do with the expenditure of money. It has, however, everything to do with internal-revenue and customs matters.

Mr. WORKS. I may say that this matter is very thoroughly understood by the Secretary of the Treasury, and it was thought entirely unnecessary to make any reference of it to him.

Mr. PENROSE. I want to say now that I can see, in reading the bill, considerable opportunity for defrauding the Government.

Mr. WORKS. The Senator can see a long way, then, and can see something that others would not be able to see. I will say to the Senator that it is precisely the same form of bill that has been enacted in other cases. There has been no change made in it.

Mr. PENROSE. We have no evidence of that.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4234) providing certain legislation for the Panama-California Exposition, to be held in San Diego, Cal., during the year 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 2200) granting the First-Second National Bank of Pittsburgh, Pa., the right to use the original charter number, 48, of the First National Bank of Pittsburgh, Pa. (with accompanying paper).

The VICE PRESIDENT. The bill will be referred to the Committee on Banking and Currency.

Mr. PENROSE. A similar bill was introduced by me before and it was referred to the Committee on Finance. However, I am not particular as to what committee it goes.

The VICE PRESIDENT. The Chair will state that the Finance Committee having been divided and there being a subdivision on Banking and Currency, the Chair rules that the bill should go to the latter committee.

Mr. PENROSE. Very well.

By Mr. PENROSE:

A bill (S. 2201) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison reformatory.

Mr. BRANDEGEE. The bill, I think, should go to the Committee on the Judiciary. A similar bill was before that committee at the last session.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

By Mr. PENROSE:

A bill (S. 2202) for the preparation of a plan and the erection of a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade; to the Committee on the Library.

A bill (S. 2203) to provide for the retirement of employees in the civil service; to the Committee on Civil Service and Retrenchment.

(By request.) A bill (S. 2204) for the relief of Sylvester Bonnaffon, jr.; to the Committee on Claims.

A bill (S. 2205) for the relief of Samuel Fogle;

A bill (S. 2206) for the relief of Jacob Swartz; and

A bill (S. 2207) for the relief of Charles Mace; to the Committee on Military Affairs.

A bill (S. 2208) granting an increase of pension to Emma L. Moore;

A bill (S. 2209) granting a pension to Bernard Closkey;

A bill (S. 2210) granting an increase of pension to John S. McGinness;

A bill (S. 2211) granting an increase of pension to William Axe;

A bill (S. 2212) granting a pension to Emma A. Davis;

A bill (S. 2213) granting a pension to Sarah Wood;

A bill (S. 2214) granting a pension to Annie R. North (with accompanying paper);

A bill (S. 2215) granting a pension to Susan A. Graden;

A bill (S. 2216) granting an increase of pension to Philip Mehring; and

A bill (S. 2217) granting an increase of pension to Aaron Morton (with accompanying paper); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 2218) for the relief of Sylvester P. Hill (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2219) granting an increase of pension to John D. McRae; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2220) for the relief of Joseph A. Mower and others; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 2221) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea; to the Committee on Commerce.

By Mr. KENYON:

A bill (S. 2222) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the

Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 2223) to create the Crater Lake National Park revenue fund; to the Committee on Public Lands.

A bill (S. 2224) to amend section 4400 of the Revised Statutes of the United States; to the Committee on Commerce.

A bill (S. 2225) to appoint Col. William F. Stewart, United States Army, retired, to the rank of brigadier general on the retired list of the Army; to the Committee on Military Affairs.

A bill (S. 2226) for the relief of Joel J. Parker; to the Committee on Claims.

A bill (S. 2227) granting an increase of pension to Francis M. Good (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 2228) for the relief of Thomas B. Lawrence;

A bill (S. 2229) for the relief of the heirs of Parks D. Brittain, deceased; and

A bill (S. 2230) to carry into effect the findings of the Court of Claims in the claim of George E. Johnson, administrator of the estate of Leo L. Johnson, deceased (with accompanying paper); to the Committee on Claims.

By Mr. JOHNSTON of Alabama:

A bill (S. 2231) granting an increase of pension to Mary Pritchard (with accompanying paper); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 2232) to amend the act approved June 25, 1910, authorizing a postal savings system; to the Committee on Post Offices and Post Roads.

By Mr. LIPPITT:

A bill (S. 2233) referring the claim of the State of Rhode Island to the Court of Claims for adjudication; to the Committee on Claims.

A bill (S. 2234) granting an increase of pension to Abby F. Eldred;

A bill (S. 2235) granting an increase of pension to Eleanor Briggs;

A bill (S. 2236) granting an increase of pension to Gilbert A. Irons;

A bill (S. 2237) granting an increase of pension to Stephen A. Barker;

A bill (S. 2238) granting an increase of pension to Thomas Corcoran;

A bill (S. 2239) granting an increase of pension to Mary A. Sweet; and

A bill (S. 2240) granting an increase of pension to Martha Makee; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 2241) granting a pension to Eliza F. Andrews; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization; to the Committee on Privileges and Elections.

By Mr. THORNTON:

A bill (S. 2243) for the relief of David D. Johnson and others; to the Committee on Claims.

By Mr. NEWLANDS:

A bill (S. 2244) to amend sections 680 and 686 of the Code of Law for the District of Columbia; and

A bill (S. 2245) for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on the District of Columbia.

A bill (S. 2246) for the relief of John Glanzmann and others (with accompanying paper); to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 2247) granting an increase of pension to Albert Bennett;

A bill (S. 2248) granting an increase of pension to John C. Clark; and

A bill (S. 2249) granting an increase of pension to Emma S. Gere; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2250) for the retirement of Henry R. Drake, captain, Philippine Scouts; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 2251) granting an increase of pension to G. W. Boring; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2252) for the relief of the heirs of Dennis C. Snook; to the Committee on Claims.

By Mr. TILLMAN:

A bill (S. 2253) for the relief of Joseph N. G. Whistler and others; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 2254) to amend chapter 1, section 18, of the Judicial Code; to the Committee on the Judiciary.

By Mr. OLIVER:

A joint resolution (S. J. Res. 34) authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; to the Committee on Military Affairs.

DRY FARMING CONGRESS, TULSA, OKLA.

Mr. OWEN. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 35) authorizing the Secretary of State to issue invitations to other nations to send representatives to the International Dry Farming Congress to be held at Tulsa, Okla., in October, 1913, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of State is hereby authorized to issue invitations to other nations to appoint delegates or representatives to the International Dry Farming Congress to be held at Tulsa, Okla., during October, 1913.

Mr. OWEN. If there is no objection, I should be glad to have the joint resolution considered now.

Mr. GALLINGER. I must object to that. Let the joint resolution go to a committee.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. OWEN. I ask to put in the RECORD a telegram from the authorities at Tulsa showing the urgency of this matter. I will not take the time to read it.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TULSA, OKLA., *May 18, 1913.*

Hon. ROBERT L. OWEN,
United States Senator, Washington, D. C.:

Correspondence thus far exchanged between International Dry Farming Congress and Department of State having indicated department can not officially and formally send forward international invitations to all nations to officially participate in International Dry Farming Congress, Tulsa, Okla., October 22–November 1, this year, unless by special authority of Congress, you are hereby earnestly and urgently requested jointly by officers of International Dry Farming Congress, Tulsa Commercial Club, and Oklahoma Board Control to secure passage, if possible, within next 48 hours of concurrent resolution in the House and Senate. All Members Oklahoma delegation being asked to cooperate with you in securing authority for honorable Secretary of State to issue through his department official invitations already engrossed, and which will be forwarded upon telegraphic request for same, ready for formal distribution. Invitations as engraved and engrossed request all nations to appoint delegates with powers ad referendum, and concurrent resolution should confer power on Department of State to accompany said invitations with formal letter signed either by His Excellency the President of the United States or the honorable Secretary of State, conveying to nations invited knowledge that United States Government indorses that congress and has shown indorsement by appropriation for Federal exhibit here. We base this urgent request upon the following: First, time is important element, and unless invitations are in hands of foreign Governments within 15 days, effect of loss in attendance will be serious. Second, this same organization met in Canada last year and similar official formal invitations properly engrossed were forwarded to all nations by the Dominion of Canada by authority of order of Privy Council and carrying the formal royal signature of His Royal Highness the Duke of Connaught. Seventeen nations accepted these invitations and sent official delegates. We believe the importance of this great educational propaganda to the people of the United States and to the world at large demands that the same courtesy as extended by the Canadian Dominion Government should be extended by the Government of the United States and can be extended without establishing an undesirable precedent. Third, we are fully assured that appropriations have already been made by the Governments of Russia and China for the collection and transportation of exhibits representing these Governments in the international exposition here, and unofficial exhibits are being arranged for by the international officers of the congress in several nations. Canada has already asked for a large amount of space, and the agricultural societies of Spain and Mexico have secured indorsement of plans for exhibits from those countries. Diplomatic representatives of several nations in Washington have already addressed this office requesting information as to the matter of official invitations and the delay of same, and we believe proper recognition of this matter in behalf of enlargement of agricultural education will result in assembling here the greatest international agricultural conference ever held. Brief telegrams are forwarded this day to all other Members Oklahoma delegation, to Senators WARREN, SMOOT, DIXON, SHAFROTH, NEWLANDS, POINDEXTER, PAGE, BRADY, Representatives MONDELL and MURDOCK, asking them to cooperate in securing passage of above-requested resolution. Your kind offices in securing quick consideration special enactment and completing necessary organization in this connection will be appreciated. Please send copy of this message to all above named, submitting item expense extra stenographic work to us.

JOHN T. BURNS,
Executive Secretary International Dry Farming Congress.
C. A. SANDERSON,
Secretary Commercial Club.
O. D. HUNT,
Chairman Board of Control.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. GORE submitted an amendment proposing to increase the salary of the Commissioner of Indian Affairs from $5,000 to $7,500 per annum, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE TARIFF.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. KENYON submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

CHILOCCO CREEK BRIDGE.

Mr. BRISTOW. On the 21st of April I submitted an amendment proposing to appropriate $800 to be expended in the building of a bridge across Chilocco Creek where same intercepts the State line of Kansas and the Chilocco Indian Reservation in Oklahoma intended to be proposed by me to the sundry civil appropriation bill, and at my suggestion it was referred to the Committee on Appropriations. I move that the Committee on Appropriations be discharged from the further consideration of the amendment.

The motion was agreed to.

Mr. BRISTOW. I again submit the amendment, which I intend to propose to the Indian appropriation bill, and ask that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Indian Affairs.

HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS.

Mr. TILLMAN submitted the following resolution (S. Res. 86), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be authorized during the Sixty-third Congress to subpœna witnesses, send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

THE TARIFF.

Mr. BRISTOW. I desire to ask the Committee on Finance, which has the tariff bill under consideration, to send out these two questions, in addition to those suggested by the Senator from Wisconsin [Mr. LA FOLLETTE]. I do not see the chairman of the committee here, but I see members of the committee present. I will read the questions:

First. What is the cost of raw material per unit of production in this country?

Second. What is the cost of raw material per unit of production in competing foreign countries?

I think these two questions ought to be added to those submitted by the Senator from Wisconsin, and I would be glad if they would be given consideration by the committee in connection with the subject.

Mr. POMERENE. I desire to ask the Senator from Kansas a question. I take it it is intended by those questions that they shall apply to the unit of production in each particular man's industry.

Mr. BRISTOW. Certainly. The questions are to be sent, I understand, to parties in interest, and this is information which I did not feel was perfectly covered. I think we ought to have what information the parties may have in regard to it.

PANAMA-CALIFORNIA EXPOSITION.

Mr. SMOOT. For the purpose of offering an amendment to the bill (H. R. 4234) providing certain legislation for the Panama-California Exposition to be held in San Diego, Cal., during the year 1915, I move that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

Mr. SWANSON. I should like to ask the Senator from Utah whether that would take much time or not?

Mr. SMOOT. I do not think that it will take more than a couple of minutes.

Mr. CHAMBERLAIN. What is the purpose?

Mr. SMOOT. I will state to the Senator that since the passage of the bill I have looked up the Pan-American Exposition act and also the so-called St. Louis Exposition act and others, and I find that a clause is not in the resolution or bill passed for any of the exposition acts I have examined similar to the latter part of section 2 of the House bill. Beginning on page 3, after the word "withdrawal," these words occur:

And on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

In looking up the other acts I find that those words were not included in them. I think it is a very dangerous provision in the bill, and I simply want to make a motion to strike out those words, so that the exemption clause will be in accord with the exemption clause of the St. Louis, the Pan-American, and other exposition acts.

Mr. OWEN. Does the Senator mean that in case these articles are found to have deteriorated, that fact having been shown, it shall not be taken into account in assessing the duty?

Mr. SMOOT. It has not been taken into account in the past, and I think that if this were allowed there would be untold disputes, and it would lead to a great deal of confusion. There has been no trouble whatever under the past exposition acts. This provision has not been used, and I think it should not be in the law to-day.

Mr. WORKS. Mr. President, this bill came over from the House. It is a House bill. I was informed that the bill had been drawn exactly as it had been provided in other bills of a like kind. I think likely the Senator from Utah will find that to be true with respect to some of the later exposition acts. It seems to me to be a very just provision.

However, I am not going to insist upon it, so far as I am concerned. I do not think it is a matter of grave importance to the exposition itself, but I think it is a just provision with respect to the exhibitors, and that there ought to be made some allowance for the wear and tear of the goods which come in under the provision of the law. But, as I said, it is a matter that I am not disposed to insist upon.

Mr. OWEN. I will have to object.

Mr. SMOOT. I think the legislation for the Alaska-Yukon Exposition did have this or a similar provision, but the reason given for that was on account of the exceedingly long distance and the poor accommodations for handling the goods. That, as I remember, was the reason why the clause was included in that act.

Mr. WORKS. In the present case Japan and China have already provided for an exhibit at this exposition; they have to bring their goods a long distance, and if that is a reason for making a provision like this——

Mr. SMOOT. Of course, they have better transportation from the interior than there is in Alaska, and I have not heard any complaint from Japan, from China, or from any other country against the provisions of laws as they have previously been passed. Therefore I think that this bill should conform to the laws passed in reference to the St. Louis and to other expositions in this particular.

Mr. OWEN. Mr. President, I object to the reconsideration of the matter.

Mr. SMOOT. Mr. President, I move the reconsideration. If the Senate does not desire to reconsider it, well and good.

Mr. OWEN. Regular order!

Mr. SMOOT. The regular order, as I understand, is my motion that the Senate reconsider the vote by which House bill 4234 was passed.

Mr. OWEN. Morning business being over, I think the regular order is the calendar.

Mr. SMOOT and Mr. GALLINGER. Oh, no.

Mr. SWANSON. Let the motion go over.

Mr. WORKS. I think it ought not to go over, the bill having been acted upon.

Mr. SWANSON. It can go over until to-morrow.

Mr. CHAMBERLAIN. Mr. President, it does not seem to me that the Senate ought to feel bound to change this bill to conform to some former precedent. We who are now in this body are just as capable of legislating as the Senate has been capable of legislating in times past. Moreover, conditions may have changed which make necessary modifications of the former law. Besides that, it seems an extremely just provision to have at the end of the bill, because I can conceive of cases where such depreciation has taken place in the exhibits that they might not sell for enough to pay the duties. This would safeguard that in case there was such a depreciation. It seems to me that,

inasmuch as the bill has passed, surely no serious damage can be done to the Government and that it ought to stand as it is.

Mr. SMOOT. Mr. President, the purpose of bringing such goods into this country is to exhibit them with a view, of course, of the American people becoming acquainted with what those countries manufacture and perhaps becoming future customers for those particular goods.

Mr. OWEN. Does the Senator from Utah desire to discourage that by imposing a harsh condition?

Mr. SMOOT. I have no desire whatever to do such a thing; but I do believe that when such goods come into this country they should pay whatever rate of duty is imposed upon similar goods at the time they enter the country.

Mr. SMITH of Arizona. These goods are for exhibition purposes while the others are for sale. There is quite a difference.

Mr. SMOOT. If these goods are not sold, they do not pay any duty.

Mr. SMITH of Arizona. They may or may not be sold.

Mr. SMOOT If they are returned to the country from whence they came, they do not pay a cent of duty to the Government of the United States; but, if they are sold, they should have no advantage over goods that come into this country directly for sale. It is a question, of course, for the Senate to decide.

The VICE PRESIDENT. The question before the Senate is, Shall the Senate reconsider the vote by which House bill 4234 was passed?

The question being put, there were, on a division—ayes 9, noes 30; no quorum voting.

Mr. SMOOT. Mr. President, I notice there is no quorum present.

Mr. GALLINGER. I suggest that the roll be called, no quorum being present.

Mr. PENROSE. I raise the point that there is no quorum, and that the roll should be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Smith, Mich.
Bacon	Jackson	Owen	Smoot
Borah	James	Page	Stephenson
Brady	Johnson, Me.	Penrose	Sterling
Brandegee	Johnston, Ala.	Perkins	Stone
Bryan	Jones	Pittman	Sutherland
Burton	Kenyon	Pomerene	Swanson
Catron	Kern	Ransdell	Thomas
Chamberlain	La Follette	Reed	Thompson
Chilton	Lane	Root	Thornton
Clapp	Lea	Shafroth	Tillman
Clark, Wyo.	Lippitt	Sheppard	Townsend
Clarke, Ark.	McLean	Sherman	Vardaman
Dillingham	Martin, Va.	Shively	Walsh
Fall	Martine, N. J.	Simmons	Williams
Gallinger	Nelson	Smith, Ariz.	Works
Goff	Norris	Smith, Ga.	
Hitchcock	O'Gorman	Smith, Md.	

The VICE PRESIDENT. Seventy Senators have answered to their names. There is a quorum of the Senate present.

Mr. SMOOT. Mr. President, I have recorded my objections to the provision, and I really think that it ought to go out of the bill. In view of the fact, however, that there are other matters to be discussed to-day, I ask unanimous consent to withdraw my motion for reconsideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill stands passed.

INVESTIGATION BY FINANCE COMMITTEE.

Mr. PENROSE. I offer a resolution for which I ask present consideration.

The VICE PRESIDENT. The Senator from Pennsylvania offers a resolution, which will be read.

The Secretary read the resolution (S. Res. 87), as follows:

Resolved, That the chairman of the Finance Committee be requested to report to the Senate a full list of all manufacturers, corporations, importers, and other persons who have appeared before the majority members of the Finance Committee or any subcommittee thereof for hearing or conference relative to House bill No. 3321.

The VICE PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the resolution submitted by him.

Mr. OWEN. I object.

The VICE PRESIDENT. Objection being made, the resolution will lie over.

Mr. PENROSE. I offer the resolution which I send to the desk and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 88), as follows:

Resolved, That 2,000 copies of the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified by the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion of the Senator from North Carolina [Mr. SIMMONS] that H. R. 3321 be referred to the Committee on Finance be printed for the use of the Senate.

Mr. PENROSE. That refers, Mr. President, to the series of questions which the Senator from Wisconsin [Mr. LA FOLLETTE] suggested should be asked to those appearing before the Finance Committee. There are a great many demands for copies of them, and I thought that about 2,000 copies might be useful. The cost will be trifling.

Mr. SHIVELY. I hope the resolution may be adopted.

Mr. BURTON. Mr. President, I desire to state that the Senator from Kansas [Mr. BRISTOW] suggested two other questions this morning, which ought to be included with the others.

Mr. PENROSE. I will accept the suggestion of the Senator from Ohio and modify my resolution accordingly.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania for the present consideration of the resolution? The Chair hears none.

Mr. SIMMONS. Mr. President, I desire to inquire what is before the Senate?

The VICE PRESIDENT. The Senator from Pennsylvania [Mr. PENROSE] has offered a resolution providing for the printing of 2,000 copies of the amendment proposed by him as modified by the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion made by the Senator from North Carolina [Mr. SIMMONS], to refer House bill 3321 to the Committee on Finance of the Senate, together with two additional questions suggested by the Senator from Kansas [Mr. BRISTOW] this morning.

Mr. GALLINGER. Mr. President, as I remember, the Senate did not take action on the questions suggested by the Senator from Kansas. They ought to appear in print, therefore, as questions suggested by that Senator.

The VICE PRESIDENT. In the absence of objection, the Secretary will correct the resolution so as to conform to the suggestion of the Senator from New Hampshire; and it will be read as so modified.

The Secretary read as follows:

Resolved, That 2,000 copies of the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified by the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion of the Senator from North Carolina [Mr. SIMMONS] that House bill 3321 be referred to the Committee on Finance, be printed for the use of the Senate, together with the two questions suggested as appropriate to be asked of manufacturers by the Senator from Kansas [Mr. BRISTOW] at to-day's session (May 19, 1913).

Mr. SHIVELY. Mr. President, as I understand, this resolution merely comprehends that the series of questions suggested by the Senator from Wisconsin be printed.

Mr. PENROSE. That is all.

Mr. SHIVELY. Has there been any amendment adopted?

Mr. PENROSE. No; the Senate voted down the amendment; but there is a very large demand from the manufacturers of the country for copies of the questions.

Mr. SHIVELY. But did I understand the Senator from New Hampshire to offer an amendment to the resolution which the Senator from Pennsylvania has proposed?

Mr. GALLINGER. If the Senator will permit me, the Senator from Kansas [Mr. BRISTOW] suggested two other questions; and my suggestion was that they should appear as "suggested questions," not having been acted upon by the Senate.

Mr. SHIVELY. There were 16 questions originally proposed, and the request now is that 2 other questions be added to that list.

Mr. GALLINGER. Two more questions.

Mr. SHIVELY. May the proposed two additional questions be stated?

The VICE PRESIDENT. The Chair is informed that the Secretary has not at the desk at this time the two questions proposed by the Senator from Kansas.

Mr. SIMMONS. Mr. President, I stated in the open Senate when the amendment of the Senator from Pennsylvania [Mr. PENROSE] as amended on motion of the Senator from Wisconsin [Mr. LA FOLLETTE] was pending that I proposed to call a meeting of the full Finance Committee for the purpose of considering whether those questions should be mailed by the committee to manufacturers and other persons in interest with the request that they should be answered under oath. On Friday last I suggested to the ranking member of the minority of the committee then present, the Senator from Pennsylvania [Mr. PENROSE] being absent, that we might have a meeting of the committee this morning for the purpose of taking the matter under consideration. It was suggested, as the Senator from Pennsylvania was absent and might not be back in time this morning for a meeting, that action be postponed on the matter. On that account I have postponed action.

Mr. PENROSE. Mr. President, if the Senator will permit me, I only want these copies of the questions printed in order that they may be sent to a large number of persons who desire them.

Mr. SIMMONS. Mr. President, I think the committee can act upon that matter at its meeting to-morrow, and can send these questions out if it is so ordered, and can give them to the press. I do not see any reason why the Senate should authorize at this stage the printing of a proposed amendment that has been acted upon by the Senate and acted upon adversely. I think the Senator from Pennsylvania might very well await the meeting of the committee to-morrow, and then we will formulate such rules as may seem fair and proper in order that these questions may reach manufacturers, and that those to whom they are mailed may have notice that the committee will be glad to have them answer the questions.

My own idea in reference to this matter, Mr. President, was that—and I so explained on Friday last when the Senator from Pennsylvania was not here, I believe—that I had no doubt the committee would be glad to send these questions and such other questions as the committee may see fit to add to them, to every manufacturer who has filed a brief or to every person in interest who has filed a brief asking for an increase or a reduction of the tariff rate; and, in addition to that——

Mr. PENROSE. Mr. President——

Mr. SIMMONS. If the Senator will permit me, in addition to that, it has been my idea that the committee might hand those questions to the press and state that the committee would be glad to have any manufacturer or any party in interest in the United States send sworn answers to the questions. I do not think the committee ought to be confined, or will be confined, to these particular questions, because there has been no action of the Senate directing the committee with reference to them. I think that the bulk of these questions ought to be asked, and that certain additional questions deemed necessary to elicit further important information ought to be added, and I myself propose to-day, Mr. President, to frame some additional questions. I have received from the Senator from Kansas [Mr. BRISTOW], who I see is not now in his seat, two additional questions which he suggests should be propounded. I suggest to the Senator that the matter can rest until the committee has acted.

Mr. PENROSE. I desire to have the questions proposed by the Senator from Kansas printed with that list. I have offered the resolution providing for this printing—which I think will cost the Government about $25—for my own convenience and that of other minority members of this body. I received in my mail this morning, I suppose, 200 letters from manufacturers, asking me for copies of the La Follette amendment. Regardless of what the Finance Committee does in the way of framing additional questions or of holding informal hearings, it seems to me a reasonable request for the minority to have printed 2,000 copies, at an expense of $25 or less, for their own use and convenience and for the information of their constituents.

Mr. SIMMONS. Mr. President, when the committee has decided what questions it desires to propound, I think it will be abundant time to publish the questions that are to be asked. The Senator does not know whether these questions or some other questions are to be asked, whether these are all the questions that are to be asked, or whether there are more questions than will be asked. After the committee has met and decided what questions it desires and proposes to ask in order to elicit information, I think it will be entirely proper to publish those questions as a Senate document, if the Senator wishes, although I propose giving them to the press instead.

Mr. TOWNSEND. Will the Senator from Pennsylvania yield to me for a moment?

Mr. PENROSE. I will.

Mr. SIMMONS. The Senator from Pennsylvania will see how easily a state of confusion might be created if these questions were sent out at this time.

Mr. PENROSE. I can not see how there would be. It is the simplest possible thing.

Mr. SIMMONS. There has been no action taken on the part of the Senate directing these questions to be propounded. On the contrary, the action of the Senate has been adverse to that course.

Mr. TOWNSEND. Will the Senator from North Carolina yield to me?

Mr. SIMMONS. Just one minute, if the Senator pleases. If these questions are sent out, and the Finance Committee should decide to ask a different set of questions, it is easily to be seen that the manufacturers might get into a state of confusion as to the kind of questions that we desired them to answer.

Mr. TOWNSEND. If the Senator will yield——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. I do.

Mr. TOWNSEND. As I understand, the Senator from Pennsylvania has asked to have printed and sent out, as Senators may desire to send them out, copies of a matter which was actually pending in the Senate. Here was a proposition submitted to the Senate, and it was considered. It seems to me the people of the country who are asking for this thing have a right to know what the Senate did. It does not interfere with anything further that the Finance Committee may desire to do. It is simply a request on the part of one Senator that he may be able to send out to his constituents, and I to my constituents, if I desire, the amendment which was offered by the minority side and voted upon here in the Senate. That is all that is asked for now—that this information be sent out.

Mr. SIMMONS. All these questions have been already published in the RECORD and they have also been been given to the press.

Mr. PENROSE. To incur the expense of sending the RECORD to a thousand people would be rather an expensive proposition.

Mr. SIMMONS. They have all been given to the press, as far as that is concerned.

Mr. PENROSE. Mr. President, this is the first time in my congressional experience that I ever saw a disposition to refuse the printing of an official document at a nominal expense for the information of the American people.

Mr. SIMMONS. I am not doing what the Senator suggests, Mr. President. I am trying to avoid a confusion which it is clear to my mind may arise.

Mr. PENROSE. Up to the present time there is no confusion; there is only dense ignorance on the part of the public as to what is going on at this end of the Capitol.

Mr. SIMMONS. The Senator does not, I am sure, overlook the fact that the Finance Committee would have a perfect right under present conditions to send out a part or all of these questions, and to add such further questions as it may see fit, or it would have a right to change these questions as it may see fit. If these questions are published as the questions to be answered, and the Finance Committee shall decide to ask different or other questions, or to ask these questions in a different way, it must be apparent to the Senate that the manufacturers of the country may be misled as to what information the Finance Committee desires, and we may get answers that will not embrace the subjects of the inquiry.

Mr. PENROSE. I take exception to the use by the Senator of the term "the Finance Committee." If he would say "the majority members of the Finance Committee," he would be more accurate. I want these copies printed for my personal use as a minority Senator.

Mr. SIMMONS. If the Senator will pardon me, I said I was going to call a meeting of the full committee for the purpose of considering these questions.

Mr. PENROSE. We all know what that meeting will mean.

Mr. SIMMONS. I presume the Senator does. He has had a great deal of experience in past years when he was in the majority, and I have no doubt he knows what it will be like.

Mr. PENROSE. I have had great experience, Mr. President, but I feel that I am learning every day.

Mr. SIMMONS. The Senator needs additional information.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina a question.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Certainly.

Mr. SMITH of Michigan. I should like to ask whether the Senator from North Carolina can give the Senate any information as to when he will be able to report this bill back to the Senate?

Mr. SIMMONS. I can not.

Mr. SMITH of Michigan. Can the Senator approximate the time?

Mr. SIMMONS. I can only express a hope.

Mr. SMITH of Michigan. What is that hope, Mr. President?

Mr. SIMMONS. I have hoped that we might be able to finish the bill some time during the first week in June. I say I have hoped we might be able to do so.

Mr. GALLINGER. Does that include the time to be taken in the Democratic caucus to consider it?

Mr. SIMMONS. I do not know. I can not answer that question. It has not yet been decided whether or not we will have any caucus.

Mr. PENROSE. I should like to ask the Senator one question, and then I shall be through. Is the Democratic caucus to be open to the public or is it to be a secret proceeding?

Mr. SIMMONS. Has any Republican caucus in this country ever been open to the public?

Mr. PENROSE. We were criticized for not having them open, and we are now repentant, and hereafter they will be open.

Mr. SIMMONS. The Senator from Utah [Mr. SMOOT] tells me the Republicans never have a caucus. I was under the impression that the Democrats always had conferences, and the Republicans caucuses.

Mr. PENROSE. It is the other way.

Mr. GALLINGER. It is the other way now.

Mr. WILLIAMS. Any of you can come if you will be bound by the result.

Mr. SMOOT. I should like to say to the Senator that I do not believe a request of this kind was ever refused before in the Senate of the United States. This relates to something that has happened in the Senate. The Senator from Pennsylvania now asks for his personal use and convenience a print of 2,000 copies of what has already happened in the Senate, at a cost of not more than $20. I do not believe a request like this was ever denied in the Senate before.

Mr. SIMMONS. I have stated, Mr. President, the reasons why I think it would be better to wait until the questions are prepared by the committee.

Mr. SMOOT. After the questions are prepared by the committee, if the Senator from North Carolina wants any number of them printed he can have it done, of course; but this is simply to enable the Senator from Pennsylvania to answer his letters. That is all there is to it. I think the Senator ought to withdraw his objection.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SIMMONS. Mr. President, I shall make no objection to its consideration. I simply wanted the Senate to be informed as to the situation that exists.

Mr. OWEN. I object, Mr. President.

The VICE PRESIDENT. Objection being made, the resolution will lie over. Morning business is closed. The Calendar, under Rule VIII, is now in order.

PROPOSED LEGISLATIVE PROGRAM.

Mr. NEWLANDS. Mr. President, I ask unanimous consent that order of business No. 18, Senate resolution 4, providing for a legislative program, be taken up.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that Senate resolution 4 be now taken up. Is there objection?

Mr. GALLINGER. I will ask the Senator from Nevada if he desires that it be taken up simply for the purpose of making a speech on the subject?.

Mr. NEWLANDS. My idea was to carry out the recommendation of the Committee on Rules and have the various subjects matter of the resolution referred to the appropriate committees.

Mr. GALLINGER. That is very proper.

Mr. NEWLANDS. It does not cover any further action than that. I do not ask that any decisive action whatever be taken on the resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none, and the Senator from Nevada is recognized.

Mr. NEWLANDS. I simply ask for the reading of the report.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, as follows:

Mr. OVERMAN, from the Committee on Rules, submitted the following report, to accompany S. Res. 4:

The Committee on Rules, to whom was referred Senate resolution 4, having considered the same, report the resolution back to the Senate with the recommendation that each subhead contained therein be referred for consideration to the proper committee having jurisdiction of the subject matter, to wit:

That all of section 2 except subdivision (k) be referred for consideration to the Committee on Finance.

That subdivision (k) of section 2 of said resolution, which relates to a budget committee, be referred to the Committee on Appropriations.

That subdivisions (a), (b), and (c) of section 3 of said resolution, relating to interstate commerce, be referred for consideration to the Committee on Interstate Commerce.

That so much of subdivision (d) of section 3 of said resolution as relates to the physical improvement and development of rivers shall be referred for consideration to the Committee on Commerce, and that so much of subdivision (d) of section 3 as relates to the establishment of terminal and transfer facilities and the coordination of rail and water carriers shall be referred to the Committee on Interstate Commerce.

That subdivision (e) of section 3 of said resolution be referred to the Committee on Interstate Commerce.

That section 4 of said resolution, relating to interstate exchange, be referred to the Committee on Banking and Currency.

That subdivision (a) of section 5 of said resolution be referred to the Committee on Territories.

That subdivision (b) of section 5 be referred for consideration to the Committee on Conservation of National Resources.

That subdivision (c) of section 5 be referred to the Committee on Public Lands.

That subdivision (a) of section 6 be referred to the Committees on Military and Naval Affairs.

That subdivision (b) of section 6 of said resolution be referred to the Naval Affairs Committee.

Mr. NEWLANDS. I ask that the resolution be referred as indicated in the report.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Do I understand the Senator to ask for the adoption of the resolution?

Mr. NEWLANDS. Oh, no. All I ask is that the resolution, in its separate branches, be referred to the appropriate committees as recommended by the Committee on Rules. The resolution has not come up for final action.

Mr. OVERMAN. The Committee on Rules recommend that each subhead of it be referred to the committees named in the report.

Mr. SMOOT. I will ask the Senator from Nevada if the amended report of the committee recommends that the particular part of the resolution that has reference to public lands be referred to the Committee on Public Lands? I have not the report before me.

Mr. NEWLANDS. That was my understanding. My understanding was that the Committee on Rules amended their first report pursuant to suggestions that were made on the floor of the Senate.

Mr. SMOOT. In order that we may know, I ask for the reading of the report.

Mr. NEWLANDS. The report has just been read, but I will turn to the part of it to which the Senator refers. To what subdivision does the Senator refer?

Mr. SMOOT. I forget the subdivision, Mr. President; but the Senator will remember that when his resolution was in the Senate before, and was recommitted to the Committee on Rules, there was a question as to a certain subdivision of the resolution being referred to the Committee on Public Lands. I desire to learn whether the amended report of the Committee on Rules recommends the reference of that subdivision to the Committee on Public Lands.

Mr. OVERMAN. Let the report be read.

Mr. SWANSON. It has been read once. I object to its second reading.

Mr. OVERMAN. I insist upon its being read again. No one has a right to object to the reading of a report.

Mr. SWANSON. It has been read once.

Mr. OVERMAN. It does not make any difference if it has been read a thousand times. I ask that it be read again.

The VICE PRESIDENT. Objection being made to the reading of the report, the question is, Shall the report be again read? [Putting the question.] The ayes have it, and the report will be again read.

The Secretary again read the report of the Committee on Rules.

The VICE PRESIDENT. If there be no objection, the report of the Committee on Rules will be agreed to, and the various parts of the resolution will be referred to the several committees in accordance with the report of the Committee on Rules.

Mr. NEWLANDS. I ask that the resolution itself may be printed in the RECORD in connection with the report.

The VICE PRESIDENT. In the absence of objection, that may be done.

The resolution (S. Res. 4) submitted by Mr. NEWLANDS March 13, 1913, is as follows:

1. *Resolved*, That it is the sense of the Senate that during the approaching extra session for the immediate revision of the tariff Congress should not only consider and pass comprehensive legislation regarding all the schedules of the tariff but should also, through the appropriate committees, consider other subjects of needed legislation, to be taken up for final action at the next regular session of Congress.

TARIFF AND TAXATION.

2. *Resolved*, That the Senate Committee on Finance report at as early a date as possible during the extra session upon the following questions:

(a) Whether the prices of any farm products in the United States are raised above the international level of prices by the duties now imposed on such products; and if so, what products, and whether such duties on such products can be abolished or materially reduced without injury to American industry, and to what extent. In such inquiry shall be included meats, cheese, wool, sugar, tobacco, wines, citrus fruits, and dried and preserved fruits.

(b) What products now on the dutiable list should be put on the free list.

(c) Whether it is practicable and advisable to change all duties from specific to ad valorem duties.

(d) The average percentage of the duties imposed by the existing tariff, and the average percentage to which it is desirable to reduce the duties imposed under the proposed revision of the tariff, and the maximum and the minimum duties which it is desirable to impose.

(e) Whether it is practicable and desirable to distribute the proposed reduction over a period of four years.

(f) Whether it is practicable and advisable after making the contemplated reduction in the tariff to organize an administrative tariff board, which, acting under rules fixed by Congress, shall have the power, either upon its own initiative or upon the initiative of any importer,

producer, or consumer, to further inquire into complaints of excessive duties prohibiting or unduly restricting importations, or of diminished duties permitting excessive importations to the prejudice of existing domestic industries and to the injury of the capital or labor employed therein, or of excessive duties prejudicial to domestic consumers; such board to present to the President and to Congress such recommendations as it may deem advisable.

(g) Whether it is practicable and advisable to give such tariff board, after full investigation and hearing, the power, with the approval of the President, to make reductions or increases in duties, within certain limitations and under rules prescribed by Congress; and if so, what limitations and rules should be prescribed.

(h) Whether it is practicable and advisable to make such rules and regulations for the action of such a tariff board as will enable the Government to feel its way gradually from a high protective to a revenue basis without readjustments prejudicial both to domestic labor and capital, and without denying to the consumers needed relief from the imposition of excessive taxes upon foreign imports and excessive prices for domestic products.

(i) Whether it is advisable to provide a graduated income tax and a graduated inheritance tax with a view to making up any deficit in revenue caused by a reduction in customs duties, and also with a view to extending the operations of the National Government in cooperation with the States in the improvement of post roads, the regulation of rivers in aid of navigation, irrigation, water-power development, and swamp-land reclamation, and also in cooperation with the States in the advancement of vocational education.

(k) Whether it is practicable and advisable to appoint a budget committee, of which the chairman of the Appropriations Committee and the chairmen of the other supply committees shall be members.

INTERSTATE COMMERCE.

3. *Resolved*, That the Senate Committee on Interstate Commerce report at as early a date as possible during the extra session upon the following questions:

(a) Whether it is advisable to supplement the existing Sherman anti-trust act by legislation which will more specifically define restraints of trade, including therein the prevention of unfair competition, stock watering, overcapitalization, excessive size, interlocking directors, and the holding by one corporation of the stock of another.

(b) Whether it is advisable to substitute for the present system of holding companies, by which a corporation organized under the laws of a single Stae is made the means of federating corporations organized under the laws of other States for the purpose of interstate transportation, a national act for the incorporation of holding companies, under which railway companies organized under the laws of different States may be federated for interstate transportation, such holding companies to be subject in their general conduct to the regulation of the Interstate Commerce Commission.

(c) Whether it is advisable to organize an interstate trade commission, in which shall be merged the officials, powers, and functions of the Bureau of Corporations, with powers of publicity, investigation, correction, and recommendation regarding corporations engaged in interstate trade similar to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation, but without the power to fix prices; such interstate trade commission to have the power to aid the courts in the administration of the Sherman Act and other legislation supplementary thereto.

(d) Whether it is advisable to provide for the creation of a board of river regulation which shall bring into cooperation the departments and services of the National Government whose duties in any way relate to waterways in devising and carrying out comprehensive plans for the promotion of interstate commerce by the regulation of river flow, the mitigation of destructive floods, by the promotion of storage above and of bank and levee protection below, the establishment of terminal and transfer facilities, the coordination of rail and water carriers, and the cooperation of the Nation with the States, each within its jurisdiction, in plans and works for the full and, so far as practicable, compensatory development of the rivers for every useful purpose, and the establishment of an ample fund for continuous work during a period of 10 years.

(e) Whether it is practicable and advisable to bring into coordination under the Interstate Commerce Commission the related subjects of interstate transportation, interstate trade, and interstate exchange by the creation of three boards in such commission, one relating to interstate transportation, one relating to interstate trade, and one relating to interstate exchange, the present Interstate Commerce Commission to constitute the board of interstate transportation, the proposed interstate trade commission to constitute the board of interstate trade, and the proposed banking commission to constitute the board of interstate exchange, merging into the board of interstate trade the present Bureau of Corporations and merging into the board of interstate exchange the comptroller's office.

INTERSTATE EXCHANGE.

4. *Resolved*, That the proper Senate committee report as soon as possible during the extra session upon the following question:

(a) Whether it is practicable and advisable to organize under national law in each State a national reserve association, in which the State banks engaged in interstate exchange and complying with the national legislation as to capital and reserves shall be united with the national banks as members, such associations to have the powers of issue relating to emergency currency now enjoyed by the constituent national banks; such associations to have such of the powers proposed by the National Monetary Commission to be conferred upon a central national reserve association as are necessary and advisable; such State associations to have the powers of investigation and correction regarding the affairs of the constituent banks; such State associations to be brought into federation for the protection of interstate exchange and the prevention of bank panics through a national banking commission fairly representative of the different sections of the country, part of which shall be selected by such associations and part by the President of the United States; such national banking commission to have powers of investigation and correction over the State associations, and to report to the President and Congress annually such recommendations as it deems advisable regarding legislation and administration concerning monetary affairs.

PUBLIC LANDS AND NATURAL RESOURCES.

5. *Resolved*, That the Senate Committee on Public Lands report at as early a date as possible during the extra session upon the following questions:

(a) Whether it would be advisable for the National Government to promote the development of Alaska by the construction of a railroad or railroads; and, if so, the probable cost and plans for construction and operation.

(b) Recommendations regarding the protection of our natural resources in timber, coal, iron, and oil against monopolistic control.

(c) The applicability of the land laws of Canada to the conditions of our public domain, and particularly those provisions regarding the grant of the surface to settlers, excluding from the operation of the grant timber, coal, iron, oil, and water-power sites.

MILITARY EXPENSE AND AUXILIARY NAVY.

6. *Resolved*, That the Committee on Military and Naval Affairs report at as early a date as possible during the extra session upon the following questions:

(a) The preparation of a plan for the more efficient administration and cooperation of the Army and Navy and the reduction of the total Army and Navy expense for the next four years to not exceeding $225,000,000 annually, with the aid of a board of Army and Navy officers to be selected by the President.

(b) A plan for the construction of auxiliary ships for the Navy, to be used in time of war in aid of the fighting ships and in time of peace in establishing necessary service through the Panama Canal and new routes of commerce to foreign countries through lease to shipping companies; such legislation involving the temporary diminution of the construction of fighting ships and the substitution of auxiliary ships with a view to the organization of a well-proportioned and efficient Navy.

FOURTEENTH INTERNATIONAL CONGRESS ON ALCOHOLISM.

Mr. SWANSON. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes.

The VICE PRESIDENT. The Senator from Virginia requests unanimous consent for the consideration of the bill named by him.

Mr. KERN. What is it?

Mr. SWANSON. It is a bill providing for the appointment of delegates to the International Congress on Alcoholism. We have been invited by the Italian Government to send delegates in September. It is very important, if the bill is to pass, that it should pass very promptly.

Mr. KERN. If it is going to consume any time or provoke debate, I shall object to it, because the regular order——

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent to call up the bill.

Mr. SMOOT. Mr. President, I do not find here the report of the committee.

Mr. SWANSON. Here is the report.

Mr. SMOOT. It is an important matter. I do not like to object unless I know what I am objecting to.

Mr. SWANSON. The report was made on the 16th of this month. There has been ample time to examine it.

Mr. SMOOT. I have looked in my files, and I have no report here. It seems to me that if it is of importance we ought at least to read the report.

The VICE PRESIDENT. Does the Senator from Utah object?

Mr. SMOOT. If the Senator from Indiana [Mr. KERN] does not desire to take up the unfinished business at 2 o'clock——

Mr. SWANSON. I will not let it interfere with the resolution the Senator from Indiana has in charge.

Mr. KERN. It is nearly 2 o'clock now.

Mr. SMOOT. I have not time to examine it by 2 o'clock.

The VICE PRESIDENT. Does the Senator from Utah object?

Mr. SMOOT. Yes; I must if I am to be confined to one minute to pass on it. I do not want to object if the Senator will grant me time to make the examination.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate resolution 37, providing for an investigation into the conditions in the Paint Creek coal fields of West Virginia. The pending question is on the reference of the resolution to the Committee on Education and Labor. The Chair recognizes the Senator from West Virginia [Mr. GOFF].

Mr. KERN. Mr. President, I ask to have read two telegrams in the nature of petitions.

The VICE PRESIDENT. Does the Senator from West Virginia yield for that purpose?

Mr. GOFF. What is the nature of the telegrams? I did not hear.

Mr. KERN. They are with reference to the subject under consideration.

The VICE PRESIDENT. Is there objection to the reading? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

CHARLESTON, W. VA., *May 16, 1913.*

Hon. SENATOR KERN, *Washington, D. C.*

DEAR SIR: This is to certify that local union of carpenters and joiners of Charleston, W. Va., heartily indorse your resolution for an investigation of existing labor troubles in our State, and earnestly hope such investigation will be made, Senators CHILTON and GOFF to the contrary notwithstanding.

J. P. MCGREW.
C. P. STAATS, *Secretary.*

WHEELING, W. VA., *May 18, 1913.*

Hon. JOHN W. KERN,
United States Senate, Washington, D. C.:

Twenty-five hundred citizens gathered in the auditorium here this afternoon in protest against martial law in West Virginia and to urge a Federal investigation, and unanimously adopted the following resolution:

Whereas the governor of the State of West Virginia has declared a state of war to exist within the State and has invoked martial law, setting aside the protection of the constitution and the laws;

Whereas men and women have been arrested without warrant of law, without charge as provided by law, and have been thrown in jail and kept there without a trial or sentence, and prevented from seeing even their families or lawyers; and

Whereas we believe that the disturbances that have existed throughout the coal-mining districts seem to be confined to those districts, and would seem to prove that the disturbances must have their cause in the conditions under which the workers in that industry are forced to live and labor: Therefore be it

Resolved, That we declare that martial law should be at once abolished and every person held in custody immediately released unless they can be proven guilty before a jury of their peers of having violated a law of the State or Nation; that men and women shall have the privileges restored to them under our constitution and our laws; and be it further

Resolved, That we believe that a most thorough and searching investigation of the coal-mining conditions in this State be made in order to determine, if possible, the cause of the unrest which has become so great among our people, and that we urge the United States Government to immediately make such investigation, under the powers given in the interstate commerce laws, to the end that the public may know the true conditions and take such steps as may be advisable to remedy the conditions.

S. LEO J. LAFLAM,
WM. WILSON,
W. B. HITTON,
J. B. MOORE,
CHAS. D. RYAN,
L. F. SPROUSE,
Committee of Ohio Valley Trades and Labor Assembly.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senator from West Virginia will proceed.

Mr. GOFF. Mr. President, the telegrams we have just heard read are quite similar to those heretofore offered and considered, and while I have every respect for those who send such telegrams I insist, nevertheless, that the action they have taken has been without full information on this subject, and they should have but little weight with the Senate.

The suggestion has been made that this matter should be referred to a committee. That suggestion comes to me this morning. If that had been suggested at the time the matter was first broached, before the atmosphere in this Chamber had become surcharged with the ludicrous, ridiculous, and the false information that has been presented, then it would have been entitled to more consideration. In order that I may be absolutely understood I take my position as I state it now. In the first place, this matter has no business before this Senate. Speaking judicially, speaking relative to the judicial aspect, this is a matter that should be considered by the courts. What jurisdiction has the Senate of the United States or the Congress of the United States to go into West Virginia or any other State for the purpose of making an investigation of this kind?

There are many matters that I can suggest to Senators just as proper, aye, even more so, for a senatorial investigation than is this labor strike in West Virginia. Lawyers on this floor, and the Senators generally, familiar with the legal history of the country know that the Supreme Court of the United States has stated distinctly—I refer to the noted case of Kilbourn against Thompson—that while the Congress of the United States may make certain investigations, that this is not of the character so authorized, and that the Senate would be absolutely without power to punish for contempt should its authority be defied.

You send out your committee. Witnesses are brought before it. A witness declines to answer, just as Kilbourn declined to answer. The House of Representatives imprisoned Kilbourn. The Supreme Court gave him his liberty and said the House of Representatives had no such power—that Congress has no such power. As to matters relating to the election and the qualification of its Members, as to matters relating to impeachment, as to matters concerning which there is a direct grant of power in the Constitution the Congress may investigate, but as to other matters it is absolutely powerless.

Now, what good would come of this investigation if the witness summoned before the committee should decline to answer the questions propounded by it? If you arrest them for contempt and try them, could you punish them? It is more than doubtful. I submit that this is a serious situation, worthy of the grave consideration of the Senate.

Let us look at it in another way. What is there in this resolution, in the matters that have been reported back by the committee, that the Senate is to investigate?

First. Whether or not any system of peonage is maintained in said coal fields.

The Senator who offers this resolution knows, as do many other Senators, that that matter has been fully investigated; that the Department of Justice fully investigated it; that at the time these resolutions were drawn the Department of Justice was advised of this charge, just as it is incorporated in this resolution. That department sent its representatives to this coal field. They sought all through that section for a scintilla of evidence that would show there was peonage in the coal fields, and they reported that no such evidence could be found. Why, then, is that to be taken up again? And why, Mr. President, should the Senate of the United States resolve itself into a grand jury, for that is about what is proposed here?

The United States courts in West Virginia are open. Our statutes make peonage an offense. The district attorney is there, with all the power of the Government to sustain him. The judge is on the bench, the jury in the box. Why, then, should not the investigation be made there, and not here?

Second. Whether or not access to post offices is prevented; and, if so, by whom.

The same remarks apply. The Post Office Department of the Government sent its inspectors there. They called upon all men who knew about this, "Come here and testify," and they reported to the Post Office Department that there was absolutely nothing in the charge. If any one can sustain it, let him go before the grand jury of the district of West Virginia. That court is open, and that is the orderly procedure.

Third. Whether or not the immigration laws of this country are being violated in the West Virginia coal fields; and, if so, by whom.

Whether the laws are being violated! That is what the courts are there for. That is what the grand jury is empaneled for. I am necessarily repeating points because of these subdivisions of the resolution. They could all be investigated after a charge by the court; such disposition of these matters should be satisfactory to all. But, as a matter of fact, the examinations have already been made, and the reports in the offices of the department of the Government in this city show that to be true.

Fourth. Whether or not parties are being convicted and punished in violation of the laws of the United States.

So far that is really the only matter which has been discussed before the Senate.

Now, hastily, I want to recapitulate on the questions of law involved in this suggestion. I am going to concede, I have in fact conceded, that the Constitution and the laws of West Virginia prohibit, as most of the States do, the suspension of the writ of habeas corpus.

Many of those who favor this resolution take the position that under no circumstances should the writ be suspended. I have answered that by saying that the habeas corpus writ has never been suspended in West Virginia. The zone has been drawn there in such a way that it includes no court having jurisdiction of that writ. The controversy has hinged upon whether or not the military commission sitting in that zone had the right to try people charged with civil offenses. The authorities that I have cited, I insist, maintain the position that the military commission was properly established and properly tried those cases.

Now, who did it try? There was no indictment, as a matter of course. The parties accused were brought before the court, after having been arrested by the military authorities. If not, there could have been no trial there. I am utterly unable to understand the character of martial law that after it makes an arrest of a man caught red-handed in insurrection, carries him under guard to the portals of the blind goddess of justice, knocks at the door and asks, "Can I come in with this prisoner and turn him over to you in order that the beauties of the civil law may still be maintained?" It is a travesty; it is absolutely paradoxical. The very declaration of martial law carries with it the idea that the civil law is inadequate to maintain the peace, and that the military authorities are in power. You will not find in the books a definition of martial law that does not imply that it exists because of the inability of the civil law to sustain itself. That is true through all the years before the organization of our Government, through all the years of civilization I am safe in saying.

I do not think there is a Senator on this floor who will say that the governor of West Virginia had not the power to declare martial law in a certain portion of the State at the time he so declared. Then he did that which has been the rule for years, a rule laid down by Vattel, by Halleck, and sustained by our Supreme Court. The rule gave him power to appoint the military court and to give it specific instructions, to define the character of the cases and the punishment that could be inflicted. That was done. The governor of West Virginia was authorized to do as he did, and he exercised the power that was his so as to insure the peace of the community and properly protect the citizenship thereof. To me it is amazing that in

his honest efforts to suppress insurrection he should not have the cordial support of all those who love law and order.

Now, in addition to what the Senator from Idaho [Mr. BORAH] read from Luther against Borden, I want to call attention to an extract from the argument of Mr. Webster in that case:

I shall only draw attention to the subject of martial law; and in respect to that, instead of going back to martial law as it existed in England at the time the charter of Rhode Island was granted, I shall merely observe that martial law confers the power of arrest, of *summary trial*, and prompt execution; and that when it has been proclaimed the land becomes a camp, and the law of the camp is *the law of the land*. Mr. Justice Story defines martial law to be the *law of war*, a resort to military authority in cases where the *civil law is not sufficient;* and it confers *summary power*, not to be used arbitrarily or for the gratification of personal feelings of hatred or revenge, but for the *preservation of order and of the public peace*. The officer clothed with it is to judge of the degree of force that the necessity of the case may demand; and *there is no limit to this*, except such as is to be found in the nature and character of the exigency.

You will find that in the "Works of Daniel Webster," volume 6, page 241.

I find also in the "Writings of Jefferson," an authority both sides of this Chamber respect, volume 5, page 378, the following:

There are extreme cases where the laws become inadequate even to their own preservation, and when the universal resource is a dictator or martial law.

This is in a letter of Thomas Jefferson under date of October 27, 1808, to his personal friend Dr. James Brown.

Thus we have what the Supreme Court has said and the language of Mr. Webster, which was in effect carried into the opinion of the Supreme Court in the case of Luther against Borden. We also see what the men who made the Constitution and who founded the Government believed on the questions we now consider.

While upon this point and referring to the makers of the Constitution I conclude it will be well to read other extracts from the writings of prominent men of that time now applicable. Hamilton, who was a wonderful man, an accomplished statesman, a thorough student of the science of government, who took part in all the discussions that preceded the Declaration of Independence, the forming of the Government, and the adoption of the Constitution, said:

It is in vain to impose a constitutional barrier to the impulse of self-preservation. (No. 41, Federalist.)

John Adams figured very prominently in these discussions and was President of the United States. He said, speaking of the Constitution:

All the powers incident to war are, by necessary implication, conferred upon the Government of the United States. There are in the authority of Congress and of the Executive two classes of powers, altogether different in their nature and often incompatible with each other, the war power and the peace power.

In order to make clear the point I have heretofore suggested, and to make applicable the authorities I have cited and the extracts I have read, I want you to bear in mind that the Supreme Court has said that when war is spoken of in those decisions it means also insurrection, so far as the Federal or State Governments are concerned, and therefore the power that exists in the Congress or in the Federal Government, if there be insurrection, exists also in the States.

The peace power—

Still reading from President Adams—

The peace power is limited by regulations and restricted by provisions prescribed with the Constitution itself. The war power is limited only by the laws and usages of nations. This power is tremendous. It is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life.

There comes now and then such emergencies, when for the good of humanity, when in order to preserve our homes and our firesides, our lares and our penates, the power must exist somewhere to resort to extreme measures, in order that society shall be protected and that government may still live.

In all the trials that were had by this military commission in West Virginia, there has not yet been stated to the Senate or developed upon this floor a single case wherein it has been made to appear that the defendant was improperly convicted. I admit there was no——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I yield to the Senator from Idaho.

Mr. BORAH. I thought that was the question that we were arguing—that they were all improperly convicted——

Mr. GOFF. No.

Mr. BORAH. Because they were not convicted in any tribunal that had the right to try them.

Mr. GOFF. If that is the answer to it, then great men differ, as I intimated the other day, and the Senator differs from the Supreme Court of the United States, of the State of Pennsylvania, and of the State of West Virginia, last mentioned but not least by any means.

The point I make is this: If as to these persons that we are told have been improperly tried, illegally convicted, and cruelly punished there could not be made out a case, the ingenious lawyers who have represented them in our courts in West Virginia and the able Senators who have defended them on the floor of the Senate have been unable to show irregularity in the proceedings against them. Take the State against John Jones, for instance, and the record will show all the charges, all the evidence, and all that was said, as well as the judgment entered. From the reading of it you can see whether or not there was any testimony under which these men were properly held. There is a woeful lack of any such reference. If I were in favor of the passage of a resolution the object of which was to show that the military court in West Virginia had the power claimed for it and that it did not exercise that power cruelly and illegally, I would not want anything better than the transcript of the record that was kept, the testimony offered by the military authorities, and that submitted by the parties accused.

A great many of those people pleaded guilty.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. CRAWFORD. Will the Senator permit me to ask him a question?

Mr. GOFF. Certainly.

Mr. CRAWFORD. I ask are any of those cases pending on appeal on writ of error in the Supreme Court of the United States?

Mr. GOFF. No.

Mr. CRAWFORD. Not one?

Mr. GOFF. Not one.

Mr. CRAWFORD. So there is no possibility of having a decision there?

Mr. GOFF. I will say to the Senator, in reply to that question, that a case is now being perfected in West Virginia for that very purpose. Those who represent the parties whom the court of appeals of the State held were properly in detention and sustained the military commission were under the impression, I am advised, that the case as it was presented to the court of appeals of West Virginia did not contain certain propositions that they thought were really essential for the proper presentation of the matter for the final action of the Supreme Court. So they are making a case that will contain those points, and that will go to the Supreme Court, as every one there wants it to go.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. Certainly.

Mr. KENYON. It does not appear, at least to my mind, from the debate what some of the charges were against these various men who have been restrained of their liberty. Now, I ask the Senator from West Virginia, who is perfectly familiar with these matters, what were some of the charges? Were they violations of State statutes or were they merely offenses against the military code?

Mr. GOFF. I will mention some. These men were charged with inciting to riot; they were charged with insurrection; they were charged with unlawfully gathering together for the purpose of impeding the administration of the law in the coal zone; they were charged with murder and convicted of murder on testimony overwhelming. That is what some of them were charged with.

Mr. KENYON. And they were all charges of the violation of the State statutes?

Mr. GOFF. They were charged with violations of the laws of West Virginia, which were specified in the sections of the code that I have alluded to.

Mr. KENYON. And they were tried in the military court for the violation of the State statutes?

Mr. GOFF. In every instance.

Now, it does not properly represent the condition in West Virginia to say that all the miners in that section of the State are in favor or were in favor of the course pursued by those on strike. Some of them did not want to strike; they wanted to work that they might live, while others wanted to strike. They had a perfect right to strike; everybody concedes that. Frequently strikes are properly inaugurated and properly conducted and result beneficially; but those who wanted to strike had no right to prevent others from working who wanted to work; and it was the effort to prevent them from working, as well as the refusal of the mine operators to comply with certain demands made upon them, that brought on the strike and compelled those who did not want to strike to join—sometimes to

join under coercion—or, if not joining, to be quiescent and keep out of the way. So the strike was inaugurated under such circumstances; not all the people, not all the men, not all the laborers, by any means, acquiescing in it.

I am not going to be misrepresented; I am not going to be misquoted; I am not going, if I can prevent it, to have the State that I in part represent here maligned and held up as occupying a position that it has never taken.

Mr. CRAWFORD. Mr. President, will the Senator permit me to ask him a question there?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. GOFF. Certainly.

Mr. CRAWFORD. I do not want to be unjust to a State. I may not understand the situation, and I probably do not, but is this provision in the constitution of the Senator's State, article 3, section 12, referred to by Judge Robinson in his dissenting opinion?

The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State.

It would seem that these offenses are offenses that are cognizable by the civil courts of the State. It would seem from statements made in the dissenting opinion that, outside of this limited zone, over in Charleston, a few miles away, the civil courts and criminal courts were actually in session undisturbed in the courthouse, with the doors open, and that those who had violated the law within the zone could be taken outside the zone where the civil courts of the State would have full sway. Is it the Senator's position that, even if this were a matter of inquiry confined to the State of West Virginia alone, and even conceding that we, as a part of the Congress of the United States, might not properly investigate it, no one could inquire as to whether or not, notwithstanding what the governor said, there was no fact justifying the necessity for invoking martial law and that everybody is estopped from making such an inquiry because the governor issued such a proclamation or order? Does the Senator maintain that that position is sound?

Mr. GOFF. I will explain. In the first place, the Senator has properly quoted the constitution of West Virginia. It is true also that it has been properly quoted as it refers to the writ of habeas corpus. But it is also claimed that that provision of the constitution must in certain exigencies be construed with other provisions of the constitution, with decisions of the Supreme Court of the United States, and with that law that is higher than any statute, or any constitution—the right of self-preservation, the inherent power of any government to protect and save itself.

It is not the first time by any means that such a proposition as that has been enunciated; but I hope to God it will be the last. I hope that no such conditions will ever exist either in West Virginia or in any other State of the Union that will render it essential to resort to such extreme measures.

We might as well look the situation squarely in the face; we might as well appreciate the circumstances under which West Virginia was, and other States now are, suffering; we might as well concede that we are standing on the brink of a fearful precipice, the fall over which means certain death—death to the individual, death to the government. We had better pause and take stock; we had better look at this trouble and other troubles, not in the light that it will help here or help there to gain a vote here or lose a vote there; but if we want to preserve constitutional government on the face of the earth, we have got to properly handle these unusual strikes, riots, and insurrections.

To show that I am not alone, that I am sounding no false chord, I beg leave to read and to incorporate in my remarks an editorial that was published in the New York World in its issue of May 16. It is headed, "An issue that must be met." just as I have been trying to present in my feeble way—an issue that must be met:

Patrick Quinlan, of the I. W. W., comes into collision with what used to be called Jersey justice, and is convicted at Paterson of inciting to assault. He may go to the penitentiary for years.

Sympathy with labor and with those who seek to assist labor in its lawful purposes can hardly be extended to Quinlan. He was an intruder. He interfered in an industrial quarrel not as a coworker, not as a peacemaker, not as a negotiator, not even as a citizen. Like all the other members of the I. W. W., he appeared on the scene to promote trouble, to intensify anger, and to encourage violence. He is facing the penalty of lawlessness.

It is not the authorities alone that show their bristles when the I. W. W. appears. Every responsible labor organization in America manifests similar sentiments. Why? Because the misguided men who have launched this piratical craft upon the industrial sea are avowed enemies of peace, order, law, right, and justice.

This editorial is not classifying all labor organizations in that way.

Their aim is not to promote the interests of those who work. It is to inflict damage upon property, injury upon those who employ labor, and contempt upon all those whose duty it is to enforce the law.

That is the sentiment to which I alluded a few moments ago when I said that in a strike zone the people generally sympathize with the misguided and those conducting themselves illegally.

With them labor's interests are always secondary.

If this idea is to prevail, we shall soon have no industry and no Government, no wages and no property, no rights and no justice. If there can be no common ground on which employers and employees can meet, peace is impossible and progress is impossible.

The I. W. W.'s purpose is avowedly destructive. It is not satisfied merely with the destruction of industry. It destroys property. It seeks to intimidate capital. It terrorizes labor. It entertains a grotesque theory that it can destroy government.

A so-called labor organization that sacrifices labor to lawlessness, that never makes peace, that refuses to arbitrate, that teaches sedition and crime, that has no known objective but riot, and that carries in its pulpy hands no standard but that of license, certainly has no place in this Republic.

No matter how many ill-advised and ill-disposed persons may foolishly yield to the appeals of the leaders of the I. W. W., the issue which they raise is one that must be met unflinchingly. Rights and interests of labor and rights and interests of capital as such must be held in abeyance when the higher rights of society are menaced.

The brawlers of this organization represent no legitimate interest. They are avowed wreckers. They have no habitation. They are engaged in no respectable industry. They challenge law. They are nomads. Wherever they appear they provoke disorder, bloodshed, terror. They are not to be dignified with the title of rebels or revolutionists. They are desperadoes, and they should be dealt with as desperadoes.

The condition in New Jersey to-day is as bad as it ever was in West Virginia during the coal strike, which is now over. If I may read from newspapers, as the Senator from Indiana [Mr. KERN] did when arraigning West Virginia, I noticed yesterday in the metropolitan journals that Quinlan, though convicted, was able, nevertheless, to address large audiences, as any citizen who speaks upon great governmental questions should be permitted to do; but the advice that was given, the threats that were made, indicated that, unless the judgment of that court—and I want to say that the judgments of New Jersey courts have always been held in great respect——

Mr. MARTINE of New Jersey. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. GOFF. Certainly.

Mr. MARTINE of New Jersey. The Senator's reference to conditions being as bad in New Jersey as they were in West Virginia prompts me to advance this thought: Heaven knows that the struggle of labor is bad in almost every State to a greater or less degree, and the conditions recently in Paterson, N. J., indeed are unfortunate; but New Jersey can not be classed with West Virginia, in that she has not invoked martial law.

Mr. GOFF. She ought to. If you had martial law in New Jersey to-day——

Mr. MARTINE of New Jersey. That is the Senator's assumption, but New Jersey is able through its civil courts to cope with every contingency that has yet arisen.

Mr. GOFF. Very well——

Mr. MARTINE of New Jersey. If our conditions were as bad as yours, or if yours were as bad as ours, I say then that West Virginia might look up to the example of the little Commonwealth of New Jersey that has not invoked the aid of military courts-martial. We have tried offenders against our laws and can continue to do so. I pray you not to couple with West Virginia the Commonwealth which I in part represent in methods of procedure of that kind.

Mr. GOFF. Very well, Mr. President; I am obliged to the Senator. New Jersey, it seems, has not resorted to martial law; New Jersey has tried offenses of this kind by a civil court. The insurrection in New Jersey is still extant; order has not been restored in Paterson; property has been destroyed in Paterson; human life, I am told, has been taken in Paterson; and the court that is to sentence Quinlan—if I may now go back to make reference to the journal to which I called attention a moment ago—was gravely advised that unless the judgment was set aside the halls of justice would go up in smoke and ruin. I say it would be better for New Jersey, and it would be better even over in Ohio to-day, where the law is held at naught——

Mr. MARTINE of New Jersey. Well, Mr. President, I ask what becomes of our vaunted liberty; what becomes of our constitutional system of government if such a process is to be resorted to? It becomes a farce and a mockery.

Mr. GOFF. Well, Mr. President, if the argument I have made; if the citations I have presented; if the mandate of the Supreme Court does not answer the Senator's question, it is utter folly for me to undertake to do so. The interruption—

begging the Senator's pardon—to which I yielded was not, in my judgment, for the purpose of sustaining the position that he enunciates in reference to liberty and justice, but was made, and is intended and will have the result, whether intended or not, of aggravating the situation in his own State.

Mr. MARTINE of New Jersey. Will the Senator permit me a moment?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. GOFF. I do.

Mr. MARTINE of New Jersey. I am as law abiding as the Senator from West Virginia can possibly be. My prompting and incentive was not to provoke or irritate strife, but rather to allay it. The assertion upon the part of the Senator is utterly uncalled for and ungenerous. I believe in constitutional liberty, and with the courts in West Virginia wide open, as has been stated by the Senator himself, I do insist that it was a step far at variance with constitutional liberty to invoke the aid of a military court-martial. No theories, no arguments, can convince me to the contrary.

I have been, in a way, a laborer all my life. The strife between labor and capital is sad, and it will never stop until mankind shall be prompted to avail themselves of and to acquiesce in the thoughts and teachings of the great Power who bids us treat mankind as brothers.

Mr. GOFF. I have no war or controversy with the matter that the Senator chooses to interject into this discussion. He must be his own judge about that.

Mr. MARTINE of New Jersey. I am responsible for it, too.

Mr. GOFF. That is correct. But when the declaration of civil war is necessary—and all the courts tell us that the governor is to be the judge of when it is necessary—for the Senator to take the position that it is made for the purpose of destroying liberty——

Mr. MARTINE of New Jersey. But this, Mr. President, was not a declaration of civil war.

Mr. GOFF. I said "a declaration of martial law."

Mr. MARTINE of New Jersey. I understood the Senator to say "civil war."

Mr. GOFF. If I did, I used the wrong word.

Mr. MARTINE of New Jersey. I beg the Senator's pardon. One is about as bad as the other. [Laughter in the galleries.]

The VICE PRESIDENT. The Sergeant at Arms will maintain order in the galleries.

Mr. GOFF. Very well. When a proclamation of martial law is issued under the circumstances that existed in West Virginia, to claim that it was done for the purpose of destroying liberty, interfering with labor, injuring property, or doing injustice to anyone is so extremely extravagant that it is best simply so to style it and say nothing more.

I want to call attention now to another editorial communication, published in another great metropolitan journal, the New York Sun, on Friday last.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the junior Senator from New Jersey?

Mr. GOFF. I do.

Mr. HUGHES. I have no desire to interrupt the Senator's statement. I do not wish, however, to let pass without comment a remark he made with reference to conditions in my city.

The Senator spoke as though there was loss of life and great injury to property in that unfortunate municipality. I wish to eradicate from the minds of Senators any such idea that may have arisen owing to what the Senator from West Virginia said. I am, as he is, dependent upon newspaper reports for information as to conditions in the city of Paterson. There has been but one life lost, so far as I know, and no one has charged the loss of that life to the strikers or to the members of the organization which has the strike in charge. My information is that that particular individual whose life was lost was killed by some representative of the constituted authorities there, or the strike breakers. So far as the destruction of property is concerned, if there has been any, it has been immaterial in extent.

I wish to state, if the Senator will pardon me, although I do not like to encroach upon his time, that the city of Paterson has an unfortunate reputation which, in my judgment, it does not at all deserve. Its conduct and the conduct of its citizens in the present crisis should demonstrate to the Nation at large that its people are peaceful, law-abiding citizens of the Nation. When one recollects that there are 25,000 working people now upon the streets of the city of Paterson on strike against conditions which, in my judgment, have become absolutely intolerable, and when one stops to think that in addition to that there has been no loss of life chargeable to them, and that there has been no destruction of property worthy of the name, I can not sit still and have the Senator create the impression in the minds of the Members of this body, and send it out to the country, that there are conditions existing in that city or in that State anything like those which the Senator insists exist in his own Commonwealth.

The strikers, the members of the Industrial Workers of the World, wherever they have offended, have been brought before the regular and duly constituted tribunals of that State and city. They have been tried before duly constituted judges. They have had able attorneys in their defense. They have been given the benefit of every privilege or right that any ordinary citizen charged with crime is given. A number of them were acquitted by a supreme court justice after a summary conviction by a police court magistrate. In handing down that decision the justice of the supreme court, who holds that court in my home county, said, as an admonition to the justice below, that it was his duty and the duty of every magistrate and law officer to demonstrate to these people that, as American citizens or as residents or inhabitants of a country dedicated to life, liberty, and the pursuit of happiness, the law in the city of Paterson and the State of New Jersey is alike for the rich and the poor.

They are now proceeding upon that theory. They are arresting men, sometimes when they should be arrested, and, in my judgment, sometimes when they should not be arrested. But when they get into the courts they are given fair and impartial trials, and if there is error in the procedure they will be given a fair and impartial hearing above.

I commend the conduct of the city of Paterson and the Commonwealth of New Jersey in this respect to my friend from West Virginia.

Mr. GOFF. I am happy to know that evidently the statements that have been spread broadcast over the land relative to the situation in New Jersey are not well founded; but it is utterly impossible to harmonize the statements that have just been made with the accounts that have been published in the journals. Again, if there is no strife in New Jersey, if there is no insurrection there, as a matter of course the governor of New Jersey properly and rightfully declined to issue a proclamation of martial law. There is, then, a difference between the present situation in New Jersey and the situation in West Virginia at the time martial law was declared. I have stated, and it seems I must repeat, that at that time thousands of men were carrying arms and marching for an avowed unlawful purpose that does not, it seems, exist in New Jersey, and I am delighted that it does not. Insurrection was rampant.

I am not saying who was wrong. I am not saying how that condition was brought about. I think both sides to the original controversy may have been at fault. But the situation existed, as I say. Would it not have been lovely under such circumstances for an officer of the law, we will say the sheriff of the county, to march down where two or three thousand people were in arms and try to arrest those people and take them to a court for trial?

It was the futility of that which caused the governor to issue this proclamation and to establish martial law. While the sheriff would be taking his prisoners down the 20 miles for trial, how many would he take—one, two, three, or a thousand?

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. REED. The Senator from West Virginia has stated several times that he does not intend to go into the origin of this dispute. He takes the very lawyer-like position that he is now arguing the question with reference to the actual conditions that existed when this order of the governor was promulgated; and of that I make no complaint. But I do want to ask the Senator to enlighten us to this extent:

It appears that there were two armed bodies of men—I think the statement has been made that there were some two or three thousand men—divided into two hostile camps. One camp, we understand, was composed of strikers. Now, who constituted the other camp? How did it come into existence? Was it organized or unorganized? Were they citizens of the community or men who had been brought in there?

I should like to know these facts, because they have some bearing on whether or not there was war. Will the Senator kindly tell us?

Mr. GOFF. The Senator evidently was not present when the explanation was made about this matter; or, if he was, he does not recall it.

On one side of the camp or the field of disturbance were the strikers, and there were large numbers of them. There are a

great many mines in that locality. A great industry had been developed, and a great many men were laboring there. A great many men from all over the Nation had invested large sums of money there, and those men were banded together for the purpose of protecting their property, as men have done from the time that time began and as men will continue to do as long as time is. They were defending themselves, the civil law not being able to do it. Red-handed anarchy prevailed. I concede it. I never have dodged it in this discussion.

Mr. REED. The Senator is not quite as clear——

Mr. GOFF. I am not yet through answering the Senator's question.

Mr. REED. Very well; I will wait in patience, of course.

Mr. GOFF. I am not objecting at all to being interrogated, but I want to make a full statement while I am at it.

These men had protectors or guards for their mines. They were given to understand that their mines would be destroyed. In fact, some of the machinery—the tipples—was destroyed. Who was there to prevent it?

Senators, it is easy enough to talk about depriving people of liberty and making improper arrests. Are you to stand by your own home and let an infuriated desperado come to it with the avowed purpose of destroying it? There is not a man within the sound of my voice that would not, with his back to the wall in that way, shoot to kill anyone who so sought to destroy either his life or his property.

Then these men who had made those great investments and had their guards employed others. Some of them were called detectives; some of them were called mine guards. They were the men from the stores and the shops and the team drivers. They were men that were brought together in an exigency to save the locality, to save the property, to save human life. They did not so congregate for the love of the thing, or simply because they could, but it was to show opposition and resistance: "Stand back and behave yourselves! Stand back and let our property alone, or if you come, you come with bristling bayonets before you, ready to meet you!"

Those were the two camps. Those were the hostile legions that confronted each other and made the situation when the governor said: "What can I do? How can I stop this? How can I prevent the collision that looks inevitable—that will produce such carnage, suffering, and death? I can send no posse with the sheriff. I can not cause these men to be indicted. It is instantaneous; it is now; it is to-night; or it is death in the morning!" That was the situation.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield further to the Senator from Missouri?

Mr. GOFF. Certainly.

Mr. REED. If the Senator will pardon me, I want to say to the Senator that I am only seeking for light.

The Senator says that some of these men on one side were guards in the mines. I take it that he means guards regularly employed, ordinarily employed about the mines, in ordinary times. I want to ask the Senator this question in just this way, whether it is not a fact that a large number of the occupants of one of these camps were detectives, or men calling themselves detectives, and known as Baldwins, who were brought into the State of West Virginia from the outside, and armed, and gathered under the command of leaders?

I am asking that question to distinguish or get a line of demarcation, if possible, between the man who defended his own property, the man who called to his aid the citizens of the community, and the man who employed a hired constabulary of armed Hessians brought in for a specific purpose.

Mr. GOFF. If the Senator deems that material in an issue of this kind, I will restate it.

Mr. REED. I do.

Mr. GOFF. Did I not say that they were called detectives? Did I not say that they were guards at the mines? Did I not say that these people who were determined to protect their own property got aid and assistance here, there, and everywhere? They brought them into the field. I care not whether they be detectives or not. Is it a crime to be a detective?

Mr. REED. No; but most of them are criminals.

Mr. GOFF. That may be. That is a gratuity, though, that has no place in this discussion, in my judgment.

Mr. REED. But I beg for a more specific statement.

Mr. GOFF. Very well. In what particular?

Mr. REED. The question I asked was whether the majority of the men in one of these camps were not men of this detective organization, as distinguished from the owners of the mine, or the ordinary guards generally employed, and whether they were not nonresidents brought into the State of West Virginia?

Mr. GOFF. Some of them were detectives; some of them were Baldwin detectives, as I understand. There is no law that prohibits their employment in West Virginia. They were brought there for a purpose. The purpose was to defend property and to ascertain who it was that was organizing and continuing to organize and to incite insurrection. They knew, as we know to-day, that there is a power behind the screen that issues orders that bring about these disturbances.

Why, even since the discussion began in this Senate Chamber some one touched buttons and flashed over the land the message that the cause here was weak, with nothing to sustain this resolution but bare statements. "We have no affidavits; we have no full and frank statement from anyone upon which we can base our application to the Senate and demand an investigation." All along the line the wires went flashing, and the distinguished Senator from Indiana advised us gravely the next day, with his hands full of telegrams, "I have the information now."

It is all right, I suppose, for those gentlemen to get information and to use detectives in getting it—as they did use them there—but it is a crime and the employment of criminals when the men interested in that locality find it necessary to resort to the same thing.

Mr. REED. Mr. President, will the Senator yield to me further?

Mr. GOFF. Not just now; in a moment.

I have stated distinctly that the men on both sides were armed. I have never dodged it. I have never tried to evade it. I would not if I could, and I could not if I desired. It is a fact. It was the thing that made the situation desperate. Men, as I said a moment ago, are going to take the steps that are necessary and essential to protect themselves, to protect their property as well as their homes, if you wish to draw the distinction; and that was all. That was the situation that existed, a situation that I have maintained justified the governor in inaugurating martial law.

I now yield to the Senator from Missouri.

Mr. REED. Mr. President, I may have misunderstood the Senator. I understood him to say that the Senator from Indiana had employed detectives to get information.

Mr. GOFF. I did not; I did not. I can not understand how the Senator can intimate that he so understood me.

Mr. REED. That is pretty nearly equivalent to stating that I have made a wrong statement here willfully.

Mr. GOFF. No, sir; it means that you have not understood what I said.

Mr. REED. I understood the Senator, in discussing the question of somebody having touched buttons and sent out a cry for information, to say in the same sentence that detectives had been employed to get the information. I think if the Senator will examine his remarks in the transcript of the notes he will find that my construction was not a forced one. But I did not think the Senator meant to say that, and that is the reason I rose at the time to ask him. He requested me to wait, until now the words have grown cold. I am very glad to know that that was not his purpose; I am glad to know I was mistaken; but I hope the Senator will not intimate that I have deliberately misconstrued his words.

Mr. GOFF. I find myself required to repeat myself continually, not that I like to do so, but that in answering the queries propounded to me I must necessarily do it. What I meant, what I think I said, what I intended to say, was that there was flashed all over the land that this testimony was needed. I have made the point on the floor of the Senate that a favorable report from one of the great committees of this body had been made without a scintilla of evidence to support it, and I repeat it. It was a wonderful thing to do. I do not know, but I have no doubt but that the Senator from Indiana did send dispatches asking for help, because it would be perfectly natural that he should. He needed it, God knows.

What I meant to say about detectives I intended to confine to the men who were employed on both sides there in this strike zone, the one to eliminate the strike and prevent it if possible, and the other for the information that would enable them to defend themselves if defense became necessary.

I have been trying to get some statements from the New York journals into this case, but it seems like it is a very hard thing to do. I am going back to it now just for a little while——

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. GOFF. I do, with pleasure.

Mr. KERN. I understood the Senator from West Virginia to say a moment ago that he had no sort of doubt but that the Senator from Indiana sent out word to people in various parts of the country to send in messages of the kind that were read

here to the Senate, if I understood the Senator correctly. I think it is but proper I should say that I sent out no such message, nor did I have any thought of sending such a message.

Mr. GOFF. I simply said that if I had been in your place I would have done it; that is all.

Mr. KERN. The Senator from West Virginia seems to forget that the people of this country, even the working people, read the newspapers, and as soon as they learn in various parts of the country of the kind of opposition that was being urged to this resolution, as soon as they learned the sources of the opposition and the character of the opposition, the messages came by the hundred and by the thousand spontaneously, many of them from men who had themselves felt the heel of this despotism. Many of them came from men who had been driven out of West Virginia by the hired guards of the coal operators; still more came from the great humane element in this country that believes in fair play; still more came from a still greater element in this country, thank God, that believes in the supremacy of the civil law and the subserviency of military law.

There was no need to ask for messages. They came, and they are coming yet. If the Senator listened this morning, he would have heard read an account of a meeting of 2,500 citizens of his own State held on yesterday afternoon in Wheeling, in which they expressed in forcible terms their opinion of this proposed investigation. He would have read, again, of the proceedings of an independent body of workingmen in his own home city declaring in favor of this investigation. He would have read, if he had read the RECORD a day or two ago, where the representatives of 75,000 workingmen of Texas demanded this investigation and 65,000 more in the State of Missouri. From my own State came hundreds of these messages.

Oh, no, the Senator from West Virginia is in error if he thinks it was necessary that anybody here need call for these expressions of the sentiment of people who felt outraged at this prostitution of the executive authority of West Virginia to place the civil law underneath the military law.

Mr. GOFF. Mr. President, we have the usual beautiful display of eloquent generalities. Now, who is taking issue with this wonderful method of stating propositions that no man controverts, except the statement the Senator made that the governor had illegally issued his martial-law proclamation? It is claimed always, as a matter of course, that the people in a locality who do not necessarily bow to the demand of labor are oppressing labor, that the community are up in arms against labor. It is not true. It is not true in that locality. The people over there are not in favor, the people over there were not in favor of the strike. They are not in favor of this investigation, not that they have anything to conceal. Everything has been published to the world. I have stated it here on this floor, and I have stated it in its worst aspect. I have regretted the conditions there, but does it follow that the people are acting outrageously, that the governor has perjured himself and is taking a course not authorized, and that somebody has been led out or driven out of the State? I do not know about that. How can I? If some one has been driven out, I take it the chances are nine out of ten that he was properly driven out. I do not know. I never heard of it. I do not doubt it. There are a great many who ought to have been driven out who were not.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. Certainly.

Mr. REED. The Senator is continually appealing to the law. By what process of law is a man banished from a State in this country?

Mr. GOFF. I think there are a great many Senators on this floor who know of instances in which, for their own good, people have been advised to disappear between sundown and sunup, and a good many of them who feel in their hearts that the safest thing for them to do is to get away before daylight.

Mr. REED. Mr. President, that is a plea in confession and avoidance, but a very sorry one. The Senator is standing here planting his argument, not upon the question of right and wrong, but upon the cold doctrine that under the law the governor had the right to do what he did and that there is no recourse. I am astonished to find a man who stands upon this rock of the law asserting the doctrine of mob law and mob rule and disregard of all law undertaking to sanction the unlawful acts of men who warn other citizens to leave the community upon peril of life. I have not been here long, but it is the first time I have ever heard the doctrine announced in this Chamber that it is proper that a body of superior force or a man of superior ferocity and desperation be permitted to say to a citizen that he must leave the State upon peril of life or limb. It is a strange doctrine, sir, to be announced by the lips of a man who is proclaiming himself the apostle of law and order.

Mr. GOFF. Mr. President, if the Senator will recall he will remember that I said there were people upon this floor, and probably a number of them, who knew just what such instances were that the Senator from Indiana alluded to, and that it was by methods of that kind, not the act of the governor and not the act of anyone representing him, that probably drove men out of the State. I did not say it was proper. I did not intimate it was proper. I simply said that those instances had taken place in the past, and they will take place yet.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. GOFF. I do.

Mr. GALLINGER. I would ask the Senator what he thinks the remedy is when men denounce the Constitution of the United States and carry through the streets the red flag of anarchy? What is to be done?

Mr. GOFF. Does the Senator state that as a problem for me to answer?

Mr. GALLINGER. Yes; and if the Senator will permit me, before answering it, I want to read two or three extracts, which are very brief, that appear in the morning papers.

Mr. Patrick Quinlan, the I. W. W. agitator, declared only a day or two ago:

We will win this strike or the city of Paterson will be wiped off the map.

And he continued:

Paterson is a very dangerous place to be in at the present time. We don't know what will break loose there at any minute. If we don't obey the law—

He admits they do not obey the law—

If we don't obey the law, it is because we are following the example set by the Paterson authorities themselves.

Mr. Frederick S. Boyd said:

We've got this strike won, and soon all of you will be back working. But next year we'll demand 25 per cent more than we're asking now, and the year after that 25 per cent more than that. And we'll insist on seven hours a day.

Mr. Haywood says:

We're not going to ask the bosses to give us eight hours; we're going to take it. And next year we'll take six hours.

I suppose the Senator from West Virginia noticed what happened in Cincinnati not long ago. I want to read just one very interesting thing that occurred there. What did these men do who are being championed so ferociously in certain quarters, and who find their advocates and defenders in the seats of the mighty?

While a riot that occurred at the Brighton barns this morning probably proved the most serious, yet one a little later at Fourth Avenue and Vine Street was the more spectacular. Small steel beams, barrels of plaster, and bags of cement were hurled upon a passing car from the upper floors of the 34-story building of the Union Central Life Insurance Co. * * * The crew as well as the employees of the company riding on the first car out of the Brighton barns were assaulted and some of them are now at the hospital in a precarious condition.

It seems to me, Mr. President, that there may have been conditions in West Virginia, in view of what is happening in other parts of the country at the present moment, that justified the governor of West Virginia in resorting to any means that he could command to protect the lives and property of the people of that unfortunate community.

Mr. GOFF. I thank the Senator from New Hampshire.

Mr. REED. Mr. President, will the Senator from West Virginia permit me to ask the Senator from New Hampshire a question?

Mr. GOFF. You have my permission. The Senator from New Hampshire will speak for himself.

Mr. REED. I should like to ask the Senator from New Hampshire under what rules of evidence he thinks that the conditions in Paterson, N. J., are pertinent to the conditions at Paint Creek, in West Virginia?

Mr. GALLINGER. I am not talking about rules of evidence, Mr. President. I assume that the conditions are very similar, and I think if we had authorities in New Jersey that would put an end to the violence that exists there and the destruction of life and property, it would be well to have that authority invoked; just as I think when the mayor of Cincinnati appealed to the governor of Ohio, when the police force of the city of Cincinnati proved utterly inadequate to cope with the desperadoes who were destroying lives and property there, there ought to have been relief furnished by the governor of Ohio by sending militia to that great city. That is my judgment.

Mr. REED. Mr. President, the answer is so conclusive I will not pursue it further.

Mr. GALLINGER. The Senator can be as discourteous as he pleases; it does not affect me in the least.

Mr. REED. I would not be discourteous to the Senator for anything in the world, because I rise to say that if there is one man in the Senate whom I completely and absolutely reverence, it is the Senator from New Hampshire. I asked his opinion because I thought perhaps there was some mysterious law of general averages which had escaped my attention, which he could supply, by which he arrived at the conclusion that if there was violence in Paterson, N. J., it was conclusive evidence there was riot at Paint Creek.

Mr. GALLINGER. Mr. President, if the Senator from West Virginia will permit me, I have assumed that there was no question in the mind of any man who has read the newspapers or listened to the statements which have been made on this floor that there was violence at Paint Creek, in the State of West Virginia. I understand that the violence has ceased; that the strike is over; and we are now having a legislative post-mortem on things that occurred there some weeks ago.

Mr. CRAWFORD. Mr. President, I think that the Senator from West Virginia is entirely too generous in giving up his time here. Some of us are intensely interested in hearing the discussion and having it confined somewhere within the neighborhood of its real purposes. For about an hour he has been attempting to read an article from one of the New York newspapers. He has not been able to do it yet; I think the interruptions run so far from the mark that the rest of us have a right to protest.

Mr. GALLINGER. If the Senator from West Virginia will permit me, I have not taken any time in this discussion and very little time in other discussions during the present session. The Senator from West Virginia very courteously yielded to me, and I was within my rights and within the rules of the Senate in making the observations I did.

Mr. CRAWFORD. I want to say to the Senator from New Hampshire my reference was a general one; it had no more relation to his statement than it had to the general discussion which has carried us so far away from the speaker's purposes; and I hope the Senator will understand it.

Mr. GALLINGER. I think the Senator's suggestion is a correct one.

Mr. GOFF. I am going back now to the article which has been alluded to, that I have been prevented from reading because of the numerous inquiries that have been made of me. I have no objection to Senators asking me questions. I am apt, as are most men on their feet, to overlook points, to forget matters, and if anyone interested in the subject desires to suggest something for me to reply to and for their edification, I am willing always to acquiesce; but I do think there are some interruptions that have not been made at an auspicious time. However, if I should leave anything unsaid before I take my seat I shall be glad to have my attention called to it.

Last Friday, May 16, the New York Sun published what I am about to read. We may not all agree with newspaper publications or newspaper editorials, but in a great many instances they are well received, published at the right time, and have a most laudable purpose. I read one from the World. I think it a superb editorial. It will be flashed all over the land, not only by the wonderful circulation of that paper, but in other ways and through other papers, and I intend to give it the publicity that a statement in the Senate of the United States and the publication in the RECORD will give it, because its words are sound sense and it gives the warning that this country needs at this time. A serious state of affairs confronts us. I am just as fond of human liberty, justice, and the rights of citizenship as are any of the gentlemen on the other side, who have propounded the queries to me indicating that I am not. It is because I love justice, it is because I am in favor of the continuation of constitutional government, that I want the violators of law punished, I care not who they are, or where they come from, or what are their names, what locality they live in, or in what land God's sunshine first kissed their cheeks. If there are in this land citizens, or men intending to become citizens, who have complaints to make, they are entitled to be heard; they are entitled to the protection of their property; they are entitled to all the guards of the Constitution, as it is interpreted both in war and in peace. But when they take the law into their own hands, when they say to either capitalist, laborer, merchant, or lawyer, whoever he be, "You shall do this," and "You shall not do that," when they say, as I have understood they said, for I was not there at Paint Creek, "You shall not run this coal mine unless you run it as I advise you," they are in insurrection, and I would be ashamed of the governor of a State who would stand by and not exercise the power that is his.

Now, the other side. When men in those localities and over in Cincinnati to-day beg to be permitted to work, when men over in New Jersey—I know it is a danger zone for anyone here on this side to get into, but just the same I venture to put my foot there, figuratively speaking—I say, when those men wish to work in any State or at any point and another man says to them, "You shall not," and incites an insurrection to carry out his threat, the governor who will not call for the power of the State, if civil courts are not able to keep the peace, is unworthy of the name of governor.

Back to editorial now. I read from the New York Sun:

INCITATION TO VIOLENCE.

Every thoughtful reader of the morning newspaper must to-day find cause for reflection and apprehension in the news from Paterson, N. J. After a fair trial Patrick Quinlan has been convicted of an offense against the peace and order of the State of New Jersey.

Mr. MARTINE of New Jersey. I should like to ask if that was by a court-martial?

Mr. GOFF. You did not address the President.

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. GOFF. Not just now; after awhile.

Mr. MARTINE of New Jersey. Just a minute.

Mr. GOFF. I will never get this piece read if Senators keep on interrupting me.

After a fair trial Patrick Quinlan has been convicted of an offense against the peace and order of the State of New Jersey. The offense is aggravated by the fact that Quinlan is not a resident either of the city of Paterson or of New Jersey, and such incitation to violence as he has been adjudged guilty of represents the intervention of an alien in the domestic affairs of that State.

Notwithstanding this fact it is now proposed by the associates of Quinlan, speaking from a public platform, that unless the due processes of the law are suspended and Quinlan permitted to go unwhipped of justice the whole industrial life, the very existence of Paterson, is to be paralyzed by general strikes.

To gratify a spirit of revenge or assert the complete supremacy of the Industrial Workers of the World as an organization and the immunity of the individual members a great city is to be plunged in darkness. Thousands of women and children, thousands of honest and hard-working men are to be deprived of light, of water, of the opportunity to work and to earn a livelihood because the law is to be enforced in the case of Patrick Quinlan.

Could anarchy itself, with incidental bomb and routine riot, go further? This is neither the assertion of the dignity nor the right of labor. This is nothing less than a declaration of war upon all law, upon the whole power, work, and machinery of social and political existence. The members of the Industrial Workers of the World proclaim thus that for them there is no law. They reserve to themselves the right to incite to violence, and if society seeks to protect itself, then society must be punished by more violence.

It is perhaps pure accident that the news from Paterson falls in with dispatches from another New Jersey town which report the attack of armed rioters upon those charged with protecting the property of another corporation. But the relation of the incidents at Paterson and Wharton can not be mistaken. The right to destroy, to paralyze, to terrorize is asserted by workers at one place, by rioters at the other, but the principle at stake in each is unmistakable.

Can labor protect itself from this abuse? Can the honest and the industrious workman protect himself from the influence and the leadership of such men as Quinlan? Certainly there must be thousands of workingmen in Paterson alone who stand aghast at the attempt of a few self-seeking and utterly selfish men to make use of the credulity and ignorance of the least intelligent of the working class to discredit the whole body while seeking their own discreditable ends.

I will not detain the Senate in reading any more of this editorial, but I have one that I want to read that was published in the Washington Post this morning. It is headed "The red flag at Paterson":

Organized outlawry's declaration of war to the bitter end at Paterson, N. J., with to-morrow fixed upon to usher in an industrial and political upheaval at that center of industry, ought to be met at the start by a counterstrike that would end the crisis. With the foes of our flag and our institutions rapidly forcing an issue of their own making, why longer temporize with the men who all along have boldly proclaimed their purpose ultimately to bring about just such conditions as now confront the authorities at Paterson?

The culmination of the socialist conspiracy probably has been reached sooner than expected. The leadership had not anticipated resistance so slight as was met at Lawrence, Salem, Schenectady, Passaic, Akron, Columbus, San Diego, and many other points where an aberration of public sentiment strengthened the hand of violence in forcing concessions. Strikes were ended before a hopeless deadlock could be contrived, and the lawless leadership sought a new field of activity. The West Virginia mine strike at one time had some of the features of an ideal situation, but martial law supplied a solution of that ugly problem, the processes and penalties of civil law having proved inadequate to deal with the machinations of the imported and more malignant type of disturbers.

The use of the more effective weapon against outlawry is decried by those Americans who have yet to comprehend that Americanism and socialism have nothing in common, and that their standards are so wholly incompatible that one or the other must give way. No people can pay homage to two flags any more than they can obey two masters, for it amounts to the same thing. Therefore the climax at Paterson, divested of incidentals, is resolved into the vital question whether the Stars and Stripes, the emblem of peace and order, or the red flag, the emblem of revolution, shall prevail.

If the New Jersey authorities are as alive as their West Virginia brethren to the old-fashioned doctrine that it is permissible to fight the devil with fire, the threat to call a general strike and wipe out Paterson, in an attempt to keep the leaders out of jail, will not carry far.

If the governor of Ohio and the governor of New Jersey would take a lesson from the governor of West Virginia concerning those regions where strife has prevailed and where insurrection in fact exists in those States and issue their martial-law orders, there would be peace in the great city in

the valley of the Ohio, as well as in that industrial center in New Jersey.

Appeal has been made in behalf of the striking workmen in West Virginia that they have been mistreated. That is a statement that has been repeatedly made and that I have a number of times alluded to. The name of "Mother Jones" has been brought into the controversy. Well, I have no fight with "Mother Jones." I am sorry that she feels aggrieved. If half the stories they tell about her in West Virginia in reference to this and other strikes there are true, she has certainly been—whatever else she may be; grand and good and a friend of the miners she may be—but she has certainly been inciting riot and urging insurrection. She does not deny it. She is the grandmother of them all; she takes pride in it; she is an expert; she is a good talker; she is effective in speaking to great audiences; naturally, she has influence with them. I do not know how it may be in your locality, but in mine for a man on the public hustings, or a woman either, to incite people to violence, to insurrection, is a crime; and anyone—man, woman, or child—who resorts to that is liable to arrest. Mother Jones was arrested. She certainly was. Neither does she deny that. She was tried, yes; she was convicted, doubtless—although she is here now looking down from the galleries, as she has a right to do; it is perfectly proper—but I see no reason why West Virginia should be criticized for that or why the other people taken in insurrection should be criticized for being politely requested to behave themselves and to attend to their own affairs.

That great section of West Virginia where this trouble existed is in peace to-day; the miners are back at work; most of the grievances that they had have been adjusted; it is all over. What do you want to stir it up again for? Why does our dear old "Mother Jones" want to stir it up again? Who is dissatisfied? The people who live there, the officers of that State, are going to make that section one of the greatest industrial developments in that or in any other State. God Almighty has provided that wonderful wealth, and it will be protected, and it will be saved for "Mother Jones" and for all the rest of the people there, whether strikers, rioters, or what not; it will be protected for that purpose; and I hope that she and others will go back and that she will live long years yet to enjoy the land that we are going to save for her.

There never would have been any of this disturbance there but for the conduct and the character of the men who have been alluded to in the editorials that I have quoted. They are the people who are always talking about human liberty, always talking about the rights of labor, but never intimating that the other people in the locality have any rights; always setting up, as has been done here to-day, these beautiful, glittering generalities about "the suffering people"; and yet if it were not for the people that I have described, if it were not for those who have systematically organized these controversies for the purpose of producing results that could not and would not have been brought about but for their sinister designs. These men who preach so grandly, who appear so pleasant in their arguments, who are upholding the rights and the dignity of labor, the men whom these editorials truthfully depict, who, while they talk so glibly, nevertheless represent a cause and advocate a principle not represented or advocated by honest labor—a cause that "like whited sepulchers, seems outwardly fair, but that inwardly is full of dead men's bones."

I also have affidavits, telegrams, newspaper clippings, but I am not going to offer them; it is not necessary. It would simply add fuel to the flame; it would simply produce confusion in a locality where the dove of peace now is, and it would bring into the limelight and subject to persecution those who are now free from trouble. No good can come of it. If on the facts now before the Senate and the law applicable thereto the Senate concludes that it should resolve itself into a grand jury and send for witnesses I shall have nothing more to say. The only interest that I have, the deep interest that I have, the earnestness that I have, is for the good, the peace, and the happiness not only of my own State, but of all the States of the Union.

I want the Government at Washington to still live—and it will. I want the Constitution of our fathers to be still respected—and it will be. The people are tiring. Men who a short time since looked at least without alarm and rather indulgently on the situation that is found in a number of places to-day are now alarmed—are aroused. They are asking for peace—peace, quietly to be had, if possible; but peace at any cost. The governments of all lands are in trouble, and commotion prevails through all the world, which, it seems, is involved in confusion and strife. No other land is threatened more than this, and still the men who live in all over-sea lands are turning their eyes hitherward.

The Government of the United States is the beacon light of civilization and the hope of all other peoples. It is a Nation built on suffering; it is a Nation founded by men who, fleeing from persecution, sought the then wilderness here and made it what it is to-day—the hope of the world, the pride of civilization. It is the Government had in mind by the barons when they struggled at Runnymede. It is the kind of Government for which John Hampden died; it is the Government that Sydney longed for; it is the Government that our ancestors strove for and laid the foundation of; it is the Government that the mothers of the Colonies, grand old mothers of Israel, gave all that they had to give, the children of their love, to help establish; it is the Government that Washington, Adams, Jefferson, and Madison helped to organize; the Government that the signers of the Declaration and the makers of the Constitution, the fathers of the Republic, established for us, those who now pass before us in phantom form; it is the Government that was saved to us not only by the courage of our soldiery, but by the will of a man. We are in no trouble with our military officials, nor have we ever been; we have had great generals, as great as any land or any era of time has ever produced, yet no one has ever intimated imperialism, ever thought of a dictatorship, or dreamed of a crown.

No one yet, governor or President, has ever attempted maliciously to override the law or to deprive men of their privileges, as has been intimated here may be done. To intimate that any danger might arise from the military forces of the Nation is a reflection upon the officers of the Army and the soldiery of the country. I want to say that the fame of the American soldier is a jewel of inestimable value to this Nation. I care not where that fame was won; I care not whether it was in the early history of the Colonies, or during the Revolution, or on the plains of Mexico—here, there, or anywhere—whether it was with the giant soldier of the century, Grant, when he seized the tiger of rebellion by the throat and strangled it in the jungles of the Wilderness; whether it was with Lee, wonderful chieftain, when he led his matchless legions over the Potomac and fought his last great battle at Gettysburg. It makes no difference. Was it with Sherman when he made his wonderful march to the sea, or was it with that brilliant genius of the war, Stonewall Jackson, or was it on other fields of heroic strife and sublime death? No difference. The fame they won we are all entitled to share in; it is our common heritage. They were not soldiers who usurped a place to which they were not entitled; they were not soldiers who played the despot or the dictator. When the war ended they all went back to their quiet avocations of peace, to the usual struggles of life. So it is we fear no usurpation and we have no dread of the establishment of a despotism, of the destruction of our liberties, of the death of our Republic.

I once stood before that wonderful man to whom I alluded a moment ago. I heard him speak of the dire condition that confronted him and the Nation. We must admit to-day that he did things which were then questioned, and which men on this side and on the other side of this Chamber said were not exactly constitutional, but he thought they were necessary. With Old Glory being trailed in the dust and an effort being made to float a new emblem in the land, with riot and insurrection rampant, he thought he could find a way in the Constitution to save the Nation. He did so; and there are but few, if any, who to-day say he erred. In that darkest hour of the country, dark also to me personally, he demonstrated the power of the Commander in Chief, the necessities of resorting to the usages of war. I lived south of Mason and Dixon's line; I was a Virginian born; I did not see the lines of my duty as some of my boyhood friends did, so I wore the blue, and it was my misfortune to be called a traitor to my State, because I was loyal to the flag of the Union. I have always maintained that I was right. When the vicissitudes of war threw me into a land that did not agree with me my situation was far from being comfortable. My home was for some time simply a prison cell. But the great man of whom I have been speaking, by the power of his great office, which he never failed to exercise, opened the doors of Libby and brought me home to freedom.

I stood before him and thanked him, and heard him tell of some of the incidents that had transpired since I had been sojourning in the Southland. I then learned from him lessons that deeply impressed me, that have always been with me. He was a wonderful man. He was a man among men; a martyr among martyrs; a statesman among statesmen; a hero among heroes; a President among Presidents; he was God's grandest gift of a man to men—Abraham Lincoln.

Mr. MARTINE of New Jersey. Mr. President, when this discussion began I thought it was with reference to the disturbances at Paint Creek, W. Va.; but by some strange alchemy, I hardly know what, it seems to have been transferred to New Jersey.

I feel that the Senator's advice regarding martial law and other methods of governing our strikes in New Jersey and Ohio is utterly gratuitous; and I say to the distinguished Senator from West Virginia that he need wear no crape for the Commonwealth of New Jersey. We are able to take care of ourselves and to allay the disturbances that may occur there.

The Senator, in his remarks, used the words "if I should put my foot in New Jersey," or "I will put my foot in New Jersey." I know he is incapable of a wrong, but should he put his foot, or both feet, in New Jersey, and by the sheerest accident commit a wrong against the laws of our Commonwealth, I will guarantee to him at least not a trial by court-martial but a trial by a jury of his peers in that Commonwealth.

The Senator refers to the men who consulted with, who discussed with, and who may have urged upon the strikers of West Virginia their wrongs, as being not coworkers but outsiders. I ask in all fairness and reason, Mr. President, what were the other men, the so-called defenders? Were they outsiders or were they insiders? They certainly were outsiders in the strictest sense of the term. They had no claim to a right there; they were worse than outsiders. They were a band of adventurers, a band of blacklegs, and, as a rule, ex-convicts, who sought to shoot down for pay, for money, the miners in West Virginia.

I realize the discomforts that the Senator from West Virginia has on his hands, and, God knows, I sympathize with him. If his State were contiguous territory I would make a proposition to annex it to New Jersey, and give you an opportunity to know what real constitutional law and constitutional blessings might be. There is only one thing that would stick in my crop about annexing West Virginia, and that is its lawless and unconstitutional origin.

Mr. THOMPSON. Mr. President, I have listened with much interest to the able legal argument presented by the learned ex-judge, the distinguished junior Senator from West Virginia.

But, in my judgment, there is something more vital at issue here than is involved in a discussion of the legal aspect of the case, as presented by the Senator. One is reminded of the advice of the professor of law to his students, when he said: "When you think the law is on your side, talk the law, and when you think the facts are on your side, talk the facts."

While I do not concede the correctness of the legal position of the learned Senator, he has largely evaded a statement of the facts and conditions as they existed in the State of West Virginia. It is not simply a question as to whether or not martial law was legally declared in the State of West Virginia by the governor of that State, but the vital question which demands our investigation, and which I believe we have a right to investigate, is, What was done—what wrongful acts, if any, were committed under the administration of the martial law, as declared in that State?

This resolution should be passed in the interest of the people generally, and in the interest of the people of West Virginia in particular. Many people throughout this land are demanding the investigation. Like the Senator from Indiana [Mr. KERN], I have numerous telegrams and letters demanding that an investigation be made, and asking that I support the resolution. I presume most of the Senators have similar requests. The matter, therefore, has attained national importance; and the Nation, through the Senate, is required to act.

It is charged that sacred constitutional rights of American citizens have been or were denied in a section of the State of West Virginia. The citizens of West Virginia are also citizens of the United States, and are entitled to the fullest protection of all the laws of the land. Gross outrages of oppression pressed to the very extreme, resulting in some instances even in murder and manslaughter and indignities and iniquities equaled only by the lawlessness in Mexico, are reported to have occurred in this territory. It is said that so common were these occurrences that human life was really worthless in that military zone.

If these charges are true, there is a remedy, and other remedies will appear. If they are not true, the people of West Virginia more than any other people in the land should be interested in establishing that fact. The case has gone too far to be dismissed by simply filing a general denial or to be determined by the decision of a court on some abstract question of law applied to an entirely different state of facts.

When the Constitution of the United States was framed, Patrick Henry argued for 24 long days to have contained within that document the provisions of the Bill of Rights. Many of the leading men of that day argued that this was unnecessary; that they were contemplated by and included in the general terms of the Constitution. But Henry argued and insisted that they should be enumerated; and after this long struggle it resulted in including those vital principles in the 10 amendments commonly referred to as the "Bill of Rights." Experience has taught us that Henry was right in demanding that these vital principles should be included within the document itself, that they might be understood by every citizen, lawyer and layman alike, and that they might not be misconstrued by any court.

Article 6 of these amendments provides that one accused of crime shall have the right to a speedy and public trial by a jury, fair and impartial, from the district in which the crime is alleged to have been committed, and that he shall be advised of the charge against him and the full character and nature of it, and shall be confronted by the witnesses who testify against him.

Mr. President, the safety and perpetuity of our Government rests largely upon this provision. It is such principles, forming the very foundation upon which the governmental structure rests, that are involved here. It matters not about the politics of the people who claim to have been wronged by a violation of their constitutional rights, nor that they may be poor and common laborers, pitted against wealthy and more fortunate employers. The Constitution is no respecter of persons. If they are poor and helpless, this fact makes it all the more important that the Government should lend its strong arms in protecting them in their distress.

All honest labor is honorable. We often give too much credit to the general in the Army, instead of to the rank and file. While the general is entitled to great consideration for his ability to plan and to carry his plans into execution, without the rank and file his efforts would be fruitless. Both are entitled to equal credit for the success of any battle.

So it is with the business affairs of life. The manager of a railroad or of a mining or other industrial enterprise is entitled to credit for his ability to organize and to carry forward the work. But the common laborer, the trackman, the fireman, and the engineer should not be overlooked; for if each performs with efficiency his individual task all are entitled to equal credit for the final success of the enterprise.

These poor, common laborers—miners, as they have been referred to—go down into the ground on their hands and knees and bring to the surface and lay at the feet of their employers wealth that gives to them pleasure and prosperity. These common laborers are also entitled to the equal and full protection of the law with their employers, which this resolution seeks to give.

This investigation certainly can do no harm, and it may result in the greatest good. I hope the resolution will pass.

Mr. WORKS. Mr. President, before submitting a few remarks on this question I desire to offer an amendment to the resolution, and ask to have it read.

The VICE PRESIDENT. The Senator from California presents an amendment to the pending resolution which will be read by the Secretary.

The SECRETARY. It is proposed to amend the pending resolution by striking out the portion of it commencing with line 22, on page 3, and extending down to and including line 10, on page 4, and inserting in lieu thereof the following:

> The conditions under which employees in the mines are required to work, wages paid, hours of labor, kind of contract under which labor is performed, the system of lighting, ventilation, and sanitation employed in such mines, and the efficiency thereof, and any other facts affecting the interest and well-being of such employees.

Mr. KENYON. Mr. President, I should like to ask where that is to be inserted.

Mr. WORKS. It commences with line 22, on page 3, and extends to line 10, on page 4.

Mr. President, we have spent a good many days here in discussing the power and jurisdiction of the governor of West Virginia in dealing with this question. The resolution invites just that kind of discussion, and, in my judgment, it falls far short of calling for such an investigation as ought to be made in a case of this kind.

Let me call attention, briefly, to the effect of the resolution as it is now before the Senate. The committee is directed to ascertain—

First. Whether or not any system of peonage is maintained in said coal fields.

Second. Whether or not access to post offices is prevented; and if so, by whom.

Third. Whether or not the immigration laws of this country are being violated in the West Virginia coal fields; and if so, by whom.

Fourth. If any or all of those conditions exist, the causes leading up to such conditions.

Fifth. Whether or not the Commissioner of Labor or any other official or officials of the Government can be of service in adjusting such strike.

Mr. KERN. That has been stricken out.

Mr. WORKS. Very well.

Sixth. Whether or not parties are being convicted and punished in violation of the Constitution and laws of the United States.

It has been said by the junior Senator from West Virginia [Mr. GOFF] that as to the first two of these facts that are to be ascertained by the committee, they have been thoroughly investigated by the proper governmental authorities. But whether that be so or not, Mr. President, I myself am much more interested in going back behind this strike and ascertaining, if we can, what causes led up to it.

We do not need any investigation to determine what the governor of the State has done. The facts respecting that matter have been broadly admitted here. The order that he made is before the Senate. The proceedings that took place under that order have been admitted on both sides. There is no question at all about it. There is no necessity for any investigation to ascertain the facts with respect to that particular matter.

Whether or not the order that was issued by the governor of West Virginia declaring martial law was in violation of the Constitution of the United States is a pure question of law that arises upon the face of the order itself. It is not necessary to investigate that question, and if the Senate of the United States desires to declare itself upon that question it has before it every fact necessary to bring about that result.

Whether or not access to post offices is prevented, and, if so, by whom, is a matter that might very properly be investigated; but it could be done under the general provision that I am seeking to insert in this resolution.

My objection to the resolution of the Senator from Indiana is that it is not broad enough; that it does not cover what ought to be reached in an investigation of this sort; in other words, that it limits it to certain specific things that, in my judgment, really need no investigation at all. As I have said, we have before us every fact that will enable us to act intelligently upon those questions without going to the expense of an investigation.

So far as I am individually concerned, I am greatly interested in determining just how these mines are operated in the State of West Virginia. I want to know what ground of complaint the employees in these mines have. I want to know whether they are being properly treated, whether the mines are being ventilated and lighted as they should be, whether proper sanitary conditions are maintained, and the kind of contracts that have been made by which these men are bound to their work.

For that reason I have submitted this amendment; and to show the interest that I have in this question I call the attention of the Senate to a bill that was introduced by me at the present session of Congress providing for the inspection and regulation of coal mines. That bill went to the Committee on Mines and Mining. These same coal operators in the State of West Virginia gave notice that they desired to be heard before any bill of this kind should be passed. I desire that the bill may be read, Mr. President.

The VICE PRESIDENT. If there be no objection, the Secretary will read the bill.

The SECRETARY. Senate bill 593, Sixty-third Congress, first session, introduced by Senator WORKS April 9, 1913:

A bill (S. 593) providing for the inspection and regulation of coal mines.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, empowered, and directed to make and enforce such rules, regulations, and requirements for the management, control, and operation of all coal mines and mining companies engaged in producing, mining, or extracting coal in the Territories or possessions of the United States, or in any State, to be transported to, used, or sold in more than one State, as are or may be necessary for the protection, preservation, and conservation of the lives and health of persons employed in or about any such mines or mining property, and to determine what safety devices and appliances are necessary and proper to be used for such purposes, and to enforce and compel their use in and about such mines.

SEC. 2. That the said Secretary shall from time to time ascertain and determine what are the most modern methods of managing, operating, and ventilating mines, and the most approved and efficient devices and safety appliances for the proper management of such mines, and for the preservation, protection, and conservation of the bodies, lives, and health of mine workers and employees, and compel the use of such safety devices and appliances in such mines.

SEC. 3. That the said Secretary may cooperate and act in conjunction with any State mining bureau or commission, or other body or officer authorized to act in the matter of governing or regulating the operation of mines in such State, in furtherance of the objects and purposes of this act.

SEC. 4. That in the performance of his duties as provided in this act the said Secretary is authorized and empowered to enter into and examine such mines, at such times as he may desire, either in person or by any officer or employee in his department, and to inspect and examine such mines and determine whether they are complying with the rules, regulations, and orders made by him respecting the operation and management thereof, and to ascertain what changes of operation or management are necessary to insure the better safety of the employees in and about such mines; and the owners or lessees of such mines or mining properties and their officers and agents shall permit such entry upon and inspection and investigation of the condition of the mine, and shall afford every facility therefor. Any such owner or lessee, or his employee, agent, or officer thereof, who shall refuse or prevent any such entry, examination, or investigation, or fail or refuse to afford proper facilities therefor, shall be guilty of a misdemeanor and be punished by a fine of not less than $100 nor more than $5,000, to which may be added imprisonment for not exceeding six months.

SEC. 5. That when the said Secretary shall make any order respecting the management or operation of any mine or the use or disuse of any device, apparatus, or appliance in the operation thereof, the owner or lessee of such mine shall comply with such order within a time to be fixed by said Secretary. If such owner or lessee of any such mine, or any officer or agent of such owner or lessee, shall fail or refuse to comply with any such order he shall be guilty of a misdemeanor and be fined not less than $100 nor more than $5,000, to which may be added imprisonment for not exceeding six months, and each day that he shall so fail or refuse shall be a separate offense, and the said Secretary may, in his discretion, require that such mine be closed and not operated until such order is complied with, and may enforce such requirement by proper legal proceeding if not complied with.

SEC. 6. That the said Secretary may employ such expert or other help as may be necessary to carry this act into effect, the expense thereof to be paid out of moneys appropriated for that purpose, as herein provided.

SEC. 7. That the said Secretary shall have power to employ, during his pleasure, such officers, experts, engineers, statisticians, inspectors, clerks, and employees as may be necessary to enable him to perform promptly and efficiently the duties imposed upon him by this act, to be paid out of funds to be appropriated for that purpose.

SEC. 8. That a sum sufficient to carry out the provisions of this act is hereby appropriated, not exceeding the sum of $50,000.

Mr. WORKS. Mr. President, I hope that, having brought this bill to the attention of the Senate, it may at an early day receive consideration at the hands of the Committee on Mines and Mining. We have for several days practically had the State of West Virginia and its courts on trial. It is a serious undertaking on the part of the Senate of the United States. There is, to my mind, a very serious question as to its propriety. The State of West Virginia and its officers are responsible for what has been done in that State. I have no doubt but that the governor has the right to declare martial law. My good friend, the Senator from Idaho [Mr. BORAH], when I made that statement the other day, said that that simply meant the destruction of free government.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I do.

Mr. BORAH. If the Senator from California will look at the RECORD, he will see that the Senator from Idaho did not take issue with the proposition that the governor had the right to declare martial law. I took issue with the proposition that after he declared martial law there was no limit to his authority.

Mr. WORKS. Then the Senator from Idaho entirely misunderstood what I said with respect to it. His rather sensational and startling statement with respect to the effect of that sort of authority being vested in the governor of a State was without foundation. If the governor of the State of West Virginia, in whom that power is vested, has been guilty of malfeasance in office, he is responsible, just like any other officer. The power to do just that thing in protecting life and property within a State must be vested somewhere, and in whom better than in the governor of the State? What right has the Senate of the United States to question the authority of the governor of a State within his jurisdiction?

I am free to confess that, in my judgment, the governor of West Virginia went beyond his authority in the order that he promulgated. He undertook in that order to determine the jurisdiction of the commissioners appointed by him. I think he had no such authority, and so far as that portion of the order is concerned I should regard it as a nullity. When the military court was established the law fixed its jurisdiction and its powers, and the governor could not by a proclamation issued by him extend or limit that authority.

But as I said in the beginning, Mr. President, my judgment is that it is a good deal more important, in the interest of this country of ours, and a great deal more important to the laboring men of this country, that we should inquire into the causes which have brought about these disturbances, not only in the State of West Virginia but elsewhere. We must get back of the mere conduct of the courts of West Virginia or its governor and ascertain what are the real conditions in the State of West Virginia if we are going to act intelligently and accomplish results.

That is what I shall be glad to see done under this resolution, and for that reason I have offered this amendment. It gives the committee the power to go back of the strike to ascertain not only before but after and at the present time what the conditions are which are prevailing in those mines.

There must have been something that was unjust that brought about a strike of that kind. Men do not generally go to extremes like that without some kind of a just provocation. Therefore what I want to know is what it was that brought this contention, the insurrection, the strike, and the bloodshed that followed it.

I understand, Mr. President, it is understood that this resolution shall go to the Committee on Education and Labor; and I ask, if that be so, that the amendment I have proposed be also referred to that committee for its consideration. I do not want now to take up the time of the Senate, as that agreement seems to have been reached.

Mr. KERN. It is the understanding that the resolution with the amendments offered may be referred to the Committee on Education and Labor. It is also the understanding that that committee is to report out the resolution in a few days.

Mr. WORKS. I ask the Senator from Indiana if the amendment I have offered can be referred with the resolution?

Mr. KERN. Certainly.

Mr. BORAH. Mr. President, I had intended to submit some further remarks upon the resolution, but in view of the statement which has just been made by the Senator from Indiana that it will go to the committee I shall not ask the indulgence of the Senate to discuss it until it comes out of committee, and perhaps not at all. That will depend upon how it comes out and what course it takes after it comes out.

The VICE PRESIDENT. The question is on the motion of the senior Senator from West Virginia [Mr. CHILTON] to refer the resolution and the amendments to the Committee on Education and Labor.

Mr. KERN. That includes the resolution and its amendments.

The VICE PRESIDENT. It includes the resolution and the amendments. The question is on the motion of the Senator from West Virginia to refer.

The motion was agreed to.

Mr. KERN. I move that the Senate adjourn.

Mr. REED. Is any time fixed in the motion?

The VICE PRESIDENT. The regular hour is 12 o'clock.

Mr. REED. To-morrow?

The VICE PRESIDENT. To-morrow. The Senator from Indiana moves that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 20, 1913, at 12 o'clock m.

SENATE.

TUESDAY, *May 20, 1913.*

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. GALLINGER. Mr. President, I think there ought to be a quorum present to hear the Journal read, and I make the point that there is no quorum here.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	O'Gorman	Smoot
Bacon	Hollis	Overman	Stephenson
Bankhead	Hughes	Page	Stone
Bradley	Jackson	Penrose	Sutherland
Brady	James	Perkins	Swanson
Bristow	Johnson, Me.	Pomerene	Thomas
Burton	Johnston, Ala.	Ransdell	Thompson
Catron	Jones	Reed	Thornton
Clark, Wyo.	Kenyon	Root	Tillman
Clarke, Ark.	Kern	Saulsbury	Townsend
Colt	La Follette	Sheppard	Vardaman
Crawford	Lea	Sherman	Walsh
Cummins	Lippitt	Shields	Warren
Dillingham	Lodge	Shively	Weeks
Fall	McLean	Simmons	Williams
Fletcher	Martin, Va.	Smith, Ariz.	Works
Gallinger	Martine, N. J.	Smith, Ga.	
Goff	Nelson	Smith, Mich.	

Mr. FLETCHER. I desire to announce that my colleague [Mr. BRYAN] is unable to be present on account of illness.

The VICE PRESIDENT. Seventy Senators having responded to the roll call, a quorum is present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary read the Journal of yesterday's proceedings.

Mr. CLARK of Wyoming. In noticing the Journal as read by the Secretary there seems to be an inaccuracy in stating the title of Senate bill 60, which was reported by myself from the Committee on Public Lands. It appears in the Journal as a bill "to provide for agricultural entry of coal lands." The bill really is one "to provide for agricultural entry of oil lands."

The VICE PRESIDENT. The Journal will be corrected, and if there are no more corrections the Journal will stand approved as read and corrected.

GOVERNMENT EXPRESSAGE ON LAND-GRANT RAILROADS.

Mr. CRAWFORD. Mr. President, I discover from the RECORD that on yesterday the Vice President laid before the Senate a communication from the Secretary of the Treasury transmitting a report in response to resolution 49, which I introduced some time ago, and that the report was referred to the Committee on Public Lands and ordered to be printed. I did not know until I saw the RECORD that the report had come to the Senate.

I desire very much, having introduced the resolution and given some consideration to the subject, to have the report lie on the table until I can examine it. I ask unanimous consent that it be recalled from the Committee on Public Lands and that it lie on the table for the present.

The VICE PRESIDENT. The Senator from South Dakota asks unanimous consent to withdraw the report from the Committee on Public Lands and to have the same lie on the table until he can examine it.

Mr. CRAWFORD. I am not objecting to its going to that committee at the proper time, but I should like to have an opportunity to examine it.

Mr. SMOOT. What report is it, I will ask the Senator?

Mr. CRAWFORD. It relates to the charge of express companies for the transportation of property of the United States over lines of railway companies which received grants of land from the Government. I offered the resolution some time ago and it was passed by the Senate, and this is the response to it, which I have not had an opportunity to see.

Mr. SMOOT. I understand that the report was referred to the Committee on Public Lands, and the Senator wants to have it lie on the table for the present.

Mr. CRAWFORD. That is all; to let it lie on the table.

Mr. SMOOT. Very well.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the report will be withdrawn from the Committee on Public Lands and it will lie on the table for further action.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 4234. An act providing certain legislation for the Panama-California Exposition, to be held in San Diego, Cal., during the year 1915;

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913; and

H. J. Res. 82. Joint resolution authorizing the President to accept an invitation to participate in the International Conference on Education.

PETITIONS AND MEMORIALS.

Mr. LIPPITT. I have two protests signed by 350 overseers and voting operatives in the Lorraine Mills, of Westerly, R. I. I ask that the memorials be referred to the Committee on Finance and that the body of one of them be printed in the RECORD.

There being no objection, the memorials were referred to the Committee on Finance, and the body of one of them was ordered to be printed in the RECORD, as follows:

TARIFF PROTEST.

To Members of the House and Senate assembled in Congress at Washington:

GENTLEMEN: The undersigned, overseers and voting operatives in the Lorraine Mills, of Westerly, R. I., employing 350 hands in normal times, hereby protest most earnestly against the wool and cotton schedules in the pending tariff bill and ask your honorable body to increase the rates of duty applying to raw material, yarns, and cloth, so that we may maintain our present wage scale in competition with foreign manufacturers of textiles.

Mr. CUMMINS presented petitions of sundry citizens of Cedar Rapids, Des Moines, Spirit Lake, Le Mars, Lewis, Essex, Muscatine, Lime Springs, Marshalltown, Fort Dodge, Boone, Malcom, Newton, Centerville, Bradgate, Lansing, Waterloo, Burlington, Turin, Fort Madison, Mason City, Ottumwa, Clear Lake, Oelwein, Dubuque, Luverne, Webster City, Estherville, Davenport, Sioux City, Newell, Cresco, Winterset, Churchville, Elgin, Ames, Denison, Sutherland, Slater, Keokuk, Chariton, Clinton, Dyersville, and Hartley, all in the State of Iowa, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. GALLINGER. Mr. President, I have had numerous communications from workingmen in my State protesting against the wood schedule of the tariff bill now under consideration. I ask unanimous consent that one letter may be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The letter was read and referred to the Committee on Finance, as follows:

FRANKLIN LOCAL NO. 31,
INTERNATIONAL BROTHERHOOD OF PAPER MAKERS.

William White, president; George Rayner, vice president; Silas Glines, financial secretary; Charles Tousignant, treasurer; Archie T. Mahan, corresponding secretary.

Whereas the paper-making industry in the United States employs a large number of wage earners, a fair proportion of whom are industrious and own their own homes; and

Whereas through the efforts of organized labor the hours of labor have been reduced in a large number of mills throughout the United States to an eight-hour day; and

Whereas the endeavor of the organization is to try and secure a uniform eight-hour day throughout the entire country; and

Whereas the bill now before the United States Congress to remove the duty from the importation of paper would work a grave injustice to the employees engaged in the paper-making industry and would, without doubt, result in transferring a large amount of this business to a foreign country, and would compel the wage earners to leave the country to follow their trade and sacrifice their citizenship and homes; and

Whereas if the duty is removed from paper no one would be benefited, with the exception of the publishers, as the readers of the paper will receive no reduction in tariff on print paper: Therefore be it

Resolved, That we call upon our respective Congressman and Senators to use their influence and vote against the removal of tariff from the importation of paper; and be it further

Resolved, That a copy of this resolution be forwarded to our Congressman and Senators, also a copy be forwarded to our international president, with request that he bring the matter before the Members of the Congress and United States Senate and President of the United States.

[SEAL.] ARCHIE T. MAHAN,
Secretary Franklin Falls (N. H.) Lodge.

Mr. GALLINGER presented petitions of W. W. King, of Philadelphia, Pa.; Sherman Wiggins and Caryl J. Dodds, of Lawrence, Kans.; R. H. Williams, of Towanda, Pa.; and G. G. Roberts, of Toledo, Ohio, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. NELSON. I present a joint memorial of the Territorial Legislature of Alaska, which I ask may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the joint memorial was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Senate joint memorial 17.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the Territory of Alaska, in legislative session assembled, do most respectfully and earnestly represent that—

Whereas the Congress did, on the 25th day of June, 1910, enact a law entitled "An act to provide for the care and support of insane persons in the Territory of Alaska"; and

Whereas the buildings provided for in said act to be built at Fairbanks and Nome have not been constructed for the reason, as stated by the governor of Alaska, given upon the advice of the Attorney General, that no provision was made in said act for the purchase of sites upon which to construct such buildings, and that the Government could not accept the donation of sites; and

Whereas all insane persons in the fourth and second judicial divisions are forced to remain in the United States jails, awaiting a convenient time for their transportation; and

Whereas the sum of $4,000 will purchase suitable sites in the towns of Fairbanks and Nome for the hospitals provided for in said act: Now, therefore,

We, your memorialists, do most earnest and respectfully request that an appropriation be made in the sum of $4,000 to purchase suitable sites for the construction of detention hospitals at Fairbanks and Nome, as provided in the act of Congress of June 25, 1910, entitled "An act to provide for the care and support of insane persons in the Territory of Alaska."

And we, your memorialists, will ever pray.

Passed the senate April 11, 1913.

L. V. RAY,
President of the Senate.

Passed the house May 1, 1913.

EARNEST B. COLLINS,
Speaker of the House.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of senate joint memorial No. 17 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN, *Secretary of Alaska.*

Mr. NELSON. I present a memorial of the Territorial Legislature of Alaska which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial 31.

To the honorable the President, the Senate, and House of Representatives of the United States:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, do respectfully submit the following to your kind consideration:

That the Alaska Road Commission, since its creation under the act of Congress approved January 27, 1905, has constructed approximately 900 miles of wagon road and many hundreds of miles of sled roads and trails in all sections of the Territory of Alaska.

That such construction has resulted in great benefit to the country and has aided more than any other instrumentality in developing the various sections of our Territory.

That these roads are not merely of local importance, but they form a well-devised system of highways calculated to serve the entire Territory.

That the expenses incurred in such road and trail building are defrayed by an annual appropriation made by the honorable the Congress of the United States and by a portion of what is known as the "Alaska fund." The amount appropriated by the honorable the Congress of the United States for this year amounts to $155,000, fifty-five thousand of which, or so much thereof as may be required, is to be expended in the construction of a dam to protect the property of the Government near the town of Valdez from destruction by near-by glaciers; that the average amount per annum available from the Alaska funds amounts to $137,000, the total amount of which moneys is barely sufficient to keep the roads constructed in repair.

In view of these facts we respectfully request that Congress increase its annual appropriation for the construction and maintenance of roads, so that a sufficient amount thereof may be set aside for further construction and extension of the road system now laid out.

And your memorialists will ever pray.

Passed the senate April 29, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 29, 1913.

EARNEST B. COLLINS,
Speaker of the House.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of senate joint memorial 31 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN, *Secretary of Alaska.*

Mr. WEEKS presented memorials of the Merchants' Association of North Adams, Mass., remonstrating against the rates of duty relating to cotton yarns, cotton goods, and cotton manufactures, also against the reduction of the present duty on boots and shoes, and the rates in the woolen schedule of the pending tariff bill, which were referred to the Committee on Finance.

Mr. SHERMAN presented a resolution adopted by the local directors of the National Business League of America, of Illinois, requesting that they be given opportunity to submit their arguments against the objectionable administrative features of the pending tariff bill, which was referred to the Committee on Finance.

Mr. KERN presented a telegram in the nature of a resolution adopted at a meeting of 6,000 citizens of Pittsburgh, Pa., favoring an investigation by the Senate of the labor situation in the coal fields of West Virginia, which was referred to the Committee on Education and Labor.

He also presented a telegram in the nature of a resolution signed by the city chairman of the Socialist Party of Shelbyville, Ind., and a resolution adopted by Local Union No. 617, United Mine Workers of America, of Barnesboro, Pa., expressing thanks for the interest shown to secure justice for the laborers in the coal fields of West Virginia, which were referred to the Committee on Education and Labor.

REPORT FROM COMMITTEE ON PENSIONS.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (S. 832) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with an amendment, and submitted a report (No. 47) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 833. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 48); and

S. 834. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 49).

ADDITIONAL DISTRICT JUDGE, CALIFORNIA.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably without amendment the bill

(S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and I submit a report (No. 46) thereon. I call the attention of the junior Senator from California [Mr. WORKS] to the bill.

Mr. WORKS. I ask unanimous consent for the present consideration of the bill.

Mr. GALLINGER. Let the bill be read for the information of the Senate.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. CLARK of Wyoming. Mr. President, a very large part of the bill is a reenactment of the law as it now stands. The part which is new simply provides an additional district judge for the southern district of California.

Mr. GALLINGER. Let that part be read.

Mr. CLARK of Wyoming. Very well, let that part be read.

The Secretary read as follows:

That section 1 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and is hereby, amended to read as follows:

"SECTION 1. In each of the districts described in chapter 5 there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the southern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington, there shall be an additional district judge in each, and in the southern district of New York three additional district judges."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLARKE of Arkansas. Unless there is some satisfactory explanation made in regard to the bill, I shall object to its present consideration. I do not understand why there is need at this time for so many district judges on the Pacific coast.

Mr. WORKS. I know from my own personal knowledge that there is a very urgent need of an additional district judge in that particular district.

Mr. CLARKE of Arkansas. How many district judges has the State of California at this time?

Mr. WORKS. We have two, one of them in the southern and the other in the northern district. They are 500 miles apart and are kept more than busy. As I have said, I know from my own personal knowledge of the necessity for an additional district judge at that point.

Mr. CLARKE of Arkansas. What creates the necessity for more litigation there than at other places in the country with a similar population?

Mr. WORKS. There is a great deal more I think. I believe the Senator has some conception of the increase of population and the increase of business in southern California in the last 10 years. It is utterly impossible for one judge to render the services that are necessary. I know that of my own knowledge.

Mr. CLARKE of Arkansas. Let me ask the Senator if there is a temporary congestion of the docket, or does the necessity arise from conditions that are likely to continue?

Mr. WORKS. The condition is not temporary; it is permanent. In fact, we should have had an additional judge there five years ago.

Mr. CLARKE of Arkansas. What tangible, definite showing was made in support of the proposition outside of the statement the Senator makes upon the authority of other people?

Mr. WORKS. The matter was referred by the Judiciary Committee to the Attorney General to obtain the necessary information, and letters have been received showing what the necessities are. If the Senator desires, I should be glad to have those letters read.

Mr. CLARKE of Arkansas. I am willing to concede much to the judgment of the Senator from California, because there is no Senator on this floor whom I respect more highly than I do him, but the temptation to comply with the requests of lawyers for additional judges is so great that it is difficult to resist it. I happen to know that two district judges can do a lot of business if they undertake to do it, are willing to do it, and are able to do it by reason of health and other qualifications.

Mr. WORKS. I will say unhesitatingly, Mr. President, for the information of the Senator from Arkansas, that there is an absolute and urgent necessity for the appointment of this judge.

Mr. CLARKE of Arkansas. Why in the southern district more than in the northern district? I assume there are more people, and that, therefore, there ought to be more litigation, in the northern part of the State, which includes San Francisco, than in the southern part.

Mr. WORKS. There were two district judges in the northern district of the State; but there is a vacancy in that district now.

Mr. CLARKE of Arkansas. Then, if the additional judge is authorized there will be four district judges in the State.

Mr. WORKS. We will have three——

Mr. CLARKE of Arkansas. Two now in commission and one vacancy, and if this additional judge is created it will be the fourth one?

Mr. WORKS. It will be the fourth one.

Mr. CLARKE of Arkansas. I think I will object to the consideration of the bill for the present, and I will look into the matter a little bit.

The VICE PRESIDENT. Objection being made, the bill will go to the calendar.

Mr. WORKS subsequently said: Mr. President, in view of the objection made to the consideration of the bill reported by the Senator from Wyoming [Mr. CLARK], I ask that the report accompanying the bill be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, that order is made.

The report submitted this day by Mr. CLARK of Wyoming is as follows:

[Senate Report No. 46, Sixty-third Congress, first session.]

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF CALIFORNIA.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, submitted the following report to accompany S. 485:

The Committee on the Judiciary, to whom was referred the bill (S. 485) to amend section 1 of the Judicial Code so as to provide for an additional district judge for the southern district of California, having had the same under consideration, recommend that the bill do pass.

The necessity for this legislation is apparent from the inclosed communications from the Attorney General and certain other correspondence, all herewith submitted and made part of this report.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 14, 1913.

Hon. CHARLES A. CULBERSON,
Chairman Committee on the Judiciary, United States Senate.

SIR: This department is in receipt of your communication dated the 14th ultimo, inclosing S. 485 entitled "A bill to amend section 1 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," signed by the assistant clerk of said committee.

In response to your request for such information as is available in this department with respect to the volume of business, civil and criminal, in the United States District Court for the Southern District of California, the increase thereof, if any, in recent years, and such other data as will tend to show the need or lack of need of the additional judge proposed, the following is respectfully submitted:

Upon receipt of your communication, letters were written to the United States district judge, the United States attorney, and the clerk of the United States district court for said district. Copies of their replies are herewith inclosed.

The clerk of the district court shows the increase of business from year to year, commencing with 1895, up to and including 1912. The letters from the United States district judge and the district attorney show that judges from other districts had to be called in to assist in disposing of the business before the district court for the southern district of California.

The latest census of the United States shows a very remarkable increase in the population of the city of Los Angeles. The population of that city in 1890 was 50,295; in 1900, 102,479; and in 1910, 319,198. Fresno and San Diego, the other places of holding court in said district, show increases of nearly 100 per cent in the 10 years from 1900 to 1910.

For the Attorney General:

JESSE C. ADKINS,
Assistant Attorney General.

LOS ANGELES, CAL., *May 1, 1913.*

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: I am in receipt of yours of the 17th instant (initials and number, J.J.G.–A.G.M., 5–S–11–2), concerning Senate bill No. 485, which provides for an additional United States district judge for the southern district of California, and requesting of me information desired by the Judiciary Committee of the Senate with respect to the volume of business, civil and criminal, in the United States District Court for the Southern District of California, the increase thereof, if any, in recent years, and such other data as will tend to show the need or lack of need of an additional judge proposed by said Senate bill No. 485.

Pressure of business in the court here since the receipt of your letter has prevented an earlier answer thereto.

The clerk of this court, Mr. William M. Van Dyke, tells me that he will by to-day's mail forward you data gathered from the records of the court, which will indicate the volume of business at different periods since the organization of the court.

On the 2d day of last month I wrote to Senator WORKS on this subject, giving him a brief statement of the situation, and can not now present it better to you than by an extract from that letter, as follows:

"When the question of an additional judge was first agitated, many years ago, I did not look with favor upon the proposition. Some four or five years ago, however, the work here had increased to such an extent that I did approve the movement, and so wrote the Attorney General, as shown by the inclosure. Since then the business of the district has assumed such large proportions that an additional judge is absolutely necessary in order to dispatch it with anything like reasonable promptness. The pressure of this business has become so great that I have been compelled to seek aid from other districts. Judge Rudkin, of Washington, was helping me for several weeks during last November and December, and also during last month. He was called back to his own district, however, last Friday. Judge Bean, from Portland, Oreg., has been engaged in the trial of an important case here since a week ago Monday, and will probably be here two or three weeks longer on that case."

Judge Bean is still engaged on the case above mentioned, but, I understand, will conclude the hearing the latter part of next week.

The occasional assistance of a visiting judge, during the uncertain and limited periods for which the business of his own district will permit him to remain with us, is a mere palliative, and by no means meets the exigencies of the situation created by the fact that the volume of business in this district, which is steadily increasing, requires the constant services of two judges for its prompt dispatch.

The need for another judge in this district is urgent, and I feel that I can not too strongly recommend the passage of a suitable bill for that purpose.

Respectfully,

OLIN WELLBORN,
United States District Judge.

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LOS ANGELES, CAL., *May 1, 1913.*

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: Under date of April 24, 1913, I have already acknowledged receipt of your letter of April 17, 1913 (initials J. J. G. No. 5 S 11–2), requesting me to furnish certain information desired by the committee as to Senate bill No. 485, which provides for an additional United States district judge for this district.

I have now the honor to furnish the following information, which I trust will be of service to the department and to the committee.

The following table shows the cases, civil, criminal, and in bankruptcy, that have been instituted during each calendar year, beginning with the year 1895, the year of the appointment of the present district judge, the Hon. Olin Wellborn, to and including the year 1912. I have not separated the business of the circuit court from that of the district court, as Judge Wellborn from the time of his appointment down to the abolition of the circuit court attended to almost the entire business of that court as well as to the business of the district court:

Year.	Civil cases.	Criminal cases.	Total civil and criminal.	Bankruptcy cases.	Total of all cases.
1895	36	81	117	.....	117
1896	59	75	134	.....	134
1897	57	64	121	.....	121
1898	103	46	149	57	206
1899	76	45	121	138	259
1900	64	27	91	122	213
1901	46	36	82	111	193
1902	62	47	109	114	223
1903	73	42	115	116	231
1904	69	56	125	144	269
1905	131	55	186	181	367
1906	100	98	198	173	371
1907	111	53	164	151	315
1908	126	117	243	203	446
1909	112	73	185	233	418
1910	115	86	201	249	450
1911	145	131	276	268	544
1912	127	156	283	318	601

For the four months beginning January 1, 1913, and ending April 30, 1913, when this report closes, the new cases have been as follows:

Civil cases begun	66
Criminal cases begun	56
Total civil and criminal	122
Bankruptcy cases begun	103
Total of all cases for four months, 1913	225

While it has seemed to me unnecessary to ascertain and tabulate the number of cases that have been disposed of during all of the years just mentioned, it will be an aid to understanding the needs of this district if I state that in the year 1912 there were 241 civil and criminal cases disposed of, as against 283 begun, and that from January 1 to April 30, 1913, inclusive, there have been 70 civil and criminal cases disposed of, as against 122 begun during the same period.

In this connection it should be stated that during the period last above mentioned, viz, the year 1912 and the first four months of the year 1913, besides and contemporaneously with the court held by Judge Wellborn, the following judges from other districts have, by designation of the senior circuit judge for this circuit, held district court at Los Angeles, viz, from March 12 to March 26, 1912, Judge Van Fleet of the northern district of California; from November 11 to December 13, 1912, Judge Rudkin of the eastern district of Washington; from March 4 to March 28, 1913, Judge Rudkin; from March 20, 1913, until the close of this report Judge Bean of the district of Oregon, who will probably not finish the case he is engaged in trying here until the 8th or 9th of May.

I beg also to call your attention to the fact that in addition to the court held at Los Angeles the district judge for this district is required, by the act of May 29, 1900, and by the act of June 22, 1910, both now incorporated in section 72 of the Judicial Code of the United States, to hold in each year two terms of the court at Fresno and two terms at San Diego.

If further information from this office is desired, I shall, of course, be glad to furnish it.

Respectfully,

W. M. VANDYKE,
Clerk United States District Court,
Southern District of California.

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LOS ANGELES, *May 2, 1913.*

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: On the 28th ultimo I forwarded to you a letter concerning Senate bill 485, responsive to yours of the 17th ultimo (J. J. G. 5 S 11–2), in which you requested of me information concerning the necessity for a new and additional judge in this district.

On the 30th ultimo I wired you in relation to the same matter as follows:

"I wrote you Monday concerning necessity for an additional judge this district, responsive yours 17th instant. Please hold and do not use this letter. Am forwarding to-day another letter in its place."

The letter forwarded you on the 28th ultimo was dictated hurriedly during a noon recess of court and without an opportunity on my part to go over the same after it was typewritten and correct it.

After writing it and before forwarding you the telegram, I read a copy of it carefully and have discovered several inaccuracies therein which demand correction. I have carefully gone over the letter and have redrafted the same and inclose you herewith a corrected copy. If agreeable to you, I would request that you forward to me the original letter sent you on the 28th ultimo.

Respectfully,

A. I. MCCORMICK,
United States Attorney.

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LOS ANGELES, *April 28, 1913.*

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: I am in receipt of yours of the 17th instant (J. J. G. 5 S 11–2) concerning Senate bill 485, which bill provides for an additional United States district judge for this district, and requesting of me that I furnish the information desired by the committee as far as is within my power. Request is also made for a prompt reply.

I am still engaged in court on the argument on final hearing in the suit of United States of America *v.* May K. Rindge et al., involving the roads on the Malibu Rancho. All parties concerned in this suit have been working day and night for the purpose of expediting the hearing as much as possible. The Government closed its opening argument some 10 days ago, and the defendants have been occupying the time since, and will not close, according to announcement of their attorneys, for several days. The reply for the Government will require four or five days thereafter. This prevents me from giving to your request contained in your said letter the attention which I believe it deserves.

I had intended going over the entire records of this office for the past 8 or 10 years and preparing an abstract of all the business in which the United States was interested transacted in the courts of this district during that time, showing the great and constant increase thereof. However, Mr. Van Dyke, the clerk of the district court, who is thoroughly familiar with the matter, informs me that he also has received a letter from you substantially similar to the one received by me, and that he is at present engaged in looking up the matter with a view of forwarding to you a general statement showing the immense increase of business from the time of Judge Wellborn's appointment down to date. I have concluded, therefore, to leave that end of it to him and to call to your attention some specific facts and instances which, to my mind, prove conclusively that an additional judge in this district is not only an absolute necessity, but that from a purely financial or business standpoint the Government will be the gainer by the appointment of an additional judge.

In the first place, I think the attention of the committee should be called to the fact that the business transacted by the Federal courts in the southern district of California during late years has not only increased tremendously in volume, but that in no other district in the United States is there any more, if as many, varieties or kinds of Federal causes brought to the attention of the courts. To commence with, we have at our very doors the Pacific Ocean, with several harbors of prominence, and by reason thereof there arises therefrom the numerous questions relating to interstate and international commerce and immigration. In the next place this district is bounded on the south by the international boundary line between Mexico and the United States. This, as you undoubtedly know, gives rise to numerous and important questions involving international commerce, the customs and immigration laws, and also many violations of the neutrality laws existing between this country and Mexico, these last-mentioned cases, as you know, having occupied a considerable portion of the time of this office and the local courts for the past three years. In addition to the above, and by reason of the fact that Mexico adjoins this district on the south, the district court of this district has in the past been compelled to devote a great deal of its time and attention to extradition cases. Experience has shown that this is a convenient and safe asylum for fugitives from the justice of Mexico.

Again there are still a vast amount of public lands of the United States situated within this district and there are at the present time now pending in this district seven suits of the utmost importance, involving portions of these public lands, with values running up into the hundreds of millions of dollars. I refer in this connection to the three suits now pending against the Southern Pacific Railroad Co., involving the title to valuable oil lands in this district, and the three suits known as the withdrawal suits, having for their object the sustaining of the validity of the presidential order of withdrawal of September 27, 1909, and the recovery by the Government of many acres of valuable oil lands affected by said withdrawal order.

There are a vast number of Indian reservations within the southern district of California, and the business of the Government in connection with these Indian reservations and their inhabitants has in the past entailed, and will in the future continue to entail, a great amount of work upon the United States court in this district.

Again, the vast increase of the post-office business, resulting from the increase in population and the use of the mails in connection with new ventures, has been productive of a large amount of work in the Federal courts, especially in connection with the prosecution of criminals for a violation of the postal laws.

All this, together with the ordinary run of business in the Federal courts, it seems to me, will convince anyone of the necessity for more than one Federal judge in a district of the size and magnitude of this one.

You are, of course, aware of the fact that the district court of this district meets at three places. It meets twice each year in Fresno to attend to the business of the northern division; it also meets twice each year in San Diego, and this in addition to the two terms of court here at Los Angeles.

At various times in the past the fact that an important cause has been on trial when the appointed time comes for the court to go from Los Angeles to Fresno has resulted in inconvenience, necessitating either an adjournment and recess of the cause on trial at Los Angeles or the postponement of the opening of the session at Fresno.

In addition to the above, I desire to call your attention to two or three specific instances that have come under my personal observation during the past two years, wherein, by reason of the court being compelled to continue one or more criminal cases for the term on account of the crowded condition of the calendar and the impossibility of trying such criminal cases, the amounts paid by the Government in witness fees and mileage alone would almost of themselves pay the salary of a judge for a year.

It may be appropriate here to state that by the rules of the district court in force for the last seven or eight years the term trial calendar is called only twice each year, to wit, at the beginning of the January term on the second Monday in January and at the beginning of the July term on the second Monday in July. All attorneys interested in

any cause at issue, including the United States attorney, are notified to be present at the call of the calendar, and every case at issue is then set down for trial during some day in the term, preference being given to criminal cases. The result has been that for the last three or four years it has become necessary to set several cases for the same day, it being impossible to find a sufficient number of days to allow each case the time required for trial. In the event that each of the three cases set for a certain date is, on that date, ready for trial, the first one in order will go to trial, and in the vast majority of cases will require more time for trial than has been allotted even for the total of the three cases. The result is that two of them must be continued at least until the first one is finished, and then these two will either have to be continued for the term or else the next case in order must necessarily go over and perhaps off the calendar.

The important case of United States *v.* Ricardo Flores Magon et al., in which the above-named defendant and several of his companions were charged with conspiracy to violate the neutrality laws by organizing a military expedition and enlisting soldiers in this district in the revolution against Mexico, was at the call of the trial calendar in January, 1912, set for trial on April 18, 1912. The criminal case of United States *v.* Tennant, an important post-office case, in which a former employee was charged with stealing from the mails, had also been set for trial for April 18, 1912. On the last-mentioned date counsel for defendants in the Magon case moved for a continuance, and upon the showing made the Magon case was continued to April 25, 1912. The Tennant case went to trial, and was not finished on April 25. Owing to the importance attached to the neutrality case against Magon et al., both by the department and Mexico, and the fact that the Government witnesses were large in number, and being of nomadic habits were extremely difficult to find and bring together, every effort was used by this office to procure a date for the trial during that term. The court set the trial for June 4 upon the understanding that the case would be shortened as much as possible and that other cases should be disposed of so as to carry no trial over the term. As heretofore stated, a large number of the witnesses in the Magon case whose testimony was absolutely necessary to the Government were impecunious, of nomadic habits, and had been located only with great difficulty. It was therefore necessary to keep them in attendance where they could be constantly watched and accounted for, or the Government would be seriously embarrassed in the presentation of its case. The expense of keeping these witnesses in attendance up to June 4 was approximately $1,400. The case proceeded on June 4 to trial, and the amount paid to witnesses for attendance during the two weeks of the trial was only approximately $450.

At the call of said January trial calendar in January, 1912, the case of United States *v.* E. C. Redman, in which the defendant was charged with using the mails in a scheme to defraud, was set for trial May 23, 1912. This case was likewise an important one, and a number of witnesses had been subpœnaed, some of them from distant States. Some two or three days previous to the 23d day of May, 1912, it became apparent that the Redman case could not be tried for the reason that the civil suits entitled United States Consolidaed Seeded Raisin Co. *v.* Dinuba Farmers' Union Packing Co. and 10 other defendants, the whole constituting 10 important civil patent suits which had been waiting many years for final disposition, were on trial on final hearing and then occupied the attention of the court. It was plainly evident that the trial of these Seeded Raisin cases would be likely to continue for some time. With the Magon trial set for June 4 and the Redman trial set for May 23 the court requested the Government to elect whether to continue the Magon trial and allow the Redman case to wait from day to day, to follow the Seeded Raisin cases, or to continue the Redman case for term and try the Magon case on June 4. On account of the difficulties connected with the Magon case, with relation to the securing of witnesses and the international character of the case, the Government concluded to allow the court to continue the Redman case for the term. This was done, and the same was set for trial on September 17, 1912. The expense of bringing witnesses together for the Redman case in May cost the Government approximately $2,260, which, of course, was absolutely lost, because these witnesses were necessarily resubpœnaed for the trial in September following.

On September 17 the Redman case was tried and occupied the attention of the court for seven weeks, during which the expenses of the witnesses were approximately $6,000. This shows that the cost to the Government occasioned by reason of the necessary continuance in May was almost half as much as the entire expense of the seven weeks' trial.

At the call of the July calendar in 1912 the case of United States *v.* Antonio Feliz et al., in which the defendants were charged with a conspiracy to violate the Chinese-exclusion law, had been set for trial October 8, 1912. On this last-mentioned date the Redman case was still on trial, it occupying the attention of the court for a considerably longer period than was at first anticipated. The Feliz case was continued several times, finally going over to November 26, 1912. The expense of witnesses called and discharged on account of the continuance of the Feliz case was approximately $600.

The condition of the trial calendar and business of the court would undoubtedly have been still more complicated had not Judge Van Fleet, of San Francisco, assisted Judge Wellborn in working off the crowded calendar by trying the case of the United States *v.* Woo Wai et al., another Chinese conspiracy case, which occupied three weeks for trial during March, 1912, during all of which time Judge Wellborn was himself occupied daily in holding court and disposing of other business.

In addition to the above, Judge Rudkin, of the eastern district of Washington, at the request of Judge Wellborn and by assignment from the senior circuit judge of this circuit, was present in Los Angeles and held court for about a month in November and December, 1912, disposing of numerous cases, while Judge Wellborn continued to hold his court at the same time.

In March, 1913, Judge Rudkin again held court at Los Angeles, during which time he tried the important Indian murder case entitled "United States *v.* Ambrosio Apapas and nine other defendants," and disposed of several other cases and numerous law and motion matters.

As late as the 24th instant, on account of the engagement of the court in the trial of a personal-injury case with a jury and the approaching trial of another criminal case to begin Tuesday, the 29th instant, the Government was obliged to continue the case of the United States *v.* Sam Yick et al., charged with conspiracy to smuggle Chinese into the United States, as it would be impossible to complete the trial thereof before the court, in accordance with law, goes to Fresno for its regular spring term in the northern division.

In addition to the above, District Judge Bean, of the district of Oregon, has been present in Los Angeles holding court constantly for the past five weeks, hearing the final arguments in the suit in equity entitled "United States of America *v.* May K. Rindge et al.," during all of which time Judge Wellborn has been constantly occupied with trials in his court.

Looking at the question from another viewpoint, it may be appropriate to call your attention to the fact that the grand jury is constantly in session, being appointed at or near the beginning of each term and serving until the close of the term. The result of this is that indictments are being constantly returned into court in the midst of a term and after the trial calendar for the entire term has been called and the cases set. In the past it has many times happened that an indictment has been returned by a grand jury during the term of court and the defendant has pleaded not guilty, and both the defendant and the Government have been ready and anxious to try the cause, but owing to the fact that the entire time of the court has been taken up with cases already set for trial, it has become necessary to continue such criminal causes for the entire term, to the disadvantage of both the defendant and the Government, and in some cases this has resulted in extreme hardship to the defendant by reason of his inability to give the necessary bail, thereby compelling him to remain in custody sometimes for a considerable length of time.

It is needless for me to add after what I have heretofore stated that I am not only heartily in favor of the proposition to give to this district an additional judge, but to repeat again I think it is an absolute necessity, and that the gain of the United States, even if estimated in money alone, will more than compensate it for the additional expense consequent upon the appointment of such additional judge.

Respectfully,

A. I. MCCORMICK,
United States Attorney.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 2255) granting a pension to John T. Peet (with accompanying paper); to the Committee on Pensions.

A bill (S. 2256) to correct the military record of James M. Campbell (with accompanying paper); to the Committee on Military Affairs.

By Mr. GORE:

A bill (S. 2257) authorizing the Secretary of the Interior to sell certain Indian allotments, and for other purposes; to the Committee on Indian Affairs.

By Mr. FLETCHER:

A bill (S. 2258) to extend the proposed reorganization of the customs service for a period of two years.

Mr. FLETCHER. I desire to say, in reference to the bill regarding the customs service, that it is identical with the amendment which was passed by the Senate to House bill 28858. It appeared as amendment numbered 10 on page 9 of the bill as passed by the Senate. The language is identical. I understand that the Senate conferees, and at least one of the conferees of the House, favored the amendment, but it finally went out in conference. This is a bill containing the same provision, postponing for two years the operation of the order reorganizing the customs service.

By Mr. FLETCHER:

A bill (S. 2259) granting a pension to Amelia H. Sawyer (with accompanying paper); to the Committee on Pensions.

A bill (S. 2260) for releasing and quitclaiming of all claims of the United States to arpent lot No. 28 in the old city of Pensacola, Fla.; to the Committee on Public Lands.

By Mr. SAULSBURY:

A bill (S. 2261) for the relief of George T. Hamilton; to the Committee on Claims.

By Mr. FALL:

A bill (S. 2262) to amend chapter 35 of the Statutes of the United States of America, passed at the third session of the Sixty-first Congress, approved February 3, 1911; to the Committee on the Judiciary.

By Mr. BACON:

A bill (S. 2263) for the relief of the heirs of William Pope, deceased; to the Committee on Claims.

By Mr. JOHNSTON of Alabama:

A bill (S. 2264) for the relief of William L. Buck and others; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 2265) for the relief of Thomas Drury and others (with accompanying paper); to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 2266) authorizing the Secretary of War to deliver to the city of El Paso, Ill., two condemned bronze or brass cannon, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

A bill (S. 2267) granting an increase of pension to Otto Kuehn; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 2268) granting an increase of pension to Isaac Gour; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 2269) to fix the standard barrel for fruits, vegetables, and other dry commodities; to the Committee on Standards, Weights, and Measures.

By Mr. McLEAN:

A bill (S. 2270) granting an increase of pension to Francis C. Sturtevant (with accompanying paper); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 2271) granting a pension to Margaret Gately; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913; to the Committee on Naval Affairs.

WHEN CONGRESS SHOULD CONVENE.

Mr. SHAFROTH. Mr. President, in the beginning of the present session of Congress I introduced a joint resolution providing when Congress shall convene and when the terms of President and Vice President shall commence. I have written an article on the subject, which has been published in Leslie's Illustrated Weekly of May 22, 1913. Inasmuch as to insert the article in the RECORD would save a speech, I ask unanimous consent that it be published in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made.

The article referred to is as follows:

[From Leslie's Illustrated Weekly of May 22, 1913.]

WHEN CONGRESS SHOULD CONVENE.

(By Hon. JOHN F. SHAFROTH, United States Senator from Colorado.)

At the opening of Congress I introduced in the Senate a joint resolution providing for the adoption of a constitutional amendment, as follows:

"ARTICLE XVIII.

"SECTION 1. The terms of the President and Vice President of the United States shall commence on the second Monday in January following the election of presidential and vice presidential electors, and such electors shall assemble at the capitals of their respective States and cast their votes for President and Vice President on the first Monday in December following their election.

"SEC. 2. The terms of Senators and Representatives shall commence on the first Monday in January following their election.

"SEC. 3. There shall be held two regular sessions of Congress, convening on the first Monday of January each year."

Under the present system Congress is elected on the first Tuesday in November of the even years and does not convene in regular session until the first Monday of December of the year following. What a travesty upon representative government is the meeting of Congress 13 months after its election! What a delusion is the statement that Representatives come fresh from the people! What an opportunity is afforded to forget the pledges made at the election! It is true an extraordinary session may be called early, but such sessions are limited generally to one subject and are not usually favored by the people. It is essential to good government that the expressed will of the people be crystallized into law at the earliest practical moment.

The terms of office of Senators and Representatives expire on the 3d day of March, and now the second regular session is held during the three months immediately preceding. This second regular session is held after the election of the new Congress and after many of its Members have been repudiated by the people. To permit such Senators and Representatives, after they have failed of election, to still represent their constituents is contrary to every principle of our Government.

Often there is a complete political change of administration, but under the present system we have the representatives of the old political party for three months after defeat passing laws directly in conflict with the last expressed will of the people. Not even the legislative bodies of monarchies are permitted to so misrepresent their constituents. An examination of the Statutes at Large will disclose that outside of the general appropriation and private pension bills three-fourths of the legislation of a Congress is enacted during the second regular session.

The record of each Senator and Representative should be completed before he comes before his constituents for indorsement. After he has been turned down by the people he is not in a fit frame of mind to legislate in their behalf. If he is open to the temptation of a bribe, then is the time it is offered and received. Even those who are not subject to temptation often lose interest in legislation after failure of election. It is well known that defeated Members, during the closing session, often absent themselves for weeks and sometimes months.

A session should not be held which is brought to a close by constitutional limitation. Measures in behalf of the people are often defeated thereby. By postponing many measures to the expiring days of the limited session such a congestion of bills is effected as often precludes the consideration of measures most intimately connected with the welfare of the people.

The meeting of Congress 13 months after the election produces a most inequitable result in contested-election cases. The term of a Representative is nearly half served before the committee can enter upon the consideration of his case, and it is not brought to a vote in the House until 15 to 24 months after the commencement of the term. The Government, in the meantime, pays the salary to the one who serves and also to the contestant, should he be seated. During all that time the congressional district, at least politically, is misrepresented.

The time for the convening of Congress on the first Monday in December is very inopportune. An adjournment of two weeks for the Christmas holidays is always taken and many Members go to their homes, returning late. No real work is done until January.

Heretofore it has been deemed inexpedient to pass this constitutional amendment because Senators were not elected by the legislatures until the middle of January, and sometimes not until February or March. Then the warm season would be too near to permit the holding of a long session of Congress for the consideration of general legislation, but since Senators hereafter are to be elected by the people at the general November election it becomes very opportune for Congress to convene in January.

This is one of the most important reforms needed in our Government, because it relates to the procedure by which all reforms can be enacted.

Equally strong reasons exist for the change in the terms of the President and Vice President. They should enter upon the performance of their duties as soon as the new Congress can count the electoral votes, just as the newly elected governors of our States are inducted into office as soon as the new legislatures of the States canvass the votes and declare them elected. As it is now it is the old Congress which counts the electoral votes.

After a very close election which changes the political complexion of an administration it is dangerous to permit the defeated party to retain control of the machinery by which such important officers are declared elected. Under our Constitution, upon the failure of any candidate to receive a majority of the electoral votes, it devolves upon the House of Representatives to elect, the representation from each State having one vote. This at present is done not by the new Congress but by the old one. Thereby it is possible for a political party repudiated by the people to elect a President. This is a clear violation of the principle of representative government.

The Constitution further provides: "If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of death or other constitutional disability of the President." What a temptation for delay and for the defeat of the true choice of the people!

The fact that the weather of January would be inclement for an inaugural parade is too insignificant a reason to prevent the adoption of a constitutional amendment which promises so much for good government. Why should we have in a Republic the great pomp and ceremony which usually attend the coronation of monarchs? If we must have them, why can not they be in the nature of celebrations at some seasonable time?

True representative government requires that Congress should convene soon after the election thereof, and the executive officers should commence their administration without hindrance or delay.

PRODUCTION OF SUGAR IN HAWAII.

Mr. RANSDELL. Mr. President, I ask unanimous consent to have published in the RECORD a brief letter by Mr. Sidney Ballou, the representative of the Hawaiian sugar interests, written for the purpose of correcting what he says are some inaccuracies in regard to the cost of making sugar in Hawaii which were published in the RECORD in the speech of Mr. HARDWICK, of Georgia.

Mr. SIMMONS. I desire to inquire of the Senator from Louisiana what it is that he asks to have printed?

Mr. RANSDELL. It is a very brief statement in the form of a letter from Mr. Sidney Ballou, representing the Hawaiian sugar interests, giving what he says is the real cost of producing sugar in Hawaii, and showing that it takes two years to grow a crop of sugar in those islands. The statement is very brief.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 14, 1913.*

Hon. JOSEPH E. RANSDELL,
Senate Chamber, Washington, D. C.

DEAR SIR: As illustrating the necessity of public hearings on the sugar schedule, permit me to call your attention to some misstatements concerning Hawaii made by Congressman HARDWICK, of Georgia. In his speech just published in the current CONGRESSIONAL RECORD (May 13, 1913, p. 1642) he says, in speaking of the cost of producing a pound of raw sugar:

"In the Philippines it is 1.75 cents per pound, and in Porto Rico, Cuba, and Hawaii about 2 cents per pound. There is no dispute whatever about these facts, as will be seen on examination of the evidence submitted to the special committee on sugar and from the report of that committee (p. 23) and from the recent hearings before the Ways and Means Committee of the House of Representatives. (Hearings, Schedule E, p. 2268.)"

So far as this statement concerns Hawaii, it is entirely incorrect. The page of the Hardwick committee report from which Mr. HARDWICK quotes contains no reference whatever to the cost of producing sugar in Hawaii. The citation from the recent hearings before the Ways and Means Committee proves, upon examination, to be merely a generalization of Mr. Frank C. Lowry, who knows nothing of conditions in Hawaii and whose statements or figures in the interest of free sugar are notoriously inaccurate

The cost of producing sugar in Hawaii is given on page 2400 of the same hearings as follows: For 1908, 2.58 cents a pound; for 1909, 2.64 cents a pound; for 1910, 2.82 cents a pound; for 1911, 2.91 cents a pound. For 1912, under an increased scale of wages adopted that year, the cost will reach 3 cents a pound.

Later in Mr. HARDWICK'S speech, he says:

"In the first place, the cost of production is not materially different in Cuba and Hawaii. According to the testimony of the representatives of the sugar interest of Hawaii, in the past Hawaii has been able to produce raw sugar at around 2 cents per pound, which is about the Cuban figure, and there is no doubt that they can do so again."

As the authorized representative of the sugar interests of Hawaii, I would say that I am not aware of any testimony supporting the statement here made. It is true that Mr. A. C. Spreckels, whose sole interest for many years has been that of a refiner, sometimes purports to speak of Hawaii, based upon his experience prior to annexation to the United States, but even Mr. Spreckels gives his cost at that time and under conditions long since passed at about 2¾ cents a pound (Hardwick committee hearings, p. 2259). I need hardly add that in the sugar business, where every tenth of a cent means over $7,000,000, there is a material difference between 2 cents and 2¾ cents.

Mr. HARDWICK'S speech contains a further illustration of the necessity for hearings when he says:

"According to the Crop Reporter of the United States, February, 1913, the average yield of cane per acre in Hawaii for the year 1910–11 was 41.3 tons; in 1911–12, 42.3 tons. The average yield of cane per acre in Cuba is 25 to 30 tons. The average sugar contents of a ton of cane in Hawaii is 13.16 per cent; in Cuba, 11 per cent. The average extraction per ton of cane in Hawaii is 238 pounds for 1910–11 and 248 pounds for 1911–12, against an average in Cuba of 230 pounds. So

that it appears that an acre produces more cane in Hawaii than it does in Cuba, and that a ton of Hawaiian sugar cane contains more sugar than a ton of Cuban sugar cane, and that the yield of the mills in Hawaii is more than the yield of the mills in Cuba."

These figures might very well lead an investigator to the conclusion stated. If we are afforded public hearings, however, we can offer the explanatory fact that it takes sugar cane 18 months to mature in Hawaii as against 12 months in Cuba, and that every acre in Hawaii is devoted for two years to providing the yield of cane and sugar which is here compared with the yield from Cuba in one year.

These are merely examples of questions, all of which should be cleared up by any legislative body which proposes to take intelligent action on the subject.

Any publicity that you can give to these denials of Mr. HARDWICK'S statements will be appreciated.

Very truly, yours,

SIDNEY BALLOU,
Representing Hawaiian Sugar Planters' Association.

BILLS OF LADING (S. DOC. NO. 41).

Mr. POMERENE. Mr. President, some time ago I introduced a bill relating to the subject of bills of lading as applied to interstate and foreign commerce. I have before me an article printed in the Traffic World of May 10, 1913, and written by Mr. Francis B. James, a prominent member of the Washington and Cincinnati Bar Associations, on the subject of the bill. The article is important in that it carefully analyzes the bill and presents the necessity for legislation of this character and is of great interest to those who are favoring such legislation. I ask that the article be printed as a public document.

Mr. GALLINGER. Mr. President, will the Senator from Ohio, in a word, again state what the article is?

Mr. POMERENE. It is an article by Mr. Francis B. James analyzing the bill which was introduced by myself on the subject of bills of lading.

Mr. GALLINGER. I have no objection, Mr. President, but I desire, in a word, to say that I notice by the RECORD that the Senator from Ohio a few days ago had a remarkable utterance of the Secretary of Commerce printed as a public document for circulation throughout the country—the Secretary who, as some of us have believed, was going to call to account all manufacturers who chose to run their mills according to their own notions. I was gratified to observe this morning that the Secretary had modified that statement and had said that he did not mean what he was understood to say. It is a matter of gratification, also, to me to know that he is not going to adopt those harsh and unusual methods that the country was given to understand he was going to use in the event of manufacturers reducing the wages of their employees or running their plants according to their own notions.

Mr. POMERENE. Mr. President, I fear the distinguished Senator from New Hampshire received his information rather from the newspaper reports of what that speech contained than from the speech itself. It was in part for the purpose of correcting that misapprehension that I asked to have the speech itself printed as a public document.

Mr. GALLINGER. I was not present when the Senator made the request, but had I been I would not have objected to it. I simply, however, want to put into the RECORD the fact that the Secretary has reconsidered the matter somewhat and has said to the country that he was misunderstood, and that he did not mean and does not mean to try to do what the country was given to understand he was going to do.

Mr. POMERENE. Mr. President, I do not think that the speech that was made by the Secretary justified any such construction. I asked to have the speech printed simply to correct a misapprehension of what it contained, or rather a misconstruction of what it contained. It was simply a statement to the effect that if corporations saw fit to lower the wages of their employees, and it was charged to be due to the passage of the tariff bill, that department might find it incumbent upon it in the proper discharge of its duties to make some investigations in order that the truth might be ascertained. It was not made in the way of a threat.

Mr. GALLINGER. Mr. President, just one word more. A similar statement was made in the way of a threat in another place, in distinct and unequivocal language, and then it was followed by this utterance on the part of the distinguished Secretary. I think the country fully understood that an attempt, which would have been futile and absurd, was to be made unless those distinguished gentlemen changed their minds. I simply repeat that it is a matter of gratification to me to know that the statement has been sufficiently modified so that the manufacturers of the country may go along transacting their business without the fear of being haled into court or being investigated by some department of the Government.

Mr. POMERENE. Mr. President, again I must insist that the statement as originally made has not been modified. It is now correctly understood in certain quarters where before it was misunderstood; and sometimes perhaps—though I do not mean in this Chamber—it has been purposely misrepresented. I am quite sure that the distinguished Senator from New Hampshire [Mr. GALLINGER] joins with the rest of the Members of this body in simply wanting to know what the truth is.

The VICE PRESIDENT. There being no objection, the article submitted by the Senator from Ohio [Mr. POMERENE] will be printed as a public document.

ABROGATION OF TREATIES (S. DOC. NO. 40).

Mr. CHAMBERLAIN. Mr. President, on the 21st of April last I had inserted in the RECORD the Hay-Pauncefote and the Clayton-Bulwer treaties. In connection with that publication there was an article, House Document No. 1313, prepared by Mr. Frank Feuille, the law officer of the Isthmian Canal Commission. I have since received a letter from him stating that there were two errors made in the House document itself which he has asked me to have corrected. I therefore ask to have the House document printed as a Senate document with the corrections which he desires to have made.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made.

HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS.

Mr. STONE. I ask unanimous consent for the present consideration of Senate resolution No. 80. It is important that it should be acted on this morning.

Mr. CLARK of Wyoming. To what does the resolution relate?

Mr. STONE. It relates to hearings before the Committee on Indian Affairs. The resolution has been favorably reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent for the immediate consideration of Senate resolution 80. Is there objection?

There being no objection, the resolution submitted by Mr. STONE on the 9th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. BACON. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. SWANSON. I hope the Senator will withhold that motion for a moment.

Mr. BACON. Certainly.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Georgia moves that the Senate proceed to the consideration of executive business.

Mr. BACON. I withhold that motion for a moment, Mr. President, at the request of the Senator from Virginia.

Mr. SWANSON. I ask unanimous consent that the Senate take up Senate bill 1620, reported from the Committee on Foreign Affairs. It is important that that bill should be disposed of one way or the other.

Mr. PENROSE. What is the bill, Mr. President?

The VICE PRESIDENT. The Secretary will read the title of the bill for the information of the Senate.

The SECRETARY. Order of business No. 27, Senate bill 1620——

Mr. PENROSE. I shall object to any bills coming up until my two resolutions can be considered by the Senate. They properly should come up at the close of morning business, and I consider them just as important as any measure pending before this body.

Mr. SWANSON. Is the Senator's resolution on the calendar?

Mr. PENROSE. My resolution was offered yesterday, and went over on objection. It simply calls for information. If the majority of this body are going to put themselves in the position of refusing information, I shall at least object to other bills coming up until I can get a vote on my resolution.

Mr. BACON. I should like to inquire of the Senator whether his resolution will lead to any debate?

Mr. PENROSE. I do not know anything about that. I should not expect that anyone would oppose the resolution for a moment.

Mr. BACON. I will state to the Senator that if the resolution will not lead to any debate, I have no desire in the world to oppose the motion. It can be acted upon as far as I am concerned.

Mr. PENROSE. Let the resolution be read. It comes up, under the rules, immediately upon the conclusion of morning business.

Mr. SIMMONS. I will state to the Senator from Georgia that one of the resolutions will lead to some debate.

Mr. LODGE. I ask the Chair whether the resolution does not come over?

Mr. PENROSE. It comes up under the rule automatically.

The VICE PRESIDENT. It comes down at the close of morning business.

Mr. GALLINGER. Let it be read.

Mr. PENROSE. I ask that the resolution be read.

Mr. SIMMONS. Mr. President, the Senator from Georgia [Mr. BACON] asked whether these resolutions would lead to any debate. I stated that one of the resolutions probably would lead to debate.

Mr. GALLINGER. Mr. President, it seems to me it is not a question of debate. The resolutions come before the Senate automatically under the rules, and the Senate can do with them what the Senate pleases.

Mr. BACON. Undoubtedly.

INVESTIGATION BY FINANCE COMMITTEE.

Mr. PENROSE. Mr. President, I ask that Senate resolution 87 be read for the information of the Senate, and then we will see whether it leads to any debate.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the resolution (S. Res. 87) submitted yesterday by Mr. PENROSE, as follows:

Resolved, That the chairman of the Finance Committee be requested to report to the Senate a full list of all manufacturers, corporations, importers, and other persons who have appeared before the majority members of the Finance Committee or any subcommittee thereof for hearing or conference relative to House bill No. 3321.

Mr. SIMMONS. Mr. President, is that resolution before the Senate?

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. SIMMONS. Mr. President, I supposed the Senator from Pennsylvania probably would want his resolution No. 88 considered first.

Mr. PENROSE. I desire Senate resolution 87 considered now by the Senate and voted upon, unless the chairman of the Finance Committee will agree to it and accept it.

Mr. SIMMONS. Mr. President, I shall move that the resolution be referred to the Finance Committee. The resolution is a very unusual one. It is a request that the chairman of the Finance Committee report to the Senate "a full list of all manufacturers, corporations, importers, and other persons who have appeared before the majority members of the Finance Committee or any subcommittee thereof for hearing or conference relative to House bill No. 3321."

I do not recall, since I have been a Member of the Senate, that an effort has ever before been made to require the Finance Committee to furnish to the Senate a list of everybody who has filed briefs with the Finance Committee or who has talked with any member of the Finance Committee or who has been before any subcommittee of the Finance Committee for the purpose of making any representations whatever.

Mr. PENROSE. That is not my resolution at all, Mr. President.

Mr. SIMMONS. That is resolution No. 87.

Mr. PENROSE. If the Senator will read the resolution again, he will see that it does not refer to persons who have talked with every Senator individually.

Mr. SIMMONS. It says, "and other persons who have appeared before the majority members of the Finance Committee."

Mr. PENROSE. "Or any subcommittee thereof."

Mr. SIMMONS. "Or any subcommittee thereof."

Mr. PENROSE. That is very different from anyone who has talked with an individual Senator where there was no dictagraph.

Mr. SIMMONS. Mr. President, I do not know of any rule in the Senate that has obtained heretofore, or that obtains now, that whenever a gentleman interested in the tariff schedules, pending the making of a tariff bill, has had a conference with a member of the majority of that committee——

Mr. PENROSE. Or a subcommittee.

Mr. SIMMONS. Or a subcommittee—that that conference or conversation should be taken down, and that the majority members of the committee should be required to come into the Senate and file a list of the people who have talked with them with reference to tariff schedules. It is well known, in connection with every bill that has ever been framed, that people who are interested in these bills do seek out members of the committee—members of the majority and members of the minority of that committee—and have conferences with them. I could not tell the Senate, for the life of me, how many of these gentlemen have been to my rooms and have asked conferences with me. I have no list of their names.

Mr. LODGE. Mr. President——

Mr. SIMMONS. I have no list of the number who have come. I took no memorandum of what they said to me. They simply came asking for a personal conference.

Mr. LODGE and Mr. CLARK of Wyoming addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. Certainly.

Mr. LODGE. I fear I must have misunderstood the resolution. I do not understand that the resolution requires the names of those who have seen an individual Senator, but only those who appeared before the majority members of the committee or before the subcommittees thereof. If the Senator will permit me, what possible objection can there be to giving the names?

Mr. SIMMONS. None in the world. There is no objection to giving the name of anybody that appeared and talked with me, if I had his name, and if it was information that the Senate desired. But this resolution, Mr. President, is intended by the minority members of this body to be a reflection upon the majority members of the Finance Committee. It is a resolution of a character that never has been presented before.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina further yield to the Senator from Massachusetts?

Mr. SIMMONS. I do.

Mr. LODGE. It seems to me the Senator is unduly sensitive. There is no implication in the resolution that the subcommittees or the majority members of the committee are seeing persons whom they ought not to see. We do not suggest that there is any impropriety in seeing these persons. The Senator is defending it as if he had some names he wanted to conceal—as if he had seen somebody that ought not to be known.

Mr. SIMMONS. The Senator misunderstood me. If the resolution was confined to briefs, or to the names of persons who have appeared before the subcommittees of the Finance Committee, if there is a record of those names in the possession of the committee, I should have no objection to it. But when this resolution calls for a list of the persons who have appeared before the majority members of the Finance Committee, I understand it to mean the persons who have appeared before any of the majority members, and not before the majority members in session. That is the part of the resolution to which I object.

It is well understood, Mr. President, that we have not had hearings of any kind before a full meeting of the majority members of the committee. It is well understood that some weeks ago the committee was divided into subcommittees, and certain schedules were referred to those subcommittees, and that there have been no hearings or conferences of any kind between persons interested in the tariff and the majority members of the committee in session as such. The resolution can not have reference to anything except conferences between individual members of the majority of the committee and persons interested in the tariff. I do not think I can be mistaken about that construction of the resolution.

Mr. LODGE. Of course, if the majority members as such have held no hearings or conferences, the resolution does not apply. We can not get information about what has never happened.

Mr. SIMMONS. The Senator did not understand me to say that we had not had any conferences among ourselves?

Mr. LODGE. Oh, no; I do not mean that.

Mr. SIMMONS. I said we had had no conferences with persons interested in the schedules.

Mr. LODGE. I mean conferences with persons who desired to be heard. The Senator says what I understood to be the case—that these hearings or conferences, whatever you choose to call them, were conducted by subcommittees of the majority members.

Mr. SIMMONS. That is true.

Mr. LODGE. In fact, the Senator from Georgia [Mr. SMITH] told us that his subcommittee had been holding hearings, and that they were open—open to the newspaper press. I have been so unfortunate that I have not seen any of the press reports of those hearings, but I understand from the Senator from Georgia that they are open and public. If the hearings before that subcommittee and others are open, which is admitted, why should we not have the names of those who appear?

Why should we not have the names of those who file briefs? Some of us may want to examine those briefs.

Mr. SIMMONS. The Senator has not understood me as objecting to that.

Mr. LODGE. Very well. That is all there is in the resolution, as I understand.

Mr. SIMMONS. I think the Senator is mistaken about that being all there is in the resolution.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. Certainly.

Mr. LIPPITT. In connection with this matter I desire to ask the Senator before he takes his seat, if he will permit me, if he will not inform the Senate as to what has been done in connection with his promise that he would consider the question of having printed the briefs that have been submitted to the subcommittees?

A week ago, in response to a question in regard to that matter, the Senator said that he proposed to take up that question with his committee the following day. I should like to say to the Senator that it seems to me of great importance that that matter should be not only taken up but carried into execution. I know that I am being asked by people who are interested for copies of the testimony that is being given before these subcommittees, and particularly for copies of any papers or briefs that are filed in connection with the testimony. Many people can not appear there intelligently without knowing what testimony has been given there already. I hope the Senator has already arranged to have those papers printed or, if not, that he will tell us when he is going to do so.

Mr. SIMMONS. I will say to the Senator from Rhode Island that probably he was not in the Chamber on yesterday, when I had a little colloquy with the Senator from Pennsylvania [Mr. PENROSE] about this very matter. I think probably it was last Friday that the Senator asked me the question that he has referred to.

Mr. LIPPITT. It was on the 14th of May.

Mr. SIMMONS. It was about last Friday I had proposed to have a meeting of the full committee. I think it was Saturday—I am not sure about that—when the Senator from Pennsylvania [Mr. PENROSE] advised me that he would not be in the city at that time. I then upon yesterday proposed to have a meeting of the committee to-day, but I was asked by the Senator from Pennsylvania and the Senator from New Hampshire to postpone that meeting until to-morrow. I have called a meeting of the full committee for to-morrow, when that question will be presented to the committee.

Mr. LIPPITT. I understood the Senator last Wednesday, when this matter was called to his attention, to say at that time that he was personally in favor of this policy, and I think he suggested that it be carried out. I hope he is still in favor of it, and that he will see that it is done promptly, so that the public generally or the people particularly interested may consider the matters that are being brought before the committee.

Mr. SIMMONS. What is the Senator referring to now, the briefs or the questions?

Mr. LIPPITT. I am referring to the briefs. I am referring to the testimony that is being given before the subcommittee from day to day, which involves a great many proposed changes. I understand there are a great many statements being seriously considered by the different subcommittees. I think they have already gone far enough with the study of the bill to have developed from their own standpoint that there should be many changes made. It is of great importance that the people interested should know what sort of information it is that is bringing the subcommittees into this state of mind. No man can properly come before one of the subcommittees on any question without knowing what other witnesses have said in regard to the subject, and without knowing the effect that that testimony has had upon the minds of the subcommittee. The gentlemen who are interested and all the general public have a right to be informed about it. I think there is nothing more important for the fair discusssion of this whole question than that this information should be made public, and if it is going to be made public it should be made public promptly.

Mr. SIMMONS. I desire to say to the Senator that action with reference to printing these briefs has not been delayed on my account.

Mr. LIPPITT. I will say to the Senator that it certainly has not been hurried.

Mr. SIMMONS. I have tried twice to get a meeting, and both times I have postponed it at the request of the minority members of the committee.

Now, with reference to these briefs, Mr. President, nearly all the briefs that are now on file with the Finance Committee are copies of briefs that were filed before the Ways and Means Committee. A large part of them were the same witnesses or concerns or corporations who filed briefs before the Ways and Means Committee, and were given full and ample opportunity to be heard before that committee. Their testimony has been published and their briefs have been published. There have been some additional briefs filed with the Finance Committee, and I am perfectly willing myself to have them printed. I think they ought to be printed, and at to-morrow's meeting of the committee I hope an order may be made directing that they be printed.

There is absolutely no disposition on the part of the majority members of the committee to conceal these briefs. I suppose that nearly every industry that has filed with the majority members of the committee a brief has also filed with minority members of the committee a copy of that brief, and the briefs are in their possession. I doubt whether a single brief has been filed by anybody that is not either in the hearings before the Ways and Means Committee or is not in the possession of some one or more members of the minority of the Finance Committee. But that is no reason why they should not be published, and I shall myself ask that they be published.

Mr. LIPPITT. If I may just at this point interrupt the Senator——

Mr. SIMMONS. I only state that as a reason why I do not think gentlemen on the other side are suffering from a want of knowledge on this proposition. I imagine that you are generally in possession of it as well as we are. Many of the gentlemen who have come to me with briefs have said that they had copies of the brief and they were going to distribute them among members of the committee.

Mr. LIPPITT. I can only say to the Senator, if he thinks these briefs are available, that within a few minutes of the opening of the Senate I was approached by a gentleman who was very anxious to obtain copies of some briefs that have been submitted to one of these subcommittees, and, in fact, which I knew had been submitted, for I have myself seen a copy, but I was utterly unable to procure it for him. I have no copy for myself. His demand simply emphasized the importance of the request which I am making now, which I did make nearly a week ago, and which up to this time no action of any kind has been taken on. I know how easy it is to make these dilatory suggestions, but I think the matter is too important to be treated in this way.

Mr. SIMMONS. I do not think the Senator ought to refer to the failure to furnish these briefs as dilatory methods on the part of the majority.

Mr. LIPPITT. I can only say——

Mr. SIMMONS. I am sure the members of the Finance Committee on the other side of the Chamber will say that the meeting has been postponed twice at the instance of gentlemen on the other side.

Mr. CLARK of Wyoming. I should like to ask the Senator a question. Is it necessary under the rule we have and under the resolution which the Senate has already passed for the full membership of the committee to be brought together in order to publish the hearings before it?

Mr. SIMMONS. I think that is not absolutely necessary, but I stated that I was going to submit that question to the committee.

Mr. CLARK of Wyoming. I think that never a full committee is brought together in order to publish what occurred before the committee or a subcommittee. It goes to the printer as a matter of course.

Mr. SIMMONS. I said, however, that I would submit that matter to the committee, and my reason for wanting to submit it to the committee is——

Mr. LODGE. Mr. President——

Mr. SIMMONS. If the Senator will pardon me one word more, I should say that more than half of these briefs have already been published and are in the hearings before the Ways and Means Committee of the House.

Mr. LODGE. Mr. President, I have here a list which was handed to the members of the minority, which I suppose is correct:

Subcommittee No. 1: Stone, Thomas, James, and Simmons (ex officio).
Schedules assigned to Subcommittee No. 1: Schedule C, metals and manufactures of; Schedule B, earths, earthenware, and glassware; Schedule K, wool and manufactures of; Schedule L, silks and silk goods; free list not connected with any particular schedule or schedules.
Subcommittee No. 2: Williams, Shively, Gore, and Simmons (ex officio).
Schedules assigned to Subcommittee No. 2: Schedule E, sugar; Schedule G, agricultural products; Schedule J, flax, linens, and other vegetable fibers; section 2, incomes; sections 3 and 4, administration.
Subcommittee No. 3: Johnson of Maine, Smith of Georgia, Hughes, and Simmons (ex officio).
Schedules assigned to Subcommittee No. 3: Schedule A, chemicals; Schedule I, cotton manufactures; Schedule D, wool and manufactures

of; Schedule M, pulp, papers, and books; Schedule N, sundries not connected with any particular schedule or schedules.

On account of the fact that there is very little change in Schedule F, tobacco and cigars, and Schedule H, wines and liquors, these two schedules were not assigned to any subcommittee.

There is a careful arrangement of subcommittees for the purpose of considering these schedules and the holding of hearings of persons interested. The Senator from Georgia [Mr. SMITH] said the other day, as I have already remarked, that the hearings of his subcommittee were open to the public and the press. Therefore, of course, there can be no objection to publishing the names of those who appear before his subcommittee. Why should the others be veiled in mystery? They are probably quite as reputable as those who appear before subcommittee No. 3.

Mr. SIMMONS. I believe the Senator is speaking in my time.

Mr. LODGE. I beg pardon; I thought the Senator had concluded. But, at all events, what possible objection is there to giving the names of the people who come before those subcommittees?

Mr. SIMMONS. I will state to the Senator I have no objection, and I have tried to make it clear.

Mr. LODGE. If the Senator is ashamed of the people who come there and wants to conceal their names, that is another matter.

Mr. SIMMONS. The Senator is using a term that I think, when he reflects, he will regret that he used. Nobody is ashamed, and the Senator does not think anybody is ashamed to publish the name of anybody who has been before the subcommittee.

Mr. LODGE. Then what possible reason is there for objecting to the publication of the names?

Mr. SIMMONS. The Senator would not let me finish, and he injected a word that I think he ought not to use in that connection. I stated in the beginning, and I reiterate the statement, that I have no possible objection and the committee has no possible objection to giving the name, if the name has been taken down, of any person who appeared before a subcommittee.

Mr. PENROSE. The name ought to be taken down in every case.

Mr. SIMMONS. Mr. President, I take it most of the names have been taken down where persons have made statements, but very frequently a large number of them come, and the name of one is taken down, who will make a statement, and the names of the others will not be taken down. The Senator knows that is the common course. What I was objecting to is that part of the resolution which, according to my interpretation of the resolution, requires us to report the names of persons who had come before any member of the majority for the purpose of conference with reference to any schedule in the bill.

Mr. PENROSE. Will the Senator permit me? I do not expect anything unreasonable. Where, as is well known, Senators are sitting as subcommittees, I think the Senate is entitled to get the information. If a Senator happens to meet some of these bad men on the street, I do not expect him to make a record of it.

Mr. SMITH of Georgia. Mr. President, I desire to offer an amendment to the proposed resolution, and with the amendment I favor the resolution as amended. The amendment proposes to add:

And that the minority members of the committee be requested to report to the Senate the names of all manufacturers, corporations, importers, and other persons who have appeared before the minority members of the committee relative to House bill 3321.

Mr. PENROSE rose.

Mr. SMITH of Georgia. In one moment.

Mr. PENROSE. I was going to accept the Senator's amendment.

Mr. SMITH of Georgia. I am glad that the Senator accepts it. I want it passed also. So far as we are concerned we are perfectly willing for the Senate to have the name of every man who appeared before our subcommittee where we have a record of it, and starting a few days ago we commenced keeping a record of all who appeared. We are perfectly willing for the Senate to have the names.

I want to go further and say, replying to the suggestion of the Senator from Massachusetts, who says he has seen nothing published of these subcommittee meetings——

Mr. LODGE. In the press.

Mr. SMITH of Georgia. That is what I supposed the Senator meant—published in the papers. We are not responsible for that. They are welcome to publish anything that happens during these meetings that they wish to publish. Newspaper men were in and out yesterday, and they published nothing. I told the only newspaper men who mentioned the matter to me before the debate several days ago that they were welcome to come. They were with us yesterday, they were with us the day before, and they found nothing that they wanted to publish.

Senators have been invited to come, and Members of the House have been invited to come. The effort made to create the idea that there is any secrecy about this investigation is utterly without foundation. I am glad that it came before the Senate so that the Senate may publicly hear that there is no secrecy about it.

Since the suggestion was made that a record might be kept our subcommittee has had a stenographer, and we take a record of everything that is said. We are perfectly willing to have everything that transpires before the subcommittee made a matter of record for the use of anybody and everybody who wants to use it.

The subcommittee upon which I am serving, as I said before, has stated freely to parties inquiring that they were welcome to come, and we have invited them to stay when anything was going on, when witnesses were present.

I do not know whether they are going to publish our investigations in the newspapers. We are having one now. Two members of the subcommittee are down stairs now hearing a number of men who are discussing several schedules. If the newspaper men want to report those hearings, they are welcome to report them. If they do not report them, I want to say to the Senator from Massachusetts that it is not our fault. They have the fullest opportunity.

Now, we expect to go on all of this week and possibly a part of next week, while parties have information, or believe they have information, that they think we ought to have, with reference to the schedules submitted to the subcommittee of which the Senator from Maine [Mr. JOHNSON] is chairman, and the Senator from New Jersey [Mr. HUGHES] and I are members. We propose to hear them. We want to get all the information we can.

Now, as to the briefs, I do not think the briefs have been ready for publication. I think the chairman of the committee would have made a mistake if he had published them up to this time. I believe that the proper way to publish them is when we feel that all the briefs to be printed upon a particular subject have come in to us, then we should have them properly classified and so published as to put them in a shape where anyone who desires to investigate a particular subject will find the briefs on the subject collected together. We have had the clerk of our subcommittee classify the briefs. We have them down stairs in a room adjoining the Finance Committee room, where any Senator who wishes to do so can see them. We keep the door open and we keep the briefs there. We invite any Senator who wishes to examine anything that we have received in the shape of briefs; and just as soon as we think the time has come when we shall receive no more upon a particular subject I am in favor of completing the classification and printing them for the use of anybody who desires.

Mr. LIPPITT rose.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator had concluded.

Mr. SMITH of Georgia. The Senator from Rhode Island [Mr. LIPPITT] rose, I think, to ask me a question.

Mr. LIPPITT. I can not quite agree with the view the Senator from Georgia takes of this matter, because it is utterly impossible to have a complete understanding of the development of these questions as they are going on from day to day without the gentlemen who are coming down here to testify, and whose information upon these subjects is so important, knowing what is being said by the different parties who appear before the committee. It is utterly useless to talk about printing these papers for such a purpose as that and having them ready for distribution a month or some other time from now. The only importance of them is their immediate availability. As I said, this very morning a gentleman who wants to testify before the Senator's subcommittee came to me and wanted a copy of papers that had been submitted there, and there was no way of getting them for him, and which I can see no way of getting in any way.

Mr. SMITH of Georgia. I want to ask the Senator if he applied to any member of the subcommittee for them?

Mr. LIPPITT. I did not; because the request was made while I was on my way over here. I have had similar requests from people in my own State for copies of the briefs that are being presented. It is manifestly impossible, when in the files of the committee there are only one or two copies, for information in regard to their contents to be sent to this part and that part of the country for the use of people who can not be here, or for the use of people who only propose to come here

after the development of information that has been presented on the subject.

I do not understand the objection to having these briefs printed. The Senator from North Carolina [Mr. SIMMONS] in the discussion of this question a few days ago said that so far as he was concerned he did not want any more light. It seems to me there are other gentlemen on that side who seem to be taking the same position. Now, all I am asking in connection with this matter is that information that is being poured in before the subcommittees shall be made available for the use of anybody who wants to consider it, or persons who for any reason think they have a good right to know what it is. Why should anybody object to it? It is a very simple matter to have these briefs printed. I ask for nothing unusual.

Mr. SMITH of Georgia. I think I have yielded to the Senator long enough. If he wants to make a further speech, he can do it when I am through.

Mr. LIPPITT. I was only answering a question.

Mr. SMITH of Georgia. The Senator spent a large part of yesterday with our committee and he understands how freely and fully the examination was going on.

Mr. LIPPITT. Mr. President——

Mr. SMITH of Georgia. Wait a moment. He did not apply to any one of our committee for a copy of a brief. He could have had it if he had asked for it. I do not think it is at all necessary to furnish each witness that is coming down here the testimony by other witnesses on the same subject. It would lessen the value of the information furnished by the second witness. But if any Senator or any man wished to see a brief it has been ready for his use at all times. I say now——

Mr. LIPPITT. Mr. President——

Mr. SMITH of Georgia. One moment. Each brief is now in the room downstairs, and the Senator can see them. I do not think the purpose of publication is so much to furnish an opportunity for witnesses to examine them as it is for the examination of Senators, who are finally to pass upon this question.

Mr. CLARK of Wyoming. Will the Senator from Georgia cause to be furnished to the Senator from Wyoming a copy of such briefs as have been filed before his subcommittee?

Mr. SMITH of Georgia. Not all of them; no; but if the Senator will name any particular brief which he desires, I will furnish it to him.

Mr. CLARK of Wyoming. Mr. President, the Senator from Wyoming is interested in all of the schedules that are being considered by the Senator's subcommittee; he is also a member of the Finance Committee; and he thinks he is entitled to such matters as have been filed before the committee.

Mr. SMITH of Georgia. I will do this for the Senator from Wyoming: I will give him an opportunity to examine every one of them. I have not enough copies of all to distribute.

Mr. CLARK of Wyoming. That is just what we are asking for.

Mr. SMITH of Georgia. I will favor the printing of all of them and furnishing the Senator a copy of all of them a little later on.

Mr. LIPPITT. How much later?

Mr. SMITH of Georgia. As soon as I think they have practically all come in on the schedules.

Mr. LIPPITT. Now, if the Senator will yield to me just a minute——

Mr. SMITH of Georgia. Certainly.

Mr. LIPPITT. The Senator from Georgia referred to the fact that I knew he had been very diligent in hearing people who wanted to testify before his subcommittee. I want to bear my testimony to the entire accuracy of that statement. I am perfectly aware that the Senator has been very diligent, that he has been very patient in listening to all the testimony, that he has given very fair consideration and due weight to all the statements that have been made, and I believe he himself will say that as a result of that consideration many opinions which he has had on some of the subjects that have been submitted to him have been materially modified.

The Senator says that any Senator can go to his committee room and consult his files. The Senator knows perfectly well that the time of Senators is in too great demand for them personally to sit down in his committee room and consult his files. If I seek information contained in some document I want it brought to me in the most available way for me to read it. It is impossible if the Senator has only one or two copies of that document for him to have it sent around to my committee room or to some other Senator's committee room so that I may take it to my house, perhaps, and study it in the evening or at some other time when it can be of the greatest use to me. There is only one way to do it, and that is to have copies made, which is a very simple matter and a very inexpensive matter, and that can be done very expeditiously if Senators on the other side are as anxious to furnish light on this question as Senators on this side are anxious to have it.

Mr. SMITH of Georgia. Mr. President, these briefs began coming in about two weeks ago and have been scattered through the past two weeks, frequently bearing upon the same subject. It would have been folly to have printed them for distribution as they came in. Nearly all of the briefs were already printed, and evidently the parties furnishing them were distributing them to Senators. Certainly, we had every reason to suppose that the parties furnishing them to us in printed shape were distributing them in single copies amoug the various Senators.

To make the briefs on one particular subject of real value they ought to be collected, classified, put in volume form, and indexed for ready reference. If we had simply printed them one by one, they would have been of scarcely any use. The briefs have almost completely stopped coming in; in a few days I think the filing of briefs will have been completed. Then, when properly classified and printed, they will be of substantial value; but unclassified, simply in a mass, anyone desiring to look for a particular brief on a particular subject would be required to take a large amount of time to hunt through a great pile of briefs to find what he wanted. I do not believe that it would have been an intelligent course to print them in single numbers as they came in, but I think the intelligent way to prepare them for the use of Senators and of the public is to classify them and print them in volumes properly indexed.

Mr. LODGE. Mr. President, if the Senator will allow me, I desire to ask him a question. The Senator is himself holding these hearings from day to day, and he hears all that is said by the witnesses. I do not know whether or not he reads all the briefs that they file.

Mr. SMITH of Georgia. I have not been able to read all of them.

Mr. LODGE. The information, however, comes to him from day to day, but it does not come to the rest of us from day to day. When general public hearings before a full committee have been held, as they were in the last Congress on the schedule bills, every day the testimony of that day was printed, as were the briefs which were filed, so that the whole Senate got the information from day to day exactly as did the committee.

The only distinction is that these hearings are by subcommittees and the others were by the full committee. I do not see the practical objection to that system.

Mr. SMITH of Georgia. To which system?

Mr. LODGE. I do not see the practical objection to the system of printing what occurs from day to day, as was done last year on all the schedule bills, instead of massing it at the end in one great pile. I repeat the Senator from Georgia is getting his information from day to day.

Mr. SMITH of Georgia. Yes; that is true.

Mr. LODGE. Information or misinformation, whichever you choose to call it.

Mr. SMITH of Georgia. I am getting more information by the examination of existing records than I am from the witnesses. I confess very frankly that my examination each day applies more to records already made than to the testimony of new witnesses.

I can not agree to the statement of the Senator from Rhode Island [Mr. LIPPITT] that views that I entertain have been substantially changed. There were a number of subjects upon which I had no views, as to which I had no detailed information, until I began to investigate the various schedules. I do not think any Senator has accurate information about a schedule unless he takes a great deal of time to investigate and to study it.

Mr. LODGE. That is perfectly true, and that is why I venture to suggest that the Senator and other members of the subcommittees have the advantage of getting their information or misinformation, or whatever it is, from day to day, whereas, if the plan of the Senator from Georgia is followed, the whole great mass will be thrown in on the rest of us at one moment, and that, too, probably when the bill is up for consideration.

Mr. SMITH of Georgia. I would think that the Senator from Massachusetts were right but for the general condition of information with reference to the tariff question. For four years examinations as to the tariff schedules have been going on. I do not think we have obtained before our committee any information of any value that was not already in print. I do not think any of the briefs that have been furnished really give us any substantially valuable information that we do not already find—in most instances more completely furnished—in existing reports. As to a number of matters that witnesses have discussed before us, I find more complete information in the

records of the Tariff Commission; I find more complete information and more accurate information in numerous volumes already printed. I do not think that the new information we are getting really contributes largely to the present store of information in print upon the subject. I think that is really true; and while we have been having stenographic reports for two or three days past of the statements before our subcommittee, we have had them because we felt that if any Senator did wish to read what we were hearing we desired to give him the opportunity. So I am in favor of printing these briefs in order that if anybody wants them he shall have them; but I really believe that from the record heretofore made we can dig out more complete information than we are now getting.

The special value, I think, of these briefs is that these particular persons have put their finger on an exact schedule that they criticize. As suggested by the Senator from New Hampshire [Mr. GALLINGER], they came before us and objected to putting certain dyes on the dutiable list and called our attention to the fact that derivatives from indigo as well as other dyes ought to be on the free list. There are particular items of that kind which have been called to our attention, as distinguished from the large volume of testimony that has been taken upon the tariff bill; and to that extent it is available. I am sure that it is our purpose to print these briefs very shortly and in ample time for Senators to examine them in such a way as will be most convenient.

Mr. LODGE. Mr. President, I think it highly probable that the statement of the Senator from Georgia [Mr. SMITH] as to the value or the lack of value of these new statements may be quite correct, but I think all Senators would rather like to form their own judgment of them. If the Senator will forgive me one moment, it reminds me of a gentleman in Boston many years ago in the days when they had college rebellions, as they were called. Hearing that there was to be a college rebellion and that his son was to engage in it, he rushed out to Cambridge and sent for his son, and said: "My son, I beg that you will not enter upon this rebellion; I have been through one of them and I have seen the folly of it." The son said: "That is just it; I want to see the folly of it, too." [Laughter.] We want to see the folly of this, too; we want to see what these discussions amount to.

The Senator has been very good-natured, and he will allow me to say that I did not mean to suggest for a moment that he was desiring any secrecy. On the contrary, I referred to his subcommittee and to what he said and praised it. What misled us was that we thought this morning the chairman of the committee was resisting the passage of this resolution, and that gave us the idea that he did not want these names published. If we have been misled about that and every Senator is ready to have the information published, I apologize for the time that I have wasted, and the sooner the resolution passes, with the amendment suggested by the Senator from Georgia, the better.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. REED. I understand the Senator from Pennsylvania has accepted the amendment?

Mr. PENROSE. I have accepted the amendment.

Mr. REED. Mr. President, I desire to offer an amendment to the resolution as modified.

Mr. WILLIAMS. I should like to hear read the amendment offered by the Senator from Georgia.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to add at the end of the resolution the following words:

And that the minority members of the committee be requested to report to the Senate the names of all manufacturers, corporations, importers, and other persons who have appeared before the minority members of the committee relative to H. R. 3321.

Mr. REED. Mr. President, I offer the following amendment to the resolution as it now stands:

Said committee shall also, as far as possible, report the names of all manufacturers, corporations, importers, and other persons who appeared before the Finance Committee or any subcommittee thereof when it had under consideration what are commonly known as the Dingley bill and the Payne-Aldrich bill. Said committee shall further report whether at the times last aforesaid any clerks or experts employed or used by said committee were furnished by or were in the employment of manufacturers or associations interested in maintaining a high tariff tax.

Mr. LODGE. Mr. President, if the Senator from Pennsylvania will allow me, I hope he will accept that amendment. I should like very much to have printed the names which the Senator from Missouri [Mr. REED] suggests, so that we may be able to form a comparison between them.

Mr. PENROSE. Mr. President, I will accept that amendment. I am very glad the Senator from Missouri [Mr. REED] has offered it. It will be an enlightening contribution to the discussion to which this matter is going to lead. The records, so far as the Finance Committee is concerned, are absolutely intact. Every letter received by Senator Aldrich when he was chairman of the committee is on file in the Office Building of the Senate, and I presume the journals of the committee are also there—they ought to be there.

I want to say further, Mr. President, in regard to the amendment of the Senator from Georgia——

Mr. REED. Mr. President——

Mr. PENROSE. I did not know the Senator was going to address himself to his amendment.

Mr. REED. I was.

Mr. PENROSE. I will wait until the Senator is through.

Mr. REED. I do not object to the Senator going on, but I wanted to hold the floor; that is all.

Mr. PENROSE. Has the Senator any objection to my going on for a few moments?

Mr. REED. No; I will take the floor when the Senator is through.

Mr. PENROSE. I also want to say that I am very glad the Senator from Georgia [Mr. SMITH] has offered his amendment. Of course the minority members of the committee are not organized. I do not know that there will be any concerted action on tariff legislation on the part of the minority. Individual Senators will doubtless offer amendments to paragraphs and perhaps amendments to schedules; but up to the present time there has been no effort at concerted action, and, in my opinion, there is no probability of such action. We do not need any; we know that any amendments which we may offer as a minority party will be voted down, and we do not want to delay this bill.

Of course every Senator will exercise his individual prerogative to offer amendments and to express his views. We have no subcommittees; but I want to inform the Senate that, as former chairman of the committee, I directed my clerks on the first day of this session to keep a record of every person who called at my committee room on tariff legislation. I have that record, and I shall furnish it at the very earliest opportunity to the Senate as part of this report.

Of course the minority is in an entirely different position from the majority. The majority are engaged in their inner recesses in framing rates. All that my visitors do is to call upon me to ask me where the majority are; where they can get hold of the subcommittee. Sometimes they ask me whether I think they would receive a sympathetic hearing. I can assure them of the sympathy, but I can not predict the result. [Laughter.]

Mr. REED. Mr. President, this discussion has been carried on in so serious a manner as almost to convince me that our brethren on the other side of the Chamber are really in search of information, but the last remark made by the Senator from Pennsylvania [Mr. PENROSE] discloses what I have suspected all along, that they do not so much want information as to fill the air with dust, and if possible convince the public they have suddenly become the advocates of publicity. The remark of the Senator to which I refer was substantially that "the minority members of the Finance Committee do not need any information, and hence they do not meet."

Mr. PENROSE. I beg the Senator's pardon. I made no such statement and had no such idea in mind.

Mr. REED. Well, Mr. President, the record of course will show.

Mr. PENROSE. Let the record be read, Mr. President.

Mr. REED. I was trying to quote the Senator correctly. That certainly is the way I heard the remark on this side of the Chamber.

Mr. PENROSE. With all due respect to the Senator, he is under such an entire misapprehension of the very insignificant remarks I did make that I should like to have the record read. It will take but a moment.

Mr. REED. I am equally content to have that done, and if I misheard the Senator, no one will more frankly right the matter than myself.

Mr. PENROSE. Let the RECORD be read.

The VICE PRESIDENT. The Reporter will read.

The Reporter read as follows:

Mr. PENROSE. I also want to say that I am very glad the Senator from Georgia [Mr. SMITH] has offered his amendment. Of course, the minority members of the committee are not organized. I do not know that there will be any concerted action on tariff legislation on the part of the minority. Individual Senators will doubtless offer amendments to paragraphs and perhaps amendments to schedules; but up to the present time there has been no effort at concerted action, and, in my opinion, there is no probability of such action. We do not need any; we know that any amendments which we may offer as a minority party will be voted down, and we do not want to delay this bill.

Mr. REED. Mr. President, I insist that the spirit of the remarks of the Senator from Pennsylvania as they have just been read was fairly expressed in the statement I made. I now understand the Senator to say that the minority members of the Finance Committee have not organized; that they have not organized because it would be useless for them to do so; that they are making no effort in that direction; and the reason must be that they do not expect to gain any light that will be of value.

Mr. PENROSE. Mr. President, we expect to be here from two to three months debating every paragraph of this bill; and the Senator will be convinced before we are through that we are in the pursuit of light and knowledge on every line of it.

Mr. REED. If the desire for information has not been sufficient to bring together the minority members of the Finance Committee, I strongly suspect the motives back of this clamor for information.

In the second place, Mr. President, I call attention to a fact well known to every Senator upon the floor, namely, that the representatives of the interests affected by this bill have not confined their attentions and solicitations to the subcommittees of the Finance Committee. On the contrary, they have visited Senator after Senator, and our time is constantly being taken up in listening to their arguments.

But when was it that the Republican Members of this body became so solicitous for public hearings, such earnest seekers for the light? Truly, a change has come over the spirit of their dreams. It is a conversion so sudden that it could not have been accomplished by anything except an unusual supply of divine grace—an attribute that is not often manifested upon the other side of the Chamber.

I hold in my hand the Payne-Aldrich bill. When that bill was passed, the present distinguished Senator from Pennsylvania [Mr. PENROSE] was a member of the Finance Committee. The Senator from Utah [Mr. SMOOT] was also a member of that committee. I want to contrast the hearings then had with the hearings now being granted, and the discussion which then took place with the discussion of the present bill. I utterly repudiate the idea that the hearings now being held are, in their great essentials, at all similar to the hearings then held.

At that time the majority members of the Finance Committee were committed to the policy of a high protective tariff. They believed in building a legal wall around this country so high that goods could not be imported from abroad. They were devoted to that policy, and had been for years. Their minds were made up on that side of the question.

The men who came before them were the men who also wanted the tariff high. They were the beneficiaries of the system. They came before the committee to have schedules made to suit themselves, and the committee wanted to make schedules to suit them. The manufacturers knew what they wanted and the committee intended to give them what they wanted. Thus these gentlemen met with a common purpose—the committee representing the manufacturer's idea and the manufacturer being there to represent his own idea. They proceeded to make up a bill; and there was not a single man among the Republican majority members of the Finance Committee to represent the consumers of the United States.

Observe, now, the contrast: When the manufacturer now comes before the Democratic majority members of the present Finance Committee he confronts men every one of whom is devoted to a reduction of the tariff. He submits his case to men who are determined that there must be a reduction. He faces a committee the Democratic members of which intend to represent the consuming population of the United States and see that justice is done to all the people. When he presents his case to that board it is a very different proposition from going before one that already agrees with him, but proposes and desires to assist him in plundering the people of the United States.

Such is the contrast we observe as we enter upon this discussion.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Will the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. Certainly.

Mr. PENROSE. According to current rumor—I know that rumors, as a rule, ought not to have much importance attached to them—a very receptive mood is supposed to exist on the part of these subcommittees toward raising certain duties on protective lines. I think the Senator overrates the stern way in which the subcommittees are guarding the consumer. I do not know whether he is fully aware of all that is going on in the inner circles. It is currently said that we are to have a repetition of the performances of Senator Gorman in this body in connection with the Wilson-Gorman bill. I do not know whether it is true or not.

Mr. REED. Mr. President, I do not like to have my party tried by rumor, any more than the Senator would like to be tried by rumor. I have not heard the rumor referred to. But if the rumor exists, and is based upon fact, it must have been a pleasing bit of news for the responsive ears of the Senator from Pennsylvania.

Mr. PENROSE. It was pleasing.

Mr. REED. I think the Senator will be doomed to about the same kind of news when we get through with this bill that the people sent to his party in the last election and that he will find out that there is a great difference between a tariff-reform Democrat and a high-protection, stand-pat Republican.

Mr. President, every candid man must concede that there is a great difference between the receiver of stolen horses meeting with the horse thieves for the purpose of regulating the business of horse stealing and that same receiver of stolen horses being brought before an antihorse-thief association organized for the purpose of suppressing the crime of larceny. So there is a great difference between the beneficiaries of a tariff system meeting in friendly conspiracy with the men whose campaigns they financed and whom they put into office and then and there agreeing upon the amount of loot to be exacted from the people and those same beneficiaries coming before a body of Democrats committed to an opposite theory for the purpose of submitting arguments and facts which may call for just consideration. The two situations are as far apart as right and wrong, as justice and injustice, as criminal conspiracy and fair dealing.

I next call attention to the kind of tariff hearings our Republican brethren have hitherto given. They now declare that they want light; they passionately cry for time for unlimited debate; they lift up plaintive voices; their eyes are wet with tears; they cry aloud for time and still more time. My friend from Michigan a day or two since raised his voice so high that I imagined I could see the old deadheads and stumps of the lakes of Michigan bobbing up and down in unison with the sweet cadences of his elocution.

What about the Payne-Aldrich enormity. It reached the Senate of the United States on the 10th day of April, 1909. It was read twice and referred to the Committee on Finance on that day. On the 12th day of April, 1909, just two days after it had been sent to the Senate from the House, it was reported back by the Finance Committee, and it had 847 amendments grafted onto it—amendments that were written in advance, amendments that were prepared before the bill ever reached the Senate committee, amendments that were written without any semblance of hearing, except the private hearing when the manufacturer whispered into the willing ears of the men who believed just as he believed.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. Certainly.

Mr. PENROSE. Mr. President, knowing the friendship which the Senator entertains for publicity, I want to call his attention to the fact that at the hour of 2 o'clock this very meritorious resolution will go over.

Mr. REED. I have no doubt the Senator would like to call time on me, but I do not intend that he shall succeed.

Mr. PENROSE. Oh, no; I should like to have a vote on the resolution, and hear the Senator afterwards.

Mr. REED. We will vote on the resolution in ample time, and then you can also hear me. You will thus revel in a double pleasure. [Laughter in the galleries.]

The VICE PRESIDENT. The Sergeant at Arms will preserve order in the galleries.

Mr. REED. Mr. President, what kind of hearings did they have? You now want all hearings recorded. I wish the hearings then had might have been all recorded. I wish we might have the light poured in upon the back-room hearings held when Republican politicians secretly met and conspired with their masters. Who was then present? We asked that question one day here upon the floor. The distinguished Senator from Utah [Mr. SMOOT], the leader of all the forces which march forth to man the walls of protection, admitted upon the floor of the Senate that they had had no reporters present when Aldrich was framing his amendments. Where was the press then? We did not then hear any Republican clamor for publicity. The eloquent and learned Senator from Massachusetts [Mr. LODGE] did not then lift up his voice in demand for the admission of the reporters. The eyes of my friends upon the other side of the Chamber were not so often turned toward the Press Gallery. They were not at that time praying for the light. They neither took down in shorthand nor preserved in any other manner the

hearings they had before the majority members of the committee. They were, in fact, engaged then in writing a bill. They were not engaged in scrutinizing the bill passed by the House of Representatives for the purpose of rectifying its defects. They were in conference with the beneficiaries of the tariff system, ascertaining how much extortion the latter desired to practice upon the American people.

I affirm now that when the Dingley bill was written—and I think he was continued until the Payne-Aldrich bill—the expert and confidential adviser of the Republican members of the Finance Committee was an employee of the Woolen Manufacturers' Association. This man was in the pay of the woolen manufacturers; he was sent to report the proceedings of the committee; he sat with the committee to represent the men who employed and paid him. I charge this servant of the woolen manufacturers substantially wrote Schedule K, and did his work so well, or so infamously—whichever term it is proper to employ—that he received a gratuity of $5,000 from the woolen manufacturers. That sum was handed to him because as the confidential man of the committee he had so successfully served the interests of his private employers.

You clamor for publicity. You ought to have it, and you ought to have a large amount of it; but publicity, while bringing notoriety, will hardly give you fame.

Mr. President, the gentleman to whom I have referred was one S. N. D. North. He had been for a long time the secretary of what is known as the National Association of Woolen Manufacturers. He was sent here by the president of that association to give private and confidential information which he was to gain as the secretary of the committee. That fact is disclosed in correspondence which I propose briefly to epitomize, and which I shall ask to have printed in full in the RECORD at the close of my remarks.

Here is a letter dated April 4, 1897, addressed to the president of the National Woolgrowers' Association:

DEAR MR. WHITMAN: Now, about the tariff. I can not, after what has been said to me in reference to my confidential relations with the committee, keep you posted as I would like to do. But if I find that it is desirable that you should come on here I will telegraph you that the situation requires attention, and you will doubtless have no trouble in finding out what is the matter.

In the meanwhile let me ask this question:

Should tops at a 24-cent line have the same compensatory duty as yarns at a 30-cent line? Should tops at a 24-cent line have a compensatory duty of 27½ cents? Putting that value line so low was unfortunate, in view of the appearance it presents of making the compensatory duty alone more than 100 per cent. I am aware that the same thing occurs in cloths at the 40-cent line, but this tops is a new paragraph and will get closer scrutiny on that account. I do not want you to intimate to any Senator that I have written you on this subject, but to consider whether you can not, when the time comes, suggest raising the value line in the top paragraph to meet this kind of criticism.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the morning hour has expired.

Mr. PENROSE. I ask unanimous consent that the resolution may be proceeded with until it is disposed of. There is no real opposition to it now that the resolution has been amended, I understand, and there is no unfinished business.

Mr. SIMMONS. I had just risen to make that request.

The VICE PRESIDENT. Is there any objection to it? The Chair hears none, and the Senator from Missouri will proceed.

Mr. REED. This was the confidential adviser of Senator Aldrich and the confidential clerk of the then majority members of the Finance Committee engaged in writing a tariff bill for 100,000,000 people.

I am well, although I am kept at work from 10 a. m. until midnight. There is an immense amount of detail, and I have not sufficient clerical assistance as yet. I am the only person whom the committee allows in its meetings, and it makes it very hard, but I expect to pull through all right.

What a spectacle for the American people! The only man permitted to know what the committee was doing was the employee of those gentlemen who are aggregated together to tax the American people. And when that infamy was being perpetrated upon the American people gentlemen upon the other side sat as mum as oysters and with about the same interesting cast of countenance. Not a protest came from their lips. Behold what a marvelous change one sound licking has wrought!

I proceed. Here is another letter. This is from Mr. Whitman, the president of the association. It bears date of April 6, 1897. Notice the plaintive protest he utters because North has been told "that what he receives is confidential," and that "he can only advise him when there is danger," and thus enable him to look out for himself:

MY DEAR MR. NORTH: I have received your letter of the 4th, for which I am obliged. I suppose there is nothing for me to do but accept the situation as regards your keeping me posted, although I had supposed that, in reference to the interests you represent, you would be at liberty to communicate freely with your associates.

"The interests you represent." Represent where? In the secret councils of the Republican members of the Finance Committee. Represent when? At the time they are making up the schedules that will fix the price of almost everything the American people use in their daily life. "The interests you represent!"

Mr. President, you may look in vain in the history of Congress for a darker chapter than is disclosed in that one statement. Gentlemen upon the other side want publicity. One of them a little while ago told a humorous story, in which the boy at school was pictured as seeking to go into some sort of scrap or row because he said he wanted to experience the same folly his ancestor had indulged in. These gentlemen who warn us now, and knowing the kind of private hearings they held when they were in power, naturally protest against private hearings by others lest their miserable example may be followed to the injury of the Republic.

I am in favor of public hearings. There has been no denial of public hearings here, and there will be none. But I can readily understand how a Republican who has been party and privy to bringing before a Finance Committee majority the representatives of the protected interests may, out of his own conduct, suspect the motives of everybody else and naturally want to be there to look on.

Mr. President, there are more of these letters. Mr. Whitman continues as he writes to Mr. North:

I depend upon you to look out for my interests in this regard. You know how important it is, not only to me, but to the whole worsted industry of the United States, that such rates of duty should be imposed upon tops as will enable them to be made here and not be imported from foreign countries. If there is a single point in reference to this that you do not understand, you ought to communicate with me at once, so that it may be explained.

Again he calls upon his servant, agent, and employee, also at that time servant, agent, and adviser of the Aldrich branch of the Republican Party, then dominant upon the Finance Committee, to keep him constantly advised.

I come to June 2, 1897, and here Mr. Whitman writes again:

MY DEAR MR. NORTH: We all depend upon you to watch closely our interests, to see that nothing is overlooked or neglected by our friends on the committee.

Who were "our friends on the committee"? Was it not the stalwart Senator from Pennsylvania [Mr. PENROSE] and the equally magnificent specimen from Utah [Mr. SMOOT]? Were they not all "our friends upon the committee," bone of the same bone and flesh of the same flesh, inspired by the same high idea and philosophy of government that the way to make a people rich is to get together in a back room and tax them to death?

Mr. President, on June 9 Mr. Whitman wrote again to Mr. North:

Bear in mind that I am depending upon you wholly to look after my interests in connection with the tariff bill.

"Look after my interests." Yet he was in the employ of the committee and the committee was in the employ of the people of the United States. He was the only man who was permitted to be present all of the time when the discussions were going on.

Do you think that the Republican members of that committee, do you think the Senator from Pennsylvania, and the acute leader upon the other side, the Senator from Utah, for one moment did not know the relations of Mr. North with this association of woolen manufacturers? If there be any here so credulous as to entertain even a suspicion that these astute gentlemen were in the dark, that their keen eyes had not pierced the veil of secrecy and discovered the exact truth, then that Senator needs a guardian ad litem to conduct him from this Chamber to his own office.

Mr. President, there is more of this. Notice how regularly these gentlemen wrote to each other. Never did sweethearts exchange lovesick billets with greater regularity. Their letters passed each other on the way. Mr. North writes to Mr. Whitman:

I have your letter and the memorandum for Senator Aldrich regarding cotton yarns.

Now, what a convenient thing it was for these woolen manufacturers to have their employee sitting at the right hand of the chairman of this committee, the then potential boss of the Republican Party, slipping to him the private communications that had been sent the day before by his employer. Attend to what follows:

I have your letter and the memorandum for Senator Aldrich regarding cotton yarns. I am somewhat at a loss to know what is best to do these days. Senator Aldrich has been seriously sick. * * * I am doubtful if he will appear again in tariff matters for some time, not merely because of his health but because I suspect he feels keenly the manner in which the Republican Senators are treating the tariff bill—so largely the work of himself. The general character of the bill is

being changed at nightly meetings, which are more like town meetings than meetings of the Finance Committee, and it must be humiliating and galling to him in the extreme.

Why, here was this echo of Aldrich, this connecting link between Aldrich and the woolen manufacturers, voicing the sentiments of the Republican majority of that day. Doubtless they were also the sentiments of some of the Senators who are protesting so loudly to-day. At that time publicity was such an unthinkable thing that public hearings so offended the delicate sensibilities of Aldrich that the good man actually fell sick of disgust.

How doth the leopard change its spots! It would appear that after reading the election returns last fall the Republican Party not only changed its spots, but it turned inside out, so now the grand old party makes virtuous companionship with that publicity it once sought to slaughter.

Again, on June 20, Mr. North writes to Mr. Whitman:

It is lucky I was here and just in the position I am. It has given me a whole day to work on the matter and get it right, and, with Aldrich away, there is no one on the committee who knows anything about it. But Allison and Platt trust me, and I expect they will both agree to what I have asked. I went all over the matter with them last evening.

And so the gentlemen of the other side who have vacated their chairs are now doughty champions of publicity, albeit a few short years ago they were permitting this confidential clerk of the manufacturers to hobnob with Platt and Aldrich and fix legislation in private. I am glad you have been converted; I am glad you have come into the tabernacle of publicity; but I would like to know that your conversion will last after you cease to profit by its profession. You know it was said—

When the devil was sick the devil a saint would be;
When the devil got well the devil a saint was he.

I do not mean to speak disrespectfully of my friends of the other side, nor exactly to compare them to Beelzebub. The couplet none the less has its applicability to the professions of the hour.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. Certainly.

Mr. WARREN. The Senator has not given us the date as to the year, but perhaps he has overlooked the fact.

Mr. REED. In each instance I have given it. I certainly gave it for the first two or three letters.

Mr. WARREN. Very well. Taking that for granted, the Senator, in alluding personally to Senators by name, alludes to the Senator from Pennsylvania, Mr. PENROSE, and the Senator from Utah, Mr. SMOOT, Senators who were not on the Finance Committee when that tariff bill was being considered. The Dingley bill, with which the Senator from Missouri connects the name of Mr. S. N. D. North——

Mr. REED. I prefaced——

Mr. WARREN. In fact, there is not a Senator in this body now who was a member of that committee at that time. That does not necessarily change the course of the argument of the Senator, except as to his personal references.

Mr. REED. The Senator need not be worried about my misstating the record. I said—when perhaps the Senator was out—that Mr. North was the secretary at the time the Dingley bill was passed, and that I believed he sustained the same relation to the committee at the time the Payne-Aldrich bill was passed; but this correspondence bears relation more particularly to the Dingley bill.

Mr. WARREN. The Senator should not apply the proceedings and happenings of the Dingley bill to the Payne-Aldrich bill with respect to persons, because he is mistaken in thinking that Mr. North occupied any position with the committee at the time of the consideration of the Payne-Aldrich bill.

Mr. REED. Well, Mr. President, if the Senator desires to plead the statute of limitations that is a right every man has. Upon July 10, 1897, Mr. Whitman wrote Mr. North:

I am unable to go to Washington and have no one to look out for my interests there but yourself, and I depend upon you. Of course Messrs. Aldrich and Dingley will do all they can, but I depend upon your letting them know what I need. I depend upon you. Dress goods, yarns, and tops.

Yours, very truly, WM. WHITMAN.

Now, consider the kind of atmosphere in which we lived then, when it was possible for a great manufacturer to assert with entire and complete confidence that Aldrich and Dingley, the two leaders of the party, could be depended upon to do what he wanted and to protect his interests and when his confidential clerk could in like manner get the ear and assistance of two other Senators, Platt and Allison (see letter of June 20). Even if this did occur some years ago, nevertheless it is an important fact for all of us to consider when men who, representing the same philosophy and speaking for the same ideas and standing for the same doctrine, standing pat for them, are here to-day suddenly clamoring for the light of publicity.

The Democrats are all agreed to give forth all the information desired. We agree to this because we regard it as proper that every man, woman, and child in the United States should know who appears before the committees of Congress. Yet it is highly proper to call attention to the fact that we have at last advanced to a point where the protected industries can no longer not only pack the committees but employ and control the committees' clerks.

I depend upon you. Dress goods, yarns, and tops.

How well Whitman knew his man, North. How well North knew his master, Whitman. How well they understood each other.

It appears that in 1902 there was some kind of a trial down in Boston. Mr. Whitman was cross-examined, and he was trying to exculpate himself from the charge of having been a paid lobbyist. He first swore, as I interpret his testimony, that he did not get any pay for being a lobbyist, but was afterwards forced to substantially admit the charge. Here is the evidence:

Q. Do you mean to tell me that you did not receive compensation from other manufacturers when you first went to Washington in regard to tariff matters?—A. I will tell you all about it; but if you ask me the question in that form I will say no; I was never compensated for anything.

Q. Very well. If the form of the question permits that answer, what do you mean? What is your explanation?—A. Why, much to my surprise there was somewhere about 1883—I think it was in 1883—a few gentlemen got together and made up a small purse to help me and gave it to me. I have forgotten how much it was. But I had been paying my own expenses there, and had been there a great deal. That was way back, 20 years ago.

Q. You say you were paying your own expenses? Do you mean that those were paid by the Arlington Mills?—A. What?

Q. Do you mean you were paying them—the Arlington Mills were paying them?—A. I don't know. I don't remember now who paid the expenses.

Q. I thought you said you had been paying your own?—A. I paid them myself; whether I was reimbursed by the Arlington Mills or not for my expenses I don't remember. * * *

Q. You generally collected from the Arlington Mills all your expenses in Washington, didn't you? You would not undertake to say that all that work that you did in the tariff was a waste of time? A. Well, if I have not collected my expenses I have been very remiss.

So it appears now that Mr. Whitman was not only the chairman of this manufacturers' association, but he was a lobbyist in Washington; that he was here frequently, and that his expenses at least were paid. Thus we have this lobbyist at Washington putting his man, his henchman, his tool, into the committee that he might know and report the secrets of the secret hearings; that he might guard the interests of the manufacturers and assist them in levying tribute upon the American people. Nay, more, that he might be the go-between for Senators seeming to protect the public and manufacturers seeking to prey upon the public.

Mr. President, how fared Mr. North, and how did he do his work? Here is his letter of December 3, 1908. It answers questions. It was written to SERENO E. PAYNE, chairman of the Ways and Means Committee. It is in the nature of a plea in confession and avoidance, but it is principally confession. I shall not read all of it, but I shall ask to incorporate it in the RECORD, so that the Senate may once more have the benefit of this interesting document. He states:

When the Wilson tariff bill of 1894 was about to reach the Senate, Senator Aldrich said to me one evening that he was entirely without expert clerical assistance in connection with the work of the tariff bill, and without any funds to pay for it, and that he urgently desired that I would remain in Washington and assist him while the bill was passing through the Senate.

Thus he became the confidential man of this committee at the request of its chairman, who then constituted about all there was of the Republican Party in the United States Senate:

I consulted with the officers of the National Association of Wool Manufacturers, of which I was the secretary, and they consented to Senator Aldrich's request. Accordingly I remained in Washington during the entire period that the Wilson bill was under consideration in the Senate, occupying a desk in Senator Aldrich's rooms in the Maltby Building. My duties were mainly the care of the correspondence, the making of tables, percentages, etc.

That was away back, when the Wilson bill was here. The letter continues:

When the tariff bill of 1897 reached the Senate, Senator Aldrich made the same request of me, and, again, after consulting the officers of the association, I went to Washington. From the date of my arrival until the bill became a law I acted as the clerk or secretary of the subcommittee of the Finance Committee. I was in charge of a number of clerks, who were loaned to the committee by the Treasury Department and the General Appraisers in New York.

Let all the gods at once bear witness to that declaration. The tool and employee of the lobbyist who represented the woolen manufacturers' association, then and there engaged in trying to tax the American people, was not only the confidential clerk of the chairman of the committee, but he was put over all the

other clerks who were brought there from the other departments of the Government. No wonder gentlemen upon the other side who have been privy to that kind of legislative iniquity now insist that the acts of others shall be open to public scrutiny, lest their performance may be repeated. But, sir, I do protest when they stand here and lift their holy hands and cry for the light they ought first to go to the confessional and admit that their own palms need thorough purging. I do insist that the tongues of such men should call for publicity in gentle accents and with very modest intonation.

I read on:

During the time that the subcommittee was going over the House bill section by section I sat with it, reading the old and the proposed new rates paragraph by paragraph.

Why, this manufacturer's agent had a seat at the table with the committee.

Mr. Arthur B. Shelton, now the clerk of the Senate Finance Committee, alternated with me in this duty. When this was completed the subcommittee went into executive session and I was no longer present at its sittings, but remained in the rear rooms of the suite which the committee occupied and in which the clerical force was located.

Then the writer states that he never gave any illicit information to anyone regarding the bill. He continues:

As a matter of personal protection, however, I wrote President Whitman, as appears from the published correspondence, that he must not expect any information from me in view of my confidential relations with the committee, and he never received any such information.

And yet I have read you a letter where this gentleman, to use a slang expression which exactly expresses the meaning—and therefore I beg pardon for using it—I read you the letter in which North had "tipped it off" to Whitman that he had better get on the ground and look after his interests, and laid out a plan by which he would call him there, letting him know when there was danger. Once on the ground, the writer declares, Mr. Whitman could easily get the facts. Doubtless the discovery would have been speedy once he had arrived at the boarding place of the man to whose tender solicitude he had consigned "dress goods, yarns, and tops."

It is my belief that the wool manufacturers would have been in a much more favorable situation if their secretary had been free to advocate their wishes.

And yet I read you a letter in which he was charged with "dress goods, yarns, and tops," and another in which he states that he can talk to Aldrich and to Platt and to Allison and they will look after the wishes of the manufacturers. These Senators appear to have been charged with a portion of the "dress goods, yarns, and tops" trust and responsibility. So this letter does not even have the grace of a reasonable regard for truth. The letter proceeds:

The fact that I was acting as clerk to the subcommittee of the Finance Committee was universally known in Washington at the time, both in and out of Congress, and no criticism ever reached my ears. It was a frequent occurrence for some Member of Congress to say to me that the Finance Committee was fortunate in having been able to secure my services.

And now in these hours when so many declare that our country is a vast quagmire of corruption, when we are told that morals have sunk to the lowest level, when men bemoan the death of virtue and regret that the high ideals of a past age have ceased, it is indeed a refreshing, a soul-stirring thing to be able to so fortunately contrast our present mental and moral attitude with that which was observed in "the good old days," when it could be publicly known upon the streets of Washington and generally understood in the Halls of Congress that the monopolistic Wool Manufacturers' Association had not only put its confidential man into the very committee that was framing the bill that would tax every inhabitant of the Republic for their benefit, but that that man was actually framing the bill, and yet all men were so content and happy, that not even a single voice was lifted in protest. Truly we have advanced a little. As I gaze back upon that dark hour of our country's history when the Republican Party was in the saddle, when Aldrich was astride the horse, when the Wool Manufacturers' Association's hired man was acting as groom, and at the same time wearing the livery of the Federal Government, and I remember that this infamous spectacle brought never a protest from the lips of gentlemen upon the other side—when I contemplate that scene I am almost content with present conditions, I am almost constrained to agree with the old darky that "it is a God's truth that the world 'do move.'"

But, Mr. President, I proceed with this remarkable document, a part of which I am omitting:

Following my return to Boston, after the passage of the tariff bill, the officers of the National Wool Manufacturers' Association informed me that, in recognition of the arduous and responsible work which I had performed for the committee—

Not for the wool manufacturers, mark you, but for the committee; not for those who were grafting upon the Government and who had been grafting upon it for 50 years; not for them; ah, no; but in consideration of the arduous duties he had performed for the committee; in consideration of the good he had done his country and the public, looking after "dress goods, tops, and yarns"—

and the serious injury to my health, which had resulted from an assignment entirely apart from my duties as secretary to the association, they believed I had been underpaid, and, accordingly, as an expression of their personal good will and regard, they presented me with the sum of $5,000. Shortly afterwards my salary was increased from $4,000 to $6,000 per annum.

The Senator from Oklahoma [Mr. GORE] suggests that it would be interesting to know how much of the $5,000 he got for taking care of dress goods, yarns, and tops.

Mr. President, the only reason I have taken the time of the Senate to make these remarks is because I have been somewhat disgusted at the recent performances on the other side of the Chamber. Here are men who rise in their seats and try to give an impression to the country that the Democratic members of the Finance Committee are meeting behind locked doors; that they have excluded the press, while they are engaged in a foul conspiracy, for the purpose of doing what? Putting up the tariff? Such is the impression they would give the country, when they know that if there be a conspiracy it is a conspiracy on behalf of the American people; and if there be a plot, it is not hatching to raise the taxes upon the necessities of life, but has for its purpose a reduction of the cost of living. During the past week and to-day gentlemen have here shouted for publicity upon whose lips the word was a complete stranger. They are declaring that each word spoken shall be taken down in shorthand—they did not erstwhile so conduct their hearings. They are clamoring for time for debate—these men who gave 48 hours for the consideration and report of the bill. They demand hearings now, but they did not give us hearings then.

The Payne-Aldrich bill came from the House to the Senate on April 10. It was read twice and referred to the committee on that day. On April 12 it was reported by Mr. Aldrich with, as I have said before, 847 amendments. On April 15 it was recalled by the House. It was returned to the Senate on April 19, and was on the same day referred to Mr. Aldrich's committee; and on the same day it was reported back to the Senate.

What kind of public hearings did you have in committee then? You did not have the bill there to consider; you had the same kind of hearings that the subcommittee of the Finance Committee have been holding on this bill before it reached here, of which the Senator from Utah [Mr. SMOOT] so loudly complained; but the mistake was so thoroughly exposed by the Senator from Wisconsin [Mr. LA FOLLETTE] in his remarks the other day that I do not need further to refer to it.

You were not clamoring for publicity then; and when the bill was framed and sent here, instead of doing as the Democrats are now asking you to do, have the bill itself sent to the committee to the end that there may be hearings, and that all objections to the phraseology or the substance may be thrashed out, you reported the bill back, in the first instance in 48 hours and in the second instance upon the same day and, I apprehend, within the hour.

I would not, and I do not, direct these remarks to the Members on the other side who were not responsible; I do not direct them to the Members on the other side who have come in since; but the two loudest to proclaim their virtues and to demand the publicity are the two Senators who were members of the committee at the time the Payne-Aldrich bill was passed.

Mr. President, so far as I am concerned, I think that all business of the public is public business and should be publicly transacted. I think that no committee of this Senate has a right to close its doors to any man who comes there with a proper petition or remonstrance. For my part, I regret that the majority members of the Finance Committee, when they divided this work up, did not request the minority members to sit with them; but they pursued a course that is sanctioned by time and precedent of the past, if it be not sanctioned by the character of the performances of the past.

I recognize the fact that in these hearings the press ought to be permitted to be present, and I am glad to know, that which every Senator knows, that there has been no secrecy and that the press were welcome to come if they thought the news was of sufficient importance.

I am in accord with the committee in the theory that they probably get better results by requiring the filing of briefs than they do by long speeches, which generally consume the time of the committee without going to the point or arriving at the kernel of the discussion. I am in sympathy with the idea of printing those briefs, and of printing them rapidly, and I think the committee is in sympathy with it.

The Democratic Party has nothing to conceal in this contest. It is not representing special interests; it is not here to add to the profits of manufacturers by taxing the people. It is not committed to the doctrine of laying burdens upon the great masses in order that money may be gathered into the pockets of a favored class, even though it be engaged in manufacturing. We are endeavoring to lift the burdens; but in taking them off we will have regard for the fact that the system, however iniquitous and however villainous in its origin, has been so fastened upon the country that the work of reduction should be executed with care and patience. It will not be done with the strong arm. It can not be accomplished in a day's time. We recognize the difficulties and will meet them to the best of our ability. Every man on this side of the Chamber is trying to solve the problem honestly and fairly. When our work is accomplished we will not have a perfect bill; there will be some mistakes; but there will be no "jokers" written into it by the paid employees of the woolen manufacturers or any other class of manufacturers. There are not in the employ of the Democratic Finance Committee men who are also in the pay of those who make a profit by the aid of the Government.

We may make mistakes, but they will be honest mistakes, and in the end we will have taken the first great step in that advance which will ultimately lead to that happy day when the American Government will not tax one class of men for the emolument and enrichment of another class of men.

So, Mr. President, I am in favor of this resolution; I am in favor of it with all of the amendments which have been proposed. I am glad we have arrived at a time now when we can say that private hearings are at an end and when the employment by committees of men who are also employed by the protected industries has finally come to its infamous end.

Mr. President, I desire to have printed in full as a part of my remarks, and at the end of them, the several letters excerpts from which I have read.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The letters referred to are as follows:

ELSMERE, *April 4, 1897.*

DEAR MR. WHITMAN: Now, about the tariff. I can not, after what has been said to me in reference to my confidential relations with the committee, keep you posted as I would like to do. But if I find that it is desirable that you should come on here I will telegraph you that the situation requires attention, and you will doubtless have no trouble in finding out what is the matter.

In the meanwhile let me ask this question: Should tops at a 24-cent line have the same compensatory duty as yarns at a 30-cent line? Should tops at a 24-cent line have a compensatory duty of 27½ cents? Putting that value line so low was unfortunate, in view of the appearance it presents of making the compensatory duty alone more than 100 per cent. I am aware that the same thing occurs in cloths at the 40-cent line, but this tops is a new paragraph and will get closer scrutiny on that account. I do not want you to intimate to any Senator that I have written you on this subject, but to consider whether you can not, when the time comes, suggest raising the value line in the top paragraph to meet this kind of criticism.

I am well, although I am kept at work from 10 a. m. until midnight. There is an immense amount of detail, and I have not sufficient clerical assistance as yet. I am the only person whom the committee allows in its meetings, and it makes it very hard, but I expect to pull through all right. The retroactive provision of the House bill is an inexcusable thing, and it can not stand an instant in the courts, nor, as things appear, in the bill as it goes to the Senate. At present progress it will take a month to report the bill. How it will appear in comparison with the House bill can not yet be said.

Truly, yours,

S. N. D. NORTH.

BOSTON, *April 6, 1897.*

MY DEAR MR. NORTH: I have received your letter of the 4th, for which I am obliged. I suppose there is nothing for me to do but accept the situation as regards your keeping me posted, although I had supposed that, in reference to the interests you represent, you would be at liberty to communicate freely with your associates. It seems to me only reasonable that you should have this right.

In my opinion the committee will find it impossible to modify the duties on wool, but in the event of their succeeding in securing such modification there should be no change in the duties on goods.

Mr. North, no change ought to be made in the top schedule. It is right just as it stands. It is an enormous reduction from the McKinley law. No possible legislation in connection with the woolen schedule could be so dangerous to the woolen industry as legislation that would favor the importation of tops, and all the representatives of the woolgrowers would oppose legislation that would in any way favor the importation of tops. There was never any complaint of the top paragraph in the McKinley law. There was never any complaint of the construction of the tariff laws in reference to tops prior to 1890. There should be no complaint now in reference to the proposed duties on tops, which are very materially lower than they have been at any time since 1867. I depend upon you to look out for my interests in this regard. You know how important it is, not only to me, but to the whole worsted industry of the United States, that such rates of duty should be imposed upon tops as will enable them to be made here and not be imported from foreign countries. If there is a single point in reference to this that you do not understand, you ought to communicate with me at once, so that it may be explained. There would be no difficulty in my satisfying the members of the subcommittee on this point, and if there is the slightest danger of any change I must see these gentlemen before it is too late. If they understand the matter properly they will make no change. The prosperity of the woolen industry in this country depends wholly upon the ability of the domestic manufacturers to manufacture the tops here. What a ridiculous position we should be in under any legislation that would favor importing tops and discontinue making them here! * * *

Yours, very truly,

WM. WHITMAN.

To S. N. D. NORTH, Esq.,
Washington, D. C.

BOSTON, *June 2, 1897.*

MY DEAR MR. NORTH: We all depend upon you to watch closely our interests, to see that nothing is overlooked or neglected by our friends on the committee. I have no doubt they will do all they can do, but with so many interests to look after, our special representative must see to it that our interest receives proper attention.

Yours, very truly,

WM. WHITMAN.

To S. N. D. NORTH, Esq.,
Washington, D. C.

BOSTON, *June 9, 1897.*

MY DEAR MR. NORTH: [After some discussion of other matters.] Bear in mind that I am depending upon you wholly to look after my interests in connection with the tariff bill. I do not want anything that is not given to others, but it is of the greatest importance that the Arlington Mills products have the full measure of protection accorded to associated industries.

Yours, very truly,

WM. WHITMAN.

To S. N. D. NORTH, Esq.,
Washington, D. C.

WASHINGTON, D. C., *June 10, 1897.*

DEAR MR. WHITMAN: I have your letter and the memorandum for Senator Aldrich regarding cotton yarns. I am somewhat at a loss to know what is best to do these days. Senator Aldrich has been seriously sick, and he does not appear to be getting any better. I am doubtful if he will appear again in tariff matters for some time, not merely because of his health, but because I suspect he feels keenly the manner in which the Republican Senators are treating the tariff bill, so largely the work of himself. The general character of the bill is being changed at nightly meetings, which are more like town meetings than meetings of the Finance Committee, and it must be humiliating and galling to him in the extreme. I have not heard him say a word, and I may be all wrong in my surmise. He has not read his mail for 10 days—and that is one reason for my thinking as I do—although his sickness is doubtless sufficient to account for that. What will happen when the textile schedules are reached—which ought to be by next week—I can not say. I will do the best I can with Mr. Allison when the time comes, but he knows nothing about the understanding I have with Aldrich on the worsted-yarn schedule. The cotton manufacturers, I understand, are coming next week to demand additional duties on certain paragraphs because of the 20 per cent duty on cotton.

Please say nothing to anybody about what I have written as to Mr. Aldrich. I have said it to no one else, and I may be all wrong, as I trust I am.

Sincerely, yours,

S. N. D. NORTH.

WASHINGTON, D. C., *June 20, 1897.*

DEAR MR. WHITMAN: It is lucky I was here and just in the position I am. It has given me a whole day to work on the matter and get it right, and with Aldrich away there is no one on the committee who knows anything about it. But Allison and Platt trust me, and I expect they will both agree to what I have asked. I went all over the matter with them last evening.

Truly, yours,

S. N. D. NORTH.

BOSTON, *July 10, 1897.*

MY DEAR MR. NORTH: I am unable to go to Washington, and have no one to look out for my interests there but yourself, and I depend upon you. Of course, Messrs. Aldrich and Dingley will do all they can, but I depend upon your letting them know what I need. I depend upon you. Dress goods, yarns, and tops.

Yours, very truly,

WM. WHITMAN.

MR. WHITMAN AT WASHINGTON.

In a case which was on trial in Boston in April, 1902, Mr. William Whitman was cross-examined, with the following result:

"Q. Now, you say you were never a lobbyist? 'Lobbyist' is an elastic phrase. You went to Washington; you have been on to Washington a good deal to interview committees and Members of Congress in support of certain legislation, haven't you—tariff legislation?—A. I have never solicited. I don't know just what you mean.

"Q. Perhaps you can just listen to my question. I think my question admits of an answer yes or no. [Question read by the stenographer.]—A. I have interviewed committees; yes.

"Q. And Members of Congress outside the sessions of committees?—A. I don't think I ever did.

"Q. How long were you in Washington at a time?—A. I have been in Washington two and three weeks at a time.

"Q. And do you mean to tell me that you never said anything to Members of Congress outside of the committee room?—A. I never asked anybody in my life, anybody connected with Congress, to vote for any specific thing in my life.

"Q. And that you are willing to say?—A. It is the truth.

"Q. Now, you yourself, haven't you been paid for your services in connection with tariff matters when you first went on there?—A. No.

"Q. Do you mean to tell me that you did not receive compensation from other manufacturers when you first went to Washington in regard to tariff matters?—A. I will tell you all about it, but if you ask me the question in that form I will say no; I was never compensated for anything.

MERELY A SMALL PURSE.

"Q. Very well. If the form of the question permits that answer, what do you mean? What is your explanation?—A. Why, much to my surprise, there was, somewhere about 1883, I think it was in 1883, a few gentlemen got together and made up a small purse to help me, and gave it to me. I have forgotten how much it was. But I had been paying my own expenses there and had been there a great deal. That was way back 20 years ago.

"Q. You say you were paying your own expenses? Do you mean that those were paid by the Arlington Mills?—A. What?

"Q. Do you mean you were paying them, the Arlington Mills were paying them?—A. I don't know. I don't remember now who paid the expenses.

"Q. I thought you said you had been paying your own.—A. I paid them myself; whether I was reimbursed by the Arlington Mills or not for my expenses I don't remember.

"Q. You often pay the expenses of witnesses.—A. Well, in traveling, you know, and those kind of things, you hardly ever collect.

"Q. You generally collected from the Arlington Mills all your expenses in Washington, didn't you? You would not undertake to say that all this work that you did in the tariff was a waste of time?—A. Well, if I have not collected my expenses I have been very remiss."

—

BUREAU OF THE CENSUS,
Washington, December 3, 1908.

Hon. SERENO E. PAYNE,
Chairman Ways and Means Committee,
House of Representatives.

DEAR SIR: If the Ways and Means Committee desires, I will be glad to appear before it and state, under oath, all the facts connected with my services with the Senate Finance Committee in 1894 and 1897, so far as I can recall them. I will recount these facts so that you may determine whether you desire to summon me as a witness.

When the Wilson tariff bill of 1894 was about to reach the Senate, Senator Aldrich said to me one evening that he was entirely without expert clerical assistance in connection with the work on the tariff bill, and without any funds to pay for it, and that he urgently desired that I would remain in Washington and assist him while the bill was passing through the Senate. I consulted with the officers of the National Association of Wool Manufacturers, of which I was the secretary, and they consented to Senator Aldrich's request. Accordingly I remained in Washington during the entire period that the Wilson bill was under consideration in the Senate, occupying a desk in Senator Aldrich's rooms in the Maltby Building. My duties were mainly the care of the correspondence, the making of tables, percentages, etc.

When the tariff bill of 1897 reached the Senate Senator Aldrich made the same request of me, and, again after consulting the officers of the association, I went to Washington. From the date of my arrival until the bill became a law I acted as the clerk, or secretary, of the subcommittee of the Finance Committee. I was in charge of a number of clerks, who were loaned to the committee by the Treasury Department and the General Appraisers in New York. My duties were to handle, acknowledge, brief, and file the correspondence of the committee, which was enormous, sometimes reaching 200 letters a day, and to prepare such tables and computations as the subcommittee desired.

During the time that the subcommittee was going over the House bill, section by section, I sat with it, reading the old and the proposed new rates, paragraph by paragraph. Mr. Arthur B. Shelton, now the clerk of the Senate Finance Committee, alternated with me in this duty. When this was completed the subcommittee went into executive session, and I was no longer present at its sittings, but remained in the rear rooms of the suite which the committee occupied and in which the clerical force was located. I had no knowledge of a single rate on a single article agreed upon by the subcommittee until the night before the bill was reported to the Senate. On that night Senator Aldrich sent for me, and at his dictation, from a copy of the House bill, upon which he had made notes from time to time, and which never passed out of his possession, I wrote out the changes in the bill. When it was completed I took the bill to the Government Printing Office and read the proof of it as fast as it was put into type. It was about 5 o'clock in the morning when the work was finished, and the bill was reported at noon the same day.

I was never in a position to give illicit information to anyone regarding the terms of the bill. As a matter of personal protection, however, I wrote President Whitman, as appears from the published correspondence, that he must not expect any information from me in view of my confidential relations with the committee, and he never received any such information.

I told him also that if it should come to my knowledge that the situation was one that required his attention, I would telegraph him and that he "would doubtless have no difficulty in finding out what is the matter." I so wrote because I had already learned that Senators Aldrich, Allison, Platt, and Wolcott, the members of the subcommittee, talked with the utmost frankness to all the representatives of manufacturing interests who personally called upon them. They made no secret of their personal views as to what the rates of duty on any article should be, and they talked to hundreds of people.

As to the phraseology of the woolen schedule and the rates of duty to be given woolen goods, I was never consulted by the subcommittee and never communicated with except in writing. My recollection is that on several occasions Mr. Whitman wrote me suggestions regarding this schedule. They were transmitted to the committee with hundreds of similar suggestions. It is my belief that the wool manufacturers would have been in a much more favorable situation if their secretary had been free to advocate their wishes.

One does not know Senator Aldrich if he imagines that he is a man whose judgment on any question connected with tariff rates can be influenced in the slightest degree by the presence or the personality of any person employed to represent a particular industry. I have never known a man who was less susceptible to this sort of influence.

The fact that I was acting as clerk to the subcommittee of the Finance Committee was universally known in Washington at the time, both in and out of Congress, and no criticism ever reached my ears. It was a frequent occurrence for some Member of Congress to say to me that the Finance Committee was fortunate in having been able to secure my services

All the correspondence which Mr. Bennett obtained from Mr. Whitman's files, by order of the court, in the libel suit against a Lynn newspaper, was published at the time of the suit, some eight years ago, and commented upon in the newspapers. I do not recall an instance in which it was suggested that it revealed anything which I have any reason to regret or to explain.

And that is the fact. I discharged to the best of my ability the duties of clerk of the Senate subcommittee, which Senator Aldrich urgently asked me to undertake. I kept inviolate, so far as I knew them (which was very little), the secrets of the subcommittee. I had no hand whatever in the drafting of a single phrase or rate in the tariff bill reported by that committee to the Senate. I did a lot of hard work, but I did it honorably, as a duty which I owed to the public, and for which I expected no reward.

Following my return to Boston, after the passage of the tariff bill, the officers of the National Wool Manufacturers' Association informed me that, in recognition of the arduous and responsible work which I had performed for the committee and the serious injury to my health, which had resulted from an assignment entirely apart from my duties as secretary of the association, they believed I had been underpaid, and, accordingly, as an expression of their personal good will and regard, they presented me with the sum of $5,000. Shortly afterwards my salary was increased from $4,000 to $6,000 per annum.

Very respectfully,

S. N. D. NORTH.

Mr. TOWNSEND. Mr. President, I rise for one thing for the purpose of stating that Senators on this side are not in combination with the junior Senator from Missouri [Mr. REED] to filibuster. I am very glad to see that there seems to be a unanimity of feeling as to the hearings and as to the publicity that shall be given.

There is another matter, however, about which I desire to speak, and about which I think we ought to have some information. I believe it was the President who first stated that manufacturers—citizens of the United States—would be hung as high as Haman if they induced a panic. I also believe that it has been stated many times since by members of the Cabinet and by a leader in the House of Representatives that the law was to be invoked against manufacturers who reduced wages. The Senator from Ohio [Mr. POMERENE] on Friday last attempted to correct the erroneous impression, as he called it, which has been created by the remarks made by Secretary Redfield, and had his speech ordered to be published in the RECORD.

I should like to know from the chairman of the Finance Committee, or from any other Senator, if he is prepared to give the information, whether there has been any attempt made to determine whether wages have been reduced in the United States; if any attempt has been made to discover whether there has been an actual loss to business; whether there has been that apprehension in the country which has manifested itself in the reduction of pay rolls or the reduction either in the number of employees or in the wages which they have received? In other words, it seems to me so much has been made of this matter that there must be some foundation for the apprehension which Senators and others have felt as to the effect of the proposed tariff measure, or from the proposition to enact it, even as to existing conditions. I should like to ask the Senator from North Carolina [Mr. SIMMONS], the chairman of the Finance Committee of the Senate, if anything has come to his knowledge along the line I have suggested?

Mr. SIMMONS. Mr. President, I desire to say to the Senator that I have no information that there has been, up to this time, any reduction in wages in the industries of this country. I suppose, however, that the remarks of the Secretary of Commerce to which allusion has been made grew out of the fact, not that reductions of wages have been made, but out of the threats which are constantly being made by the protected industries of the country that unless they are permitted to retain the privileges and the favoritism accorded them under the Republican law they will reduce the wages of their employees instead of cutting off their profits.

Mr. TOWNSEND. Has the Senator in mind any such case to which he can call the attention of the Senate?

Mr. SIMMONS. Only, Mr. President, that in our conferences with representatives of the protected industries they have constantly asserted that if the duties on their products were reduced they would have to cut the wages, and would cut the wages, of their employees. If the Senator will read the hearings before the Ways and Means Committee of the House of Representatives I think he will see that the testimony of the representatives of the favored industries is full of threats that if the Democrats should reduce the protection now accorded them to the slightest degree that they would reduce the wages of their laborers and recoup themselves in that way.

Mr. TOWNSEND. Does the Senator mean that any manufacturers have appeared before the Finance Committee, or before any member of that committee, and stated, as a threat, that they would reduce wages, or have they said that certain proposed changes would make it necessary for them to reduce their expenses?

Mr. SIMMONS. They have done so repeatedly in private conversations with me.

Mr. TOWNSEND. Does the Senator object to naming some manufacturer who said that?

Mr. SIMMONS. I will say to the Senator that so many of these people have been to see me that I can not carry their names in my mind; but in conversation with me representatives of these industries——

Mr. TOWNSEND. What industries?

Mr. SIMMONS. Have constantly intimated——

Mr. TOWNSEND. Could the Senator mention some particular industry?

Mr. SIMMONS. That if the duties on their product were reduced——

Mr. GORE. The blast-furnace people.

Mr. SIMMONS. The blast-furnace people and others, too—that if the duties on their products were reduced they would have to reduce, and would reduce, the wages of their employees. If the Senator will read the House hearings he will have no difficulty whatever in finding scores of just such statements as that.

Mr. TOWNSEND. Did the Senator understand that to be a threat or the statement of a fact?

Mr. SIMMONS. The Senator can construe that in whatever way he may see fit. He can construe it into a threat or he can construe it into a statement; but I take it that the Secretary of Commerce in making this statement had reference to the constant warning, if the Senator prefers that word, by the representatives of the protected industries that if there was a reduction in duties they would not themselves suffer that reduction in their profits, but they would place it upon the shoulders of their laborers and employees.

Mr. TOWNSEND. Has the Senator from North Carolina any knowledge as to whether any steps are to be taken to determine whether the manufacturers have rightfully reduced the cost *of labor* or not?

Mr. SIMMONS. I have said to the Senator that I know of no reductions that have taken place up to this time. I will state further to the Senator that I know of no arrangements that have been made in any direction for an investigation in case there should be a reduction in wages as the result of the reductions which are likely to be made in the tariff bill.

Mr. TOWNSEND. Is it proposed by the Senator or his committee, to his knowledge, to compel manufacturers to continue doing business if they have to do it at a loss?

Mr. SIMMONS. The Senator's committee has not had any proposition before it nor under consideration with reference to what is to happen when the tariff duties are reduced.

Mr. TOWNSEND. Would it be possible for the Senator to furnish the Senate a list of the gentlemen who have made this threat, as he calls it?

Mr. SIMMONS. I can furnish the Senator with the testimony before the House committee; I can furnish the Senator with the testimony or such parts of the testimony as have been taken down before the subcommittees of the Senate Committee on Finance. I can furnish the Senator, too, with the briefs which these interests have filed, and if the Senator will read those briefs he will see running all through them this very threat or warning.

Mr. TOWNSEND. Does the Senator make no distinction between a threat and an expression of apprehension as to what may happen?

Mr. SIMMONS. I have said to the Senator that he could apply to this declaration of the interests whatever term of designation or definition he may see fit. I merely state to the Senator the facts.

Mr. TOWNSEND. But the Senator from North Carolina has seen fit to apply the term "threats" to an expression of apprehension merely.

The VICE PRESIDENT. The question is on the resolution as modified.

Mr. BURTON. Mr. President, has an amendment been proposed to the resolution?

The VICE PRESIDENT. Two amendments have been proposed and have been accepted by the Senator from Pennsylvania [Mr. PENROSE].

Mr. BURTON. I should like to hear them read.

The VICE PRESIDENT. The Secretary will read the resolution as it has been modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the chairman of the Finance Committee be requested to report to the Senate a full list of all manufacturers, corporations, importers, and other persons who have appeared before the majority members of the Finance Committee or any subcommittee thereof for hearing or conference relative to H. R. 3321; and that the minority members of the committee be requested to report to the Senate the names of all manufacturers, corporations, importers, and other persons who have appeared before the minority members of the committee relative to H. R. 3321.

Said committee shall also, as far as possible, report the names of all manufacturers, corporations, importers, and other persons who have appeared before the Finance Committee or any subcommittee thereof when it had under consideration what are commonly known as the Dingley bill and the Payne-Aldrich bill.

Said committee shall further report whether at the times last aforesaid any clerks or experts employed or used by said committee were furnished by or were in the employment of manufacturers or associations interested in maintaining a high tariff tax.

Mr. SMOOT. Mr. President, I should like to ask the Senator from North Carolina a question before voting upon the resolution. Can the Senator from North Carolina tell me the names of the experts employed by the subcommittee who have charge of the chemical schedule?

Mr. SIMMONS. I am not able to give the names of the experts. The Senator from Maine [Mr. JOHNSON] is the chairman of that subcommittee. I have not myself personally met with them at any time and do not know the names of the experts, I will say to the Senator.

Mr. SMOOT. The Senator from Maine [Mr. JOHNSON], the Senator from Georgia [Mr. SMITH], and the Senator from New Jersey [Mr. HUGHES], as I understand, compose the subcommittee on the chemical schedule.

Mr. SIMMONS. I will state to the Senator that in all of these cases I have simply, upon the request of the chairman of the subcommittee, asked the department to send us an expert upon a given schedule. I am not able to tell the Senator what expert has been assigned to the committee having charge of the chemical schedule.

Mr. SMOOT. I notice that none of the members of that subcommittee are in the Chamber. I will ask a further question.

Mr. PENROSE. I call the attention of the Senator from Utah to the fact that the Senator from Colorado [Mr. THOMAS] is here.

Mr. SMOOT. I do not think the Senator from Colorado is a member of that subcommittee.

Mr. SIMMONS. He is not.

Mr. SMOOT. The members of the subcommittee on the chemical schedule, I understand, are the Senator from Maine [Mr. JOHNSON], the Senator from Georgia [Mr. SMITH], and the Senator from New Jersey [Mr. HUGHES].

I will ask this question: Does the Senator know whether the subcommittee has employed anyone outside of the Government service?

Mr. SIMMONS. What subcommittee?

Mr. SMOOT. The subcommittee that has the chemical schedule in charge.

Mr. SIMMONS. Not to my knowledge.

Mr. SMOOT. The Senator would know if there were such a thing?

Mr. SIMMONS. I think I would; yes.

Mr. SMOOT. But the Senator does not know?

Mr. SIMMONS. I do not know; I have heard of no suggestion of that kind.

The VICE PRESIDENT. The question is on the resolution as modified.

Mr. SIMMONS. Mr. President, while I am of the opinion that the resolution ought to be referred to the committee to which it relates, together with the amendments which have been proposed and accepted, I shall not insist upon that reference and I shall not oppose the passage of the resolution. I was opposed this morning to the passage of the resolution in the form in which it then appeared, because I thought that under the resolution—and I still think it is capable of that interpretation—the committee was to be required to furnish Senators the names of all persons who had conferred with any member of the majority of the Finance Committee. That, of course, as has been explained, is an impossibility. Numerous gentlemen have appeared and talked and conferred with members of the majority, as with members of the minority, whose names have not been preserved and whose statements have not been preserved. But I am assured by the Senators on the other side that no such purpose as that is embraced in the resolution, and that no such construction as that is to be given to the resolution.

With that understanding, Mr. President, and with the amendments, I have no sort of objection to the passage of the resolution, although in the future I think I shall insist upon these resolutions first going before the Finance Committee. I think it would save time and save discussion, and I think it would be the orderly way in which to deal with these resolutions.

Mr. LIPPITT. Mr. President, I understand the resolution is still open to amendment?

The VICE PRESIDENT. It is.

Mr. LIPPITT. I offer the following amendment:

And that all briefs that may have been submitted by such parties, or that may hereafter be submitted, in connection with House bill 3321 shall be promptly printed and made available for public use.

Mr. SIMMONS. I ask that the Secretary may read that amendment, Mr. President. I did not hear it.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to add, at the end of the resolution, the following:

And that all briefs that may have been submitted by such parties, or that may hereafter be submitted, in connection with House bill 3321 shall be promptly printed and made available for public use.

Mr. PENROSE. I will accept that amendment.

Mr. SIMMONS. If that amendment is offered, I shall ask that this resolution be referred to the Finance Committee. I have stated frankly that it is my purpose to-morrow, when the committee meets, to present that question to the committee; and I have not the slightest doubt that the committee will order these briefs to be printed. I think it is unnecessary to be instructing the Finance Committee about all of its duties in this matter. If it is insisted upon, I shall ask that the resolution be referred to the committee, and we can bring it out in such form as the committee may desire to present it to the Senate.

Mr. LIPPITT. Mr. President, of course the only motive I have in this matter is to obtain the information that is contained in these briefs for public use and for the use of the Senate. If the Senator from North Carolina is willing to state that he will have these documents printed, and printed promptly, and made available, of course it will give the matter an entirely different aspect.

Mr. SIMMONS. No; I do not make that statement.

Mr. LIPPITT. One of the other members of his own committee has been arguing here for some time this morning that there is no necessity for giving out this information, or that if it is given it ought to be given at some time in the remote future; that it should not be given until all briefs have been presented, and further than that, that it should not be given until the committee is satisfied that all briefs have been submitted. For my part, I think that is not the attitude that ought to be taken in regard to these matters. If the distinguished chairman of the Finance Committee agrees with that statement of the case, I should like to have the judgment of this body upon whether that is or is not what they wish in regard to it. Of course, if the Senator is willing to say in behalf of his committee that this information will be given, and given promptly, I shall be very glad to withdraw the amendment.

Mr. SIMMONS. Mr. President, I am not willing to say anything except what I have said, and that is that I shall submit this question to the Finance Committee at its meeting to-morrow—not the meeting of the majority members, but the meeting of the full committee—and I will state to the Senator from Rhode Island that I do not know of any Senator on this side who is opposed to printing the briefs. Personally, I am in favor of it, and as far as I recall I have heard no expressions of opposition to it.

Mr. SMOOT. Mr. President, I take it for granted that the resolution is before the Senate. Of course, if the Senate wishes to vote down the amendment, well and good. But before the vote is taken upon the amendment I should like to suggest to the Senator from Rhode Island certain amendments to it: First, that whatever number should be printed ought to be named in the amendment; and, second, that instead of being "for public use" it ought to be "for the use of the Senate."

Mr. SIMMONS. Mr. President, I beg the pardon of the Senator from Utah. My attention was distracted and I did not catch his proposition.

Mr. SMOOT. I was saying that I took it for granted that the resolution was before the Senate, and that if the amendment to the resolution was to be voted upon certain amendments ought first to be made to it, in my opinion. First, we ought to state the number to be printed, because unless that is done the Public Printer certainly will not know how many are desired.

Mr. SIMMONS. I did not understand the Senator from Rhode Island to be insisting upon his amendment. Does the Senator insist upon his amendment?

Mr. LIPPITT. The amendment has been accepted by the originator of the resolution and has been made part of it. I suppose it is rather beyond my hands at the present moment.

Mr. PENROSE. I think by unanimous consent the suggestion of the Senator from Utah, which is a very proper one, could be embodied in the amendment.

Mr. SMOOT. I suggest that the number be 2,000 and that——

Mr. SIMMONS. Do I understand that the Senator from Pennsylvania has accepted the amendment of the Senator from Rhode Island?

Mr. PENROSE. Yes. The Senator has no real objection to the amendment, has he?

Mr. SIMMONS. In that event I move that the whole matter be referred to the Finance Committee.

The VICE PRESIDENT. The question is upon the motion of the Senator from North Carolina to refer the resolution to the Committee on Finance.

Mr. PENROSE. That is a debatable question.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll to determine whether or not a quorum is present.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Overman	Stephenson
Bacon	Jackson	Owen	Sterling
Bankhead	James	Page	Stone
Brady	Johnson, Me.	Penrose	Sutherland
Burton	Johnston, Ala.	Perkins	Swanson
Catron	Jones	Pomerene	Thomas
Chamberlain	Kenyon	Ransdell	Thompson
Clark, Wyo.	Kern	Robinson	Tillman
Colt	La Follette	Root	Townsend
Crawford	Lane	Saulsbury	Vardaman
Dillingham	Lea	Shafroth	Walsh
Fall	Lippitt	Sheppard	Warren
Fletcher	Lodge	Sherman	Weeks
Gallinger	Martin, Va.	Simmons	Williams
Goff	Martine, N. J.	Smith, Ariz.	Works
Gore	Nelson	Smith, Ga.	
Hitchcock	Norris	Smith, Md.	
Hollis	O'Gorman	Smoot	

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. A quorum of the Senate is present. The question is, Shall the resolution of the Senator from Pennsylvania [Mr. PENROSE], and the amendments, be referred to the Committee on Finance? On that question the yeas and nays have been ordered.

Mr. LIPPITT. Mr. President, I wish to say only two or three words in regard to this proposition.

A resolution has been discussed here at some length to obtain certain information in regard to individuals who have appeared before the various subcommittees of the Committee on Finance for the purpose of testifying in regard to the tariff bill. Two amendments have been made to the original resolution, calling for additional information similar to that asked for in the original resolution.

The original resolution and its amendments have been accepted by the chairman of the Finance Committee, and he has announced his willingness to have them adopted. The resolution having arrived at that stage, I have proposed that there shall be included in the original resolution an amendment asking that the information filed with the committee in the form of briefs, in regard to which considerable has already been said, shall also be transmitted to the Senate.

This matter was brought up before the Senate practically a week ago—on last Wednesday—at which time the chairman of the Finance Committee said that he proposed to bring the matter before his committee the next day. At the same time he used the expression that he and the other Senators on that side of the Chamber were not asking for additional light on this subject, and that the information was being asked for by the Republican Members of this body. I quite agree with that statement of the facts; and it is in accordance with the position that we then took that I now ask to have this matter included in the resolution.

The Senator from North Carolina now says that he may take up this matter to-morrow. If he is inclined to take it up to-morrow and to favor it, it certainly will do no harm to have the request made in the resolution. There is in my mind a certain amount of doubt as to how far he may be able to influence all the majority members of the Finance Committee to sustain the position that he himself apparently takes. In either case I can see no possible reason for an objection on the part of Senators on the other side of the Chamber to having this matter discussed and settled.

For my part, I believe it is as much to the interest of the Democratic Members of this body that this information shall be given as it is to the interest of the Republican Members, if not more so. I hope the resolution will prevail.

Mr. NEWLANDS. Mr. President, the tariff is up for discussion, and I should like to say a few words regarding the portion of the legislative program I have offered for the consideration of the Senate which relates to the tariff.

It will be observed that the first inquiry which the resolution I have offered makes of the Finance Committee, and upon which it calls for a report, is as follows:

(a) Whether the prices of any farm products in the United States are raised above the international level of prices by the duties now imposed on such products; and if so, what products, and whether such duties on such products can be abolished or materially reduced without injury to American industry, and to what extent. In such inquiry shall be included meats, cheese, wool, sugar, tobacco, wines, citrus fruits, and dried and preserved fruits.

I might have added to that list the cereals and other products of the farm upon which we now have certain duties and which are kept on the dutiable list by the Underwood bill.

Mr. President, it seems to me that this is a very material inquiry. We all know that the Republican Party sought to maintain its high protective duties upon manufactured products by organizing a union between the manufacturers and the farmers under which, while maintaining for the manufacturers high duties, aggregating in some instances as much as 100 or 125

per cent, they also imposed duties upon imaginary imports of farm products, and thus sought to impress the farmer with the view that he was a beneficiary of a protective tariff, and therefore should join the manufacturers in its support.

So far as I know, we never have had any definite statistics presented to Congress as to what the effect of these duties was upon farm products in the way of raising above the international level the price of farm products inside the United States. Of course we all knew that the effect of a protective tariff is to raise above the international prices the prices of domestic manufactured products similar to those on the dutiable list. That constitutes a subject of complaint and of indictment against the Republican Party—that it has sought, through this protective system, not simply to secure a revenue upon imports, but also to impose upon the consumers throughout the entire country added prices for the domestic manufactures. The statistics have been absolutely convincing that the high protective tariff has had this effect, and that wherever the Government would get $1 in duties the manufacturers were able to impose upon the consumers of the country enhanced prices to the extent of approximately $10. Thus the taxing power was exercised by the Government to the extent of only about one-tenth and by the manufacturers to the extent of about nine-tenths

We all know that this nefarious system existed, and it has been proved by the statistics, but we never have had any showing as to whether or not these duties imposed upon farm products had the effect of raising, inside of the tariff walls, the prices of domestic farm products to the extent of the duty. It seems to me that after submitting for so many years to this system of exaggerated taxation it is about time that we should know whether the farmers have been the beneficiaries of the duties imposed by the Republican Party, which they inserted in the tariff bill with a view to obtaining the farmers' support for the high duties upon manufactured products.

I hope the Finance Committee will take up this question seriously. I hope they will make use of the bureau in the Department of Commerce known as the Bureau of Foreign and Domestic Commerce and the experienced and capable experts there, with a view of presenting to Congress and to the people of the United States a definite statement as to the effect of the duty upon corn in raising the price of corn, and as to the effect of the duty upon wheat, barley, oats, and other farm products in raising the domestic price of those farm products. I should like, also, to have a statement presented as to what effect these duties have had upon such products as wool, wines, citrus fruits, and dried and preserved fruits.

Inasmuch as there are practically no imports of most of the farm products, and as to most farm products this country is an exporting country, I am inclined to think that the duties imposed by our tariff upon such products have been simply fictitious duties, without any substantial revenue return. If they are such, they ought to be taken out of the proposed tariff bill by the Democratic Party, which doubtless intends to deal with this great subject in all sincerity and candor toward the people.

We have for years condemned the treaty between the manufacturers on the one side and the farmers upon the other, between the wool manufacturers upon the one side and the woolgrowers upon the other, under which, by a community of interest, an exaggerated tariff has been maintained, to the injury of the American consumers. It seems to me the Democratic Party ought not to and will not be willing to maintain this system of deceit and of delusion. If, as a matter of fact, these duties have raised the domestic price of farm products, cereals, and others, we ought to know it. If they have not, and if they have been substantially without revenue to the country, these duties on farm products should be abolished.

It seems to me the Democratic Party should not obtain favor for its system of tariff taxation by permitting the farmer to rest under the delusion that a Democratic tariff is imposing duties upon farm products, the alleged purpose of which is to raise the domestic price of farm products.

We are complaining throughout the country of the high price of food. We are complaining throughout the country of the high price of farm products. The high cost of living is a question that is being considered in every household. We all know that farm products have increased in value and in price to a much higher degree than the manufactured products of the world. Therefore, in my judgment, we should remove all duties imposed upon farm products indigenous to the soil, requiring no stimulation in their production and none of the care essential to an infant industry. But the answer would be, if that is done, How can you contend for a duty upon sugar and wool, both of which are farm products?

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. In reply to that——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. I will ask the Senator if the complaint is not lodged as to the retail price of farm products rather than the price the farmer himself obtains for his productions?

Mr. NEWLANDS. I think, Mr. President, the statistics show that the prices paid to the farmers themselves have vastly increased.

Mr. GALLINGER. Undoubtedly, but——

Mr. NEWLANDS. And the prices which they have received have advanced within the last 15 years in a much higher degree than the products of the manufacturers.

Mr. GALLINGER. Mr. President, I do not know precisely how that may be. Unquestionably they have advanced, as everything else has advanced. But my investigation has satisfied me that the inordinate price of farm products is largely due to the fact that the retailer and the middleman can put about what value they please on them. If the duty was taken off and a little reduction came as a result, I am not quite sure that the middleman and the retailer would not simply add that to his price, and we would be paying just the same.

Mr. NEWLANDS. There is no question that owing to an imperfect system both of distribution and of retailing the price of farm products and of all products has been raised very largely to the consumer. I think the investigations have shown that a very large proportion of the high prices of which the people of America complain is due to the system of distribution and of retailing. But I am now speaking of the prices that the farmers receive. I assert that they have vastly increased during the past 15 years and have increased in a larger proportion than the prices of the manufactured products of the country. All I am contending for is that as to those farm products, the prices of which have not been raised to domestic consumers by duties imposed upon similar importations, we should ascertain the fact, obtain the report of a committee as to the fact, and then exercise our judgment as to whether those products shall remain upon the dutiable list or not.

I claim, Mr. President, as I was remarking a few moments ago, that in the case of farm products which may be called indigenous to the soil—the natural products of the country—which require no stimulus in order to insure their largest production, no duties whatever even under the protective system should be put upon similar products imported from abroad; that they should not be put on the tariff under the protective system because they do not protect, and they should not be put on the tariff under the revenue system because they produce no revenue.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. NEWLANDS. Certainly.

Mr. McCUMBER. I wish to ask the Senator if he is acquainted with the comparative Minneapolis and Liverpool prices of like grain during all the year or substantially all the year 1910?

Mr. NEWLANDS. As to what product?

Mr. McCUMBER. Take the grain product. Take wheat, for instance.

Mr. NEWLANDS. No; I am not familiar with it.

Mr. McCUMBER. I will give the Senator one fact and ask him for his conclusion as to the cause.

The Minneapolis and the Liverpool price were almost exactly the same during the entire year 1910 on what we call No. 1 and No. 2 grades of northern wheat. If the Liverpool price measured what you might call the world's level of prices, then why was it, with a difference of about 18 cents in insurance and handling between Liverpool and Minneapolis, that the Minneapolis prices were equivalent to the Liverpool prices during that entire year?

Mr. NEWLANDS. Mr. President, I want an explanation of that fact from the Finance Committee, and that is one of the purposes of this inquiry. I do not pretend to be informed upon these questions and to be able to give the information, or perhaps I would not have offered this resolution.

Mr. McCUMBER. I agree with the Senator, Mr. President; I should like to have the information myself, and I am perfectly willing that the Senator should get it in any way, but I thought I understood the Senator to state that from his view the tariff did not affect the price of grain in any way whatever, and therefore it should be reduced. I can explain to the Senator why the prices were nearly equal during that period.

Mr. NEWLANDS. It is my view that it does not affect the price of the cereals. I do believe——

Mr. McCUMBER. What, then, does the Senator say affects it?

Mr. NEWLANDS. I believe it affects the price of wines in this country, of citrus fruits, of dried and preserved fruits, of sugar, and I am inclined to think it affects the price of wool.

Right here I may say that if after a careful inquiry it is found that the imposition of these tariff duties has had the effect of raising the domestic prices above the international level, and has thus stimulated production in this country, I believe that as to those things they should go gradually to the free list and not immediately to the free list; that as to those products the price of which is not raised above the international level there is no reason for the duty, because the duty neither gives protection under the Republican theory nor gives revenue under the Democratic theory, and therefore it should be abolished.

Mr. McCUMBER. Mr. President——

Mr. NEWLANDS. I simply want to ascertain the fact as to whether the tariff has stimulated any industry in this country. If I find that it has, then, so far as I am concerned, I shall propose to urge a policy that will deal gently with that product, that will withdraw gradually the stimulating heat of a high protective tariff, so that that particular production can gradually accustom itself to a normal temperature.

Mr. McCUMBER. I wanted to ask the Senator another question, because I assume from his argument that he is desirous of getting at facts to prove whether he is in error in his conclusion as to the effect of tariff legislation upon farm products. The Senator will find, if he will look at the daily reports in Winnipeg, that the prices between Liverpool and Winnipeg, across the line, measure the difference between the cost of transportation, the insurance, and so forth, whereas on the American side we were just that difference practically above the Winnipeg price and the equivalent of the Liverpool price.

Then I wanted to call the Senator's attention to another fact, which was brought out in the Senate by a number of Senators from the reports during all of the winter of 1911, and when we were considering the reciprocity pact. During that time the average price of barley upon the American side was nearly double the price, during the entire winter, of the Canadian barley.

Mr. NEWLANDS. It was nearly double?

Mr. McCUMBER. Yes. In other words, it measured just about equal to the 30 cents per bushel which was the tariff. Now, if the Canadian barley could have come in here free, as they had a very good crop in Canada that year, does not the Senator believe it would necessarily have lowered the price of the American barley, which was from 30 to 50 cents a bushel higher than the Canadian?

Mr. NEWLANDS. Yes; I think it would probably have lowered the price. I think it ought to lower the price, and that it would be very beneficial to the country if it did lower the price.

Mr. McCUMBER. I admit it would have been beneficial to the brewers.

Mr. NEWLANDS. If the barley production has been so affected by a protective tariff that it commands a price high above the world's level, I agree entirely with the policy that would reduce the level of the domestic price.

Mr. McCUMBER. Does the Senator believe that——

Mr. NEWLANDS. Because it would be an imposition upon the consumers of the country to charge upon them a price very largely in excess of the international price. All the concession I make to the Senator is that in dealing with that particular product we should deal with it not radically but gradually and gently, by a process of graduated reduction year after year until the production of barley is upon a normal basis.

I wish to state to the Senator that I do not pretend to be as familiar as the Senator as to the facts regarding the international price and the domestic price of these farm products. I am unable to take up the discussion of those questions, and the Senator will excuse me from a further discussion of them.

Mr. McCUMBER. Will the Senator allow me to make just one suggestion to him?

Mr. NEWLANDS. Very well.

Mr. McCUMBER. I agree with the Senator that the price of farm products has risen very materially in the last 15 years; that farm products have risen in value until within the last few months considerably greater than the rise in the value of manufactured products. But I ask the Senator this one question: Does he believe that the farming or agricultural communities, by reason of this advance in the price of their products, compared with the rest of the people of the United States have been unduly prosperous?

Mr. NEWLANDS. Mr. President, I am not prepared to answer that question. I really do not know enough of the comparative economic conditions of the different classes to be able to answer it. All that I say generally is, first, I want to ascertain not through the speech of a single Senator, not through the statistics he may present upon the floor, but through findings of fact ascertained by a skilled committee of the Senate after investigation as to whether or not these duties upon farm products have really raised the domestic price of similar products produced in the United States. And then, if I find that they do not, I would favor the obliteration of such duties from our tariff, whether it was a protective tariff or whether it was a revenue tariff.

If they do raise the price above the international level, then I should deal with them just as gently as I would with the manufacturing industries, and instead of bringing on a cataclysm in production in this country in any industry I would gradually reduce those duties so that the production could be put upon a normal basis. The more stimulated the production was by an excessive tariff duty the more gentle I would be in the process of gradually reducing the heat of the temperature under which that industry had flourished. I would not wish to withdraw the heat immediately so that the industry might be destroyed. I would wish to gradually reduce the temperature by reduced duties in such a way as to enable the industry gradually to get accustomed to a normal temperature.

Now, Mr. President, there is no question but that the duties imposed upon wines, citrus fruits, and dried and preserved fruits have had the effect of largely stimulating those industries in the United States, and particularly on the Pacific coast. There is no doubt but that the production has vastly increased there, so much so as to bring all these products within the reach of the masses of the people. There is no question but that all those duties are now too high. The Democratic Party has very wisely reduced them by its action in the House.

There is one industry, however, which I think they have attacked a little too vigorously. The duty on oranges, I believe, has been reduced from 1 cent a pound to half a cent a pound, a reduction of 50 per cent, but the duty on lemons has been reduced from 1½ cents a pound to half a cent a pound, making a reduction of considerably more than 50 per cent.

So far as the duty on oranges is concerned, the reduction was warranted, though it was a very much larger reduction than is made, on the average, throughout the entire tariff bill. But so far as the duty on lemons is concerned, I am inclined to think that the temperature has been reduced too rapidly, for we all know that these are both hothouse industries; that the orange industry is here to stay, even at this very much diminished duty, but there is considerable doubt in my mind as to whether the lemon industry is here to stay at this very largely diminished duty, something far exceeding the reduction that has been made upon the manufactured products of the country. For, recollect, the average reduction made has been from an average duty under the Payne bill of 40 per cent to an average duty of 25 per cent, a reduction of a little less than 40 per cent, whilst the duty on lemons has been reduced about 70 per cent. We all know that the lemon industry has not been established as long as the orange industry, that it takes very many years to perfect a lemon orchard, and that that industry is now in a critical condition. Is it wise simply because ultimately we have in view bringing lemons down to the free list, possibly to bring them down to a duty of 10 or 15 or 25 per cent under the revenue system, that we should now reduce the duty to a far greater degree than we have reduced the duties upon the other articles upon the dutiable list?

As to sugar, I would like to have the finding of the Finance Committee regarding the effect of the present duty of nearly 100 per cent upon domestic prices, and the effect upon the domestic industry of lowering this duty to zero. Would it have the effect, as I claimed in my remarks of last Friday, of transferring the industry of sugar raising from Louisiana and the Western States, as well as our insular possessions in Porto Rico, Hawaii, and the Philippines, to Cuba, and would it also result in the loss of $50,000,000 of annual revenue? Would it not be better to materially reduce the duty temporarily to 50 per cent, and later on to 25 per cent, rather than displace and destroy an industry upon which the prosperity of so large a part of our own country, as well as of our insular possessions, depends?

Now, I am in doubt as to the effect of the tariff on wool. I am in doubt as to whether the high duty imposed upon wool has really raised the price of the domestic wool above the international level. We hear varying statements as to that. It seems to me it ought to be a fact that could be ascertained beyond peradventure.

If, as a matter of fact, the price of domestic wool has not been raised above the international price by the very high duty imposed by the Payne tariff, then from the protective standpoint certainly that duty is not required, and the only question which remains is as to whether we shall maintain it as a revenue duty. With that duty we now get about $7,000,000 annually from raw wool, and certainly no Democrat should vote for the entire abolition of the duty if while securing $7,000,000 of revenue from it it has not, as a matter of fact, raised the domestic price of domestic wool.

But, on the other hand, Mr. President, we hear it stated that the effect of that duty has been to raise in a considerable degree the price of domestic wool over the international price. If it has, and if the effect, therefore, has been to stimulate the production of wool in this country above the normal level, and people have been induced by the existing condition to go largely into wool production, then I will say that very condition appeals to Democrats simply to reduce that duty gradually, so that ultimately the production of wool in this country will be put upon a normal basis, and in order to act intelligently upon this matter it seems to me it is incumbent that some committee, acting with authority, should investigate the statistics, ascertain the facts, and report the facts to Congress.

Of course we are told that every individual Senator can examine the statistics. It is true that every individual Senator can, if he chooses, inquire as to the statistics of every item in this tariff bill, and the items number 4,000; he can devote his entire lifetime to statistics to the utter neglect of his other legislative duties; but it seems to me that there is an orderly way to go about it, and that is either through a tariff commission, for which I have always stood and for which I still stand, or through a bureau such as has been organized in the Department of Commerce, or through a committee of Congress, which has all the sources of information open to it. As we have chosen to rely upon a committee of Congress charged with that duty it seems to me that the Committee on Finance should present to us some reliable statement as to the facts gained through investigations which it makes, with its opportunities to reach out to all the sources of information, and with its opportunities to secure the best expert assistance in both this and foreign countries; and that if we are to act scientifically not in shaping a protective system but in reducing the abnormalities of a protective system, we should do this upon information and not upon impulse.

Mr. President, we are dealing with a question which the Democratic platform declares is intimately connected with the business of the country. The Democrats of the country in convention assembled declared that this was intimately connected with the business of the country; that it expected only the ultimate accomplishment, not the immediate accomplishment, of what it desired by processes that would involve neither injury nor destruction to any legitimate industry.

Of course, we are told that the words "legitimate industry" mean economically legitimate, not legally legitimate. I happened to be upon the committee which framed that platform. I heard no such refinements there. I assumed, and I think the committee assumed, that any industry was legitimate which was legally organized in this country and under public policies that permitted its organization. Under the administration of both parties from time immemorial duties have been imposed upon sugar and wool, and the industries of producing commodities were certainly legitimate industries.

Mr. President, I believe that if the Finance Committee will occupy itself in giving us the basic facts we shall then be in a position where each Senator can exercise his judgment; and I hope that this opportunity, the first which the Democratic Party has had for many years, of basing its action upon the intelligence and the information of the members of the Democratic Party in Congress, instead of mere juggling adjustments made between industries and sections, will not be lost.

I have always believed that we could organize a tariff board, which, like the Interstate Commerce Commission, proceeding under a rule fixed by Congress, would relieve us of much of the burden of this work of adjustment, and could accomplish the work much more intelligently than we could accomplish it, not because this body would be inferior in intelligence, but because a specialized board, devoting its entire time to a particular duty under a rule fixed by Congress, would be more likely to produce a satisfactory result than could be accomplished by bringing together 96 minds in the Senate and 435 minds in the other House in the adjustment, and the nice adjustment, of 4,000 items in a tariff bill

We never hesitated when we came to the great and important question of railroad rates which involves practically a tax upon the transportation of the country, involving classifications and equitable adjustments between shippers and communities. We did not hesitate, under a rule fixed by Congress, to organize that commission as a servant of Congress to carry out its will; and the time will come when the Democratic Party, in my judgment, will see the wisdom of organizing such a board, which, acting under a rule fixed by the Democracy, will proceed to a scientific and equitable adjustment of this question.

It is true that we have made progress by the organization of the Bureau of Foreign and Domestic Commerce in the Department of Commerce relating to this subject, but the difficulty with the bureau is that the chief of the bureau is always a partisan; that the bureau chief changes with every administration; and that there remains no tradition, no precedent, no accumulated and composite judgment such as exist in an administrative tribunal that can be handed down continuously and consecutively as a guide to action. That has been the great trouble with our Bureau of Corporations in questions relating to interstate trade and the trusts. Had we organized that bureau just as we organized the Interstate Commerce Commission and given them jurisdiction over the trusts and had appointed to it from three to five capable commissioners from both political parties to hear complaints and to guide and control the prosecutions under the Sherman Act, under rules made by Congress, we would by this time have reached an adjustment of the interstate-trade question, as we have reached an adjustment of the interstate-transportation question.

Interstate trade and interstate exchange are just as much a part of interstate commerce as is interstate transportation, and the wisdom which guided us in the creation of a commission to regulate transportation, under rules fixed by Congress, should have guided us with reference both to interstate trade and to banking and exchange. Had that been accomplished at the time of the enactment of the Sherman Antitrust Act, and had such a board been charged with its administration and enforcement, we would have been free to-day from almost all the evils that afflict us with reference to interstate trade, just as we are free to-day from almost all of the evils that have afflicted us regarding interstate transportation.

So, I hope, Mr. President, that the Democratic Party, while felicitating itself upon the organization of the bureau of foreign and domestic commerce, will supplement the creation of that bureau by adding to it a board similar to the Interstate Commerce Commission, which, investigating questions, hearing the complaints of importers upon the one hand and of the domestic producers upon the other, will, under a rule fixed by Congress—a Republican rule if the Republicans are in power, a Democratic rule if the Democrats are in power—bring about a satisfactory adjustment of this great question of the tariff, which the Democratic Party declares is and has been intimately connected with the business of the country and ought to be taken out of purely partisan administration, and, above all, should be taken out of the juggling adjustments which, whether under Republican or Democratic administration, prevail in both Houses of Congress.

Mr. President, subdivision B of this resolution, in regard to a legislative program, relating to tariff taxation, calls upon the Finance Committee to report what products now upon the dutiable list should be put upon the free list. Of course, this committee will do that in reporting the bill, but I should like a report from the Finance Committee, outside of the bill itself, stating what products now upon the dutiable list should be put on the free list, and the reason why. I think such information will enable every Member of this body to act upon this subject, and we will not be herded together, directed by the impulse that has been given from this direction or that.

Subdivision C provides that the Finance Committee shall ascertain and report whether it is practicable and advisable to change all duties from a specific to an ad valorem basis. So far as I am concerned, I believe that we should change to ad valorem duties, and the House of Representatives has, in the main, carried out that rule.

I realize the difficulty in administration so far as the ad valorem duty is concerned; that the ascertainment of values depends not only upon the knowledge and information of the appraisers, but oftentimes upon their integrity—always, I may say, upon their integrity—and there are great opportunities for fraud, and yet, of course, the percentage basis is the only real basis for revenue duties. We find that everywhere in our State administrations. I should like the committee to state, where they preserve the specific duties and do not change them to ad valorem duties, the reason for their action.

Subdivision D provides that the Finance Committee shall report—

(d) The average percentage of the duties imposed by the existing tariff, and the average percentage to which it is desirable to reduce the duties imposed under the proposed revision of the tariff, and the maximum and the minimum duties which it is desirable to impose.

I may say with reference to that, that the other House has already acted. We know that under the Dingley bill the average duties amounted to about 43½ per cent; that under the Payne-Aldrich bill they amounted to about 40 per cent; and that under the Underwood bill they amount to about 25 per cent. The Republican tariff imposed duties all the way from 5 to 10 per cent up to 150 per cent. I do not know what the maximum tariff is under the Underwood bill, but if any of its duties are in excess of 50 per cent it seems to me that we ought to have a special report showing why. Fifty per cent seems to me to be a large tax to impose upon a consumable product and thus enlarge the price paid by the consumer. If we have such duties, as I am told we have, it seems to me that we ought to have some explanation from the Finance Committee.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. Certainly.

Mr. KERN. I should like to inquire of the Senator from Nevada whether it would inconvenience him at all to postpone his remarks to a subsequent occasion, as it is desired to have an executive session this afternoon.

Mr. NEWLANDS. I will state, Mr. President, that I will very gladly yield. I hope I have not detained the Senate.

Mr. KERN. I only asked if it would inconvenience the Senator to postpone his remarks.

Mr. NEWLANDS. Not at all. I will be very glad to yield. I wish merely to add that later on I will take up subdivisions E, F, G, H, and I of section 2 of this legislative program relating to the tariff and taxation.

Mr. JONES. Mr. President, I desire to ask unanimous consent that on the next regular meeting day of the Senate, at the close of the routine morning business, the Senate proceed to the consideration of Calendar No. 11—Senate resolution No. 19—and proceed to the final determination of that resolution and all amendments before the close of that calendar day.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. GALLINGER. Will the Senator from Indiana permit me to ask if we may not have a vote on the pending motion before we go into executive session? The yeas and nays have been ordered.

Mr. KERN. I will be very glad if that matter can be disposed of, if the Senator from Nevada will consent.

The VICE PRESIDENT. Will the Senators permit the Chair to put the request of the Senator from Washington [Mr. JONES]? Is there objection to the request of the Senator from Washington?

Mr. ROOT. What is the request?

The VICE PRESIDENT. The Senator from Washington requests unanimous consent that Senate resolution 19 be made a special order at the close of the morning business at the next session of the Senate. The Secretary will state the resolution.

The SECRETARY. A resolution (S. Res. 19) to authorize the allowance of an additional clerk to Senators having less than three.

Mr. CLARKE of Arkansas. I object to that. The Senator from Mississippi [Mr. WILLIAMS] is in charge of the matter, and he is not here. I object for the present.

Mr. GALLINGER. Now, I trust we may have a vote on the pending motion, on which the yeas and nays have been ordered.

Mr. KERN. The Senator from Nevada has informed me that it would not inconvenience him to have that done.

Mr. GALLINGER. Very well.

Mr. KERN. I have no objection. However, Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jackson	O'Gorman	Smith, Ga.
Bacon	James	Overman	Smith, Md.
Burton	Johnson, Me.	Page	Smoot
Catron	Johnston, Ala.	Perkins	Stephenson
Chamberlain	Jones	Pittman	Stone
Clark, Wyo.	Kenyon	Pomerene	Swanson
Clarke, Ark.	Kern	Ransdell	Thomas
Colt	La Follette	Reed	Thompson
Crawford	Lane	Robinson	Thornton
Dillingham	Lea	Root	Townsend
Fall	Lippitt	Saulsbury	Vardaman
Fletcher	Martin, Va.	Sheppard	Walsh
Gallinger	Martine, N. J.	Sherman	Warren
Goff	Myers	Shields	Williams
Gore	Nelson	Shively	
Hollis	Newlands	Simmons	
Hughes	Norris	Smith, Ariz.	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] to refer the resolution of the Senator from Pennsylvania [Mr. PENROSE] as modified, to the Committee on Finance. On that question, the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JOHNSTON of Alabama (when Mr. BANKHEAD'S name was called). My colleague [Mr. BANKHEAD] is absent on business. He is paired with the Senator from West Virginia [Mr. GOFF].

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. JACKSON (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I inquire if he is recorded as having voted?

The VICE PRESIDENT. The Chair is informed that that Senator has not voted.

Mr. JACKSON. Then I will withhold my vote.

Mr. POMERENE (when his name was called). I have a pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN], and will vote. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER] and therefore withhold my vote.

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the senior Senator from Texas [Mr. CULBERSON] is necessarily absent. He has a general pair with the Senator from Delaware [Mr. DU PONT]. If present, the Senator from Texas would vote "yea."

Mr. JACKSON. As I have stated, I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. WEEKS. I am requested to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired on this question with the junior Senator from South Carolina [Mr. SMITH].

Mr. CLARKE of Arkansas (after having voted in the affirmative). I have voted, but I find that the junior Senator from Utah [Mr. SUTHERLAND] did not vote. I have a pair with him, and I must, therefore, withdraw my vote.

Mr. GALLINGER. I desire to announce—and I will not repeat the announcement—that the continued absence of the junior Senator from Maine [Mr. BURLEIGH] is due to illness.

Mr. SIMMONS (after having voted in the affirmative). After transferring my pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from Oklahoma [Mr. OWEN], that Senator came into the Chamber and voted. I therefore withdraw my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). There is some question about the transfer of my pair. I do not want to have any doubt about it. Instead of transferring my pair with the Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from South Carolina [Mr. SMITH], I will transfer it to the junior Senator from Florida [Mr. BRYAN] and allow my vote to stand.

The result was announced—yeas 42, nays 29, as follows:

YEAS—42.

Ashurst	Kern	Pomerene	Stone
Bacon	Lane	Ransdell	Swanson
Chamberlain	Lea	Reed	Thomas
Fletcher	Martin, Va.	Robinson	Thompson
Gore	Martine, N. J.	Saulsbury	Thornton
Hitchcock	Myers	Shafroth	Tillman
Hollis	Newlands	Sheppard	Vardaman
Hughes	O'Gorman	Shields	Walsh
James	Overman	Shively	Williams
Johnson, Me.	Owen	Smith, Ariz.	
Johnston, Ala.	Pittman	Smith, Ga.	

NAYS—29.

Bradley	Fall	McLean	Smoot
Brady	Gallinger	Nelson	Stephenson
Burton	Jackson	Norris	Townsend
Catron	Jones	Page	Warren
Clark, Wyo.	Kenyon	Penrose	Weeks
Colt	La Follette	Perkins	
Crawford	Lippitt	Root	
Dillingham	Lodge	Sherman	

NOT VOTING—25.

Bankhead	Clapp	Lewis	Smith, S. C.
Borah	Clarke, Ark.	McCumber	Sterling
Brandegee	Culberson	Oliver	Sutherland
Bristow	Cummins	Poindexter	Works
Bryan	du Pont	Simmons	
Burleigh	Goff	Smith, Md.	
Chilton	Gronna	Smith, Mich.	

So the resolution as modified was referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. BACON. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. BURTON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. JACKSON (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE], and will vote. I vote "nay."

Mr. POMERENE (when his name was called). I make the same announcement as heretofore in respect to my pair and transfer. I will allow this announcement to stand for the day. I will therefore vote. I vote "yea."

Mr. SIMMONS (when his name was called). Owing to my pair with the junior Senator from Minnesota [Mr. CLAPP], I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER] and therefore withhold my vote.

Mr. TOWNSEND (when his name was called). The Senator from North Carolina [Mr. SIMMONS] spoke to me this afternoon about pairing with the junior Senator from Florida [Mr. BRYAN], I think. I said at that time that I would pair with him on all votes outside of executive session, and I voted on the other roll call without thinking that I had that pair. I am not in the habit of pairing. I do not know whether or not it is too late for me to withdraw it. If it is not, and this is a suitable opportunity, I should like to withdraw that vote.

On this roll call I announce my pair with the Senator from Florida [Mr. BRYAN], and refrain from voting.

The roll call was concluded.

Mr. TOWNSEND. I am informed that the senior Senator from Oregon [Mr. CHAMBERLAIN] had transferred his pair to the junior Senator from Florida [Mr. BRYAN]. Therefore he is protected, and I will allow my vote to stand as originally cast. On this roll call I vote "nay."

The result was announced—yeas 42, nays 27, as follows:

YEAS—42.

Ashurst	Kern	Pomerene	Stone
Bacon	Lane	Ransdell	Swanson
Chamberlain	Lea	Reed	Thomas
Fletcher	Martin, Va.	Robinson	Thompson
Gore	Martine, N. J.	Saulsbury	Thornton
Hitchcock	Myers	Shafroth	Tillman
Hollis	Newlands	Sheppard	Vardaman
Hughes	O'Gorman	Shields	Walsh
James	Overman	Shively	Williams
Johnson, Me.	Owen	Smith, Ariz.	
Johnston, Ala.	Pittman	Smith, Ga.	

NAYS—27.

Bradley	Gallinger	McLean	Sherman
Brady	Jackson	Nelson	Smoot
Burton	Jones	Norris	Stephenson
Catron	Kenyon	Page	Townsend
Clark, Wyo.	La Follette	Penrose	Warren
Crawford	Lippitt	Perkins	Weeks
Dillingham	Lodge	Root	

NOT VOTING—27.

Bankhead	Clapp	Goff	Smith, Md.
Borah	Clarke, Ark.	Gronna	Smith, Mich.
Brandegee	Colt	Lewis	Smith, S. C.
Bristow	Culberson	McCumber	Sterling
Bryan	Cummins	Oliver	Sutherland
Burleigh	du Pont	Poindexter	Works
Chilton	Fall	Simmons	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 40 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO THURSDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Thursday next at 2 o'clock p. m.

The motion was agreed to.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until Thursday, May 22, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 20, 1913.

UNITED STATES MARSHALS.

Emmet R. Jordan, of Alaska, to be United States marshal for the District of Alaska, division No. 2, vice Thomas Cader Powell, whose term will expire at the close of June 15, 1913.

Edward W. Exum, of Alaska, to be United States marshal for the District of Alaska, division No. 3, vice Harvey P. Sullivan, whose term will expire at the close of June 30, 1913.

EXECUTIVE COUNCIL OF PORTO RICO.

The persons herein named for appointment as members of the Executive Council of Porto Rico, provided for in section 18 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

Tulio Larrinaga, of Porto Rico, vice Rafael del Valle.

Luis Sanchez Morales, of Porto Rico, reappointment.

RECEIVER OF PUBLIC MONEYS.

Abraham Hogeland, of Lewistown, Mont., to be receiver of public moneys at Lewistown, vice Wyllys A. Hedges, removed.

REGISTER OF THE LAND OFFICE.

Harry J. Kelly, of Lewistown, Mont., to be register of the land office at Lewistown, vice Clarence E. McKoin, removed.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Col. John P. Wisser, Coast Artillery Corps, to be brigadier general from May 16, 1913, vice Brig. Gen. Walter S. Schuyler, retired from active service April 26, 1913.

Col. Thomas F. Davis, Eighteenth Infantry, to be brigadier general from May 16, 1913, vice Brig. Gen. Frederick A. Smith, retired from active service May 15, 1913.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps, with rank from May 16, 1913.

Moreton Homer Axline, of Florida.
Frederick Binder, of Nebraska.
William Alexander Boyd, of Georgia.
Frank Emory Bunts, of Ohio.
William McEwen Edwards, of Wisconsin.
Alonzo Graves, of Alabama.
Daniel Joseph Hayes, of California.
Chevalier Jackson, of Pennsylvania.
Daniel Ralph Lucas, of New York.
Arthur Hugh Mays, of California.
Edward Campbell Morton, of Illinois.
Charles Howard Peck, of New York.
William Martin Perkins, of Louisiana.
Henry Stanley Plummer, of Minnesota.
Victor Eugene Putnam, of California.
Harry Leach Schurmeier, of California.
George Reese Satterlee, of New York.
Harry Gardner Wood, of Minnesota.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1913.

AMBASSADOR TO JAPAN.

George W. Guthrie to be ambassador extraordinary and plenipotentiary of the United States to Japan.

COMMISSIONER OF PENSIONS.

Gaylord M. Saltzgaber to be Commissioner of Pensions.

SOLICITOR, DEPARTMENT OF COMMERCE.

Albert Lee Thurman to be Solicitor of the Department of Commerce.

MEMBER MISSISSIPPI RIVER COMMISSION.

Lansing H. Beach to be a member of the Mississippi River Commission.

COLLECTORS OF CUSTOMS.

Sinclair C. Townsend to be collector of customs at St. Marys, Ga.

John Purroy Mitchel to be collector of customs at New York, N. Y.

William C. Logan to be collector of customs at Astoria, Oreg.

Thomas C. Burke to be collector of customs at Portland, Oreg.

Andrew H. Evans to be collector of customs at Saluria, Tex.

Frederick C. Peters to be collector of customs at Charleston, S. C.

James C. Congdon to be collector of customs at Georgetown, S. C.

SURVEYORS OF CUSTOMS.

Warner S. Kinkead to be surveyor of customs at Louisville, Ky.

Charles R. Kurtz to be surveyor of customs at Philadelphia, Pa.

UNITED STATES MARSHALS.

Lewis T. Erwin to be United States marshal for the district of Alaska.

Andrew H. Hudspeth to be United States marshal for the district of New Mexico.

SUPERVISING INSPECTOR OF STEAM VESSELS.

William J. MacDonald to be supervising inspector of steam vessels for the fourth district.

PROMOTIONS IN THE NAVY.

Lieut. Commander Allen M. Cook to be commander.
Lieut. (Junior Grade) Hollis M. Cooley to be lieutenant.
Lieut. (Junior Grade) Robert W. Cabaniss to be lieutenant.
Medical Inspector Thomas A. Berryhill, to be medical director.
Paymaster Donald W. Nesbit to be paymaster with rank of lieutenant commander.
Paymaster John S. Higgins to be paymaster with rank of lieutenant commander.
Paymaster Ignatius T. Hagner to be paymaster with rank of lieutenant commander.
Passed Asst. Paymaster Walter D. Sharp to be paymaster.
Civil Engineer George A. McKay to be civil engineer with rank of lieutenant commander.
Ensign Ralph D. Spalding to be assistant civil engineer.
Carpenter Robert H. Neville to be chief carpenter.
Carpenter Joseph F. Gallalee to be chief carpenter.
Boatswain Harry T. Johnson to be chief boatswain.
Capt. William M. Small to be captain, Marine Corps.
First Lieut. Robert B. Farquharson to be captain, Marine Corps.
First Lieut. Walter N. Hill to be captain, Marine Corps.
First Lieut. Epaminondas L. Bigler to be captain, Marine Corps.

APPOINTMENTS IN THE NAVY.

ASSISTANT SURGEONS, MEDICAL RESERVE CORPS.

Judson Daland.
James D. Morgan.
Everett W. Gould.
Worthington S. Russell.
Robert G. Le Conte.
Alfred D. La Ferté.
David S. D. Jessup.
Horace V. Cornet.
Henry C. Macatee.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. James Albert Alger to be first lieutenant.
Third Lieut. William Kirk Scammell to be second lieutenant.
First Lieut. of Engineers Charles Francis Nash to be senior engineer.
Second Lieut. of Engineers California Charles McMillan to be first lieutenant of engineers.
Second Lieut. of Engineers William Lindsay Maxwell to be first lieutenant of engineers.
Third Lieut. of Engineers Charles Edward Sugden to be second lieutenant of engineers.

POSTMASTERS.

ALABAMA.

J. L. Thornton, Alexander City.
O. M. Reynolds, Anniston.
A. A. Leach, Dadeville.
Charles S. McDowell, Eufaula.
W. L. Crew, Good Water.
Elizabeth Simpson, Hartsells.
Ed G. Caldwell, Jacksonville.
Claude McMillan, New Decatur.
Oscar Sheffield, Pine Hill.
David M. Scott, Selma.
O. L. Woodfin, Uniontown.

ARKANSAS.

W. F. Turner, Atkins.
Earl Harrison, Beebe.
H. B. Ingram, Conway.
T. L. Pound, Danville.
A. J. Stephens, Morrilton.
P. G. Henry, Texarkana.

CALIFORNIA.

Alice T. Durnin, Colfax.
C. W. Collins, El Centro.
Percy B. Brown, Holtville.
John M. Jolley, Oceanside.
Albert E. Dixon, Point Loma.
Joseph M. Hackett, Rocklin.
Ellis T. Tanner, San Jacinto.
Charles Whited, Willits.

CONNECTICUT.

John L. Eliot, Clinton.
George F. Hammill, Georgetown.
Edward Perkins, Suffield.

DELAWARE.

E. Pierce Ellis, Laurel.
William Brockson, Middletown.
John B. Mustard, Milton.
Orlando W. Short, Seaford.

GEORGIA.

Ada Winslow, Manchester.
Mary P. Dixon, West Point.

ILLINOIS.

Claude Shaffner, Dallas City.
James M. Nunamaker, Greenup.
W. H. Harkrader, Hamilton.
Robert E. Gamble, Kirkwood.
M. O. Scott, Neponset.
D. M. Fullmer, New Athens.
W. D. Hall, Port Byron.

INDIANA.

Charles L. Wood, Albany.
Charles L. Haslet, Chesterton.
Charles B. Donovan, Jr., East Chicago.
James E. Burke, Jeffersonville.
Hume L. Sammons, Kentland.
Daniel Gantz, Odon.
James W. Carroll, Otterbein.
Fred G. Rice, Roachdale.
E. R. Niccum, Swayzee.
Levi A. Eaton, Wanatah.
Robert F. Dobbins, Wolcott.

KANSAS.

John McKee, Clay Center.
E. L. Pepper, Conway Springs.
Madison D. Gallogly, Hoxie.
Alfred D. Carpenter, Oswego.
James A. Thompson, White Water.

KENTUCKY.

Robert I. Blagg, Benton.

LOUISIANA.

Augustus P. Windham, Merryville.
Rene L. Derouen, Ville Platte.
George A. Payne, Winnfield.

MASSACHUSETTS.

William J. O'Brien, Kingston.
Henry E. Madden, West Medway.

MISSISSIPPI.

S. W. Pendarvis, Magnolia.

MISSOURI.

Harlie F. Clark, Harrisonville.
Richard B. Wilson, Montrose.
J. W. Allen, Mountain Grove.
De Coursey D. Hitt, Rockville.
Benjamin R. Lingle, Warsaw.

MONTANA.

J. A. Wright, Chester.
J. P. Lavelle, Columbus.
George S. Miller, Deer Lodge.
Eugene L. Poindexter, Dillon.
Mordena C. Busey, Eureka.
Charles Lepley, Fort Benton.
Henry H. Smith, Joliet.
Charles L. Beers, Judith Gap.
T. A. Rigney, Laurel.
Grant Robinson, Lewistown.
George E. White, Manhattan.
Alice Hensley, Moore.
Thomas H. Rush, Wibaux.

NEVADA.

Jennie R. Backus, Golconda.
J. R. Foreman, National.

NEW JERSEY.

Walter M. Miller, Netcong.

NEW MEXICO.

W. E. Foulks, Deming.

NORTH CAROLINA.

J. D. Bivins, Albemarle.
David J. Whichard, Greenville.

R. B. Terry, Hamlet.
Virgil D. Guire, Lenoir.
E. E. Hunt, sr., Mocksville.
Richard A. Bruton, Mount Gilead.
F. M. Williams, Newton.
James Gordon Hackett, Northwilkesboro.

OHIO.

John Q. Baker, Middletown.
O. S. Earnest, Plymouth.
David H. Heiby, Ohio City.

OKLAHOMA.

W. P. Madden, Cheyenne.
T. H. Hubbard, Cordell.
Samuel R. Staton, Cushing.
W. F. Parker, Davis.
Ira B. McCrary, Dewey.
W. M. Davis, Okemah.

OREGON.

Herman Wise, Astoria.
Ira C. Mehrling, Falls City.
E. E. Bragg, La Grande.
H. Y. Kirkpatrick, Lebanon.
H. E. Mahoney, Oakland.
August Huckestein, Salem.
Harry M. Stewart, Springfield.
William A. Elder, Stayton.
Ada H. Studer, Sumpter.

PENNSYLVANIA.

Ellsworth F. Giles, Altoona.
H. D. Jackson, Freedom.
A. R. Traugh, Hollidaysburg.
George B. Richardson, Knox.
Allen A. Orr, Lewistown.
Matthew C. Fox, jr., Media.
J. Frank Patterson, Mifflintown.
Eugene L. Aldrich, New Milford.
John H. Mitchell, Newtown.
Oscar F. Weiand, Perkasie.
Roy R. Rowles, Philipsburg.
Patrick F. Campbell, Portage.
Henry J. Lemon, Port Allegany.
Russell T. Mogle, Rossiter.
C. J. D. Strohecker, Zelienople.

SOUTH CAROLINA.

Rachael H. Minshall, Abbeville.
E. D. Raney, Beaufort.
W. Clarence Clinkscales, Belton.
Leila Jackson Huntley, Cheraw.
Arthur G. King, Easley.
Francis B. Gaffney, Gaffney.
James F. Hunter, Lancaster.
John T. Lawrence, Seneca.

SOUTH DAKOTA.

William Brady, Beresford.
Dennis Foley, Menno.

TENNESSEE.

John E. Conner, Chattanooga.
Samuel W. McKinney, Etowah.
Eugene Blakemore, Shelbyville.

TEXAS.

James W. Davis, Alvord.
G. P. Tarrant, Aransas Pass.
S. A. Roberts, Blooming Grove.
E. T. Oliver, Caldwell.
E. F. English, Cameron.
L. E. Haskett, Childress.
Mina Daughtry, Chillicothe.
Laura V. Hamner, Claude.
S. R. Haynes, De Leon.
R. S. Rike, Farmersville.
M. A. Chancey, Hondo.
Calvin C. Davis, Iowa Park.
W. G. Carpenter, Kerrville.
M. J. Kivlin, Kingsville.
Marvin P. Gillis, Kosse.
T. E. Van Landingham, Lone Oak.
Charles C. Porter, Meridian.
Frank W. Kirkland, Mount Calm.
T. A. Fuller, New Boston.
W. J. Harkey, Palmer.
H. L. Brooks, Pearsall.
Bessie Peterson, Port Lavaca.
John A. Shapard, Rockdale.
J. S. J. Gober, Sanger.
W. B. Smith, Shamrock.
J. T. Fulcher, Thorndale.

VIRGINIA.

Leslie F. Ferguson, Appomattox.
H. I. Tuggle, Martinsville.
S. L. Cecil, Pennington Gap.
E. M. Morrison, Smithfield.
E. L. Wade, Vinton.

WEST VIRGINIA.

David W. McConaughey, Cameron.
Fred F. Jasper, Glen Jean.
Herbert T. Davis, West Union.

WYOMING.

George Whittaker, Yellowstone Park.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 20, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that the line of cleavage 'twixt good and evil has been clearly defined in the ten great commandments, "Thou shalt not"—illumined, crystallized, epitomized, and strengthened by the two great commandments, "Thou shalt." Blessed is the man who resisteth evil, but more blessed is he who resisteth evil and doeth good deeds. Help us, we beseech Thee, through unfeigned love for Thee, our Father, and for our fellow men, to combine in our character the power of resistance and the power of persistent energy, that we may be indeed disciples of the Lord Christ. Amen.

The Journal of the proceedings of Friday, May 16, 1913, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4234. An act providing certain legislation for the Panama-California Exposition, to be held in San Diego, Cal., during the year 1915.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 30. Joint resolution extending the leave of absence of Mrs. A. E. Grant.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 82. Joint resolution authorizing the President to accept an invitation to participate in the International Conference on Education.

PANAMA CANAL TOLLS.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to insert in the CONGRESSIONAL RECORD a speech delivered by Hon. JOSEPH R. KNOWLAND, of California, a Member of this House, recently at the Lake Mohonk Conference on the question of Panama Canal tolls.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent to have printed in the CONGRESSIONAL RECORD a speech made by the Hon. JOSEPH R. KNOWLAND, of California, on Panama Canal tolls at the Lake Mohonk Conference. Is there objection?

There was no objection.

Following is the address referred to:

THE RIGHTS OF THE UNITED STATES AT PANAMA—SIGNIFICANCE OF THE OBJECTIONS OF GREAT BRITAIN TO THE PANAMA CANAL ACT.

(Address delivered by Hon. JOSEPH R. KNOWLAND, of California, before the Lake Mohonk Conferenee on International Arbitration at Lake Mohonk, N. Y., Friday, May 16, 1913.)

"No patriotic American would countenance the violation by this country of a sacred treaty obligation. On the other hand, would not the citizen be lacking in patriotism who would hastily and without most careful and painstaking investigation blindly accept an interested foreign nation's interpretation of a disputed treaty, a construction that would not only deprive this country for all time of most important commercial advantages,

but would be a surrender of invaluable rights affecting the very safety of the United States?

"TREATY OBLIGATIONS FULLY CONSIDERED BY CONGRESS.

"It has been charged that when the Panama Canal bill dealing with the subject of tolls was before Congress that the question of our treaty obligations was not given the proper consideration. The truth is, and I challenge a denial because the record bears me out, that no question has been before Congress in years in which greater interest was manifested and upon which more exhaustive debate was had.

"The bill was reported to the House from the Committee on Interstate and Foreign Commerce on March 16, 1912. I presented on March 20 the minority report which upheld the right of the United States Government to pass free of toll its own ships as well as American coastwise ships. Copies of both the majority and minority reports were placed in the hands of every Member of the House accompanied with a letter calling particular attention to the toll section. It was not until May 21, two months later, that the toll provision was voted upon. While the bill was actually considered in the House but six days, the time allotted was longer than usually accorded measures other than great appropriation bills. The chief debate was upon the toll provision which naturally provoked a discussion of the concomitant question of our treaty obligations. The amendment providing free tolls for our American coastwise ships was adopted on roll call by a majority of 19. This vote carries with it a particular significance when we consider that the majority of the committee in charge of the bill opposed free tolls, which made the fight more difficult owing to the inclination of Members to follow committee recommendations as a matter of regularity. Let it also be borne in mind that this vote was taken before either the national platforms of the Democratic or Progressive Parties had declared in favor of the policy of free tolls for American coastwise ships.

"THE BILL IN THE SENATE.

"The bill then went to the Senate, and on May 24 was referred to the Committee on Interoceanic Canals. It was not reported from that committee until June 12, and did not finally pass the Senate until August 9. In the meantime this Government was officially notified of Great Britain's protest. The vote in the Senate on the provision favoring free tolls for American coastwise ships was 44 in favor to 11 against, a decisive majority of 33. The debate in the Senate was even more exhaustive than that which took place in the House, and both in the Senate and House there was not a Member who voted for the exemption who was not firmly convinced, after careful investigation, that the enactment of the bill into law would not be in contravention of any treaty obligation. I know from personal knowledge that in the House many voted against the exemption because opposed to the policy, but still held strongly to the belief that our treaty obligations did not prevent us from favoring our own ships if we saw fit to do so.

"PROVISIONS OF THE PANAMA CANAL ACT TO WHICH GREAT BRITAIN OBJECTS.

"The Panama Canal act of August 24, 1912, which provides for 'the opening, maintenance, protection, and operation' of this American waterway is objected to by Great Britain—

"First. Because of certain language contained in section 5, which provides in fixing tolls that the rate may be less for '*vessels of the United States and its citizens* than the estimated proportionate cost of the actual maintenance and operation of the canal.' The significance of this language is that it reserves to the United States the right to pass through this canal, constructed through what is practically American territory, and which will have cost our Government over $400,000,000 before completed, its own ships of war and other Government vessels free of toll. It also leaves open for the future determination of the President of the United States the question of favoring American ships utilizing the canal in the foreign trade. The President, however, in his Panama Canal proclamation of November 13, 1912, fixed the same rate of toll for American ships in the foreign trade as for foreign ships.

"Second. Great Britain objects to the language of this same section by which we fulfill our treaty obligations with the Republic of Panama in accordance with article 19 of that convention, permitting the Government of the Republic of Panama 'to transport over the canal its vessels and its munitions of war in such vessels at all times without the payment of tolls.'

"Third. Great Britain further objects to the exemption from the payment of tolls of 'American vessels engaged in the coastwise trade of the United States.'

"Fourth. It is attempted to limit and restrict our power even to remit tolls as is done by certain foreign nations using the Suez Canal, although the Hay-Pauncefote treaty, according to the British note of November 14, 1912, aimed 'at carrying out the neutralization of the Panama Canal by subjecting it to the same régime as the Suez Canal.'

"Fifth. Section 11 of the act, which seeks to prevent railroad control of this waterway is questioned by Sir Edward Grey because of the fear that its provisions may apply, as they unquestionably do in my opinion, to the Canadian transcontinental railroads which have voluntarily placed themselves under the provisions of the interstate commerce act of the United States.

"SIGNIFICANCE OF BRITISH OBJECTIONS.

"To sum up the British objections, we are denied the right to pass free of toll our own battleships and other Government vessels; ships engaged in the coastwise trade of the United States, in which traffic the ships of England can not now engage, must pay a toll in passing through this American waterway; we are virtually asked to violate our treaty obligations with the Republic of Panama; there is a practical denial of, or at least an attempt to limit, our right to follow at Panama the practice of foreign nations in remitting tolls to merchant ships through the Suez Canal, thus placing this country at a disadvantage, and finally, in reference to the excellent provisions of section 11, we are threatened with a protest if Canadian steamships owned by Canadian railroads, which railroads have voluntarily come under the interstate commerce act and thus subjected themselves to the same restrictions and regulations as American railroads, are to be amenable to the same laws. Was there ever a more striking example of inconsistency? Equality of treatment demanded for British shipowners in sharing benefits, but a protest against equal treatment when the act imposes restrictions applying to American shipowners!

"I call attention in detail to these British objections because there are evidently many citizens who have been led to believe that the protest refers only to the exemption of American coastwise ships. By this brief statement it can be appreciated that the protest is more far-reaching and consequential.

"BRITISH PROTEST INSPIRED BY CANADIAN RAILROADS.

"It is generally believed in Washington that the British protest was due to the action of Canadian railroad officials. Prior to the receipt of the first English note certain Government officials of Canada visited England, and we were informed by cable dispatches printed in the newspapers that they took up this question *with particular reference to the provisions of section 11, the railroad section.* Of course, they had the sympathy and active support of American transcontinental railroad interests, which interests are now engaged in urging the repeal of the objectional provisions of the canal act, namely, sections 5 and 11. I am fair and frank enough to admit that many excellent citizens, advocates of peace—and I am a peace advocate and in favor of arbitration, as I will show later—favor repeal because of the belief, and in some instances solely upon the authority of certain Americans, that we have violated a treaty. I am constrained to direct attention to the fact that there are representatives of powerful interests favoring repeal who are crying 'live up to our treaty obligations,' but who are, I fear, far less interested in this phase of the question than they are in the more important consideration of preventing the canal from becoming too great a competitor of the transcontinental railroads.

"ANALYSIS OF SITUATION.

"Article 3, paragraph 1, of the Hay-Pauncefote treaty, which it is claimed we violate, reads as follows:

"That the canal shall be free and open to the vessels of commerce *and of war* of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"I have always contended that this section simply bound us as the owners of the canal to treat all foreign nations fairly, preventing discrimination in favor of one foreign nation as against another. The use of the words 'vessels of war' to my mind is conclusive evidence that the word 'vessels' referred exclusively to foreign nations, for it is inconceivable and a reflection upon the patriotism of the framers of the treaty that the United States would foreclose its right to pass free of toll through its own waterway warships as well as lighthouse tenders, revenue cutters, transports, and other craft. Realizing the force of this argument the opponents of exemption now say that we must consider this section in connection with certain language of the Clayton-Bulwer treaty (which many had supposed was superseded by the Hay-Pauncefote convention), contained in article 8, which still compels us to carry the burden of that instrument. What is the meaning of neutralization? Many authorities contend, and I think rightfully, that neutrali-

zation can not, by any strained construction, be inferred to mean conditions of traffic, but relates only to conditions of war.

"INTERPRETATION OF SENATORS PRESENT WHEN HAY-PAUNCEFOTE TREATY WAS PENDING.

"The contention has been made that the Senate understood that the words 'all nations' included the United States, and with this conception of the treaty voted down an amendment which, in specific language, reserved to the United States the right to exempt American coastwise ships from the payment of tolls. They neglect to mention that several amendments were decisively rejected that permitted us to fortify the canal, their rejection being due to the belief on the part of Senators that we had that right without such a provision. Evidence which I will now submit proves that the same opinion prevailed touching our right to exempt American coastwise shipping.

"THE BARD AMENDMENT.

"I have here a letter from Senator Bard, who resides in California, which is conclusive. I will read the following extracts from this letter:

"When my amendment was under consideration *it was generally conceded* (the italics are his) by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

"We will not rest our case in this particular upon the statement of the author of the amendment, but will quote a Senator who voted against the amendment, no less an illustrious Member of the Senate than Hon. HENRY CABOT LODGE, who was one of the 11 Senators who voted last year against exempting coastwise ships, so he must be regarded as a disinterested witness. I quote from the CONGRESSIONAL RECORD of July 17, 1912:

"Mr. LODGE. Mr. President, it so happened that I was in London when the second Hay-Pauncefote treaty was made, and, although the draft was sent from this country, that treaty was really made in London. I mention this merely to show that I had some familiarity with the formulation as well as the ratification of that treaty. When the treaty was submitted by the President to the Senate, it so happened that I had charge of it and reported it to the Senate.

"The second Hay-Pauncefote treaty, as Senators will remember, embodied, in substance, the amendments which the Senate had made to the first Hay-Pauncefote treaty. England had refused to accept those amendments, and then the second treaty was made embodying in principle all for which the Senate had contended.

"When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase 'all nations.'"

"Again, on July 20, 1912, Senator LODGE stated on the floor of the Senate in reiteration of this view:

"I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. * * *

"I personally have never had any doubt that the matter of fixing tolls must necessarily be within our jurisdiction, and when I referred to our going to The Hague as useless I did not mean because our case was not a good one. I meant because, in the nature of things, we could by no possibility have a disinterested tribunal at The Hague. It would be for the interest of every other nation involved to prevent our fixing the tolls according to our own wishes. * * * I know that was my opinion and the opinion of the chairman of the Committee on Foreign Relations at the time."

"Senator CLAPP, of Minnesota, who was present when the Bard amendment was voted upon, holds similar views, as here set forth, and I quote from the CONGRESSIONAL RECORD of July 17, 1912:

"I know I was here at the time, although I do not recall all of the speeches. But while some of us voted insisting, in some instances, that these things should be explicit and in others voting with the majority upon the ground that they were covered anyhow, I believe, both with reference to the coastwise trade and especially with reference to the question of fortification, that many of the votes cast against those express provisions were cast upon the theory that without them we nevertheless had the right to do them.

"Mr. O'GORMAN. That the provisions were unnecessary?

"Mr. CLAPP. Yes; that they were unnecessary."

"Senator PERKINS, then and still a Member, stated in the Senate on August 6, 1912:

"I wish to state that Senator Davis, of Minnesota, was at that time chairman of the Committee on Foreign Relations. He was, as is conceded by all, an authority on international law, and took the view stated by the Senator from New York and that stated by the Senator from Washington. There is no question about it that the rules we did make were to govern other nations than ourselves."

"SITUATION AFFECTING THE REPUBLIC OF PANAMA.

"As I have already set forth, the British note of November 14, 1912, protests against article 19 of our treaty with the Republic of Panama proclaimed in 1904. For over eight years there was no protest on the part of Great Britain against this alleged discrimination in favor of the ships of Panama. Why this belated protest, might we ask? The answer is plain. The contention of Great Britain would become untenable as to American ships if exception was not taken to the Panama treaty.

"Senator ROOT, while Secretary of State, negotiated a treaty with the Republic of Colombia which permitted that Republic to pass through the canal—

"Troops, material of war, and ships of war without paying any duty to the United States, even in the case of an international war between Colombia and another country."

"It was ratified by the United States, but rejected by Colombia. The point I wish to make is that the then distinguished Secretary of State presumably did not consider the Colombian convention a violation of the Hay-Pauncefote treaty, although England now claims that a similar treaty with Panama is in contravention of treaty rights.

"SIMILAR QUESTION PASSED UPON BY THE SUPREME COURT.

"One phase of this canal controversy has been directly passed upon by the Supreme Court of the United States, the question of exempting coastwise ships. Mr. Justice White, now Chief Justice, wrote the opinion. It is the case of Olson *v.* Smith (195 U. S., 332), in which the court held that the State law exempting American coastwise vessels from pilotage charges was not in violation of the treaty, which provided that 'no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same port by vessels of the United States.' The point of this decision bearing upon the present question at issue, namely, the contention that British ships would not be discriminated against by the canal act because they are now barred by law from engaging in coastwise traffic, is as follows:

"Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

"TOLLS JUST AND EQUITABLE REGARDLESS OF EXEMPTION.

"The point raised by Great Britain that by exempting coastwise ships we might be placing a greater burden upon that nation has been fully answered by Secretary Knox. If we had levied a toll sufficient to pay interest upon the investment as well as cover expenses of maintenance and operation Great Britain might have had cause to complain, but in framing the act we had in mind a toll that would attract traffic and at the same time pay the expenses of maintenance and operation. The total cost of operation and maintenance, including sanitation and civil government, as carefully estimated by Col. Goethals, will not exceed $4,000,000 annually.

"The tonnage for 1914–15, when the canal is opened, is estimated at 10,500,000 tons. Of this but 1,160,000 net register tons are estimated as coastwise. Deducting this from the total leaves 9,340,000 tons, and with a toll of $1.20, which is in accordance with the President's proclamation, the annual income will be $11,208,000, over seven millions in excess of the cost of operation and maintenance. The coastwise exemption in no way, either directly or indirectly, will affect the charges to Great Britain. We have been most fair in our dealing with foreign nations as to charges.

"FOREIGN SHIPS TO RECEIVE CHIEF BENEFIT OF WATERWAY.

"Foreign ships will derive the chief benefit from the canal because we have practically no American ships in the foreign trade. Ninety-one per cent of our foreign commerce is carried in foreign ships. Unless we grant some favors to our own ships in the coastwise trade our benefit will be small. I know it is contended that remission of the toll will be so insignificant as affecting a ton of freight as to be negligible. If so, then what great anxiety for repeal. If a ship with a 7,000 ton net register capacity passing between New York and San Francisco pays a toll of $8,400, some one must pay, and it will be hard to make American consumers and producers believe that they will not assume the burden. If a ship is half loaded the toll upon each ton of freight will double, because the ship pays in accordance with its total net register capacity.

"FREE TOLLS A BENEFIT TO INTERIOR OF COUNTRY.

"In my opinion it will be the great interior of the United States that will profit chiefly because of free tolls, and particularly those sections drained by the mighty navigable rivers. Every burden placed upon traffic will impair the usefulness of the canal as a competitive route and narrow its benefits geographically. Every reduction forced by sea competition will be

reflected upon rail rates throughout the entire country, as has always been the case. The output of American shipyards, according to the Department of Commerce, will be greater during the current fiscal year than for many years past. Not one of these ships, I am informed, is for the foreign trade, but are all to engage in the coastwise traffic. This will bring about the keenest competition, particularly in view of the fact that railroad owned or controlled ships are barred from the canal, and be a guaranty that to the American people will inure the chief benefit of free tolls. This great activity in shipbuilding should carry some significance.

"AN IMPARTIAL ARBITRAL TRIBUNAL POSSIBLE.

"While I am a Californian it does not follow, even in view of recent happenings in my native State, that I am particularly belligerent. A serious contention with Great Britain over this question is not probable. A mere suggestion of war is abhorent. While many who hold similar views to mine upon the abstract question of our right to control the canal are strongly opposed to submitting this question—a question which I will admit largely concerns a domestic policy—to arbitration, I will frankly state I do not go so far. A fair arbitral tribunal should be possible for the determination of this question if it can not be settled by diplomacy. The Hague would not be such a body, in my opinion. The common sense of the American and English people should enable these English-speaking nations to agree upon impartial arbitrators. Before such a body our case is so strong we have nothing to fear.

"REPEAL OF LAW INADVISABLE.

"To repeal the toll provision at this time would be a humiliating acknowledgment that after expending $400,000,000 in the construction of an American canal, through what is practically American territory, this Nation was estopped forever from according a single advantage to an American ship. Other nations might remit tolls to their ships as they are doing at Suez and preparing to do at Panama, but our hands would be virtually tied. We would be compelled to pay a toll upon Government ships. According to some very high authorities, we would surrender rights that might imperil our very existence as a nation. Repeal under present circumstances, when our Government, through the Department of State, has taken a position and negotiations are under way, would be most inopportune. It would be an unwarranted, uncalled-for, and abject surrender of American rights, far-reaching in its effect, and disastrous to American interests."

ENROLLED JOINT RESOLUTIONS AND BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions and bill of the following titles, when the Speaker signed the same:

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913;

H. J. Res. 82. Joint resolution authorizing the President to accept an invitation to participate in the International Conference on Education; and

H. R. 4234. An act providing certain legislation for the Panama-California Exposition to be held in San Diego, Cal., during the year 1915.

MRS. A. E. GRANT.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution numbered 30 and pass it.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to take from the Speaker's table Senate joint resolution numbered 30, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Commissioners of the District of Columbia be, and they hereby are, authorized to further extend, for a period not exceeding six months, with pay, the leave of absence to Mrs. A. E. Grant, a clerk in the office of the assessor of the District of Columbia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. SISSON. Mr. Speaker, I ask unanimous consent that when the House meets on Friday I be permitted to address the House for one hour.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent that when the House meets on Friday, after the reading of the Journal and the transaction of routine business, he be allowed to address the House for one hour.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. My attention was diverted for a moment. Has the House already decided to adjourn until Friday?

The SPEAKER. It has not.

Mr. SISSON. I will say to the gentleman that my understanding is that it will adjourn until Friday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT OVER UNTIL FRIDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday.

Mr. MANN. Mr. Speaker, in view of the fact that we are to be entertained by a speech from the gentleman from Mississippi [Mr. SISSON] on that day, by previous order of the House, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p. m.) the House adjourned, pursuant to the order agreed upon, until Friday, May 23, 1913, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FINLEY: A bill (H. R. 5385) for the erection of a public building at Cheraw, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 5386) to authorize the entry of lands chiefly valuable for sand, gravel, or brick clay under the placer-mining laws; to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: A bill (H. R. 5387) granting increase of pension to widows of the Civil War; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 5388) to amend the provisions of existing law relating to the award of medals of honor to officers, noncommissioned officers, and privates of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 5389) for the reduction of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. FINLEY: A bill (H. R. 5390) for the erection of a public building at Winnsboro, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5391) for the erection of a public building at Yorkville, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5392) providing for the erection of a monument at Cowpens battle ground, Cherokee County, S. C., commemorative of Gen. Daniel Morgan and those who participated in the Battle of Cowpens on the 17th day of January, 1781; to the Committee on Public Buildings and Grounds.

By Mr. PROUTY: A bill (H. R. 5393) for the further regulation of insurance companies organized in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STOUT: A bill (H. R. 5394) appropriating money to enable the Commissioner General of Immigration to gather information regarding the resources, products, etc., of the States and Territories, and for other purposes; to the Committee on Appropriations.

By Mr. KIRKPATRICK: A bill (H. R. 5395) appropriating $2,500 for the transportation of soldiers of the Civil War to the

celebration of the Gettysburg anniversary; to the Committee on Appropriations.

By Mr. STONE: A bill (H. R. 5396) to confer upon the United States Court of Claims jurisdiction to hear and adjudicate claims against the United States for damages arising out of the construction, use, and management of the Illinois & Mississippi Canal; to the Committee on Claims.

By Mr. TAGGART: Resolution (H. Res. 107) to investigate the affairs, business, and transactions of the Western Newspaper Union; to the Committee on the Judiciary.

By Mr. BRITTEN: Joint resolution (H. J. Res. 86) proposing an amendment to the Constitution providing for the nomination and election of President and Vice President by a direct vote of the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DAVENPORT: Joint resolution (H. J. Res. 87) authorizing the Secretary of State to issue invitations to other nations to send representatives to the International Dry Farming Congress to be held at Tulsa, Okla., in October, 1913; to the Committee on Foreign Affairs.

By Mr. TREADWAY: Memorial of the Legislature of Massachusetts, in favor of maintaining a protective tariff; to the Committee on Ways and Means.

By Mr. PETERS (by request): Memorial of the Legislature of Massachusetts, in favor of maintaining a protective tariff; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 5397) waiving the age limit for appointment as cadet engineer in the Revenue-Cutter Service of the United States in the case of John S. McKinney; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 5398) for the relief of Oscar Samuelson; to the Committee on Claims.

By Mr. BRYAN: A bill (H. R. 5399) for the relief of the widow and children of Edward Edmonds; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 5400) granting an increase of pension to Sylvester P. Warner; to the Committee on Pensions.

Also, a bill (H. R. 5401) granting an increase of pension to Edgar J. Kempinsky; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 5402) for the relief of the legal representatives of James W. Brabston and Roche H. Brabston; to the Committee on War Claims.

By Mr. CURRY: A bill (H. R. 5403) granting a pension to Eleanor Bartels; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 5404) for the relief of the heirs of Mahaly Fields, deceased; to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 5405) granting a pension to Henry Langley; to the Committee on Pensions.

By Mr. GERRY: A bill (H. R. 5406) granting a pension to George H. Naylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5407) granting an increase of pension to William Stoehr; to the Committee on Pensions.

Also, a bill (H. R. 5408) granting an increase of pension to Elijah Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5409) granting an increase of pension to Sarah E. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5410) granting an increase of pension to Catherine Moan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5411) granting an increase of pension to Johanna Scully; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5412) granting an increase of pension to Hannah Simms; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 5413) granting an increase of pension to Mark Clark; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 5414) for the relief of James Duncan; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 5415) for the relief of Prof. E. J. McCaustland and Engineering Department, University of Washington; to the Committee on Claims.

By Mr. IGOE: A bill (H. R. 5416) for the relief of Eugene A. Freund and Alfred F. Roemmich; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 5417) to indemnify Susan Sanders for expenses incurred and services rendered in behalf of the Cherokee Indians; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 5418) providing for the payment of additional per diem to certain witnesses in the case of the United States *v.* A. L. Wisner & Co.; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: A bill (H. R. 5419) granting an increase of pension to William Woodhouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5420) to correct the military record of John S. Miller; to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 5421) granting an increase of pension to John M. Davis; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 5422) granting a pension to Anna A. Yule; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 5423) granting a pension to Aaron P. Essex; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5424) granting a pension to Floyd L. Green; to the Committee on Pensions.

Also, a bill (H. R. 5425) granting an increase of pension to Miller Stocking; to the Committee on Pensions.

Also, a bill (H. R. 5426) granting an increase of pension to Ambrose A. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5427) granting an increase of pension to Daniel W. Spring; to the Committee on Pensions.

Also, a bill (H. R. 5428) granting an increase of pension to Charles H. Eding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5429) granting an increase of pension to John McIntosh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5430) for the relief of William Finn; to the Committee on Military Affairs.

Also, a bill (H. R. 5431) for the relief of Gerhard Heyboer; to the Committee on Military Affairs.

Also, a bill (H. R. 5432) for the relief of Medad Spencer; to the Committee on Military Affairs.

Also, a bill (H. R. 5433) to remove the charge of desertion against Peter Duchane; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: A bill (H. R. 5434) granting a pension to John W. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5435) granting an increase of pension to James A. Fossit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5436) granting an increase of pension to Reuben B. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5437) granting an increase of pension to James T. Piggott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5438) granting an increase of pension to Margaret J. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5439) granting an increase of pension to George T. Caltrider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5440) to correct the military record of William B. Lane; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 5441) granting a pension to Mary J. Hennessey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5442) granting a pension to Patrick Hannifan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5443) granting an increase of pension to George A. Allen; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 5444) for the relief of Martin Wilt; to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 5445) for the relief of the legal representatives of Jonathan Morris, deceased; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 5446) granting a pension to Thornton Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5447) granting an increase of pension to John W. Jenkins; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 5448) for the relief of Erastus Coyle; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 5449) for the relief of the estate of Lucy C. White; to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 5450) granting an increase of pension to Luthera J. Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5451) granting a pension to Prude Buswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5452) granting an increase of pension to John Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5453) granting a pension to David J. Woodward; to the Committee on Pensions.

Also, a bill (H. R. 5454) granting an increase of pension to John Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5455) granting an increase of pension to William Foltz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5456) granting an increase of pension to George W. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5457) granting an increase of pension to Carrie A. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5458) granting an increase of pension to David M. Wedding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5459) making an appropriation to execute the findings of the Court of Claims in the case of John O'Neill; to the Committee on Appropriations.

By Mr. TAGGART: A bill (H. R. 5460) granting a pension to Robert Berry; to the Committee on Pensions.

Also, a bill (H. R. 5461) granting a pension to Perry L. Crowl; to the Committee on Pensions.

Also, a bill (H. R. 5462) granting a pension to Clark W. Hines; to the Committee on Pensions.

Also, a bill (H. R. 5463) granting a pension to Jennie C. Rathbun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5464) granting a pension to Nathan J. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5465) granting a pension to Rachel Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5466) granting a pension to Elizabeth A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5467) granting a pension to James F. Brennan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5468) granting an increase of pension to Thomas J. Lamunyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5469) granting an increase of pension to David W. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5470) granting an increase of pension to James K. Proudfit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5471) granting an increase of pension to Sylvania Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5472) granting an increase of pension to Mary E. Ryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5473) for the relief of Malinda Johnson; to the Committee on War Claims.

Also, a bill (H. R. 5474) to correct the military record of Patrick McGee, alias Patrick Gallagher; to the Committee on Military Affairs.

Also, a bill (H. R. 5475) to correct the military record of Thomas J. Temple; to the Committee on Military Affairs.

Also, a bill (H. R. 5476) to reimburse T. W. Dare for money expended for post office at Gardner, Kans.; to the Committee on Claims.

Also, a bill (H. R. 5477) to extend the provisions of the pension laws to include the Eighteenth and Nineteenth Regiments Kansas Volunteer Cavalry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5478) to correct the military record of Jesse Dotts; to the Committee on Military Affairs.

Also, a bill (H. R. 5479) validating the leases for oil and gas purposes made by the Osage National Council May 25, 1912, to the Uncle Sam Oil Co. and to Wesley M. Dial and his assigns, and directing the Secretary of the Interior to approve the transfer of said lease from Wesley M. Dial to the Uncle Sam Oil Co.; to the Committee on Indian Affairs.

By Mr. THACHER: A bill (H. R. 5480) granting a pension to Osmond Ames; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the International Shoe Co., Hermann, Mo., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also (by request), petition of the Elgin Ministers' Union, Elgin, Ill., favoring amendment to the Constitution of the United States prohibiting polygamy; to the Committee on the Judiciary.

Also (by request), petition of the Phelps Squadron, No. 12, United States Veteran Navy, San Francisco, Cal., favoring the passage of legislation granting the battleship *Oregon* the privilege of being the first ship to pass through the Panama Canal; to the Committee on Naval Affairs.

Also, petition of the Chicago Live Stock Exchange, against duty on live stock; to the Committee on Ways and Means.

By Mr. BRITTEN: Paper to accompany H. J. Res. 86, proposing an amendment to the Constitution of the United States providing for the nomination and election of President and Vice President by direct vote of the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DALE: Petition of Dutchess Manufacturing Co., Poughkeepsie, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the American Manufacturing Concern, Falconer, N. Y.; the American Law Book Co., New York, N. Y.; and the New York Leather Belting Co., New York, N. Y., all favoring the passage of the 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of the Stationers' Board of Trade, New York, N. Y., protesting against the passage of House bill 23417, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. GERRY: Petition of Whitehead Bros. Co., H. Midwood Sons Co., Macnair-Florist, A. W. Harris Oil Co., and J. S. Packard Dredging Co., of Rhode Island, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of the board of directors of the Lodi (Cal.) Merchants' Association, favoring the passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, memorial of Phelps Squadron, No. 12, United States Veteran Navy, suggesting that provision be made whereby the battleship *Oregon* be the first vessel to pass through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petition of R. C. Luders, of Jersey City, N. J., against creating new committee on public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Civic Association of Bayonne, N. J., favoring the income-tax bill; to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, of New York City, against duty on live stock; to the Committee on Ways and Means.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of fifteenth Pennsylvania district, protesting against including mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. LEVY: Petitions of the New York Leather Belting Co. and Merrill Bros., of New York City, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Brangs & Heinich, of New York City, against any fee for filing protest against assessment of duty by collector of customs; to the Committee on Ways and Means.

Also, petition of the Medical Society of the State of New York, New York, N. Y., protesting against the placing of a duty on medical instruments; to the Committee on Ways and Means.

Also, petition of the American Manufacturing Co., Falconer, N. Y.; the American Law Book Co., New York, N. Y.; Dutchess Manufacturing Co., Poughkeepsie, N. Y., all favoring the passage of the 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petition of the Board of Selectmen of East Livermore, Me., and the Livermore Falls (Me.) Board of Trade, both protesting against any reduction of the duty on paper; to the Committee on Ways and Means.

By Mr. MOTT: Petition of the Stationers' Board of Trade of New York City, against the right of manufacturers of patented goods to fix the resale price; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Produce Exchange, of New York City, against duty on live stock; to the Committee on Ways and Means.

Also, petition of New Bedford manufacturers, against reduction of duty on cotton cloths, etc.; to the Committee on Ways and Means.

Also, petition of the Medical Society of the State of New York, against duty on surgical instruments; to the Committee on Ways and Means.

By Mr. ROGERS: Petition of the Massachusetts Real Estate Exchange, relative to the effect upon real-estate interests of the method of collecting the Federal income tax; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of Phelps Squadron, No. 12, United States Veteran Navy, favoring provision for the battleship *Oregon* to be the first vessel to pass through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of California, against including mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petitions of citizens of California, against reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of the Lodi Merchants' Association, of Lodi, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Braun-Knecht-Hermann Co., of San Francisco, Cal., against fee of $1 for protests against the exaction of unlawful duties by the collector of customs; to the Committee on Ways and Means.

By Mr. THACHER: Petition of Smith Bros. (Inc.), New Bedford, Mass., favoring the removal of the tariff on wheat and barley; to the Committee on Ways and Means.

Also, petition of the Central Labor Union of New Bedford, Mass., favoring an immediate investigation of the condition in the coal regions of West Virginia; to the Committee on Labor.

SENATE.

THURSDAY, *May 22, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

PERSONAL EXPLANATION—RAILROAD IN ALASKA.

Mr. CHAMBERLAIN. Mr. President, I rise to a question of personal privilege, and shall only occupy the time of the Senate for a moment or two.

Yesterday the Committee on Territories was holding hearings in reference to the construction by the Government of a railroad into Alaska, and Judge WICKERSHAM, the Delegate from Alaska, was addressing the committee on the subject. In the course of what he had to say he spoke of there being only three gateways into Alaska, and stated, in substance, that those three gateways were practically owned and controlled by the Alaska syndicate, composed of the Guggenheim Sons Co. and the J. P. Morgan interests. He said in substance that but for an accident the same interests would have obtained a monopoly of the one gateway which was not then under the control of the so-called Alaska syndicate. I interrogated him upon that subject and asked him how they were prevented from obtaining a monopoly of that one gateway and how they would have obtained the same, and he stated that I myself had introduced a bill—innocently, of course—which, in its effect, would have given the Alaska syndicate absolute control of that one gateway. The Washington Herald of this morning makes this statement in reference to the matter:

> Mr. WICKERSHAM said: "I believe Senator CHAMBERLAIN was deceived as to the character of a bill he introduced in the last Congress, which provided for the acquisition by the Guggenheim interests of the littoral at Cordova. The bill as introduced by Senator CHAMBERLAIN, if passed by the Congress, would have delivered the last remaining chance for competition in the transportation facilities of Alaska into the hands of the monopolists. The bill was so drawn that they would, upon its enactment, control the finest harbor on the Alaskan coast. I succeeded in beating this iniquitous bill in the House after it had passed the Senate."

Then the paper adds:

> Senator CHAMBERLAIN sat by and listened to the criticism of his bill without comment.

The latter part is measurably true. I did not care to interrupt Judge WICKERSHAM in the midst of his statement to the committee; but a little later on, and probably after the newspaper reporters had gone out, I asked him particularly about the bill which he claimed I had introduced, and desired that he should call my attention to the number of it, because I had no recollection of ever having introduced such a bill. He stated, in answer to those questions, that he might possibly be mistaken in reference to the matter, but that he would look it up and report to me. This morning I again called his attention to the subject, and he advised me that he was entirely mistaken about it, which I knew at the moment, but was not in a position to deny, because we introduce so many bills that I could not tell at the time to what particular bill he might have had reference. So he called my attention to the fact that the bill which he had reference to was not introduced by me at all, but that it was introduced by the Senator from Wyoming [Mr. CLARK] "by request." The bill shows that the Senator from Wyoming very properly introduced it at the request of some one, probably a friend of his, or somebody else; but anyway it shows on its face that it was not even his measure, as he had introduced it by request, and that I had never had anything to do with it in any shape, form, or manner whatsoever.

I simply make this statement, Mr. President, because I have never been connected in any way with any of the people who want special privilege in Alaska. On the contrary, it has been my effort and my purpose at all times here in the Senate to do all in my power to release Alaska from the grasp that now holds it and to place its magnificent resources in the hands of the people of the whole country. I not only have insisted upon that all the time, but I introduced the bill for the construction of a railroad in Alaska by the Government of the United States, which the committee now has under consideration, and I shall do all in my power, at least, not only to place the control of the transportation of Alaska in the hands of the Government but its resources as well and their development.

The bill to which Judge WICKERSHAM referred—and I am frank enough to say that I do not believe he intended to do me any injury; I think he was just as innocent about making that statement as he claims I was in introducing a bill that had "a sleeper" in it—the bill to which he had reference is Senate bill 9163 of the Sixty-first Congress, third session, entitled "A bill to authorize the Copper River & Northwestern Railway Co. to maintain and operate a wharf in Orca Inlet, in the District of Alaska, and for other purposes."

I merely make this statement in justice to myself, Mr. President, because I did not want the impression to go out from the Senate or from any committee of the Senate that I have stood in a position at any time, or that I ever will stand in a position, which would assist in placing the resources of this country, or any part thereof, in the hands of any syndicate or any body of men who would undertake to throttle competition or deprive the American people of what, in justice and equity, should be administered as a sacred trust in their interest and for their benefit.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield.

Mr. SMOOT. I believe that the article as read from the newspaper stated that the bill had passed the Senate, and that Judge WICKERSHAM had caused its defeat in the other House.

Mr. CHAMBERLAIN. The bill did not even pass the Senate.

Mr. SMOOT. I was going to state that fact, but the newspaper article said it did pass the Senate.

Mr. CHAMBERLAIN. The bill did not pass the Senate. The newspaper article so stated, or rather Judge WICKERSHAM stated, that the bill had passed the Senate and had been killed by him in the other House.

Mr. SMOOT. All I want the RECORD to show, Mr. President, is that the bill never passed the Senate, and that it never was considered in the Senate at any time.

Mr. CLARK of Wyoming. Mr. President, the bill to which the Senator from Oregon [Mr. CHAMBERLAIN] refers appears to have been introduced by me at the request of some person. I do not know who and I do not know when. It was probably introduced, as many bills are introduced, at the request of a constituent or of somebody else, and I notice that for once in my life I was discreet enough not to father the bill which I introduced. Whether the bill is a good one or not I do not know, but the bill shows upon its face that it was introduced by request. Who compose the Copper River & Northwestern Railway Co. I do not know, nor do I know what or where Orca Inlet is. It was merely one of those instances where a Senator feels that he is not only justified but under some obligation to introduce a bill that is presented by those who have interests in the matter for consideration by the Senate.

Mr. CHAMBERLAIN. I so understand.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of senate joint memorial No. 26 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

Senate joint memorial 26.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas the fishing industry of Alaska, now in the early stages of development, bids fair to be the greatest industry of its kind in the world; and

Whereas we believe the waters of Alaska and the fish therein to be the property of the people and the heritage of future generations; and

Whereas we believe it to be our duty to use every effort toward the protection and conservation of this great natural food supply of the Nation; and

Whereas the history of the fisheries of this Nation shows us that the depletion and destruction of migratory fish has been caused by the lack of restriction and regulation of the methods of fishing; and
Whereas the salmon fishery of this Territory is being prosecuted for the purpose of obtaining dividends for the present and without due regard to the conservation of the fish supply for future generations; and
Whereas we believe that upon the restriction and regulation of the gear and methods of fishing now depends the future of this great industry: Therefore your memoralists earnestly and respectfully petition your honorable body that laws be enacted for the regulation of our salmon fisheries in accordance with the following recommendations:

1. The abolishment of the contrivance known as a jigger in connection with all fishing traps, pound nets, or weirs.
2. The limiting of all leads on all fish traps to a length of 600 feet in entirety.
3. That no fish traps, pound nets, or weirs be allowed within a distance of 1 mile of any salmon stream nor in any bay, estuary, inlet, or channel which is less than a mile in width, and that traps now established within such limits be removed.
4. That the Fisheries Bureau be instructed and authorized to establish posts or monuments at the mouths of all salmon streams which shall limit the distance from such streams at which any kind of fishing gear may be used, and that such marked limits be established by practical fishermen who are familiar with all the conditions that obtain in localities in which such marked limits are to be established. The term "mouth" of a stream shall be defined to mean the place where the line of mean low tide meets and crosses the trend of the stream.
5. We object generally to the whole bill prepared by and entitled "Tentative draft of bill suggested by the United States Bureau of Fisheries and the representatives of the various Alaskan fisheries, which has been agreed upon and prepared by them jointly after numerous conferences," and especially to section 1 thereof, reading "All of the license fees and taxes derived from Alaska fisheries shall be covered into the Treasury of the United States and there kept in a special fund," on the ground that the Territory of Alaska is entitled to a reasonable proportion of the revenue derived from the fishing industry of the Territory.
6. We further recommend that it shall be made unlawful to take any salmon from any fresh-water stream by means of a spear or gaff except for personal, domestic, or family consumption; and it shall be unlawful to purchase any salmon taken by means of a spear or gaff from a fresh-water stream for use in canning, salting, or otherwise preserving for sale.
7. That a closed season be established for southeastern Alaska from September 1 to December 31 of each year as to fishing for any kind of fish above the mouths of any and all streams and outside the mouths of any and all streams during said closed season for sockeye and humpback salmon.

Further, that the Government operate all fish hatcheries of Alaska; and

Further, that at the hearings held before the fishing and game joint committee of the Territorial legislature it was fully demonstrated that illegal fishing was carried on in nearly all of the localities and the inspection system as now inaugurated by the Fisheries Bureau is greatly inadequate to carry on proper inspection.

And we further recommend that no law be enacted by Congress whereby any right or title to the tide lands or waters now occupied by fishing appliances in Alaska can be acquired for fish-trap sites nor any areas of tide land or water be in any way reserved for the operation of any certain kind of fishing contrivances to the exclusion of other fishing gear.

And your memorialists will ever pray.

Passed the senate April 26, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 30, 1913.

EARNEST B. COLLINS,
Speaker of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint memorial 31.

The honorable the President, the Senate, and House of Representatives of the United States:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, do respectfully submit the following to your kind consideration:

That the Alaska Road Commission, since its creation under the act of Congress approved January 27, 1905, has constructed approximately 900 miles of wagon road and many hundreds of miles of sled roads and trails in all sections of the Territory of Alaska.

That such construction has resulted in great benefit to the country and has aided more than any other instrumentality in developing the various sections of our Territory.

That these roads are not merely of local importance, but they form a well-devised system of highways calculated to serve the entire Territory.

That the expenses incurred in such road and trail building are defrayed by an annual appropriation made by the honorable the Congress of the United States and by a portion of what is known as the "Alaska fund." The amount appropriated by the honorable the Congress of the United States for this year amounts to $155,000, $55,000 of which, or so much thereof as may be required, is to be expended in the construction of a dam to protect the property of the Government near the town of Valdez from destruction by near-by glaciers; that the average amount per annum available from the Alaska fund amounts to $137,000, the total amount of which moneys is barely sufficient to keep the roads constructed in repair.

In view of these facts, we respectfully request that Congress increase its annual appropriation for the construction and maintenance of roads, so that a sufficient amount thereof may be set aside for further construction and extension of the road system now laid out.

And your memorialists will ever pray.

Passed the senate April 29, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 20, 1913.

EARNEST B. COLLINS,
Speaker of the House.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of senate joint memorial No. 31 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of house joint memorial No. 15 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 8th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

IN THE HOUSE.

House joint memorial 15.

To the Congress of the United States:

The Legislature of the Territory of Alaska respectfully presents to your honorable body this, its memorial, the purpose of which is to call attention to the limited area for the extension and development of the town site of Juneau, and to the fact that under the laws of Congress and regulations of the Department of the Interior certain lands which would furnish an outlet for the growth and extension of said town are withheld from acquisition and settlement and to request your honorable body to grant certain lands to the town of Juneau for disposition by said town to home seekers under the conditions hereinafter stated:

I.

The town of Juneau is located on the mainland on the easterly shore of Gastineau Channel, a body of tidal water approximately 20 miles in length, separating the mainland from Douglas Island. On said island, almost opposite the town of Juneau, is located the Treadwell Mine, one of the largest low-grade gold mines in the world. The mineral zone in which this mine is found is extensive in area, and a company subsidiary to the Treadwell Co. is actively engaged in the development of a similar property within said mineral zone, in the immediate vicinity of Juneau, and will erect this summer a stamp mill and reducing plant within the corporate limits of said town for the purpose of crushing and reducing the ores of the mine.

An independent organization known as the Alaska Gastineau Mining Co. is spending several millions of dollars in the development of its mining properties near Juneau and in building dams and installing machinery for an electrical power plant to be used in its operations.

Still other companies have invested in mining properties in the immediate vicinity of Juneau, and plans for their development have been announced, but no work has yet begun on an extensive scale.

II.

The result of this activity is that within the last year the town of Juneau has increased in population approximately 100 per cent, with every indication that the next few years will witness the development of an extensive mining industry, which must necessarily cause a much greater increase in population.

Available building space to meet this growth is limited. In most places on the mainland side of the channel the mountains rise so precipitously as to leave no suitable space for the construction of buildings, and such buildings, if constructed, would be menaced by snow and landslides

The available area within the town site of Juneau comprises approximately 10 blocks square. In a northerly direction from said town and almost immediately adjoining it is an extensive tide flat which is used for no purpose except to convey across it an electrical transmission line and a telephone cable and pipe line. This tide flat, by means of the construction of bulkheads, could be filled in and made available for the erection of business, residence, and municipal buildings.

III.

Continuing in a northerly direction on the mainland side of the channel the land slopes back from the beach to the foot of the high mountains, and a large part of this slope, which varies in width from several hundred yards to a half mile, might be made available for building purposes and gardens.

A portion of the land on this slope between Juneau and Lemon Creek, a distance of approximately 5 miles, has been entered under the public-land laws of the United States, but because of the frontage of said land on navigable water intervening spaces between such claims have been left, in accordance with the provisions contained in Thirty-second Statutory Laws, 1028, and the regulations of the Department of the Interior thereunder, which department has construed the act of Congress to mean that between each entry of land on the shore of navigable water a space of 80 rods is reserved to the Federal Government.

Under this construction of the law the intervening spaces between the claims above referred to are not open for acquisition and settlement. It is respectfully urged that the purpose of Congress in reserving the space of 80 rods between claims was to prevent the acquisition of valuable and extensive shore line by a single interest to the exclusion of others, and that it was never intended to hold title indefinitely in the Federal Government to such reserved spaces throughout the 25,000 miles of shore line in Alaska and thereby strangle the normal growth and development of the Territory.

IV.

It is asked that the Congress of the United States do cause to be surveyed the tide flats above referred to and all the land suitable for building and garden purposes lying on the easterly shore of Gastineau Channel in a northerly direction from said town of Juneau to Lemon Creek, and thereafter do cause its proper officers to investigate and determine the rights of all private claimants to any portion of such lands, and that pending such determination the said lands, title to which is now in the Federal Government, be withdrawn from entry and settlement, and that upon the determination of the rights of private claimants all of such lands, the title to which at the time of such withdrawal was still in the Federal Government, be transferred by

proper conveyance in fee simple to the town of Juneau, to be by said town disposed of in small holdings under the directions of the common council thereof upon such conditions as may be imposed by the Federal Government.

It is further respectfully urged upon your honorable body—

First. That as the streets of said town of Juneau on and near the water front are plank streets, built on wooden piles above the tide flats, and since the large increase of traffic thereon the cost of maintenance thereof is great, and said streets must, as rapidly as the resources of said town will permit, be graded and made permanent.

Second. That a few blocks from the water front the streets of said town are precipitous, and the cost of construction and maintenance of said streets and sewers and sidewalks much exceeds the usual cost of such work.

Third. That the rapid growth of said town has made inadequate the school facilities thereof, to meet which situation efforts are being made to raise money by private subscription pending the action by your honorable body upon a memorial heretofore introduced in the Legislature of the Territory of Alaska praying authority for the creation of a bonded indebtedness for school purposes.

Fourth. That the mining and other industries of Alaska give employment to large numbers of technically trained young men, and it is desirable that educational facilities be created to fit the young men of Alaska for such work. At the present time, after completing the ordinary high-school course, further training can be had only by going great distances to points in the States. It is desirable to inaugurate at Juneau as soon as funds are available therefor a trade and professional school offering instruction covering a suitable period which will fit the young men taking advantage thereof for the better class of employment in the mining and other industries of Alaska.

Fifth. That if the request herein made is granted the said town will be able to realize from the sale and development of the lands which your honorable body is asked to grant a sufficient sum to meet the demands made upon it by reason of the facts herein recited and to lay the foundation for the establishment of the trade school referred to.

V.

That in the absence of favorable action by your honorable body herein, and because of the restrictions placed upon the Territorial Legislature and upon municipal corporations in said Territory, the proper development of said town will be retarded, and the maintenance of educational facilities for its children will be dependent upon private enterprise, while the first steps in the creation and maintenance of a technical training school can not be begun until Congress assumes a more liberal policy toward education in Alaska.

VI.

That at the present time the support of public schools as provided by the Federal Government is, to the mortification of the people of Alaska, dependent upon the revenues derived from the conduct of the liquor traffic.

VII.

That action has heretofore been taken by the Juneau Commercial Club with the purpose of securing title to said town of Juneau in said tide flats, without reference to the shore land referred to, which action is hereby indorsed, and it is respectfully urged that such lands not being open to acquisition by any method except the grant of Congress that the grant thereof be executed as promptly as may be possible, and that the conveyance of said tidelands to said town of Juneau be not delayed pending the action by the Government with respect to the shore lands refered to in this memorial.

At the request of the Commercial Club of Juneau, attached hereto is a copy of the report of their special committee on tidelands.

VIII.

Therefore be it further resolved, That the honorable Senate of the United States and the honorable House of Representatives in Congress assembled are respectfully urged to take action as soon as possible, as an urgent necessity for additional ground for the future growth of the city of Juneau does now exist.

Further, resolved, That copies of this memorial be sent to the honorable President of the United States Senate, the honorable Speaker of the House of Representatives in Congress assembled, and to the honorable JAMES WICKERSHAM, Delegate to the United States House of Representatives from Alaska.

Passed the house April 22, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Passed the senate April 23, 1913.

L. V. RAY,
President of the Senate.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

IN RELATION TO THE REDEMPTION OF THE JUNEAU TIDE FLATS.

To the Juneau Commercial Club:

Your committee begs leave to submit the following report in relation to the redemption of the Juneau or Gold Creek tide flats:

First. We call your attention to the following facts:

There is now embraced within the town site of Juneau 126½ blocks, each block containing 8 lots of 50 by 100 feet each in area; or each block is 200 by 200 feet in area.

Four of these blocks are reserved by the United States Government.

Eighteen lots are used for churches, hospitals, and other public buildings.

Three lots are owned and used by fraternal organizations.

Eighty-six lots are now used for business purposes.

Fifty-two lots are on the steep hillside and are unfit for building purposes other than for cabins, making, all told, 1,012 lots for all purposes. Deducting the lots set aside as above specified, amounting to 191 lots, there is still left 821 lots suitable for residential purposes. As business grows with the town some of these lots will also be used for business purposes, and in the course of a year there will probably be not more than 750 lots left for residential purposes, which means that Juneau can accommodate 750 families. If we allow 3 persons for each family—which is the average of the families of Juneau—we will have room for about 2,250 persons, and, owing to the steep mountains and the water surrounding the Juneau town site, there is no room for expansion. In making the foregoing estimates we have not considered the Shattuck addition or the ground below the saw mill, which would accommodate about 100 more families.

There is now about 2,000 people within the corporate limits of the town of Juneau, and there is every reason to believe that our population will more than double within the next 12 months. More ground for residential purposes must be secured in some way, and in this connection we recommend the redemption of the Juneau or Gold Creek tide flats.

By building a dyke of stone and brush at a height of 1½ feet to 12 feet in height along the line of low-water mark these flats can be reclaimed at a cost of about $4,500, and the amount that can be reclaimed in this way will be over 77 acres in area. Divide this reclaimed land into town lots the size of those now in the Juneau town site and we would have 616 lots 50 by 100 feet in area. However, we would recommend that at least 25 blocks be reserved for a park and public buildings. This amount would give us a plot of ground 1,000 feet square, which would be sufficient for a baseball park, a public-school building, an armory building, a school of mines building, a fisheries building, a Territorial university and the Territorial capitol building, and other public buildings that may be required as the capital of Alaska increases in importance. If the suggestions here recommended should be carried out we would have left for building purposes 52 blocks of 8 lots each which could be sold (at a very low estimate) at $250 per lot, or the total of $104,000. This money should be used in defraying the expense of the reclamation and the construction of the aforementioned buildings.

It is well known that in the near future Juneau must have a new school building. The one now in use is old, too centrally located, and entirely too small for even the present demands and with an utter lack of playgrounds. The lots now occupied by the present school buildings could be sold, and the sum realized (which should not be less than $12,000) should be used in the construction of a new concrete and fireproof building, cost not less than $25,000, to be erected on the reclaimed tide flats, where ample room could be had for playgrounds and recreation.

We are informed and believe that the National Government has annually appropriated a sum of money for the support of State and Territorial militia. Alaska has had none of this appropriation since the time of Gov. Knapp, about the year of 1890. We believe Alaska's share of this money could be secured for the purpose of building an armory near the schoolhouse, and this armory could be used by the school children as a playroom on rainy days, which are so prevalent in this part of Alaska.

Second Street should be extended through the ridge north of town by means of a tunnel, which would not be more than 325 feet in length. The rock taken from the tunnel could be used in the construction of the dyke which, under the proposed plans, starts from the north end of this street. This tunnel should be at least 10 feet wide and 8 feet in height, and could be built for about $3,600.

We believe that the débris carried down by Gold Creek would fill the entire flat in the course of 12 months after the dyke was finished, and that buildings for homes could be constructed as soon as the dyke was started, as the entire flat is not covered by water only at extreme high tide, or twice a year.

We are informed and believe that in the near future a capitol building will be constructed in Juneau for the use of the Territorial legislature and other Territorial officers (in fact, Secretary Fisher, Gov. Clark, and Delegate WICKERSHAM have already recommended the appropriation of $500,000 for this very purpose). A school of mines building and a Territorial university will also be constructed at no distant date. These should all be erected on the reclaimed tide flats. It is also a certainty that the Government will shortly construct and operate a Government fish hatchery. This building should also be erected on the tide flats or some place near Juneau. Owing to the high values placed on lands in this immediate vicinity, it is almost a certainty that the Government will not erect these buildings near Juneau unless cheaper land can be procured, and for this reason, if for no other, we believe that we could easily secure the passage of an act by Congress allowing the city of Juneau to reclaim the tide flats, reserving as much as may be required for the erection of the aforementioned buildings.

Owing to the circuitous beach line in front of Juneau, it is impossible for the town to have adequate docking facilities for large vessels. In fact, most of the water front is now controlled and owned by the great steamship companies that ply between Alaska and Puget Sound. By reclaiming the tide flats large wharves could be constructed just north of the wharf now operated by the Pacific Coast Steamship Co., which would afford dockage facilities for all vessels making this port and greatly to the advantage of said vessels, as by this wharfage construction all vessels would be headed into the storms which prevail here during the winter months. The steamship companies are heartily in accord with these plans and will offer their holdings for sale at reasonable figures as soon as other lands are provided for them.

The logical route to Silver Bow Basin is up Gold Creek, where an easy grade could be had. By the reclamation of the tide flats the basin road would be constructed up the creek, and all heavy freight and dynamite would be landed north of the town and from there taken to the basin, thereby doing away with the transportation of dynamite and heavy machinery through the main streets of the city, which has long been looked upon as a serious menace to the lives and property of the residents.

The redemption of the tide flats would not infringe upon the rights of any person, firm, or corporation and would be of the greatest benefit to every resident of this section, beside the saving of many thousands of dollars to the national and city governments, as well as giving our city a chance to expand, which under the present conditions is impossible, and at the present date we are unable to provide suitable quarters for the men necessary to open up the great mines which are now in course of development.

We believe that the city government of Juneau should be granted authority to reclaim this land and that patent should issue to them and their successors in office, and that the profits and benefits accruing from the reclaiming of this land should be held for the people by and through its duly elected city officers, making proper reservation for the National Government to construct such buildings as may be deemed necessary and without cost to said National Government.

In order for us to secure the right to reclaim these lands it will be necessary for Congress to pass a special act giving us the right, and this we confidently believe could be done forthwith, providing the right showing was made through the proper officers at Washington.

The conditions are such that we recommend the Commercial Club and the city government to take immediate action.

Respectfully submitted.

F. WOLLAND,
T. RADONICH,
E. VALENTINE,
Committee.

JUNEAU, ALASKA, *November 25, 1912.*

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the

Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is true and complete transcript of house joint memorial No. 22 of the Alaska Territorial Legislature.

In testimony whereof, I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 8th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

—

FIRST REGULAR SESSION OF THE LEGISLATURE
OF THE TERRITORY OF ALASKA.

House joint memorial 22.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas there is much fishing for halibut by foreign vessels within the 3-mile limit of the waters of Alaska; and

Whereas this is a gross injustice to the citizens of Alaska and is in contravention of the provisions of the alien fisheries act of Congress approved June 14, 1906; and

Whereas fishermen from the above-named alien halibut vessels are ruthlessly and illegally slaughtering deer; and

Whereas the Federal Bureau of Fisheries with its present limited facilities can not effectively patrol the region affected:

Therefore your memorialists earnestly and respectfully petition your honorable body that a revenue cutter or other suitable vessel be directed to patrol the coastal waters of southeast Alaska during the fishing season to enforce the provisions of existing law.

And your memorialists will ever pray.

Passed the house April 30, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Passed the senate April 30, 1913.

L. V. RAY,
President of the Senate.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

Senate joint memorial 17.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the Territory of Alaska, in legislative session assembled, do most respectfully and earnestly represent that—

Whereas the Congress did on the 25th day of June, 1910, enact a law entitled "An act to provide for the care and support of insane persons in the Territory of Alaska"; and

Whereas the buildings provided for in said act to be built at Fairbanks and Nome have not been constructed for the reason, as stated by the governor of Alaska, given upon the advice of the Attorney General, that no provision was made in said act for the purchase of sites upon which to construct such buildings, and that the Government could not accept the donation of sites; and

Whereas all insane persons in the fourth and second judicial divisions are forced to remain in the United States jails, awaiting a convenient time for their transportation; and

Whereas the sum of $4,000 will purchase suitable sites in the towns of Fairbanks and Nome for the hospitals provided for in said act: Now, therefore

We, your memorialists, do most earnestly and respectfully request that an appropriation be made in the sum of $4,000 to purchase suitable sites for the construction of detention hospitals at Fairbanks and Nome, as provided in the act of Congress of June 25, 1910, entitled "An act to provide for the care and support of insane persons in the Territory of Alaska."

And we, your memorialists, will ever pray.

Passed the senate April 11, 1913.

L. V. RAY,
President of the Senate.

Passed the house May 1, 1913.

EARNEST B. COLLINS,
Speaker of the House.

—

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of senate joint memorial No. 17 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

Senate joint memorial 28.

To the honorable the President, the Senate, and House of Representatives of the United States:

We, your memorialists, the Legislature of the Territory of Alaska, do most respectfully submit the following facts:

That under the United States mining laws, applicable to the Territory of Alaska, it is required that $100 worth of labor be performed or improvements made on or in connection with each claim annually;

That many claims in Alaska are deep, and of such a nature that the expenditure of $100 thereon in the way of labor, as required under the said United States mining laws, can not possibly result in any improvement thereof;

That it is a well-known and generally admitted fact that the construction of wagon roads and the building of trails in Alaska are of urgent necessity to the development of the resources of the Territory;

Now, therefore, in view of these facts, we respectfully urge that the United States mining laws, in their application to the Territory of Alaska, be amended so that it may be optional with any claim owner to either perform $100 worth of labor upon his claim, as now provided by said United States mining laws, or to pay to the recorder of the precinct in which his claim is situated the sum of $100, and that all sums thus collected be expended in the construction of roads and trails in the precinct in which the same is collected, under the supervision of the Alaska road commission.

Passed the senate April 26, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 29, 1913.

EARNEST B. COLLINS,
Speaker of the House.

—

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a true and complete copy of senate joint memorial No. 28 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of senate joint memorial No. 23 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

—

IN THE SENATE.

Senate joint memorial 23.

To the Congress of the United States:

The Legislature of the Territory of Alaska hereby memorializes your honorable body and respectfully represents—

First. That near the corporate limits of the town of Skagway, Alaska, a wagon bridge across the Skagway River is urgently needed to serve the needs of said town and of residents outside of the corporate limits thereof, which bridge could be constructed at a cost of from four to five thousand dollars.

Second. That the Federal Government has not constructed any roads or trails for the benefit and advantage of citizens in the vicinity of Skagway, although the license moneys collected from industries operated from said town and apportioned to road construction are extensive, amounting to approximately $2,000 annually.

Third. That your memorialists have been presented with a petition asking for the construction of the bridge referred to, signed by practically all of the adult male residents of said town of Skagway, and your memorialists believe that an appropriation for said work is urgently needed and should be made.

Wherefore it is respectfully urged that this memorial be referred to the department of the Government charged with the construction of roads and bridges in Alaska, and that the construction of said bridge be authorized to be begun without delay.

Passed the senate April 26, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 29, 1913.

EARNEST B. COLLINS,
Speaker of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of senate joint memorial No. 16 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

—

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

Senate joint memorial 16.

To the President, Senate, and House of Representatives in Congress assembled, greeting:

We, your memorialists, the Legislature of the Territory of Alaska, realizing the great development that would follow the establishment and maintenance of a system of roads and trails connecting the post offices with navigable streams and with other established routes and admit the transportation of mails, supplies, and mining equipment into districts now inaccessible; and

Whereas we consider the present lack of such roads, trails, and transportation facilities a most pressing and vital matter as regards the prospecting and development of the great interior of Alaska: Therefore be it

Resolved, That the National Congress be, and hereby is, requested to set apart and appropriate all moneys derived from the seal fisheries

and the sale of public lands in Alaska for the construction and maintenance of post roads, highways, and trails in that Territory.

And for this relief we will ever pray.

Passed the senate April 22, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 29, 1913.

EARNEST B. COLLINS,
Speaker of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of senate joint memorial No. 27 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

IN THE SENATE, TERRITORY OF ALASKA, FIRST SESSION.

Senate joint memorial 27.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas the fishing industry of Alaska now in the early stages of development bids fair to be the greatest industry of its kind in the world, if such is properly protected; and

Whereas we believe it to be our duty to use every effort toward the protection and conservation of the great natural food supply of the Nation; and

Whereas at the present time the food fish of the waters of Alaska are being depleted by the use of same for the manufacture of same into fertilizer; and

Whereas we believe that the taking and using of any food fish for any other purpose than for food and bait should be prohibited: Therefore

Your memorialists earnestly and respectfully petition your honorable body that laws be enacted prohibiting the use of herring or any other food fish for the purpose of manufacturing the same into fertilizer or oil after the 1st day of January, 1915;

And we further pray that a law be enacted by Congress prohibiting the erection, maintenance, or use of any manufacturing or other plant in addition to those being now operated for said purposes.

And your memorialists will ever pray.

Passed the senate April 26, 1913.

L. V. RAY,
President of the Senate.

Passed the house April 30, 1913.

EARNEST B. COLLINS,
Speaker of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of house joint memorial 21 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

FIRST REGULAR SESSION OF THE LEGISLATURE OF THE TERRITORY OF ALASKA.

House joint memorial 21.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas the omnibus public building act of 1910 authorized the construction of a Federal office building, intended to provide quarters for the post office, customhouse, governor's office, and other important offices of the Government at Juneau; and, although an excellent site has been acquired for said building, the limit of cost of $200,000 for the building and site has been found wholly inadequate for the construction of a building suitable for the purposes of the authorization; and

Whereas this legislature has been created since the passage of the said act, necessitating additional quarters for the legislature and Territorial offices; it will be necessary to construct a much larger building than was at first contemplated; and

Whereas the Commercial Club of the City of Juneau has heretofore presented to your honorable body a petition setting forth the needs of the Territory in this regard and explaining the situation as it now exists; your attention is invited to said petition: Therefore be it

Resolved by the Legislature of the Territory of Alaska, That we earnestly and respectfully petition the Senate and the House of Representatives of the United States of America in Congress assembled that a total sum of $500,000 be authorized for the construction of a Territorial capitol building at Juneau, Alaska, for the accommodation of the legislature, all Federal offices except the courts, and all Territorial offices; and be it further

Resolved, That a copy of this memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Hon. JAMES WICKERSHAM, Delegate to the House of Representatives from Alaska, and to the Secretary of the Treasury.

Passed the house April 22, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Passed the senate April 24, 1913.

L. V. RAY,
President of the Senate.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed is a true and complete copy of House joint memorial No. 10 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 8th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

FIRST REGULAR SESSION OF THE LEGISLATURE OF THE TERRITORY OF ALASKA.

House joint memorial 10.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the Territory of Alaska, respectfully represent:

That the Territory of Alaska has a white population of upward of 40,000, of which approximately 3,000 are children of school age attending the public schools; that there are in the Territory of Alaska 42 white schools. Your memorialists further represent that there is not at this time a Territorial board of education, examining board, or superintendents to govern said schools.

We, your memorialists, therefore most earnestly pray that a board of education and a board of examiners be created for the Territory of Alaska, and that not less than two school superintendents be appointed to visit and superintend all public schools for white children in the Territory of Alaska, and that the honorable Senate and Congress of the United States appropriate a sufficient sum of money to defray the expenses of said boards, together with the salaries of said superintendents; and further, that the school laws of Alaska be so amended as to include amendments hereunto attached.

And as in duty bound your memorialists will every pray.

Passed the house April 23, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Passed the senate April 26, 1913.

L. V. RAY,
President of the Senate.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

Amendments to Alaska school laws.

CHAPTER I.

SECTION 1. That a board of education for the Territory of Alaska shall be created, said board to consist of the governor, secretary, and treasurer of the Territory of Alaska, of which the governor shall be president and the Territorial secretary shall be secretary. The governor of the Territory of Alaska shall be ex officio superintendent of public instruction.

SEC. 2. The board shall meet at the call of the secretary at the capital of the Territory not less than once in each year, and a concurrence of a majority of all members of the board shall be necessary to the validity of any act of the board.

SEC. 3. The powers and duties of the board are as follows:

First. The board shall have power to appoint one superintendent over all public schools within the first and third judicial divisions of the Territory, except the Indian schools now under Government supervision, and one superintendent over all public schools within the second and fourth judicial divisions of the Territory, except the Indian schools now under Government supervision.

Second. To adopt rules and regulations, not inconsistent with the law of the Territory, for its own government and for the government of the public schools and school libraries.

Third. To devise plans for the increase and management of the Territorial schools.

Fourth. To prescribe and enforce the use of a uniform series of textbooks in the public schools: *Provided,* No change of textbooks shall be considered or made by the Territorial board of education, except at its regular meetings or at some special meeting thereof held for that purpose, and notice of such intention shall be communicated by the secretary of said board in writing to each divisional superintendent at least 90 days prior to the time of holding such meeting: *Provided,* That on the adoption of a uniform series of textbooks such series shall not be changed during the period of four years next succeeding the adoption of such series.

Fifth. To prescribe and enforce a course of studies in public schools.

Sixth. To adopt a list of books for school libraries.

Seventh. To grant (1) educational diplomas, valid for six years, and (2) life diplomas.

Eighth. To revoke, for immoral conduct or evident unfitness for teaching, Territorial diplomas.

Ninth. To adopt and use in the authentication of its acts an official seal.

Tenth. To keep a record of its proceedings.

Eleventh. To grant first-grade Territorial certificates, when in their judgment it seems advisable, to graduates of universities and chartered colleges of similar rank.

SEC. 4. Territorial educational diplomas shall be issued to such persons only as have held a first-grade certificate for at least one year and

who shall furnish satisfactory evidence of having been successfully engaged in teaching for at least five years, or who shall be of good moral character.

SEC. 5. Every application for a Territorial diploma must be accompanied by a certified copy of a resolution adopted by the Territorial board of examiners, recommending that the same be granted.

SEC. 6. Life diplomas must be issued upon all and the same conditions as educational diplomas, except that the applicant must furnish satisfactory evidence of having been successfully engaged in teaching for at least 10 years and, in addition thereto, the applicant must pass an examination in pedagogy, history of education, school economy, and school government.

SEC. 7. All diplomas issued by the board shall be signed by a majority of the members of said board.

SEC. 8. Every person receiving a Territorial diploma must pay to the board $10 to defray the expenses of issuing said diploma.

CHAPTER II.

TERRITORIAL BOARD OF EXAMINERS.

SEC. 9. The Territorial board of examiners shall consist of the superintendent of public instruction and two competent persons appointed by him, a majority of whom shall constitute a quorum.

SEC. 10. The superintendent of public instruction shall be chairman of the board.

SEC. 11. The board must meet at such times and places as the chairman directs, and must hold at least two sessions in each year.

SEC. 12. The board has power:

First. To adopt rules and regulations governing the examinations of applicants for Territorial certificates and to conduct the examination of such applicants for certificates.

Second. To prepare questions for the examination of teachers and to forward the same to the divisional superintendent for use in the semiannual examinations, which questions shall be divided into four lots, each lot to be inclosed in a separate envelope, which shall be sealed with wax bearing the imprint of the seal of the Territorial board of examiners, and shall be forwarded to the divisional superintendent of each division.

The division superintendent of each division, in the presence of any two qualified members of a district school board and of the applicants for teachers' certificates, shall open one lot of questions and distribute same to the applicants at each session of the examination, and there shall be no interruption of said session until each applicant shall have handed in to the said division superintendent his or her examination paper.

Third. To grant recommendations for life certificates and diplomas.

Fourth. To grant Territorial certificates of the first grade, valid for four years.

Fifth. To grant Territorial certificates of the second grade, valid for three years.

Sixth. To revoke certificates of teachers who are guilty of immoral conduct or are unfit to teach.

Seventh. The board may, at the expiration of time for which they were granted, renew certificates for a like period for which they were originally granted.

SEC. 13. Every applicant for a first-grade Territorial certificate must be examined by written and oral questions in algebra, geography, history, and civics, physiology, hygiene, with special reference to the nature and effects of alcoholic drinks and other narcotics and stimulants upon the human system, natural philosophy, orthography, defining penmanship, composition, reading, method of teaching, grammar, arithmetic, and the school laws of Alaska. Applicants for a second-grade certificate shall not be required to pass an examination in algebra or natural philosophy.

SEC. 14. The standing in each study must be indorsed upon the certificate, otherwise it is not a valid certificate.

SEC. 15. Normal-school diplomas from any State normal school in the United States and life diplomas issued by the State board of examination or education in any State of the United States must be recognized by this Territory as prima facie evidence of fitness for teaching, and the board may, on application of the holders thereof, issue, without examination, Territorial certificates and fix the grade thereof.

CHAPTER III.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 16. It is the duty of the superintendent of public instruction:

First. To superintend the public schools of this Territory.

Second. To investigate all accounts of all school moneys kept by any Territorial or district officer.

Third. To prescribe suitable forms and regulations for making all reports, for conducting all necessary proceedings under this title, and shall cause the same, with such instructions as he may deem necessary and proper for the organization and government of schools, to be transmitted to the division superintendents for distribution to the district officers and teachers, who shall be governed in accordance therewith. He shall prepare a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools, and shall furnish each division superintendent with a number sufficient to supply at least one copy thereof to each district or school of such district. He shall also supply such teachers' blank certificates as may be prescribed for the division superintendents. He shall certify the cost of printing such blanks, registers, and certificates, together with the postage or expressage necessary to convey them to the division superintendent, to the Territorial auditor, who shall draw his warrant on the Territorial treasurer, in favor of the person to whom said amount is due, and the treasurer shall pay said warrant out of the money in the treasury to the credit of the school fund: *Provided*, The cost of printing of said blanks and books shall not exceed $600 annually.

Fourth. He shall not be required to visit the public schools in the different divisions, but shall communicate by mail with the several division superintendents.

Fifth. To make printed reports on or before the 1st day of October preceding each session of the Territorial legislature and shall transmit a copy thereof to the legislature. Said reports shall contain a full statement of the condition and amount of all funds and property appropriated for the purposes of education, the number and grades of schools in each division, the number of children in each division between the ages of 6 and 21 years, the number of such attending public schools, also the number of children between the ages of 8 and 14 years, the average number of children that have attended the public schools during the two years previous to July 1 of that year, the number attending private schools, and the number that can read and write, a statement of the plans for the management and improvement of public schools and such other information relative to the educational interests of the Territory as he may deem expedient.

Sixth. To authenticate with the official seal of the board of education all writings and papers issued from his office.

Seventh. To deliver over at the expiration of his term of office to his successor all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

CHAPTER IV.

DIVISION SCHOOL SUPERINTENDENT.

SEC. 17. It shall be the duty of the division superintendent of each division:

First. To conduct examinations of teachers for certificates in accordance with the rules of the Territorial board of examiners and to forward to said board all answer papers, unmarked, submitted by the applicants for certificates.

Second. To certify to the Territorial board of examiners the names of persons who appeared before him for examination.

Third. To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.

Fourth. To keep in his office the reports of the superintendent of public instruction, the reports of the school trustees and the teachers received by him; to record all official acts in a book to be provided for that purpose, and at the close of his term of office to deliver over to his successor such records and all documents, books, and papers belonging to his office, and to take a receipt for same, which shall be filed in the office of the Territorial treasurer.

Fifth. To keep a record of his official acts.

Sixth. To pass upon, approve, or reject accounts against school districts (subject to approval of the board of education).

Seventh. To appoint trustees of school districts to fill all vacancies caused by a failure to elect or otherwise. Such appointees shall hold office for the full period of the vacant term.

Eighth. To make reports, when directed by the superintendent of public instruction, showing such matters relating to public schools in his division as may be required of him on the blanks furnished him by the superintendent of public instruction.

Ninth. To immediately notify the board of trustees of the several districts in his division, upon the receipt of notice from the Territorial board of education, of any meeting to be held by them for the purpose of examining or inquiring into the expediency of a change of textbooks, as provided in subdivision 4 of section 3 of this title.

Tenth. He shall visit each school in his division at least once in each school term to confer with the teachers and school officers as to the best methods of conducting schools and audit the financial accounts.

SEC. 15. If he fails to make a full and correct report required under the provisions of this title at the time fixed by the superintendent of public instruction he may be recalled by the superintendent of public instruction and his successor appointed.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of house joint memorial No. 12 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

IN THE HOUSE.

House joint memorial 12.

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the Territory of Alaska, do most earnestly and respectfully request that—

Whereas the Kougarok mining district is rich in placer gold and other resources, and that from the nature of the country between the said district and the ocean the transportation charges on freight are almost prohibitive; and

Whereas it is feasible to construct a road from Davidsons Landing on the Marys River to Taylor Creek in the center of the active mining now being carried on; and

Whereas the said wagon road will be a trunk line for the whole Kougarok mining district:

We, your memorialists, do ever pray that Congress appropriate the sum of $50,000 for the construction of said wagon road, the same to be under the supervision of the Alaska road commission; and that copies of this memorial be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, Hon. JAMES WICKERSHAM, Delegate to Congress from Alaska, and Col. W. P. Richardson, chairman of the board of Alaska road commission.

Passed the house April 22, 1913.

EARNEST B. COLLINS,
Speaker of the House.
BARRY KEOWN,
Chief Clerk of the House.

Passed the senate April 23, 1913.

L. V. RAY,
President of the Senate.

Memorial on bill of the Alaska Legislature recommending that the Congress of the United States appropriate $50,000 for constructing a wagon road from Davidsons Landing to Taylor Creek, on Seward Peninsula, Alaska.

Port Clarence is the only harbor on Seward Peninsula; in fact, the only harbor north of Dutch Harbor in western Alaska. Present freight rates from Seattle to ship's tackle, Port Clarence, on steamers, is approximately $12 per ton and on sailing vessels $7 per ton. From ship's tackle, Port Clarence to Davidsons Landing, the head of water navigation, freight is from $7 on sailing vessels to $10 on steamers. This difference in rate is due to dispatch required by steamers. The

freight rate on steamers to Nome from Seattle is $15 per ton. The rate from Nome to Shelton when the railroad was operating, which now is discontinued, was $32.50 per ton, bringing the total cost of freight from Seattle to Shelton to $47.50 per ton, as against $22 via Port Clarence. Shelton and Davidsons Landing are located equally distant from Taylor Creek, the center of upper Kougarok operations.

The present cost of hauling freight during the summer months from either Shelton or Davidsons Landing is $140 per ton. During the winter the rate is from $35 to $40 per ton. At the present time there is absolutely no road from either point, the hauling being done over the wild tundra.

In the hauling of all the heavy supplies in the past to the upper Kougarok the Davidson route has been given preference by all freighters; in fact, so much so that the Shelton route has been practically abandoned. All freight going to the upper Kougarok is now going over the Davidson route and has been so for the past two years.

The route from Davidsons Landing to Taylor is where a road is asked for.

The natural roadbed for this road will go up Marys River on a gradual rise on gravel bars for a distance of about 23 miles; thence over a low divide a distance of about 5 miles to the head of Henry Creek; thence down Henry Creek on gravel bars to the Kougarok River, a distance of about 10 miles; thence up the Kougarok River about 2 miles to Taylor.

The building of a road on Marys River and Henry Creek and Kougarok River is naturally advantageous and can be constructed at but small cost, the 5 miles intervening between the heads of Marys River and Henry Creek being the main cost of construction over niggerheads and tundra.

The amount of freight which has been hauled into the upper Kougarok during the past eight years is about 12,000 tons. The amount of money that has been spent in building ditches and developing mines during the same period exceeds two and one-half million dollars. However, the operation of the mines and the development of the country have been retarded owing to the almost prohibitive cost of transportation. For example, coal at Taylor Creek has brought $240 per ton during the summer. The present price of flour in summer or winter at Taylor is $160 per ton. This is the cheapest commodity in this section.

At the present time one dredge is operating in the Kougarok at a cost of more than twice the cost of operation of similar dredges on Seward Peninsula, where transportation facilities are procurable, as well aside from the excessive cost of installation.

Owing to this high cost many good dredging properties are lying idle.

This section is known to contain very valuable deposits of gold-bearing gravels, and which are undeveloped solely on account of the lack of roads. The area of ground which is known to contain pay extends for more than 12 miles along the Kougarok River, centered at Taylor, besides tributaries, which in some cases are being operated during the summer and others which would be operated with reasonable cost of transportation.

Owing to the tremendous costs of operating at present many of the mines where large sums have been expended are unable to operate, and the investment remains inactive, while only the very richest mines are able to continue, and they are subjected to a tremendous handicap on this account.

The summer is the mining season in this section, and during that time all supplies are needed, and the development of the country requires a good roadway and low transportation rates to make this section the producer it is capable of being.

There are several hundreds of mine owners in the Kougarok who have spent many years of their lives in attempting to develop their properties and who are dependent on the construction of this road to enable them to actually operate.

While they are just about able at the present time to exist on the output of their claims, because they can not place machinery on the ground or open them up to be worked on an extensive or a minerlike manner owing to the excessive cost of transportation.

The present annual production of this section is approximately $250,000. It is impossible to at present estimate how many times this would be redoubled with the aid of transportation facilities.

If this road be built, it will also material assist the development of a large area of promising mining ground on the Serpentine River, a tributary of the Arctic Ocean, which lies from 10 to 15 miles from Taylor, and which at the present time is almost inaccessible. It is known to contain placer gold, and the coming season will see a dredge operating on Dick Creek, a portion of this last-mentioned section. The cost of placing this dredge on the ground is enormous, but it could be placed at a reasonable figure if there were transportation facilities to Taylor.

Copper ore is known to exist in paying quantities also in this section, and could be made to pay if the ore could be hauled to tidewater at a reasonable figure.

These are some of the reasons why this appropriation should be made.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of house joint memorial No. 16 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 6th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

—

IN THE HOUSE, ALASKA TERRITORIAL LEGISLATURE, FIRST SESSION.

House joint memorial 16.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, respectfully represent:

That experience has demonstrated the system of rebating permitted by section 2 of the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, wherein the owners of private hatcheries for salmon propagation in Alaska have obtained undue advantage, also has resulted in great dissatisfaction among the independent salmon packers of Alaska, and such system has become most obnoxious to the people of Alaska:

Therefore your memorialists pray the repeal of said section 2 of said act, and that all fish hatcheries in Alaska be taken over, operated, and maintained by the Federal Government.

And your memorialists will ever pray.

Adopted by the house April 22, 1913.

EARNEST B. COLLINS,
Speaker of the House.
BARRY KEOWN,
Chief Clerk of the House.

Adopted by the senate April 23, 1913.

L. V. RAY,
President of the Senate.

The VICE PRESIDENT presented a joint resolution passed by the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
Juneau, Alaska, May 10, 1913.

Honorable PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: In compliance with the request of the House of Representatives of the Alaska Territorial Legislature, I have the honor to transmit herewith certified copy of house joint memorial 8.

Very respectfully,

WM. L. DISTIN,
Secretary of Alaska.

—

FIRST REGULAR SESSION OF THE LEGISLATURE
OF THE TERRITORY OF ALASKA.

House joint memorial 8.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Alaska, respectfully represent that—

The act of Congress approved August 24, 1912, entitled "An act to create a Legislative Assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," withholds the authority from this legislature to alter, amend, modify, and repeal the laws providing for taxes on business and trade in the Territory (as provided in section 460, chapter 44, title 2, of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for the District," amended by the act of Congress approved June 6, 1900, providing a civil code for Alaska).

That said taxes are in some instances inequitable and deterrent to the best interests and development of the Territory, and for the further reason that some of these taxes are in conflict with necessary Territorial taxes.

Wherefore your memorialists respectfully pray that the tax on electric-light plants furnishing light or power for sale be changed from $300 per annum to a tax of one-half of 1 per cent of the business done per annum, thus encouraging the erection of electric light and power plants in small communities.

That a license tax of one-fifth of 1 per cent on capital stock be levied on banks instead of the present tax of $250 per annum.

The tax on patent-medicine vendors of $50 per annum be not assessed against mercantile establishments who carry patent medicines as an incidental part of their stock.

The tax on transfer companies be changed from a tax of $50 per annum to a tax of $5 per annum on each rig operated by any one company.

The tax of $500 per annum on breweries be abolished, for the reason that the breweries doing business in the Territory can not pay this license and compete with breweries established outside the Territory of Alaska where such license is not imposed.

The tax of $200 per annum on bottling works be abolished.

The tax on gas plants for heat or light for sale of $300 per annum be abolished, for the reason that this tax operates to prohibit the establishment of gas plants in the Territory of Alaska.

That the tax on stamp mills of $3 per stamp per annum be abolished.

The tax of $15 per annum for cigar stores or stands apply only to regular cigar stores or stands and not to the sale of cigars in mercantile establishments or barrooms paying the tax required for mercantile establishments or barrooms; and it is

Resolved by the Legislature of the Territory of Alaska, That a copy hereof be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the Hon. JAMES WICKERSHAM, Delegate to Congress, Washington, D. C.

Passed the house April 30, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Passed the senate April 30, 1913.

L. V. RAY,
President of the Senate.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

—

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the above and foregoing is a full, true, and complete copy of house joint memorial 8 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 10th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

The VICE PRESIDENT presented a joint resolution passed by the Territorial Legislature of Alaska, which was referred to

the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, *Territory of Alaska, ss:*

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a true and complete transcript of house joint resolution No. 7 of the Alaska Territorial Legislature.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau this 8th day of May, A. D. 1913.

[SEAL.] WM. L. DISTIN,
Secretary of Alaska.

House joint memorial 7.

The Legislature of the Territory of Alaska respectfully presents to your honorable body this its memorial, and represents:

I.

That, notwithstanding the creation by your honorable body of a Territorial government for the Territory of Alaska, the Federal Government continues to levy and collect direct taxes upon the resources of said Territory of Alaska, under the provisions of section 460 of the Alaska Penal Code as amended, and to disburse the moneys so raised.

II.

That your memorialists must necessarily resort to the same source for the collection of any revenue which may be raised to defray the expenses of local government in Alaska, thereby imposing an additional burden upon the industries already taxed.

III.

That for the better government of the Territory of Alaska the following additional offices should be provided, to wit:

First. An attorney general for Alaska, at a salary of $7,500 per annum, whose duties shall be:

(a) To act as legal adviser to the governor of said Territory in the administration of the local affairs of said Territory.

(b) To similarly advise and confer with the Territorial legislature upon all matters concerning contemplated legislation which is likely to conflict with existing laws, and to suggest needed legislation concerning the administration of the local laws of Alaska.

(c) To confer with and advise the officers of the Federal Government in the discharge of duties imposed upon them by the Alaska Code.

(d) To perform such other duties as are usual and customary or as occasion may from time to time demand.

Second. A secretary of state for Alaska, at a salary of $5,000 per annum, whose duties shall be those which generally attach to such office as well as such duties as may be required of him by your honorable body, by the governor of Alaska, and by your memorialists.

Wherefore your memorialists urge that your honorable body do make provision for the appointment and compensation of the officers hereinbefore named, together with a reasonable allowance for clerk hire and for office equipment and supplies.

Passed the house April 19, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Passed the senate April 25, 1913.

L. V. RAY,
President of the Senate.

Attest:

BARRY KEOWN,
Chief Clerk of the House.

Mr. GALLINGER presented the petition of George A. Hart, of Claremont, N. H., and the petition of Frances P. Osgood and Ethel Kaine, of Concord, N. H., praying for the exemption of mutual life insurance companies from the operation of the proposed income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Westbrook, Lisbon Falls, and Bangor, all in the State of Maine, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented memorials of Local Lodge No. 23, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Pejepscot; of Local Lodge No. 45, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Riley; of the Board of Selectmen of East Livermore; and of the Board of Trade of Livermore Falls, all in the State of Maine, remonstrating against any reduction in the duty on print paper and pulp, which were referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented a memorial of Pomona Grange, Patrons of Husbandry, of Blaine, Me., remonstrating against a reduction of the duty on potatoes, which was referred to the Committee on Finance.

Mr. KENYON. I present a petition, signed by 700 citizens of my State, favoring investigating the cause for martial law now being enforced in the State of West Virginia and conditions relative thereto. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SHAFROTH presented memorials of sundry citizens of Fort Morgan, Colo., remonstrating against any reduction being made in the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. SMITH of Arizona presented a memorial of sundry stockmen and cattle owners, residents of Arizona, remonstrating against the passage of the so-called Lever lease bill relative to the leasing and fencing of the public domain in that State, which was referred to the Committee on Public Lands.

He also presented a memorial of the Board of Trade of Phoenix, Ariz., remonstrating against the enactment of legislation for the construction of the proposed route for a national highway through that State, which was referred to the Committee on Public Lands.

Mr. TOWNSEND presented a petition of the Trade and Labor Council of Grand Rapids, Mich., praying for the enactment of legislation fixing the limit of 8 hours in 24 for service to be required of employees or the employees of subcontractors engaged in Government work, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a memorial of the Board of Trade of Quincy, Mass., remonstrating against a reduction of the duty on granite, which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of sundry citizens of Los Angeles and Santa Monica, in the State of California, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. DILLINGHAM presented petitions of sundry citizens of Bennington, Castleton, St. Johnsbury, Randolph, Bellows Falls, Brattleboro, Ludlow, Moretown, and Morrisville, all in the State of Vermont; of sundry citizens of Ontario and Los Angeles, in the State of California, and of sundry citizens of Washington, D. C., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. ASHURST presented a memorial of sundry stockmen and cattle owners, residents of Payson, Ariz., remonstrating against the passage of the so-called Lever lease bill relative to the leasing and fencing of the public domain, which was referred to the Committee on Public Lands.

Mr. CHILTON presented a petition from Dr. Mary E. Walker, dated Washington, D. C., May 3, 1913, praying that the report of the Woman's Suffrage Committee be laid on the table until its chairman has time to ask the Attorney General of the United States to give an opinion on the constitutional argument that she was denied the conceded right to be heard upon, which was referred to the Committee on Woman Suffrage.

MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY.

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913, reported it without amendment, and submitted a report (No. 50) thereon.

H. J. RANDOLPH HEMMING.

Mr. BRYAN, from the Committee on Claims, reported the following order, which was considered by unanimous consent and agreed to:

Ordered, That there may be withdrawn from the files of the Senate the papers accompanying the bill for the relief of H. J. Randolph Hemming (S. 3288, 62d Cong., 1st sess.), there having been no adverse report thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 2273) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Army on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Military Affairs.

A bill (S. 2274) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 2275) for the relief of Lieut. S. M. Rock, United States Revenue-Cutter Service;

A bill (S. 2276) for the relief of Capt. Edward T. Hartmann, United States Army; and

A bill (S. 2277) for the relief of the heirs or legal representatives of Valentine Brasch and others; to the Committee on Claims.

By Mr. CATRON:

A bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes; to the Committee on Public Lands.

By Mr. PITTMAN:
A bill (S. 2279) providing for the location, acquisition, and disposal of coal lands in Alaska; to the Committee on Territories.

By Mr. JOHNSON of Maine:
A bill (S. 2280) to remove the charge of desertion from the record of George Roy; to the Committee on Military Affairs.
A bill (S. 2281) granting an increase of pension to John Banks; and
A bill (S. 2282) granting a pension to Arthur W. Martin (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):
A bill (S. 2283) granting an increase of pension to William H. Rackliff; and
A bill (S. 2284) granting a pension to Sarah J. Hamlen; to the Committee on Pensions.

By Mr. SHAFROTH:
A bill (S. 2285) for the relief of John Doyle, alias John Geary;
A bill (S. 2286) for the relief of William Slater; and
A bill (S. 2287) to correct the military record of Charles S. Wells; to the Committee on Military Affairs.
A bill (S. 2288) granting an increase of pension to Mary A. Price;
A bill (S. 2289) granting a pension to Anna Falls;
A bill (S. 2290) granting an increase of pension to John Doughty;
A bill (S. 2291) granting an increase of pension to Peter Callaey;
A bill (S. 2292) granting a pension to Frank Boren;
A bill (S. 2293) granting a pension to Nancy A. Bliss;
A bill (S. 2294) granting an increase of pension to William C. Banks;
A bill (S. 2295) granting a pension to Emma Baird and two minor children;
A bill (S. 2296) granting an increase of pension to Elmer H. Pond;
A bill (S. 2297) granting a pension to Mary Nolan;
A bill (S. 2298) granting an increase of pension to Albert N. Raymond;
A bill (S. 2299) granting an increase of pension to Florence M. Saunders;
A bill (S. 2300) granting a pension to Serilda J. Shire;
A bill (S. 2301) granting an increase of pension to Annie R. Stephenson;
A bill (S. 2302) granting an increase of pension to John D. Thomas; and
A bill (S. 2303) granting an increase of pension to Asa D. Whitmore; to the Committee on Pensions.

By Mr. SHIVELY:
A bill (S. 2304) for the relief of Chris Kuppler; to the Committee on Claims.
A bill (S. 2305) granting a pension to Henry Koehler; and
A bill (S. 2306) granting an increase of pension to Ithamar Spurlin; to the Committee on Pensions.

By Mr. BRYAN:
A bill (S. 2307) for the relief of Stephen V. Benet and others; to the Committee on Claims.

By Mr. SHERMAN:
A bill (S. 2309) to provide for the election by the qualified electors of the several political parties in the congressional districts and States of delegates, alternates, and national committeemen for the nomination of candidates for President and Vice President of the United States, and to regulate the respective national conventions; to the Committee on Privileges and Elections.
A bill (S. 2310) granting an honorable discharge to Arthur Wood; to the Committee on Military Affairs.
A bill (S. 2311) granting an increase of pension to William Hix; and
A bill (S. 2312) granting an increase of pension to John S. Goodyear; to the Committee on Pensions.

By Mr. VARDAMAN:
A bill (S. 2313) for the relief of heirs or estate of John Wixon, deceased (with accompanying paper);
A bill (S. 2314) for the relief of heirs or estate of William J. Milligan, deceased (with accompanying paper); and
A bill (S. 2315) for the relief of heirs or estate of W. L. Johnston, deceased (with accompanying paper); to the Committee on Claims.

By Mr. MYERS:
A bill (S. 2316) authorizing leave of absence to homestead settlers upon unsurveyed lands; to the Committee on Public Lands.

By Mr. DILLINGHAM:
A bill (S. 2317) for the relief of Herbert S. Foster and others; to the Committee on Claims.

By Mr. BACON:
A bill (S. 2318) authorizing the appointment of envoys extraordinary and ministers plenipotentiary to each Paraguay and Uruguay; and
A bill (S. 2319) authorizing the appointment of an ambassador to Spain; to the Committee on Foreign Relations.

By Mr. CHAMBERLAIN:
A bill (S. 2320) to authorize the entry under the placer-mining laws of lands chiefly valuable for sand, gravel, or brick clay; to the Committee on Public Lands.

By Mr. HUGHES:
A bill (S. 2321) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; to the Committee on Interstate Commerce.

By Mr. SHIELDS:
A bill (S. 2322) for the relief of James Miner; to the Committee on Military Affairs.

By Mr. McLEAN:
A bill (S. 2323) granting an increase of pension to William Hallahan (with accompanying paper);
A bill (S. 2324) granting an increase of pension to Martha J. Whiting; and
A bill (S. 2325) granting an increase of pension to Mary E. Read (with accompanying paper); to the Committee on Pensions.

By Mr. O'GORMAN:
A bill (S. 2326) granting a pension to Kate Sloan; to the Committee on Pensions.

By Mr. LEA:
A bill (S. 2327) for the relief of heirs or estate of Dr. Hervey Baker, deceased (with accompanying paper);
A bill (S. 2328) for the relief of heirs or estate of John R. McKee, deceased (with accompanying paper);
A bill (S. 2329) for the relief of heirs or estate of William Grant, deceased (with accompanying paper);
A bill (S. 2330) for the relief of heirs or estates of Nathan Dungan and Rebecca Dungan, deceased;
A bill (S. 2331) for the relief of Reuben F. Bernard and others;
A bill (S. 2332) for the relief of heirs of estate of Joseph Sivley, deceased; and
A bill (S. 2333) for the relief of Edwin Moore; to the Committee on Claims.

By Mr. WALSH:
A bill (S. 2334) for the relief of S. W. Langhorne and the legal representatives of H. S. Howell (with accompanying paper) to the Committee on Claims.

By Mr. FLETCHER:
A bill (S. 2335) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards; to the Committee on Commerce.

By Mr. NELSON:
A joint resolution (S. J. Res. 36) proposing an amendment to the second paragraph of section 7 of Article I of the Constitution of the United States; to the Committee on the Judiciary.

GOVERNMENT ARMOR-PLATE FACTORY.

Mr. ASHURST. I introduce a bill and ask that it be read.

The bill (S. 2308) to provide for the erection of an armor-plate factory was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the sum of $1,600,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of suitable buildings and the purchase of suitable machinery and materials necessary for the establishment and maintenance of a plant for furnishing armor plate for the use of the Navy of the United States.

SEC. 2. That the Secretary of the Navy is hereby authorized to appoint a board to consist of three officers of the Navy, who shall examine and report what, in their opinion, is the most suitable site for the erection of a plant provided for in the foregoing section of this act; and no money shall be expended until the site so selected shall have been approved by the Secretary of the Navy.

SEC. 3. That the board so appointed shall report to the Secretary of the Navy within three months after the passage of this act and that work on the erection of the manufactory and plant shall begin within six months after this act goes into effect and be continued with all due expedition until completed.

Mr. ASHURST. Mr. President, this bill is brief, is easily understood, and is important. By introducing this bill I am not pioneering any new movement or attempting to bring to the notice of Congress a subject with which Congress is unfamiliar,

but I am simply endeavoring to put into law the concrete result of the valuable public services respecting this subject that were performed by a Senate committee in the Fifty-fourth Congress.

It has been a pleasant task for me to read the tomes that make up the Senate reports and to find that in the early part of January, 1896, the Senate Committee on Naval Affairs had before it and considered a bill of which the one I have just introduced is almost a rescript. It is with peculiar pleasure I find that the distinguished senior Senator from Georgia [Mr. BACON] and the distinguished senior Senator from South Carolina [Mr. TILLMAN] were then, as now, engaged in rendering patriotic and valuable services to their country. I find that the committee which then considered the subject of the erection of an armor-plate factory was comprised of Senators Cameron (chairman), Hale, PERKINS, McMillan, Chandler, BACON, and TILLMAN. That committee, in addition to considering the bill for the erection of an armor-plate factory, had before it a resolution, agreed to on December 31, 1895, which, among other things, directed the Committee on Naval Affairs to inquire whether prices paid or agreed to be paid for armor for vessels of the Navy were fair and reasonable.

On January 18, 1896, the committee began investigation by receiving a statement made in person by the then Secretary of the Navy, Hon. Hilary A. Herbert. Testimony was also taken from various sources, and hearings were granted to the Bethlehem Iron Co. and the Carnegie Steel Co. Owing to the rapid progress of Congress in dispatching its business, it was found impossible to conclude the inquiry and make a written report at the close of the session. During the recess of Congress the Secretary of the Navy proceeded to obtain information upon which to make conclusions necessary to enable him to form an opinion upon the question as to what was a fair price for armor. The committee made its report on February 11, 1897, and the testimony adduced and the statements made at the hearings were printed. No one may read the report of that committee and the testimony adduced at the hearings and fail to reach the conclusion that it is wise and salutary, indeed necessary, to establish a Government armor-plate factory.

Indeed, Mr. President, the fifth recommendation of the committee reads as follows:

> That a Government armor-plate factory could be erected for the sum of $1,500,000, and that it is expedient to establish such a factory in case the armor manufacturers decline to accept such prices for armor as may be fixed by law.

At the hearings before the committee naval officers made statements to the effect that armor plate could be furnished for $250 per ton. Among others, Lieut. Commander John A. Rogers stated:

> I am of the opinion that the average cost of labor and materials will not be more than $250 per ton of armor.

Therefore, Mr. President, it seems to me that the Government of the United States should proceed to erect a factory for the manufacture of armor plate, and in so doing it could free itself from the graspings and extortions of the Steel Trust, and I repeat that in these hearings that were had before the Naval Committee in 1896 it was demonstrated that this Government could manufacture armor plate at about one-half of the price charged by these companies that pretend to compete but in truth are in collusion and are not competitors at all.

Mr. President, I understand from the public press that it is the present view of the honorable Secretary of the Navy that the United States Government should engage in manufacturing armor plate, at least to such extent as might be necessary to force the private manufacturers to a competitive basis; and we must not forget that this system was followed with excellent results regarding battleship construction and the manufacture of smokeless powder.

It will be observed that the amount proposed to be appropriated by this bill for the construction of the factory is $1,600,000. If this sum should be ascertained to be inadequate a further appropriation could be made; but I have named this sum in the bill because that it is the sum which the Committee on Naval Affairs in the Fifty-fourth Congress found would be necessary for the construction and equipment of such a plant, and I have named this sum for the additional reason that it is the amount of money that would have been saved to this Government on the superdreadnought *Pennsylvania* had the Government manufactured its own armor plate for that battleship.

Mr. President, I ask that an excerpt from Senate Reports, volume 2, Fifty-fourth Congress, second session, 1896–97, be at this time read by the Secretary.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Senate Reports, vol. 2, 54th Cong., 2d sess., 1896–97.]

Conclusion of Secretary Herbert in his report of January 5, 1897, says: The Secretary called together a board composed of Lieuts. Karl Rohver, Kossuth Niles, and A. A. Ackerman, two of whom had been inspectors of armor at the Bethlehem Co.'s Iron Works; the other, Lieut. Ackerman, had been connected with the manufacture and use of steel in its different forms for a number of years, during which time he had spent several months at both the Bethlehem and Carnegie Works. These gentlemen made an exhaustive report upon the cost of labor and material entering into a ton of armor, showing in detail every little item, beginning with the cost of the several ingredients charged in the furnace for casting the ingot preparatory to the forging process and ending with the work on the finished plate. The result of their calculations was that the cost of the labor and material in a ton of single-forged Harveyed nickel steel armor, the Government supplying the nickel (nickel at $20 per ton), was $167.30.

* * * * * * *

Lieut. Commander Rodgers, who had been an inspector at Bethlehem Iron Works, was called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observation in the manufacture of armor, makes the cost of labor and material in a ton of single-forged Harveyed nickel steel armor $178.59.

* * * * * * *

The inspector of ordnance at the Carnegie Steel Co., Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged Harvey nickel steel armor is $161.54.

* * * * * * *

Average for single forged of above estimate is $185.38, and $197.78 for reforged armor.

Mr. ASHURST. Mr. President, in conclusion I ask unanimous consent that I may incorporate into the RECORD as an appendix to my remarks, in order that I may have the record of the whole matter complete in one RECORD, the remarks I delivered in the Senate on the 16th instant, and that an article which I have just clipped from the Washington Post, dated May 22, may also be included as an appendix to my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ARMOR PLATE FOR NAVAL VESSELS.

[Speech of Hon. HENRY F. ASHURST, of Arizona, in the Senate of the United States, Friday, May 16, 1913.]

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. Mr. President, I presume that motion is not debatable, and, of course, I could not be heard now except by unanimous consent.

Mr. BACON. I will withhold the motion, Mr. President.

Mr. ASHURST. Mr. President, heretofore, to wit, on the 17th of March, 1913, and again on May 8 I introduced the following resolution (S. Res. 78):

> Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate for the dreadnought *Pennsylvania;* and
>
> Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton; and
>
> Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and
>
> Whereas it is alleged that this action of the said firms reveals that they comprise an Armor Plate Trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it
>
> *Resolved,* That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate at as early a date as practicable a report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

Mr. BACON. Mr. President, I thought the Senator simply wished to make a statement.

Mr. ASHURST. I shall occupy only three or four minutes.

Mr. BACON. Does the Senator desire action on the matter at this time?

Mr. ASHURST. No; I shall not ask action on the resolution this evening.

Mr. BACON. I withdraw my objection, then. I thought the Senator wanted to take it up for action.

Mr. ASHURST. I thank the distinguished Senator from Georgia; I am indebted to him for many favors, and his courtesy in withholding his motion at this time is especially appreciated.

Doubting, as I do, an opportunity to secure the early passage of this resolution, I therefore lay before the Senate and before the country the following facts: When the bids were called for, or proposals were published asking for bids for furnishing 8,000

tons of armor plate for the dreadnought *Pennsylvania*, three bids were submitted—one by the Carnegie Steel Co., which is a subsidiary to the United States Steel Co.; one by the Bethlehem Steel Co., of Bethlehem, Pa.; and the third by the Midvale Steel Co., of Philadelphia, Pa. These companies were represented in this city by President Dinkey, of the Carnegie Co.; Vice President Johnston, of the Bethlehem Co.; and Vice President Petrie, of the Midvale Co. These gentlemen all stopped at one of the leading hotels here and were frequently in conference. As a consequence, when the bids were opened it occasioned no surprise to find that the bids did not vary a dollar a ton among these three companies.

When the bids were opened not only was it ascertained that the bids did not vary a dollar a ton among the three companies pretending to be competitors, but the bids were, in fact, about $34 per ton higher than the price received for armor plate by these three companies on the last previous contract. On the 28th day of February, 1913, before any of the bids had been accepted or the contract approved, and when the United States Senate was considering an item in the naval appropriation bill as follows:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $11,508,309—

I introduced an amendment to that item in the naval appropriation bill, as follows:

Provided, That the Secretary of the Navy shall forward to Congress at the earliest practicable date a full report of all bids received by him relating to the purchase of armor, ship plates, and structural steel for the battleship or dreadnought purported to be named, when completed, the *Pennsylvania*; and that the Secretary of the Navy be, and he is hereby, directed not to award any contract for the purchase of steel, armament, armor, or ship plates until further directed by Congress.

I introduced this amendment in view of the apparent collusion of these three companies, which companies, I might add, comprise the "Armor Plate Trust," as it certainly seemed inadvisable that the contract should be awarded without some investigation, especially in view of the fact that it requires about three or four years to construct a battleship, and the armor plate for these ships will not be required for nearly a year. It seemed obvious that no harm could come by a delay of a few weeks until the matter could be investigated. But a point of order was made against the amendment I proposed, which point of order was sustained by the then presiding officer.

I do not especially complain about the ruling of the Chair, as I have some doubt as to whether the amendment was cognizable under the rules at that time, and I find no fault with the rule, although in that particular case it happened to defeat a wholesome modification in the proposed law. Notwithstanding the intimation made on the floor of the Senate that there was apparent collusion among the three pretending competitors, and notwithstanding the complaint that the bids were about $34 per ton higher than the price received for armor plate on the last previous contract, the then Secretary of the Navy, in the expiring hours of a defeated, not to say discredited, administration, accepted the bids, and on the 3d day of March, 1913, let the contract by dividing, for all practical purposes, the 8,000 tons of armor plate among the three companies pretending to be competitors. Without further emphasizing the unexplained and peculiar haste on the part of the retiring Secretary of the Navy to facilitate these companies comprising the Steel Trust, I desire to state that the result of letting such contracts was and is that this Government, if the contract shall be enforced, will be required to pay $454 per ton for class A armor plate when heretofore this Government has never paid a higher price than $420 per ton for class A armor plate. But, Mr. President, the apparent collusion among the pretended competitors and the additional $34 per ton to be paid by this Government for the armor plate are not the only facts relating to that transaction which should be exhibited to the Senate and the country.

Speaking upon this subject in the Senate on May 14, I stated the following: "Our Republican friends on the other side of the aisle have recently fulminated very much and thundered in the index over public hearings, and if they be sincere they will all vote to adopt the resolution I have introduced, so that the American people may see where their money goes. You claim you want 'light.' If you assist in passing this resolution, you will see how the Steel Trust mulcted this Government to the tune of $1,600,000 in furnishing the armor plate that is to be used in the building of the superdreadnought *Pennsylvania*."

A Senator subsequently said to me that he hoped I would explain just how and in what manner the Public Treasury had been mulcted to the amount of $1,600,000 with respect to the armor plate for the *Pennsylvania*, and I am sorry to say it is a fact that the armor plate for the *Pennsylvania*, under these bids as accepted by the former Secretary of the Navy, will cost this Government just $1,600,000 too much, and for the following reasons: The price to be paid by the Government under these contracts is $454 per ton for 8,000 tons of class A armor plate. I have no funds at my disposal with which to employ experts to ascertain at what precise figure armor plate may be purchased, moreover, the best experts in armor are not to be expected to come before Congress and give their knowledge of the cost of armor plate or to prove the inferiority of armor plate furnished for all or for any battleships, when in so doing they would lose thousands of dollars, would be discharged from their present situations, and could obtain no further employment from large steel manufacturers; but I have obtained information from what I conceive to be a reliable source that if Congress will offer the proper compensation and protection to experts, they are able to and will furnish evidence showing conclusively that this class A armor plate may be manufactured at large profit at the price of $254 per ton. If this be true, and many persons believe it can be substantiated, this Government is paying exactly $200 per ton too much on the 8,000 tons of armor plate to be used in the *Pennsylvania*, which makes an excess of $1,600,000 that we are paying for the armor plate in this one battleship.

No Senator will forget it is a matter of record that the Carnegie Steel Co. has heretofore furnished defective armor plate, was convicted of defrauding the Government of nearly $500,000 in an armor-plate contract, and finally compromised the matter by paying, as I remember, about $160,000 as a penalty for its fraudulent transaction.

Therefore the following deplorable situation is before us: Only three companies in the United States manufacture armor plate, namely: The Carnegie Co., the Bethlehem Co., and the Midvale Co. They pretend to compete, when in truth they are in collusion among themselves. They submit bids for 8,000 tons of armor plate at $454 per ton—which is $34 per ton higher than has ever heretofore been paid for such armor plate—when in fact it would be possible to demonstrate that this same armor plate should cost the Government but $254 per ton. The following figures will be found interesting: Eight thousand tons of armor plate at $454 per ton equals $3,632,000; but if this armor plate can be furnished at $254 per ton, the Government should be paying $2,032,000 instead of $3,632,000, which would be a clear saving to the Public Treasury of $1,600,000 on one ship alone. In addition to the fact that these companies are furnishing armor at an extortionate price there exists also an uncertainty as to how much defective armor has been furnished or is being furnished. There exists grave doubt as to whether these companies have furnished good armor plate to the Government and not armor that will prove treacherous and defective in the time of the Nation's greatest need.

Although the Navy Department some 12 or 14 years ago used considerable care in attempting to conceal the information, it is nevertheless a fact that from certain tests made—which tests were not made voluntarily by the Navy Department, but under pressure from Congress—it was ascertained that armor plate which was supposed to be the heaviest and strongest was destroyed by an outside explosion of a single Gathmann high-explosive shell, and no recognition of the result of such tests was ever definitely or adequately reported to Congress. I therefore make this statement at this time and feel that nothing should preclude my laying these facts before the Senate and before the American people, to the end that the day may soon come when the United States shall not be obliged to submit to the extortions of this grasping Steel Trust, which extends its hungry and larcenous fingers into the Public Treasury and from the people's revenue extracts on one contract alone $1,600,000; and even then no man knows whether these companies furnish sound armor plate or defective armor plate.

I see around me Senators earnest and honest in trying to perform their public duties. They observe, as they should, every item in an appropriation bill. I had the pleasure recently to serve on one of the great committees of the Senate—I will not relate what occurred before the committee, because that is against the rules—where Senators closely scrutinized every item in an appropriation bill. That was proper and as it should be; but why not chase large game also? Why scrutinize the salary of some overworked and underpaid postal employee and ignore the fact that a defeated administration in its last hours, over protest and with what I might characterize as suspicious haste, executed a contract on the 3d of March which provides that this Government should pay $454 per ton for class A armor plate when the Government beyond doubt could manufacture its own armor plate at about $254 per ton, and, in addition thereto, know that there was no defective material in these great ships which, eastward and westward with sheen of crystal mail, we send

forth upon the ocean to guard well the gleaming strand of this, our native land? I have laid these facts before the Senate in the hope that they might attract attention to the advisability of the Government making its own armor plate and thus be relieved from the extortions and larcenies of this Steel Trust.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Colorado?

Mr. ASHURST. I am just about to conclude. I hold the floor only by virtue of the kindness of the Senator from Georgia [Mr. BACON], and I feel that I can not yield to anyone so long as I hold the floor by his kindness.

The VICE PRESIDENT. May the Chair inquire whether the Senator desires the resolution to lie on the table or to be referred?

Mr. ASHURST. Mr. President, I can not at this moment ask for the adoption of the resolution, because it has always been my training never to ask for action on a proceeding, motion, or any other matter to which there is objection unless the persons making the objections are present. Observing that the Senator who made the objection the other day is not in his seat at this particular time, I do not ask for the adoption of the resolution. Moreover, I can not ask for action on the resolution at this time, for I obtained the floor upon the understanding that I would not ask for the adoption of the resolution

Mr. SMOOT. The Senator still wants the resolution to lie on the table?

Mr. ASHURST. I should like to have it lie on the table. And I now give notice that at the earliest opportunity I may secure the floor properly under the rules I shall ask for the adoption of this resolution.

[From Washington Post of May 22, 1913.]

"IF WE ARE TO SUBSIDIZE ARMOR PLANTS," SAYS SECRETARY, "LET US DO SO MAN FASHION, BY STATUTE"—CONTRACTS NOT GIVEN TO LOWEST BIDDER, HE DECLARES—SURPRISED AT MODERATION OF THE STEEL FIRMS.

Responsibility for price agreements among manufacturers furnishing armor plate for American warships was placed directly upon the Navy Department itself yesterday by Secretary Daniels. In a statement following his announcement Tuesday of his intention to submit a plan for a Government armor plant, the Secretary declared that the policy of the department in dividing plate contracts among all bidders at the lowest figure offered "makes all pretense of competitive bidding to get the lowest market price a farce that can not possibly deceive anyone acquainted with the facts."

GLAD OF PROPOSED INQUIRY.

Mr. Daniels said he was glad the resolution for an investigation of this matter, introduced recently by Senator ASHURST, was before Congress, and that it only anticipated a formal statement which he proposed to prepare requesting relief from "an intolerable situation."

How contracts for armor for the new battleship *Pennsylvania* were let by Secretary Meyer last March was told in detail in the statement. Three steel companies submitted virtually identical bids, and the contracts were divided among them.

WANTS NO SUBTERFUGE.

"If we are going to subsidize the Carnegie, Midvale, and Bethlehem companies," said Mr. Daniels, "so as to have the advantage of their armor plants in time of war, then let us do so honestly and man fashion, by statute, without concealment or attempt at hypocritical evasion of the intent of Congress to force competition and to award contracts to the lowest bidder.

"If we are, on the other hand, going to honestly award our contracts to the lowest bidder, let us do so. The effect will be, possibly, to encourage real competition among the companies, provided always that the present contention of the Department of Justice that the steel companies are a combination is disproved by the evidence."

"Bids for the *Pennsylvania* armor were opened," the statement continued, "after the publication of a notice 1 inch long, in the smallest type, in one paper only, the Philadelphia Item, that sealed proposals would be received at the Navy Department at 12 o'clock noon, February 18, with no hint of the amount, and only four weeks in advance of the date set for the receiving of the bids."

CONTRACT ARBITRARILY DIVIDED.

"It would be natural," the statement continued, "to suppose that the lowest bidder would receive the award, but such was not the case, nor has it been the case for a long time past, and here is where the whole trouble lies. On the theory that all three companies must be encouraged to maintain their armor-plate departments, the contract was arbitrarily divided among them. All three companies agreed to a price of $454 per ton for class A, $518 for turret armor, $496 for class B, and $548 for class C. Under the circumstances, I am surprised at the moderation of the bids, because, under this theory that we must distribute the work at the lowest price among the three firms, I do not see that anything but modesty or fear of a congressional investigation keeps them from putting in, say, $700 per ton as their lowest bid."

STEEL COMPANIES ARE FRANK.

The Secretary made public two letters which he received from companies which submitted bids for the *Pennsylvania* contract, because, he said, they were "so remarkable for their frankness and so completely illustrating from their own words, the evils of the situation."

The Midvale Steel Co., of Philadelphia, write:

"It has been the custom to divide the work between the competing companies at the price of the lowest bidder after asking if the other bidders will accept their portion of the work at this price, this method being deemed expedient by the department. On subsequent bids for similar material it was but natural for the competing companies to bid the price set by the previous divided order."

HIGHER THAN PREVIOUS BID.

The Bethlehem Steel Co., of South Bethlehem, Pa., told practically the same story:

"Instead of awarding a contract for the whole of an order to the lowest bidder the department has in most cases of the kind divided the order between two or more of the competing firms upon the higher bidders agreeing to reduce their prices to the price named by the lowest bidder. In view of that practice it has come to be understood by every manufacturer that the naming of a lower figure by him would merely lower the price that he and each one of his competitors would receive for a part of the order."

Concluding his statement Mr. Daniels commented on the fact that the bids for the *Pennsylvania* armor were 8 per cent higher than the price of the last previous armor made.

The VICE PRESIDENT. The bill will be referred to the Committee on Naval Affairs.

AMENDMENT OF THE RULES.

Mr. OWEN. I desire to enter a notice of a proposed amendment to the rules of the Senate, which I ask may be read.

The VICE PRESIDENT. The Secretary will read the notice.

The Secretary read as follows:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"SEC. 6. That debate or dilatory motions which in the opinion of the Senate are intended to prevent the majority of the Senate from exercising the full and free right to control any matter pending before the Senate, either in legislative or executive session, may be terminated by a vote of the majority of the Members of the Senate upon notice given by the Senate: *Provided, however*, That this rule shall not be invoked to prevent reasonable debate by any Senator who requests opportunity to express his views upon such pending matter within a time to be fixed by the Senate.

"The notice given by the Senate under this section, except by consent, shall not be less than a week, unless such request be made within the last two weeks of the session."

The VICE PRESIDENT. The notice will be entered.

SEMINOLE INDIANS OF FLORIDA (S. DOC. NO. 42).

Mr. FLETCHER. I have received a letter from F. H. Abbott, Acting Commissioner of Indian Affairs, inclosing a partial report of conditions existing among the Seminole Indians of Florida. I ask that the letter and accompanying report be printed as a public document and referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered.

THE SUGAR SCHEDULE.

Mr. NEWLANDS. Unless there are other Senators who desire to introduce bills or resolutions——

Mr. SMOOT. Regular order, Mr. President.

Mr. MARTINE of New Jersey. May I ask, Mr. President, if the Senator from Nevada will yield to me for just a second?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. Morning business has not closed.

The VICE PRESIDENT. Morning business has not closed. The Chair recognized the Senator from Nevada for the introduction of a bill or a resolution, as he supposed.

Mr. MARTINE of New Jersey. What I desire to say will require but a second.

Mr. NEWLANDS. I thought morning business had been concluded.

The VICE PRESIDENT. It has not yet been concluded.

Mr. MARTINE of New Jersey. As I have said, Mr. President, I will take but a moment. I ask the courtesy of the Senate to say that, in view of the fact that for the past two months we have had one long doleful and tearful tale on the sugar question to the effect that the planters of the South would be annihilated at one fell swoop, I felt that it would be refreshing, at least, to have the testimony of some others not belonging to that particular class.

I have clipped from a prominent paper published in my State, the Newark Evening News, the statement of Mr. George F. D. Trask, a gentleman whom I know, a man of wealth and large business interests, living in Orange, N. J. He writes to Representative McCOY, thereby putting himself on record as one exception in believing that the sugar interests are not going to be destroyed. Mr. Trask urges that free sugar will advance not only the people's interest but will advance at the same time the interests of the sugar planters. He has bought and invested largely in Louisiana lands in consequence of and in the hope of this step, and he finally says:

I am heartily in favor of free sugar. I think it will be a fine thing for the country as a whole, and that the injury which the present producers claim it threatens to them is grossly exaggerated. I do not believe that it will result in shutting down any plant or factory that ought not to be closed anyhow.

I know that in one case a very large producer has lately added enormously to its cane-producing acreage in anticipation of the reduction or abolition of the duty.

I desire that this shall be known and go on record as the testimony of a capable, ingenious, bright, and successful business man and investor, who is willing to invest his money notwithstanding the calamity howls of the sugar planters.

Mr. SMOOT. Mr. President, I wish to say to the Senator from New Jersey that I received by mail this morning three or four clippings from newspapers published in the State of Louisiana giving accounts of public sales of certain plantations. I desire to refer them to the Senator that he may in turn refer them to the gentleman whom he has quoted, so that he can be made aware of the fact that he can buy plenty of such land right now.

Mr. MARTINE of New Jersey. I shall be very glad to have them; but I will say further, for the enlightenment of the Senator, that even in my Commonwealth I can show him not only 3 or 4 but I can show 44 parcels of farm lands in New Jersey that are offered for sale under the benign and beneficent blessings of the Republican tariff.

THE TARIFF—THE AMERICAN BANKERS' ASSOCIATION.

Mr. SMOOT. Mr. President, if morning business is closed, I should like to address the Senate for just a few minutes.

On the 15th of this month the Senator from Colorado [Mr. THOMAS] delivered what I considered a rather sensational address in this Chamber. In it he referred particularly to a circular claimed to have been issued on the 12th day of March, 1893, and read from what he claimed——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. The Senator from Utah will observe that the Senator from Colorado is not in the Chamber. I do not know whether or not the Senator wishes to go on in his absence.

Mr. SMOOT. Mr. President, I am only going to give the absolute history and facts. That is something that can not affect the Senator from Colorado in any way. I do not want the Senator to understand that I am going to reflect upon the Senator from Colorado in the least.

The Senator read the circular and stated that it was from the March, 1912, issue of Pearson's Magazine. In order that the facts in relation to this circular may be known to all, I wish to say that I have taken up this question with the American Bankers' Association, for that article stated that the circular emanated from that association. I want briefly now to review the history of this fraudulent circular.

So that there may be no mistake about it, I want to read from the RECORD the statements that were made by the Senator from Colorado, or a part of them.

He began by stating:

President Cleveland was elected, and on the 4th day of March, 1893, took his seat. Eight days afterwards, on the 12th day of March, this circular was sent to national banks in the United States:

"DEAR SIR: The interests of national bankers require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired and the national-bank notes, upon a gold basis, made the only money. This requires the authorization of $500,000,000 to $1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential business men. Advocate an extra session of Congress for the repeal of the purchase clause of the Sherman law, and act with other banks of your city in securing a large petition to Congress for its unconditional repeal, as per accompanying form. Use personal influence with Congressmen, and, particularly, let your wishes be known to your Senators."

The Senator then goes on to say:

Then, as now, the votes of Senators seemed to be of supreme importance, perhaps of controlling importance, the House of Representatives being then, as now, too unwieldy and with a majority too great, coming fresh then, as now, from the people, to be influenced in the right direction.

* * * * * * *

That circular acted, as a writer upon the subject has well said, "like a bombshell in a glass factory." A third of the bank notes were to be retired from circulation; in other words, millions of circulating money were for all practical purposes to be destroyed and money made as dear as possible. On the other hand, one-half of all the outstanding loans were to be called in. No enginery which the mind of man can conceive, Mr. President, is so powerful as those two agencies combined for the production of widespread and universal national disaster, and it came. And the interests which to-day are declaring their belief that disaster may result from the enactment of legislation designed to reduce the burdens of taxation may, if it becomes necessary from their point of view, precipitate panic through their control of credits and exchanges. I said that that was a conspiracy. There can be no question about it.

The Senator from Nebraska [Mr. NORRIS] interrupted and said:

I would ask the Senator particularly if the banks did immediately, and for the reason that they were commanded to do so by the circular, call in one-half of all their loans?

Mr. THOMAS. The bankers retired a good part of their circulation and called in their loans, or a great many of them did.

The Senator from Colorado [Mr. THOMAS] then says:

The pamphlet which I have in my possession is an article upon the subject by Allan L. Benson, which appeared in Pearson's Magazine for March, 1912. I shall be very glad to give it to the Senator,

Speaking to the Senator from Nebraska [Mr. NORRIS], Mr. LANE, during that speech, also said:

I will say for the information of the various Senators, while I am not taking any part in this discussion, that I heard rumors that there was such a circular in existence, and inquired of a friend of mine who is and was a national banker and did see the circular. He had received such a circular; it did exist; I read it myself, but I regret to say I have forgotten who signed it. It came from New York. I saw that identical circular, and I was assured by this banker that he acted upon it.

You may have that for just what it is worth. You are entirely welcome to the information.

The Senator from New York [Mr. ROOT] said:

I did not observe who signed this circular. I did not hear the Senator read the name of the signer.

Mr. THOMAS. I did not give the name of the signer, because there is no signer in the copy I have.

Mr. ROOT. Was this an anonymous circular?

Mr. THOMAS. I do not know, but I do not think it was. I think perhaps the Senator knows better than I do where it came from.

I made this statement in answer to the Senator from Oregon [Mr. LANE]:

Mr. President, if the Senator from Colorado does not know the name, and the Senator from Oregon will give us the name of the banker to whom he refers, we can telegraph and find out; perhaps he can remember the name of the gentleman who signed the circular.

Mr. LANE. I must decline to give the name of the banker. He is a friend of mine and is still in the banking business, and I fear that it would be disastrous to him.

Mr. THOMAS. The Senator from Oregon is very wise.

The following day I directed a letter to the secretary of the American Bankers' Association, inclosing the statement made by the Senator from Colorado, and asking whether there was any truth in the statement that this circular was issued by the American Bankers' Association, or if the circular was issued and signed by anyone else, so far as he knew. This morning I received a letter from Fred. E. Farnsworth, the general secretary of the American Bankers' Association, which I will read:

THE AMERICAN BANKERS' ASSOCIATION,
New York, May 21, 1913.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Acknowledging your letter of May 19, 1913, and the information contained therein regarding a part of a speech delivered by Senator THOMAS, of Colorado, found in the CONGRESSIONAL RECORD of May 16, 1913, I am glad, indeed, to be given this opportunity to stamp the circular referred to as a fraud and a dastardly attack reflecting upon the American Bankers' Association and the bankers and financiers of the country. I am familiar with the article referred to, which appeared in Pearson's Magazine of March, 1912, headed "That money difficulty."

We have had several inquiries since March, 1912, concerning the circular mentioned, but have not considered that it was worthy of notice or publicity on the part of the American Bankers' Association. However, now that the matter has been brought up in Congress, I am pleased to furnish you with documentary evidence as to the fraud perpetrated at the time named—1893.

Under separate cover I am sending to you by express, charges prepaid, the proceedings of the American Bankers' Association for the years 1894 and 1896, so that you will have at first hand the original denial of this circular and the action taken in regard thereto.

The controversy starts on page 17 of the proceedings of 1894. A copy of the circular is printed in these proceedings, and you will note that it was unsigned and dated on the Sabbath. You will also note that under the signature of E. H. Pullen, chairman of the executive council of the American Bankers' Association, the circular was declared a fraud and an authoritative statement made that it was not issued or countenanced by the American Bankers' Association.

This entire matter was brought to the attention of the executive council of the American Bankers' Association, and the chairman of the executive council, Mr. E. H. Pullen, was afterwards, in 1895, president of this association, as well as vice president of the National Bank of the Republic of New York City, well known and respected in this community and now deceased.

In the proceedings of 1896, page 21, you will also find a copy of a communication from W. J. Bryan, which, at that time, was answered by Joseph C. Hendrix, chairman of our executive council and a prominent banker of New York City, as well as a Member of Congress representing this section.

As these two copies of the proceedings are taken from the library of the association and are the only copies we have, you will appreciate their value to us and kindly return them when they shall have answered your purpose.

I trust now that this matter can be placed in its proper light and repudiation given to the attacks made on the banks and bankers of the country and the American Bankers' Association, and I notice with great satisfaction and pleasure your statement proving the assertion of Senator THOMAS untrue regarding the decrease of circulation during the Democratic administration of 1893–1897.

Very truly, yours,
FRED. E. FARNSWORTH,
General Secretary.

Mr. President, I have here the proceedings of the American Bankers' Association for 1894, and also the proceedings of the same association for 1896. On page 17 of the proceedings of 1894 Mr. E. H. Pullen, then chairman of the executive council, in his annual report, referring to this circular, makes this statement:

On the 29th day of March, 1894, we received the following letter addressed to the chairman:

GERMAN NATIONAL BANK,
Little Rock, Ark., March 26, 1894.

DEAR SIR: Herewith I inclose you clipping from the Little Rock Daily Press in their issue of the 24th instant which explains itself. It seems

that Mr. Sovreign, grand master of the Knights of Labor, read what purported to be a circular issued by the American Bankers' Association last March upon which the officials of the two national banks of this city were interviewed with the result as printed.

If our statements are incorrect, will you kindly so indicate in your letter? If it is not objectionable to you, it might be to the advantage of the banks that your reply be published. However, if you would prefer that this should not be done, you can so indicate in your answer.

Very truly, yours,

OSCAR DAVIS, *Cashier.*

In answer to which letter the chairman sent the following telegram:

NEW YORK, *March 29, 1894.*

GERMAN NATIONAL BANK,
Little Rock, Ark.

Your letter 26th with slip received. The American Bankers' Association never issued such circular. It is a fabrication and forgery. March 12, 1893, was Sunday. The association repudiates the circular as a lie out of whole cloth. I write to-day.

He also wrote a letter to said bank under same date, as follows:

"The circular in question was never issued by the American Bankers' Association. It bears no signature and is dated on the Sabbath. It carries in its mandatory language extraordinary suggestions and idiotic theories, the evidence of its falsehood, and no sane man could possibly accept it as genuine. I am very anxious to fasten upon the proper person the responsibility of this false circular. I shall write to Grand Master Sovreign on the subject and demand from him the proof of the genuineness of the circular (which I am sure he can not furnish), or an acknowledgment that he has no proof to offer. It is questionable, however, whether I can trace the lie to the party who originally uttered and published it. I should be glad if the Little Rock Daily Press would publish this letter."

This letter was signed by the chairman, who addressed the following letter under date of March 29, 1894, to—

"J. R. SOVREIGN, Esq.,
"*General Master Workman, Knights of Labor,*
"*Des Moines, Iowa.*

"SIR: At a meeting held at Little Rock, Ark., on Thursday, March 22, 1894, you spoke to a large audience and embodied in your address what you are pleased to call 'The Panic Circular,' which you stated was issued March 12, 1893, by 'The American Bankers' Association.' No such circular was or could be issued by the American Bankers' Association. It carries on its face the evidence of its falsehood. It is unsigned, and dated on the Sabbath. Will you be good enough to inform me what proof you can furnish of your statement and send me one of said circulars, bearing the signature of one or more of the officers of said association. I take it for granted that you satisfied yourself, by careful investigation, as to the authenticity of the said circular before you declared it to have been issued by 'The American Bankers' Association.' Please give me the data you obtained. I also take it for granted that you will cheerfully give as wide publicity to our denial of the genuineness of this circular as you have in the statement that it was issued by this association. Awaiting your reply, I am,

"Very truly, yours, etc."

This letter was signed by the chairman of the council.

Then follows the letter of J. R. Sovreign, grand master workman, dated Des Moines, Iowa, April 4, 1894, in answer to the one addressed to him by the chairman of the council, dated March 29, 1894:

DES MOINES, IOWA, *April 4, 1894.*

DEAR SIR: Replying to your kind favor of 29th ultimo, I beg to inform you that the circular letter issued in my address at Little Rock, Ark., to which you referred, I cut out of a newspaper or magazine, I do not now remember which; I carried it in my pocket for two or three months and never referred to it in any public way except at Little Rock, and by mere incident I happened to think of it and took it from my pocket and read it to the audience, and after the meeting I turned it over to the city press of Little Rock to copy, at their request. I saw the circular in several newspapers about the time it first appeared to the public, and I did not know until I received your letter that its authenticity was questioned. The circular does not bear the signature of anyone. I assure you that I have no desire to misquote any person or association, and your statement that that circular is false will be accepted by me, and I will notify the press of Little Rock that the authenticity of the circular is denied by your association, and at the earliest possible time I will return to Little Rock and in a public address will correct the statement. I am of the opinion that the place to correct an error is where the error is made; therefore, in justice to your association, I will return to Little Rock and make the correction from that place and in my criticisms of our national banking system I will confine myself to the law and the CONGRESSIONAL RECORDS, and concerning the cause of the recent panic I will use some private letters from leading lights in financial circles, the originals of which I have in my possession.

Thanking you very heartily for calling my attention to the error made at Little Rock and pledging you all possible reparation at my hands, I am,

Respectfully, yours, J. R. SOVREIGN, *G. M. W.*

Mr. Pullen, as chairman of the executive council on April 10, 1894, addressed this letter to Henry W. Ford, secretary:

NEW YORK, *April 10, 1894.*

DEAR SIR: The following circular has appeared during the last year in a number of newspapers:

"Issued March 12, 1893, by American Bankers' Association to all national banks.

"DEAR SIR: The interest of national bankers require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired, and national-bank notes upon a gold basis made the only money. This will require the authorization of from $500,000,000 to $1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential business men. Advocate an extra session of Congress for the repeal of the purchasing clause of the Sherman law, and act with the other banks of your city in securing a large petition to Congress for its unconditional repeal, as per accompanying form. Use personal influence with Congressmen, and particularly let your wishes be known to your Senators. The future life of national banks, as fixed and safe investments, depends upon immediate action, as there is an increasing sentiment in favor of Government legal-tender notes and silver coinage."

You will observe that the circular is unsigned, and dated on the Sabbath. The association never issued the said circular and is not responsible for it.

Its language is the very best evidence of its falsehood as purporting to have been issued by the American Bankers' Association.

E. H. PULLEN,
Chairman Executive Council.
HENRY W. FORD,
Secretary.

Mr. Pullen continued:

The attention of the chairman was called, in last June, to United States Senate Miscellaneous Document No. 192, dated May 2, 1894, said document being a memorial signed by John Cowdon, introduced by Senator Palmer, of Illinois, and finally ordered to be printed. In this document, printed by the United States Public Printer and mailed to all parts of our country, franked by United States officials—in this document that has been so freely and industriously circulated that the edition was soon exhausted—is incorporated the same fraudulent circular and attributed to the bankers' association, the word "American" being omitted.

Under date of June 18, 1894, the following letter was addressed by the chairman to the United States Senator who introduced the said memorial:

"Hon. JOHN M. PALMER,
"*United States Senate, Washington, D. C.*

"DEAR SIR: I have been handed copy of memorial (Misc. Doc. No. 192) signed by John Cowdon, presented by you to the Senate on or about May 2, ultimo, in which is incorporated on pages 2 and 3 a bulletin said to have been issued by the American Bankers' Association on March 12, 1893, and called the 'Panic Bulletin.'

"I inclose circular of the American Bankers' Association, dated April 10, 1894, which explains itself.

"Do you not think it would be a simple act of justice to the American Bankers' Association that this denial should be given the same publicity in the Senate as the memorial containing the false and fraudulent bulletin?

"Respectfully, yours,

"CHAIRMAN EXECUTIVE COUNCIL."

No reply has been made by said Senator to this letter, and after waiting a reasonable time for his answer we submitted the matter to Hon. Joseph C. Hendrix, Member of Congress from New York, coupled with our request that he would, in behalf of the American Bankers' Association, deny the authenticity of this circular and denounce it in suitable terms. Mr. Hendrix kindly complied with our request, as shown by the following quotation from his speech delivered in the House of Representatives on June 22, 1894:

"Mr. Chairman, I beg to avail myself of the privilege granted in this debate to nail a falsehood and expose a forgery.

"The following circular has appeared in a number of newspapers:

"ISSUED MARCH 12, 1893, BY AMERICAN BANKERS' ASSOCIATION TO ALL NATIONAL BANKS.

"'DEAR SIR: The interests of national banks require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired and national bank notes upon a gold basis made the only money. This will require the authorization of from $500,000,000 to $1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans.

"'Be careful to make a money stringency felt among your patrons, especially among influential business men. Advocate an extra session of Congress for the repeal of the purchasing clause of the Sherman law and act with the other banks of your city in securing a large petition to Congress for its unconditional repeal, as per accompanying form. Use personal influence with Congressmen, and particularly let your wishes be known to your Senators. The future life of national banks as fixed and safe investments depends upon immediate action, as there is an increasing sentiment in favor of Government legal-tender notes and silver coinage.

"'In Senate Miscellaneous Document No. 192 the same circular is printed with the word "American" omitted. The appearance of the circular in the literature of Congress has attracted the attention of the officers of the American Bankers' Association, and they request me to give public notice in this House that the circular was never issued by the American Bankers' Association; that it purports to be issued under the date of March 12, 1893, which was a Sunday; that the document, although repeated in print, never has a signature, and that "its mandatory language, extraordinary suggestions, and idiotic theories" stamp it as a fraud and a falsehood.'"

We shall take no further notice of this transparent forgery and falsehood.

We think we have exhausted all reasonable effort to expose this falsehood and forgery and to discover its author; but he, like his paternal ancestor, the Father of Lies, is invisible.

That is the report which was made by Mr. Pullen, chairman of the executive council of the American Bankers' Association, in their conference held in the year 1894.

It came up again in the proceedings of the National Bankers' Association in the year 1896, and I wish to refer to those proceedings and read from them. The chairman of the executive council in making his annual report said:

The spurious circular alleged to have been issued on March 12, 1893, by the American Bankers' Association to all the officers of the association has continued its rounds, and in correspondence the officers of the association have repeatedly denounced it as a fraud and a forgery, and have sent to all persons making inquiry the following circular, signed by the chairman of the executive council, now president of this association, and by the former secretary of the association, and circulated through the Associated Press on April 10, 1894.

I ask that this circular be printed without reading, because it incorporates exactly the same circular that was given before.

The VICE PRESIDENT. The Chair hears no objection, and that will be done.

The matter referred to is as follows:

DEAR SIR: The following circular has appeared during the last year in a number of newspapers:

ISSUED MARCH 12, 1893, BY AMERICAN BANKERS' ASSOCIATION TO ALL NATIONAL BANKS.

DEAR SIR: The interests of national bankers require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired and national-bank notes upon a gold basis made the only money. This will require the authorization of from $500,000,000 to $1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of *your loans*. Be careful to make a money stringency felt among your patrons, especially among influential business men. Advocate an extra session of Congress for the repeal of the purchasing clause of the Sherman law, and act with the other banks of your city in securing a large petition to Congress for its unconditional repeal, as per accompanying form. Use personal influence with Congressmen, and particularly let your wishes to known to your Senators. The future life of national banks as fixed and safe investments depends upon immediate action, as there is an increasing sentiment in favor of Government legal-tender notes and silver coinage.

Mr. SMOOT. Under date of January 11, 1896, Mr. E. H. Pullen received from W. J. Bryan, of Lincoln, Nebr., the following communication:

My attention has been called to the following circular which, it is alleged, was sent out by your association on or about the 12th day of March, 1893. I do not, of course, desire to ask for any papers which were confidential or which you are not willing to publish, but since the inclosed letter has been published as coming from your association I would be glad to have an admission or denial sufficiently broad to cover any letter of similar import.

Yours, very truly, W. J. BRYAN.

Under date of January 15, 1896, the following reply was given:

Hon. W. J. BRYAN, *Lincoln, Nebr.*

DEAR SIR: In response to your letter of January 11, inclosing typewritten copy of a circular purporting to emanate from the American Bankers' Association, under date of March 12, 1893, I beg to inclose you an official denial of its authenticity.

Very respectfully, JOS. C. HENDRIX,
Chairman Executive Council.

Mr. Bryan apparently accepted the official denial as conclusive, and so far as we know has made no use of the fraudulent circular.

At a meeting of the executive council, held March 11, 1896, in New York City, the following declaration was made by unanimous vote:

Then follows a denial of the authenticity of the circular, and I will not take the time of the Senate to read the same.

Mr. President, the authenticity of the circular has been denied by the American Bankers' Association every time it has been brought to their attention, and denied in the strongest possible terms. I think if our Democratic brethren had believed the American Bankers' Association was the author of the circular or responsible for its circulation they would have referred to it in every campaign in the United States since 1896. But the thing was dead until Mr. Allen resurrected the forgery and published it in Pearson's Magazine. Then from that magazine article it was brought into this Chamber and referred to as evidence in support of a certain contention.

It is true the Senator from Colorado stated that he did not know whether the circular was signed by anyone or not, but he believed that it was. I am not going to say one word against his action in bringing it into the Chamber, for it has given me a chance, at least, to record in the Senate of the United States the facts showing exactly what happened respecting this circular and the false and the fraudulent attempt to impress the people of this country with the belief that the American Bankers' Association, an association not only composed of representatives of the national banks of the country but the State banks as well, was the author of this fraudulent circular.

Mr. THOMAS. Mr. President, the occasion of my remarks the other day, which, among other things, resulted in the production of the circular to which the Senator from Utah has just referred, was the assertion a few days before then by the Senator from Michigan [Mr. SMITH], in substance, that all attempts to enact the Democratic financial policy—I think that was the expression used—into legislation had resulted in industrial disaster; and he made specific reference to the Wilson bill of 1894 and the panic conditions which that bill was held responsible for.

My purpose in replying was to emphasize the fact that long before that bill had been formulated, long before it had become a law, the panic of 1893, as it was called, had occurred and had practically run its course, and that it was a bankers' panic produced for the purpose of relieving the statutes of the United States of an obnoxious law known as the Sherman silver-purchasing act.

In support of that contention I referred to an article which appeared in Pearson's Magazine of date March, 1912, which contained this circular and which discussed some of the consequences of the panic which was then inaugurated. That magazine has one of the largest circulations in the country. It is an old magazine. It is financially a responsible magazine. It is one which justly commands the attention and the interest of the readers of public and current topics throughout the land.

March, 1912, preceded by 15 months the occasion of my reference to that letter. During that time I saw no denial of its authenticity, notwithstanding the fact it had circulated broadcast over the country under the sanction of the proprietors of that magazine.

I referred to it in connection with a number of other circumstances that I intended to speak about, but I did not do so at that time because of the desire of my associates on this side of the Chamber to reach a vote upon the pending question as scon as convenient, but to which I shall refer more at length hereafter.

When I was asked what signature the circular bore, as stated by the Senator from Utah, I could not answer that any signature was attached to it. I gave it as it appeared in the magazine, and I am not conscious of having charged it upon the American Bankers' Association. I did say in substance that it was a part of the conspiracy, because I called it so, to produce such a condition of business distress and disaster as would lead to the repeal of the purchasing clause of the Sherman law.

During the discussion the Senator from Oregon [Mr. LANE], who I believe to be absolutely worthy of credence, a Member of this honorable body, made the statement that he had seen that identical circular in the year 1893. I referred to the fact that it had reached my knowledge during the course of the debates at the special session of Congress in 1893, called by the President for the purpose of securing and which resulted in the repeal of the purchasing clause of the Sherman law.

Now, Mr. President, one thing is certain—at least I think it is certain—that this circular, from some source, did make its appearance in the year 1893. The fact that the date falls upon Sunday is, to my mind, immaterial. It may be that nobody was responsible for it; it may be that it was designed to carry out and effectuate a fraudulent purpose; but it did in fact appear in that year.

I have a letter from a man by the name of A. E. Beebe, who lives at Niles, Mich., and who writes me that it was called to his attention in 1893. This letter bears date the 18th of March, 1913.

In 1900 a small volume was published in the city of Chicago entitled "Business without money," by William Henry Van Ornum, Ph. D., and on page 30 of that work appears this identical circular. To what extent this book has had circulation I do not know, but I do know that it was then current in book form, and was not denied, or if its authenticity was challenged after thus appearing, the fact has not been brought to my attention.

I have yet to be convinced—although perhaps that is a matter of no concern to anyone but myself—that this circular did not in some way form a part and parcel of the general purpose to force public opinion and the hands of the Congress of the United States in the repeal of the silver-purchasing clause of the so-called Sherman law.

I do not care to say anything more about this at present, Mr. President, except to renew the statement that before Congress adjourns I shall attempt to prove or to establish step by step the great truth that the panic of 1893 was as completely dissociated from the Wilson bill of 1894 as anything could be, and also that the panic was brought about by concerted action between the great financial powers of this country and the then so-called Democratic administration.

Mr. SMOOT. Mr. President, I do not know how it was with other Senators, but the impression which was made upon me by the speech of the Senator from Colorado [Mr. THOMAS] was that there were two reasons for the panic of 1893. One was this circular letter; the other, that through this letter the national-bank note circulation was reduced and that the bankers of this country had followed out the instructions of the circular.

I say, Mr. President, without hesitation, that the circular is a fraud and was never issued by the American Bankers' Association. I also say without hesitation that the national-bank note circulation of this country increased from the year 1891 up to and including the year 1897. There was not a single year during that time when it did not increase. As I called attention to it the other day, I want to call attention to it now.

The circulation in 1891 was $162,220,646; in 1892 it was $167,271,517; in 1893 it was $174,600,786; in 1894 it was $200,718,200; in 1895 it was $206,903,601; and in 1896 it was $215,168,122.

Mr. THOMAS. Mr. President, I do not think the Senator from Utah will contend that this great volume of constantly increasing notes was in circulation during the year 1893 or during the year 1894. On the contrary, he knows, as does every

citizen who was then living, that there was a constantly contracting circulating medium. There are more ways to retire circulation than one; and one of them is to pile it up in the vaults of the banks. The Senator knows, as does every contemporary of his who was living at the time, that the depositors of money in the banks and entitled to it could not get it out, and that the clearing house in New York, in violation of the law, had resort to the issuance of clearing-house certificates for the purpose of supplying the want of money with which to transact the business of the country.

Mr. SMOOT. Mr. President, the Senator is wrong.

Mr. THOMAS. And while that circular, of whose spurious character the Senator says he is convinced, may have some earmarks of a fraud, it certainly outlined the situation as it afterwards developed; because there is no time in the history of this Nation when money was so difficult to obtain as it was then, when the value of debts increased appallingly, when ruin and bankruptcy and disaster attended the business of the country as they did during that frightful period in which the Senator now, years afterwards, complacently assures us that the national-bank circulation was actually expanding.

Mr. SMOOT. Is the Senator through?

Mr. THOMAS. I am not.

Mr. SMOOT. I thought the Senator was through.

Mr. THOMAS. I will yield if the Senator desires to interrupt me.

Mr. SMOOT. If the Senator is not through, I will wait until he concludes.

Mr. THOMAS. I will give way to the Senator.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from Colorado a question right here for my own information. Does the Senator himself believe that the American Bankers' Association ever sent out such a circular?

Mr. THOMAS. I have never said so; but I believe that that circular was issued at the time from some source that was connected with the general purpose of bringing about a repeal of the statute.

Mr. McCUMBER. Can the Senator imagine that any society supposed to have the intelligence of the American Bankers' Association, with their vast numbers, would have been guilty of so simple and so unbusinesslike an act, even had they been so criminally inclined? Would it not be so foolish to send out a circular of that kind that the Senator could scarcely conceive of a possibility of its being done?

Mr. THOMAS. Oh, yes, Mr. President; I can conceive of an association desiring to secure the repeal of an obnoxious law doing a great many things; and while I am casting no imputation upon individual bankers, I expect hereafter to show the meeting of some of the members of this association, shortly after the inauguration of Mr. Cleveland, with the Treasurer of the United States and with the Secretary of the Treasury, outlining a system or a plan—I care not what you call it—which broke in full force shortly afterwards. It was accentuated by the suspension of silver coinage by the Indian mints in June, which was the straw that broke the camel's back and accelerated the tremendous disaster of that year.

Mr. SMOOT. Mr. President, the Senator from Colorado asked me the question whether I did not know that the national bank-note circulation was held in the vaults of the banks and was not put in circulation by the banks in 1893 and in 1894. National-bank notes were not counted as a part of the reserve required to be held by national banks. Mr. President, national banks do not take out note circulation and pay an amount equal to 2 per cent interest on it unless they are going to put the notes in circulation. No bank in this country would be so foolish as to have a note circulation and put the circulation in their bank vaults when they were compelled to pay an amount equal to 2 per cent interest on it. The mere proposition on its face can not be true. A man standing at the head of a national bank and who would do such a thing would not be worthy of the position as teller in a bank.

I was going to ask the Senator from Colorado [Mr. THOMAS] the same question that was asked him by the Senator from North Dakota [Mr. McCUMBER].

Mr. THOMAS. Do you want the question answered the second time?

Mr. SMOOT. Well, I was going to ask the Senator if he now believed that that circular was issued by any responsible person in the United States?

Mr. THOMAS. Yes; I do.

Mr. SMOOT. I am glad I secured a direct answer from the Senator.

Mr. THOMAS. The Senator could have got it at any time by asking the question. I have never sought to evade a question of the Senator; at least, I hope I have not.

Mr. SMOOT. But does the Senator think that any responsible man or anyone who has any influence at all in the financial affairs of the Government would issue such a circular and not sign it?

Mr. THOMAS. I think that when the money power of this country makes up its mind to carry out its purposes it is capable of doing whatever is necessary to accomplish its end. That is my opinion, and the history of the country proves it, Mr. President.

The Senator is somewhat inclined not to accept, at least at its full currency value, my assertion that this money was not in circulation—I mean this tremendous bank-note issue for which the Senator says the banks paid the munificent sum of 2 per cent—but the Senator can not deny the fact that there never was such a time of currency stringency in the history of this country as that from the spring of 1893 until the latter part of 1894. Where was this money, if the banks did not have it concealed? Did the people borrow it and then stuff it in their boots? Where was it?

Mr. SMOOT. No; they did not borrow it——

Mr. THOMAS. It was not in circulation and a man could not borrow it; you could not get a cent for love or money; you could not borrow $5 upon a $20 gold piece.

The Senator has referred to the lack of business involved in paying 2 per cent upon a money issue and then not loaning it out, but think, Mr. President, of the enormous profit that comes after the purpose is accomplished for which the stringency is created.

Mr. HITCHCOCK. Mr. President, I think the Senator from Colorado yields too much to the Senator from Utah in admitting that national banks pay 2 per cent on their circulation.

Mr. THOMAS. I am quite willing to make it anything; I have got the everlasting fact behind me that there never was such a stringency at a time when it is claimed there was an increase in circulation.

Mr. HITCHCOCK. The national banks do not pay a tax of 2 per cent. The tax upon the bank currency of the country, as I recall, is one-half of 1 per cent, and not 2 per cent.

Mr. THOMAS. I think the Senator [Mr. SMOOT] refers to the interest on the bonds.

Mr. HITCHCOCK. No; the Senator from Utah [Mr. SMOOT] argued that the bankers would hardly be willing to pay 2 per cent on their currency and then allow it to lie idle. The fact is that they do not pay 2 per cent; they pay one-half of 1 per cent, and they receive the interest on the bonds which they deposit to secure their currency.

Mr. THOMAS. The establishment of the gold standard through the repeal of the silver-purchasing clause of the Sherman law brought its harvest of fortunes to these gentlemen manyfold in the succeeding years.

Mr. SMOOT. Mr. President, I am in full accord with the Senator that during the years 1893, 1894, 1895, 1896, and 1897 the conditions in this country were most distressing, and I want to say to the Senator now that if he and his Democratic colleagues pass the House tariff bill without any changes, and if the same conditions existed in Europe to day that existed in 1893, you would have the same conditions among the working people of the United States as existed then.

The Senator says that the banks put the money in their vaults. I want to refer him to the published statements of many of the banks in this country during that period. They will show that many of them had scarcely 5 per cent of their deposits in cash in their vaults. It is true that the people were scared; it is true that they withdrew their money; it is true that it was hoarded; and the deposit boxes in every bank which had them were filled with hoarded money placed in boxes rather than deposited with the banks. The Senator ought to know that fact.

Mr. THOMAS. Mr. President, the Senator from Utah is not only an apostle, but a prophet. He now prophesies a recurrence of the same unfortunate conditions into which this country entered in 1893 and continued in a long course of travail if the Democratic Party dares to keep its plighted faith to the people.

Mr. SMOOT. Well, that is a question.

Mr. THOMAS. I tell him that if his prophecy proves correct it will be because the same interests and influences operating through the same methods will again reproduce the disaster of 1893; and I interpret his prophecy as being made perhaps upon information that, in order to get rid of or make unpopular a law which is designed to shift the burden of taxation from the shoulders of the consumers to the wealth of the country, the successful tactics of 1893 will be repeated, and then, perhaps 20 years from now, another Senator from Utah will rise in his seat and make a similar prediction when

the burden again becomes so heavy that the people refuse longer to bear it.

Mr. SMOOT. Mr. President, I want the Senator to be accurate in quoting what I say, and I want him to mark what I say specifically, because I am ready to stand by it. If history is to repeat itself, I have no question what the result will be, and I am willing to be judged by it. If the Senator is right, I shall be only too pleased to acknowledge it; and if he is wrong, then I think that he ought to do the same.

Mr. THOMAS. May I say a word?

Mr. SMOOT. Certainly.

Mr. THOMAS. I will mark carefully what the Senator says, because I think he speaks not only as a Senator, but semi-officially.

Mr. SMOOT. Well, Mr. President, so far as any information is at my command, it comes from no different source than the one from which the Senator gets his; but I have read the history of this country; I have studied it; I have seen that certain causes have brought about certain results; and I believe they will do so again. I say this—and I do not hesitate to say it with all the power at my command—that if conditions in Europe were the same to-day as they were in 1893 we could look for a panic in this country shortly after the tariff bill became a law. I say it without a question of doubt in my mind. Am I wrong? Perhaps I am; and, if I am, I will only too gladly acknowledge it when the demonstration has been made.

The Senator refers to the question of the Democrats living up to their plighted faith with the people. Did the Democrats say in the platform at Baltimore that they were going to have free wool? Did they not indorse the House bill revising the tariff in which a duty on wool was provided? Yet the present House of Representatives has passed a bill placing wool on the free list. Is that living up to the pledges of the party to the western people? I might go on and enumerate other instances of the same kind, but I do not want to enter this discussion from a political standpoint. I simply brought this matter to the attention of the Senate this morning so that the facts may be known to the country. I know it is very, very popular, I might say, for men in public life to berate the endeavors of men who stand at the head of the great industries and the banks of this country, but the day will come when it will not be so popular. I believe that they are just as loyal, just as patriotic, and just as good American citizens as many of the men who berate them upon the platform and in their lecture courses in this country. I do not say that they are all angels; I do not say that they are all honest; but I do say, taking them as a class of men, taking them as a whole, that they are just as good American citizens and will sacrifice just as much for this country as many other people who profess so much and do so little.

Mr. THOMAS. I think, Mr. President, they ought to sacrifice a good deal more. I think that their atonement will only be complete when their sacrifices equal the extent of their exploitation of the consuming and producing masses of the country.

The Senator appeals to history now in support of his assertion that hard times are ahead of us provided conditions in Europe change. I think I state his proposition correctly. If not, I hope he will correct me.

The Senator is a student of history. He is a very industrious man. His power of persistent effort and accomplishment has always commanded my admiration. But the Senator has read history in vain if he has so read it as to conclude that industrial convulsions have been consequent upon tariff reform. It is not the modification of tariff schedules, it is not the reduction of taxes upon the people, that have ever operated as a cause of panic, and they never will. Every panic in the history of this Nation has proceeded from other causes than the one which is always assigned afterwards as a basis of prophecy of what is to come by those who fear a change in those laws which confer privileges upon some and burdens upon others.

Mr. BACON. Mr. President, if the Senator will permit me, I should like to suggest that he is not strictly accurate in stating that panics are always attributed to that cause. I do not think the panic of 1907 was attributed to that cause.

Mr. THOMAS. Let me ask the Senator just to wait and give these panic-prophesying gentlemen time and he will learn from them that the panic of 1907 was based upon an apprehension that President Taft would be defeated in 1912. [Laughter.] There is no question but that these gentlemen have other arrows in their quivers to be used hereafter. Yet it is just as logical to attribute the panic of 1893 or the panic of 1873 to disturbances consequent upon attempted tariff reform as it is now to make these predictions of coming disaster and base them upon the same cause.

If we must continue with the present system, which has already resulted in transferring to a few thousand people control of 80 per cent of the property of this Nation, until the rest of it shall also be transferred or absorbed, I do not know but that such a panic would be preferable. I am not afraid of it; and even if I were, Mr. President, I should stand here advocating a change in the present fiscal system of the Nation. You gentlemen promised to make it in 1908. You did not do it.

Talk about hearings! The Republican Party had its hearings upon the Payne-Aldrich bill. They not only heard, but they listened. They not only listened, but they practically allowed these great interests to write their own items and their own schedules in that bill. When they did it they wrote also "Mene, mene, tekel, upharsin" upon the banquet walls of the party; and when, in November of last year, the people had an opportunity to say what they thought of your antipanic-producing tariff they spoke so loudly that only the murmur of the State of Utah and the State of Vermont survived it. [Laughter.]

Mr. GALLINGER. Mr. President, am I mistaken in my recollection that the President of the United States has recently said that he belongs to a minority party, and that the result of the last election was not a Democratic victory?

Mr. THOMAS. He said it was not a Democratic victory in the sense that we obtained a majority; but will the Senator say that the Progressive-Roosevelt bolt was an indorsement of the Payne-Aldrich bill?

Mr. GALLINGER. They certainly were in favor of protection.

Mr. THOMAS. That is not the question. Will the Senator say that the Bull Moose vote was a vote which favored or indorsed the Payne-Aldrich bill?

Mr. GALLINGER. They certainly never favored or indorsed the Democratic policy.

Mr. THOMAS. That does not answer the question. As a matter of fact, their platform, and the Senator well knows it, denounced that enactment just as we have denounced it. Moreover, gentlemen upon the other side, gentlemen belonging to the Republican Party, who voted perhaps for Mr. Taft himself, did not lend the sanction of their approval to the iniquity which is known throughout the country and abhorred as the Payne-Aldrich tariff law.

Mr. WARREN. Mr. President, will the Senator allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. Certainly.

Mr. WARREN. Does the Senator expect and believe that the present tariff bill will meet the commendation of the Bull Moose Party of which he has spoken?

Mr. THOMAS. I do not know. The Democratic Party has never associated with the Bull Moose Party. The Senator from Wyoming used to be in close association with its members. He can answer the question, probably, better than I.

Mr. WARREN. That is the first disavowal I have heard, and the Senator has my thanks for it.

Mr. THOMAS. Is it?

Mr. WARREN. It is the first one.

Mr. THOMAS. It will not be the last.

Mr. WARREN. I hope not.

Mr. THOMAS. No; it will not be the last. The Democratic Party is a party that tries to take care of itself, and it has manifested a good deal of vitality.

Mr. WARREN. Still, when the Senator disavows the Bull Moose Party, and goes back to the election, he has to admit that he is a member of a minority party, and that it was the minority of the Republic that gave its consent to the kind of a tariff bill that the Senator proposes; and, if I am not mistaken, that minority will grow smaller when they come to appreciate the results of that tariff bill, if it ever passes.

Mr. THOMAS. God knows it will never get so small as the minority party that the Senator represents. That is absolutely impossible. It is now a negative quantity. I have great admiration for the Progressive Party myself. It represents a protest against the influences that have so long controlled and dominated the great Republican Party in this Nation—that have turned it away from its purposes and objects and made it the political ally and slave of those enormous interests and institutions that control every department of industry and dominate every opportunity of the American citizen.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

Mr. OWEN. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 66, authorizing the Committee on Banking and Currency to hold hearings. It

has been on the calendar for some time, and I should like to have it disposed of.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent for the immediate consideration of Senate resolution 66——

Mr. GALLINGER. I should like to have the resolution first read.

Mr. OWEN. It has been reported by the Committee on Banking and Currency, and also by the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 66), as follows:

Resolved, That the Committee on Banking and Currency be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make investigations of banking and currency matters and to compile and prepare statistics relative thereto, such as may be necessary, and to report from time to time to the Senate the result thereof, and for this purpose they are authorized to sit, by subcommittee or otherwise, during the sessions of the Senate, or recesses thereof, at such times and places as they may deem advisable, to send for persons and papers, and administer oaths, and to employ such stenographic and clerical assistance, or otherwise, as may be necessary, the expense of such investigation to be paid for from the contingent fund of the Senate; and the committee is authorized to pay for such printing and binding as may be necessary for its use.

Mr. CLARKE of Arkansas. The word "otherwise" was stricken out, I think.

Mr. WILLIAMS. And the word "clerical" was stricken out.

Mr. OWEN. The word "clerical" was stricken out, also.

The VICE PRESIDENT. The Secretary has simply read the resolution as proposed. There are several amendments.

Mr. GALLINGER. Mr. President, I do not propose to enter an objection to this resolution, and yet I should like a little information. I notice the resolution provides that the committee may sit at such times and places as in its judgment may be deemed necessary. That means that it may go to Europe, I suppose, or to Africa, or to the Orient; that it may sit in this country or in any other country and take testimony. Am I correct in that?

Mr. OWEN. I assume the Senator recognizes the fact that the language follows the usual form.

Mr. GALLINGER. I am not quite sure on that point.

Mr. OWEN. Then I will reassure the Senator.

Mr. GALLINGER. I recall the fact that not long ago we had a very industrious commission that traveled the world over, and spent a very large amount of money, and made a report, and collected a very valuable library, and that a bill was introduced as a result of that very expensive investigation and unanimously reported; but the bill has received scant consideration on the part of the Senate. Now is the entire ground to be gone over again and several hundred thousand dollars more used, or can the Senator give us some reasonable degree of assurance that there will be a more economical investigation than the one that was made?

Mr. OWEN. I can give that assurance to the Senator without any breach of confidence.

Mr. GALLINGER. Can the Senator, supplementing the question I asked him a few days ago, give us a reasonable degree of assurance that after we get through with this troublesome tariff bill the work of the session will probably end; or are we to have an illy matured and hastily constructed currency bill to struggle with here during the latter months of the summer?

Mr. OWEN. The Senator is asking a good many varieties of questions in one remark. In the first place, he desires to know what will be done by the Congress of the United States after the tariff bill is disposed of. With my limited knowledge I am unable to inform the Senator on that point.

Mr. GALLINGER. Is it the Senator's purpose to introduce and press for consideration at this session a currency measure?

Mr. OWEN. When this matter came up before I stated to the Senator what are my personal views with regard to it. I am not authorized to speak for anyone except myself.

Mr. GALLINGER. I notice the Senator has been in consultation with the President on this subject more or less frequently; has he not?

Mr. OWEN. I decline to submit to a cross-examination upon my relations with the President.

Mr. GALLINGER. Mr. President, I think we have gotten all the light we can get on this question.

Mr. BACON. I should like to ask the Senator a question. I have been very much struck by one remarkable fact. For years past the Senators on the other side of the Chamber have been very insistent that there should be legislation to reform the currency. I think there has been a remarkable unanimity on that side——

Mr. GALLINGER. And our Democratic friends did not come to our rescue.

Mr. BACON. That may be true; but we are proposing to do so now. I have not stated my proposition. I said there had been the most remarkable and noted unanimity, not simply of opinion but of expression, on the Republican side of this Chamber, that the matter ought not to be delayed. The thing that has struck me as very remarkable is that in public utterance in this Chamber, and in private expression in personal interviews, it has been apparent to my mind that the Senators on the other side have all at once become opposed to any immediate action in regard to this matter. Now, why is that? I should like the Senator to tell me what has brought about that change of opinion on the part of Republican Senators.

Mr. GALLINGER. If the Senator desires to apply that to me, I disclaim any purpose of that kind on my part. A few days ago the Senator took me to task and read me a very pleasant little lecture on the importance of Senators remaining here and performing public business. The Senator will, if he gives the matter a moment's consideration——

Mr. BACON. No; I certainly did not apply that to the Senator from New Hampshire, because he is one of the most regular in attendance of Senators on either side of this Chamber.

Mr. GALLINGER. I was about to remark on that; and I regretted that the Senator's language did seem to apply directly to me because I had suggested that I thought we ought not to be kept here until winter time, sweating ourselves over a currency bill that is not going to become a law at this session, and everybody knows it.

Mr. BACON. I do not know it; I want to say that to the Senator. If my views have any influence or prevail, we will have it at the present session. As I said the other day, if this matter is of the importance that the business men say to us it is, and that our Republican brethren for the last six or eight years have been urging upon us it is, I think we certainly ought not to delay in the effort to give them the relief which they say is required.

Mr. GALLINGER. I will join the Senator from Georgia in any reasonable effort, at any reasonable time, to secure currency legislation. I think the Senator is right in the suggestion that we ought to have currency legislation at the earliest possible moment.

Mr. NELSON. Mr. President——

Mr. BACON. I hope the Senator from Minnesota will pardon me for just a moment. I want to say to the Senator from New Hampshire the statement is made, and is very frequently repeated, that our present financial system is one which puts the business community in constant danger and peril, because of the inability of those who have the direction of our financial matters and our business operations to meet great emergencies, and no man can tell when those emergencies will arise. If that be true, can there be any greater duty devolving upon the Congress of the United States than the duty to enter upon legislation which will guard against such a danger as that? And, as I said the other day, should the question of a little personal inconvenience on the part of Senators stand in the way of the performance of so great and so urgent a duty as that?

Mr. GALLINGER. It has always seemed to me, Mr. President, that the necessity for this legislation has been considerably exaggerated. I do not think that because of our currency system we have had the cataclysms in the business world that some people are in the habit of suggesting. Yet doubtless we can improve our currency system, and I am quite in favor of the effort being made at the proper time.

I regret that I have taken so much time. I shall not object to the Senator's resolution. It is a proper one, and I have no doubt the money will be wisely expended in getting information which we all desire to have.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. NELSON. As a member of the Committee on Banking and Currency, I think I can safely say that the Republican members of that committee are anxious to proceed with financial legislation at this session. Several bills have been introduced and are before the committee, one of them being the product of the Monetary Commission, but the Republican members of the committee are unable to move any faster than the Democratic members of the committee will allow them to move. We are ready to go on with this matter of financial legislation, and will take it up as speedily as possible.

I want further to say that while a bill has been introduced, and is pending before the committee, to establish and create a national currency association—a single central association for the entire country—I understand our friends on the other side can not approve of this, because the Democratic platform adopted at Baltimore condemned it. They propose instead of one central currency association to have fifteen, or from a dozen to twenty, but in all other respects, as I understand, they practically adopt the plan of the Monetary Commission. In other words, the plan is to segregate and separate the matters into from a dozen to fifteen or twenty currency associations, but otherwise the associations are to be on the line prescribed and outlined in the report of the Monetary Commission and in the bill that was prepared by that commission and introduced in Congress.

Now, such a bill as I have indicated has been introduced by the Senator from Massachusetts [Mr. WEEKS]. I want to say to the chairman of the committee and to the members on the other side of the Chamber that we Republican members of the Banking and Currency Committee are ready to proceed with that work immediately and to go at it faithfully and to the best of our ability.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. The morning hour has closed.

Mr. GALLINGER. I trust the Senator from Oklahoma may have action upon his resolution.

The VICE PRESIDENT. If there be no objection, the question will be taken on the amendments reported by the committee. The first amendment will be stated.

The SECRETARY. On page 1, line 11, strike out the words "and clerical" before the word "assistance."

The amendment was agreed to.

Mr. NEWLANDS. Mr. President, before this resolution is passed by the Senate I should like to say a few words.

The Senator from Minnesota [Mr. NELSON] has declared that the original Aldrich plan provided for a great central reserve association with 16 branch organizations or associations, and he intimates that the Democratic Party is now prepared to abandon the central organization and to establish the regional system by practically creating 16 independent reserve associations in the banking zones covered by the branch associations of the Aldrich bill.

I wish to say a word to the Senator from Oklahoma, who leads this committee, and suggest to him that that committee should seriously consider not the question of the economic division of the country into certain banking zones and creating in each zone a reserve association, such associations numbering 16 or 17 in all, but that it should consider the wisdom of following in the banking organization the organization of our Government, which consists of independent States, 48 in number, bound together by a union as federated States.

I wish to call the Senator's attention to the importance of organizing these reserve associations within the boundaries of each individual State, one in each State, so that in such reserve associations can be grouped not only the national banks in that State but the State banks in the State, and then the system they shall organize will cover a federation of the various State reserve associations in such a way as to make their union effective in the prevention of the interruption of interstate exchange and of national panics.

I wish, in this connection, to call the Senator's attention to the fact that one-half of the deposits of this country are in the State banks, that about one half of the loans made by banks in this country are the loans of State banks, and that we may perfect our national banking system so that it may be the most perfect in the world and yet, if we leave the other half of the banking system organized under State laws in an imperfect condition, we will fail of the accomplishment of that which we desire, and it will be in the power of the State banks, through inefficient administration and inefficient management, to embroil not only themselves in difficulties but the entire national banking system.

If we will organize a reserve association in each State we can invite the State banks to come into those associations, giving them equal privileges as to the issue of emergency currency, a power which they desire, conditioned upon their complying with the national laws regarding the relation of capital to deposits and the relation of reserves to deposits.

Thus we can, through this persuasive power, secure the precautions that will insure good banking upon the part of the State banks—such precautions as we deem essential regarding the national banks. Each State reserve association will be organized, of course, to prevent local panics, for it will unionize all the banks of the State for their prevention, and so mass together the reserves of the banks, both National and State, within the boundaries of the State as to transfer those reserves to the point of attack, just as the militia itself is mobilized for a similar purpose.

Then we can, by a system of federation of the State reserve associations, analogous to that of the National Government, have a great central organization, to be called a banking board or banking commission, and by a gradual process bring the State reserve associations in such communion as to make them absolutely effective in the prevention of interstate panics and the interruption of interstate exchange.

It seems to me that such a system is eminently democratic in character, and it likens the economic system of banking to that of our system of government, maintaining the autonomy of each State complete in itself, associating all the banks of each State together for mutual protection and support, and yet facilitating their union for national and interstate purposes.

I have regretted very much of late to see that in every announcement regarding the possible action of the committee of the Democratic House attention seems to be directed in the line of the creation of economic zones regardless of State boundaries, instead of the preservation of the political zones now existing as sovereign States. I do not believe that such an organization is democratic in character. I believe that its tendency is toward an absorbing nationalism, which will still further weaken the autonomy of the States.

I believe that by following the analogy of our system of government and making the administration of our economics and our banking harmonize with our system of government in the maintenance of State lines as to the creation of economic and financial zones we will strengthen our system of government, we will preserve the autonomy of the States, and strengthen that system of cooperation which, I am glad to say, is gradually increasing, a cooperation which on matters of mutual interest is now being so generally indulged between the Nation, the Union of the States, on the one hand, and the individual States upon the other.

It was not my purpose, Mr. President, to speak so long, but I found it impossible to express what I had to say in fewer words. I do trust that the Senator from Oklahoma will at the very initiative give some consideration to this view, for if we get headed in the other direction, the direction in which, I am sorry to say, the House committee seems to tend, we will, in my judgment, accomplish the creation of a system not so democratic in form, not so inclined to preserve the autonomy of the States, not so serviceable in the exercise of State powers as to purely domestic banking and exchange and of the national powers regarding interstate exchange as a branch of interstate commerce.

Mr. BRISTOW. Mr. President, being a member of the Committee on Banking and Currency I desire to say that I am perfectly willing to do whatever the best interests of the public service require. My judgment is that a Senator or a Representative in Congress can do better work if he concentrates his attention upon one important measure at a time. I think the revision of the tariff that is now proposed is a most important measure, and it is of such importance that it ought to command the most careful consideration and the most industrious effort of every Member of the Senate.

When that is through, when that work has been completed, if we have the time and strength to enter upon another piece of legislation I am perfectly willing to do it, but I do not think it would be wise to undertake to carry along tariff legislation and currency legislation at the same time. I think while the chairman of the committee is disposed to push the matter with as reasonable expedition as possible he has pursued a very wise course in not insisting upon the immediate consideration of a currency bill while the tariff bill is before us and commanding our attention.

I do not pretend to be an expert in financial matters. I have an impression that the evils which are complained of must arise from the banking system more than the currency system, and that a few changes in the banking system could be made and then the country would not suffer if Congress took a considerable time to study any contemplated changes in our currency laws.

I felt like I wanted to make this statement because of other statements that have been made by members of the committee, with which I agree in the main but not completely.

The VICE PRESIDENT. The Secretary will state the second amendment of the committee.

The SECRETARY. On page 1, line 11, after the word "assistance," insert "at a cost not to exceed $1 a printed page."

The amendment was agreed to.

The next amendment was, on page 2, line 2, after the word "printing," to strike out "and binding"; and in line 3, before

the word "use," to strike out the word "its" and insert "the," and after the word "use" to insert the words "of the committee."

Mr. OWEN. After the word "Senate," on the first line of page 2, I move to strike out the remainder of the resolution in the following words:

And the committee is authorized to pay for such printing and binding as may be necessary for its use.

The committee will not expect to have any occasion for that part of the resolution.

The amendment was agreed to.

Mr. SMOOT. I understood the Senator to say that on page 1, line 12, the words "or otherwise" were to be stricken out.

Mr. OWEN. That is right.

Mr. SMOOT. The Secretary has not reported that as an amendment, and it is not so marked in the printed resolution.

Mr. OWEN. On page 1, line 12, after the words "at a cost not to exceed $1 a printed page," I move to strike out the words "or otherwise."

The amendment was agreed to.

Mr. BRISTOW. May I inquire of the Senator from Oklahoma if striking out the clause on page 2 will prevent the committee from having the hearings or the information collected printed in document form for the use of the committee?

Mr. OWEN. The Secretary of the Senate has the right to have any binding done that may be required by the committee.

Mr. BRISTOW. I did not want the committee to be foreclosed from having the hearings printed and bound in the usual way.

Mr. OWEN. No; it is not intended to prevent the binding in the usual way.

Mr. GALLINGER. For the purpose of getting rid of unnecessary language, I call the attention of the Senator to lines 7 and 8, the words "by subcommittee or otherwise." It is provided in lines 2 and 3 that the investigation shall be conducted by subcommittee or otherwise. I move, after the word "sit," in line 7, to strike out the words "by subcommittee or otherwise."

Mr. OWEN. I hope the Senator will not insist on that amendment. It may be necessary to use a subcommittee. We are using a subcommittee now for the purpose of framing certain questions desired by the committee.

Mr. GALLINGER. The reason why I made the suggestion was that the resolution provides—

That the Committee on Banking and Currency be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make investigations—

And so forth.

It seems to me that it is unnecessary to repeat the language. If the Senator wants it in I have no objection.

Mr. OWEN. It is the usual form, and the committee may prefer to have the work done through a subcommittee. They are doing that now with regard to framing certain questions.

Mr. GALLINGER. They have that power under the general terms of the resolution, but I will withdraw the amendment.

Mr. TOWNSEND. Mr. President, I understand one of the reasons for urging the consideration of the currency bill at this session may be possibly to divert attention from the effects of the tariff. It has occurred to me that it would be quite enough at this time to deal with the tariff, in order that the responsibilities, whatever they may be, which shall follow can be rightly located. If it shall so happen that a business disturbance shall occur and currency legislation is enacted immediately after the revision of the tariff, the present announced plan to prosecute the business men of the country for causing such disturbance may be attended with difficulty; for is it not possible that the bankers may be chargeable with causing the panic, if one occurs?

In the old days of Rome it is recorded that the emperors, after they had brought disaster to their subjects, engaged in some new and exciting enterprise in order to divert the attention of the populace from their unhappy condition. But we have passed from those times of deception, and will it not be better and safer to try one experiment with business at a time? The effects of these two great measures should be tried separately, so that there will be no confusion as to causes, whether those effects are good or bad. The money question was invoked 17 years ago as the cause for the evil times which followed the Democratic revision of the tariff in 1894, but the people knew, Such a thing should not be tried again. The issue should not be confused now.

In order that the country may analyze both these propositions thoroughly, I sincerely hope that the committee will be content at this session to acquire information, but that it may not feel like unduly hastening the consideration of the currency bill—at least not to the extent of trying to becloud the effects of tariff revision.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. LIPPITT. Mr. President, before the question is put, I should like to ask the Senator in charge of the resolution if he has some definite plan of an investigation that is to be undertaken under the authority that is proposed to be given by the resolution? Of course, we are all aware that the Government has spent enormous sums of money recently in investigating similar subjects. There was a very large sum of money spent by the Monetary Commission and a most exhaustive report made upon all of these subjects, covering not only this country but practically all the countries of the world. There has also been a very elaborate investigation made under the authority of committees of the other House. I do not suppose that the Senator from Oklahoma intends to duplicate those investigations. I also can not suppose that he is asking for this authority unless he has some definite plan of action. I should be very much obliged if, before the motion is put, the Senator would tell us in a definite way just what the intention is that is meant to be carried out by the resolution.

Mr. OWEN. Mr. President, this question, of course, is not a partisan question, as has been suggested by some of the remarks which have been heard on the floor; nor is this matter a new question, as has been suggested by one of the Senators. On the contrary, this question has been under the most active study and consideration for five years. It was in 1908, five years ago, that we established a national Monetary Commission. They have done a vast work, they have accumulated a great fund of information, and incidentally accumulated quite a valuable library on the bibliography of the question of banking and currency, a library consisting of nearly 2,000 volumes. Their work is of great value, of great use, of great importance; but here is a new committee taking up this question and undertaking to digest these matters. Therefore they are impelled, by a reasonable consideration of this subject, to hear the experts of the country before the committee in order that they may be cross-questioned, and so that the committee may advise itself as fully as possible.

So now to ask the chairman of the committee what he proposes to do in the way of legislation, assuming that he represents the entire committee in the matter, is going beyond the point of reason, I think, because the committee has not instructed the chairman with regard to the matter nor has the committee itself given such consideration to the question nor to any bills before it—although there are several bills before it, including the bill prepared by the Monetary Commission—that I could answer that question, except in a general way, by saying that I shall expect the committee to consider the question in its various aspects, to hear expert opinions upon it, and making a proper record of them, so that the Senate itself shall be informed with regard to what is said by experts upon this topic.

Mr. LIPPITT. I had supposed, Mr. President, that in presenting such a resolution it would be something more than merely a digestive powder. I scarcely supposed that the committee who authorized a report of this resolution would have done so without considering pretty precisely the steps that they wanted to take and the precise information that they wanted to acquire. Of course, the duplication of investigations of this sort by Congress is something almost beyond the belief of anyone who has not been in this body and seen them actually performed.

I do not know that I am going to object particularly to this investigation being made, but I had hoped that the Senator had some definite plan, some particular form of knowledge that he wanted to bring out and make public. If it is simply a dragnet investigation in the hope of discovering something that is not at present known, why, that puts one view upon the matter. I am sorry that the Senator from Oklahoma is not in a position to state definitely what he wants the investigation for.

Mr. BURTON. Mr. President, not to protract this discussion unnecessarily, I should like to ask the interpretation of the Senator from Oklahoma of the last two lines of this resolution, which reads:

And the committee is authorized to pay for such printing as may be necessary for the use of the committee.

Mr. GALLINGER. Those words have been stricken out.

Mr. BURTON. Do they mean that these publications are to be for the exclusive use of the committee or would they be available for each Member of the Senate?

Mr. OWEN. I might explain to the Senator that I have moved to strike out those two lines, and the motion has been agreed to by the Senate.

Mr. BURTON. Then, they have been stricken out? What is the intention? Is it the intention to print the hearings?

Mr. OWEN. Yes; the hearings will be printed for the use of the Senate.

Mr. BURTON. Is it the intention that those hearings shall be available for any Member of the Senate who is desirous of reading them?

Mr. OWEN. Of course.

Mr. SMOOT. Mr. President, I will say to the Senator from Ohio that under the resolution there is no direct provision for the printing; but I take it for granted that the Senator from Oklahoma will be content with the printing of a thousand copies, which every committee of the Senate has a right to have printed under the printing law.

Mr. OWEN. That was the intention of the resolution, of course.

Mr. SMOOT. That is as I understood it.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

INTERNATIONAL CONGRESS ON ALCOHOLISM.

Mr. SWANSON. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1620.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (S. 1620) to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 10, after the word "ports," to strike out: "And the President is hereby authorized and requested to extend an invitation to the said congress to hold its fifteenth biennial meeting in the United States in 1915;" so as to make the bill read:

Be it enacted, etc., That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $6,850 to defray the expenses of delegates, to be designated by the President of the United States, to the Fourteenth International Congress on Alcoholism, at Milan, Italy, September, 1913, including secretarial and stenographic work and transcription of reports.

Mr. SMOOT. Mr. President, I move that the sum of "$6,850" be stricken out of the bill and that the sum of "$4,500" be inserted. I will say to the Senator from Virginia that the reason I do that is that these international congresses on alcoholism are held every two years, and two years ago in the appropriation bill for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, a provision was inserted as follows:

For expenses of delegates to be designated by the President to the Thirteenth International Congress on Alcoholism at The Hague, Holland, September, 1911, $4,500, including secretarial and stenographic work and transcription of reports.

That is identically the wording of this bill, with the exception of the amount and the name of the place in which the congress is to be held.

Mr. SHEPPARD. Mr. President, I will say to the Senator from Utah that one of the delegates informed me that the amount appropriated on the former occasion turned out to be quite insufficient.

Mr. SMOOT. I want to say to the Senator from Texas that if we give $6,850 at this time, two years hence we shall be called upon for another appropriation, and it will not then be $6,850, but it will be $10,000.

Mr. SHEPPARD. I do not think the Senator is correct in that statement.

Mr. SMOOT. I think that in appropriating for all these junketing trips we ought to hold them down to just as low a level as it is possible, and I shall ask for a vote upon the question if the Senator will not accept the amendment.

Mr. SHEPPARD. Mr. President, it is not a junketing trip in any sense whatever, and I resent the statement that it is.

Mr. SMOOT. Perhaps, Mr. President, I designated it rather harshly, and I will withdraw the expression; but I want to say to the Senator that this is not the only request of this kind that we have had. Hardly an appropriation bill passes but that some appropriation is made to enable somebody to go to Europe. I will appeal to any member of the Appropriations Committee as to whether that is not so. I think that if we are going to send delegates to the Fourteenth Congress on Alcoholism we ought to provide for their actual expenses, but the expenditure ought to be kept within reasonable limits.

I am perfectly willing, inasmuch as we have embarked on this business and the precedent has been established, that we shall not draw a line in the case of this particular congress. I suppose if there is any congress for which we ought to appropriate for a trip to Europe, perhaps this is as good a one as any; but this is one of dozens of similar instances, and I think the time has arrived when this sort of appropriation should at least be regulated and a limit placed on them, if possible.

I move, Mr. President, that "$6,850" be striken out and that "$4,500" be inserted, which is the amount appropriated for the same object in 1911.

The VICE PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. On page 1, line 5, it is proposed to strike out "$6,850" and in lieu thereof to insert "$4,500."

Mr. SWANSON. Mr. President, in reply to the Senator from Utah [Mr. SMOOT] I will say that he has entirely misconceived the purpose of the appropriation and the history of the Congress on Alcoholism. The junketing expeditions which he abuses so extravagantly, and properly, and with such zeal, usually originate in Congress. In this case the Italian Government has extended an invitation to the United States to send delegates to the Fourteenth International Congress on Alcoholism, which will be held at Milan. These meetings commenced in 1846. They were discontinued for awhile, but they are now held every two years. Scientific men interested in temperance meet there to discuss the effect of alcoholism in its varied phases. They consider to what extent alcohol is injurious, to what extent, if any, it should be used, and all kindred subjects.

This is the first time I have ever known of an invitation extended by a foreign government to send delegates to a congress held within its borders to be met in such a parsimonious spirit. As I understand, $6,850 is the estimate made to cover only the actual expenses which will be incurred by the delegates. If we are going to send any delegates to the congress, I can see no reason why we should not pay their expenses and let them go in a proper manner. I understand that $4,500 appropriated two years ago for a similar purpose proved to be insufficient.

The Italian Government has forwarded to the State Department an invitation for delegates from the United States to attend the congress, and the usual comity of nations, the usual courtesy becoming nations, generally requires acceptance of such invitations. I hope the Senator will not insist on his amendment, because the amount proposed by the bill is very small and was estimated to be needed to defray the expenses of the delegates.

Mr. SMOOT. Mr. President, I desire to say that the question is not so much the difference between $4,500 and $6,850 as it is the first step in the direction of a constantly increasing appropriation. I will say to the Senator here and now that it is not any extraordinary thing for delegates from the United States to be asked to attend congresses and conventions in foreign lands. It is of common occurrence, and I am not objecting to that. As the Senator has said, there have been held 14 of these congresses on alcoholism. When was the first time that the Government was ever asked to pay anything to send delegates to such a congress?

Mr. SWANSON. I can not remember the first time.

Mr. SMOOT. Mr. President, I requested my clerk to look up the matter for me, and I am informed that the first appropriation for this purpose was made in 1911. I have not had time personally to look it up; but they tell me that that was the first appropriation ever made for this purpose. If that is the case, then there were 12 of these conventions held when there was not a cent appropriated by the Government for delegates from this country; but I will say to the Senator that when this question came up two years ago I voted for the $4,500 appropriation, which was the estimate made to pay the actual expenses of the delegates to the convention held at The Hague, Holland, at that time.

Mr. GALLINGER. Mr. President, will the Senator from Virginia permit me to ask him a question?

Mr. SWANSON. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am warmly in favor of this appropriation, but I want to ask the Senator from Virginia if it might not be well to specify the number of delegates? I think there were 12 at the last convention; and, of course, we might appropriate $25,000 and appoint 30 or 40 or 50 delegates. It seems to me that 10 delegates would probably be sufficient.

Mr. SWANSON. It would seem to me, Mr. President, that if we do not limit the number of delegates, but simply specify the amount to be devoted to this purpose, we will incur no expense in excess of that amount. If we were to name 10 delegates, and the President should appoint 10 delegates and their expenses should be in excess of $6,850, they would come and ask for more money to pay the expenses. I think the better course is to fix

the amount that we are willing to appropriate, and to pay the expenses of the delegates not to exceed that amount.

Mr. GALLINGER. The Senator says that at the last convention they spent more money than was appropriated. Has a report ever been made showing precisely what amount they did expend?

Mr. SWANSON. This bill was introduced by the Senator from Texas [Mr. SHEPPARD], and I think he is probably familiar with the matter.

Mr. SHEPPARD. Mr. President, I will say that I was assured by Dr. Dinwiddie, the legislative representative of the Antisaloon League and the National Temperance Bureau, that the amount furnished two years ago proved to be insufficient. I am sure that he made a report to the State Department, and that report has either been communicated to Congress or is in process of transmission.

Mr. GALLINGER. Does not the Senator from Texas fear that if we make this additional appropriation of two thousand and some odd dollars, a larger number of delegates will be appointed? Will not the fact be urged upon the State Department that they have more money and ought to have more delegates?

Mr. SHEPPARD. I hardly think so.

Mr. GALLINGER. And there will be another deficit.

Mr. SHEPPARD. If there should be another deficit, there will be no request made to Congress to supply it.

Mr. GALLINGER. The request would be made when the next appropriation bill comes up and the same argument would be made that they spent more money than they got from the Government.

Mr. SHEPPARD. I think not; the amount has been carefully estimated.

Mr. SWANSON. This is a congress of scientific men. It is to be attended by good, creditable, and splendid delegates from all the nations of the earth.

Mr. SMOOT. If it were not so, we would not make an appropriation of any amount.

Mr. SWANSON. Let me get through and then I will yield to the Senator. This is an important convention; it is not a small affair; nor is it a mere junketing expedition, as the Senator from Utah would have the Senate believe. The delegates are scientific men of ability and character. Their proceedings are printed; they discuss all the phases of alcohol—its relation to tuberculosis and other diseases, its relation to social conditions, and so forth.

If there were but 10 delegates, $6,850 would only be $685 apiece, and within that amount one could hardly pay the expenses of going there and returning, covering a six weeks' trip. I have no doubt that the delegates always expend a great deal more than is appropriated. As I have said, the amount proposed was estimated for, as I am informed by the Senator from Texas [Mr. SHEPPARD], in view of what it cost for the delegates to attend the last congress. If we are going to send delegates to this convention, if it is an important gathering, as I submit it is, inasmuch as the Government of Italy has asked us to send delegates, and we are responding to that invitation, it seems to me that we should pay the amount requested for this purpose.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Utah?

Mr. SWANSON. I yield to the Senator.

Mr. SMOOT. In answer to the Senator from Virginia, I desire to say that when I used the expression "a junketing trip" I spoke, of course, in general terms covering many commissions and delegations that go to Europe. Further, the Senator no doubt heard what I stated in answering the Senator from Texas—that I withdrew the remark as to this particular commission. But the Senator must remember that delegates have been going abroad for a quarter of a century; and, of course, other men seeing that they were going to Europe and that the Government was paying their expenses to go as delegates to these conventions and congresses to all parts of the world, I did not blame those interested in alcoholism for coming to Congress and asking that Congress appropriate for their expenses for similar purposes. But I do believe an appropriation of $4,500 to send delegates to this convention or congress, as it is called, is sufficient.

Of course, a full report of the proceedings will be made. There is no one in the United States interested in the subject but who can secure a copy of the report. It does seem to me that if we increase this appropriation now to $6,850 and 10 men go, next year it will be $10,000 and 12 men will go, and next year $15,000 and 15 men will go, and I do not know what the end will be.

Therefore, Mr. President, I think it is proper for us now to say to those interested in the International Congress on Alcoholism, no matter where it is held, that the Congress of the United States is willing, for the good that may come from those congresses and for the information that will flow to the American people, to give $4,500 every two years, and no more. I will promise the Senator that if the $4,500 appropriation is made the same information will be given to the American people as if $6,850 were appropriated.

Mr. SWANSON. Mr. President, of course the number and character of the delegates sent to these conventions is fixed with some relation to the number and character of those sent by other nations. When this Government appoints delegates it makes inquiries; it tries to ascertain the character and number of delegates sent from other nations. One man could go, but usually they have larger delegations. The number of delegates sent to a convention of this character is estimated in relation to what the other nations send. Consequently, it seems to me it is not excessive to ask that this estimate that has been made as to what is needed for this purpose should be given.

Mr. SMOOT. Mr. President, before the vote is taken upon this amendment I should like to amend it by inserting the word "ten" on line 5, page 1, so that it will read:

That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $4,500 to defray the expenses of 10 delegates, to be designated by the President of the United States.

Mr. GALLINGER. Not exceeding 10.

Mr. SMOOT. Not exceeding 10 delegates.

The VICE PRESIDENT. The question is on the two amendments submitted by the Senator from Utah.

Mr. SMOOT. One other word, Mr. President. I will make one more appeal to the Senator. It is not simply a question of an appropriation for delegates to this convention, but as soon as this convention is given $6,850, all of the other interested parties in other conventions will come to Congress and ask for an increase; and how are we going to differentiate between them?

Mr. SWANSON. Mr. President, an investigation will show, I am satisfied, that less is asked for this convention, considering the character of the delegates and the character of the meeting, than almost any that comes before the Senate and House for consideration. If the Senator from Utah has such a fund of information and knows more than the people that go there, more than the people that have charge of this matter——

Mr. SMOOT. That statement is uncalled for.

Mr. SWANSON (continuing). And is satisfied that 10 delegates are all that are needed and all that other nations send, of course he has information that I do not possess. I know that in considering the delegates that are to be sent, reference is had to what other nations send, their character, their number, and so on.

If this is a "junketing expedition," do not vote for it at all; do not make any appropriation for it. I do not want to vote any money out of the Treasury for junketing purposes. If it is something worthy to be considered, if the cause is commendable, if the purpose is high and proper, and Congress desires to accept the invitation of another nation, the Italian Nation, submitted to us through its foreign department in Rome to send delegates there, it seems to me the best thing to do is to take the estimate of those who are acquainted with the situation and leave to the President the determination of the number of delegates to be sent.

Mr. SMOOT. Mr. President, upon further consideration, I will withdraw the second amendment I have offered, as to the number of delegates, and leave it to the President to use his own judgment.

The VICE PRESIDENT. The question is upon the amendment offered by the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Monday next at 2 o'clock p. m.

The motion was agreed to.

ADDITIONAL DISTRICT JUDGE FOR PENNSYLVANIA.

Mr. CHILTON. I ask unanimous consent to take up for immediate consideration House bill 32, to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of House bill No. 32, which will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, line 9, after the word "therein," to strike out: "*Provided, however*, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to add as a new section, the following:

SEC. 3. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional circuit judge for the fourth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said fourth circuit: *Provided*, That the office of circuit judge to which Robert W. Archbald was originally appointed is hereby abolished and no successor shall be appointed to fill said office.

Mr. BRISTOW. Mr. President, I should like to know something of the necessity of this additional judge up here in Pennsylvania. I should like to know something about the bill.

Mr. CHILTON. This bill refers to the eastern district of Pennsylvania, Mr. President. The present judge in that district is very ill. It was stated, and it is not contradicted, that he has tuberculosis, and is in the last stages of that disease. He can *not live* more than a few months, as his friends and his physicians state. That was known to the House Committee and the Senate Committee on the Judiciary. The business there is getting very much behind, and the docket is piling up. There is a demand to have this judge appointed at once. That is why the bill was passed by the House, and why it was recommended by the Senate committee.

Mr. BRISTOW. Does it create an additional judge, so that from now on there will be two instead of one?

Mr. CHILTON. Oh, no. When that judge dies there will be no one appointed in his place.

Mr. BRISTOW. It simply provides for a judge during the illness of the present judge?

Mr. CHILTON. It provides permanently for a judge, but when that judge dies or is retired no one will be appointed in his place.

Mr. BRISTOW. That is all right, then. I have no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The *title* was amended so as to read: "A bill to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, and for other purposes."

ENLARGED HOMESTEAD, SOUTH DAKOTA.

Mr. CRAWFORD. Mr. President, there is a bill of interest to my State alone which passed the Senate at the last session, and which has been reported favorably without amendment, and is on the calendar. It is Senate bill 1027. I want to get it over into the House at as early a date as possible, and I ask unanimous consent that it be considered at this time.

The VICE PRESIDENT. The Senator from South Dakota asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill (S. 1027) to provide for an enlarged homestead, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. Mr. President, I do not want to interfere with the Senator's bill, if I understand correctly that it is a matter which concerns only his own State.

Mr. CRAWFORD. It is. I will say to the Senator that Idaho, Utah, Wyoming, and all the adjoining States now have this identical law. We are not changing a line in it, except that we enact it so that it applies to the State of South Dakota. There is not a change in it from what exists in half a dozen surrounding States.

Mr. BACON. What is the effect of it?

Mr. CRAWFORD. In the case of lands in semiarid regions not susceptible of cultivation, where a settler is already living upon 160 acres of land—and God knows he can not make a living on that acreage under the circumstances—it permits him to take a contiguous tract of 160 acres more by complying with the provisions of the bill.

Mr. BACON. He has to pay the same price for it?

Mr. CRAWFORD. Exactly. It is indentically the same as the law now applicable to half a dozen surrounding States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT CLERK TO COMMITTEE ON NAVAL AFFAIRS.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of Senate resolution 73, which has been favorably reported with an amendment and is on the calendar.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent for the present consideration of a resolution which the Secretary will read.

The Secretary read the resolution submitted by Mr. WILLIAMS on the 1st instant, as follows:

Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized to employ an assistant clerk, at $1,440 per annum, to be paid from "miscellaneous items" of the contingent fund of the Senate until otherwise provided by law.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with amendments.

The amendments were, in line 2, before the word "assistant," to strike out "an" and insert "a temporary"; and, in line 4, after the word "Senate," to strike out "until otherwise provided by law," and insert: "Said employment shall terminate on May 31, 1914, unless sooner terminated by order of the Senate."

The amendments were agreed to.

The resolution as amended was agreed to.

ADDITIONAL CLERKS TO SENATORS.

Mr. SMOOT. I ask unanimous consent for the present consideration of Senate resolution 19, to authorize the allowance of an additional clerk to Senators having less than three.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent for the present consideration of a resolution which will be read by the Secretary.

The Secretary read the proposed substitute which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That all Senators now having less than three employees, as chairmen of committees or otherwise, be allowed an additional employee, to be paid at the rate of $1,200 per annum from the contingent fund of the Senate until otherwise provided by law.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. The resolution is reported adversely.

Mr. WILLIAMS. Mr. President, the resolution was reported from the committee adversely. There are several Senators not now in their seats who I know wish to be heard upon the proposition when it comes up. I suggest that the resolution had better go over for the present.

Mr. SMOOT. Then I will ask the Senator if he will agree that immediately after the conclusion of the morning business next Monday we shall take up the resolution for consideration?

Mr. WILLIAMS. I do not think it would do any good for me to agree. I think there would be objection.

Mr. SMOOT. If the Senate will agree now to vote upon the resolution and all amendments that may be pending at that time, well and good. It will at least dispose of the matter one way or the other. All I ask is that next Monday we may bring the matter before the Senate, and let the Senate decide it. I wish to say to the Senator that a good many Senators now think that if they are to be given any assistance at all they need it more at this particular time than at any other period of the year.

Mr. WILLIAMS. I shall feel compelled to object, if the Senator urges the matter at this time, for reasons that it is unnecessary for me to state, but which are very well known.

Mr. SMOOT. I understand, of course, there was objection made to the resolution, but it was made, as I also am informed, upon the theory that there was not sufficient money to the credit of miscellaneous items in the contingent fund to pay the additional clerks.

Mr. WILLIAMS. No; that was not the ground of objection. The ground of objection was that we had resolved upon this side to do for the other side just what they had done for us. That was the utterance of the party and we abided by that. So it is a broader question than the Senator imagines.

Mr. SMOOT. Then I simply want to give notice that next Monday after the conclusion of the morning business I shall move to take up this resolution for consideration.

ELLEN M. STONE RANSOM FUND.

Mr. GALLINGER. Mr. President, I am going to ask consideration for a bill which has been reported on four or five different occasions from the Committee on Foreign Relations and has passed the Senate four or five times. It is the bill (S. 1864) for the relief of the contributors to the Ellen M. Stone ransom fund, reported by the junior Senator from New York [Mr. O'GORMAN] from the Committee on Foreign Relations.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to return to such contributors, or in the event of the death of any such contributor to the legal representative thereof, as may file their claims within one year from the passage of this act, the money subscribed by such contributors to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901, said total sum not to exceed $66,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARY OF CLERK TO COMMITTEE ON BANKING AND CURRENCY.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

Mr. NORRIS. Will the Senator yield to me for a request?

Mr. OWEN. I ask the Senator from Georgia to withhold his motion just one moment. I should like to dispose of Senate resolution 67, providing for the clerk of the Committee on Banking and Currency, reported by the Committee to Audit and Control the Contingent Expenses of the Senate some time ago favorably.

Mr. BACON. I yield for that purpose.

The VICE PRESIDENT. The Senator from Oklahoma asks for the present consideration of a resolution which will be stated.

The SECRETARY. Senate resolution 67, increasing the salary of the clerk to the Committee on Banking and Currency.

Mr. JONES. I think the resolution had better go over.

Mr. OWEN. I move that the Senate proceed to the consideration of the resolution notwithstanding the objection.

The VICE PRESIDENT. The Senator from Oklahoma moves that the Senate proceed to the consideration of Senate resolution 67 notwithstanding the objection of the Senator from Washington.

Mr. JONES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smith, S. C.
Bacon	Hitchcock	Overman	Smoot
Bankhead	Hollis	Owen	Sterling
Borah	Jackson	Perkins	Sutherland
Brandegee	James	Pittman	Swanson
Bristow	Johnston, Ala.	Pomerene	Thompson
Bryan	Jones	Ransdell	Thornton
Burton	Kenyon	Saulsbury	Townsend
Catron	Lane	Shafroth	Vardaman
Chamberlain	Lea	Sheppard	Walsh
Chilton	McLean	Sherman	Warren
Clark, Wyo.	Martin, Va.	Shields	Weeks
Clarke, Ark.	Martine, N. J.	Shively	Williams
Colt	Myers	Simmons	Works
Crawford	Nelson	Smith, Ariz.	
Fletcher	Newlands	Smith, Md.	

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. OWEN. I am not willing to detain the Senate at this late hour. The resolution is a very small matter and can easily go over. I therefore withdraw my motion.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until Monday, May 26, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1913.

COLLECTOR OF INTERNAL REVENUE.

Mark A. Skinner, of Colorado, to be collector of internal revenue for the district of Colorado, in place of Frank W. Howbert, superseded.

COMMISSIONER GENERAL OF IMMIGRATION.

Anthony Caminetti, of California, to be Commissioner General of Immigration, Department of Labor.

PROMOTION IN THE NAVY.

Boatswain Thomas F. Greene to be a chief boatswain in the Navy from the 31st day of January, 1913.

POSTMASTERS.

ALABAMA.

H. T. Brown to be postmaster at Calera, Ala., in place of James W. Pilgreen. Incumbent's commission expired December 16, 1912.

Dora G. Wendel to be postmaster at Tallassee, Ala., in place of Dora G. Wendel. Incumbent's commission expired December 11, 1911.

CALIFORNIA.

Lutie M. Anderson to be postmaster at Roseville, Cal., in place of Homer C. Trippett. Incumbent's commission expired January 28, 1913.

Luke F. Morgan to be postmaster at East Auburn, Cal., in place of Samuel G. Watts. Incumbent's commission expired January 22, 1913.

CONNECTICUT.

John J. Bohl to be postmaster at Stamford, Conn., in place of Nelson R. Jessup. Incumbent's commission expired December 14, 1912.

W. S. Clark to be postmaster at Milford, Conn., in place of A. B. Gardner. Incumbent's commission expired December 14, 1912.

Peter J. Prior to be postmaster at Plainville, Conn., in place of Edwin F. Tomlinson, deceased.

FLORIDA.

John W. Alvarez to be postmaster at Starke, Fla., in place of Newell B. Hull. Incumbent's commission expired December 17, 1912.

GEORGIA.

Jackson C. Atkinson to be postmaster at Midville, Ga. Office became presidential January 1, 1913.

Charles Beaty to be postmaster at Moultrie, Ga., in place of Hugh M. Pierce. Incumbent's commission expired February 27, 1912.

Minnie E. Hogan to be postmaster at Collegepark, Ga., in place of William T. Johnson. Incumbent's commission expired February 27, 1912.

Charles Jackson to be postmaster at Palmetto, Ga. Office became presidential October 1, 1912.

John F. Jenkins to be postmaster at Ashburn, Ga., in place of John F. Jenkins. Incumbent's commission expired May 7, 1912.

William F. Jones to be postmaster at Hogansville, Ga., in place of Mary L. Darden. Incumbent's commission expired January 26, 1913.

Vivian McCurdy to be postmaster at Stone Mountain, Ga., in place of Vivian McCurdy. Incumbent's commission expired January 27, 1913.

B. A. Parker to be postmaster at Whigham, Ga., in place of Walter M. Quinn. Incumbent's commission expired January 27, 1913.

Adiel R. Scott to be postmaster at McDonough, Ga., in place of Samuel E. Dailey, deceased.

James P. Stewart to be postmaster at Tallulah Falls, Ga. Office became presidential April 1, 1913.

J. L. Wells to be postmaster at Smithville, Ga. Office became presidential January 1, 1913.

HAWAII.

M. J. Borges to be postmaster at Schofield Barracks, Hawaii. Office became presidential July 1, 1912.

H. H. Plemer to be postmaster at Waialua, Hawaii, in place of Charles A. De Gew. Incumbent's commission expired February 18, 1913.

ILLINOIS.

James E. Caley to be postmaster at Mackinaw, Ill., in place of Fred G. Whisler. Incumbent's commission expired January 11, 1913.

William Champion to be postmaster at Granite City, Ill., in place of J. W. Thompson. Incumbent's commission expired December 14, 1912.

Daniel A. Grady to be postmaster at Waukegan, Ill., in place of Charles G. Watrous. Incumbent's commission expired December 14, 1912.

William A. Reeds to be postmaster at Oakland, Ill., in place of Edgar N. Carter. Incumbent's commission expired March 29, 1913.

A. O. Rupp to be postmaster at Chenoa, Ill., in place of Frederick H. Ballinger. Incumbent's commission expired February 20, 1913.

INDIANA.

Oliver J. Chapman to be postmaster at Eaton, Ind., in place of Samuel Morris. Incumbent's commission expired April 26, 1913.

David D. Corn to be postmaster at Petersburg, Ind., in place of C. D. Houchin, deceased.

Warren L. Dick to be postmaster at Pierceton, Ind., in place of Henry F. Radcliff. Incumbent's commission expired April 26, 1913.

Frank Fletcher to be postmaster at Wakarusa, Ind., in place of George W. Kilmer. Incumbent's commission expired April 26, 1913.

Walter D. Hunt to be postmaster at Gas City, Ind., in place of James E. Leonard. Incumbent's commission expired April 26, 1913.

Harry Hunter to be postmaster at Ossian, Ind., in place of Charles H. Bell. Incumbent's commission expired April 26, 1913.

Charles C. Leisure to be postmaster at Earl Park, Ind., in place of Joseph S. Vanatta. Incumbent's commission expired January 25, 1913.

Erastus C. Palmer to be postmaster at National Military Home, Ind., in place of Albert Boley. Incumbent's commission expired April 26, 1913.

Charles M. Snepp to be postmaster at Kewanna, Ind., in place of John P. Russell. Incumbent's commission expired April 26, 1913.

William J. Ten Barge to be postmaster at Poseyville, Ind., in place of John B. Davis. Incumbent's commission expired February 1, 1913.

Lewis Walker to be postmaster at Loogootee, Ind., in place of W. K. Penrod, resigned.

KANSAS.

E. J. Buckley to be postmaster at Marion, Kans., in place of David D. McIntosh. Incumbent's commission expired December 9, 1911.

M. V. Dunlap to be postmaster at Osawatomie, Kans., in place of C. C. Clevenger, deceased.

Elmer H. Epperson to be postmaster at Scott City (late Scott), Kans., in place of James B. Morris, to change name of office.

S. J. Hampshire to be postmaster at Overbrook, Kans., in place of Henry A. Platt. Incumbent's commission expired April 21, 1913.

William McHaley to be postmaster at Toronto, Kans., in place of Frank W. Carroll. Incumbent's commission expired January 23, 1912.

R. H. Miles to be postmaster at Lyndon, Kans., in place of Joel H. Buckman. Incumbent's commission expired December 11, 1911.

Martin Miller to be postmaster at Fort Scott, Kans., in place of Griffith R. Hughes. Incumbent's commission expired June 14, 1913.

KENTUCKY.

Jordan W. Crossfield to be postmaster at Lawrenceburg, Ky., in place of George W. Hutcheson. Incumbent's commission expired March 1, 1913.

D. B. Fields to be postmaster at Olive Hill, Ky., in place of H. G. Hicks. Incumbent's commission expired December 14, 1912.

E. F. Thomasson to be postmaster at Livermore, Ky. Office became presidential January 1, 1913.

LOUISIANA.

J. W. Bouanchaud to be postmaster at New Roads, La., in place of Ernest Morgan. Incumbent's commission expired March 2, 1913.

Carl C. Brown to be postmaster at Haynesville, La. Office became presidential January 1, 1913.

George D. Domingeaux to be postmaster at Breaux Bridge, La. Office became presidential January 1, 1913.

MARYLAND.

William M. Brown to be postmaster at Chesapeake City, Md., in place of William B. Coleman, deceased.

Washington F. Collins to be postmaster at Millington, Md., in place of Rose E. Walls. Incumbent's commission expired January 11, 1913.

Cecil E. Ewing to be postmaster at Rising Sun, Md., in place of Samuel Hambleton. Incumbent's commission expired February 21, 1912.

Mary W. Stewart to be postmaster at Oxford, Md. Office became presidential October 1, 1912.

MICHIGAN.

William J. Gleason to be postmaster at Ludington, Mich., in place of Frank P. Dunwell, deceased.

MINNESOTA.

Martin Christensen to be postmaster at Barnum, Minn. Office became presidential January 1, 1913.

John Flynn to be postmaster at Carlton, Minn., in place of James A. Gillespie. Incumbent's commission expired April 19, 1913.

C. E. Jude to be postmaster at Maple Lake, Minn. Office became presidential January 1, 1913.

Paul D. Mitchell to be postmaster at Brooten, Minn., in place of O. R. Hatton. Incumbent's commission expired February 11, 1913.

Emanuel Yngve to be postmaster at Cambridge, Minn., in place of William H. Smith. Incumbent's commission expired January 12, 1913.

MISSISSIPPI.

W. W. Cain to be postmaster at West, Miss. Office became presidential January 1, 1913.

C. E. McAlexander to be postmaster at Holly Springs, Miss., in place of Jasper F. Butler. Incumbent's commission expired January 29, 1913.

Fred J. McDonnell, jr., to be postmaster at Okolona, Miss., in place of Irene F. Elliott, deceased.

Rosa Mayers to be postmaster at Shelby, Miss., in place of Rosa Mayers. Incumbent's commission expired January 11, 1913.

Fielden H. Mitts to be postmaster at Tupelo, Miss., in place of Dozier Anderson. Incumbent's commission expired December 16, 1912.

Marshall Spiva to be postmaster at Ackerman, Miss., in place of Henry L. Rhodes. Incumbent's commission expired April 1, 1913.

Mary E. Tubb to be postmaster at Aberdeen, Miss., in place of Harvey E. Fitts. Incumbent's commission expired February 9, 1913.

MISSOURI.

C. W. Brady to be postmaster at Independence, Mo., in place of William Bostian. Incumbent's commission expired December 17, 1912.

Alvin Chapman to be postmaster at Senath, Mo., in place of Zach P. Caneer. Incumbent's commission expired January 26, 1913.

P. L. Connolly to be postmaster at Norwood, Mo. Office became presidential January 1, 1913.

Walter L. Cox to be postmaster at Osceola, Mo., in place of Alansan H. Dent, resigned.

Harry R. Culp to be postmaster at Alton, Mo. Office became presidential January 1, 1913.

S. D. McMillen to be postmaster at Lockwood, Mo., in place of John H. Harris. Incumbent's commission expired January 22, 1913.

James E. Phillips to be postmaster at Meadville, Mo., in place of Alfred K. Bailey. Incumbent's commission expired March 10, 1912.

G. W. Summers to be postmaster at Hartville, Mo. Office became presidential January 1, 1913.

H. J. Von Gremp to be postmaster at Dixon, Mo., in place of James F. Rhea. Incumbent's commission expired March 29, 1913.

M. J. Watkins to be postmaster at Bourbon, Mo. Office became presidential October 1, 1912.

MONTANA.

William Krofft to be postmaster at Chouteau, Mont., in place of William Crofft, to correct name.

NEVADA.

Mason E. McLeod to be postmaster at Yerington, Nev., in place of Fred L. Littell. Incumbent's commission expired December 14, 1912.

J. M. Slopansky to be postmaster at Ruth, Nev. Office became presidential January 1, 1913.

Philip S. Triplett to be postmaster at Wells, Nev., in place of Herbert Badt. Incumbent's commission expired December 14, 1912.

NEW HAMPSHIRE.

Grace E. Emerson to be postmaster at East Rochester, N. H., in place of Robert F. Emerson, resigned.

NEW JERSEY.

Joseph Atkinson to be postmaster at Freehold, N. J., in place of E. I. Vanderveer. Incumbent's commission expired May 7, 1913.

John V. L. Booraem to be postmaster at Milltown, N. J., in place of William H. Kuhlthau. Incumbent's commission expired April 19, 1913.

Joseph B. Cornish to be postmaster at Washington, N. J., in place of Joseph E. Fulper. Incumbent's commission expired December 16, 1911.

Frank Hampton to be postmaster at Sea Bright, N. J., in place of Peter Hall Packer. Incumbent's commission expired April 23, 1913.

Peter H. S. Hendricks to be postmaster at New Brunswick, N. J., in place of Charles W. Russell. Incumbent's commission expired January 13, 1913.

Harrison C. Hurley to be postmaster at Asbury Park, N. J., in place of William H. Bannard, deceased.

Frank Pittenger to be postmaster at Red Bank, N. J., in place of Louis Y. Manning. Incumbent's commission expired February 9, 1913.

Charles Rittenhouse to be postmaster at Hackettstown, N. J., in place of Leslie I. Cooke. Incumbent's commission expired February 10, 1912.

John F. Ryan to be postmaster at Woodbridge, N. J., in place of John Thompson. Incumbent's commission expired January 21, 1906.

Daniel W. Sheldon, jr., to be postmaster at Franklin Furnace, N. J., in place of Uzal S. Haney. Incumbent's commission expired January 13, 1913.

NEW YORK.

Arthur B. Dewey to be postmaster at Tully, N. Y., in place of Judson S. Wright. Incumbent's commission expired January 29, 1913.

G. R. Paul Engert to be postmaster at Dobbs Ferry, N. Y., in place of James L. Taylor. Incumbent's commission expired January 22, 1911.

Alphonzo E. Fitch to be postmaster at Cazenovia, N. Y., in place of Herbert J. Rouse. Incumbent's commission expired January 29, 1913.

John J. Glynn to be postmaster at Valatie, N. Y., in place of Nathan P. Wild. Incumbent's commission expired March 29, 1913.

James Hogan to be postmaster at Marcellus, N. Y., in place of Edward V. Baker. Incumbent's commission expired April 8, 1913.

J. F. Metoskie to be postmaster at Hillburn, N. Y., in place of David Akers, deceased.

Delbert M. O'Brien to be postmaster at Fayetteville, N. Y., in place of Arthur C. Agan. Incumbent's commission expired December 16, 1912.

Frederick W. Piotrow to be postmaster at Hamilton, N. Y., in place of James W. Welch. Incumbent's commission expired January 5, 1913.

Clarence A. Talbot to be postmaster at Edmeston, N. Y., in place of William L. Cooke. Incumbent's commission expired March 29, 1913.

James M. Tuohey to be postmaster at Medina, N. Y., in place of Frank E. Colburn, deceased.

Mabel B. Williams to be postmaster at West Hampton Beach, N. Y., in place of Elijah P. Raynor, resigned.

NORTH CAROLINA.

M. M. Faison to be postmaster at Roanoke Rapids, N. C. Office became presidential January 1, 1911.

R. S. Galloway to be postmaster at Winston-Salem, N. C., in place of Charles A. Reynolds. Incumbent's commission expired February 24, 1913.

W. E. Gary to be postmaster at Henderson, N. C., in place of William H. Jenkins. Incumbent's commission expired June 22, 1910.

Ira T. Hunt to be postmaster at Kittrell, N. C., in place of James E. Smith. Incumbent's commission expired February 12, 1912.

J. E. Ligon to be postmaster at Lillington, N. C. Office became presidential January 1, 1912.

Elijah B. Perry, jr., to be postmaster at Littleton, N. C., in place of McMurray Furgerson, resigned.

George L. Whitfield to be postmaster at Franklinton, N. C., in place of Willis P. Edwards. Incumbent's commission expired February 11, 1912.

NORTH DAKOTA.

Robert Hunke to be postmaster at Richardton, N. Dak., in place of Charles C. Hill. Incumbent's commission expired February 19, 1912.

OHIO.

John P. Bakle to be postmaster at Antwerp, Ohio, in place of Thomas C. Lichty, resigned.

William H. Beam to be postmaster at Ansonia, Ohio. Office became presidential January 1, 1913.

Frank M. Carlin to be postmaster at Cleves, Ohio. Office became presidential October 1, 1912.

Rolla N. Frysinger to be postmaster at Rockford, Ohio, in place of Grant Coats, resigned.

William B. Meyer to be postmaster at Oxford, Ohio, in place of Philip D. Shera. Incumbent's commission expired February 11, 1913.

H. M. Pomeroy to be postmaster at Maumee, Ohio, in place of John K. Neisz. Incumbent's commission expired March 1, 1913.

Albert M. Sigle to be postmaster at Calla, Ohio, in place of Thomas L. Knauf. Incumbent's commission expired January 21, 1913.

Charles E. Yost to be postmaster at Fayette, Ohio, in place of Vernie E. Humphrey. Incumbent's commission expired May 12, 1913.

OKLAHOMA.

Cassius L. Byrne to be postmaster at Ardmore, Okla., in place of Stephen A. Douglas. Incumbent's commission expired January 28, 1913.

K. C. Cox to be postmaster at Granite, Okla., in place of Erastus G. McRee. Incumbent's commission expired December 17, 1912.

A. B. Cunningham to be postmaster at Tahlequah, Okla., in place of Horace Gray. Incumbent's commission expired December 17, 1912.

Samuel M. Flournoy to be postmaster at Elk City, Okla., in place of Sam Flourney, to correct name.

J. T. Holley to be postmaster at Stigler, Okla., in place of James F. Long, resigned.

J. F. Larecy to be postmaster at Hugo, Okla., in place of Enoch Needham. Incumbent's commission expired January 14, 1913.

T. I. Truscott to be postmaster at Olustee, Okla., in place of John B. Willeford, resigned.

PENNSYLVANIA.

Leroy Alexander to be postmaster at West Alexander, Pa., in place of Helen P. Howell. Incumbent's commission expired April 8, 1913.

Edward J. Bernhardt to be postmaster at Northampton, Pa., in place of Frank J. Roethline. Incumbent's commission expired February 9, 1913.

Arthur E. Brown to be postmaster at Osceola Mills, Pa., in place of John H. Warren, deceased.

Frank P. Craig to be postmaster at Mercer, Pa., in place of David L. Barton. Incumbent's commission expired January 14, 1913.

Thomas A. Frazier to be postmaster at Butler, Pa., in place of James B. Mates. Incumbent's commission expired February 9, 1913.

W. A. Furlong to be postmaster at Roscoe, Pa., in place of James R. Underwood. Incumbent's commission expired April 5, 1913.

John A. Kramer to be postmaster at Middletown, Pa., in place of John S. Longenecker. Incumbent's commission expired February 9, 1913.

Thomas McGuire to be postmaster at Pleasantville, Pa., in place of Lyman L. Shattuck. Incumbent's commission expired February 18, 1913.

Cassius M. McLaughlin to be postmaster at Unity Station, Pa. Office became presidential January 1, 1913.

William L. Saylor to be postmaster at Annville, Pa., in place of Z. A. Bowman. Incumbent's commission expired January 13, 1913.

William E. Schaak to be postmaster at Lebanon, Pa., in place of Alfred R. Houck. Incumbent's commission expired January 26, 1913.

Frank C. Sites to be postmaster at Harrisburg, Pa., in place of E. J. Stackpole. Incumbent's commission expired February 9, 1913.

SOUTH CAROLINA.

Pierre H. Fike to be postmaster at Spartanburg, S. C., in place of William M. Floyd. Incumbent's commission expired April 23, 1913.

Joseph M. Poulnot to be postmaster at Charleston, S. C., in place of Wilmot L. Harris, deceased.

Louis Stackley to be postmaster at Kingstree, S. C., in place of Louis Jacobs. Incumbent's commission expired December 16, 1912.

S. M. Ward to be postmaster at Georgetown, S. C., in place of Arthur L. King. Incumbent's commission expired January 12, 1913.

Julius F. Way to be postmaster at Holly Hill, S. C. Office became presidential January 1, 1913.

SOUTH DAKOTA.

J. F. Kelley to be postmaster at Aberdeen, S. Dak., in place of N. Howard Wendell. Incumbent's commission expired February 11, 1913.

TENNESSEE.

Margaret G. Elliott to be postmaster at Murfreesboro, Tenn., in place of Z. T. Cason, deceased.

G. H. Rhodes to be postmaster at Whiteville, Tenn., in place of Susanah E. Farley. Incumbent's commission expired March 3, 1913.

TEXAS.

R. L. Bronaugh to be postmaster at Edna, Tex., in place of Harper Simpson. Incumbent's commission expired April 28, 1912.

A. H. Buie to be postmaster at Ennis, Tex., in place of A. H. Culver, resigned.

C. J. Davis to be postmaster at Madisonville, Tex., in place of Joshua C. Brown, resigned.

A. Y. Donegan to be postmaster at Nacogdoches, Tex., in place of Harry H. Cooper. Incumbent's commission expired December 16, 1912.

Ada Duffey to be postmaster at Emory, Tex. Office became presidential January 1, 1912.

Henry Eilers, jr., to be postmaster at Schulenburg, Tex., in place of Joseph Stanley. Incumbent's commission expired December 16, 1912.

B. T. Gardner to be postmaster at Rogers, Tex., in place of Frank Leahy. Incumbent's commission expired April 2, 1912.

S. A. Hill to be postmaster at Bellville, Tex., in place of Josephine Chesley, resigned.

Jean Hornbuckle to be postmaster at Venus, Tex., in place of Arthur E. Foster. Incumbent's commission expired January 27, 1913.

G. D. Martin to be postmaster at Donna, Tex. Office became presidential January 1, 1913.

D. U. Ramsay to be postmaster at Gonzales, Tex., in place of W. K. Davis. Incumbent's commission expired May 6, 1913.

O. B. Slayden to be postmaster at Rusk, Tex., in place of Richard L. Coleman. Incumbent's commission expired January 27, 1913.

W. W. Sloan to be postmaster at Falfurrias, Tex., in place of W. A. Gardner. Incumbent's commission expired April 28, 1912.

John L. Spurlin to be postmaster at Hamilton, Tex., in place of Ernest R. Williams. Incumbent's commission expired December 16, 1912.

C. C. Teas to be postmaster at Karnes City, Tex., in place of William A. Little. Incumbent's commission expired January 27, 1913.

W. W. Trow to be postmaster at Trinity, Tex., in place of John H. Hill. Incumbent's commission expired December 16, 1911.

J. A. White to be postmaster at Goliad, Tex., in place of Thomas H. Danforth. Incumbent's commission expired March 29, 1913.

J. C. Woodworth to be postmaster at Cuero, Tex., in place of E. P. Butler. Incumbent's commission expired January 14, 1913.

VERMONT.

Emerson M. Kennedy to be postmaster at Milton, Vt., in place of Alton B. Ashley. Incumbent's commission expired March 11. 1912.

VIRGINIA.

Benjamin F. Foley to be postmaster at Berryville, Va., in place of John R. Elder. Incumbent's commission expired April 6, 1912.

Ellis F. Harris to be postmaster at Crozet, Va. Office became presidential October 1, 1911.

R. H. Latane to be postmaster at Buchanan, Va., in place of Harry Fulwiler. Incumbent's commission expired January 11, 1912.

WEST VIRGINIA.

Sarah K. Rush to be postmaster at Newell, W. Va., in place of Sarah K. Rush. Incumbent's commission expired February 9, 1913.

WISCONSIN.

A. C. Bishop to be postmaster at Bloomington, Wis., in place of E. K. Nevins. Incumbent's commission expired January 12, 1913.

Robert Nash to be postmaster at Grand Rapids, Wis., in place of R. A. McDonald. Incumbent's commission expired February 26, 1912.

J. H. Paustenbach to be postmaster at Abbottsford, Wis., in place of Myron W. De Lap. Incumbent's commission expired January 12, 1913.

Richard B. Runke to be postmaster at Merrill, Wis., in place of C. N. Johnson. Incumbent's commission expired June 1, 1910.

Fred A. Russell to be postmaster at Superior, Wis., in place of Ole K. Anderson. Incumbent's commission expired January 16, 1910.

Harvey G. Smith to be postmaster at Maiden Rock, Wis., in place of Alfred S. Otis. Incumbent's commission expired January 12, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1913.

COLLECTOR OF CUSTOMS.

John J. Bell to be collector of customs for the district of Huron, Mich.

CHIEF JUSTICE OF THE COURT OF CLAIMS.

Edward K. Campbell to be chief justice of the Court of Claims.

ASSISTANT COMPTROLLER OF THE TREASURY.

Walter W. Warwick to be Assistant Comptroller of the Treasury.

DEPUTY COMMISSIONER OF FISHERIES.

Ernest Lester Jones to be Deputy Commissioner in Bureau of Fisheries, Department of Commerce.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Frank B. McCoy to be colonel.
Lieut. Col. Richard M. Blatchford to be colonel.
Maj. John P. Finley to be lieutenant colonel.
Maj. Frederick R. Day to be lieutenant colonel.
Capt. Benjamin F. Hardaway to be major.
First Lieut. Russell C. Hand to be captain.
Second Lieut. Walter R. Wheeler to be first lieutenant.
Second Lieut. George F. N. Dailey to be first lieutenant.

MEDICAL CORPS.

Lieut. Col. Walter D. McCaw to be colonel.
Maj. Paul F. Straub to be lieutenant colonel.
Capt. James L. Bevans to be major.

CAVALRY ARM.

Second Lieut. Alexander H. Jones to be first lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY.

Second Lieut. Burton Y. Read to be second lieutenant.

INFANTRY.

Second Lieut. William T. Pigott, jr., to be second lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Coleridge Livingstone Beaven.
John Berwick Anderson.
William Washington Vaughan.

PROMOTION IN THE NAVY.

Asst. Surg. William H. Connor to be a passed assistant surgeon.

POSTMASTERS.

ALABAMA.

Green E. Bankhead, Sulligent.
Mary Eugenia Cain, Wetumpka.
William E. Crawford, Decatur.
John R. McCain, Lineville.
Hamilton B. Ralls, Piedmont.
J. B. Sinquefield, Lockhart.

ARKANSAS.

Flora A. Hall, Pocahontas.

COLORADO.

M. M. Sutley, Center.

GEORGIA.

James Park Bowie, Rome.
Fannie T. Elmore, Oglethorpe.
Richard E. Lee, Concord.
Merida L. Moore, Bowdon.
R. B. Moore, Milledgeville.
William L. Watterson, Jonesboro.

ILLINOIS.

Katherine M. McClements, Park Ridge.

INDIANA.

Oscar H. Cravens, Bloomington.
James M. Driver, Arcadia.
William B. Fox, South Whitley.
Adolph H. Martin, Newburg.
John L. Roblyer, Flora.
Atwell J. Shriner, Brookville.
James A. Terry, Laporte.
Ira M. Whitaker, Morgantown.
Garland D. Williamson, Ridgeville.

IOWA.

Harry F. Chance, Redfield.
B. W. De Vine, Livermore.
S. A. Douglas, Adel.
C. W. Remore, Northwood.

KANSAS.

Elmer E. Dye, Logan.
Robert V. Grattan, Burden.
Emma L. Hoopman, Lucas.
Timothy Sexton, Augusta.
William Walker, jr., Goodland.

KENTUCKY.

Sandy P. Cooke, Smiths Grove.
John H. Grimes, Harrodsburg.
Coney Kitchen Lewis, Grayson.
Morgan Kuykendall, Kevil.
William G. O'Hara, Williamstown.
J. M. Richardson, Glasgow.

LOUISIANA.

Joseph Abadie, Rayne.
Wilfred Guigou, Donaldsonville.
Charles Manning, Cheneyville.
H. H. Sample, Lecompte.

MINNESOTA.

Harvey Hildebrand, Lyle.
A. J. Lovestrom, Stephen.
George H. Smith, Excelsior.
O. C. Vaaler, Spring Grove.
Fred Von Ohlen, Henning.

MISSOURI.

Wilbur E. Austin, Trenton.
Lant Campbell, Princeton.
J. B. Davis, Schell City.
J. Walter Hogan, Willow Springs.
Edgar Jones, Frankford.
Alfred H. Long, Festus.
Robert M. Morton, Creen Castle.
Roscoe C. Murphy, St. Clair.
John S. Smith, Eldorado Springs.
Francis Elmer Thurston, Knobnoster.

MONTANA.

J. S. Kelly, Kendall.

NEW YORK.

Charles J. Beams, Oneonta.
George L. Brown, Elizabethtown.
John H. Bullock, Cohoes.

OHIO.

Charles Warnke, Huron.

OKLAHOMA.

Milton B. Cope, El Reno.
L. D. Flint, Fairland.
Hattie Gore, Nowata.

OREGON.

L. R. Van Winkle, Weston.

PENNSYLVANIA.

William S. Clegg, New Bloomfield.
John T. Slattery, Port Carbon.
Marion S. Schoch, Selinsgrove.

RHODE ISLAND.

James Brennan, River Point.

TEXAS.

W. J. Beck, Kaufman.
James G. Burleson, Lockhart.
W. H. Clement, Palacios.
E. L. Correll, El Campo.
W. D. Daniel, Hughes Springs.
S. M. Davis, Nocona.
S. G. Dean, Haskell.
A. M. Gosch, Flatonia.
S. J. Holchak, jr., Runge.
Mrs. W. F. Holmes, Jasper.
A. S. Jarvis, Troupe.
R. H. King, Alvin.
Nora Lemmon, Garland.
J. M. Price, San Augustine.
G. H. Riddle, Omaha.
E. P. Shands, Mesquite.
Billie W. Simmons, Mexia.
William S. Strain, Lancaster.
C. Herbert Walker, Dalhart.
B. Wildenthal, jr., Cotulla.
Joseph E. Woods, Teague.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 22, 1913.

POSTMASTER.

KANSAS.

E. P. Epperson to be postmaster at Scott City, in the State of Kansas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 23, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the light which shone out of the darkness and revealed unto men the soul life, with its wonderful possibilities of growth and expansion by thought, by prayer, by contact with Thee. Grant that we may come consciously nearer to Thee day by day and receive more abundantly of the heavenly gifts; that we may render unto Thee and our fellow men a richer, fuller service, to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of Tuesday, May 20, 1913, was read and approved.

LABOR IN THE HAWAIIAN ISLANDS.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise to ask unanimous consent to have printed a report made by the Commissioner General of Immigration January 25, 1913, in relation to the Hawaiian Islands, to the Secretary of Commerce and Labor, and the report of the present Commissioner General of the Hawaiian Islands. I ask that it be printed as a House document. It never has been printed, and contains information that is of great value as to the conditions of labor in the Hawaiian Islands.

The SPEAKER. The gentleman from California asks unanimous consent to have printed as a House document a report made by the Commissioner General touching labor in the Hawaiian Islands.

Mr. MANN and Mr. HARDWICK reserved the right to object.

Mr. MANN. Is it an official report?

Mr. RAKER. Yes.

Mr. MANN. Has the gentleman ascertained what it will cost to print it?

Mr. RAKER. I do not think that it will amount to more than 50 pages.

The SPEAKER. Is there objection?

Mr. HARDWICK. I reserve the right to object, Mr. Speaker. Has the gentleman from California consulted with the gentleman from South Carolina, chairman of the Committee on Printing, as to the cost of this?

Mr. RAKER. In response to my distinguished associate, I will say that there is no chairman of the Committee on Printing.

Mr. HARDWICK. Well, the gentleman from South Carolina who was chairman in the last Congress.

Mr. RAKER. I would have consulted the chairman had there been any. I hope the gentleman from Georgia will not object.

Mr. HARDWICK. Mr. Speaker, I shall object for the present until I can ascertain what this is.

Mr. RAKER. I will withhold it for a few moments until the gentleman from Georgia can examine it.

BILLS INTRODUCED WITHOUT THE NAME OF A REPRESENTATIVE.

The SPEAKER. The Chair will have the Clerk announce the titles of five bills that have been put in the basket without the name of any Member upon them.

The Clerk read as follows:

A bill granting a pension to Mary J. Brophy.
A bill granting a pension to August A. Bemtgen.
A bill granting an increase of pension to Frederick C. Hammetter.
A bill for the relief of J. Will Morton and the estate of Clarissa E. Morton, deceased.
A bill granting an increase of pension to Benjamin F. Morgan.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1620. An act to provide for representation of the United States in the Fourteenth International Congress on Alcoholism, and for other purposes;

S. 1027. An act to provide for an enlarged homestead; and

S. 1864. An act for the relief of the contributors of the Ellen M. Stone ransom fund.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 32. An act to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 30. Joint resolution extending the leave of absence of Mrs. A. E. Grant.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill and joint resolutions:

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913;

H. J. Res. 82. Joint resolution authorizing the President to accept an invitation to participate in the International Conference on Education; and

H. R. 4234. An act providing certain legislation for the Panama California Exposition to be held in San Diego, Cal., during the year 1915.

LEAVE OF ABSENCE.

Mr. WEAVER, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. BOOHER was given leave to withdraw from the files of the House papers in the case of H. R. 12364, Sixty-first Congress, no adverse report having been made thereon.

Mr. BOOHER was also given leave to withdraw from the files of the House, without leaving copies, papers in the case of H. J. Res. 75, Sixty-first Congress, no adverse report having been made thereon.

REPORT OF THE EIGHTH INTERNATIONAL PRISON CONGRESS (H. DOC. NO 52).

Mr. MANN. Mr. Speaker, in the last Congress the President transmitted with a message to the House a report of the proceedings of the Eighth International Prison Congress. While the message was ordered printed and referred to the Committee on Foreign Affairs, on motion of the gentleman from New York [Mr. FITZGERALD], the report itself was ordered to lie on the table pending the disposition of the question as to who ought to pay for the printing. The document has not yet been printed. I have conferred with the gentleman from New York [Mr. FITZGERALD] with reference to having it printed as a House document. It is a report that ought to be printed.

Mr. HARDWICK. Has the gentleman conferred with the Committee on Printing as to the cost?

Mr. MANN. I ought to have conferred with the gentleman from South Carolina [Mr. FINLEY] as to the cost of printing it. I have ascertained myself, through the CONGRESSIONAL RECORD clerk, that the cost of printing the usual number, 1,320 copies, would be $213.18. I desire to have 2,000 extra copies printed, which will cost $48.70.

Mr. HARDWICK. I would like to ask the gentleman if it contains information of interest to the general public?

Mr. MANN. It is of great interest to all people interested in prison reform.

Mr. HARDWICK. Has the gentleman had many requests for copies?

Mr. MANN. Yes; I have had quite a number. This meeting of the International Prison Congress was held in this country on the invitation of the United States. It has always been customary for the country in which the meeting was held to print the proceedings, and this was transmitted to be printed, but as it was a congress held on the invitation of Congress, the State Department thought that the cost of the printing ought to be paid out of the congressional funds and not out of the State Department fund. But as we do not control that fund, I know of no other way of getting it printed.

I ask unanimous consent to have this report of the Eighth International Prison Congress printed as a House document, and that 2,000 additional copies be printed for the use of the document room.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have printed as a House document the report of the proceedings of the Eighth International Prison Congress, and that 2,000 additional copies be printed for the use of the document room. Is there objection?

There was no objection.

LABOR IN HAWAII (H. DOC. NO. 53).

Mr. RAKER. Mr. Speaker, I renew my request for unanimous consent to have printed the report upon conditions of labor in the Hawaiian Islands, of date January 25, 1911, made by the Commissioner General of Immigration, the same to be printed as a House document.

The SPEAKER. The gentleman from California asks unanimous consent to have printed as a House document the last report of the Commissioner General of Immigration on labor conditions, and so forth, in the Hawaiian Islands. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, will the gentleman state why it is not printed as a departmental document?

Mr. RAKER. Mr. Speaker, I have talked the matter over a number of times with the Commissioner General, a year ago and two years ago. I understood the then Secretary of Commerce and Labor did not desire to have this printed. The report is made by men upon the ground and it shows the actual conditions there as to sugar and labor, also respecting immigration, showing the different nationalities there and the position taken by foreigners. The Secretary of Commerce and Labor did not think it ought to be printed. I again took it up with the Commissioner of Immigration and with the Secretary of Labor, who has had it under investigation for possibly two months. The day before yesterday he granted the request, and it was sent to me and I now have it. It has never been printed.

Mr. FITZGERALD. I simply wish to say this, that Congress appropriates annually for the different departments money to be used in printing different reports and documents, and it seems to me that printing of this character should be charged to their allotment and not to the allotment of the House. I shall not object to this request, but I shall hereafter object to any request made to print as documents publications that should be charged to the various departments of the Government rather than to the appropriation for such purpose made for the House of Representatives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

THE TARIFF.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an article which appeared in the New Bedford (Mass.) Standard on Sunday last, showing the difference in prices between the English scale and the American scale under the proposed Underwood bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print in the RECORD an article from the New Bedford Standard upon the subject of the difference in the cost of production at home and abroad. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I suggest that the gentleman ask leave to extend his remarks in the RECORD.

Mr. ROGERS. Mr. Speaker, I do not object to changing it in that way.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I print an article which appeared in The Textile World Record, of Boston, Mass., May, 1913:

Wide gap between English and American yarn prices.

Yarn.	English price.	Underwood duty.	English total.	American price.
WARP COPS.		*Per cent.*		
20s American	18½	10	20.3	23½
30s American	20½	10	22.3	26½
40s American	23½	15	27.3	35½
50s English	32½	17½	38.2	47
60s English	35	20	42	54
80s English	44½	20	53.4	70
WEFT COPS.				
20s American	18	10	19.8	24
30s American	19½	10	21.1	27
40s American	20½	15	23.6	36
50s English	23	17½	27	48
60s English	27½	20	32.7	55
80s English	35	20	42	72
COMBED RING WARP BUNDLES.				
20s American	20	10	22	29
30s American	23½	10	25.6	39
40s American	25½	15	29.3	41
2/40s American	26½	15	30.5	41
2/40s English	32	15	36.8	50
2/50s English	34	17½	40	56
2/60s English	36	20	43.2	62

To many who are interested in the prosperity of the cotton mills a large part of the tariff discussion is of too technical a nature to be understandable, but the accompanying table of actual present-day prices for representative cotton yarns in England and the United States has a significance that is easily seen. This table gives in American currency the most recent available English quotations on various yarns from 20s warp cops to 60s two-ply combed ring warp bundles, the per cent duty proposed in the Underwood tariff bill, the total English price, including the proposed duty, and the present prices of American yarns of corresponding grades and size. The English quotations were furnished by one of the leading spinners of Lancashire. The English terms are net cash 45 days. The American terms will average net cash 20 days. The figures tell their own story.

I also append the following dispatch, which appeared in the newspapers of Thursday, May 21, 1913:

MULE SPINNERS ARE OPPOSED TO COTTON-TARIFF SCHEDULES.

NEW BEDFORD, *May 20.*

The mule spinners' union voted to-night to send its secretary, Samuel Ross, to Washington to enter a protest before the Ways and Means Committee against the proposed cotton schedule in the tariff bill.

Secretary Ross is State senator from this district.

Mr. MANN. Mr. Speaker, in that connection, also, at the request of the gentleman from Massachusetts [Mr. GARDNER], I ask unanimous consent to extend my remarks in the RECORD, for the purpose of inserting a short letter of protest of mill corporations of New Bedford, Mass., addressed to him, I suppose, upon the same subject.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The communication referred to is as follows:

NEW BEDFORD'S PROTEST AND PETITION.

Hon. A. P. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: At a conference of representatives of all the mill corporations of New Bedford, held May 2, 1913, the following resolutions were unanimously adopted:

"*Resolved*, That we protest against the reductions in rates on cotton cloth, cotton yarns, and cotton manufactures contained in H. R. 3321, now pending in Congress, as too radical and too drastic, and which, if finally adopted, will seriously affect the whole cotton-manufacturing industry.

"The cotton manufacturers of New Bedford realizing the great importance of this proposed revision to its continued prosperity, respectfully urge upon Congress the necessity of so amending these rates as to enable our industries to meet the competition of foreign countries in the manufacture of fine cotton goods.

"The business is a highly competitive one, and for this reason, if for no other, every effort has been made by our manufacturers to practice and encourage efficiency in every department of effort.

"The mills are modern, equipped with the best machinery skillfully managed, and manned with competent operatives. No readjustment of tariff rates is needed to stimulate efficiency in our manufacture, nor will increased efficiency take the place of the proper and more favorable consideration of tariff rates which are needed to continue the prosperity of this industry in all its branches.

"This whole community is deeply interested in this subject, and therefore not alone in our own interest but in the interest of every phase of our community life we respectfully petition for an opportunity to present to Congress and its committees the protest and views of the New Bedford manufacturers."

On behalf of the committee.

FREDERIC H. SABER, *Clerk.*

ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. Is there objection?

There was no objection.

INTERNATIONAL DRY FARMING CONGRESS.

Mr. DAVENPORT. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 87, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 87.

Resolved, etc., That the Secretary of State is hereby authorized to issue invitations to other nations to appoint delegates or representatives to the International Dry Farming Congress to be held at Tulsa, Okla., during October, 1913.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask my friend from Oklahoma what would have happened to this dry-farming congress if there had not been an extraordinary session of Congress?

Mr. DAVENPORT. Mr. Speaker, my impression is, judging from the correspondence of the secretary of the International Dry Farming Congress, that there would have been no effort, or could have been none, to have had extended invitations to other nations to participate in the congress to be held in October. I will say to the gentleman that the congress is to be held in Tulsa, Okla., in October of this year, and the secretary, Mr. Burns, with whom a great many Members are well acquainted, made that request. As it is to be held in my district, I of course introduced the resolution. I would be glad if we could reach an agreement so that this resolution could be taken up and passed, and those other nations who desire to send delegates to this congress would feel at liberty to do so.

Mr. MANN. Mr. Speaker, in the proceedings of another body the other day I noticed a telegram which indicated that the secretary of this dry-farming congress had sent a telegram to my friend from Oklahoma and to all of the other Representatives from Oklahoma, to the Senators from Oklahoma, and, I believe, the Representatives from Wyoming and possibly one or two other States, in the same language, asking the immediate passage of a resolution. I wondered if the gentleman had just waked up. This congress has been provided for how long?

Mr. DAVENPORT. I will say this: So far as I know the message came, and I introduced the resolution the next day that the House was in session.

Mr. MANN. Oh, I am not speaking of the gentleman from Oklahoma [Mr. DAVENPORT] being awake; he is always awake and alive and very active; but I wondered whether the secretary had waked up.

Mr. DAVENPORT. I can not tell the gentleman; but I know my friend from Wyoming [Mr. MONDELL] can tell the gentleman that John T. Burns is one of those fellows who is always awake, but it seems that the Secretary of State prefers to have some authority to issue these invitations, and that is as far as I can enlighten the gentleman.

Mr. MANN. It looks to me as though there had been no intention to have these invitations extended and no necessity for them, because if the secretary of the association had desired the invitations extended, certainly he would not have let the regular session of Congress go by and not have communicated his desire, and it is so easy to make a proposition which involves the Government paying the expense of these congresses, but I suppose the gentleman finally got courage enough with the money that he had in hand to send these long telegrams.

Mr. MONDELL. Will the gentleman yield to me?

Mr. DAVENPORT. Yes.

Mr. MANN. The gentleman from Wyoming, having been dragged in, ought to have a chance to have the floor.

Mr. DAVENPORT. I yield to the gentleman.

Mr. MONDELL. The gentleman from Wyoming had the honor at one time of being president of the dry-farming congress and had some knowledge of the splendid work which it has been doing; and, referring to the question of the activities of the secretary, I join with my friend from Oklahoma [Mr. DAVENPORT] in saying that the secretary of that congress is about as live a wire as I know. My impression is that the secretary thought that the invitations might be issued without action by Congress, or that possibly the dry-farming congress could be held this year without the necessity of invitations issued by the Department of State; but it so happens that the congress last year was held in the Dominion of Canada, and the Dominion Government did issue invitations to other nations to participate.

The secretary, Mr. Burns, has recently learned that some of the nations which participated last year, having been then invited by the Dominion Government, desire that our Government shall take the same official action with regard to the congress that the Dominion Government did last year. As a matter of fact, I am informed by Mr. Burns that there is some question as to whether there can be the same helpful participation on the part of some of the foreign nations that there ought to be unless these invitations are issued. It does not cost anything, as the gentleman from Illinois knows——

Mr. MANN. No; I do not know anything of the kind.

Mr. MONDELL (continuing). To issue these invitations.

Mr. MANN. My observation and experience is that it always costs a good deal.

Mr. MONDELL. The Congress has already made the appropriation, a small one, to aid this dry-farming congress.

Mr. FITZGERALD. How much?

Mr. MONDELL. And the gentleman from Oklahoma was very active in that matter——

Mr. FITZGERALD. How much has been appropriated?

Mr. MONDELL. I think it is $20,000.

Mr. DAVENPORT. Twenty thousand dollars or $25,000, I am not positive.

Mr. MONDELL. A comparatively small amount.

Mr. FITZGERALD. How much was appropriated for the last congress?

Mr. MONDELL. Well, not more than that; I think less.

Mr. FITZGERALD. I am not so certain about that.

Mr. MONDELL. I think the amount was somewhat smaller.

Mr. MANN. I think we appropriated $10,000 to send our delegates to Canada, and it was very hard sledding to get that. I would like to ask the gentleman whether the Dominion of Canada issued any invitations last year or the year before, or whenever the congress was held, or whether the British Government issued them?

Mr. MONDELL. Well, I understand it was the Dominion Government; that is the way they do those things in Canada—the Dominion Government issued the invitations to the nations to participate.

Mr. MANN. I think it is equally proper and entirely compatible with the precedents that the State of Oklahoma should now issue these invitations.

Mr. MONDELL. Well, the State of Oklahoma, as the gentleman knows, does not occupy quite the same position as a sovereignty that the Dominion of Canada occupies.

Mr. MANN. The Dominion of Canada does not occupy the position of sovereignty; that is true.

Mr. MONDELL. It is in itself a sovereign Commonwealth.

Mr. MANN. We do not have a minister here from Canada, and the Dominion of Canada is not represented officially anywhere. Canada is a part and parcel of the British Empire, just as the State of Oklahoma is a part and parcel of this Government; and if Canada should issue an invitation Oklahoma could do the same.

Mr. MONDELL. The fact is that the invitations on the part of the Dominion of Canada were issued by the gentlemen who represent the British Government in the Dominion, so that as a matter of fact the invitations were imperial in character, although they were issued under the seal of the Dominion.

Mr. DAVENPORT. If the gentleman will excuse me a moment, replying to the question of the gentleman from Illinois [Mr. MANN], while this congress is to be held in Oklahoma this year, it is not a State affair by any means, and all the other States in the Union will participate, and I suppose, from the correspondence that we have received, that they have thought it was necessary that there should be some authority given to issue the invitations. I should be very glad to see some authority given, and I do not think it will cost the United States Government anything. With the appropriation that has been made I know from advices received from the department that they are arranging to have their exhibits and their men on the ground there in October.

Mr. MANN. Mr. Speaker, I do not know whether or not it is important that an invitation involves an appropriation. I would not oppose an invitation simply because it involves an appropriation, but I would like to ask the gentleman if he knows whether any invitation has been issued by authority of Congress in recent years that in the end did not involve an appropriation?

Mr. DAVENPORT. I do not have any before me at the moment, but——

Mr. MANN. I have one very clearly in my mind. Although we have been repeatedly told that invitations would not involve an appropriation, yet we are always asked to make an appropriation, and very properly; and at the last session of Congress the President of the United States—I suppose at the instance of the State Department—transmitted a special message to Congress, stating that in his opinion Congress ought not in any event to pass a resolution providing for invitations to be issued by the State Department to foreign Governments unless at the same time we were prepared to see that an appropriation was made to properly care for the delegates when they came here. I think that was good sense.

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. DAVENPORT. Yes.

Mr. COX. How extensive is this invitation to be? Is there an invitation to be issued to every Government on earth?

Mr. DAVENPORT. To any Government that desires to send representatives; any Government interested in the proposition of dry farming.

Mr. COX. Has the gentleman any idea at all as to what Governments would participate?

Mr. DAVENPORT. I know the Canadian Government has participated in past congresses of the kind, and some other Governments also. We do not know what Governments will participate or what Governments desire to participate; but we desire that Congress shall issue an invitation, so that if any foreign Governments do desire to send representatives here to take part in the experiments and in the discussions they will feel at liberty to do so.

Mr. COX. Is there any likelihood that any European Government will be represented?

Mr. DAVENPORT. I do not know what scope the invitations will take. The only desire is to give authority to extend invitations to foreign Governments.

Mr. COX. Is it the intention to give an invitation to every Government on earth? If so, and they should send invitations to those Governments and they would respond by sending representatives here, would those people be able to give our people any information at all as to dry farming, when our people have been working on that subject for the last 20 or 25 years?

Mr. DAVENPORT. I think an exchange or interchange of ideas from different localities and different communities is the best way to educate men on any question, even though they may think they have reached perfection on that subject which they have been studying.

Mr. COX. How much does the gentleman think it will cost this Government?

Mr. DAVENPORT. It will not cost this Government a penny, in my judgment.

Mr. COX. How is that?

Mr. DAVENPORT. I think that any Government desiring to send representatives to the dry-farming congress will bear the representatives' expenses.

Mr. COX. Does the gentleman not feel that if we should get responses to these invitations these representatives from foreign countries should be taken care of by our Government?

Mr. DAVENPORT. I will ask the gentleman if he knows of a case where the expenses of representatives were not defrayed by their home Governments?

Mr. COX. I think there is a case right now out in Ohio, where an appropriation of $25,000 was given to maintain a delegation to attend a celebration in regard to an international shooting match. A meeting is soon to take place in regard to the naval victory of Commodore Perry. Twenty-five thousand dollars was appropriated for that purpose, and that invitation was extended at the instance of the Secretary of War. The idea was that we should participate in defraying the expenses of those people, and we have done it.

Mr. DAVENPORT. I do not think there will be any appropriation asked for for the expenses of the delegates if any should attend.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MANN. I object.

POSITIONS EXCEPTED FROM EXAMINATION UNDER CIVIL SERVICE.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Speaker, I desire to submit the following list of classified positions excepted from examination under

rule 2, clause 3, of the United States Civil Service Commission:

[The classified service does not include positions under the government of the District of Columbia, the Library of Congress, legislative and judicial branches, Consular and Diplomatic Services, and the Pan American Union.]

SEC. 277. Below will be found a list of classified positions which are excepted from examination by the commission. For information in regard to appointment to any of the positions mentioned therein, application should be made to the head of the department or office in which such position is located.

No office or position is excepted unless it is specifically named herein. Not more than one position is treated as excepted under the title of any such position unless a different number be indicated.

I.

THE ENTIRE CLASSIFIED SERVICE.

1. Two private secretaries or confidential clerks to the head of each of the executive departments and one to each assistant head.
2. One private secretary or confidential clerk to each of the heads of bureaus appointed by the President and confirmed by the Senate in the executive departments, if authorized by law.
3. All persons appointed by the President without confirmation by the Senate.
4. Attorneys, assistant attorneys, and special assistant attorneys.
5. Chinese and Japanese interpreters.
6. Any person receiving for his personal salary compensation aggregating not more than $300 per annum whose duties require only a portion of his time, or whose services are needed for very brief periods at intervals, provided that employment under this provision shall not be for job work such as contemplated in section 4 of rule 8. The name of the employee, designation, duties, rate of pay, and place of employment shall be shown in the periodical reports of changes; and in addition when payment is not at a per annum rate the total service rendered and the distribution of such service during the year shall be shown in the report of changes at the end of each year or when the employee is separated from the service. (As amended Oct. 14, 1911.)
7. Any person employed in a foreign country under the State Department, or temporarily employed in a confidential capacity in a foreign country under any department or office; but this exception shall not apply to any person employed in a foreign country contiguous to the United States in the service of the Bureau of Immigration, Department of Commerce and Labor
8. Any position the duties of which are of a quasi military or quasi naval character, and for the performance of which duties a person is enlisted for a term of years; also positions in the Revenue-Cutter Service, where the persons enlist for the season of navigation only.
9. All positions in Alaska which can not be filled from appropriate existing registers, except those in the customs service.
10. A person serving under temporary appointment continuously since May 29, 1899, may be permanently appointed, in the discretion of the appointing officer.
11. A person holding an excepted position, which he entered prior to November 2, 1894, and in which he has since served continuously, may, subject to the other conditions and provisions of these rules, be transferred to a competitive position.
12. Mechanics and skilled tradesmen or laborers (this exception refers to skilled or classified laborers; unskilled laborers are not within the scope of the civil-service act and rules), employed upon construction or repair work in the field services, under such restrictive conditions that, in the opinion of the commission, they can not as a class be appointed from registers of eligibles.
13. Cooks, when in the opinion of the commission it is not expedient to make appointment upon competitive examination.
14. One driver (the commission holds that this exception applies to chauffeurs as well as to drivers of carriages) of carriage, each, for the personal use of the President, the head of any executive department, the Secretary to the President, and such other drivers of carriages as may from time to time be authorized by competent authority, may be appointed without reference to the civil-service rules or the labor regulations.
15. Positions of unusual character as to duties or compensation and for which qualified persons are so rare that in the judgment of the commission they can not in the interests of good civil-service administration be filled through competitive examination. Prior consent of the commission must be obtained for appointments under this clause. (Amended by Executive order Aug. 26, 1912.)

II.

STATE DEPARTMENT.

(See excepted positions in this department under heading "The entire classified service.")

1. Eight officers to aid in important drafting work. (As amended under Executive order Aug. 24, 1912.)
2. Assistant solicitors. (As amended under Executive order Aug. 24, 1912.)

III.

TREASURY DEPARTMENT.

(See excepted positions in this department under heading "The entire classified service.")

1. One confidential clerk, if authorized by the Secretary of the Treasury, to each of the following officers:

The collector of each customs district where the receipts for the last preceding fiscal year amounted to as much as $500,000.

The appraisers at the ports of Boston, New York, and Philadelphia.

One private secretary in the office of the naval officer of customs at the port of New York.

2. One counsel before the Board of United States General Appraisers.
3. In the New York customs district: Stitch counters. (As amended June 12, 1911.)
4. Storekeepers and gaugers (Internal-Revenue Service) whose compensation does not exceed $3 per diem when actually employed and whose aggregate compensation shall not exceed $500 per annum.

This exception from the requirement of examination shall not apply to the fifth internal-revenue district of North Carolina.

5. One private secretary or confidential clerk to the superintendent, and one cashier in each mint, and one cashier in the assay office at New York.
6. Any local physician employed for temporary duty as acting assistant surgeon in the Public Health Service at stations or localities where, in the opinion of the commission, the establishment of registers is impracticable.
7. Any persons employed in the Public Health Service as quarantine attendants at stations at which, in the opinion of the commission, the establishment of registers is impracticable, and any person employed as quarantine attendant or acting assistant surgeon or sanitary inspector on quarantine vessels or in camps or stations established for quarantine purposes during epidemics of contagious diseases, for temporary duty in the United States or elsewhere in preventing the introduction or spread of contagious or infectious diseases. (Subject to this exception at present are the following quarantine stations: Cape Charles, Columbia River, Fort Stanton, Gulf, Key West, Mobile, Mullet Key, Reedy Island, San Francisco, and South Atlantic.)
8. In the Alaska customs service all persons appointed or employed for the season of navigation only.
9. One examiner of tobacco and one examiner of tea in the customs service at the port of Chicago.
10. Mounted inspectors in the customs service on the Mexican border.
11. Civilian instructors in the United States Revenue-Cutter Service.
12. National-bank examiners and receivers under the office of the Comptroller of the Currency.
13. All persons actually employed in the Public Health Service at the leprosy investigation station, Molokai, Hawaii.
14. Informers and posse men in the Internal-Revenue Service.
15. Laborers, at $480 per annum, in the customs service, district of Hawaii, who are to perform the duties of opener and packer.

IV.

WAR DEPARTMENT.

(See excepted positions in this department under heading "The entire classified service.")

1. All cable engineers and cable electricians. (Army paymasters' clerks were given a military status by the Army appropriation act for the year ending June 30, 1912. The commission accordingly directed that the clause excepting them from examination as classified civil employees be stricken from Schedule A and the clauses following be renumbered accordingly. This action was approved by the President Oct. 23, 1911 (minutes of commission, Oct. 27, 1911).)
2. All telegraph operators, telegraph linemen, and cable seamen, receiving a monthly compensation of $60 or less, serving on military telegraph systems or at military stations, and who perform their duties in connection with their private business or with other employment, such duties requiring only a portion of their time. Appointment to such positions shall be subject to noncompetitive examination as to practical skill in the work required therein by a signal officer or acting signal officer, whose certificate as to the professional fitness of the appointee shall be forwarded to the Secretary of War, and a duplicate thereof to the Civil Service Commission.
3. United States Army Transport Service: Longshoremen employed by the department at ports in the United States; trade and noneducational employees in the Philippine Islands; and all employees on transport ships other than clerks.
4. All commissioners and statutory places of secretary for the national military parks, and one assistant secretary to the Chickamauga and Chattanooga National Military Park Commission. (Superintendents of national cemeteries are appointed by the Secretary of War, under sections 4873 and 4874, Revised Statutes, from soldiers discharged for disability incurred in the line of duty.)
5. Consulting architect, for work of reconstructing the United States Military Academy at West Point, N. Y.
6. All navigating positions on the torpedo and mine planters of the Quartermaster's Department at large.
7. One law officer in the Bureau of Insular Affairs.
8. One superintendent, one chief chemist and assistant superintendent, and one first assistant chemist, for service in connection with the operation of the Washington filtration plant, under the Engineer Department.
9. Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.
10. Civilian professors, instructors, and teachers in the United States Military Academy at West Point.
11. Superintendent of construction, Quartermaster's Department at large, Corregidor, P. I.
12. Contract surgeons.
13. Clerk qualified as translator of the English, Spanish, and Tagalog languages in the Bureau of Insular Affairs.

V.

NAVY DEPARTMENT.

(See excepted positions in this department under heading "The entire classified service.")

1. Paymasters' clerks acting as principal clerks to general storekeepers at navy yards and naval stations.
2. Civilian professors, instructors, and teachers in the United States Naval Academy at Annapolis.
3. All positions in the island of Guam and in the island of Samoa. (As amended Feb. 21, 1911.)
4. One clerk actually on duty with each assistant paymaster of the United States Marine Corps. (Amendment of Apr. 3, 1911.)

VI.

DEPARTMENT OF JUSTICE.

(See excepted positions in this department under heading "The entire classified service.")

1. Wardens, chaplains, and physicians in the United States penitentiaries or prisons.
2. One clerk to each United States district attorney.
3. Examiners.
4. Any person employed as field deputy in the office of a United States marshal, or whose chief duties are to serve process.
5. All positions and employments deemed by the Attorney General to be legal or confidential in their character, and which relate to temporary service or which grow out of appropriation acts committing to the Attorney General the execution of some purpose of the law and the expenditure of the funds therefor, but not creating specific positions.

VII.

POST OFFICE DEPARTMENT.

(See excepted positions in this department under heading "The entire classified service.")

1. The Assistant Attorney General for the Post Office Department.
2. One private secretary or confidential clerk to the Assistant Attorney General, and one to the purchasing agent of the Post Office Department.

3. One private secretary or confidential clerk to the postmaster, if authorized by the Postmaster General, at each post office where the receipts of the last preceding fiscal year amounted to as much as $350,000.
4. All employees on star routes and in post offices of the third and fourth classes, other than postmasters of the fourth class, except those in Alaska, Guam, Hawaii, Porto Rico, and Samoa. (Amended by Executive order Oct. 15, 1912.)
5. One auditor at the post office in New York City.
6. Clerks in charge of contract stations, appropriated for as such and so reported.
7. Chief post-office inspector.

VIII.

DEPARTMENT OF THE INTERIOR.

(See excepted positions in this department under heading "The entire classified service.")

1. The superintendent of the Hot Springs Reservation.
2. Inspectors whose duties are of a confidential nature in the office of the Secretary of the Interior and who are appropriated for by Congress.
3. Inspectors of coal mines in the Territories.
4. Temporary clerks employed in the United States local land offices to reduce testimony to writing in contest cases, not paid from Government funds.
5. Indians employed in the Indian Service at large, except those employed as superintendents, teachers, manual-training teachers, kindergartners, physicians, matrons, clerks, seamstresses, farmers, and industrial teachers.
6. Special commissioners to negotiate with Indians, as the necessity for their employment may arise.
7. One financial clerk at each Indian agency to act as agent during the absence or disability of the agents.
8. Physicians employed in the Indian Service and receiving not more than $720 per annum salary, who may lawfully perform their official duties in connection with their private practice, such employment, however, to be subject to the approval of the commission.
9. All physicians employed as pension examining surgeons, whether organized in boards or working individually under the direction of the Commissioner of Pensions. This paragraph shall not include medical examiners in the Pension Office.
10. Five special pension examiners to investigate fraudulent and other pension claims of a criminal nature.
11. Six special agents of the General Land Office to investigate fraudulent entries and other matters of a criminal nature.
12. Consulting engineers of the Reclamation Service under the Geological Survey.
13. One confidential clerk and one record clerk to the Superintendent of the Government Hospital for the Insane.
14. One private secretary to the Director of the Geological Survey.
15. Superintendents of live stock, stockmen, stock detectives, and line riders in the Indian Service.
16. Special officers to assist in the suppression of the liquor traffic in the Indian service. (Amendment of Apr. 21, 1911.)
17. Superintendent of Indian Insane Asylum, Canton, S. Dak.
18. Special agent for the Chippewa Indians of Lake Superior.
19. One Indian trade supervisor.
20. Superintendents or officers in charge of national parks or reservations.
21. Chief law officer in the Reclamation Service.
22. Scouts, buffalo keepers, assistant buffalo keepers, and park rangers in the national parks.
23. One histopathologist temporarily engaged in research work at the Government Hospital for the Insane.
24. One specialist in higher education in the Bureau of Education.
25. The assistant to the Secretary in the office of the Secretary of the Interior. (Amendment of Apr. 21, 1911.)
26. All employees of the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin. (Executive order, Nov. 19, 1912. The Neopit lumbering project is a commercial enterprise conducted for the profit and sole benefit of the Menominee Tribe of Indians, and its operation is in competition with private enterprises of the same kind. It thus differs from any other enterprise conducted for the benefit of the Indians and it is believed that the work can be carried on more economically and therefore with more benefit to the Indians by excepting these employees from the operation of the civil-service rules.)

IX.

DEPARTMENT OF AGRICULTURE.

(See excepted positions in this department under heading "The entire classified service.")

1. (a) Agents employed in field positions the work of which is financed jointly by the department and cooperating persons or organizations outside of the Federal service.
(b) Local agents outside of Washington engaged in demonstrating in their respective localities the advantages of scientific methods of agriculture. Agents of this class must be representative farmers whose ability and personality make them leaders in their respective communities.
(c) Local agents, except veterinarians, employed outside of Washington in demonstrating in their respective localities the necessity of eradicating cattle ticks, scabies, hog cholera, and animal tuberculosis, and other contagious or infectious animal diseases.
(d) Agents employed in positions as such isolated places and requiring such knowledge of local conditions that they can not, in the opinion of the commission, be filled by open competitive examination.
(e) Agents employed intermittently for short periods outside of Washington, the aggregate individual length of whose service during any one calendar year shall not exceed six months, provided that employment under this provision shall not be for job work, such as contemplated in section 4 of rule 8. The name of the employee, designation, rate of pay, and place of employment shall be shown in the periodical reports of changes; and in addition the aggregate individual service rendered and the distribution of such service during the year shall be shown in the report of changes at the end of each year or when the employee is separated from the service.
(f) Student assistants whose salary shall not exceed a rate of $300 a year each while employed
Prior consent of the commission must be obtained for the appointment of agents under clause (d) above; and in making appointments under clauses (a), (b), (c), (e), and (f), a full report shall be submitted immediately by the department to the commission setting forth the name, designation, and compensation of the appointee, and a statement of the duties to which he is to be assigned, and of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above clauses. The same procedure shall be followed in the case of the assignment of any agent to duties of a different character. (All of sec. 1 promulgated by Executive order, Aug. 26, 1912.)

An agent is one who is employed to act for or to represent the Department of Agriculture in some locality or territory outside of Washington, and whose duties are of such a temporary or special character or whose compensation is so low as to render it impracticable to adequately fill the position by open competitive examination.

An expert is one who has such rare, peculiar, or unusual skill or experience in some department or branch of knowledge as to render his qualifications essentially different from or superior to those required of any classified employees in competitive positions and not likely to be possessed in an equal or superior degree by other persons who might be available for appointment. (Regulations approved Apr. 17, 1905, and minute of commission, Jan. 23, 1908.)

2. One statistical agent in each State and Territory where authorized by law.
3. Guards, field assistants for reconnoissance parties, guides, cooks, packers, teamsters, choppers, and skilled laborers employed temporarily during the season of danger from fires, or when other special work requires additions to the regular Forest Service force. They shall serve only as long as absolutely required and in no case more than six months in any one year, except in the case of forest guards, whose employment shall not be so limited. So far as the commission may deem practicable, such appointments shall be made from the registers of eligibles for forest rangers.

X.

ISTHMIAN CANAL COMMISSION.

(See excepted positions in this department under heading "The entire classified service.")

1. All officers and employees in the service of the Isthmian Canal Commission upon the Isthmus of Panama, except those who are to perform the duties of clerk, bookkeeper, stenographer, typewriter, surgeon, physician, trained nurse, or draftsman. Appointments to clerical positions on the Isthmus of Panama paying not more (as amended July 17, 1906) than $75 in gold per month may be made without examination under the civil-service rules. No person appointed to the service on the Isthmus of Panama otherwise than through competitive examination, or by transfer or promotion from a competitive position, shall be transferred to a competitive position, unless he was classified by the Executive order of November 15, 1904, in a position which was then and is at the time of the proposed transfer in the competitive service.
2. One inspecting engineer and inspectors in the purchasing department.

XI.

DEPARTMENT OF COMMERCE AND LABOR.

(See excepted positions in this department under heading "The entire classified service.")

1. All persons temporarily connected with the field operations of the Bureau of Fisheries who are paid from lump appropriations for miscellaneous expense. No person employed in a position specifically provided for by statute at any station shall be regarded as excepted from examination hereunder.
2. Shipping commissioners whose compensation for the fiscal year ending June 30, 1907, was, as shown by the records in the Department of Commerce and Labor, $2,500 or over. (This order applies to the ports of New York, San Francisco, Fort Townsend, and Boston.)
3. Commercial agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States. (Amendment of Sept. 4, 1911.)

SCHEDULE B.

[Classified positions which may be filled upon noncompetitive examination.]

The noncompetitive examinations authorized under rule 3, clause 2, shall consist of the same tests of fitness as those applied to other persons seeking appointment through competitive examination.
Noncompetitive examinations authorized under this schedule are given only upon the request of the head of the department or office in which such positions exist.

I.

INTERIOR DEPARTMENT.

1. Superintendent, teacher, manual-training teacher, kindergartner, physician, matron, clerk, seamstress, farmer, and industrial teacher, in the Indian Service at large when filled by Indians.
2. Messenger, assistant messenger, and messenger boy, in the Office of Indian Affairs when filled by Indians.
3. Any competitive position at an Indian school when filled by the wife of a competitive employee at that school.
4. Miners, whether employed in rescue or first-aid work at rescue stations, or on rescue cars, or at experimental mines, under the Bureau of Mines: *Provided*, That should the Civil Service Commission at any time have reason to believe that the privilege so afforded is abused it may revoke it.

II.

INTERSTATE COMMERCE COMMISSION.

1. Not exceeding 20 special agents under the Division of Prosecutions and 10 inspectors under the Hours of Service Division, subject to such evidence of qualification as the Civil Service Commission may prescribe after consultation with the Interstate Commerce Commission: *Provided*, That should the Civil Service Commission at any time have reason to believe that the privilege so afforded is abused it may revoke it.
2. Inspector of safety appliances.

Salary list of officers and employees in Washington, D. C., whose appointments are not subject to civil-service examination.

WHITE HOUSE.

Secretary to President	$7,000
Chief clerk	4,000
Record clerk	2,500
Accountant	2,500

2 expert stenographers, at	$2,500
2 correspondents, at	2,250
Disbursing agent	2,000
COMMISSION ON ECONOMY AND EFFICIENCY.	
Chairman	10,000
3 commissioners, at	6,000
STATE DEPARTMENT.	
Secretary	12,000
Assistant Secretary	5,000
2 Assistant Secretaries	4,500
Counselor	7,500
Resident diplomatic officer	7,500
Solicitor	5,000
3 assistant solicitors	3,000
Private secretary to Secretary	2,500
Clerk to Secretary	1,800
TREASURY DEPARTMENT.	
Secretary	12,000
3 Assistant Secretaries	5,000
Comptroller of the Treasury	5,000
Assistant Comptroller of the Treasury	4,500
Comptroller of the Currency	5,000
Deputy Comptroller of the Currency	3,500
Deputy Comptroller of the Currency	3,000
Auditor for the Treasury Department	4,000
Auditor for the War Department	4,000
Auditor for the Interior Department	4,000
Auditor for the Navy Department	4,000
Auditor for the State and Other Departments	4,000
Auditor for the Post Office Department	5,000
Treasurer of the United States	8,000
Assistant Treasurer of the United States	3,600
Register of the Treasury	4,000
Commissioner of Internal Revenue	6,000
Deputy Commissioner of Internal Revenue	4,000
Deputy Commissioner of Internal Revenue	3,600
Director of the Mint	5,000
Clerk to the Secretary	2,500
Executive clerk	2,400
2 private secretaries to Assistant Secretaries	1,800
1 private secretary to Assistant Secretaries	-----
Drivers of carriages	-----
WAR DEPARTMENT.	
Secretary	12,000
Assistant Secretary	5,000
Private secretary to Secretary	2,500
Clerk to Assistant Secretary	2,400
Law officer, Bureau of Insular Affairs	4,500
DEPARTMENT OF JUSTICE.	
Attorney General	12,000
Solicitor General	10,000
Assistant to Attorney General	7,000
7 Assistant Attorneys General	5,000
Solicitor, Treasury Department	5,000
Solicitor of Internal Revenue	5,000
Solicitor of Departments of Commerce and Labor	5,000
3 attorneys	5,000
3 attorneys and 1 assistant attorney	3,500
11 attorneys and 1 assistant attorney	3,000
1 attorney	2,500
2 attorneys' assistants	2,750
5 assistant attorneys	2,500
1 assistant attorney	2,400
2 assistant attorneys	2,000
1 special attorney ---------- per diem	10
2 special attorneys ---------- per diem	8
Assistant Solicitor, Treasury Department	3,000
Assistant Solicitor, Department of Commerce and Labor	3,000
1 chief examiner	3,500
3 examiners	2,500
4 examiners	2,250
2 examiners	2,000
3 examiners	1,800
1 special examiner	3,000
1 special examiner	2,500
1 special examiner	2,000
4 special assistant attorneys	4,500
2 special assistant attorneys	4,000
1 special assistant attorney	3,600
3 special assistant attorneys	3,500
2 special assistant attorneys	3,000
1 special assistant attorney	2,500
1 special assistant attorney	2,000
1 special assistant attorney	1,800
CUSTOMS DIVISION.	
Assistant Attorney General	8,000
Deputy Assistant Attorney General	7,500
2 attorneys	5,000
1 attorney	4,500
5 special attorneys and counselors at law	4,000
1 special attorney and counselor at law	3,500
1 special attorney and counselor at law	3,000
Special attorney and chief clerk	2,750
POST OFFICE DEPARTMENT.	
Postmaster General	12,000
4 Assistant Postmasters General	5,000
Purchasing agent	4,000
Assistant Attorney General	5,000
Private secretary to Postmaster General	2,500
Chief inspector	4,000
NAVY DEPARTMENT.	
Secretary	12,000
Assistant Secretary	5,000
Private secretary to Secretary	2,500
Private secretary to Assistant Secretary	2,000
INTERIOR DEPARTMENT.	
Secretary	12,000
First Assistant Secretary	5,000
Assistant Secretary	4,500
Commissioner of General Land Office	5,000
Commissioner of Indian Affairs	$5,000
Commissioner of Patents	5,000
Commissioner of Pensions	5,000
Commissioner of Education	5,000
Director of Geological Survey	6,000
Director of Reclamation Service	7,500
Director of Bureau of Mines	6,000
Assistant Commissioner of General Land Office	3,500
Assistant Commissioner of Indian Affairs	3,500
Second Assistant Commissioner of Indian Affairs	2,750
First Assistant Commissioner of Patents	4,500
Assistant Commissioner of Patents	3,500
3 examiners in chief, Patent Office	3,500
Deputy Commissioner of Pensions	3,600
Recorder of deeds, Washington, D. C	4,000
Register of wills, Washington, D. C	4,000
Superintendent of Capitol Building and Grounds	6,000
Private secretary to Secretary	2,500
Assistant to Secretary	2,750
Assistant Attorney General	5,000
First Assistant Attorney General	3,000
2 assistant attorneys	2,750
4 assistant attorneys	2,500
7 assistant attorneys	2,250
10 assistant attorneys	2,000
Private secretary to Commissioner of Indian Affairs	1,800
Private secretary to Commissioner of Patents	1,800
Private secretary to Director of Bureau of Mines	1,800
Private secretary to Director of Geological Survey	1,800
Specialist in higher education, Bureau of Education	3,000
Chief law officer, Reclamation Service	4,500
DEPARTMENT OF AGRICULTURE.	
Secretary	12,000
Assistant Secretary	5,000
Chief of Weather Bureau	6,000
Private secretary to Secretary	2,500
Executive clerk	2,250
Private secretary to Assistant Secretary	1,600
DEPARTMENT OF COMMERCE AND LABOR.	
Secretary	12,000
Assistant Secretary	5,000
Commissioner of Corporations	5,000
Commissioner of Labor	5,000
Commissioner of Lighthouses	5,000
Director of the Census	7,000
Assistant Director of the Census	5,000
Superintendent Coast and Geodetic Survey	6,000
Supervising Inspector General, Steamboat-Inspection Service	4,000
Commissioner of Fisheries	6,000
Commissioner of Navigation	4,000
Commissioner General of Immigration	5,000
Assistant Commissioner General of Immigration	3,500
Director Bureau of Standards	6,000
Private secretary to Secretary	2,500
Private secretary to Assistant Secretary	2,100
Clerk to Commissioner of Corporations	1,800
Private secretary to Director of the Census	2,250
CIVIL SERVICE COMMISSION.	
President of the commission	4,500
2 commissioners	4,000
Chief examiner	3,000
Secretary	2,500
GOVERNMENT PRINTING OFFICE.	
Public Printer	5,500
INTERSTATE COMMERCE COMMISSION.	
7 commissioners	10,000
Chief locomotive boiler inspector	4,000
5 confidential clerks	2,400
Solicitor	5,000
1 attorney	3,900
3 attorneys	3,240
1 attorney	2,500
10 attorneys	3,000
1 attorney	3,600
2 attorneys	2,640
1 attorney	2,400

RESOLUTION URGING LEGISLATION FOR A REFORM IN OUR BANKING AND CURRENCY SYSTEM.

Whereas Congress has been called in extra session for the purpose, among other things, of legislating for an adequate and safe banking and currency system; and

Whereas it is to the interest of all of our members and to the country at large to have Congress pass a new system based upon the following three principles: First, centralization and flexibility in the use of bank reserves; second, elasticity of the currency; third, an open market for the discount and rediscount of sound commercial paper; and

Whereas it is necessary to impress upon our national legislators at Washington the necessity of taking such action at this session of Congress as will give us the necessary change in our system; and

Whereas we consider banking and currency reform to be as important as any legislation which might be proposed at this extra session of Congress: Therefore be it

Resolved, That the Chicago Association of Credit Men will lend its aid wherever possible to further any legislation which will give the necessary banking and currency reform and also to encourage and assist commercial organizations and business men throughout the country to do likewise.

Adopted May 20, 1913.

BANKING AND CURRENCY COMMITTEE,
I. D. BERG, *Chairman (A. G. Becker & Co.)*.
W. G. MCLAUREY, *Cashier, National City Bank, Chicago.*
DAN NORMAN, *Assistant Cashier, Continental and Commercial National Bank, Chicago.*

TREATY-MAKING POWER OF FEDERAL GOVERNMENT.

The SPEAKER. Under the special order passed last Tuesday, the gentleman from Mississippi [Mr. SISSON] is recognized for one hour.

Mr. SISSON. Mr. Speaker, on the 28th day of April I made a speech in the House on the treaty-making power of the Federal Government which occasioned some comment in the press. Some of the press comments were adverse, but the great majority of the adverse criticism of my speech was not for the position taken by me on the California land question, but because of my opposition to the naval program as reported by the Committee on Naval Affairs to this House at the last session.

Mr. Speaker, just a word on my position on our Navy is necessary that my position may be clearly understood. I am not opposed to an adequate Navy, but I am opposed to the willful waste of public money. What becomes of the one hundred to one hundred and forty million dollars which we spend annually on our Navy? Has it been squandered? Have we nothing to show for this vast sum? Are we defenseless? If we are, then some investigation should be made to ascertain what goes with this vast sum.

Congress ought not to spend another dollar until it has reorganized this department of the Government, if it is true, as some say, that we have no Navy and that we are totally unprepared for national defense. [Applause.] If our Navy is so worthless as is contended in the "jingo" press, then there should be a most searching investigation to find out where this vast sum goes. Is it squandered on useless employees and places in the Navy Department; on high salaries to a lot of grossly incompetent officers and men who are incapable of getting value received for the money expended; on exorbitant prices paid for work done, by corruptly agreeing to pay more for steel plate and structural steel and other building material than is fair and just? Is the Navy Department honeycombed with graft, fraud, and corruption? If what my critics say of the present condition of our Navy is true, then one or all of the above conditions exist in our Navy Department. I simply do not believe that my critics are just in their criticism of our present Navy. Next to England we now have the greatest Navy in the world. In effectiveness per unit we have the best Navy in the world. The so-called friends of a big Navy just will not tell the truth about our present condition.

But, Mr. Speaker, my critics should not hold me responsible for the present condition of the Navy, even if it is worthless and useless as they say it is, because if Congress had authorized 20 battleships at the last session they could not be used for from four to five years because it takes that long to construct a battleship. It is also stated that it will require 20 years for the Naval Academy to train enough officers to man the ships now authorized and in commission. So in an impending conflict we are in no better or worse condition than if we had authorized 20 battleships. Mr. Speaker, I am satisfied to leave to my constituents and to the people of the country my position on the Navy.

I understand fully how a corporate-controlled press may condemn the position which I take, especially those papers that represent in their news and editorial columns the interests of the great industrial, transportation, mining, and land corporations, and not the masses of the people.

These great corporations purchase labor, and they desire to buy it just as cheaply as they can. Their profits are increased when they buy the cheapest units of labor. It has been this portion of the press which has misconstrued and misinterpreted the remarks which I made on the floor of the House a few days ago by segregating sentences from the context and making me say in their news items and in their editorials something that I did not say.

Jefferson says that the most unfair treatment that he himself ever received at the hands of an unfriendly press was when they would quote simply a part of what he said without taking the context. This is the favorite method of the infidel and the atheist in attacking the sacred Scriptures.

There is not a sentence in that speech which I made on the California situation that will justify the headlines and press comments which stated that I made a "war speech." On the contrary, I stated at the very outset that "the situation in California is a very critical one, and I trust that I may not say anything that will in the least tend to prevent a friendly settlement or embarrass the State Department in its effort to retain the friendship of Japan." This statement is not even referred to in any of the public press. In the entire speech I simply maintained the right of America to control her own soil, and I repeat that statement, and if any nation should decide that they will dictate to us our land laws, then we would be unworthy of national existence if we submitted to such dictation. [Applause.] Does anyone claim that this is a declaration of war because I announce this truth?

I may say, gentlemen of the House, that the great English Government, the German Government, the Russian Government, the Japanese Government, no great Government, will ever permit any other Government to dictate to her her land laws and the control of her soil. For that reason I simply state a truth that is admitted by every nation on earth. You will not find a single authority on international law that differs from me on that proposition. Why, gentlemen of the House, we ourselves can not always be bound by the rules laid down by international law which arose back in a day when the central authority in the nations of the world was vested with sovereignty and absolute control, denying the principle that the sovereignty rests with the mass of the people. Therefore many of the international principles laid down in international law can not be made applicable to the United States Government. [Applause.]

It is no declaration of war for the United States Government to decline to override the rights of a sovereign State at the dictation of a foreign power. If the Government of the United States should, with its Army and its Navy and with brute force which it has superior to any one of these States, take away from the State the right to control its domestic concerns and deliver such State over to the mercies of a flood of aliens from any nation, then I maintain that the Federal Government has prostituted its authority. Is the mere announcement of this principle a declaration of war?

Let the press quote all that I say on any subject and I am willing to abide by their headlines and editorial criticism, but I am unwilling that they quote a single sentence from my speech and from such single sentence draw conclusions that could not be drawn from the entire context.

I do not care for the criticism of the press or for the effort of some of the press to put me in a false light. Am I right is and should be the great question with me. Have I spoken the truth? This is the question I ask the American people. If I have, then I will have their approval. If I have not, I will and should have their condemnation. Have I properly interpreted the treaty-making power of the Federal Constitution? If I have, then every true and loyal American should stand with me on the question.

Let my position be measured by this test. I only ask a fair hearing before the American people, and after they have heard fairly the facts as stated in that speech, then I am willing to abide their verdict and the verdict of posterity.

I assume absolutely the sole responsibility not only for the remarks which I now make, but for the remarks made on Monday, the 28th day of April, on this floor.

The views expressed by me are my own views, and the conclusions reached are conclusions for which I alone am responsible. If my views are sound and if I have spoken the truth, I will receive the plaudits of my countrymen; if my views are unsound and will not bear the test of reason, then I alone must suffer at the hands of my critics.

Nothing was further from my mind than to embarrass or tend to render more difficult the peaceful solution of whatever differences, real or imaginary, that may exist between the friendly Government of Japan and our own Government. The President and the Secretary of State are to be commended for their wise and earnest effort to maintain peaceful relations between the United States and Japan.

Whatever criticism may have been directed against the speech which I made, I think it will now be conceded by all that the construction which I placed upon the treaty is the correct one. If the newspaper accounts of the contention of the two powers is correct, it is admitted that no treaty has been violated in the enactment of the California land laws.

The speech which I made is not one-hundredth part as much calculated to inflame the minds of the people as were the unfair headlines and the unfair criticisms in the public press of this country; and the same press that published in the headlines that I made a war speech were the very papers that condemned me for doing something that I did not do. I hope the time will never come in my public life, whether it be long or short, when I shall decline to utter the sentiments which my duty and my conscience tells me to do. I would be unworthy to represent my people in this House if I did. [Applause.]

The discussion of the treaty-making power of the Federal Government by me at this time can and ought not to in any way have any but a good effect upon the present controversy, and I desire to repeat what I said in my former speech—that I sincerely trust that no word or expression which I shall utter will in any way embarrass or tend to embarrass our Government in a friendly settlement of the differences between the two nations. My judgment is that it only requires patience and cool heads for both countries to arrive at an amicable, fair, and just settlement of all differences.

At this time, however, it is of the greatest importance that the American people should have a clear understanding of the

great legal propositions involved. I do not think that it would be contended by many lawyers that supreme and unlimited power is vested in the President and two-thirds of the Senate of the United States. It shall not be my purpose on this occasion to repeat any of the arguments which I made when I addressed the House before on this subject. I do want, however to assign some additional reasons for the contention that the treaty-making power is one which is limited to international questions, and one which can not invade the reserved powers of the States and overturn the State constitutions and State laws and regulate our domestic concerns and quote some authorities substantiating this position.

It is contended by some that under the second section of Article VI of the Constitution that the language "supreme law of the land" gives to the President and the Senate an absolute and unrestricted power to make any treaty that they may agree upon although it overturns all of our State constitutions and all of our State governments and destroys our Federal system entirely.

Patrick Henry, in the Virginia convention, said that this would be the argument of every Tory living in America and that of every enemy of the Declaration of Independence and the establishment of a government based upon the will of the majority of the people honestly ascertained, and that through this clause supreme power would be vested in the Government of the United States; and it was principally upon this clause that he opposed the adoption of the Constitution by Virginia. The friends of the Constitution knew that if the then powerful State of Virginia, the home of Washington, should reject the Constitution it would fail of ratification. In that Virginia convention was assembled the talent of that great Commonwealth, and every friend of the Constitution took issue with Mr. Henry and contended that his construction of that clause was erroneous. Mr. Nicholas, a leading mind in that convention, said in part:

The worthy Member says that they can make a treaty relinquishing any right and inflicting punishments, because all of the treaties are declared paramount to the constitution and laws of the States. An attentive consideration of this will show the committee that they can do no such thing. The provision of the sixth article is that this Constitution and the laws of the United States which shall be made under the authority of the United States shall be the supreme law of the land. They can by this make no treaty which will be repugnant to the spirit of the Constitution or inconsistent with the delegated powers. The treaties they make must be made under the authority of the United States to be within their province. It is sufficiently secured because it only declares that in pursuance of the power given they shall be the supreme law of the land, notwithstanding any thing in the constitutions or laws of the particular States. (3 Elliott's Debates, 507.)

MADISON.

Mr. Madison seems to have closed the debate for the Constitution on this question, and said in part:

I am persuaded that when this power comes to be thoroughly and candidly viewed it will be found right and proper. As to its extent, perhaps it will be satisfactory to the committee that the power is precisely in the new Constitution as it is in the Confederation. In the existing Confederacy, Congress is authorized indefinitely to make treaties. Many of the States have recognized the treaties of Congress to be the supreme law of the land. Acts have passed within a year declaring this to be the case. I have seen many of them. Does it follow because a power is given to Congress that it is absolute and unlimited? I do not conceive that power is given to the President and Senate to dismember the empire or to alienate any great essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation. One objection against the amendment proposed is that by implication it would give power to the legislative authority to dismember the empire—a power that ought not to be given but by the necessity that would force assent from every man. I think it rests on the safest foundations as it is. The object of treaties is the regulation of intercourse with foreign nations, and is external. I do not think it possible to enumerate all the cases in which such external regulations would be necessary. Would it be right to define all the cases in which Congress could exercise this authority? The definition might and probably would be defective. They might be restrained by such definition from exercising the authority where it could be essential to the interest and safety of the community. It is most safe, therefore, to leave it to be exercised as contingencies may arise. (3 Elliott's Debates, 514.)

I have carefully looked through all of the debates upon the adoption of our Constitution and I have been unable to find a single friend of the Constitution who contended that this clause conferred upon the President and a portion of the Senate unlimited power. On the contrary, they all hold that that power was limited and restricted to our external affairs, and that it could not by any reasonable construction affect, restrict, or interfere with our internal domestic concerns or violate any of the reserved powers of the States.

They all contended that it was the sworn duty of the officers of the Federal Government under the Constitution to protect the States in their reserved powers, and that this duty was as sacred as any duty devolving on them under the delegated powers of the Constitution. This was the understanding, and was a part of the contract between the States and the Federal Government. The people who were in favor of the adoption of the Constitution adopted the view expressed by Madison in the Federalist, on page 208:

The local—

Meaning the State authorities—

or municipal authorities form distinct and independent portions of the supremacy no more subject within their respective spheres to the general authority than the general authority is subject to them within its own sphere.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. BARTHOLDT. The distinguished gentleman will admit that the noncitizen, the rights of the citizens of other countries residing in the United States, would come within the category of external relations as described by Mr. Madison?

Mr. SISSON. I do not know exactly what the gentleman's question means, but if I catch his meaning, I do not concede that principle at all, nor does the Supreme Court, although the Supreme Court in its first decision took a different view from the one that they now take. The Race Horse case is the one where they decide the contrary of the views of the gentleman from Missouri.

Mr. BARTHOLDT. I want to say to the gentleman that I had not finished my question. Incidentally I should like to remind the gentleman that there are some matters covered by general principles of international law and not by specific treaty. I shall now come to my question. Suppose a State should pass a law which would get us into trouble with a foreign nation because of the violation of the recognized principle of international law or treaty provisions. Supposing that to be the case; the United States Government would be obliged to make the cause of that State its own cause.

Mr. SISSON. Yes.

Mr. BARTHOLDT. If that is the case, should not the National Government have a voice in determining legislation of that character?

Mr. SISSON. Absolutely not.

Mr. BARTHOLDT. When the action of a single State can go so far as to involve the whole Nation in war it seems to me that the Nation and the National Government should have a right to determine that question.

Mr. SISSON. Absolutely not.

Mr. BARTHOLDT. Or to have a voice in the matter.

Mr. SISSON. Absolutely not; because the Government of the United States is a government of delegated powers, and the very purpose of the formation of the Government by these States was in order that they might be able to protect themselves, and that the best protection against foreign aggression of their local rights would be by a union of the States.

Mr. BARTHOLDT. Will the gentleman yield further?

Mr. SISSON. I will for a question only.

Mr. BARTHOLDT. I want to make this point——

Mr. SISSON. Mr. Speaker, I am not yielding for a speech; I yield for a question.

Mr. MANN. We will give the gentleman all the time he wants.

Mr. SISSON. Very well; if I can get all the time I want, I will yield to anybody.

Mr. BARTHOLDT. I can not put this in the shape of a question. I merely want to state as an absolute proposition that one of the greatest functions of government is the preservation of peace. The gentleman knows that.

Mr. SISSON. I agree with the gentleman.

Mr. BARTHOLDT. In fact, that is the cardinal purpose for which governments were instituted among men—to preserve the peace. How can the National Government preserve the peace if any one of 48 of its component parts can pass laws which will get us into trouble with foreign nations at any time the legislatures see fit to do so?

Mr. SISSON. Mr. Speaker, the answer to the gentleman's question is simply this: When a State is clearly within its constitutional rights in the regulation of its police powers, in the regulation of its marital laws, in the regulation of its land or any other matter that is reserved to the State, it is absolutely within the power of that State to do so, and no exigency, no contingency, can arise that will justify the Federal Government in prostituting those powers which it has; and when the gentleman from Missouri [Mr. BARTHOLDT] takes the solemn obligation when sworn as a Member of this House not to violate any clause of the Federal Constitution he binds himself just as much to protect a State under the Constitution in the exercise of her sovereign powers that have been reserved in that instrument to the State as he does to protect the Federal Government itself, because this Government is made up of States, and each State is an integral part thereof, and it is absolutely impossible for the Federal Government under the Constitution

to do those things which it has not been permitted to do under the Constitution.

Mr. BARTHOLDT. Mr. Speaker, I would call the gentleman's attention to what is apparent and has been known to the national economists for a long time, long before the California controversy arose, as a palpable defect in our scheme of government, namely, that the National Government is completely impotent in matters of State legislation when that legislation affects the interests of other nations.

Mr. SISSON. Mr. Speaker, I must decline to permit the gentleman to make a speech in my time. I want to say this, that if in the gentleman's opinion that is the unfortunate condition of affairs, then the Constitution provides a perfectly safe and legal method of curing the defect, and that is by amendment, by having two-thirds of these Houses of Congress submit to the States those propositions showing the incompetency and impotency of the Federal Government to perform its functions, and that an amendment should be made, and it ought not to be accomplished by assumption of authority on the part of the Federal Government, because if the Federal Government can assume authority because it has the might, through the taxation of the people of these States for the purpose of maintaining an Army and Navy, then the very purpose for which the Federal Government was organized, to protect these States, is lost sight of, and the Federal Government is doing for the State what a foreign power could do for each State singly, and the Federal Government doing it would simply take the place of a foreign nation—the very thing the Federal Government was organized to prevent. So the remedy is to amend the Constitution. That is the way to get at it.

Mr. MONDELL and Mr. BARTHOLDT rose.

The SPEAKER. To whom does the gentleman yield?

Mr. SISSON. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. BARTHOLDT. I simply desire to say I have introduced an amendment to the Constitution to-day covering that point.

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Missouri?

Mr. SISSON. I do not. I yielded to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, if the gentleman from Mississippi will allow me, is it not a fact that it is scarcely conceivable that any State government acting within its constitutional power shall do anything at which any reasonable foreign Government may properly take umbrage or torture into an act of hostility?

Mr. SISSON. If the gentleman puts his question in the form of a positive statement, I will adopt it as a part of my remarks.

Mr. MONDELL. The gentleman may put it in any form he desires, but it seems to me there is no possibility of the dangerous situation that the gentleman from Missouri [Mr. BARTHOLDT] seems to have in his mind, assuming foreign nations are reasonable and understand our form of government.

Mr. SISSON. Now, I may say this, since the gentleman has raised that question, that I do not believe there is a civilized nation in the world that will take umbrage at the right of a people of a nation to control their internal and domestic concerns. I discussed that, however, when I last addressed the House.

Mr. DIES. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Texas [Mr. DIES]?

Mr. SISSON. I do; I yield with the understanding that if I do not complete my remarks I may have unanimous consent to have a little more time.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. When is the time of the gentleman from Mississippi up?

The SPEAKER. The gentleman has used 75 minutes.

Mr. MANN. How much more time does the gentleman from Mississippi desire?

Mr. SISSON. I do not know; it depends upon the amount of interruptions.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi may proceed until he concludes his remarks.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Mississippi [Mr. SISSON] shall be permitted to continue until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. DIES. Mr. Speaker, with that in my mind I may preface my question with this statement: That the total white population of the South at the outbreak of the Civil War was about 6,000,000; the total amount paid out in pensions to date has been over $4,000,000,000; then I may ask the gentleman, if we go into this war suggested by the gentleman's argument, what does the gentleman estimate the pension expenditures of this Government will be before we get through settling with the 45,000,000 Japanese with whom we have to contend?

Mr. SISSON. Mr. Speaker and gentlemen of the House, I decline to enter into that field of speculation. On the contrary, I feel absolutely sure that there is not going to be any contention of that kind arising.

But this constitutional principle which I was discussing when interrupted is clearly and distinctly stated after a most profound consideration in the famous Kentucky Resolutions in 1798, which are said to have been written by Mr. Jefferson himself:

Resolved, That the several States comprising the United States of America are not united on the principle of unlimited submission to their General Government, but that by compact under the style and title of a Constitution for the United States and of amendments thereto they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government, and that whensoever the General Government assumes undelegated powers its acts are unauthoritative, void, and of no force.

Now, I may say that another clause of the Constitution gives to the Supreme Court of the United States the same right to deal with treaties that it gives to deal with statutes, so that if the Federal Government should exceed its authority in making treaties, the Supreme Court would be authorized to declare that much of the treaty unconstitutional.

What absurdities would all of these resolutions and opinions of those who made our Constitution be if the old Federalist contention was sound, that supreme and unrestricted power resided in the treaty-making power? Of what force is the sacred instrument that we are all taught to reverence as the palladium of our liberty if under one clause of that Constitution the President and a few Senators can flit them away in a moment and that in secrecy? No, Mr. Speaker; I can not subscribe to such a doctrine.

Mr. Speaker, the words "supreme law of the land" simply mean that when Congress shall enact a statute which it has the right and power under the Constitution to enact, that then such law shall be supreme; that is, it shall be in force and binding upon all of the people of the States. It does not mean that any statute passed shall be the law of the land, but any statute that has been passed which is within the grant of power under the Constitution. This is clearly all that this clause intended to do.

Since the timely death of the Federalist Party no party has been found to champion the view that the power to make a treaty was absolute and unconditional. This question first arose under the Jay treaty. When the treaty was ratified by the Senate it carried an appropriation of money, and the House passed a resolution asking the President to transmit all of the papers to the House for its consideration. Washington at first refused, but his better judgment later prevailed and he sent the treaty and papers to the House and there the principle was contended for—and from that day to this became an established precedent, which has always been followed—that when a treaty required money to be paid, the House of Representatives should pass upon it. If the House refused, the treaty would fail.

WHARTON.

Of this debate, in 1796, in the House of Representatives Wharton, in his International Law Digest, says:

On one side it was maintained that the power of the President and the Senate as to treaties was absolute, and that the House of Representatives, under the Constitution, was bound to make the appropriations necessary to carry the treaty into effect. On the other side it was contended that under the Constitution the consent of the House was requisite to pass appropriations to carry the treaty into effect, and that this was as much known to the other contracting party as was the consent of the Senate to the preliminary adoption of the treaty. (Wharton's International Law Digest, 17.)

JEFFERSON.

On March 21, 1796, Jefferson wrote to Monroe, then in France, as follows:

The British treaty has been formally at length laid before Congress. All America is atiptoe to see what the House of Representatives will decide on it. We conceive the constitutional doctrine to be that, though the President and Senate have the general power of making treaties, yet wherever they include in a treaty matters confided by the Constitution to the three branches of Legislature, an act of legislation will be requisite to confirm these articles, and that the House of Representatives, as one branch of the Legislature, are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives to the President, Senate, and Piaminigo, or any other Indian, Algerine, or other chief. (4 Jefferson's Works, 134.)

GALLATIN.

Henry Adams, in his Life of Albert Gallatin, says of the speech made by Gallatin during this same debate in the House of Representatives that—

The debate began on March 7, 1796, and on the 10th Mr. Gallatin spoke, attacking the constitutional doctrine of the Federalists and laying down his own. He claimed for the House not a power to make treaties, but a check upon the treaty-making power when clashing with the special powers expressly vested in Congress by the Constitution. He showed the existence of this check in the British constitution, and he showed its necessity in our own, for if the treaty-making power is not limited by existing laws, or if it repeals the laws that clash with, or if the legislature is obliged to repeal the laws so clashing, then the legislative power in fact resides in the Senate and President, and they can, by employing an Indian tribe, pass any law under the color of a treaty.

The argument was irresistible; it was never answered; and, indeed, the mere statement is enough to leave only a sense of surprise that the Federalists should have hazarded themselves on such preposterous grounds. Some years later, when the purchase of Alaska brought this subject again before the House on the question of appropriating the purchase money stipulated by the treaty, the administration abandoned the old Federalist position. The right of the House to call for papers, to deliberate on the merits of the treaty, even to refuse appropriations if the treaty was inconsistent with the Constitution or with the established policy of the country, was fully conceded. The administration only made the reasonable claim that if, upon just consideration, a treaty was found to be clearly within the constitutional powers of the Government and consistent with the national policy, then it was the duty of each coordinate branch of the Government to shape its action accordingly. (See speech of N. P. Banks of June 30, 1868, Congressional Globe, vol. 75, p. 385; Life of Albert Gallatin, p. 161.)

Gallatin's views prevailed in the House by a vote of 57 to 35.

JEFFERSON'S MANUAL.

Every Member has on his desk the House Manual and Digest, containing Jefferson's Manual, which was prepared by Jefferson when he was Vice President for his guidance, and has been used and adopted by both Houses since his day for their guidance. On page 298 of this manual, as prepared by the Hon. CHARLES R. CRISP, now an honored Member of this House from the State of Georgia, will be found, under the subject of Treaties, the following:

By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution, nor are we entirely agreed among ourselves. 1. It is admitted that it must concern foreign nation party to the contract, or it would be a mere nullity, res inter alias acta. 2. By the general power to make treaties the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty and can not be otherwise regulated. 3. It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way. 4. And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave little matter for the treaty power to work on. The less the better, say others.

Mr. Rawle, a distinguished lawyer of Philadelphia, in discussing the treaty-making power, says:

The most general terms are used in the Constitution. The powers of Congress in respect to making laws we shall find are laid under several restrictions. There are none in respect to treaties. * * * To define them in the Constitution would have been impossible, and therefore a general term could alone be made use of, which is, however, to be scrupulously confined to its legitimate interpretation. Whatever is wanting in an authority expressed must be sought for in principle, and to ascertain whether the execution of the treaty-making power can be supported we must carefully apply it to the principles of the Constitution from which alone the power proceeds. * * *

There is a variance in the words descriptive of laws and those of treaties. In the former it is said those which shall be made in pursuance of the Constitution, but treaties are described as having been made, or which shall be made, under the authority of the United States.

The explanation is that at the time of adopting the Constitution certain treaties existed which had been made by Congress under the Confederation, the continuing obligations of which it was proper to declare. The words "under the authority of the United States" were considered as extending equally to those previously made and to those which should subsequently be effected. But, although the former could not be considered as made pursuant to a constitution which was not then in existence, the latter would not be "under the authority of the United States" unless they are conformable to its Constitution (p. 66).

Judge Story, in his Commentaries on the Constitution of the United States, says, in reference to the treaty-making power:

The power to make treaties is by the Constitution general and it, of course, embraces all sorts of treaties, for peace or war, for commerce or territory, for alliances or success, for indemnity for injuries or payment of debts, for the recognition and enforcement of principles of public law, and for any other purposes which the policy or interests of independent sovereigns may dictate in their intercourse with each other; but though the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the State. A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination of it and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope, and no one embraces a right to annihilate any other. A treaty to change the organization of the Government or annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers would be void, because it would destroy what it was designed merely to fulfill—the will of the people. (Sec. 1508.)

Mr. Speaker, it is useless to further pile up authorities to substantiate the correctness of the position which I have taken on this question, but I want to call the attention of the House to a strong and convincing argument made by Judge Shackelford Miller, of Louisville, Ky., before the Jefferson Law School, on this question. My attention had not been called to this magnificent argument of Judge Miller until after I had delivered my speech in the House on this question, but I will have it printed as an appendix to my remarks and invite the attention of the House to it, and assure you that it is worth your while to carefully read it.

I also call your attention to the very able speech made by one of the most distinguished lawyers in the present House of Representatives, the Hon. SWAGAR SHERLEY, of the Louisville district of the State of Kentucky. This speech also came to my notice after I had delivered the speech last month.

Mr. SHERLEY's speech was delivered on the 22d of January, 1907, and is found on page 1515 of the CONGRESSIONAL RECORD of that date. It is with a great deal of pleasure that I find that this distinguished and learned lawyer is in exact accord with the views which I entertain in reference to the treaty-making power of the United States Government.

Mr. SHERLEY said, in part:

"The proposition that is involved in the present case growing out of the controversy between Japan and California is that the treaty-making power is not only able to remove alienage, so far as it relates to residence and so far as it relates to inheritance and transmission of property, but that it can go to the extent of conferring upon an alien every right enjoyed by a citizen of the United States or of any particular State. That I deny. It is manifest that no treaty could undertake to confer upon an alien the right to hold office within a State, because, gentlemen, the treaty-making clause must always be held subject to the general purpose and scope of our Government, State and National. It is unthinkable that the makers of the Constitution, who were so careful to guard the powers of every particular department, to offer check against check and counterbalance against counterbalance, were yet so impressed with the necessity of having facility of contract with foreign nations that they were willing to give to one man and two-thirds of the Senate present—not even two-thirds of all elected—the power to make a law that could override all State enactments and rule. The National Government could, if it saw fit, as it did see fit in the Chinese treaty, give to the citizens of a foreign country the right to education in the public schools of the National Government, because that is a matter that rests with the Nation. The burden is upon the Nation in maintaining these schools, and it might be proper that the Nation should impose the additional burden of education of aliens. But how can it be said, where the obligation is one that belongs to the State primarily, that is subject to the State's will, so subject that the State could to-morrow, if it saw fit, do away with its public-school system, make what appropriations it saw fit, or none at all, that the National Government could confer upon an alien such right? Once you concede that right, I see no reason, in a logical way, why you should not concede any other particular right that may be desired in regard to the internal affairs of a State.

"The Constitution provides that the President, with the consent of the Senate, may make treaties, and also provides that 'no State shall enter into any treaty, alliance, or confederation.' Now, if this was all, it would be manifest that whatever agreement might be made with other nations would have to be had by virtue of a treaty made by the National Government. But this is not all. The prohibition upon the States to make treaties is contained in the beginning of section 10 of Article I of the Constitution, and in the last division of that section it is declared that 'no State shall, without the consent of Congress, * * * enter into an agreement or compact with another State, or with a foreign power.' Of course, it is clear that the negative form of this declaration admits the affirmative, and the State can, with the consent of Congress, enter into an agreement with another State or with a foreign power. But yesterday this House passed a bill giving the consent of Congress to an agreement between two of the States. Now, if an agreement can be made between a State and a foreign power it follows that such an agreement must be one not included in the scope of a treaty, because a State is, as we have seen, prohibited from making any treaty. That of itself is a further indication that the treaty-making power does not embrace all contracts of every kind which can be thought of between the

people of one country and the people of another. What seems to my mind to have been the views of the makers of the Constitution was that the treaty power should relate to those subjects naturally belonging to treaties—should relate to those subjects that pertain to the country as a whole. It was proper—aye, it was necessary—that one voice should speak as to its contracts with other nations when it spoke on behalf of all the people, and it was further manifest that when that voice spoke within its domain the voice of every State must be silent, that no discordant note might be heard to limit or deny the solemn compact of the General Government. But it is evident that there are many things that may pertain peculiarly to one locality, to one section of the country, and to its relationship to foreign nations that do not pertain to the balance of the country and should not be embraced within a treaty."

I can not refrain, Mr. Speaker, from quoting one other authority which very clearly states the correct principle to guide us in determining to what extent the President and Senate may go in making a treaty. I call attention to The Constitution of the United States, by John Randolph Tucker, paragraph 354, page 725:

"A grave question has arisen whether the exclusive power of treaty making, vested in the President and Senate, is unlimited in its operation upon all the subjects for which a treaty may provide. Can a treaty by compact with a foreign nation bind all of the departments of our own Government as to matters fully confided to them; can it surrender, or by agreement nullify, the securities for personal liberty ingrafted upon the Constitution itself; can it cede to a foreign power a State of the Union or any part of its territory, without its consent; can it regulate commerce with foreign nations in spite of the power of Congress to regulate commerce with them; can it provide for the rates of duty to be imposed upon certain articles imported from foreign nations, or admit them free of duty, in the face of the power given to Congress to lay and collect taxes and duties; can a treaty appropriate money from the Public Treasury and withdraw it without the action of Congress; can a treaty dispose of any part of the territory of the United States, or any of their property, without the consent of Congress, which alone has power to dispose of and make rules and regulations concerning the territory and other property of the United States? These important questions have several times arisen for discussion in our history, and upon them authoritative decisions have been made by other departments of the Government, which are based upon solid reason and sound principles of constitutional construction.

"It can not be denied that very many of these questions must be answered in the negative, or the consequence would be that, under the treaty-making power the President and Senate might absorb all the powers of the Government. In favor of the extreme claim for power for the President and Senate it has been urged that a contract between the United States and a foreign nation must be conclusive against all departments of the Government, because it is a contract; but the answer to this contention is obvious and conclusive. It involves the petitio principii by assuming that the contract is complete though it trenches upon the power of the other departments of the Government without their consent. And if it be further urged that foreign nations know no party in the contract on the part of the United States except the President and Senate, the answer is equally conclusive that if our Constitution requires the consent of the departments to a treaty of the nature referred to, the foreign nation is bound to take notice of that fact and can not claim a complete obligation in the absence of the consent of the other departments. The maxim upon this subject is familiar—qui cum alio contrahit vel est, vel debet esse, non ignarus conditionis ejus. And if it be further urged that this is too refined a doctrine to regulate our delicate relations with foreign powers, the answer is that the treaty-making power of the Crown of Great Britain, where it involves a clear and absolute power of Parliament, has never been recognized as valid by the English Government, and has never been enforced. The Queen may make a treaty to pay $10,000,000 to the French Government, but unless Parliament appropriates the money the treaty will be ineffectual. It is from the fundamental laws of each State that we must learn where resides the authority that is capable of contracting with validity in the name of a State.

"A treaty therefore can not take away essential liberties secured by the Constitution to the people. A treaty can not bind the United States to do what the Constitution forbids them to do. We may suggest a further limitation; a treaty can not compel any department of the Government to do what the Constitution submits to its exclusive and absolute will. On these questions the true canon of construction, that the treaty-making power, in its seeming absoluteness and unconditional extent, is confronted with equally absolute and unconditional authority vested in the judiciary. Therefore neither must be construed as absolute and unconditional, but each must be construed and conditioned upon the equally clear power vested in the others. For example, Congress has power to lay and collect duties; the President and Senate have power to make and contract with a foreign nation in respect to such duties. Can any construction be given to these two apparently contradictory powers than that the general power to make treaties must yield to the specific power of Congress to lay and collect all duties; and while the treaty may propose a contract as to duties on articles coming from a foreign nation, such an executory contract can not become valid and binding unless Congress, which has supreme authority to lay and collect duties, consents to it. If it is then asked how are you to reconcile these two powers which appear to be antagonistic, the answer is clear. Congress has no capacity to negotiate a treaty with a foreign power. The extent of its membership makes this impracticable. The Constitution, therefore, left the House of Representatives out of all consideration in negotiating treaties. The executory contract between the United States and a foreign nation is therefore confided to one man, who can conduct the negotiations, and to a select body who can advise and consent to the treaty he has negotiated. But this executory contract must depend for its execution upon the supreme power vested in Congress 'to lay and collect duties.' It is therefore a contract not completed, but inchoate, and can only be completed and binding when Congress shall by legislation consent thereto and lay duties in accordance with the executory contract or treaty. The same reasoning may apply to all of the great powers vested in Congress, such as 'to borrow money, regulate commerce, coin money, raise armies and provide a navy, make laws as to naturalization, bankruptcies, and exercise exclusive legislation' in the District of Columbia and Territories of the country. If these are sought by the treaty to be regulated by the President and Senate, it can be done only when Congress vested with these great powers shall give its constitutional consent.

"Mr. Madison, in the reports of the convention which he has left us, used an expression which is significant upon this point. He intimated that in making treaties eventual—that is, complete and final per se—the treaty-making power might be independent; but where they referred to matters that were incomplete without legislation they would be incomplete until that consent was given.

"The absurdity of any other construction as to the power to lay taxes, duties, and so on, is very palpable. We have seen from the Constitution that all bills for the raising of revenue shall originate in the House of Representatives, to which the Senate may or may not assent and the President may veto; but if the President and the Senate have the power to regulate the system of taxation and revenue by treaty without the consent of Congress, then the House of Representatives, which, by the terms of the Constitution, is made the originating body for such bills, without whose primal action the President and Senate can have no voice whatever in the matter, is to be excluded from any consent to the terms of the treaty of the President and Senate, who, by the constitutional method, are not entitled to act at all until the House of Representatives has inaugurated a bill.

"The reason, in the nature of our system, which makes the conclusion absolute is that in the balance of power which was ordained by the convention the House of Representatives was to originate all taxation upon the people. The people at large dreaded the placing of the tax power in the hands of a majority of the States without regard to their size, and insisted that the power should be in the hands of the States according to the numerical proportion of their population. To give the President, with the advice and consent of two-thirds of the Senators present, the power to regulate taxation is to reverse this scheme and destroy the equilibrium of the Constitution. For in 1790 two-thirds of the States, containing 1,685,360 people, could ratify a treaty against the other third of the States, containing a population of 2,166,419; that is to say, that a minority could tax at will a majority. By the census of 1880 two-thirds of the Senate, representing 19,755,532, could regulate taxation against the other third, containing a population of 29,615,818; and by the late census of 1890 this disproportion would be greatly increased.

"It has been shown in previous parts of this work that the regulation of commerce by a majority vote of the two Houses, instead of requiring two-thirds, was the result of a concession made upon a compromise. But if this regulation of commerce can be made by two-thirds of the States in the Senate, then, under the census of 1880, shown above, two-fifths of the population of the country could regulate commerce against the other

three-fifths, instead of the original purpose to require a vote of two-thirds to do so.

"355. These results demonstrate the fatal disturbance of the equilibrium of the Constitution which would arise from any such construction as would give the President and Senate the right by treaty with a foreign power to regulate the internal concerns of the country. We have had several historic precedents on this subject, to which brief reference may be made. President Washington negotiated Jay's treaty in 1795, in which were general stipulations as to commerce and duties upon British vessels, and so forth. It was insisted that this treaty was complete without any consent of the House of Representatives. The House of Representatives resolved by a vote of 63 to 36 that while the House did not claim any agency in making treaties, yet when a treaty stipulated for regulations upon any of the subjects submitted by the Constitution to the power of Congress it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress, and it was the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such a treaty into effect and to determine and act thereon as in their judgment might be most conducive to the public good."

Mr. Speaker, since the controversy over the Jay treaty the principle for which I contend has been recognized by all the Presidents and by both branches of Congress in all of the treaties since that day. Wherever a treaty involves the payment of money, or a change of the revenue laws of the United States, before the treaty becomes operative it has been submitted to the House of Representatives for its ratification and approval. So the principle that the treaty-making power is absolute, unlimited, and unrestrained in the President and the Senate has been repudiated, and the principle thoroughly agreed upon is that the treaty-making power is one which is delegated like all other powers to the Federal Government and is limited in its scope by the provisions of the Constitution; and, like all other powers granted to the Federal Government, can only be exercised constitutionally when it does not trespass upon the reserve powers of the States.

When Jefferson purchased Louisiana he submitted the treaty to the House of Representatives and asked them to appropriate the money, and if the House had refused, the treaty would have failed. When Johnson purchased Alaska this precedent was followed. This is because Congress alone can appropriate money under the Constitution, and the House of Representatives must be consulted.

One other illustration with which we are all familiar is that Mr. Taft submitted the reciprocity agreement with Canada to Congress and not to the Senate alone, in order to make it binding.

I have no doubt that it would be more convenient to foreign nations if they only had to deal with the President as with an absolute monarch, and it would sometimes be less troublesome if the President could close the contract; but human liberty has suffered too much in the past to intrust such power to one man.

It would also be much easier if only the Senate had to be consulted as to all treaties, because they could be more easily entered into; but Americans are unwilling to be taxed by the President and the Senate alone. They are also unwilling to have the Treasury doors opened at the behest of the President and the Senate.

These few illustrations clearly show that there is a limitation on the treaty-making power. If it is limited, is it not limited by the Constitution itself? If limited by the Constitution itself, can its powers be larger than that instrument itself? To do this you must infer sovereignty from a delegated power. To deduce powers of sovereignty, unlimited, unrestrained, and undefined from delegated powers—that is, to get the greater out of the lesser and limited—is an evident inversion of reasoning which necessarily terminates in the conclusion that the limited power of government substituted for the unlimited power of sovereignty, supposed to have been abolished, furnish references which revive these same unlimited powers of sovereignty.

In other words, Mr. Speaker, our Constitution is a mockery if the unlimited and unrestrained power is vested in a portion of our Federal Government. If the ingenuity of man is great enough to thus distort the treaty-making power to this extent, then the great philosophers and statesmen who invented our Constitution and placed the treaty-making power in the hands of the President and the Senate for the benevolent purpose of civilizing intercourse between our Government and other nations and softening the evils of war have only succeeded, as if by wicked design, to increase the power of domestic oppression and destruction of our local governments by dissolving restrictions imposed by them for our security and liberty—the very protection which our States sought to secure by establishing the Federal Government. Thus the Federal Government is substituted for the foreign power and force and does the very thing that our fathers intended to prevent.

GOVERNMENT BY SECRET METHODS.

Mr. Speaker, I call the attention of the House to another reason which is very strong to my own mind why our fathers did not vest this absolute power in the President and Senate. The statesmen of that day and time were learned as to the strength and evils of all of the governments of the past. They knew all of the evil effects upon free government of "back-stair conferences" and "star-chamber proceedings." They knew the absolute necessity of having the public eye on their officers and servants. Every precaution was taken that the people might know what was going on. The Constitution provides that a Journal of the proceedings shall be kept, which shall be published from time to time, and when one-fifth of the membership shall demand it the yeas and nays shall be entered upon that Journal. This clause is for the purpose of allowing the people to know how their servants are voting and what proceedings are being had affecting them and their property.

Yet, Mr. Speaker, if the contention of some men is sound, this publicity may be avoided by taking the treaty-making route and behind closed doors the Senators, or a portion of them, with no one to hear except themselves, consider a treaty about which profound secrecy has been maintained, which affects the internal affairs of every State of the Union and every citizen in those States, overturning their State constitutions and laws, affecting their most sacred property rights, affecting their marital relations, their rights of trial by jury, their rights to the divine writ of habeas corpus, and, in a word, their right to "life, liberty, and the pursuit of happiness," and the first intimation our people have the treaty is ratified, published as the supreme law, overturning the title to their lands and depriving them of every sacred right under their State laws and constitution. They awaken to find themselves living in a new government and under a new order of things and with two new masters—the Federal Government, exercising direct control of their land, property, home, person, family, school, and church, and, in partnership with some foreign power, ready to enforce the new edict called a treaty.

No, Mr. Speaker, our fathers did not fight and die for this sort of Government. They did not foster such a mockery as this. They did not practice this fraud upon their posterity. If the President and Senate can make such a treaty, let us tear down every door of secrecy. Let us require the President to publish every letter and telegram bearing upon a contemplated treaty on the very moment of its dispatch; let the public hear every word that he says to foreign representatives from the first to the last about all treaties; let the treaty as agreed upon by him be sent to the Senate and printed in the Journals and the RECORD; let the press have it when the Senate gets it; let the cloture of the Senate be removed; throw open the doors, let the people hear every word spoken in debate; let the roll call be public and published; let the Senator's constituents know how he votes and how he speaks.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield for another interruption?

Mr. SISSON. I will.

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Missouri?

Mr. SISSON. I yield.

Mr. BARTHOLDT. What is the purpose of a treaty, as a rule? In my judgment, it is to establish peaceful relations——

Mr. SISSON. Oh, I do not think so; Mr. Speaker, I think there are thousands of questions, too numerous to mention, that are just as important. In other words, we do not simply make treaties about peace. We make treaties of commerce; we make treaties of all kinds and character that affect the great external affairs of our great Nation. I admit that the treaty-making power could be and ought to be used in enforcing, if possible, upon the nations of the world peace, because I think that nothing is more cruel and savage than war.

And that is the most expensive of all luxuries that can be engaged in. But however the gentleman from Missouri [Mr. BARTHOLDT] might desire to have the form of the Government changed, he must live under the Government as it is. He can not as a Congressman, nor can he as a private citizen nor as a Senator nor as President, transgress the Constitution which he swears to support. So I shall have to decline to enter into any discussion of that kind, because I am trespassing too much already on the patience of the House.

The SPEAKER. The gentleman from Mississippi declines to yield further.

Mr. BARTHOLDT. I hope the gentleman will not cut me out of this discussion by so construing the Constitution.

Mr. SISSON. The gentleman differs from me in his construction of the Constitution, but I will yield to the gentleman if he simply desires to ask me a question.

The SPEAKER. Does the gentleman yield?

Mr. SISSON. Yes.

Mr. BARTHOLDT. I will ask the gentleman this question, the views of the gentleman to the contrary notwithstanding: Does he not believe that treaties between different governments are about the same thing and are to be compared with contracts made between individuals for the purpose of getting along peacefully? I will ask the gentleman whether that is not the real purpose of treaties.

Mr. SISSON. It is the duty of both high contracting parties to a treaty to know the authority of each, and neither has the right to exceed that authority. If I had the time at my disposal, I would be glad to read to the gentleman other authorities which he may read in the RECORD, where other authorities, greater than I, have answered the gentleman's question. It has been answered in the Senate, and on the floor of the House, and in the schoolroom, and in the courts.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman again yield?

The SPEAKER. Does the gentleman yield?

Mr. SISSON. Yes.

Mr. BARTHOLDT. In other words, what the gentleman construes as a menace, namely, the treaty-making power, I consider as a benefit.

Mr. SISSON. Oh, I am rather inclined to believe with Mr. Jefferson that these "backstairs conferences" result as often in bringing about wars as in bringing about peace. [Applause.] Mr. Jefferson, in discussing this matter, stated that if the nations of the world would just deal honestly with each other and not endeavor to gain commercial and political advantages over each other—if they only would deal honestly and frankly—all occasions for war would cease. [Applause.]

But, Mr. Speaker, I do not care to go into this matter further now, although I believe it is demonstrable that all wars have been unnecessary and have been brought about mainly to gratify the selfishness of a few men.

LAND MONOPOLY.

Mr. Speaker, the treaty-making power, if abused, can do infinitely more harm at the present time than it could have done in former times. International business has assumed enormous proportions. Men of great wealth, and especially the great corporate enterprises, having practically exhausted most of the safe fields of investment for their great surplus earnings, are turning their attention to land investments. All of the more progressive and more advanced States have, either in their constitutions or in their statutes, prohibited corporations from owning land for agricultural purposes. Some of the States prohibit corporations acquiring lands for speculative purposes. These statutes are intended to prevent land monopoly.

If the treaty-making power can overturn the constitution and statutes of a State, then a treaty could be made with a foreign nation permitting not only its citizens but land companies and land corporations to purchase and own land in the United States notwithstanding the constitution and laws of the State should forbid such ownership. It is therefore easy to understand why not only the great corporate interests of this country but why the great corporate and business interests of other countries should be desirous of establishing the right in the treaty-making power of the Federal Government to override these State constitutions and State laws. It is easy to understand why these great business institutions would endeavor, through the press, which they control, to destroy whatever good effect a speech of this character would have upon the country.

Many of these large employers of labor would be delighted to have the Federal Government, through its treaty-making power, pull down the bars and let the alien come in.

What would become of the American farmer if the great corporations of this country should enter the land market and buy all of the best lands of the country and then cultivate them with Mongolian, Chinese, Hindu, and other cheap alien labor? How long would the American farmer be able to compete with these great land monopolists in producing what our lands are adapted to? The great land corporation would establish its commissary and compel its horde of aliens to purchase everything which they consumed from the commissary, and would be able to make enormous profits out of the land and drive the independent farmer out of existence.

In my own State foreign and domestic corporations have been purchasing large tracts of magnificent land, and in every instance they so organize their business that they require every tenant on the place to make all of his purchases from the commissary. In the great State of California individuals and corporations owning great tracts of land are cultivating them with Hindu, Chinese, and Mexican labor. It is this class of landowners and land monopolists who are opposed to all restrictions upon labor importation into this country. These are the men who desire to lease their land for high prices to this class of labor. It is the land speculator who has large tracts of land who desires to import Asiatics and other aliens and sell them, at high prices, the land which they own and control.

Any man who opposes the importation into this country of aliens of every kind will find arrayed against him all of the corporate influences of this country of this character, and they will exercise every means of misrepresentation to destroy him politically, so as to teach all men in public life in the future not to oppose them in their demands. It is bad enough to have our copper, coal, iron, timber, oil, manufacturing, food, banks, and other enterprises of this character monopolized by a few and controlled by them. God knows they extract enough from the people and their toil; but who can picture the conditions that will exist when these same monopolists shall reach out and control the land of this Republic? The wickedness of monopoly has been recognized in every age of the common law, and has been instrumental in destroying all of the great governments of the past.

Mr. Speaker, this question is therefore intimately associated in my mind with the question of the alien ownership of land. The private corporation, as we understand at present, is of modern origin. The real good that results to a people from a private corporation is that a number of individuals may subscribe a certain amount of money for the purpose of developing an enterprise, new and hazardous in its nature, which could not, in the nature of things, be so well developed by private individuals. If the corporation could not perform this function, then it has no right in morals to exist. No corporation should ever be chartered which interferes with or hampers the rights of an individual citizen. The citizen in every free government, in his individual capacity, has certain inalienable rights. The corporation has and can have only such rights as are conferred upon it by the State. A citizen entering a corporation enjoys a certain special privilege which the private citizen can not enjoy. His liability is limited to the amount of his subscription to the stock, and he does not, upon the failure of the corporate enterprise, jeopardize his entire fortune. The death of an owner of stock does not necessarily affect the right of the corporation to continue to do business. The individual can not convert his liabilities into assets and his assets into liabilities. The stockholders of a corporation may do this. The private individual can not add water or fictitious values to his property; the corporation can. The stockholders of a corporation can, have in the past, and are now issuing stock far beyond the value of the property owned. The stockholders of a corporation may convert stock into first-mortgage bonds and then issue and put upon the market more common stock than the entire value of the property owned, and thus convert an asset into a liability and a liability into an asset. Most of the great fortunes have been made by deceiving the public in this way. Stock jugglery is a common practice of the modern millionaire.

Through this stock juggling and stock manipulation a few men in the United States have appropriated to themselves practically all of the railroad properties, all of the mining properties, all of the oil properties, and all of the market places where the necessities of life are sold, such as meat, corn, cotton, wheat, and so on. These men who have thus enriched themselves through this channel by appropriating to themselves all of the above properties now control almost every safe investment for money except the lands of the country. They are appropriating to themselves all of the dividends of the above properties, and there is practically but one new avenue of investment now open to them, and that is to invest their surplus earnings in the farm lands of the country.

If they are permitted to organize great land companies and absorb all of the lands of the United States they will be able to reduce to serfdom not only those who work in the mines, in the factories, in the countinghouses, and on the railroads, but they will reduce to a condition of serfdom all of those who till the soil. It is idle to say that a private landowner can or will own land in competition with the corporate interests of the country. Next to the alien ownership of all the land in the United States the most dangerous condition would be the corporate ownership of our lands. [Applause.]

If the corporation were a domestic one it could be controlled by the powers in the United States. But if it is true that aliens have rights under the treaties, as some lawyers contend, then we

would have to deal with a foreign nation, and for that reason it is the more dangerous.

If I can become a simple watchman upon the tower to call the attention of the people of the United States to the present danger of land monopolies, I will have done the people of the country a great service. Every State in the Union should at once pass the most drastic laws against the corporate ownership of farm lands and against the corporate ownership of all lands in our towns and cities, as well as in the country, for speculative purposes.

There are three things absolutely essential for the existence of the human race on this earth. The first is air, the second is water, and the third is land. A human being can only live a few moments without air, and if some monster could invent some device whereby he could gather into many receptacles all of the air and dole it out to human beings at so much per breath the human family would be justified in not only destroying his infernal machine, but in destroying him, because if he were permitted to own such a device he would make the balance of the human family his slaves.

If, on the other hand, some monster could devise a machine whereby he could catch all of the rain which falls from the heavens and store it up in receptacles and dole his water out to quench the thirst of the human family, he also should be considered a monster and should be instantly destroyed.

But the land of the earth is just as essential to human existence as either of the above two elements. The bounds of the land are fixed by the oceans—man can not add to its extent or reduce its area much. It was fixed by the Creator when He made the world. Man must live on it. It is the common inheritance of all.

Every title to land is an agreement, and when a man by any corporate device or any system of legal jugglery should seek to appropriate to himself by government grant, by purchase, or otherwise the earth's surface he is equally as dangerous to human existence as either of the above mentioned if they secured the control of air and water, except that the human race would not be instantly destroyed by such acquisition of land. But if the people of the country would tamely submit to the land monopoly it would as successfully reduce them to a condition of serfdom as would a monopoly of the other two elements.

The land of a nation is the basis of all of its prosperity. From it comes our food, clothing, building material, and fuel, and the man or group of men who control the land of the country necessarily control the people of that country. No people can be a free people where land monopoly prevails. If I am permitted to control the land of a country I will necessarily be able to control the people of the country.

The United States Government within the last few years has done the posterity of the people an irreparable injury. The records of the Land Office show that about 200,000,000 acres of the most marvelously fertile land in the country has been given away to railroad corporations and other favorites of the particular administration in power at the time of the grant. There is but little now of this sort of property outside of Alaska for the United States Government to donate to her favorites, but the menace still is just as great as it formerly was, unless all of the States in the Union shall pass some drastic laws to prevent the corporate ownership of land for farming or speculative purposes. No corporation should be permitted to own a foot of land except for the purpose for which the corporation was chartered, and then only so much as may be necessary to conduct its business. Not a foot of land in any State should ever be permitted to be owned by a corporation for farming or speculative purposes.

The land should be preserved for the honest settler and those of us who now own lands should not be permitted to dispose of them except to individuals who expect to farm the lands themselves or have it done under their specific direction. The individual ownership of land can never result in a monopoly, because when the individual dies the land is divided up among those who inherit from him. His children will marry the children of other families; his land will be divided up and thus remain in the hands of the people. But if he is permitted to consolidate his lands with other people into a corporation when he dies his land will still remain in the corporation, and the stock in the corporation will be dealt with as personal property, but the ownership of the land will not in the least be disturbed.

The American people should erect a monument to the man who first conceived the idea of not permitting a citizen to enter more than 160 acres of land. The homestead entry has been the bulwark of our national strength [applause], and if in the very beginning the laws of our States should have limited not only the corporate ownership of land but the private ownership of land to a few hundred acres we would have been stronger nationally than we are to-day.

The traveler in France is not impressed by the beauties of Paris as he is by the strength of the French Nation when he travels among the peasant farmers. Napoleon Bonaparte is loved in France not so much because he was a great general and great Emperor of France, but he is loved because he broke up the Crown lands of France and divided them among the French peasants in accordance with the number in the peasant's family. Europe to-day does not fear the armies of France nor the navies of France, but the nations of Europe are afraid of the people of France, because every peasant farmer when he fights for France realizes that he is fighting for his own home, for his children, and for his fireside, and he is willing to die if need be for that Government which protects him in the ownership of his home.

It has been the small farmer of the United States that has made it possible for our people to outstrip all the other people of the Western Hemisphere. If Texas had remained a part of Mexico, her condition would have been no better than are the conditions now in Mexico. If the States of Oregon, Washington, California, Nevada, New Mexico, and Arizona had remained a part of Old Mexico, they would have been in no better condition to-day than the people of Mexico. In that Republic there are a few grandees who own farms two-thirds as large as the State of Mississippi, and every human being that tills the soil on these farms is a peon and a slave. The trouble with Ireland to-day is that her lands have been monopolized by the English landlords, and the Irish have been driven by the thousands from that rich, happy island to the shores of America and other countries to escape that horrible condition of suffering. It is the history of every country that where there is a land monopoly there is woe and want and misery. It is equally the history of every country where the land is divided up into small farms and the man that tills the soil owns it that that country is happy and prosperous.

Let me repeat, man must live and live on the land. If the land is monopolized by the few they will successfully control the business of the entire country. They will be able to dictate the terms under which man shall live. They can fix the land rental, the house rental, and the entire wage schedule throughout the laboring world; and the men who produce the wealth with their labor will only be given just such amounts as the selfish monopolist is willing that they shall have. This problem overshadows all other problems. It matters not the kind and character of Government if this condition prevails. We may stagger along under burdens of protective tariff, but that law can be repealed at any time by the majority; but if the corporate interests of the country and our millionaires shall acquire a vested interest in all of the best lands of the United States nothing but a revolution would ever divest them of this ownership.

This condition, as I have pictured it, would be bad enough if none but American citizens were employed by these industrial and land monopolists, but what would become of the American manhood and womanhood if these land monopolists and industrial monopolists can be permitted to bring into competition with the American wage earner and the American farmer, through the treaty-making power, the cheapest aliens from all over the world and further reduce the share which they will give labor of that which it has earned?

It is this condition which I fear that causes me to be so much interested in this great principle which I have discussed and for which I have been so severely criticized by certain portions of the American press; but I think the great majority of the people of the United States do not hold to this position of the corporate-owned press. I have received letters from all over the country, from men in every station of life, highly indorsing me in the position which I have taken, and if I can have with me in this fight for Americans and their rights the great laboring masses on the farms, in the factories, and in the mines, whose patriotic hearts beat for humanity, I am more than satisfied to be denounced and criticized for the position which I take. [Applause.] I am willing, if it must be so, to be driven from public life; but I am not willing, nor shall I ever surrender so long as I live the right to speak for the great inarticulate mass of American citizens—the great toilers who make possible every necessity, comfort, and luxury of life.

The rich and the powerful who purchase labor will have their fortunes vastly increased by having all barriers to cheap labor broken down. They know that the quickest and surest route is through the treaty-making power, because they only deal first with one man, the President, and then one body, two-thirds of the Senate present. They know that their children will never have to compete for a livelihood with alien cheap labor. They

will not have to work side by side with these laborers, but they will employ this labor instead of the honest American labor because they can get it cheaper. They will weigh the palpitating human heart in the same scale that they weigh a pound of bacon. They will discharge the honest American-born son, who will be called upon to defend the American flag against all enemies of the world, and will employ an alien who owes no duty to America, who owes no duty to protect these multimillionaires' property rights, solely because they can employ the *alien* cheaper than they can employ the American. It must follow, then, as the night the day that the cheaper the labor that they employ the more rapidly they can monopolize and absorb all the property of the United States.

I invite the attention of Congress and the attention of the people of the country to a magnificent paper prepared by Hon. Wayne MacVeagh, which is found in the North American Review of June 20, 1906. I agree in the main with this distinguished statesmen in all that he says in his "Appeal to our Millionaires."

I do not know whether the men who toil and produce the wealth of the world will ever be able to get their share or not. It is the same old battle that has gone on for all time. It is the same condition as pictured in the fifth chapter of St. James, who says:

> Go to now, ye rich men, weep and howl for your miseries that shall come upon you. Your riches are corrupted, and your garments are moth-eaten. Your gold and silver is cankered; and the rust of them shall be a witness against you, and shall eat your flesh as it were fire. Ye have heaped treasure together for the last days. Behold, the hire of the laborers who have reaped down your fields, which is of you kept back by fraud, crieth; and the cries of them which have reaped are entered into the ears of the Lord of sabaoth. Ye have lived in pleasure on the earth, and been wanton; ye have nourished your hearts, as in a day of slaughter. Ye have condemned and killed the just; and he doth not resist you.

[Applause.]

I might say, in parentheses, that if I had made in substance that statement as coming from me, certain portions of the press would be criticizing me as being a flannel-mouthed demagogue. [Applause.] Let them direct their criticisms to the sacred word of God.

The supreme tyranny of wealth in the United States is as heartless as the tyranny in the ages past. This great wealth and these employers of labor may win in the contest, as they have won for the time being in the past, but they will reap the wrath pictured in this chapter of St. James.

Let us as a Nation avoid this day of wrath by the passage of salient and safe laws that will enable labor to enjoy what it has earned.

The next great step that must be taken is to be able to control and direct by law the intellectual cunning and acquisitiveness of those who are peculiarly endowed with a strength of intellect to absorb what others have earned. In former times there was no law against robbery but the man with the greatest physical strength would take by brute force from others what they had earned. But in the slow march of civilization it was found that it was detrimental to the best interests of society to permit the exercise of this God-given physical strength in the acquisition of property, and laws were passed denouncing physical acquisition of property by stealth, either in the day or night, as burglary. If we shall preserve the equal opportunities of men on this earth it is absolutely essential that our lawmakers should turn their attention to the control of the manner and the extent to which man can acquire property by intellectual strength and intellectual cunning. I agree absolutely with that great Englishman, Judge Coleridge, a chief justice of England, in the principle which he lays down. He says:

> In the present day there is nothing perhaps as to which confusion of thought is greater and more mischievous than as to property itself—the idea, the principle of property, and as to the laws of property, the rules by which the practical enjoyment of property is to be regulated. Now, what is the right of property? The end of property is subsistence, by which end nature has bounded our pretensions to it; hence, in a state of nature, we can not take more than we can use nor hold it longer than we live and are capable of using it. The manner of acquiring property in a state of nature is by occupancy—all other modes of transmitting and acquiring property are acts of positive and civil law, which laws prevent the property of the dead from reverting, as it otherwise would do in a state of nature, to the common stock.
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> All the complicated and conflicting systems by which in various civilized countries the powers of the possessors of property, even in various ways, are now narrowed and now enlarged, are systems of positive law, and the right of property has never existed, even in its most absolute form, without some restriction. The right of inheritance, a purely artificial right, has been at different times and in different countries very variously dealt with.
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> The same power which prescribes rules for the possession and descent of property can, of course, alter them, for plain absurdities would follow if this were not so; and the consent of nations and the practice of ages have long since established this simple truth. It has been shown from reason and upon authority that the great and beneficent institution of private property rests only upon the general advantage. The particular rules by which the enjoyment of property is regulated differ in every country in the world and must rest at last upon one and the same foundation, the general advantage; and the defense of any such law of property must ultimately rest on this, that it inures to the general advantage; and in free countries, indeed, I can not conceive any law standing on any other basis. The object of the restrictions placed in England for many centuries upon powers of settlement and devise is invariably stated to have been to prevent mischievous accumulations of property in a few hands. It seems, indeed, an elementary proposition that a free people can deal as it thinks fit with its common stock of property, and can prescribe to its citizens such rules as it sees fit for its enjoyment, alienation, and transmission.
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> A very large coal owner some years ago interfered with a high hand in one of the coal strikes. He sent for the workmen. He declined to argue, but he said, stamping his foot upon the ground, "All the coal within so many square miles is mine, and if you do not instantly come to terms not a hundredweight of it shall be brought to the surface, and it shall remain unworked." This utterance of his was much discussed at the time. By some it was held up as a subject of panegyric and a model for imitation; the manly utterance of one who would stand no nonsense and who was determined to assert his rights of property and to tolerate no interference with them. By others he was denounced as insolent and brutal, and it was suggested that if a few more men said such things and a few men acted on them it would very probably result in the coal owners having not much right of property left to be interfered with. I should myself deny that the mineral treasures placed by Providence under the soil of a country belong to a handful of surface proprietors in the sense in which this gentleman appeared to think that they did. That a few persons would have the right to agree to shut the coal mines of Great Britain seems to me, I must frankly say, unspeakably absurd.
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> The general advantage was in former days absolutely and avowedly regarded, and when rights of private property interfered with them such rights were summarily set aside; and while property itself was acknowledged, the laws of its enjoyment were regulated according to what was thought to be the general advantage. All laws of property must stand upon the foot of general advantage, for a country belongs to its inhabitants; and in what proportions and by what rules its inhabitants are to own its property must be settled by the law, and the moment a fragment of the people set up rights as inherent in them and not founded upon the public good plain absurdities follow, for laws of property are like all other laws, to be changed when the public good requires it. It would be well, indeed, that the owners of property in land and money, from the largest to the smallest, should recognize that their title to the enjoyment of it must rest upon the same foundation, and that the mode and measure of their enjoyment of the common stock of the State, if it injures the State, can no more be defended and will no more be endured by a free people than any other public mischief or nuisance.

I quote what Judge Coleridge says, because I fear that the corporate-controlled press would take issue with me in this statement and would endeavor to convince the people that it was a new and radical doctrine.

WEBSTER.

Let me quote again and from a great American who is known and honored throughout the world as one of America's greatest statesmen and constitutional lawyers. Daniel Webster, with great sagacity, looking into the future, said:

> The freest government, if it could exist, would not be long acceptable if the tendency of the laws was to create a rapid accumulation of property in a few hands. In the nature of things, those who have not property and see their neighbors possessed of much more than they think them to need can not be favorable to laws made for the protection of such property. When this class becomes numerous, it grows clamorous. It looks on property as its prey and plunder, and is naturally ready at all times for violence and revolution. It would seem, then, to be the part of political wisdom to found government on property, but to establish such distribution of property, by the laws which regulate its transmission and alienation, as to interest the great majority of society in the support of the government.

The public press seemed to be amused at the position taken by Vice President MARSHALL in some of his late addresses in reference to property rights, but the announcement which he makes is neither new, novel, nor revolutionary. In a state of nature the only right that a man has to property is the right of possession, and the moment he left a piece of property his neighbor could occupy it, and he had as much right to it as the former occupant. This condition was well suited to nomadic life when the population of the earth was small and the land more than abundant; but for the good of man under civilized conditions it was agreed that man could be invested with a title to a certain portion of the earth's surface, and that his title by this agreement should be a permanent title, and that his children should inherit the land, and it should be his even though he temporarily abandoned it or should actually change his domicile to some other place. This agreement was for the good of society.

After personal property became more abundant it became necessary to make laws restricting the acquisition of personal property, but these laws were nothing more nor less than agreements made for the good of society. And just as these people had the right to make these agreements which were best for them at that time, just so the people now have the right to change that agreement if it is not to the interest of mankind that these particular property rights shall be maintained. It is not for the good of society that one man shall be permitted to acquire too much of the other's services, nor is it for the best interest of mankind for one man to be permitted to own and control too much of our personal property. This is sound, because no man should be permitted to own a piece of real or personal property unless he has given mankind or society a *quid pro quo* for such property.

If an individual should be limited in his right to acquire more than a certain amount of property for the good of society, it is equally as important that the artificial person called a corporation shall be limited in its encroachments and in what it may or may not do, because in modern times men have associated themselves together and formed what is called a body corporate, given themselves a corporate name and the right to do business under a corporate name, and have gone out into the field of industrial and all kinds of business activities. The original purpose of the corporation was to enable men to accomplish through organization those things which would benefit humanity and which could not be accomplished by one individual in his individual capacity. But that reason was soon lost sight of and the greed and selfishness of men has been able to secure through legislative enactment corporate existence for the purpose of securing a vast advantage in the business of mankind by having this special privilege granted to them. And so great has grown this corporate power that to-day practically all of the transportation, mining, and industrial properties of the United States are controlled through and by the corporations. These corporations, nothing but artificial persons, through their agents employ labor and the stockholders enjoy the fruits of their labor. Now, if these great corporate institutions can have influence enough, not through the people of the United States, not through the House of Representatives, not through Congress as a whole, but through the Executive and a portion of the legislative branch—to-wit, two-thirds of the Senate—shall be permitted under the guise of a treaty with some foreign nation to make them secure, not only in their corporate existence, but make them secure not only against the people of the States but against the people of the United States, then their influence is such that it is dangerous to the very existence of our Government. Because if the State laws shall make an effort to restrain them and to control them, if labor organizations for the protection of American labor shall organize for the purpose of compelling these artificial giants to give them a just wage, then it is only necessary for the corporate interests of this country to secure one President and two-thirds of the Senate to enter into a treaty or treaties with foreign nations permitting aliens to come into this country and to enter into competition with American labor that can destroy the right and privilege which labor has in America to protect itself, and at the same time, through the treaty, give to the corporation, which is an organization of capitalists, rights superior to the rights of labor to organize, because if the Government permits the artificial person to so control the Government that they can have treaties passed for their benefit, then the Government has passed from the control of the people of the United States into the hands of the President and two-thirds of the Senate, and in the enforcement of these international agreements they will have the effrontery in the corporate-owned press to traduce patriotic Americans by telling them that they must submit to this treaty or else such and such a powerful nation will make war upon us and destroy our Government, and this very thing these corporations will attempt when the American people shall make efforts to control them. They would infinitely prefer to pass into the hands of an alien Government that would be favorable to them than to live in a Government that made an effort to control them for the benefit of mankind and the benefit of humanity. Thus all republics and governments by the people have been destroyed, and unless checked, in this manner ours will be destroyed.

The principle for which I am contending and for which I contended on the floor of the House of Representatives when I made the constitutional argument in reference to the treaty-making power in the California situation is involved, as I consider, the very existence of this Government as a government of the people, by the people, and for the people. I do not want this Government to be destroyed through the treaty-making power. In the very early history of our Government certain aristocratic gentlemen who had a contempt for the people undertook to maintain that the treaty-making power was supreme, but all these aristocratic gentlemen were driven from public life, and the great Republican Party, with Mr. Jefferson at its head, became supreme, and the aristocratic Federalist Party died that the Government of the people might live. And there has not been a single political party from the death of the old Federalist Party down to the present time that as a party has ever maintained that the treaty-making power, which is vested in the President and two-thirds of the Senate, was the supreme law of the land over and above the Constitution of the United States and to the complete destruction of the reserved powers of the States. So, gentlemen of the House, I have taken this position not because the Japanese are involved in this controversy, but I would take it if England, Germany, France, or any other nation on earth was involved, and for the purity of my motives and the sincerity of my purpose and the wisdom of my position I appeal to the country and to posterity. [Loud applause.]

Mr. DIES. Will the gentleman yield?

Mr. SISSON. I have concluded my remarks, but I will be glad to yield to my friend.

Mr. DIES. How does the gentleman from Mississippi regard the menace of 8,000 Japanese in California with the total immigration from southern Italy of 250,000 of those who receive less wages in their own country than are received by the laborers of our country? How do they compare with the 8,000 permanent inhabitants of California?

Mr. SISSON. Mr. Speaker, I do not want to go into a discussion of that question, because I think it has been perfectly clear that I am opposed to alien immigration into this country that will reduce the rate of wages in the United States. But the gentleman from Texas is mistaken in saying that there are 8,000 Japanese in California; there are about 56,000 Japanese in California, according to a census that has lately been taken.

Mr. DIES. May I ask the gentleman this question: If these few Japanese determined to attend to their own business and migrate to California are a menace, how much more is the million who come from the south and east of Europe every 12 months to become a part of this Republic and settle in the great cities of this country? If the gentleman is so belligerent in regard to this small immigration from Japan, how does he feel toward the greater and stupendous immigration from the east and south of Italy?

Mr. SISSON. The gentleman from Texas uses the word "belligerent." I am not any more belligerent than the distinguished gentleman has been in his anti-immigration speeches on the floor of the House. I will say that I was endeavoring to discuss two questions: First, the treaty-making power of the United States, in so far as it could affect the rights of States; and, second, discussing another question which is closely related to that, the corporate ownership of land in this country, which our States have endeavored by local laws to prevent. If you can overturn the laws with reference to alien land laws you can overturn them in reference to the corporate laws.

Mr. DIES. Will the gentleman answer me——

Mr. SISSON. If the gentleman from Texas wants to make a speech on foreign immigration I am perfectly willing that he should do so, and he has the right to do so if he gets the consent of the House.

Mr. MANN. Will the gentleman from Mississippi yield for a question?

Mr. SISSON. I will.

Mr. MANN. It is quite supposable that in sending abroad from this country Christian missionaries to different parts of the world the question might arise, as it has arisen in the past, whether these missionaries should receive the right of protection in possibly a Province or State of some great nation. It might readily happen that the particular Province had a law against Christian missionaries, and that in order to protect their rights this Nation and the foreign country should have a war. Does the gentleman think that at the end of the war we would have a right to make a treaty with the foreign government, or that the foreign government would have a right to make a treaty with us which would protect the rights of the American Christian missionaries in this Province which had a law against them, and having a status which gave them the right to have such a law?

Mr. SISSON. I will say to the gentleman that if we were successful in that war we could enforce our demands upon the foreign government. If we were unsuccessful in the war, they would have the right to enforce it on us whether it was in accordance with existing law or not.

Mr. MANN. Mr. Speaker, I think the gentleman fairly and correctly answers that question. Suppose, then, we should have a war with a foreign power over the right of that country to let its citizens acquire property in the United States and that we were not successful. Suppose that that foreign power were in possession of our Capital with its army, or in possession of our seacoast with its navy. Would we then be powerless; would we be able to make no treaty, being unsuccessful in war, which would secure us peace or the possession of our country?

Mr. SISSON. Mr. Speaker, the supreme court of all courts is the arbitrament of war. Your Government is absolutely destroyed when it is taken possession of by a foreign power.

Mr. MANN. But treaties end wars.

Mr. SISSON. That is true.

Mr. MANN. All wars are ended by treaties. As I understand the gentleman's position, it is that the Government of

the United States can not, under the Constitution, make a treaty at all which would end a war, possibly, and which might be necessary to end a war.

Mr. SISSON. If it is not within the grant of power in the Federal Constitution, it can not do it.

Mr. MANN. That is what I am trying to get at. The foreign government could not make a treaty with a State. It is prohibited.

Mr. SISSON. That is true.

Mr. MANN. Let us assume for the purpose of argument, though I hope it will never become a fact, that a foreign power be in possession of the Capital.

Mr. SISSON. The gentleman should also state that a State may make a treaty with the consent of the Federal Government.

Mr. MANN. That is another proposition. A State can not make a treaty of its own volition.

Mr. SISSON. It can not, because that is forbidden.

Mr. MANN. The State might not be willing to make a treaty, in any event. The gentleman contends that in those conditions there is no power by which we can make a treaty which will turn a foreign army out of our country.

Mr. SISSON. I contend that there is no such power in the Federal Government, if the Federal Government is able to maintain itself; but if we are overcome by war, then our Government has been destroyed, anyway.

Mr. MANN. Oh, no; the Government is not destroyed, although its armies may have been defeated. The Government does not end; it continues.

Mr. SISSON. I will state to the gentleman, frankly, that in that condition the only remedy would be to submit an amendment to the Constitution to the States for their ratification.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting two speeches, one by Mr. SHERLEY and the other by Judge Miller, to be printed as an appendix to my remarks.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SISSON. Mr. Speaker, I want to thank the House for its courtesy to me and for the attention it has paid to my remarks. [Applause.]

The speech of Hon. SWAGAR SHERLEY, of Kentucky, heretofore referred to in my remarks, is as follows:

"Mr. SHERLEY. Mr. Chairman, there have recently been made in the House and in the Senate several interesting speeches on the extent of the treaty-making power conferred in the Constitution of the United States upon the President and the Senate. In this discussion, however, there has been omitted one rather striking fact that I desire to call to the attention of the committee before proceeding to the larger discussion of the extent of the treaty-making power. There is to-day no law upon the Federal statute books that enables the National Government to punish violations of treaty rights of aliens. I hold it to be a position not to be controverted that to the extent that there is responsibility there ought to be power; and inasmuch as the National Government can and does confer rights upon aliens, it follows that it should have the power to enforce recognition of those rights and to punish any efforts to disregard them. If at any time some citizen of a foreign country resident in America should be injured or his rights violated, the foreign country would look not to the particular State where the injury occurred, but to the National Government for a redress of the wrong. That has been the history in the past and it will be so in the future. When this country was confronted by a claim by Italy, growing out of the disturbances in the State of Louisiana, Italy declined to receive the suggestion of the National Government that that was a matter that should be taken up with the State of Louisiana, and while the National Government did disclaim responsibility it nevertheless made payment in satisfaction of that claim. During the term of President Harrison in a message to Congress attention was called to this absence of Federal law.

"He said:

"It would, I believe, be entirely competent for Congress to make offenses against treaty rights of foreigners domiciled in the United States cognizable in the Federal courts. This has not, however, been done, and the Federal officers and courts have no power in such cases to intervene, either for the protection of the foreign citizen or for the punishment of his slayers.

"President Roosevelt has also called attention to the need for this legislation, saying that—

"One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give to the National Government sufficiently ample power, through the United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land.

"So far as his message seems to call attention to the need of giving jurisdiction to the Federal courts I am entirely in accord with him. So far as he suggests the need of giving powers to the Army and Navy in the matter I disagree with him, believing that there can be given ample power to the Federal courts to control the situation, and I accordingly introduced in the early part of this session the following bill:

"A bill (H. R. 20540) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States.

"*Be it enacted, etc.*, That if two or more persons conspire to injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of any right secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, they shall be fined not more than $5,000, or imprisoned not more than 10 years, or both.

"That is an exact copy of section 5508 of the Revised Statutes, except that it changes the word 'citizen' to the word 'person.' It was held by the Supreme Court, in the case of Baldwin against Frank, reported in One hundred and twentieth United States, 678, that the word 'citizen' in that section did not embrace an alien and that an indictment brought under that section which charged certain men with a conspiracy to deprive Chinese aliens, resident in California, of the right of residence there could not be sustained, because the word 'citizen' was used in the narrow sense of citizen of the United States or of the States and not in the broad sense of 'person'; but the court said that, while there was no law covering such an offense, Congress had ample power to provide for the punishment of an offense against rights given by treaty to aliens. Now, it is manifest that this may become at any time a very serious matter. I do not believe that we need to apprehend at present any difficulties, but the fact that there has been much discussion relative to the rights under existing treaties of aliens residing in America and that there have been, in certain parts of the country, pronounced views relative to the matter, make it evident that there may arise at any time a situation where irresponsible men, disregarding the law and the obligations imposed upon us toward aliens residing in America, might commit some act of violence, might do something that would involve this Nation in a very serious controversy with some foreign power. For this Nation, then, to be put in the humiliating position of being held responsible by another power for a wrong done upon an alien residing in America and yet be unable to punish the perpetrators of that wrong would be a matter of grave concern to us all and place America in a pitiful position in the eyes of the world. I am not one of those who believe that the treaty-making power is unlimited, and I shall take occasion later on to state my views relative to that power, but I plant myself upon this firm proposition, that to the extent that we can confer a right upon an alien to that extent the National Government that confers it ought to have the machinery by which it can punish any violation of that right, and I hope that very shortly this Congress will consider the advisability of passing this or similar legislation. The bill is purposely drawn in general terms, so as to leave to the proper department the power to determine what rights can be conferred by treaty. Under it any man indicted would have the right to raise the constitutional question of whether the right that he is alleged to have conspired against is such a right as could be conferred by treaty, and it would thus enable the Supreme Court in any given case to determine how far the treaty power goes and what rights are conferred under any particular treaty, because I do not believe that there is anyone now who will seriously contend that the Federal courts have not the power to declare a treaty unconstitutional, the same as they might declare any law of Congress unconstitutional.

"It is true that one of the most recent writers on the treaty-making powers, a gentleman who has gathered together much useful information and data concerning it, does doubt that power and bases the doubt upon the fact that Judge Chase, in rendering the decision in the case of Ware against Hylton, said that if the court had the power it would not exercise it except in a clear case; and upon that flimsy ground he contends that the court itself has disposed of the idea that it would have such power, forgetful of the fact that that decision was rendered at a time when the Supreme Court had not determined its right to declare any law unconstitutional. And of course it is manifest that in regard to a treaty, as in regard to a law, even more so perhaps, the courts would be very slow to declare unconstitutional such a solemn compact. But that it has the unquestioned power no thinking man, acquainted with the theory of our Government, can long doubt.

"And this brings me properly to a discussion of what rights can be conferred, because while I do not believe that the opinion gentlemen may have as to the extent of the power ought to in any wise influence their judgment relative to the proposition

to give the National Government the power to enforce treaty rights, still it is probable that some, dreading the extreme power that is claimed under the treaty-making clause, would hesitate to give to the National Government the power to enforce offenses against such rights, because they think that even though the right may exist it ought not to be exercised.

"In the House but a few days ago a very elaborate speech was made by my friend from Vermont, Mr. Foster, dealing with this whole question I did not have the pleasure of hearing it, but I have read it with great care. It is full of learning, but it proceeds upon a theory of government to which I must give my most emphatic dissent. The gentleman in his remarks stated that he considered that the question of whether the treaty-making power rests in sovereignty or rests in grant is an immaterial question, or, as he puts it, an academic question. To my mind it is a fundamental question. Once admit that the treaty-making power exists not by virtue of the grant in the Constitution, but as an inherent part of the nationality of the United States Government, and you then admit that there is no limitation that can be put upon that power. If it is true the treaty-making power arises from the sovereignty of the nation, and if it be true that this Nation has all powers that any nation can possess, then it must follow absolutely that the treaty-making power extends to every subject without regard to our division of powers among the States and the Nation and among the different departments of the Nation. It follows for this reason, because while the Constitution declares the power, the power is not born of the Constitution, but is born of a right inherent in national sovereignty.

"Now, the fundamental mistake in that argument, as it is in many that proceed upon a similar theory relative to power in the Federal Government not declared in the Constitution, is that the sovereignty of the American people rests in the National Government. The sovereignty of the American people rests neither in the national nor State governments nor in all together. It rests in the people, and only to the extent that they have given to the State and to the National Government a part of that sovereignty do those governments possess it. I can not state the case better than to quote a statement made by Justice Brewer in an address before the Virginia Bar Association, in which he says:

"I fully believe that this Nation as a Nation has all the powers which any nation possesses, but I as fully believe that those powers are vested in the people and that only such as they have enumerated in the Constitution have they granted to the Government

"And again, in delivering the opinion of the Supreme Court in the recent case of Hodges against United States, reported in Two hundred and third United States Reports, he says:

"The National Government still remains one of enumerated powers, and the tenth amendment, which reads, 'The powers not delegated to the United States are reserved to the States, respectively, or to the people,' is not shorn of its vitality.

"In very truth it may be said that upon these two statements hang all the law and the prophets. They represent to my mind the right theory of this Government. The National Government has only the powers delegated to it. Now, it is true that the treaty-making power is delegated in general terms; but it is not the only power delegated in general terms. It says 'that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur,' and it also declares that 'this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land.' In regard to treaties the phrase is used 'under authority of the United States,' and some have claimed that the words 'under authority' give greater power than if the Constitution had said, as it does in regard to the laws, 'in pursuance thereof.' But the reason for using the phrase 'under authority' is easy to be ascertained.

"At the time of the adoption of the Constitution there were many treaties in effect. It was desired to validate all of these treaties and give them binding effect so far as they were in accord with the theory of the Government as set forth in the Constitution. If it had simply said 'made under the Constitution' or 'made in pursuance of the Constitution,' it would have excluded treaties already in existence, and therefore there was used the phrase 'under authority.' It was not used in the sense of meaning that once you determine that the President and Senate had acted in making a compact with a foreign nation the question of its validity could not be raised. To assume that was to assume that the great fight in the Constitutional Convention had been waged in vain. They undertook to counterbalance the great States with the little ones. All the States were given equal representation in the Senate. They were given this as a safeguard against the fear that the great States would soon swallow them up. But as counteracting that there was given to the House of Representatives, which has its representation based not upon the State but upon population, the exclusive right to originate revenue bills, and it was further declared that no appropriation of money shall be made except by authority of Congress. Now, if the treaty-making power was given supreme power, it, in its power, could assert both of these prerogatives, and then we would have the Executive and simply two-thirds of the Senate (who might represent a minority of the people, because even to-day there can be found two-thirds which represent much less than a majority of the people) able to enter into treaties with other nations, by which this vital right given to the House of Representatives to hold the purse strings of the Nation would be abrogated and done away with.

"Most students of the Constitution now agree that the treaty-making power is limited by this right in the House of Representatives, though some insist that when a treaty requires an appropriation of money Congress is morally bound to make the appropriation, but this House has ever maintained the right to freely decide for itself whether the appropriation should be made, and one has but to read the elaborate reports of the House Judiciary Committee, written by that great constitutional lawyer, Randolph Tucker (H. Repts. Nos 2680-2721) to have all doubts removed. And it is also generally conceded that what is especially prohibited by the Constitution can not be done under the treaty-making power. It is manifest that no title of nobility could thus be conferred. It may also be considered as settled that where the right to do a given thing is given to Congress—as to coin money, regulate the militia, establish bankrupt laws—Congress alone can act, and the treaty-making power can not touch such subjects. But while these limitations are admitted by all save a few extremists, it is now being urged that the tenth amendment is in no sense a limitation upon the treaty-making power. The basis for this position I am unable to find. As said by Mr. Tucker, 'The instant it is admitted that the power has limitations, even as to what is rightfully subject to it, the question at issue is narrowed to determining all these limits on principles of justice and of fair interpretation of the Constitution.'

"There is no reason that is good in logic that I know of that justifies you in taking part of the Constitution as superior and above the rest of the Constitution.

"The very fact that the tenth amendment was adopted after the treaty-making power was conferred would indicate that it was intended that that power, along with all national powers, was to be exercised subject to the reservation stated in the tenth amendment. When this amendment was proposed the friends of the Constitution declared that it stated nothing that was not already the law, but those who were fearful of the power that was being given to the National Government said: 'If that is true, it could do no harm, and we insist on an affirmative declaration; and inasmuch as you have got in the Constitution as already drawn many affirmative declarations of the rights of the people, we insist on this additional one; we insist that except to the extent power is expressly given it is reserved to the States and people, respectively.'

"Now, the treaty-making power is unquestionably a very extensive one. It is unquestionably true that the very most pronounced evil in connection with the Confederacy as it existed, aside from its inability to tax, so necessary an attribute of a virile government, was its inability to enforce the treaties then made and existing with foreign nations. It is true that there was constant complaint on the part of the Federal Government that the States disregarded these treaty obligations, and it is true that some of the States claimed that, while the treaties might be morally binding upon them, they were not legally binding, and claimed the privilege to regard or disregard them, as they saw fit. That proposition was effectually denied when it was put into the Constitution that not only the laws but the treaties should be the supreme law of the land, anything in the constitutions or the laws of the States to the contrary notwithstanding. That clause determined that question, and only that question. It determined that a legal treaty—that is, a treaty which is not ultra vires; a treaty made within the power—is the supreme law of the land. Nobody can dispute that. Nobody now claims that it is not. But it is the supreme law of the land in no other sense than any law made by Congress that is within its constitutional limitations the supreme law of the land. And the best proof of that fact is the fact that Congress can, by enactment, repeal a treaty. If a treaty possessed a power peculiar to itself, if the treaty rose superior to a law and was supreme in any other sense, then it would follow inevitably that, being superior to the lawmaking body, it could not be repealed by the lawmaking body, and only the

power warranted in making the treaty would be warranted in annulling it. And yet the Supreme Court decided, in the Chinese-exclusion cases, that the acts passed by Congress, in so far as they were in conflict with the treaty then in existence with China, abrogated that treaty, the rule being that a treaty of later date abrogates a law in conflict with it and a law of later date abrogates the treaty.

"Now, if the treaty has only the power and none other than the law, it becomes important to determine, as we have determined many questions relating to the power of legislation in Congress, what are the limitations upon it? This is not an easy task. It is easy in general terms to recite limitations, but it is exceedingly difficult to determine the exact line and say, 'Thus far shalt thou go and no further.' It is true that there has never been a treaty declared by the Supreme Court to be unconstitutional, although there have been very many reviewed by that court, and it is true that some of the decisions of the Supreme Court as to one subject matter would seem in their logic to carry the conclusion that the clause relative to the reserved rights of the States did not apply; because they have held that it is within the power of the treaty-making power to remove by treaty the alienage of a foreigner, so as to enable him to inhert and transmit real estate. I should have said, as an original proposition, that that was a matter that remained within the States. I should have said, as Mr. Bayard when Secretary of State said, that if the question was to arise anew, he doubted very much whether the Supreme Court would hold as it has held; but I am faced with the fact, I recognize that they have decided; and in Chirac against Chirac, and in many other decisions by that court, they have held that a treaty which conferred upon an alien the right to inherit and dispose of real estate overrode any State law or constitution. I realize that in the first great case of Ware against Hylton, the Supreme Court held that where the State of Virginia had passed acts escheating the property of aliens who were British subjects, and had also undertaken to put impediments in the way of their right to recover debts, that the treaty overrode those acts of the legislature and the constitution of the State of Virginia; but I am unwilling to concede any more in that line than needs to be conceded. The proposition that is involved in the present case, growing out of the controversy between Japan and California, is that the treaty-making power is not only able to remove alienage so far as it relates to residence, and so far as it relates to inheritance and transmission of property, but that it can go to the extent of conferring upon an alien every right enjoyed by a citizen of the United States or of any particular State. That I deny. It is manifest that no treaty could undertake to confer upon an alien the right to hold office within a State. It is manifest that no treaty could confer upon an alien the right to the suffrage within a State; because, gentlemen, the treaty-making clause must always be held subject to the general purpose and scope of our Government, State and National. It is unthinkable that the makers of the Constitution, who were so careful to guard the powers of every particular department, to offer check against check and counterbalance against counterbalance, were yet so impressed with the necessity of having facility of contract with foreign nations that they were willing to give to one man and two-thirds of the Senate present—not even two-thirds of all elected—the power to make a law that could override all State enactments and rule. The National Government could, if it saw fit, as it did see fit in the Chinese treaty, give to the citizens of a foreign country the right to education in the public schools of the National Government, because that is a matter that rests with the Nation.

"The burden is upon the Nation in maintaining these schools, and it might be proper that the Nation should impose the additional burden of education of aliens. But how can it be said, where the obligation is one that belongs to the State primarily, that is subject to the State's will, so subject that the State could to-morrow, if it saw fit, do away with its public-school system, make what appropriation it saw fit, or none at all, that the National Government could confer upon an alien such right? Once you concede that right, I see no reason in a logical way why you should not concede any other particular right that may be desired in regard to the internal affairs of a State.

"Now, I desire to draw the attention of the committee to another argument, and I do it with a great deal of hesitancy and some reluctance. What I am about to say may seem foolish, and I confess it is novel. I am not satisfied in my own mind, but I am unable to detect the flaw in the logic if it be there. The Constitution provides that the President, with the consent of the Senate, may make treaties and also provides that 'no State shall enter into any treaty, alliance, or confederation.' Now, if this was all, it would be manifest that whatever agreement might be had with other nations would have to be had by virtue of a treaty made by the National Government. But this is not all. The prohibition upon the States to make treaties is contained in the beginning of section 10 of Article I of the Constitution, and in the last division of that section it is declared that 'no State shall, without the consent of Congress, * * * enter into an agreement or compact with another State, or with a foreign power.' Of course it is clear that the negative form of this declaration admits the affirmative, and a State can with the consent of Congress enter into an agreement with another State or with a foreign power. But yesterday this House passed a bill giving the consent of Congress to an agreement between two of the States. Now, if an agreement can be made between a State and a foreign power, it follows that such an agreement must be one not included within the scope of a treaty, because a State is, as we have seen, prohibited from making any treaty.

"That of itself is a further indication that the treaty-making power does not embrace all contracts of every kind which can be thought of between the people of one country and the people of another. What seems to my mind to have been the view of the makers of the Constitution was that the treaty power should relate to those subjects naturally belonging to treaties; should relate to those subjects that pertain to the country as a whole. It was proper—aye, it was necessary—that one voice should speak as to its contracts with other nations when it spoke on behalf of all the people, and it was further manifest that when that voice spoke within its domain the voice of every State must be silent, that no discordant note might be heard to limit or deny the solemn compact of the General Government. But it is evident that there are many things that may pertain peculiarly to one locality, to one section of the country, and to its relationship to foreign nations that do not pertain to the balance of the country and should not be embraced within a treaty. We have States adjoining Canada, we have States adjoining Mexico, and it might be proper—and I do not know but what it has been done; I was unable to find any case—for one of those States, by consent of Congress, to enter into an agreement with a foreign nation relative to such matter local to it. I even consider that this very subject matter that has given rise to this discussion is a case that would more properly fall into an agreement between a State and a foreign power than it would under the treaty-making power. It might well be that one State would be willing to concede to the citizens of a foreign country the right of education within the schools of that State in consideration of the same right, for instance, being given to the citizens of that State in the country with which the agreement is made, but that the National Government should have the power to confer upon a foreigner a right which imposes an obligation not upon the Nation but upon an individual State, seems to me utterly illogical. There is to my mind a distinction in an agreement removing a disability from one creating an affirmative right. The Supreme Court has said, and therefore I accept it, that the treaty-making power can confer the right, or, to put it more accurately, that it can remove the disability of alienage so that the foreigner may inherit what he would inherit if it were not for his alien birth. That is simply the removal of a disability and confers no burden upon the State; it simply declares an equity, does away with the old harsh view that the outsider, the barbarian, as the Greeks called all that lived outside of their borders, should have no right of property within a state. Modern international law does not recognize such treatment. It says foreigners should be treated in their rights of property as if they did not have the disability of alienage. To hold, however, that our treaty-making power goes to the extent of giving an affirmative right that imposes an obligation not upon the United States, but upon a particular State—that requires the taxation not of all the people—seems, to my mind, to carry it very much too far. This I do know, that if that be the extent of the treaty-making power, the sooner the people of the United States demand of their representatives in the other branch of Congress a strict and careful limitation of the contracts that are entered into with foreign nations the better. I hold very much to the theory that the less of contact between nations and the more of contact between people the better. I believe that a treaty does not always help, but is very apt to hamper, the friendly relations between nations. Certainly if the construction that is being put by the administration upon this particular treaty be the true one, and I shall not discuss that question, though it seems to me to be open to much question, then it follows that a right that was not considered by the parties at the time it was given, at least not considered to the extent of having an express declaration about it, is liable to be made the cause of disturbing relations that have existed harmoniously for more than half a century between the two countries. Such a result flowing from ill-considered treaties is to be greatly deplored, and the people of America should demand of the treaty-

making power the most careful scrutiny of any treaty entered into.

"Mr. Chairman, an examination of the decisions and the text writers on this subject will, I believe, confirm these views of mine. It so happens that the debates at the time of the adoption of the Constitution are singularly silent in regard to the matter, but when the Constitution came before the various State conventions for adoption there occurred considerable debate, particularly in Virginia. Patrick Henry, opposed to the Constitution, believing sincerely that it was robbing the States of all their rights and depriving the people of liberty, seized upon every possible thing as an argument against ratifying the Constitution. Among other things, he took hold of the treaty-making power. He made then the very claim that is made by the advocates of an unlimited power now. He declared that the treaty-making power was sufficient to swallow up all the rights of the States and of the National Government; that all they needed to do was to enter into some agreement with a foreign country, and what they could not do by ordinary act of legislation they then became empowered to do. He was answered by Madison, Randolph, Nicholas, and several others of the members of the convention, and in answering him they declared that such reasoning was not warranted; that the treaty-making power was limited, must be considered as being subject to the express limitations in the Constitution, and further limited by the nature and character of our dual form of government. The gentleman from Vermont, Mr. Foster, quoted Calhoun as authority for his position. Some seem to think that because Calhoun enumerates certain limitations, therefore all other limitations not enumerated do not apply. This does not follow; because he does, in the enumeration of specific cases, also put as a limitation the nature and the character of our Government, and the Supreme Court, when quoting Calhoun in the case of Goeffroy *v.* Riggs (133 U. S., 258), a case growing out of the treaty made with France, where the court again confirmed the power of a treaty to give an alien the right to inherit and transmit property, said that the treaty-making power was not only limited by these express provisions, but limited 'by the nature of the Government itself and of that of the States.' If it be limited by the character of the government of the States, what conclusion can you draw other than that the reserved powers of the States are a limitation upon the treaty-making power? For if it does not mean that, it means nothing.

"I might continue to cite cases and writers, and I had originally intended so to do, but within a few days a gentleman of my city, a distinguished lawyer, the judge of our chancery court, and a professor in our law school, has delivered an elaborate lecture upon this subject. He has summarized so well all of the opinions of the writers, from the adoption of the Constitution down, that for me to undertake it would be either to repeat what he has said or to poorly do what has been superbly done. So I shall content myself with filing as a part of my remarks, with the permission of the committee, this elaborate lecture upon that question, and I trust the House will read it most carefully. I have spoken without manuscript, save a few notes, and of necessity have not therefore been always accurate or concise, but there will be found the exact quotations from the men who made the Constitution and from the great writers and judges who have construed it ever since. In conclusion, may I be pardoned for saying that it seems to me that in this day, when we are told that if the exigencies of the case demand it we must either give to the National Government more power or the National Government must in some way take it to itself, the House should view with particular care the claim that is being made that this power extends over all others. I utterly abhor the man who is so narrow, whose love of his State is so petty, that he can not rise to a realization of the obligations and duties imposed upon all of us as members of the Nation, but I abhor in even greater degree the man who, out of pressure of the immediate moment, out of the exigencies of the case, is willing to twist and pervert the fundamental law of the land in order to have his way and in order to give the National Government unwarranted power. [Applause.] I believe more and more each day that the salvation of America and of America's people lies in getting back to the old doctrine of self-dependence and independence [applause], of teaching the people that not by statute can they be made upright, but out of themselves must come the grace that is to reform and redeem. I believe we must have the people check the constant tendency to put off somewhere else the doing of an obligation that rests at home. It has been my fortune in this House to frequently oppose the power of the National Government. Sometimes it may have seemed that in doing so I would wish to take away from it all of its real strength, but this is in no sense true. If I had been a member of a State legislature I should most likely have been just as pronounced in my opposition to much of the legislation there. I believe that the States should only do those things that the individual can not do, and that the Nation should only do those things that the State and the individual can not do, and I always approach every proposition of legislation with a feeling of hostility. The burden is also on the man proposing legislation when he asks me to support it.

"I think we are a law-ridden Government. We have so much law that we have ceased to obey any law. Why, it has gotten to the point where our very notices give an indication of our disregard of the law. We publish not only that a thing is prohibited, but in order to make somebody really believe that we mean it we say that such and such a thing is positively prohibited, as if there could be degrees of prohibition in a law-abiding community. And it all grows out of the fact that we pass laws that result in bringing about a condition that, being obeyed, would not be livable under. It is one of the great eternal truths of life that the remote results of legislation are always greater, more far-reaching in their effect upon people, than the immediate results. We pass some act for a particular purpose, and after we have passed it for that purpose we awake to find that the effect of it is being felt in a hundred other directions that were never contemplated, and we are forced either to disregard the law or to repeal it, and then the inertia of government in regard to the repealing of laws makes us disregard them, and we become a nation of lawbreakers.

"Therefore I believe that one performs no higher duty than when he insists on the strict construction of powers; not with the idea of detracting from the vigor of the Nation, but because he believes, as said by Justice Brewer, that this Nation as a Nation has all the powers that any people have, but that those powers rest with the people, and only to the extent that they have delegated them do they rest in the National Government, and that we have made provision for the extension of those powers; and because it would be better to wait until that extension was legally given and suffer the particular evil that exists than to disregard the highest law of the land.

"Gentlemen, if you permit the disregard of your Constitution, how, in the name of common sense, can you expect the people to regard the law supposedly made under the Constitution?" [Loud applause.]

APPENDIX.

In accordance with the permission granted me by the committee, I append the lecture delivered by Judge Shackleford Miller, of Louisville, Ky., before the Jefferson School of Law:

The recent disturbance in California, brought about by the action of the school authorities of San Francisco in closing the doors of the public schools of that city against Japanese students residing there, naturally provokes a discussion of the treaty-making power under the Constitution of the United States. The Japanese claim the right to attend the San Francisco public schools under the treaty of 1894 between Japan and the United States, which provides as follows:

"The citizens or subjects of either of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons or property. In whatever relates to rights of residence and travel, to the possession of goods and effects of any kind, to the succession to personal estate by will or otherwise and the disposal of property of any kind and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in territories of the other the same privileges, liberties and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects of the most-favored nation."

It will no doubt readily be conceded that the right of the Japanese students to attend the public schools must be founded upon this treaty right of residence or it does not exist. There is no other right or privilege mentioned in the treaty which could even be remotely claimed to embrace the right of attending the public schools. It would seem, however, that a fair construction of the treaty would scarcely extend the privilege of the public schools of a State to unnaturalized foreigners. If the Federal Government had so intended, it is but reasonable to assume that the treaty would have so provided in express terms. It was careful to cover the rights of entry, travel, residence, the succession of personality, and the disposition of property of all kinds, but it nowhere appears that school privileges were ever considered.

Under the present treaty, therefore, it would seem reasonably clear that the Japanese residents of California have no right to have themselves and their children educated at the public schools and at the public expense.

But the larger question arises: Can the President and Senate constitutionally make a treaty with Japan that would confer this right upon the Japanese residents of California?

The answer to this question turns upon the extent of the treaty-making power granted to the Federal Government under the Federal Constitution.

This power is found in the following provision:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur." (Const., Art. II, sec. 2, cl. 2.)

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all the treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Ib., Art. VI, cl. 2.)

It may be interesting to consider briefly the origin of the clause and how it has been viewed in the light of American history.

NOT DISCUSSED IN CONVENTION.

Strange though it may now appear, the question of the extent of the treaty-making power was not discussed at all in the Federal Convention of 1787. The right to enter into "treaties and alliances," under some slight restrictions upon treaties relating to commerce, was given to the Congress under the Articles of Confederation (art. 9). The clause relating to the subject of treaties originated in the "committee of detail" and in the later stages of the convention. Prior to that time the subject had not come up for action, but had only been referred to incidentally in the consideration and discussion of other subjects. It first formally appeared as the first clause of article 9 in the committee's report of August 6, 1787, wherein "the power to make treaties" was lodged in the Senate alone. (5 Elliott's Debates, 379.) After a short consideration on August 23 the clause was referred back to the "committee of detail"; but as that committee made no further report, the clause went to the "committee on unfinished portions," which reported it on September 4 substantially as we now have it, by transferring the power to the President, with the advice and consent of the Senate.

At no time, however, did the convention discuss the scope or extent of the power; it merely considered the question as to where the power should be lodged—who should exercise it. The same is true as to the "Federalist," written in support of the proposed constitution while it was before the State convention for ratification. The authors of that able work confined their discussion of the subject of the treaty-making power not to its extent, but to an effort tending to show that it had been properly lodged in the President and Senate. (Nos. 64 and 75.)

But when the Constitution came on for ratification by the State conventions it was to be expected that its opponents would carefully scan it with the view of determining, if possible, precisely what powers the several provisions carried and what limitations they imposed.

The scope and extent of the provisions of the Constitution were more elaborately discussed in the Virginia ratifying convention of 1788 than in any of the other similar conventions.

In the Virginia ratification of 1788 it was strongly contended by Patrick Henry, William Grayson, George Mason, and the other leading opponents of the Constitution that the treaty-making power was unlimited and therefore unwise and inconsistent with the proclaimed theory of its friends that the proposed Federal Government was one of delegated powers, specifically defined or necessarily implied. In the course of the debate Mr. Henry said:

"We are so used to speak of enormity of powers that we are familiar with it. To me this power appears still destructive, for they can make any treaty.

"If Congress forbears to exercise it, you may thank them, but they may exercise it if they please and as they please. They have a right from the paramount power given them to do so."

It fell to the lot of Madison, Gov. Randolph, and George Nicholas to meet this argument, and in doing so Nicholas said:

NOT REPUGNANT TO CONSTITUTION.

"The worthy Member says that they can make a treaty relinquishing any rights and inflicting punishments, because all the treaties are declared paramount to the constitutions and laws of the States. An attentive consideration of this will show the committee that they can do no such thing. The provision of the sixth article is that this Constitution and the laws of the United States which shall be made under the authority of the United States shall be the supreme law of the land. They can by this make no treaty which shall be repugnant to the spirit of the Constitution or inconsistent with the delegated powers. The treaties they make must be made under the authority of the United States to be within their province. It is sufficiently secured because it only declares that in pursuance of the power given they shall be the supreme law of the land, notwithstanding anything in the constitution or laws of the particular States." (3 Elliott's Debates, 507.)

In closing the debate Mr. Madison said:

"I am persuaded that when this power comes to be thoroughly and candidly viewed it will be found right and proper. As to its extent, perhaps it will be satisfactory to the committee that the power is precisely in the new Constitution as it is in the Confederation. In the existing confederacy Congress is authorized indefinitely to make treaties. Many of the States have recognized the treaties of Congress to be the supreme law of the land. Acts have passed within a year declaring this to be the case. I have seen many of them. Does it follow because the power is given to Congress that it is absolute and unlimited? I do not conceive that power is given to the President and Senate to dismember the empire or to alienate any great essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation. One objection against the amendment proposed is this: That by implication it would give power to the legislative authority to dismember the empire—a power that ought not to be given but by the necessity that would force assent from every man. I think it rests on the safest foundations as it is. The object of treaties is the regulation of intercourse with foreign nations and is external. I do not think it possible to enumerate all the cases in which such external regulations would be necessary. Would it be right to define all the cases in which Congress could exercise this authority? The definition might and probably would be defective. They might be restrained by such a definition from exercising the authority where it could be essential to the interest and safety of the community. It is most safe therefore to leave it to be exercised as contingencies may arise." (3 Elliott's Debates, 514.)

The views of Madison prevailed in the Virginia convention, as they have generally prevailed upon constitutional questions in the country at large. (Pomeroy's Constitutional Law, sec. 34.)

FIRST IMPORTANT DISCUSSION.

The Constitution went into operation in 1789. The first important discussion of the treaty-making power arose in connection with Jay's treaty concluded with Great Britain on November 19, 1794. It was approved by the Senate on August 18, 1795; proclaimed by the President on February 29, 1796, and this proclamation was communicated to both Houses of Congress on March 1, 1796. Money was necessary to carry its provisions into effect, and as money could be only appropriated by both Houses of Congress, differences of opinion at once arose as to the extent of the treaty-making power and the obligation it imposed upon the House of Representatives:

"On the one side it was maintained that the power of the President and Senate as to treaties was absolute, and that the House of Representatives was bound, under the Constitution, to make the appropriations necessary to carry the treaty into effect. On the other side it was contended that, under the Constitution, the consent of the House was requisite to pass appropriations to carry the treaty into effect, and that this was as much known to the other contracting party as was the consent of the Senate to the preliminary adoption of the treaty." (Wharton's Int. Law Dig., 17.)

On March 21, 1796, Jefferson wrote to Monroe, then in France, as follows:

"The British treaty has been formally at length laid before Congress. All America is a tiptoe to see what the House of Representatives will decide on it.

"We conceive the constitutional doctrine to be that, though the President and Senate have the general power of making treaties, yet wherever they include in a treaty matters confided by the Constitution to the three branches of legislature, an act of legislation will be requisite to confirm these articles, and that the House of Representatives, as one branch of the Legislature, are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives to the President, Senate, and Plaminigo, or any other Indian, Algerine, or other chief." (4 Jefferson's Works, 134.)

Henry Adams, a grandson of that stout old Federalist, John Quincy Adams, has written a life of Albert Gallatin, who was then a Member of Congress from Pennsylvania. In describing the debate in the House of Representatives, Henry Adams says:

CHECK ON TREATY-MAKING POWER.

"The debate began on March 7, 1796, and on the 10th Mr. Gallatin spoke attacking the constitutional doctrine of the Federalists and laying down his own. He claimed for the House, not a power to make treaties, but a check upon the treaty-making power when clashing with the special powers expressly vested in Congress by the Constitution; he showed the existence of this check in the British constitution, and he showed its necessity in our own, for if the treaty-making power is not limited by existing laws, or if it repeals the laws that clash with, or if the Legislature is obliged to repeal the laws so clashing, then the legislative power in fact resides in the President and Senate, and they can, by employing an Indian tribe, pass any law under the color of treaty.

"The argument was irresistible; it was never answered; and, indeed, the mere statement is enough to leave only a sense of surprise that the Federalists should have hazarded themselves on such preposterous ground. Some years later, when the purchase of Alaska brought this subject again before the House on the question of appropriating the purchase money stipulated by the treaty, the administration abandoned the old Federalist position; the right of the House to call for papers, to deliberate on the merits of the treaty, even to refuse appropriations if the treaty was inconsistent with the Constitution or with the established policy of the country, was fully conceded. The administration only made the reasonable claim that if, upon just consideration, a treaty was found to be clearly within the constitutional powers of the Government, and consistent with the national policy, then it was the duty of each coordinate branch of the Government to shape its action accordingly. (See the speech of N. P. Banks of June 30, 1868, Cong. Globe, vol. 75, appendix, p. 385; Life of Albert Gallatin, p. 161.)

Gallatin's views prevailed in the House by a vote of 57 against 35.

While Jefferson was Vice President he prepared his now famous Manual of Parliamentary Practice. It has ever since remained the highest authority in this country upon that subject. The work was published in 1800, and contains this note under the head of treaties:

"By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature; the President originating and the Senate having a negative. To what subject this power extends has not been defined in detail by the Constitution, nor are we entirely agreed among ourselves. (1) It is admitted that it must concern the foreign nation, party to the contract, or it would be a mere nullity, res inter allos acta. (2) By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and can not be otherwise regulated. (3) It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way. (4) And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others."

REASON FOR RESTRAINT.

"The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate But the ground of this exemption is denied as unfounded. For example, e. g., the treaty of commerce with France, and it will be found that out of 31 articles there are not more than small portions of two or three of them which would not still remain as subjects of treaties untouched by these exceptions." (Jefferson's Works, IX, 80.)

The first formal treatise upon the Constitution of the United States was published by Judge St George Tucker in 1803 as an appendix to his edition of Blackstone. In that work Judge Tucker says:

"Treaties, as defined by Puffendorf, are certain agreements made by sovereigns between one another, of great use both in war and peace. Of these there are two kinds: The one such as reenforce the observance of what by the law of nature we were before obliged to, as the mutual exercise of civility and humanity, or the prevention of injuries on either side; the second, such as add some new engagement to the duties of natural law, or at least determine what was before too general and indefinite in the same, to something particular and precise. Of those which add some new engagements to those duties which natural law imposes upon all nations, the most usual relate to, or in their operation may affect, the sovereignty of the state, the unity of its parts, its territory or other property, its commerce with foreign nations, and vice versa; the mutual privileges and immunities of the citizens or subjects of the contracting powers, or the mutual aid of the contracting nations, in the case of an attack or hostility from any other quarter. To all these objects, if there be nothing in the fundamental laws of the state which contradicts it, the power of making treaties extends and is vested in the conductors of states, according to the opinion of Vattel.

"In our Constitution there is no restriction as to the subjects of treaties, unless perhaps the guaranty of a republican form of government and protection from invasion, contained in the fourth article,

may be construed to impose such a restriction in behalf of the several States against the dismemberment of the Federal Republic. But whether this restriction may extend to prevent the alienation, by cession, of the western territory, not being a part of any State, may be somewhat more doubtful." (1 Tucker's Blackstone; appendix, 332.)

During the years 1790 and 1791 Mr. Justice Wilson, of the United States Supreme Court, delivered a course of lectures on law before the College of Philadelphia. These lectures were published in 1804, after his death, by his son. Part II of that work relates to the constitutions of the United States and of Pennsylvania, and chapter 2 thereof treats of the executive department. Justice Wilson dismisses the treaty-making power with the following scant consideration:

MUST BE KEPT DISTINCT.

"The President has power to nominate and, with the advice and consent of the Senate, to appoint ambassadors, judges of the Supreme Court, and, in general, all the other officers of the United States. On this subject there is a very striking and important difference between the Constitution of the United States and that of Pennsylvania. By the latter the first executive magistrate possesses, uncontrolled by either branch of the legislature, the power of appointing all officers whose appointments are not, in the constitution itself, otherwise provided for. On a former occasion I noticed a maxim which is of much consequence in the science of government—that the legislative and executive powers be preserved distinct and unmingled in their exercise. This maxim I then considered in a variety of views, and in each found it to be both true and useful. I am very free to confess that with regard to this point the proper principle of government is, in my opinion, observed by the constitution of Pennsylvania much more correctly than it is by the Constitution of the United States. In justice, however, to the latter, it might be remarked that, though the appointment of officers is to be the concurrent act of the President and Senate, yet an indispensable prerequisite—the nomination of them—is vested exclusively in the President.

"The observations which I have delivered concerning the appointment of officers apply likewise to treaties, the making of which is another power that the President has with the advice and consent of the Senate." (2 Wilson's Works, 191.)

It seems strange that this total failure to discuss either the nature or extent of the treaty-making power in a formal set of lectures which covered the whole field of the Constitution, could be the omission of one who was a distinguished member of the Federal Convention of 1787, and a justice of the Supreme Court of the United States in 1796, when that court decided the important case of Ware *v.* Hylton, reported in Third Dallas. In fact, Justice Wilson delivered a short concurring opinion in that case. Nevertheless, he ignores a great constitutional question that had been ably debated in Congress when Jay's treaty was under fire, and in the Supreme Court by John Marshall, and before Justice Wilson himself.

In 1821 Mr. Wert, Attorney General, gave an official opinion, in which he said:

"The people seem to have contemplated the National Government as the sole organ of intercourse with foreign nations. It ought to be armed with power to satisfy the fulfillment of all moral obligations, perfect and imperfect, which the law of nations devolves upon us as a nation. In this respect our system seems to be crippled and imperfect." (1 Opins. Attys. Genl., 392.)

In 1825 William Rawle, a distinguished lawyer of Philadelphia, published A View of the Constitution of the United States. Mr. Rawle had been United States district attorney for Pennsylvania under Washington, and had been offered by him the Attorney Generalship of the United States. He was a firm supporter of the administration of John Adams. In discussing the treaty-making power, Mr. Rawle says:

MUST BE SOUGHT FOR IN PRINCIPLE.

"The most general terms are used in the Constitution. The powers of Congress in respect to making laws, we shall find, are laid under several restrictions. There are none in respect to treaties. * * * To define them in the Constitution would have been impossible, and therefore a general term could alone be made use of, which is, however, to be scrupulously confined to its legitimate interpretation. Whatever is wanting in an authority expressed must be sought for in principle, and to ascertain whether the execution of the treaty-making power can be supported we must carefully apply to it the principles of the Constitution, from which alone the power proceeds. * * *

"There is a variance in the words descriptive of laws and those of treaties. In the former it is said those which shall be made in pursuance of the Constitution, but treaties are described as having been made, or which shall be made, under the authority of the United States.

"The explanation is that at the time of adopting the Constitution certain treaties existed, which had been made by Congress under the Confederation, the continuing obligations of which it was proper to declare. The words 'under the authority of the United States' were considered as extending equally to those previously made and to those which should subsequently be effected. But although the former could not be considered as made pursuant to a constitution which was not then in existence, the latter would not be 'under the authority of the United States' unless they are conformable to its Constitution" (p. 66).

In 1833 Judge Story published his "Commentaries upon the Constitution of the United States," in which he says:

"The power to make treaties is by the Constitution general, and it, of course, embraces all sorts of treaties, for peace or war, for commerce or territory, for alliances or success, for indemnity for injuries or payment of debts, for the recognition and enforcement of principles of public law, and for any other purposes which the policy or interests of independent sovereigns may dictate in their intercourse with each other. But though the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the State. A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination of it and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope, and no one embraces a right to annihilate any other. A treaty to change the organization of the Government or annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers would be void, because it would destroy what it was designed merely to fulfill—the will of the people. Whether there are any other restrictions necessarily growing out of the structure of the Government will remain to be considered whenever the exigency shall arise." (Sec. 1508.)

Judge William Alexander Duer, of New York, delivered a course of lectures on the constitutional jurisprudence of the United States at Columbia College for many years. In 1833 he published the substance of his lectures under the title of "Outlines of Lectures," etc.; and in 1843 he published a revised and enlarged work on the same subject entitled "Lectures on the Constitutional Jurisprudence of the United States." In this last and most complete statement of his views Judge Duer said:

CAN NOT DESTROY OTHER POWERS.

"More general and extensive terms, also, are used in vesting the power with respect to treaties than in conferring that relative to laws; and while the latter is laid under several restrictions, there are none imposed on the exercise of the former, notwithstanding it is committed to the President and Senate, in exclusion of the House of Representatives, and is executed through the instrumentality of agents delegated for that purpose. And although the President and Senate are thus invested with this high and exclusive control over all those subjects of negotiation with foreign powers which in their consequences may affect important domestic interests, yet it would have been impossible to have defined a power of this nature, and, therefore, general terms only were used. These general expressions, however, ought strictly to be confined to their legitimate signification; and in order to ascertain whether the execution of the treaty-making power can be supported in any given case, those principles of the Constitution from which the power proceeds should carefully be applied to it. The power must, indeed, be construed in subordination to the Constitution; and, however in its operation it may qualify, it can not supersede or interfere with any other of its fundamental provisions, nor can it ever be so interpreted as to destroy other powers granted by that instrument." (2d ed., 228.)

Probably the best attempt at formulating a general rule for the exercise of the treaty-making power is that framed by Mr. Calhoun, in 1851, in his "Discourse on the Constitution and Government of the United States." It reads as follows:

"Although the treaty-making power is exclusively vested, and without enumeration or specification, in the Government of the United States, it is nevertheless subject to several important limitations. It is, in the first place, strictly limited to questions inter alios; that is, to questions between us and foreign powers which require negotiation to adjust them. All such clearly appertain to it. But to extend it beyond these, be the pretext what it may, would be to extend it beyond its allotted sphere, and thus a palpable violation of the Constitution. It is, in the next place, limited by all the provisions of the Constitution which inhibit certain acts from being done by the Government or any of its departments, of which description there are many. It is also limited by such provisions of the Constitution as direct certain acts to be done in a particular way, and which prohibit the contrary, of which a striking example is to be found in that which declares that 'no money shall be drawn from the Treasury but in consequence of appropriations to be made by law.' This not only imposes an important restriction on the power, but gives to Congress as the lawmaking power, and to the House of Representatives as a portion of Congress, the right to withhold appropriations; and thereby, one important control over the treaty-making power, whenever money is required to carry a treaty into effect, which is usually the case, especially in reference to those of much importance.

MORE IMPORTANT LIMITATION.

There still remains another and more important limitation, but of a more general and indefinite character. It can enter into no stipulation calculated to change the character of the Government, or to do that which can only be done by the Constitution-making power, or which is inconsistent with the nature and structure of the Government or the objects for which it was formed. Among which it seems to be settled that it can not change or alter the boundary of a State or cede any portion of its territory without its consent. Within these limits all questions which may arise between us and other powers, be the subject matter what it may, fall within the limits of the treaty-making power and may be adjusted by it. (Calhoun's Works, I, 203.)

This definition was used in Hauenstein *v.* Lynham (100 U. S., 483) and in People *v.* Gerke (5 Cal., 381).

Perhaps the ablest and most accurate law writer of the past 50 years was Judge Thomas M. Cooley, of Michigan. He always undertook to state the law as it had been settled by the decisions of the courts. Writing in 1880, he reached this conclusion:

"The President has power, by and with the consent of the Senate, to make treaties, provided two-thirds of the Senators concur. The Constitution imposes no restriction upon this power, but it is subject to the implied restriction that nothing can be done under it which changes the Constitution of the country or robs a department of the Government or any of the States of its constitutional authority." (Constitutional Law, 3d ed., p. 117.)

A more extended discussion of this subject is found in the late work of John Randolph Tucker on "The Constitution of the United States," published in 1899. After stating the question to be "Whether the exclusive power of treaty making, vested in the President and Senate, is unlimited in its operation upon all the objects for which a treaty may provide," he gives the respective contentions with respect to the power; quotes Vattel's saying that "it is from the fundamental laws of each State that we must learn where resides the authority that is capable of contracting with validity in the name of a State," and concludes as follows:

"A treaty, therefore, can not take away essential liberties secured by the Constitution to the people. A treaty can not by the United States do what their Constitution forbids them to do. We suggest a further limitation: A treaty can not compel any department of the Government to do what the Constitution submits to its exclusive and absolute will. On these questions the true canon of construction, that the treaty-making power in its seeming absoluteness and unconditional extent, is confronted with equally absolute and unconditional authority vested in the judiciary." (Vol. 2, p. 725.)

That a treaty can not invade the constitutional prerogatives of the legislature is well illustrated by Dr. Ernest Meier, a German author, who, according to Mr. Wharton, has given to the subject a degree of elaborate and extended exposition which it has received from no writer in our own tongue.

Dr. Meier was a professor of jurisprudence in the University of Halle, and gave his conclusions as follows:

POWER NOT ABSOLUTE.

"Congress has, under the Constitution, the right to lay taxes and imposts as well as to regulate foreign trade; but the President and the Senate, if the treaty-making power be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution Congress has the right to determine questions of naturali-

zation, of patents, and of copyright. But, according to the view here contested, the President and Senate, by a treaty could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the right of declaring war. This right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress; this power would cease to exist if the President and Senate could by treaty bind the country to the borrowing of foreign funds. By the Constitution 'no money shall be drawn from the Treasury but in consequence of appropriations made by the law'; but this limitation would cease to exist if by a treaty the United States could be bound to pay money to a foreign power. * * * Congress would cease to be the lawmaking power as is prescribed by the Constitution. The lawmaking power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two Houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy when once made could only be changed by concurrence of President and of senatorial majority of two-thirds." (Ueber den Abschluss von Staats vertragen.)

As a conclusion to this résumé of the views of authors and publicists upon this subject the following review by Prof. von Holst, the well-known German-American historian, is both pertinent and instructive:

CAN NOT BE UNLIMITED.

"As to the extent of the treaty power the Constitution says nothing, but it evidently can not be unlimited. The power exists only under the Constitution, and every treaty stipulation inconsistent with a provision of the constitutional law is ipsi facto null and void. Simple and self-evident as this principle is in theory, yet it may be very difficult under certain circumstances to decide whether or not it has been transgressed in fact. Indeed, the chief difficulty arises from the question of the relation of the treaty power of the President with the concurrence power of the Senate bears to the legislative power of Congress. The question is answered by saying that these powers must be coordinate, for treaties, like laws, are 'sovereign acts,' which differ from laws only in form and in the organs by which the sovereign will expresses itself. It follows from this principle that a law can be repealed by a treaty (Foster *v.* Neilson, 2 Peters, 253) as well as a treaty by a law (The Cherokee Tobacco, 11 Wallace, 616). If a treaty and a law are in opposition, their respective dates must decide whether the one or the other is to be regarded as repealed (Foster *v.* Neilson, 2 Peters, 253, 314; Doe *v.* Braden, 16 Howard, 635). * * * Neither the principle nor the correctness of these conclusions from it can well be disputed, and they are, at any rate, valid constitutional law. But in spite of this, it must be admitted that the doctrine has its doubtful side both in theory and practice. It must be called at least an anomaly that, by the ex parte action of the President and two-thirds of the Senators present (who may be only a minority of the whole Senate), a law can be repealed the passage of which required the concurrence of the House of Representatives with the Senate and President, or a two-thirds majority of each House of Congress. The repeal of a treaty by the enactment of a law may, however, lead the more easily to serious consequences, because the incompatibility of the law and of the treaty may not be so clearly manifest that the foreign power concerned will immediately take notice of the law. It is in nowise inconceivable that Congress itself might know nothing of what it had done, so that only after a long time would the fact be established by judicial decision that in this direct manner a treaty was overthrown, the repeal of which had not been contemplated by either of the two contracting parties.

"On still another side of this question of the direct relation between the treaty power and the legislative power makes it difficult to fix the limits of the treaty power. It is certain that no authority granted by the Constitution to any of the factors of government can be drawn from it by treaty, for that would be a change of the Constitution, and as such unconstitutional. But Congress may be bound by a treaty not to exercise in a certain way a power belonging to it, although it might exercise it in that way if not bound by the treaty. The freedom of action of the House of Representatives can thus easily be restricted by a treaty to such a degree that the restriction must be admitted to be a violation of the Constitution, even if not strictly of its letter, yet still of its spirit. Thus, for instance, the framers of the Constitution certainly did not wish that duties should be fixed in a way repugnant to the views of the House of Representatives, and yet this might be brought about at any moment by a commercial treaty. Of course, it must not be inferred that, in general, there should be no commercial treaties. But Daniel Webster was certainly right in advising his countrymen to consider carefully before beginning to handle questions of duties in connection with treaties." (Constitutional law of the United States, 202.)

CONFINED BY DECISIONS OF COURTS.

The text of a sound treatise on any subject of law is based upon and confined by the decisions of the courts upon that subject. I have followed this historical treatment of the treaty-making power from the Constitutional Convention of 1787 to the present time, purposely quoting any direct mention of the decisions in order that we might see what effect those decisions had from time to time upon the definitions and descriptions of the power as given by subsequent writers. The result is interesting and peculiar. In 1802 Tucker, the first author, cited no authority except the text of the Constitution; 30 years later Story cited Tucker, Rawle, and Jefferson; while in 1880 Cooley cites Tucker and Story, as herein quoted, in support of his text. The reason for this is plain, since the judicial decisions have been only so many applications of general rule to specific statements of fact. For it is readily seen that while many of the decisions contain broad general statements to the effect that treaties are the supreme law of the land, there is always the accompanying qualification that it must be a constitutional treaty in order to be so considered.

It is clear that there may be an unconstitutional treaty, just as there may be an unconstitutional act of Congress. This point is well illustrated by the treaty negotiated in 1854 at Caracas by the United States minister and the Venezuelan Government, which provided, in its twenty-fifth article, that in case a citizen of either country should accept a commission in the service of an enemy at war with the other country he should be deemed a pirate and so punished. Mr. Marcy, Secretary of State, promptly repudiated the treaty, which was satisfactory in other respects, upon the ground that the Constitution provided that Congress should define the crime of piracy and its punishment, and that it could not be made the subject of a treaty. If the treaty had been ratified, there can be do doubt that the courts would have sustained Mr. Marcy's view.

Cooley recognizes the right of the House of Representatives to annul such a treaty in the following express terms:

"An unconstitutional or manifestly unwise treaty, the House of Representatives may possibly refuse to aid; and this, when legislation is needful, would be equivalent to a refusal of the Government, through one of its branches, to carry the treaty into effect. This would be an extreme measure, but it is conceivable that a case might arise in which a resort to it would be justifiable." (Constitutional Law, 3d ed., 175.)

Some of the opinions go further and expressly declare that treaties, like laws, are bound by the provisions of the Constitution. Thus, in 1847, in the License Cases (5 How., 613), Mr. Justice Daniel said:

"By the sixth article and second clause of the Constitution it is thus declared: 'That this Constitution and the laws of the United States made in pursuance thereof and treaties made under the authority of the United States shall be the supreme law of the land.'

"This provision of the Constitution, it is to be feared, is sometimes applied or expounded without those qualifications which the character of the parties to that instrument and its adaptation to the purpose for which it was created necessarily imply.

IS COINCIDENT WITH RIGHTS OF STATES.

"Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the States to all they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation, for it is impossible to believe that these ever were, in intention or in fact, ceded to the General Government. Laws of the United States, in order to be binding, must be within the legitimate powers vested by the Constitution. Treaties to be valid must be made within the scope of the same powers, for there can be no authority of the United States save what is derived mediately or immediately and regularly and legitimately from the Constitution. A treaty, no more than an ordinary statute, can arbitrarily cede away any one right of a State or of any citizen of a State."

It therefore makes little difference whether the power is restricted "in subordination to the Constitution and can not supersede or interfere with any of its fundamental provisions," is Judge Story puts it; or to "the principles of the Constitution from which alone the power proceeds," as Mr. Rawle says; or we agree with Judge Duer that "those principles of the Constitution from which the power proceeds should carefully be applied to it;" or with Justice Field that the power is limited "by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government itself and that of the States;" for they, in substance, are all equivalent to Cooley's statement of the rule that the power "is subject to the implied restriction that nothing can be done under it which changes the Constitution of the country or robs a department of the Government or any of the States of its constitutional authority."

Since all the authorities agree that the power must, under our form of government, be limited in some way, it necessarily follows that it can and must be limited only by the Constitution which created the power.

So we find the usual limitation in the late case of De Geofroy *v.* Riggs (133 U. S., 258), decided in 1890. The court, speaking through Mr. Justice Field, used this language:

"The treaty power as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or its departments, and those arising from the nature of the Government itself, and that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent. But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country."

TREATY-MAKING POWER.

In the actual exercise of the treaty-making power it has been construed to extend to the acquisition of property belonging to the citizens of each in the territory of the other (U. S. *v.* Forty-three Gallons of Whisky, 93 U. S., 197); provisions for inheritance by aliens (Hauenstein *v.* Lynham, 100 U. S., 489; Geofroy *v.* Riggs, 133 U. S., 266; Bohaud *v.* Bize, 105 Fed., 485; People *v.* Gerke, 5 Cal., 381); the establishment of consular tribunals (In re Ross, 140 U. S., 463); to enable aliens to purchase and hold lands (Chirac *v.* Chirac, 2 Wheat., 259); to create a judicial system (Forbes *v.* Scannell, 13 Cal., 242); the acquisition of territory by the United States (Am. Ins. Co. *v.* Canter, 1 Pet., 511; Philippine cases, 182 U. S., 197; 183 U. S., 181); the settlement of boundaries between States (U. S. *v.* Texas, 162 U. S., 38; R. I. *v.* Mass., 12 Pet., 725); the granting and accepting of awards for injuries (Frevall *v.* Bache, 14 Pet., 97; Bachman *v.* Lawson, 109 U. S., 660); and the conferring of citizenship on Indians (Cross *v.* Harrison, 16 How., 164; U. S. *v.* Rhodes, Fed Cas. 16, 151).

I have not attempted to cite all the decisions in point, but only some of the leading cases that support the statement. It will be noticed that all of these instances are properly within the fair exercise of the power, and neither interferes with a department of the Federal Government nor robs a State—to use Judge Cooley's phrase—of its constitutional authority.

It is hardly necessary to cite authority to show that the Federal Government is one of enumerated powers, and that the States retain control of their domestic and local affairs. But if it be thought necessary, the following language of Mr. Justice Brewer, in the current number of the advance sheets of the United States Supreme Court Reports, may suffice. In referring to the effect of the thirteenth, fourteenth, and fifteenth amendments, Judge Brewer said:

"Notwithstanding the adoption of these three amendments the National Government still remains one of enumerated powers, and the tenth amendment, which reads 'the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people,' is not shorn of its vitality." (Hodges *v.* United States, 203 U. S.)

To what extent, then, may a State control its public schools in the admission or exclusion or separation of different races of pupils?

In People *v.* Gerke (5 Cal., 381), and that class of cases which permit aliens to inherit contrary to the provisions of State laws, it was contended that the treaty, in effect, nullified the State laws upon that subject. But in the Gerke case this objection was answered as follows:

"One of the arguments at the bar against the extent of this power of treaty is that it permits the Federal Government to control the internal policy of the States, and, in the present case, to alter materially the statutes of distribution. * * * I think, however, that no such consequence follows as is insisted. The statutes of distribution are not altered or affected. Alienage is the subject of the treaty. Its disability results from political reasons which arose at an early period of the his-

tory of civilization and which the enlightened advancement of modern times and changes in the political and social condition of nations have rendered without force or consequence. The disability to succeed to property is alone removed, the character of the person is made politically to undergo a change, and then the statute of distribution is left to its full effect, unaltered and unimpaired in word or sense."

FOREIGNERS MERELY TAKE THEIR OWN.

Treaties of this kind do not confer any thing or right upon the foreigner; they merely permit foreigners to take that which is their own. But the granting to unnaturalized foreigners the right to attend the public schools of a State, either with or without charge, is something more. Does it, in Judge Cooley's language, "rob the State of its constitutional authority," and is it, in the language of Justice Field, within those restrictions "arising from the nature of the Government itself and of that of the State"? Are the local public schools of a city, maintained exclusively by local taxation and presumably for the exclusive use of citizens, "properly the subject of negotiation with a foreign country"? (Geofroy *v.* Riggs, 133 U. S., 258.) The answers to these questions all turn upon the nature of our Government and the relation of the State governments to the United States Government under the Constitution.

It may be considered as fairly well settled that the establishment of separate schools for white and for colored children does not violate the constitutional right of either class to the equal privileges and immunities guaranteed by the Federal Constitution, provided equal advantages are provided for each class. (People *v.* Gallagher, 93 N. Y., 438; 45 Am. Rep., 232; Cory *v.* Carter, 48 Ind., 327; 17 Am. Rep., 738; McMillan *v.* School Committee, 107 N. C., 609; 10 L. R. A., 823; State *v.* McCann, 21 Ohio St., 198; Martin *v.* Board of Education, 42 W. Va., 514; Lehew *v.* Brummell, 103 Mo., 546; 11 L. R. A., 828; State *v.* Maryland Institute, etc., 87 Md., 643; Roberts *v.* City of Boston, 5 Cush., 198.)

Equality, and not identity, of privileges and rights is what is guaranteed to the citizens. If the right claimed be not guaranteed by the Federal Constitution, but is reserved to the States, it is difficult to see how the Federal Government can constitutionally control it either by treaty or otherwise.

Likewise it has been repeatedly decided that State laws requiring separate coaches for white and for colored passengers on railroad trains within the State violate no privilege or immunity of either class and places no badge of slavery upon the colored passenger.

(L., N. O. & T. R. Co. *v.* Mississippi, 133 U. S., 587; Ex parte Plessy, 45 La. Ann., 80; 18 L. R. A., 639; Plessy *v.* Ferguson, 163 U. S., 537; Civil Rights cases, 109 U. S., 3; Ohio Valley R. R. Co. *v.* Lander, 104 Ky., 431.)

Cases of the class of Parrott's Chinese case (6 Sawyer, 349)—and there are many of them—are not in point and do not come up to the question. The laws of California prohibited the employment of Chinese by any corporation, and Parrott, the president of a mining company, was indicted for violating the law. Upon habeas corpus he was properly discharged, because he had a perfect right to hire a Chinaman or any other kind of a man. Moreover, the court held that the Chinaman's right to work was a property right protected by the fourteenth amendment, which extends not only to citizens, but to all persons within the jurisdiction of the United States. In Parrott's case California attempted to act under an unconstitutional law; in the school cases she is quite within her constitutional rights.

If the control of local schools can not be taken from the States and cities by a law passed by both Houses and approved by the President, because the power to do so is not granted, it would seem that the discussion is at an end, for if the power is wanting it clearly can not be done in any way, much less by the President and the Senate only.

And of this limitation of power all nations must take notice. (Taylor's International Public Law, secs. 158, 361, 364.)

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. BARTHOLDT] may address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, it is impossible for me to answer extemporaneously a learned speech such as has been delivered by the gentleman from Mississippi [Mr. SISSON]. Much of it requires no answer. With much of it I agree, as, for instance, when he lays down the broad proposition, well recognized by international law, that no Government has a right to interfere with the domestic affairs of another Government. In all of these things we agree, but I wholly disagree with the tenor and spirit of his remarks which are to emphasize the selfishness of nations. Selfishness does not look any more beautiful to me—and I am sure it does not to you—when practiced by a nation than it does when practiced by an individual. The position I take has nothing at all to do with the fact that I am a naturalized citizen, as the gentleman from Mississippi has tried to insinuate by constantly throwing the Constitution of the United States in my face and by calling attention to the fact that I had taken an oath of allegiance to that Constitution.

We are here to discuss constitutional questions from time to time, and the views I hold are shared by an increasing number of the best and noblest of American citizens.

Mr. SISSON. Will the gentleman permit an interruption there?

Mr. BARTHOLDT. Yes.

Mr. SISSON. I want to state to the gentleman he entirely misconceives my purpose if he thinks when I spoke of the Constitution it was in any way reflecting upon the gentleman, either as a man or a citizen, or upon any man who comes to this country and becomes naturalized and who has all the rights and privileges of anybody else, and who has the same respect for the Constitution and laws that my good friend from Missouri has.

Mr. BARTHOLDT. I desired to say in that connection, when during the gentleman's speech he impetuously cut me off, that the Constitution of the United States, as we all know, was a compromise, and that that compromise was very vividly illustrated by the defect to which I have called attention, namely, the defect that the National Government has no power to control State legislation affecting the rights of noncitizens or aliens residing in the United States. According to the trend of his remarks, the gentleman from Mississippi seems to have left out of consideration the important fact that in this time and day no nation can afford to be absolutely isolated. The time of isolation has passed, and consequently we must circumscribe our selfishness by considerations for other nations. When we pass a currency bill we always have in mind what the other nations will say and think about it. We do not go ahead independently and without consideration of what the effect of such legislation will be upon the financial markets of the world. We always consider the effect it might have in London, in Paris, or in Berlin. In other words we are no longer absolutely isolated or independent in that respect. We are moved by international considerations, and your revision of the tariff, too, takes account of international industrial conditions. You pay regard to what wages are paid in other countries, what the cost of production is. You do not go ahead according to your own wish and whim in these matters, but you consider the average conditions in the world when you legislate on these great questions. Consequently there is no such thing as absolute isolation or independence. Now, that being the case it seems to me that a nation has the same moral obligation as an individual has. When an individual enters civilized society he has to surrender certain natural and inherent rights. One of those rights was to take his neighbor's property, but he surrendered that in order that his neighbor may enjoy the same rights and privileges which he himself enjoys.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTHOLDT. I would ask a few minutes more.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. And as individuals in entering civilized society surrender these natural rights, nations living in a family of nations must surrender certain sovereign rights. In the case of the arbitration treaties proposed by President Taft we asked ourselves the question, Will England and France—one of them a monarchy, strenuously insisting on its prerogatives and on its rights of sovereignty—consent to a sacrifice of sovereignty as will be involved in the sanction of these treaties? They did it for the purpose of a higher unity, for the purpose of preserving international peace; and, Mr. Speaker, when monarchies are willing to make such a sacrifice for peace, it seemed to me and many thinking people that this Republic, too, should have made the concession for a noble cause. But the Senate balked. Our own Senate proved a stumbling block in the way of the ratification of those great treaties, but I predict here and now, my friends, that there will be no Senate in the future that will interpose an objection to treaties of that kind, not if the people have a word to say——

Mr. DIES. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. BARTHOLDT. I only have a limited time.

Mr. DIES. Does the gentleman think the inconsequential increase of our population from Japan is comparable with the 250,000 who come from southeastern Europe——

Mr. BARTHOLDT. Mr. Speaker, I do not propose to discuss the immigration question at this time——

The SPEAKER. The gentleman from Missouri declines to discuss the question.

Mr. BARTHOLDT (continuing). Nor do I propose to discuss the Japanese question, because my remarks are made in a general way, irrespective of any controversy we may have with any other nation at the present time. I called attention to the fact that the National Government, as a result of the compromise made when the Constitution was adopted, was impotent with regard to legislation by the several States affecting our international relations, and in order to cover that I have to-day introduced a joint resolution, to which I called the attention of the House, providing for a constitutional amendment, which reads in a few simple words, as follows:

That the Congress shall have exclusive power to legislate on questions affecting the rights and privileges of citizens of other countries residing in the United States and the relations of the United States with other countries.

And in explanation of this resolution I should like to read to the House what I have jotted down here. It is very brief.

Long before the California trouble was even thought of the impotence of our National Government with regard to legislation by independent States affecting the rights and privileges of noncitizens or citizens of other countries or treaty rights of other countries was felt to be a serious defect in our scheme of government.

The controversy with Japan has simply made this defect—a result of the compromise which made the adoption of the Constitution possible—an acute question. If we are really a Nation *with a big "N"* and not merely a federation of States, the power to legislate on such matters should be reserved to Congress exclusively, and the constitutional amendment which I propose provides for just that and nothing else. One of the most important functions of every Government is to preserve the peace; in fact this is one of the cardinal reasons why Governments are instituted among men. How can our own National Government succeed in this great mission when any State by its own independent action can cause trouble with foreign nations whenever its legislature sees fit to do so? There ought not to be any objection to the proposed amendment on the part of any State. The National Government is obliged to make the cause of any State its own, so that the action of an individual State can involve the whole Nation in war; and in return for this protection it is but fair, it seems, that the National Government should have exclusive power of legislation in matters affecting our international relations. These are the reasons in a nutshell why I have introduced my joint resolution, which, I hope, will become a subject of serious discussion by the press and the people. [Applause.]

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 14 minutes p. m.) the House adjourned, pursuant to the order agreed upon, until Tuesday, May 27, 1913, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 5481) for the condemnation of land in the interior of square No. 449, District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 5482) for the condemnation of land in the interior of square No. 28, District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SINNOTT: A bill (H. R. 5483) to create a revenue fund for Crater Lake National Park and to provide for the disbursement of the same; to the Committee on the Public Lands.

By Mr. CLAYTON: A bill (H. R. 5484) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. CAMPBELL: A bill (H. R. 5485) prescribing the procedure in the courts of the United States in actions at law; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 5486) to amend section 1 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912 (37 Stat., pp. 539–560, ch. 389), relating to publications admitted to the second class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. STAFFORD: A bill (H. R. 5487) to authorize an additional appropriation for the erection of the United States appraisers' stores building at Milwaukee, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: A bill (H. R. 5488) providing for the establishing of a Weather Bureau station at Columbia, Mo.; to the Committee on Agriculture.

Also, a bill (H. R. 5489) to confirm New Madrid location and survey No. 2880, and to provide for the issue of a patent therefor; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 5490) to reestablish and create the Redding land district and land office at Redding, Shasta County, in the State of California; to the Committee on the Public Lands.

By Mr. HOBSON: A bill (H. R. 5491) to prevent violent fluctuation in the price of construction materials and thereby aid in preventing industrial depressions; to the Committee on Ways and Means.

Also, a bill (H. R. 5492) relating to Navy retirements; to the Committee on Naval Affairs.

By Mr. ANSBERRY: A bill (H. R. 5493) to authorize the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 5494) to prevent the sale of boots and shoes as of leather construction when other material is substituted therefor in manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 5495) to provide for a site and public building at Dunnellon, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5496) to amend section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," approved June 23, 1910, and to repeal said original section; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5497) providing for the filling in of the ponds and lowlands of the Fort Taylor Military Reservation, Fla.; to the Committee on Military Affairs.

Also, a bill (H. R. 5498) to provide for a site and public building at Fort Myers, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5499) to provide for a site and public building at Brooksville, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5500) to provide for a site and public building at Arcadia, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5501) in relation to claims arising under the provisions of the captured and abandoned property acts, and for other purposes, and to amend and revise the same; to the Committee on War Claims.

Also, a bill (H. R. 5502) providing for the marking and protection of the battle field known as "Dade's massacre," in Sumter County, Fla., and for the erection of a monument thereon; to the Committee on Military Affairs.

Also, a bill (H. R. 5503) authorizing the Secretary of War to grade and fill certain ponds and lowlands on the military reservation at or near Fort Taylor, Key West, Fla., and to appropriate money therefor; to the Committee on Military Affairs.

By Mr. RAKER: Resolution (H. Res. 108) for an investigation by the Committee on the Public Lands of the administration of the public lands and the public-land laws; to the Committee on Rules.

By Mr. CARTER: Resolution (H. Res. 109) authorizing a special committee to be known as the special committee on the affairs of the Five Civilized Tribes; to the Committee on Rules.

By Mr. BARTHOLDT: Joint resolution (H. J. Res. 88) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CRAMTON: Memorial of the Legislature of Michigan, favoring the passage of House bill 7061, relative to the loaning of money by the Government on farms; to the Committee on Ways and Means.

Also, memorial of the Legislature of Michigan, asking that Fort Brady, of that State, be continued as a full regimental post; to the Committee on Military Affairs.

Also, memorial of the Legislature of Michigan, in favor of the amendment to the currency or national banking laws as will enable national banks to loan money on real estate security; to the Committee on Banking and Currency.

Also, memorial of the Legislature of Michigan, in favor of better supervision by the Government of the Michigan waterway known as "the inland route"; to the Committee on Rivers and Harbors.

By Mr. CARTER: Memorial of the Legislature of Oklahoma, memorializing Congress to make the real estate mortgage the basis of national currency in place of or the same as the Government bond; to the Committee on Banking and Currency.

By Mr. L'ENGLE: Memorial asking for establishment of a military post at Fort Clinch, Fla.; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 5504) granting a pension to Esther McKean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5505) granting a pension to Isaiah E. Bossard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5506) granting an increase of pension to Helen June; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5507) granting an increase of pension to Frederick A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5508) for the relief of Edwin Moyer; to the Committee on Military Affairs.

By Mr. BARTON: A bill (H. R. 5509) granting a pension to Annie Green; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 5510) for the relief of the heirs or estate of Joseph Sivley, deceased; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 5511) granting a pension to Jerry Fitzpatrick; to the Committee on Pensions.

Also, a bill (H. R. 5512) granting an increase of pension to Worcester H. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5513) granting an increase of pension to Andrew Polston; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 5514) granting a pension to Annie Oleson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5515) granting an increase of pension to James Hurd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5516) granting a pension to James P. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 5517) granting a pension to Mary Gannon; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 5518) granting a pension to Minerva J. Bastin; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 5519) granting a pension to Laura Ann Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5520) granting a pension to Rawlin P. McLean; to the Committee on Pensions.

Also, a bill (H. R. 5521) granting an increase of pension to Murray R. Marshall; to the Committee on Pensions.

Also, a bill (H. R. 5522) for the relief of Bruno Nohle; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 5523) granting an increase of pension to John Backoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5524) granting an increase of pension to William Coleman; to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 5525) to correct the military record of William J. Ahern, alias James Ahern; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 5526) granting an increase of pension to Dennis Sullivan; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 5527) for the relief of Gillum Smith; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 5528) granting a pension to William N. Ruggles; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 5529) granting a pension to R. J. Jamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5530) granting a pension to Emily E. Marcher; to the Committee on Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 5531) granting a pension to Deborah Nash; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 5532) granting an increase of pension to Emilie Eckert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5533) granting an increase of pension to William H. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5534) for the relief of the estate of Israel Folsom; to the Committee on Indian Affairs.

By Mr. MOSS of West Virginia: A bill (H. R. 5535) granting a pension to Eliza J. Gay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5536) granting an increase of pension to Charles M. Dollman; to the Committee on Invalid Pensions.

By Mr. MURRAY of Massachusetts: A bill (H. R. 5537) granting a pension to Hugh A. Kelly; to the Committee on Pensions.

Also, a bill (H. R. 5538) granting an increase of pension to John Ferguson; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 5539) granting a pension to Joe Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5540) granting an increase of pension to Henry E. Garber; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 5541) granting an increase of pension to Geneva E. Gray; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 5542) granting a pension to Martha J. Watson; to the Committee on Pensions.

Also, a bill (H. R. 5543) granting a pension to Owen A. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5544) for the relief of C. C. Logan; to the Committee on War Claims.

Also, a bill (H. R. 5545) for the relief of the heirs of Jesse Powers, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5546) for the relief of the heirs of Lidda Goff, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5547) for the relief of the heirs of John Asher, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5548) granting an increase of pension to Joseph Roach; to the Committee on Pensions.

Also, a bill (H. R. 5549) granting an increase of pension to Martin R. Dutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5550) granting a pension to Sarah Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5551) granting a pension to Robert Strong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5552) for the relief of the heirs of Wash Well, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5553) for the relief of the estate of James W. Tucker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5554) to remove the charge of desertion from the military record of William Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 5555) to remove the charge of desertion from the military record of J. W. Hardwick; to the Committee on Military Affairs.

Also, a bill (H. R. 5556) to restore to the rolls in the War Department the name of Joel B. Ellis and to issue to him an honorable discharge; to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 5557) granting an increase of pension to William M. Shrack; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 5558) granting a pension to Cyrus R. Rand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5559) granting a pension to Charles J. Esty; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 5560) for the relief of estate of John Y. Jackson; to the Committee on War Claims.

Also, a bill (H. R. 5561) for the relief of estate of John M. Wright; to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 5562) for the relief of the heirs of Henry Tumy, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5563) for the relief of the heirs of Thomas S. Sneed, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5564) for the relief of Mount Zion Methodist Church, of Boone County, Mo.; to the Committee on War Claims.

Also, a bill (H. R. 5565) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Christian Church of Sturgeon, Mo.; to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 5566) granting a pension to William Miller; to the Committee on Pensions.

Also, a bill (H. R. 5567) granting a pension to Sarah Whidden; to the Committee on Pensions.

Also, a bill (H. R. 5568) granting a pension to Frank E. Saxon; to the Committee on Pensions.

Also, a bill (H. R. 5569) granting a pension to Bennett Whidden; to the Committee on Pensions.

Also, a bill (H. R. 5570) granting a pension to James Duff; to the Committee on Pensions.

Also, a bill (H. R. 5571) granting a pension to Herbert Green; to the Committee on Pensions.

Also, a bill (H. R. 5572) granting a pension to James E. Whitehead; to the Committee on Pensions.

Also, a bill (H. R. 5573) granting a pension to Artie M. E. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 5574) granting a pension to John G. Buehler; to the Committee on Pensions.

Also, a bill (H. R. 5575) granting a pension to Sophia Hendry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5576) granting a pension to Calvin Champlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5577) granting a pension to John Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5578) granting a pension to Mary S. Ryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5579) granting a pension to Luvinia Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5580) granting a pension to Elizabeth Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5581) granting an increase of pension to Sarah J. Wood; to the Committee on Pensions.

Also, a bill (H. R. 5582) granting an increase of pension to Cornelia A. Mobley; to the Committee on Pensions.

Also, a bill (H. R. 5583) granting an increase of pension to Deliah J. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 5584) granting an increase of pension to Susan T. Lisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5585) granting an increase of pension to Joseph D. Hazzard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5586) for the relief of J. M. Crumpton; to the Committee on Claims.

Also, a bill (H. R. 5587) for the relief of Samuel B. Ried; to the Committee on War Claims.

Also, a bill (H. R. 5588) for the relief of James D. Butler; to the Committee on War Claims.

Also, a bill (H. R. 5589) for the relief of William R. Young; to the Committee on Claims.

Also, a bill (H. R. 5590) for the relief of Squire Simes; to the Committee on War Claims.

Also, a bill (H. R. 5591) for the relief of C. W. Moffatt; to the Committee on Claims.

Also, a bill (H. R. 5592) for the relief of C. J. Chason; to the Committee on Claims.

Also, a bill (H. R. 5593) for the relief of Harvey W. Lane; to the Committee on Claims.

Also, a bill (H. R. 5594) for the relief of the legal representatives of J. Hill Jones; to the Committee on Claims.

Also, a bill (H. R. 5595) for the relief of the heirs of Adam L. Eichelberger; to the Committee on War Claims.

Also, a bill (H. R. 5596) providing for the payment to C. H. Jewett, of Tarpon Springs, Fla., for extra work performed by him for the United States on the Canal Zone, Panama; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Chicago Association of Credit Men, Chicago, Ill., favoring an immediate reform in the present banking system of the United States; to the Committee on Banking and Currency.

Also (by request), petition of J. E. Burns, of Hannibal, Mo., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Hartzler & Slusler and 5 other merchants of Smithville, Ohio, favoring a change in the insterstate-commerce laws; to the Committee on the Judiciary.

Also, petition of James Marshall and 150 other citizens of Coshocton, Ohio, favoring an investigation of the West Virginia labor conditions; to the Committee on Labor.

By Mr. BEALL of Texas: Petition of sundry citizens of the State of Texas, favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. CRAMTON: Petition of sundry citizens of St. Clair, Mich., favoring the passage of the pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of Charles F. Hubbs & Co., New York, N. Y., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the J. Wilckes Co., of New York City, against any fee for filing protest against assessment of duty by collectors of customs; to the Committee on Ways and Means.

Also, petition of the Russian Caviar Co., of New York City, against reduction of the duty on caviar; to the Committee on Ways and Means.

By Mr. DYER: Petitions of sundry manufacturers and business men of the State of Missouri, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of Missouri, against mutual life insurance funds and funds of other organizations not organized for profit in the income-tax bill; to the Committee on Ways and Means.

Also, petition of G. X. Duther, of St. Louis, Mo., relative to the matter of the North American-Penn-Wyoming-United Smelters' series of swindles of the State of Wyoming promoted by the Standard Oil people through aid of the interlocked banks; to the Committee on Banking and Currency.

By Mr. GARDNER: Petition of Samuel C. Barnes and 27 other citizens of Massachusetts, protesting against the creation of a committee on public health; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petitions of the J. Pfister Knitting Co., of West Berkeley, Cal., and the Van Arsdale-Harris Lumber Co., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Chamber of Commerce of Atlanta, Cal., favoring a fair currency bill; to the Committee on Banking and Currency.

Also, petition of the San Monte Fruit Co., of Watsonville, Cal., and 12 others of the State of California, against the reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petition of Thomas R. Weaver and 35 others, of California, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of J. R. Edghill and others, of Salt Lake City, Utah, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of the Tacoma Association of Credit Men, Tacoma, Wash., favoring an immediate reform in the present banking system of the United States; to the Committee on Banking and Currency.

Also, petition of sundry citizens of the State of Washington, at Colfax, Wash., favoring an appropriation by Congress for the development of the Palouse irrigation and power project; to the Committee on Appropriations.

By Mr. J. R. KNOWLAND: Petition of the Pacific Association of Railway Surgeons, of San Francisco, Cal., favoring a department of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of the Chicago Live Stock Exchange, Chicago, Ill., favoring the placing of live stock on the free list; to the Committee on Ways and Means.

SENATE.

MONDAY, *May 26, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Thursday last was read and approved.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled joint resolution, and it was thereupon signed by the Vice President:

H. R. 4234. An act providing certain legislation for the Panama California Exposition to be held in San Diego, Cal., during the year 1915;

S. J. Res. 30. Joint resolution extending the leave of absence of Mrs. A. E. Grant.

PETITIONS AND MEMORIALS.

Mr. GRONNA presented petitions of sundry citizens of Dogden, Fargo, Bottineau, Grafton, Doyon, Rugby, Forest River, and Taylor, all in the State of North Dakota, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a memorial of the Forschen Club, of Perth, N. Dak., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Columbia Lodge, No. 174, International Association of Machinists, of Washington, D. C., praying that an investigation be made into the labor conditions in the coal fields of the Paint Creek district, West Virginia, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented memorials of Cascade Local Union, No. 24, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Berlin; of Local Union No. 29, International Brotherhood of Paper Makers, of Berlin; and of the Board of Trade of Berlin, all in the State of New Hampshire, remonstrating against the removal of the duty on print paper and wood pulp, which were referred to the Committee on Finance.

He also presented petitions of C. H. Feitz, of Aurora, Ill.; Alexander Bros., of Philadelphia, Pa.; Hannah R. Holden, of Penacook, N. H.; and G. F. Wooley and C. G. Blakely, of Topeka, Kans., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a memorial of Local Union No. 137, Flint Glass Workers' Union, of Cumberland, Md., remonstrating against a reduction in the duty on glassware, which was referred to the Committee on Finance.

Mr. NORRIS presented a petition of sundry citizens of Essex, Iowa, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. NELSON presented petitions of sundry citizens of Clarissa, Mankato, St. Paul, and Spring Grove, all in the State of Minnesota, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. SMITH of Arizona. I present a joint resolution adopted by the Legislature of Arizona. I ask that it be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THIRD SPECIAL SESSION.

House joint resolution 8.

Whereas the Hon. CARL HAYDEN, Representative from the State of Arizona, has introduced into the House of Representatives of the Sixty-third Congress of the United States of America, first session, House resolution No. 4825, entitled "A bill opening the surplus and unallotted land in the Colorado River Indian Reservation to settlement and entry under the provisions of the Carey Land Acts, and for other purposes"; and

Whereas the enactment of said bill into law will enable the State of Arizona to enter into a contract under the provisions of the Carey Act for the purpose of diverting the water of the Colorado River and reclaiming a vast area of land on said reservation; and

Whereas the reclamation of such lands by the diverting of such waters thereon will result in the bringing in of thousands of people who will become bona fide settlers and tend to develop the wonderful agricultural possibilities of such lands and will be one of the greatest factors in the building up of the State of Arizona; and

Whereas such lands in their present condition are practically valueless and are not wholly needed for the maintenance or support of the Indians thereon: Now, therefore, be it

Resolved by the Legislature of the State of Arizona, That we hereby petition and memorialize the Congress of the United States to speedily enact the provisions of said House resolution No. 4825 into law in order that said lands on said Indian reservation shall be open to settlement and entry under the provisions of the Carey Land Act, and for other purposes, and that said House resolution No. 4825 be enacted into a law at the present session of Congress now convened, believing it would be an act of greatest benefit to the State of Arizona at this time; be it further

Resolved, That the chief clerk of the house be instructed to transmit a copy of this resolution to the Hon. CHAMP CLARK, Speaker of the House of Representatives of Congress, for presentation to said House of Representatives, and that a copy of this resolution be forwarded to the Hon. CARL HAYDEN, Representative from this State, and to the Hon. HENRY F. ASHURST and Hon. MARK SMITH, Senators from Arizona.

Passed the senate May 13, 1913, by a vote of 18 ayes; 1 excused.

W. G. CUNNIFF,
President of the Senate.

Read third time in full and passed the house by following vote: 28 ayes, 4 absent, 3 excused.

H. H. LINNEY,
Speaker of the House.

Mr. SMITH of Arizona presented a resolution adopted by the Federal grand jury at Phoenix, Ariz., at the April, 1913, term, favoring the adoption of an amendment to section 2139 of the Revised Statutes of the United States, relating to the trial and punishment of persons selling or giving intoxicating liquors to Indians, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a petition of sundry citizens of Blackwell, Tex., praying for a reduction in the duty on sugar, which was referred to the Committee on Finance.

Mr. JACKSON presented a memorial of the employees of the American Label Manufacturing Co., of Baltimore, Md., remonstrating against a reduction in the duty on lithographic products, which was referred to the Committee on Finance.

Mr. CLAPP presented petitions of sundry citizens of St. Paul, Minneapolis, Grove City, Stillwater, White Bear, Duluth, St. Peter, Russell, Winona, Rush City, Hill City, Fergus Falls, Moorhead, Hendricks, Hopkins, Clarissa, Lewiston, Garvin, and Mankato, all in the State of Minnesota, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Minneapolis, Trosky, Germantown, and Bricelyn, all in the State of Minnesota, praying for a reduction in the duty on sugar, which were referred to the Committee on Finance.

He also presented memorials of Local Union No. 294, of Duluth; Local Union No. 77, of Minneapolis; Local Union No. 98, of St. Paul; and Local Union No. 448, of Brainerd, of the Cigarmakers' International Union of America, and of the Cigar Manufacturers' Association of Duluth, all in the State of Minnesota, remonstrating against the importation of cigars free of duty from the Philippine Islands, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Minneapolis Association of Credit Men of Minnesota, favoring the enactment of sound banking and currency laws, which was referred to the Committee on Banking and Currency.

Mr. PERKINS presented petitions of sundry citizens of Los Angeles, Santa Monica, San Francisco, and Alameda, all in the State of California, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. McLEAN presented petitions of sundry citizens of Hartford, New Haven, Vernon, South Glastonbury, and Clinton, all in the State of Connecticut, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. JOHNSON of Maine presented memorials of the Chamber of Commerce of Rumford, and of sundry citizens of Danforth, Cherryfield, and Calais, all in the State of Maine, remonstrating against a reduction of the duty on news print paper and wood pulp, which were referred to the Committee on Finance.

Mr. GOFF presented memorials of H. L. Heintzelman, president, and the employees of the Monongah Glass Co., of Fairmont; of Local Union No. 97, Flint Glass Workers' Union, of Buckhannon; and of Ideal Local Union, National Window Glass Workers, of West Union, all in the State of West Virginia, remonstrating against a reduction in the duties on glass, glassware, window glass, etc., which were referred to the Committee on Finance.

He also presented the memorial of Samuel C. Gist, president of the Tri-State Wool Growers and Sheep Breeders' Association, of Wellsburg, W. Va., remonstrating against a reduction in the duty on wool, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a memorial from the Master House Painters' Association, of Wheeling, W. Va., remonstrating against the adoption of the so-called restriction clause in the sundry civil appropriation bill preventing the use of money to prosecute labor organizations for violation of the Sherman antitrust law, which was ordered to lie on the table.

Mr. FLETCHER. I present a joint memorial of the Legislature of Florida, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

House memorial 2.

A memorial to the Congress of the United States praying that a military post be established at Fort Clinch, Fla.

Whereas Cumberland Sound, located at the northeastern extremity of the State of Florida, comprises a vast anchorage of more than 20 square miles, being thoroughly landlocked and having a depth of water of from 40 to 60 feet in depth over a large part of its area; and

Whereas there is now a channel of ample width from said sound to the Atlantic Ocean, with a depth of water accommodating vessels of 30-foot draft, which depth of water could be increased to 36 feet with very small expenditure; and

Whereas the United States owns a frontage of about 1¼ miles on Amelia River, a tributary to said sound, another frontage of about 1¼ miles on said sound, and another frontage of about 2¾ miles on the Atlantic Ocean near said sound; and

Whereas the vicinity in which the Federal Government owns said land is exceptionally healthful, being near the famous Cumberland Island upon which many people of the country have winter homes; and

Whereas the said sound, if properly protected by land forts, would furnish an impregnable anchorage for an entire fleet of battleships: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That our Senators and Representatives in Congress are urged to do all in their power to secure a military post on said Cumberland Sound and to have the said sound properly fortified.

Resolved, further, That the secretary of State be requested to furnish a certified copy of this resolution to each of our Senators and Representatives in Congress.

STATE OF FLORIDA, *office of secretary of state, ss:*

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of house memorial No. 2 by the Florida Legislature, session 1913, as filed in this office.

Given under my hand and the great seal of the State of Florida at Tallahassee, the capital, this the 21st day of May, A. D. 1913.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. LODGE presented sundry papers to accompany the bill (S. 1732) providing for the establishment of a hospital ship in connection with the American fisheries, which were referred to the Committee on Fisheries.

Mr. STEPHENSON presented petitions of sundry citizens of La Crosse and Milwaukee, in the State of Wisconsin, and of sundry citizens of Hancock, Mich., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Woman's Club of Fox Lake, Wis., praying for the adoption of the clause in the pend-

ing tariff bill relating to the importation of aigrettes and feathers, etc., which was referred to the Committee on Finance.

SELAH G. BLAKEMAN AND TIMOTHY E. HAWLEY.

Mr. FLETCHER. From the Committee on the Judiciary I report back favorably, without amendment, the bill (S. 1689) authorizing the accounting officers of the Treasury to allow in the accounts of the United States marshal for the district of Connecticut amounts paid by him from certain appropriations, and I submit a report (No. 51) thereon.

Mr. BRANDEGEE. Mr. President, I did not hear the Senator from Florida. I assume that he asked unanimous consent for the present consideration of the bill.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Florida asks unanimous consent for the present consideration of the bill. It will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the accounting officers of the Treasury to allow in the accounts of the United States marshal for the District of Connecticut amounts paid by him from the appropriation pay of bailiffs, etc., United States courts, 1912, to Selah G. Blakeman, $192; and from the appropriation pay of bailiffs, etc., United States courts, 1913, to Selah G. Blakeman, $363, and to Timothy E. Hawley, $513, notwithstanding the fact that the payees also served and received compensation as field deputy United States marshals.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I ask that the report accompanying the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report this day submitted by Mr. FLETCHER is as follows:

[Senate Report No. 51, Sixty-third Congress, first session.]

RELIEF OF THE UNITED STATES MARSHAL FOR THE DISTRICT OF CONNECTICUT.

Mr. FLETCHER, from the Committee on the Judiciary, submitted the following report to accompany S. 1689:

The Committee on the Judiciary, to whom was referred the bill (S. 1689) authorizing the accounting officers of the Treasury to allow in the accounts of the United States marshal for the district of Connecticut amounts paid by him from certain appropriations, having had the same under consideration, unanimously recommend that the bill do pass without amendment.

From the statements and papers submitted it appears that in 1911 the marshal for the district of Connecticut, with the authorization and approval of the Department of Justice, appointed two bailiffs of the United States district court special deputy marshals to serve process. These officers acted as such special deputies when the court was not in session and they were not in actual service as bailiffs. Their fees, in the amounts stated in the bill, were paid by the marshal and the expenditures allowed by the accounting officers of the Treasury Department. Subsequently it was held that the statute (29 Stats., p. 183, sec. 13) in force in 1911 forbade deputy marshals from receiving compensation as bailiffs, and recoupment of the amounts paid to these officers under the facts stated, aggregating $1,068, is now demanded by the Treasury Department from the marshal of the district of Connecticut, whose salary is $2,500 per annum.

As is shown by the appended correspondence, which is made a part of this report, the appointments of these special deputies were authorized by and made with the approval of the Department of Justice, which was fully cognizant of all the facts; and that department, in the letter of May 24, 1913, to Mr. FLETCHER, chairman of the subcommittee appointed to consider this bill, strongly recommends its passage.

DEPARTMENT OF JUSTICE,
UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF CONNECTICUT,
Hartford, October 23, 1911.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: Inclosed find oath of office of Timothy E. Hawley, whom I have this day appointed special deputy United States marshal at Hartford for the purpose of serving writs of which it was impracticable for myself or my deputies to make service.

Occasions are coming frequently when the marshal's office has several subpœnas and processes to serve at once. A few hours' delay in summoning witnesses may hinder the case on trial or be of serious injury to the Government or to the parties in interest. I would like to have the appointment of Mr. Timothy E. Hawley approved by you. It is my intention to use Mr. T. E. Hawley only when necessity arises in the service of citations or of summoning witnesses. To-day I felt it my duty to send Mr. Hawley to Waterbury, as Mr. Parmelee, the field deputy, was busy in Fairfield County, Mr. Smith, the office deputy, in the cities of Hartford and New Haven, and the ground could not be covered by either of the regular deputies.

Mr. Hawley is at present bailiff of the court, and hence is always available if wanted.

Respectfully,

SIDNEY E. HAWLEY,
United States Marshal.

—

DEPARTMENT OF JUSTICE,
Washington, October 27, 1911.

SIDNEY E. HAWLEY, Esq.,
United States Marshal, Hartford, Conn.

SIR: Replying to your letter of the 23d instant, and in view of the statements contained therein, the appointment of Timothy E. Hawley as a field deputy marshal, with headquarters at Hartford, is approved, with the understanding, however, that he is to be employed to serve process only in emergencies and when it is impracticable for you or your regular deputies to make the service.

Respectfully,

J. A. FOWLER,
Assistant to the Attorney General.
(For the Attorney General.)

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DEPARTMENT OF JUSTICE,
UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF CONNECTICUT,
Hartford, May 21, 1912.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: Inclosed find oath of office of Selah G. Blakeman, whom I have this day appointed special deputy United States marshal at New Haven, for the purpose of serving writs of which it was impracticable for myself or my deputies to make service.

My deputy, William L. Parmelee, who has headquarters at Ansonia, is a very sick man and has been confined to his bed for some two weeks suffering from nervous prostration and heart trouble, and it will be some time before he will be able to perform his duties as deputy marshal, hence the appointment of Mr. Blakeman, which will probably last for the May term only. He is at present bailiff of the court, and hence is always available when wanted. His duties as deputy marshal will not interfere in any way with his duties as bailiff of the court.

The May term of the district court will come in here on Tuesday, the 28th, and Special Deputy Hawley is busy with writs to be served in the eastern part of the State.

Respectfully,

SIDNEY E. HAWLEY,
United States Marshal.

—

UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF CONNECTICUT,
Hartford, May 27, 1912.

FRIEND SELAH: The Department of Justice wants the date of your birth so as to complete the records of the department.

Please send it to me and oblige,

Yours, truly,

G. BRAINARD SMITH.

—

DEPARTMENT OF JUSTICE,
UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF CONNECTICUT,
New Haven, Conn., May 28, 1912.

G. BRAINARD SMITH.

DEAR SIR: I was born on the 23d day of May, 1841, in the town of Stratford, Fairfield County, State of Connecticut. I lived there, excepting the three years that I was in the Army, until the spring of 1866; since then in the town of Huntington.

Yours, truly,

S. G. BLAKEMAN.

—

DEPARTMENT OF JUSTICE,
Washington, D. C., May 24, 1912.

UNITED STATES MARSHAL,
Hartford, Conn.:

The department is in receipt of your letter of the 21st instant, transmitting the oath of office executed on May 20, 1912, by Selah G. Blakeman, whom you have appointed a temporary field deputy, headquarters at New Haven, during the illness of Deputy Parmelee.

Please forward a copy of the commission issued appointing Mr. Blakeman a deputy. Also have Mr. Blakeman fill out the inclosed card and then return same to the department.

The department should be notified promptly when the appointment of Deputy Blakeman terminates.

KNAEBEL, *Assistant Attorney General.*
(For the Attorney General.)

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DEPARTMENT OF JUSTICE,
UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF CONNECTICUT,
Hartford, May 31, 1912.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: In compliance with your letter of the 24th instant, I inclose herewith a copy of Mr. Blakeman's commission; also a card filled out as requested.

Yours, respectfully,

SIDNEY E. HAWLEY,
United States Marshal.
By G. BRAINARD SMITH,
Office Deputy.

—

DEPARTMENT OF JUSTICE,
Washington, D. C., April 26, 1913.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

SIR: In accordance with your request, there is herewith inclosed a draft of a proposed amendment to the sundry civil appropriation act for 1914, or to some other act if found expedient. With this proposed legislation the Auditor for the State and Other Departments would be enabled to allow the items mentioned therein, being items disallowed in certain accounts rendered by the United States marshal for the district of Connecticut.

Respectfully,

ERNEST KNAEBEL,
Assistant Attorney General.
(For the Attorney General.)

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DEPARTMENT OF JUSTICE,
Washington, D. C., May 24, 1913.

Hon. DUNCAN U. FLETCHER,
Chairman Subcommittee to whom S. 1689 was referred,
United States Senate.

SIR: In reply to your letter of the 22d instant, you are informed that the passage of this bill for the relief of the marshal for the district of Connecticut is strongly recommended. It appears from the accounts of the marshal and otherwise that the services for which the per diems were charged were actually rendered and the marshal in good faith paid for the same.

You are also advised if this bill shall become law the United States will have been to no additional expense, by reason of the fact that field deputy marshals acted also as bailiffs and were paid by the mar-

shal therefor. The services rendered as bailiff were, of course, rendered during the sitting of the court, whereas the process was served when the court was not in session.

Respectfully,

JESSE C. ADKINS,
Assistant Attorney General.
(For the Attorney General.)

HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 86, submitted by Mr. TILLMAN on the 19th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be authorized during the Sixty-third Congress to subpœna witnesses, send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER:

A bill (S. 2336) granting an increase of pension to Franklin E. Fisher (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 2337) to create the Coast Guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Commerce.

By Mr. KENYON:

A bill (S. 2338) granting an increase of pension to Sallie E. Masmar; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 2339) amending the laws relating to national banking associations, enlarging their powers to issue circulating notes, regulating their reserves, and for other purposes; to the Committee on Banking and Currency.

A bill (S. 2340) granting an increase of pension to Jane L. Starritt (with accompanying papers); to the Committee on Pensions.

Mr. WORKS. I introduce a bill to fix and limit the sessions of Congress, and to provide for the time of electing Senators and Representatives, and for other purposes. The bill is a very short one, and I ask that it be read.

The bill (S. 2341) to fix and limit the sessions of Congress, and to provide for the time of electing Senators and Representatives, and for other purposes, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Congress of the United States shall assemble once each year, and such meeting shall be on the first Monday in October and continue until the first Monday in June following if the business thereof shall require it.

SEC. 2. That United States Senators and Members of the House of Representatives shall be elected at elections to be held on the first Tuesday after the third Monday in August, and their terms of office shall commence on the first Monday in October following their election.

SEC. 3. That the term of office of any Senator or Representative which shall expire after the last preceding election and before the first Monday in October after his successor is elected is hereby extended to the said first Monday in October.

The VICE PRESIDENT. The bill will be referred to the Committee on Privileges and Elections.

Mr. WORKS. I have another bill, which provides for the election of President and Vice President at the same time, and providing that they shall take office on the 4th day of November. I will not ask to have the bill read, but I should like to have it printed in the RECORD.

There being no objection, the bill (S. 2342) to amend chapters 1 and 2 of Title III of the Revised Statutes of the United States, and for other purposes, was read twice by its title and referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 131 of the Revised Statutes of the United States, Title III, chapter 1, be, and the same is, amended to read as follows:

"SEC. 131. Except in case of a presidential election prior to the ordinary period, as specified in sections 147 to 149, inclusive, when the offices of President and Vice President both become vacant, the electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the third Monday in August in every fourth year succeeding every election of a President and Vice President."

SEC. 2. That section 135 of said statutes be, and the same is, amended to read as follows:

"SEC. 135. The electors for each State shall meet and give their votes upon the first Monday in September in the year in which they are appointed, at such place in each State as the legislature of such State shall direct."

SEC. 3. That section 140 of said statutes be, and the same is, amended to read as follows:

"SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner.

"First. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate at the seat of government before the second Wednesday in October then next ensuing one of the certificates.

"Second. They shall forthwith forward by the post office to the President of the Senate at the seat of government one other of the certificates.

"Third. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble."

SEC. 4. That section 141 of said statutes be, and the same is, amended to read as follows:

"SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of government on the second Wednesday in October, indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of government."

SEC. 5. That section 142 of said statutes be, and the same is, amended to read as follows:

"SEC. 142. Congress shall be in session on the last Wednesday in October succeeding every meeting of the electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice President ascertained and declared agreeable to the Constitution."

SEC. 6. That section 148 of said statutes be, and the same is, amended to read as follows:

"SEC. 148. The notification shall specify that electors of a President and Vice President of the United States shall be appointed or chosen in the several States as follows:

"First. If there shall be the space of 2 months yet to ensue between the date of such notification and the first Monday in September then next ensuing, such notification shall specify that the electors shall be appointed or chosen within 34 days preceding such first Monday in September.

"Second. If there shall not be the space of 2 months between the date of such notification and such first Monday in September, and if the term for which the President and Vice President last in office were elected will not expire on the 3d day of November next ensuing, the notification shall specify that the electors shall be appointed or chosen within 34 days preceding the first Monday in September in the year next ensuing. But if there shall not be the space of 2 months between the date of such notification and the first Monday in September then next ensuing, and if the term for which the President and Vice President last in office were elected will expire on the 3d day of November next ensuing the notification shall not specify that electors are to be appointed or chosen."

SEC. 7. That section 149 of said statutes be, and the same is, amended to read as follows:

"SEC. 149. Electors appointed or chosen upon the notifications prescribed by the preceding section shall meet and give their votes upon the first Monday in September specified in the notification."

SEC. 8. That section 152 of said statutes be, and the same is, amended to read as follows:

"SEC. 152. The term of four years for which a President and Vice President shall be elected shall in all cases commence on the 4th day of November next succeeding the day on which the votes of the electors have been given: *Provided*, That if the 4th of November shall fall on Sunday said terms shall commence on the Monday following."

SEC. 9. That the terms of office of the President and Vice President holding their offices at the time of the first election under this act shall be, and are hereby, extended to the 3d day of November following.

By Mr. SMITH of South Carolina:

A bill (S. 2343) to require any individual, firm, or corporation doing an interstate transportation business to provide separate sleeping accommodations for the conveyance of white and colored passengers; to the Committee on Interstate Commerce.

By Mr. SHERMAN:

A bill (S. 2344) granting a pension to Daniel G. Peterson, alias Robert Brown;

A bill (S. 2345) granting a pension to John August Bohman;

A bill (S. 2346) granting an increase of pension to Lorena Tyler; and

A bill (S. 2347) granting an increase of pension to Emil Hagler; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 2348) to amend section 24 of the Judicial Code, approved March 3, 1911; to the Committee on the Judiciary.

By Mr. GOFF:

A bill (S. 2349) granting a pension to William Reedy; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 2350) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 2351) for the relief of William H. C. Whiting and others; to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 2352) for the relief of the Oneida Indians residing in the State of Wisconsin; to the Committee on Indian Affairs.

By Mr. THOMAS:

A bill (S. 2353) to authorize the President to appoint Col. James W. Pope, assistant quartermaster general, to the grade of brigadier general in the United States Army and place him on the retired list; to the Committee on Military Affairs.

By Mr. STONE:

A bill (S. 2354) to perfect the title of the heirs of James S. Rollins, deceased, to bounty land warrant No. 58479, issued to George Hickum, teamster, United States Quartermaster Department, War with Mexico; to the Committee on Public Lands.

A bill (S. 2355) to correct the military record of Patrick J. Carmody; to the Committee on Military Affairs.

A bill (S. 2356) to carry out the findings of the Court of Claims in the case of the city of Glasgow, Mo.; to the Committee on Claims.

A bill (S. 2357) granting a pension to Tim McCarthy; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 2358) for the relief of George Killeen (with accompanying papers); and

A bill (S. 2359) for the relief of Rittenhouse Moore; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 2360) for the relief of Joseph Wygant; to the Committee on Military Affairs.

A bill (S. 2361) granting an increase of pension to Gertrude C. Manross (with accompanying paper);

A bill (S. 2362) granting an increase of pension to George D. Stebbins (with accompanying paper);

A bill (S. 2363) granting an increase of pension to Sarah H. Alldis (with accompanying paper); and

A bill (S. 2364) granting an increase of pension to Rebecca E. Squier (with accompanying paper); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 2365) for the restoration of Alonza Burke, chief carpenter, United States Navy, retired, to the active list of the Navy as an additional number in his grade (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 2366) for the relief of William R. Cherry; and

A bill (S. 2367) for the relief of Aden Carpenter; to the Committee on Claims.

A bill (S. 2368) granting a pension to Elmer E. Dickey; to the Committee on Pensions.

By Mr. BACON:

A bill (S. 2369) for the relief of the estate of Aaron Murdock, deceased; and

A bill (S. 2370) for the relief of the legal representatives of the estate of Samuel Noble, deceased, and others (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 2371) granting an increase of pension to Porter E. Nash; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 2372) for the relief of the heirs or estate of Joseph Block, deceased; and

A bill (S. 2373) for the relief of the estate of Philip Felix Herwig, deceased; to the Committee on Claims.

By Mr. POMERENE:

A bill (S. 2374) providing for the care of the Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay; to the Committee on Military Affairs.

A bill (S. 2375) for the condemnation of land in the interior of square No. 28, District of Columbia, and for other purposes; and

A bill (S. 2376) for the condemnation of land in the interior of square No. 449, District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. OVERMAN (for Mr. LEA):

A joint resolution (S. J. Res. 37) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; to the Committee on Military Affairs.

FOURTH-CLASS POSTMASTERS.

Mr. OVERMAN. I introduce a joint resolution which I send to the desk and ask that it be read, and when read that it be referred to the Committee on Civil Service and Retrenchment.

The joint resolution (S. J. Res. 38) suspending the order of October 15, 1912, placing fourth-class postmasters under the civil service was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the order issued by President Taft, under date of October 15, 1912, placing fourth-class postmasters under civil service be, and the same is hereby, suspended.

SEC. 2. That any officer or employee of the Government of the United States, who may be required by law or regulations to execute a bond to his superior officer, or any other officer of the Government, to secure a faithful performance of official duty, may be appointed by the officer, who may require such bond without regard to the provisions of an act of Congress entitled "An act to regulate and improve the civil service of the United States, approved January 16, 1883," and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid.

Mr. OVERMAN. Mr. President, I am not going to make a speech on this subject. I desire to say, however, that I have been misrepresented, or rather that a statement has been made in the newspapers that this resolution would be introduced by me after conference with the Secretary of the Treasury. I wish to say that I have had no conference on the subject with the Secretary of the Treasury. He has never mentioned it to me nor have I mentioned it to him or to anyone in the Treasury Department. I simply introduce the joint resolution.

I desire to say that I am in favor generally of civil service, but I am utterly opposed to the extent to which it has been carried by Executive order. I shall ask the committee to consider this joint resolution. I expect to appear before them, and I hope that they will treat me better than they have done in reference to the other resolution which I have introduced and which sleeps within the Committee on Civil Service and Retrenchment.

Mr. GALLINGER. Mr. President, in seeking light on this subject, I would ask the Senator from North Carolina [Mr. OVERMAN] if he has had a conference, if he chooses to state it, with the Postmaster General, under whom this matter comes more directly than under the Secretary of the Treasury?

Mr. OVERMAN. I have had no conference with any Cabinet officer, nor have I had any conference with the President on the subject. This is simply introduced on my own initiative.

Mr. GALLINGER. I will not pursue my inquiry, but I might ask a further question. I have noticed that the Postmaster General has ordered an examination of fourth-class postmasters, and it seems to me that that ought to be going far enough. Now, we are going to get rid of them with some haste, it seems to me, if this joint resolution passes; but we shall discuss it when it is reported, if it ever is. I think we ought to go slow in disturbing the civil service. I feel very sure that many statements that have been made as to the administration of the civil service have been made upon misinformation. Some facts of which I am in possession will demonstrate that when the debate occurs. The service can doubtless be improved, and it ought to be improved, and if the Senator from North Carolina succeeds in improving it he will deserve the thanks of us all.

Mr. OVERMAN. Mr. President, carrying out that idea, the Senate passed a resolution requesting the President to send to the Senate the report of the Economy and Efficiency Commission made to the President in March last, and the Senator from New Hampshire will find that they report that the Civil Service Commission has been used as a cloak for the old spoils system.

Mr. SMITH of South Carolina. Before the Senator from North Carolina takes his seat, I desire to ask him if by Executive order all fourth-class postmasters were not also put under the operation of the civil-service law?

Mr. OVERMAN. That is my understanding, and that is the reason I have introduced the joint resolution.

Mr. SMITH of South Carolina. I do not think there is anyone who is familiar with the discharge of the duties of a fourth-class postmaster who ever contemplated that such an officer would necessarily be kept under civil-service rules in view of the degree of competency that is necessary for the discharge of the duties of such an office. Such action really would bring the civil service into disrepute and encourage the kind of thing which the Senator from North Carolina is attempting to eliminate.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Civil Service and Retrenchment.

THE TARIFF.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. BURTON submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

VALORIZATION OF COFFEE.

On motion of Mr. NORRIS, it was

Ordered, That in accordance with the letter of the Attorney General of May 6, 1913, in response to the request of the Senate contained in

the resolution adopted April 21, 1913, relating to the valorization of coffee, the papers and documents accompanying said letter be returned to the Department of Justice.

COMMISSION ON ECONOMY AND EFFICIENCY.

Mr. OVERMAN submitted the following resolution (S. Res. 90), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President be requested to send to the Senate, if not incompatible with the public interest, a copy of the report submitted to him on March 25, 1913, by the President's Commission on Economy and Efficiency, on the apportionment of appointments made from the registers of the Civil Service Commission of the apportioned service at Washington.

TREATMENT OF TUBERCULOSIS IN NORTH CAROLINA.

Mr. OVERMAN. I submit a resolution, which I ask may be read, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 89) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to institute, through the Bureau of the Public Health, an investigation of the practices and methods employed by Drs. Karl and Silvia Von Ruck, of Asheville, N. C., in treating tuberculosis and in rendering persons immune from tuberculosis, and to report to the Senate as soon as practicable whether the vaccine used by the said Drs. Von Ruck in attempting to render persons in health immune to tuberculosis is successful in immunizing those thus vaccinated.

Mr. GALLINGER. Mr. President, I do not rise to object, because we want all the light we can get on this important subject; but it occurs to me that this tuberculosis-vaccine controversy seems to be running riot. We have Dr. Friedmann making claims for a remedy that has been shown to be practically worthless, and we have now a physician in Chicago, Dr. Dukeh, who assures the country that he has a serum that is a certain cure for tuberculosis. I have very grave doubts myself as to the efficacy of any of these serums; but the Senator from North Carolina thinks that the resolution ought to pass and I will not object, although I doubt the propriety of the Government officially engaging in such investigations.

Mr. OVERMAN. Mr. President, I wish to suggest that with Dr. Von Ruck this is no new matter. He has a hospital in western North Carolina, and numbers of patients have been cured by him. There is a Senator on this floor who could rise and testify that he has been cured by this treatment. If we can investigate a foreigner and his methods, I do not see why we should object to the examination of those of an American who, I think, has really the vaccine matter that will do the work.

Mr. GALLINGER. As I heard the resolution, Mr. President, I understood it to mean that this is a serum that makes persons threatened with tuberculosis immune from the disease. Is that it?

Mr. OVERMAN. Yes.

Mr. GALLINGER. Is it also claimed to be a cure for the disease when it actually exists?

Mr. OVERMAN. It has really cured many people, and our leader, the Senator from Indiana [Mr. KERN], I do not mind stating, says that he was cured by it and that he would be willing to give testimony to that effect.

Mr. GALLINGER. We can readily get testimony that men have been cured of all sorts of diseases by all sorts of remedies, but that really proves very little.

Mr. OVERMAN. There is no harm in adopting the resolution.

Mr. GALLINGER. There is no harm in it, except that it establishes a bad precedent; but I will not object.

Mr. OVERMAN. There is no harm in allowing the Government to investigate the matter.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

TARIFF STATEMENT (S. DOC. NO. 45).

Mr. SMOOT. Mr. President, I have had prepared a comparison of the rates of duty levied by the tariff act of 1909 and House bill 3321 as passed by the House of Representatives, showing also the corresponding rates in the chemical, metal, sugar, cotton, and wool bills of 1912, and the equivalent ad valorems in all these measures based upon the importations of the fiscal years 1911 and 1912, and also a complete index to the different bills in the comparison.

I ask that it be printed as a public document.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Utah?

Mr. SIMMONS. Mr. President, I do not desire to object to the printing, and, in fact, I do not think it is necessary to get the consent of the Senate to print the statement. I think the committee has ample authority, and I am sure if the Senator had suggested it the committee would have exhausted its authority to have had it printed.

I wish to say to the Senator that there has been printed already a comparative statement which covers, I think, substantially what he has just presented.

Mr. SMOOT. No; I have seen the statement which has been already printed. It does not cover all the items.

Mr. SIMMONS. What item in the Senator's statement is not covered in the comparative statement which has been printed?

Mr. SMOOT. The items in the comparative statement which have been printed do not, I think, give House bill 23182 of 1912. That statement does not show the ad valorem duties of the bills that were introduced in 1912 on chemicals, metals, sugar, and cotton. This statement shows all those.

Mr. SIMMONS. As far as that is concerned, if that is the only difference, and the Senator had suggested it, we would have provided for a column of the comparative statement for that purpose; and when the committee finally acts, if the Senator wants that put in the comparative statement, we will see that it is put in. But I shall make no objection to the printing of the statement, if the Senator desires it.

Mr. SMOOT. I wish to have it printed as a public document.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

INTERNATIONAL CONGRESS ON ALCOHOLISM (S. DOC. NO. 44).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith, for the information of Congress, a report by the Secretary of State covering the report of the delegates of the United States to the Thirteenth International Congress on Alcoholism, at The Hague, in September, 1911, appointed in pursuance of a provision in the diplomatic and consular appropriation act approved March 3, 1911.

WOODROW WILSON.

THE WHITE HOUSE, *May 26, 1913.*

ALLEGED COTTON POOL.

Mr. SMITH of South Carolina. I send to the desk a resolution which I ask may be read, and I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 91) was read, as follows:

Resolved, That the Secretary of Commerce be, and he is hereby, directed to inquire fully as to the names of the party or parties or corporations that sold the cotton alleged to have been bought in the year 1910 by a pool of purchasers, who are now under indictment by the Department of Justice, and at what prices these parties sold this cotton to the alleged pool, and whether or not the parties selling this cotton owned the cotton at the time of the sale thereof, and the price of spot cotton in the markets of this country on the date of the making of these contracts or the sale of these contracts for this cotton, and to report the same at the earliest possible moment to the Senate.

Mr. SMITH of South Carolina. Mr. President, in explanation of the resolution I will say that in 1910 there was alleged to have been a certain conspiracy entered into by certain individuals for the purpose of cornering the cotton market and putting up the price of cotton. In an indictment which was found shortly after that time certain individuals were alleged to have entered into an agreement with certain mill owners in this country who were to take part of this cotton from their hands as they bought it and to distribute it. It seems that when the time came for the delivery of the cotton the parties having sold these contracts claimed that under the Sherman antitrust law those individuals who had bought this cotton were guilty of an infraction of that law. The truth of the matter is that under the operations of the New York Cotton Exchange those who had sold this cotton had hoped to deliver the old stock that they had accumulated in New York that no one would have. As everyone familiar with the conditions knows, in 1910 we had a comparatively short crop—about 10,500,000 bales of cotton. At that time over in England the International Federation of Spinners and Weavers met. The situation which confronted the mill people was freely discussed, and it was stated that on account of the increased business, on account of the increased demand for cotton on the market, and on account of the unprecedented or comparatively unprecedented short crop the probabilities were that cotton would go up rapidly. They agreed that in order to obviate this disaster to them in their profits, without regard to the grower, they would run on short time. I believe that was the universal agreement, covering every mill both in Europe and in this country. They agreed in their association that they would run on short time in order to curtail the consumption of raw cotton, so as to increase the price of the manufactured product, and to decrease the price of

raw cotton, also to preserve the stock to be carried to another year.

During this time certain individuals in New York were selling hundreds of thousands of bales of cotton under the spot price in the spot centers, expecting, by virtue of loading the market with what is called short sales, to break the price to a point where they could buy the spot cotton on a lower basis than that on which they sold and deliver this cotton to the European spinners. Certain men realizing that the crop was short and that the demand of the world was large profited by the experience of one Daniel J. Sully, who believed that the world had never set a proper estimate upon the value of American cotton and who undertook to corner the future market, not the spot market, and succeeded in demonstrating that the value of cotton was far beyond the prices ordinarily offered. But Sully failed because he had not made preparation for receiving and disposing of the actual cotton that might be tendered on his contracts. But he demonstrated one fact, and that was that we had not nearly approached the real intrinsic value of American cotton as expressed in the terms of the world's needs. Under the Sully boom cotton went to 17¼ cents a pound; the mills bought up hundreds of thousands of bales of cotton at that price, converted it into goods, and sold them in the market without any mills, so far as we heard of, going into bankruptcy.

When this present combination of manipulators or speculators got together they took into their confidence, as is alleged, or into their agreement, certain mills throughout the country, saying to them: "These parties are offering this cotton cheaper than you can buy it in your home market. Now, as the season has been open, the grade of this year's cotton good, and it is almost impossible for the exchange to load up its warehouses with undesirable cotton and offer it on contract, if you will agree to take this cotton as it is offered or as we demand it, we will deliver it to you or force them to deliver it to you." Under this arrangement when the April notices came due the parties having sold these contracts gave notice of delivery of the cotton. The buyers absorbed practically all the stock that there was in the warehouses at New York. The price at which they bought this cotton was lower than they could buy spot cotton in the South. Then the sellers stood face to face with one of two situations, either to pay the premium on their contracts demanded by the parties that bought them, or to go into the markets of the South and buy spot cotton as best they might to fulfill their contracts. This meant an inevitable rise in the price of cotton throughout the cotton markets in the South. In place of that, however, they got a certain manufacturer in Alabama—I believe it was—to disclose to them what the agreement was, namely, that the men buying the contracts should demand the cotton and deliver the cotton to the spinners. The result was that in place of the contracts being filled these men who bought the cotton were indicted for criminal practices under the terms of the Sherman antitrust law and haled into court.

Mr. CLARK of Wyoming. Mr. President, will the Senator from South Carolina allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH of South Carolina. I do.

Mr. CLARK of Wyoming. What effect does the Senator seek to accomplish by this resolution?

Mr. SMITH of South Carolina. I introduced a similar resolution in 1910 and had it referred to the Department of Justice. The then Attorney General informed me that he could not investigate the matter; that that was outside of his province. Having a new Attorney General in office at this time, I interviewed him this morning, and he said he was inclined to take the same position taken by the previous Attorney General. I then interviewed the Department of Commerce, and they assured me that, if I could secure the passage of this resolution by the Senate, they would investigate to find out all about the sale and those who sold the cotton. Here we are indicting men for putting up the price of an American product, two-thirds of which we sell abroad, and letting go scot-free the men who have attempted to put the price down and to ruin those who produce the raw material.

Mr. CLARK of Wyoming. I think the Senator did not understand the purport of my inquiry. The inquiry was what practical effect does the Senator hope to accomplish by this resolution?

Mr. SMITH of South Carolina. The practical effect which I hope to accomplish is this: If the Department of Commerce does its duty thoroughly, and can find out who the parties were who sold to this alleged pool, how much they sold, how much they owned at the time of sale, and what was the price at which they sold as compared with the price of the actual product, it would get data enough to indict them in the courts and give the people of this country to understand that those who produce the raw material, the ordinary farmer and laborer of this country, have as fair a show in the courts of this country as the men who manipulate the other end.

Mr. CLARK of Wyoming. Will the Senator yield for another question?

Mr. SMITH of South Carolina. Certainly.

Mr. CLARK of Wyoming. I am not at all familiar with the situation of which the Senator speaks. Are the indictments to which the Senator has referred still pending?

Mr. SMITH of South Carolina. They are still pending. The reason I have brought the matter up is because it is alleged that there were some flaws in the previous indictment of the men who were attempting to make foreigners pay a legitimate price for an American product. There are witnesses who have been subpœnaed to go before the grand jury of the district of New York in order that they might perfect the indictment and hale these parties into court under a perfected indictment.

Mr. CLARK of Wyoming. Mr. President, another question. This matter is, then, still under consideration and action by the Department of Justice?

Mr. SMITH of South Carolina. Yes; so far as the alleged conspiracy in restraint of trade by cornering the cotton market is concerned; but that is as absurd as to talk about cornering the wind.

Mr. CLARK of Wyoming. Does not the Senator think that the Department of Justice, having one branch of the case in hand, ought to be allowed to pursue its orderly course as to the whole matter?

Mr. SMITH of South Carolina. The Department of Justice refused to investigate the other side of the case.

Mr. CLARK of Wyoming. I understand the Senator to say that the present head of the Department of Justice is not in accord with the Senator on this proposition?

Mr. SMITH of South Carolina. No; the Senator misunderstands me. The Department of Justice in 1910 said that it would not investigate; that this indictment that is now pending was investigated by other parties; that the charges were laid before the grand jury; and that they are simply proceeding under the law to the prosecution of the case.

Mr. CLARK of Wyoming. Will the Senator allow me to interrupt him right there? The Senator has the facts in his own knowledge, or thinks he has, in regard to the operation. Does not the Senator think that, if he had presented those facts to the Department of Justice and those facts should constitute a cause of action against these parties, the Department of Justice would proceed?

Mr. SMITH of South Carolina. I have not got the facts; I want to get the facts. The Senator from Wyoming knows that no man can buy a thing unless somebody sells it; and I know that that pool bought more cotton than was then on the market, and somebody had to sell more than they had in order to do that. I want to know who sold the cotton.

Mr. CLARK of Wyoming. I am inclined to agree with the Senator in that; but it occurs to me that in investigating an offense against the Sherman Antitrust Act the Department of Justice has by far the better machinery and is the better qualified and equipped to investigate and to take advantage of its own investigation. I do not object at all to the Senator's resolution.

Mr. JOHNSTON of Alabama. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH of South Carolina. Certainly.

Mr. JOHNSTON of Alabama. I understand from what the Senator from South Carolina has said that he believes that the men who attempted to depress the price, as well as those who attempted to raise it, should be included in the prosecution?

Mr. SMITH of South Carolina. To be sure. The whole question is, Who are the more guilty—the men who attempted to raise the price of this commodity or those who attempted to depress the price below the legitimate value of the cotton as measured by the law of supply and demand; who were selling, contract upon contract, thousands upon thousands of bales, when no such amount of cotton was in sight? I have here a letter to the effect that over 384,000 bales were sold and actually delivered, and that that did not come near exhausting the contracts. In other words, those who were interested in getting cheap raw cotton for European exportation were selling their contracts without limit on the New York Exchange, knowing that they could stand behind a breastwork of undesirable grades and could sell the market far below the real value. But on account of the splendid season and the unusually good quality

of the cotton for the year 1910 the alleged "pool" bought these contracts, demanded specific fulfillment, cleaned out the warehouses, left the men that had sold short without any breastwork to stand behind, and were in a fair way to put cotton up to its legitimate price during that season. Then, in order to stop them, these men were indicted as being in a combination and conspiracy in restraint of trade; whereas those who had been depressing the price of the cotton, who had been decreasing the balance of trade in favor of America, the men who were using their money and their prestige and their power to put down an American product, were allowed to go scot free.

Mr. CLARK of Wyoming. I suppose we all know, as the Senator from South Carolina knows, that there are plenty of people who are engaged day in and day out in the business of selling things they have not got. I am quite with the Senator in hoping that that sort of business will be broken up. My thought was that the department of the Government that is charged with that very thing of breaking up unlawful combinations was the department to be intrusted with this investigation. That was the only reason for which I rose. It appears, however, that it is not.

Mr. SMITH of South Carolina. I should like to state that while I did not bring it over with me I had before me this morning a transcript of the report of the Attorney General on my previous resolution, stating that all he could do was to give his opinion to the proper authorities or proper department, when asked, on a specific case; that he could not investigate.

Mr. CLARK of Wyoming. Mr. President, I suppose the Senator has such a statement as that, because he says he has; but if he has such a statement as that, it is entirely without foundation, because the Department of Justice is bound to investigate these allegations of violation of the Sherman Antitrust Act whenever they are brought to its notice.

Mr. SMITH of South Carolina. Then, why did not the Attorney General direct it to be done?

Mr. CLARK of Wyoming. I do not know why he did not. I am not speaking of the past; I am speaking of the present. I believe the Department of Justice, as now constituted, will be faithful in the performance of its duties, as it has been faithful in the performance of its duties in the past as formerly constituted.

Mr. SMITH of South Carolina. I am glad to hear the Senator from Wyoming say that he thinks the present Department of Justice will come nearer doing its duty than the previous one, for I assure him that the previous head of that department said that this matter was outside of his jurisdiction, and he absolutely refused to have anything to do with it.

Mr. CLARK of Wyoming. If the Senator can find any more effective way of preventing the Department of Justice from pursuing its inquiries in this direction than his present resolution, I am unable to see it. He takes the investigation out of the jurisdiction of the Department of Justice and imposes it upon the Department of Commerce.

Mr. SMITH of South Carolina. I should like to state to the Senator from Wyoming that I interviewed the Attorney General this morning, and he said that, without going into the matter or investigating it further, he was rather inclined to the opinion that the Department of Justice could not make investigations which in turn would become the foundation for an indictment in that department; that they simply had to depend upon facts presented to them. But be that as it may, upon the statement of the Department of Commerce that they would thoroughly investigate this matter——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I do.

Mr. BORAH. Did I understand the Senator to say that the Attorney General was of the opinion that the Department of Justice could not make an investigation of the conditions and then use the facts which they ascertained as the basis of an indictment? That is, that the department could not initiate an investigation and lay whatever facts it secured before a grand jury?

Mr. SMITH of South Carolina. I will state to the Senator from Idaho that that opinion was set forth in detail by the previous Attorney General, Mr. Wickersham. The opinion, as expressed by him, was printed in the report. I inadvertently left it in my office this morning. That was his opinion, however, stated over his signature.

Mr. CLARK of Wyoming. I understood the Senator to say that the present head of the Department of Justice told him the same thing.

Mr. SMITH of South Carolina. This morning, when I went to interview the present Attorney General, he was of opinion, without investigating this specific case, that the previous Attorney General was right.

Mr. BORAH. Did he maintain that the Department of Justice could not make an investigation and use the facts which it had for the purpose of prosecuting?

Mr. SMITH of South Carolina. I am simply making a statement of what I understood the former Attorney General's report to mean. I will send and get, and ask the privilege of having incorporated in my remarks, the opinion expressed by Mr. Wickersham on this identical resolution.

Mr. CLARK of Wyoming. Why can we not have the opinion of the present Attorney General? Mr. Wickersham has passed out of office.

Mr. SMITH of South Carolina. It has not been before him to pass upon. This was simply a private conversation.

Mr. CLARK of Wyoming. I understood that the Senator wanted this investigation made by the Department of Commerce because the present Attorney General was of the opinion that he had no authority to make the investigation.

Mr. SMITH of South Carolina. That was his tentative opinion. He did not know what was involved in it. I stated to him that the reason I came was that the previous Attorney General had expressed this opinion, which I will have brought in and read before you, in which he cites case after case in which he is sustained by previous Attorneys General, to the effect that the function of that office is not to investigate except under an order from the President. He cites the kind of investigation he can make, but holds that he can not go in and investigate to find out facts for any other department, even at the order of Congress.

Mr. CLARK of Wyoming. Then I understand the Senator from South Carolina wants this investigation made by the Department of Commerce, in order that the results of that investigation may be given to the Attorney General for the purpose of bringing an indictment against the parties if guilty?

Mr. SMITH of South Carolina. I do.

Mr. CLARK of Wyoming. Mr. President, I think the Attorney General himself should make the investigation.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I do.

Mr. KENYON. I am surprised by the statement of the Senator from South Carolina. It is rather an amazing one, and it seems to me he must be mistaken. I can not believe that the Attorney General has laid down the doctrine that the Department of Justice can not investigate and then use the material it secures for the purpose of prosecution or suit.

Mr. SMITH of South Carolina. Except on the order of the President.

Mr. KENYON. If the Senator will permit me a moment further, I was connected with the Department of Justice for about a year, and I know that is not the practice. There is a corps of investigators especially organized for the purpose of making investigations, and those investigations are acted upon either by placing the facts before a grand jury or by starting a suit in equity. In the Cotton-Pool case, to which the Senator refers, as I remember, there was a plea of guilty entered by some of the gentlemen who I assume he believes were unjustly prosecuted.

Mr. SMITH of South Carolina. If the Senator will pardon me a minute, I want to correct his statement that I assume that those who are now indicted are not guilty. I am not making any assumption pro or con as to that, but I do claim that if those who bought this cotton were guilty of a restraint of trade those who sold it were guiltier still. That is the allegation I make.

Mr. KENYON. I should like to see them all prosecuted, and I was very glad to see these men prosecuted. The conspiracy was cold-blooded and it levied tribute upon everybody in this country who was compelled to buy cotton goods. As a matter of fact, some of these men themselves plead guilty and paid fines, acknowledging their own guilt.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I do.

Mr. BORAH. I suspect that if we could get the Attorney General's opinion we would find that the Attorney General said no more than that the facts that were gathered by the department would have to be laid before a grand jury before an indictment could be found.

Mr. SMITH of South Carolina. I prefer to get the opinion and read it, and that will set at rest all this controversy as to what he did say. Then we will all stand corrected. I will send and have it gotten.

Mr. CLARK of Wyoming. I do not understand that the Senator has the opinion of the present Attorney General. The opinion the Senator refers to is the opinion of former Attorney General Wickersham.

Mr. SMITH of South Carolina. I have the opinion of the former Attorney General in printed form over at my office.

Mr. CLARK of Wyoming. But what we are interested in is the opinion of the present Attorney General. If the present Attorney General thinks he has not the power to make this investigation, then by all means let us give him the power, or give it to somebody else; but if in his opinion he has the power he can make the investigation, and no other department can make it.

Mr. SMITH of South Carolina. I should infinitely prefer a department where there would be no doubt as to its authority to get the facts I want than to refer it to one where there is already an adverse opinion, and where the present Attorney General has not had sufficient data to know whether his opinion would be adverse or not. This is a matter that needs to be attended to now. Therefore, if these facts can be gathered by the Department of Commerce as expeditiously as they can be gathered by the Department of Justice, and perhaps more so, when they are ascertained they can be laid before the Attorney General for such action as may be proper in the premises.

I shall ask the privilege of reading the opinion as soon as it comes into the Chamber. In the meantime I ask that this resolution be acted upon.

Mr. KENYON. Mr. President, may we have the resolution read again?

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary again read the resolution.

Mr. BORAH. Mr. President, I do not desire to oppose this resolution, but does the Senator think this resolution is necessary in order to enable the Department of Commerce to make an investigation?

Mr. SMITH of South Carolina. I think it is. I talked to the Secretary; we went over those points, and he said he would take them up and gather the facts and see just who the parties were, and all the circumstances surrounding the alleged sale.

Mr. BORAH. If the resolution is necessary, it will be a source of great relief to the manufacturers of this country who are about to be investigated.

Mr. SMITH of South Carolina. Yes.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CLARK of Wyoming. I think it ought to go over, at least until we can find out about the difference between the two departments.

The VICE PRESIDENT. There being objection, the resolution goes over.

Mr. SMITH of South Carolina subsequently said: Mr. President, I now have the opinion of the Attorney General, and I want to incorporate it with the remarks that I made in reference to my resolution this morning. I gave notice while I was speaking that I would have it done.

I will take this occasion to say, as there was some confusion as to what I did say in reference to the opinion of the present Attorney General, that he has given no opinion in reference to it at all. He only suggested that the former Attorney General was right, and he did say to me that on account of the press of business in his office he was afraid he could not give it attention; that later on he might do so.

In view of this opinion of the former Attorney General, which I ask to have printed, I want to state that I took it upon myself to call upon the Department of Commerce to have them investigate and find the data that I am looking for. I think those who will read the opinion as coming from the former Attorney General will find that the position he took in reference thereto was exactly as has been stated.

The VICE PRESIDENT. If there is no objection, the opinion of Attorney General Wickersham will be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

DEALING IN COTTON FUTURES.

Letter from the Attorney General, in response to a Senate resolution of April 29, 1910, directing the Attorney General to report to the Senate the names of the party, parties, or corporations that sold cotton alleged to have been bought by a pool, together with the prices.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 6, 1910.

SIR: I am in receipt of a resolution adopted by the Senate on April 29, 1910, in the following language:

"*Resolved*, That the Attorney General be, and he is hereby, directed to inquire fully as to the names of the party or parties or corporations that sold the cotton alleged to have been bought by a pool of purchasers who are now under investigation by the Department of Justice, and at what prices these parties sold this cotton, and whether or not they owned the cotton at the time of the sale thereof, and the price of spot cotton in the South on the date of the making of these contracts or the sale of these contracts, and to report the same at the earliest possible moment to the Senate."

The investigation now being carried on by this department concerning a so-called "pool" in cotton is for the purpose of ascertaining whether or not a crime against the laws of the United States has been committed. That investigation is being conducted with the aid of a grand jury, whose proceedings are necessarily secret, and the testimony adduced before it, under well-settled rules of law, is for the use of the grand jury, whose functions are purely judicial and may not be used in aid of legislative inquiry. (Re Summerhayes, 70 Fed. Rep., 769; U. S. *v.* Kilpatrick, 16 Fed. Rep., 765; Fotheringham *v.* Adams Express Co., 34 Fed. Rep., 646.) Nor can I lawfully conduct such an inquiry as the resolution describes, for the purpose of ascertaining and reporting facts for the consideration of the Senate.

The powers and duties of the Attorney General are prescribed by law.

He is required to give his advice and opinion upon questions of law whenever required by the President, or by the head of any executive department. (U. S. R. S., secs. 354, 356.) He may conduct and argue any case in any court of the United States in which the United States is interested. (Id., sec. 359.) By no statute is he required or permitted to conduct an investigation in aid of the legislative branch of the Government. While under the Constitution, and independently of statute, the President may call upon the Attorney General or any other head of one of the departments of Government for his opinion "upon any subject relating to the duties of their respective offices" (Const., Art. II, sec. 2; 23 Opin., 360), yet it has been uniformly held by my predecessors that the laws do not permit the Attorney General "to give advice at the call of either House of Congress, or of Congress itself, but only to the President or the head of an executive department" (18 Op., 87), and that he can not undertake to investigate and report upon questions of fact, even for the head of one of the other departments of the Government (17 Op., 436; 19 Op., 465; 20 Op., 253–384; 23 Op., 231).

As early as 1820 Attorney General Wirt, in reply to a resolution of the House of Representatives requesting him to report his opinion with respect to a certain petition and documents referred to him by the House, requested to be excused from so doing upon the ground that there was no provision of law imposing upon him the performance of such duty as would be required in order to comply with such resolution. (1 Op., 335.)

In 1854 Attorney General Caleb Cushing advised the Secretary of the Interior that he was not bound to consider a resolution of the House respecting a claim against the Government which, under the law, was within the jurisdiction of his department, as mandatory on him or compelling him to liquidate the claim against his judgment of the right of the case. The Constitution, he said, "has not given to either branch of the Legislature the power, by separate resolution of its own, to construe judicially a general law or to apply it executively to a given case. *And its resolutions have obligatory force only so far as regards itself or things dependent on its own separate constitutional power.*" (6 Op., 680, 684.)

Attorney General Williams, in 1872, declined to examine certain papers referred to him by the House Committee on Foreign Affairs, touching the claims of several insurance companies growing out of the loss of a vessel in Chinese waters, and to give the committee his opinion concerning the same, upon the ground that it was not only not his duty but that he had no right to give his official opinion with respect to such matters (14 Op., 17); and the same Attorney General, in advising the Secretary of the Interior with respect to a similar report, said:

"Several of my predecessors have decided, and on three different occasions I have affirmed their views, that the Attorney General was not authorized to give his official opinion upon a call of either House of Congress or any committee thereof as to any matter pending before Congress. * * * I fully recognize the right of the head of any of the departments to call upon me for an official opinion in respect to any question of law pending before the department by whose head the call is made and I consider it my duty promptly to respond to such a call; but I can not recognize the right of any committee of Congress to call for such an opinion for their own use in matters of legislation." * * * (14 Op., 178.)

In 1861 Attorney General Bates acknowledged the receipt of a resolution of the Senate, referring a petition to him and requesting him to inquire into the facts and law of the case and report his opinion to the Senate at its next session, but respectfully declined to comply with such request on the ground that, in the absence of any statutory authority to give official opinions to the legislative department of the Government, the assumption of such a power by the Attorney General would be in violation of his oath of office and of dangerous example; and that, moreover, he was not provided by law with the means of obtaining the information desired.

He said:

"The statutory provision, and the only one which authorizes the Attorney General to give opinions, is contained in the act of September 24, 1789. By that act he is required to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments. (1 Stat., 93.) Being thus limited to the duty of giving opinions upon questions of law, the Attorney General has not been clothed with the power to investigate matters of fact. He has no authority to compel the attendance of witnesses or to administer oaths to them; and, in short, has none of the machinery by which, through the control of persons and papers, truth may be elicited and falsehood exposed. Thus deficient in the means of ascertaining the facts, his conclusions upon the law would necessarily be valueless, since their accuracy would depend on the fullness and certainty with which the facts were established. It will therefore be seen that however strongly my own feelings may incline me to accept the commission with which the Senate has honored me, the want of power to execute it effectively compels me to decline it; and I trust that the Senate will find, in the reasons which I have taken the liberty to suggest, a sufficient justification for so doing." (10 Op., 164.)

The views expressed in this opinion, so far as I am able to ascertain, have been uniformly acted upon by my predecessors, and I have found no case where an inquiry such as the Senate resolution of April 29, 1910, calls for has been conducted by the Attorney General

For these reasons, with the greatest respect, I am constrained to inform the Senate that it will be impossible for me to comply with the request contained in that resolution.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

The PRESIDENT OF THE SENATE.

ADDITIONAL DISTRICT JUDGE, CALIFORNIA.

Mr. WORKS. A few days ago I asked for the present consideration of the bill (S. 485) to amend section 1 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which was reported from the Judiciary Committee. The Senator from Arkansas [Mr. CLARKE] asked for an opportunity to look into it and objected to its consideration at that time. The bill was read. I understand the Senator from Arkansas will not make further objection. I therefore ask unanimous consent that the bill may be placed upon its passage.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. WORKS. The bill has already been read. It is simply to add an additional judge for the southern district of California.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF.

Mr. CUMMINS. Mr. President, I desire to ask a question of the chairman of the Finance Committee, if he will give me his attention.

The Finance Committee has recently published a comparison between the existing tariff law and the proposed tariff law in which the specific duties in the existing law are converted into what are called equivalent ad valorems. I think it would be helpful to those of us who expect to give that subject some thought and study if the chairman of the Finance Committee would tell the Senate the plan that has been adopted under which these specific duties have been so transformed; that is to say, by what method is the equivalent ad valorem duty ascertained.

I do not ask for this information in any captious spirit. It will frequently be referred to in the future, and I think all Senators ought to know how this has been done, in order that we may prepare ourselves for whatever observations we see fit to make upon the work of the committee.

Mr. SIMMONS. Mr. President, I do not know that I am able to give the Senator the exact method by which the specific and compound duties were reduced to ad valorem equivalents. The Senator knows that that has been done in connection with every revision of the tariff in recent years. It was worked out when the present tariff law was considered in 1909. It was worked out when we were attempting to revise the tariff in 1912 by the schedule-bill process.

These calculations are made by Government experts. I am not able to tell the Senator exactly the basis upon which the experts make these conversions. I think, however, I am correct in the general basic statement that they calculate upon the basis of the actual imports of the specific article for the specific year. In the comparative statement that the committee has caused to be prepared and printed I think they selected two years instead of one, the actual importations in 1911 and the actual importations in 1912.

Now, the exact mathematical process by which the expert reaches his conclusion as to what is the ad valorem equivalent of each specific duty I am not able to tell the Senator, but if he desires that information specifically I will have the expert who is doing the work furnish the Senator the information, or if he prefers I will have it furnished to me and I will state it to the Senate.

I will state at this time that an expert assigned by the Treasury Department, an expert in whom I have great confidence, is going over the items. I think that he has assisted nearly all the committees who have prepared statements within the last four years in getting up the data showing the ad valorem equivalents.

I will say in this connection that the print we have had made is simply a tentative print. It is to be revised. There may be errors in it. It was gotten up probably a little hurriedly and probably in advance of some other facts that will necessarily cause it to be revised. I am having this particular expert go over the calculations to be sure that they are accurate.

Mr. CUMMINS. Mr. President, I do not know that there has been a mistake made——

Mr. SIMMONS. None has been called to my attention.

Mr. CUMMINS. I do not suggest that there is any error in the computation itself. I know that the information in this comparison is very misleading, just as similar information in a former comparison was very misleading. I know how the attempt was made a few years ago and I did not know whether the committee was pursuing the same plan. We will have occasion as we go through the bill to compare the two bills, I assume, very carefully, and every Senator ought to know how these equivalent ad valorems have been reached.

For instance, take a little industry in my own State, known as the pearl-button industry. This comparison states that under the existing law the equivalent of the specific duty which is now imposed is 46 per cent, I think. I may be wrong, but it is about that. It also states that the proposed duty is 40 per cent, showing a reduction of but 6 per cent. That does not state the facts substantially. These specific duties are, with regard to many of these buttons, 100 per cent; with regard to other qualities or grades possibly not 30 per cent, and when they are all grouped and an average ad valorem is given we are led to a conclusion that is not warranted by the facts.

I would be very glad if the chairman of the committee would have the expert who has the matter in charge furnish, so that it will be accessible to all of us, the plan that he has adopted through which he has worked out these equivalent ad valorems. We all want the exact truth; nothing but the truth; and I am sure the chairman of the Committee on Finance wants that quite as much as anybody. It will not be a great labor, and I hope the chairman will see that it is done.

Mr. SIMMONS. The Senator from Iowa is correct in his statement. It is very important that these statements as to ad valorem equivalents should be as accurate as possible. I think, however, the Senator will recognize the fact that there is very great difficulty in securing an entirely accurate statement as to the ad valorem equivalent in respect to some of the paragraphs of the bill.

Mr. CUMMINS. I quite agree with that.

Mr. SIMMONS. For instance, where there is a paragraph grouping a great many different items, imposing upon some a specific duty, upon others a compound duty, upon others an ad valorem duty, it is difficult to ascertain exactly what is the ad valorem equivalent of the duty imposed upon each one of the separate items. In view of the fact that frequently in our reports they are grouped together and an average price of the imports is given instead of the price of the importation of the items in the paragraph, there is some confusion, and the sum becomes an exceedingly complicated one. I will state to the Senator that the expert in charge of that work has said to me that in some instances it was impossible for him to ascertain and calculate accurately the ad valorem equivalent.

But I will be glad, Mr. President, to furnish the Senator with a statement of the method by which our expert has reached this conclusion, and if the Senator has some other method that he thinks will be more accurate I shall be glad to take it into consideration.

Mr. CUMMINS. The Senator from North Carolina will understand that I am not asking for this personally. I want it for the benefit of all Senators and for the enlightenment of the debate that is sure to follow.

Mr. SIMMONS. I understand.

Mr. CUMMINS. I not only agree with the Senator from North Carolina and his expert that it is very difficult, but I go further and say that it is absolutely impossible.

Mr. SIMMONS. In some cases I think it is.

Mr. CUMMINS. In very many cases; and when it is remarked here that the reduction in this bill, as compared with the present law, is 25 per cent or 33 per cent or something of that sort it means nothing whatsoever from the standpoint of one who believes in the doctrine of protection. I do not want either the country or the Senate to be misled in the very beginning of the debate by a comparison that is necessarily misleading and wrong, because I do not believe that there is any person connected with the Treasury Department who can, from the records in the office, state the equivalent ad valorem of many of the specific duties in the present law.

Mr. BACON. Mr. President, with the permission of the Senator from North Carolina, if I recall correctly, four years ago when we had the Payne-Aldrich bill under consideration the Finance Committee submitted to the Senate an elaborate comparative table embracing all the schedules in which specific and composite duties, together with the ad valorem duties, were put down in columns, showing a comparison between the

ad valorem duties of the Dingley law, the then existing law, and the proposed law. Am I not correct? The Senator from Utah [Mr. SMOOT] was on the committee then.

Mr. CUMMINS. That is right.

Mr. SIMMONS. We have had prepared and there has already been printed, subject to revision hereafter, almost an identical——

Mr. BACON. I am simply predicating what I was going to say by what I have said so far. I was not in any manner criticizing what was done or what is proposed to be done.

Mr. SIMMONS. I understand.

Mr. BACON. But what I want to ask is this: The Senator now states as absolutely unreliable, not in any manner to be depended upon, what was presented to the Senate four years ago as a statement which could be depended upon.

Mr. CUMMINS. Mr. President, just a moment. The Senator from Georgia may remember, or may not, that I stated then precisely what I am stating now with regard to the attempt to convert the specific duties into ad valorem equivalents. I do not want to begin the debate upon the bill before us without a thorough understanding upon that point.

Mr. BACON. After the Senator from North Carolina has disclosed the method so far as he can do so under which they are now proceeding to ascertain the ad valorem duties, I was proceeding to ask in what does that method differ from the method which was adopted then.

Mr. SIMMONS. If the Senator from Georgia will permit me, the same gentleman who made those tables before is making them now.

Mr. BACON. I understood the Senator to say so, but the objection having come from the other side, which had previously presented similar statements, I wanted to know in what way what they then represented to us to be authentic differed from the course which is now being pursued.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Will the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I yield to the Senator.

Mr. SMOOT. I do not want the statement to go out that it is impossible to find the equivalent ad valorem on goods imported into this country. I will admit that ad valorem rates are on their face misleading, but they are not incorrect. Let me give an instance, and then I will explain to the Senator what I mean, and I think he will admit it.

Mr. CUMMINS. I know what the Senator means, and he is right.

Mr. SMOOT. I will explain by referring to the very item that was spoken of by the Senator from Iowa—pearl buttons. The rate provided in the present law begins with the very cheapest button and ends with the most costly button; or, in other words, from the smallest sort of a pearl button to the very largest that is imported.

Under the present law, under the rates provided, the cheap button sometimes carries a rate of 200 per cent—more than the goods cost to make in this country. There are no importations of this class of goods to speak of to this country. But take the expensive button, the large pearl button, the most expensive button used in the most costly dresses for ladies, and the duty does not amount to more than 25 per cent.

But it is a mistake to say that we can not find the equivalent ad valorem of all the goods that are imported into this country; but when we take the high equivalent ad valorem on items having slight importations, such as the cheaper line of pearl buttons, and average it with the low equivalent ad valorem on high-priced pearl buttons, of which there are large importations, it shows a very low equivalent ad valorem rate on cheap buttons and raises the actual rate on high-priced buttons.

Therefore in pearl buttons we find that the equivalent ad valorem of all the buttons that are imported into this country under the present law is 46 per cent, whereas the Underwood bill provides a duty of 40 per cent on all classes of pearl buttons, making no difference between the class of buttons, whether they be cheap or whether they be high priced. The result is an increase from the present duty upon the high-priced button, but an immense decrease on the cheaper grade of button.

That is all there is in this question. The expert of the department is absolutely correct in his figures, as he takes into consideration only the importation to this country. In our comparisons we do not take into consideration the amount of goods made in this country; but to get the information the Senator from Iowa [Mr. CUMMINS] wants and what we ought to have, we should take into consideration in fixing a rate the amount produced in this country, the amount imported, and then we could fairly judge what rate should be imposed, and not base the rate upon an equivalent ad valorem arrived at by comparing importations of goods of different values and some with slight importations and others with large importations.

Mr. SIMMONS. Mr. President, in the very situation and condition to which the Senator from Utah [Mr. SMOOT] referred, in making these calculations these schedules are broken up into fragments, and where there are large importations the ad valorem equivalent is given upon each item in each schedule.

Mr. SMOOT. No; not on each bracket within the paragraph.

Mr. SIMMONS. So far as it can be done. I say where there are importations and the duties are different upon the different items or the different brackets, if the Senator will get the handbook, which is a comparative statement and which follows the same general plan, he will find that the paragraph is broken up as to a number of items, and the calculation of each item is based upon the actual importation of that item. Of course, if there are no importations of any item, then how you are to arrive at the ad valorem equivalent is a very difficult problem.

Mr. SMOOT. Not at all.

Mr. SIMMONS. But, as the Senator says, while these statements can not be considered as absolutely accurate in each case, I think, Mr. President, under the method of calculation that they are substantially accurate.

Mr. CUMMINS. Mr. President, the Senator from Utah [Mr. SMOOT] has not covered the whole difficulty. Where there are no importations, of course the alleged ad valorem, said to be the equivalent of the specific duty, is of no value whatsoever; but it is not a guide in another instance. I put an imaginary case, of course. Suppose that there were a specific duty of 50 cents a yard on woolen cloth, and during the year there were imported woolen cloths of the value of from 50 cents a yard to $5 a yard. The Treasury Department keeps no such record as will enable them to ascertain how much was imported at 50 cents a yard, how much at a dollar a yard, how much at a dollar and a half a yard, and so forth.

Mr. SMOOT. The Treasury Department does keep that.

Mr. CUMMINS. On the contrary, I have a specific statement, or had a few years ago, which I think was put into the RECORD, that the Treasury Department could not give me that information when articles were classified in one class and imported in the way I have described. I do not say that there are not in the Treasury somewhere invoices and matters of that kind from which the Secretary of the Treasury could eventually, by long labor, reclassify and ascertain what he wanted; but there is no such information there now ready for our use. It is perfectly evident that when imports under a paragraph of that kind are aggregated and the amount of duty collected, being specific, is applied to those importations it affords no valuable or material information with regard to the duties at all—I mean as to how much you are actually reducing or how much you are actually increasing such duties when you attach an ad valorem duty alone.

I do not myself believe that the Finance Committee is at fault. All that I ask is that we may all know precisely how this result is reached, so that when we come to discuss the bill we can do it intelligently and do it without that constant contradiction which will arise if we misunderstand each other with regard to the way in which specific duties are converted into equivalent ad valorems.

Mr. SMOOT. Mr. President, if there was no account kept of the number of yards of cloth that were imported into this country and the price per yard, it would be impossible for us to find out what was the amount of the importations, but an account is kept at the Treasury Department. On each shipment into the United States an account is kept of the number of yards, not only of woolen goods but on all other textiles, and the price per yard at which the goods are invoiced and at which they enter the country. It is true that in each bracket—that is, the bracket within the paragraph—the yards and price are kept and reported by the Treasury Department as falling under that particular paragraph. We take the importations and value of unit of each of the brackets of the paragraph to arrive at the equivalent ad valorem. All my calculations and all the experience I have had in the past prove this is the only way that we can arrive at the different equivalent ad valorem rates in the tariff bills.

INVESTIGATION BY FINANCE COMMITTEE.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 88) submitted by Mr. PENROSE on the 19th instant, as follows:

Resolved, That 2,000 copies of the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified by the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion of the Senator from North Carolina [Mr. SIMMONS] that H. R. 3321 be referred to the Committee on Finance be printed for the use of the Senate; together with the two questions suggested as appropriate to be asked of manufacturers by the Senator from Kansas [Mr. BRISTOW] at to-day's session, May 19, 1913.

Mr. GALLINGER. Mr. President, in the absence of the Senator from Pennsylvania [Mr. PENROSE], I ask that the resolution be passed over without prejudice.

The VICE PRESIDENT. The resolution will lie on the table.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

Mr. SMITH of Georgia. I present the report of the Committee on Education and Labor on the West Virginia investigation resolution.

Mr. KERN. I should like to have the report read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the report.

The Secretary read the report (No. 52), as follows:

The Committee on Education and Labor, having considered the resolution (S. Res. 37) authorizing the appointment of a committee to make an investigation of conditions in the Paint Creek district, West Virginia, reports it back to the Senate favorably and recommends its passage with amendments so as to read as follows:

"*Resolved*, That the Senate Committee on Education and Labor is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the Paint Creek coal fields of West Virginia, for the purpose of ascertaining—

"First. Whether or not any system of peonage has been or is maintained in said coal fields.

"Second. Whether or not postal services and facilities have been or are interfered with or obstructed in said coal fields; and if so, by whom.

"Third. Whether or not the immigration laws of this country have been or are being violated in said coal fields; and if so, by whom; and whether or not there have been discriminations against said coal fields in the administration of the immigration laws at ports of entry.

"Fourth. Investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

"Fifth. Investigate and report to what extent the conditions existing in said coal fields in West Virginia have been caused by agreements and combinations entered into contrary to the laws of the United States, for the purpose of controlling the production, sale, and transportation of the coal of these fields.

"Sixth. Investigate and report whether or not firearms, ammunition, and explosives have been shipped into the said coal fields with the purpose to exclude the products of said coal fields from competitive markets in interstate trade; and if so, by whom, and by whom paid for.

"Seventh. If any or all of these conditions exist, the causes leading up to such conditions."

Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress or of either House thereof at such time and place as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses and the production of papers, books, and documents; to employ stenographers, at a cost not exceeding $1 per printed page, to take and make a record of all evidence taken and received by the committee and keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed, and to employ such other clerical assistance as may be necessary. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default or who, having appeared, refuses to answer any questions pertinent to the investigation herein authorized shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

Mr. KERN. Mr. President, I ask unanimous consent for the present consideration of the report and resolution.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent for the present consideration of the report and resolution. Is there objection? The Chair hears none. The question is, Shall the report and the resolution as amended be adopted? Is there any objection? The Chair hears none, and the resolution is adopted.

Mr. GOFF. Mr. President, I do not intend to object to the consideration of the resolution, but I desire to make this statement: At the time this matter was first suggested I was, and even now I am, under the impression that it was a matter which the Senate should not undertake to investigate. My reasons I have already given to the Senate. I see, though, from the report of the committee, which is a unanimous report, that there is a disposition that this investigation shall be made.

I desire simply to repeat what I said in the beginning, so as to emphasize it now, that there never has been any objection either on my part or on the part of the governor of West Virginia or any of the officials, civil or military, of that State as to the proposed investigation, except that it was a matter pertaining to the State alone, and that as yet the State has not exhibited to the country the fact that it can not manage its own affairs. Gov. Hatfield invites this investigation.

I am still under the impression that the Senate is undertaking to do something that it ought not to do. I venture the assertion that before long, if this is to be used as a precedent, no one can tell when the end will be; and I say that such a proceeding never yet has been resorted to by the Senate of the United States. No one on this floor can put his finger on a single instance where such an investigation has been undertaken in one of the States of this Nation. Great industries have been investigated, questions that are involved in matters that pertain to all the States and to the Nation have been investigated by committees of Congress, but not a question of this kind. In this case local matters are involved; local matters can be attended to by the courts, and have been attended to by the courts or by the executive, and they have been attended to by the executives of all the States. I simply want to enter my protest against this being considered, then, a precedent of that kind.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I do.

Mr. BORAH. I have not refreshed my recollection as to the precise form of the resolution or just the nature of the investigation undertaken, but I do recall that the Coeur d'Alene matter to which the Senator referred the other day was investigated by Congress.

Mr. GOFF. Yes.

Mr. BORAH. I remember the fact that at the time the trials were proceeding we were honored by a visit from a committee of Congress, and I know that a very extensive investigation was made here after the trials were over. I have not looked into the form of the resolution to see precisely what its wording was, but I know that there was an investigation had of the domestic affairs of the State, based largely, I apprehend, upon the same allegations which have been made in this case.

Mr. GOFF. Mr. President, if the Senator from Idaho will make an investigation, he will find that it was not along the same lines. The Senator will look in vain, I say, for that which duplicates the proceeding that is now to be undertaken.

Mr. BORAH. May I ask the Senator, as he has evidently looked into it, upon what theory did they proceed to investigate the conditions in Idaho at that time?

Mr. GOFF. The theory was not that the State of Idaho was depriving anyone of his constitutional rights, not that the State of Idaho was by its military power or authority doing anything to deprive a citizen of the United States of his privileges under the law, but whether or not the conditions then existing in the mining regions of Idaho were of that character that suggested to the Senate of the United States the importance of an investigation relative to the labor difficulties then existing in that section. The State of Idaho was not arraigned; the governor of the State of Idaho was not arraigned; the authorities of the State of Idaho were not arraigned. That is the position I am taking, and that is what I meant by the reference.

Mr. BORAH. Mr. President, the governor of Idaho was arraigned most severely.

Mr. GOFF. Well, I mean in the resolution.

Mr. BORAH. All his acts were made the subject of inquiry at the investigation. He himself came here and went upon the witness stand; the attorneys representing the State came here and went upon the witness stand; and all the matters such as we are going into now were gone into at that time. Whether the resolution in the first instance seemed to cover the subjects that it is proposed to cover in the pending resolution, the result was that we finally entered into a consideration of the same class of facts that we are proposing to consider now.

Mr. GOFF. Mr. President, I have no further objection to submit to the Senate relative to the proposed investigation. I hope the resolution as proposed to be amended by the committee will be adopted. I pledge that the authorities of the State of West Virginia will give due consideration and every attention to the committee that the Senate will send there.

By the way, it may not be inappropriate for me to refer, as has been so often done in this discussion, to the morning journals. I see in those journals that another committee has preceded the committee to be sent by the Senate into the mining region of West Virginia. At the head of that committee I find one who was lately a candidate for the Presidency of the United States, and with him a distinguished Member of the other House in the last Congress, and still a third member. I see the journals report that after they had visited the region and had advised with the governor they stated that they had been misinformed by the false reports sent out from that section and, based upon that misinformation, that they had severely criticized the governor. I mean, of course, Mr. Debs, Mr. Berger, and another gentleman whose name I do not recall.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the junior Senator from West Virginia yield to the senior Senator from West Virginia?

Mr. GOFF. I do.

Mr. CHILTON. I want to call the attention of the Senator to that interview. I have it and should like to send it to the desk and have it read as part of the Senator's remarks.

Mr. GOFF. I yield for that purpose.

The VICE PRESIDENT. Is there objection to the reading? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Parkersburg Sentinel of May 24, 1913.]

SOCIALISTS GUSH OVER HATFIELD—BERGER SAYS HE HAS A DIFFERENT OPINION NOW OF GOVERNOR—DEBS TELLS HATFIELD THAT HE WILL PRINT SOME GOOD THINGS.

CHARLESTON, W. VA., *May 24, 1913.*

Eugene V. Debs, Socialistic candidate at the last national election for the Presidency of the United States; Victor Berger, of Milwaukee, former Congressman and member of the Socialist Party; and Adolph Germer, a Socialist leader of Illinois, all representing the national Socialist Party, accompanied by John Moore, a labor leader representing Gov. Hatfield, and Paul J. Paulson, member of the International Board of United Mine Workers, left this city this morning for the Paint and Cabin Creek coal fields. It is expected that they will return to-night, and to-morrow they will visit the New River fields.

Berger in a statement to-day said: "I have an entirely different impression to the one I previously had of the West Virginia executive and his attitude toward the workingman;" while Debs told the governor: "You have been placed in a false light. I have said some harsh things of you in print, but now I will correct them." Much data and information was laid before the Socialist leaders by the governor.

Mr. GOFF. That, in substance, was the publication to which I alluded, although not exactly the one that I first observed.

I am not going to detain the Senate longer. I only hope that the fears I expressed at the beginning of this discussion, that the passage of this resolution would establish a precedent that before many days will open up a very Pandora's box in the Senate may be groundless.

Mr. BACON. Mr. President, I wish to ask the Senator from Indiana if he will not consent that the resolution may go over? I do not know whether or not unanimous consent has been granted for its consideration.

The VICE PRESIDENT. Unanimous consent was granted, and the Chair announced that the resolution was adopted.

Mr. KERN. The report and the resolution were adopted, as I understand.

Mr. BACON. Oh, no; not by any means.

SEVERAL SENATORS. No.

Mr. SMOOT. The Chair announced that the resolution had been agreed to.

The VICE PRESIDENT. Yes; the Chair so announced.

Mr. CLARK of Wyoming. Mr. President, I desire to——

Mr. BACON. Mr. President, I thought I had the floor.

The VICE PRESIDENT. The Senator from Georgia is entitled to the floor.

Mr. CLARK of Wyoming. The matter is one of immediate concern, in view of the announcement the Vice President made that the resolution had been adopted. It is true that the Vice President made that announcement; but while he was making it, and after he had asked if there was objection, the Senator from West Virginia [Mr. GOFF] was upon his feet and addressing the Chair.

Mr. KERN. And stating that he would not object.

Mr. CLARK of Wyoming. That Senator afterwards stated that he would have no further objection, and hoped the resolution would be adopted.

Mr. BACON. Mr. President, I understood that what the Chair submitted to the Senate was a request for present consideration of the resolution.

Mr. KERN. The request was submitted very distinctly, and the resolution was adopted.

Mr. BACON. I do not think the Senate so understood; I am sure I did not.

Mr. KERN. The RECORD will show the fact to be as I have stated.

Mr. BACON. I desire to say that this is a most important matter. As I gathered from the reading, the report enlarges the scope of the investigation. I think we ought to have an opportunity, at least, to see what it is. We can not very well judge of a matter of this great importance by simply having the resolution read at the desk. I should like very much to have an opportunity to see the resolution as reported from the committee. Of course, there would be no special reason for that if the resolution had been reported back as it was referred to the committee, because it has been pretty elaborately discussed; but I understand that additional subjects of inquiry are incorporated in the resolution as now reported. If so, I certainly think that we should have an opportunity to consider them. I hope there will be no further objection to that. There is plenty of time for consideration of the matter and for action upon it; and I presume, after the elaborate discussion which has been had, even if it goes over, it will not be delayed by any great amount of discussion. It has already been discussed quite elaborately.

I confess I do not now understand the full scope of the resolution. It is impossible, having so many subjects of inquiry embodied in the resolution at one time, to consider and weigh them all properly on the moment. I hope the Senator will consent to the resolution being printed, so that we may look at it. It will be printed in the RECORD, of course.

SEVERAL SENATORS. It has been printed.

Mr. BACON. I understand it has been printed.

Mr. SMITH of Georgia. No, Mr. President; the resolution as reported to-day never has been printed. There are two or three additional provisions entirely distinct from those contained in the printed resolution. So far as I am concerned, I should also be glad to see the resolution printed and go over, so that every Senator might have an opportunity to study it carefully.

I regard the passage of the resolution as a very serious proposition, and one of somewhat doubtful propriety. I was myself necessarily detained at the meetings of the Finance Committee and of subcommittees, but have reported the resolution as perfected. It seems to me that if any Senator wishes to see the resolution and carefully study it, it should go over and be printed, and he should have the opportunity to examine it.

Mr. GOFF. I should like to say to the Senator from Georgia that upon an examination of the resolution as it now appears, in addition to the many separate and absolutely distinct propositions that are embodied in it relating to the affairs of the State of West Virginia, he will find that in the conclusion there is a broad field for investigating any question, from alpha to omega; so it is certainly broad enough for all purposes. But I have no further objection to present to it.

The VICE PRESIDENT. The Chair will inquire of the senior Senator from Georgia whether that Senator was in the Chamber when the resolution was brought up?

Mr. BACON. I certainly was; I was in my seat; and I will state to the Chair that I was paying attention to every word, and that if the Chair submitted the question as to the passage of the resolution I certainly was not able to hear him. I understood the Chair to be submitting simply the question of unanimous consent for present consideration.

The VICE PRESIDENT. The Chair inquired as to whether there was any objection, and, hearing none, announced that the resolution was agreed to. It was not a matter that interested the Chair in the least.

Mr. BACON. I will state, with the permission of the Chair, that I think whenever a resolution is adopted in that way, which is not the usual way, and a Senator in his place says he did not understand it, he is entitled to have the question submitted to a vote. It is only sub silentio that it is permissible to pass a resolution or a bill by saying simply that it is not objected to. That is not the way the rules provide. It is only by unanimous consent that it is ever done in that way, and when a Senator says in his place that he did not understand the matter to be submitted he has a right to have it submitted in the way the rules provide.

Mr. BORAH. Mr. President, I distinctly heard what the Vice President said. The question was put, in the first place, as to unanimous consent, and afterwards the resolution was submitted, and the Chair announced the result. The difficulty arises out of the fact that during the morning hour here we can not ascertain what is going on or know what the Chair rules unless we have telegraphic communication with the Chair. There is so much noise and confusion in the Chamber that the Chair would be without power to transact business at all if he did not transact business as he transacted this particular piece of business. Unless we are willing to have order among ourselves in the Chamber we will often find ourselves in just the predicament that we now find ourselves. There is no doubt but that the Chair submitted the two propositions to the Senate.

Mr. BACON. If the Senator will pardon me, I presume he will also agree that the usual way of submitting the question of the passage of a resolution is to submit it to a vote, and that it is only by unanimous consent that the Chair can declare a matter passed as having had no objection to it. When a Senator rises in his place and says that he did not consent to such a submission, that he did not understand such a submission to be made, he has a right to have the submission made in the way the rules provide, which is by a vote of the Senate. That alone is the way in which anything can be passed, unless everybody agrees to it.

Mr. SUTHERLAND. Mr. President, do I understand that the resolution has been adopted by a vote of the Senate?

Mr. BACON. No.

Mr. SUTHERLAND. I understood the Senator from Idaho [Mr. BORAH] to say that the matter had been put to a vote.

The VICE PRESIDENT. The Senator from Utah understands that this resolution has been adopted as at least one hun-

dred have been adopted since the present occupant of the chair has been here; it was adopted by an inquiry as to whether anyone objected to the resolution. No one objecting, it was announced by the Chair that the resolution was adopted. If we are to have the rule from now forward that everything is to be voted on, it will afford the Chair great pleasure to put the question in each case.

Mr. BACON. If the Senator from Utah will pardon me for just a moment, I will add that Senators around me, like myself, did not understand the Chair to have ever submitted the question on the adoption of the resolution.

Mr. HITCHCOCK. Mr. President——

Mr. SUTHERLAND. Mr. President, I have not yielded the floor.

The VICE PRESIDENT. The Senator from Utah is entitled to the floor.

Mr. SUTHERLAND. I was in my seat, and I did not hear the Chair's statement. I think that is the case with very many Senators sitting about me. I do not know what the resolution is. If it has been read, I have not heard it. I had intended to vote for the original resolution that was introduced and that was discussed for some time. I am personally in favor of this investigation, for reasons which I intend to give, if I have an opportunity, when it is up for discussion. Whether I am in favor of the resolution precisely as it has been reported from the committee I do not know, because I do not know what it is.

I submit that when that is the case, and when there are Senators here upon the floor who say they are not aware of what has been going on, and that they are not familiar with the resolution, the Senator in charge of the resolution ought to submit the matter to the Senate and have the resolution printed, and let the subject go over until we can see what it is. I hope the Senator from Indiana will consent to that course.

Mr. KERN. Mr. President, there is one thing about which there is no sort of disagreement, and that is that unanimous consent was given for the immediate consideration of the resolution. All agree to that. That was distinctly heard and distinctly understood. The only point of difference comes up in respect to those Senators who did not hear the Chair put the question on the adoption of the resolution, or ask if there was objection to the resolution, and declare it carried.

I am entirely willing that the latter part of the action may be recalled; but after these weeks of delay I am unwilling that the unanimous-consent agreement which was entered into shall be set aside. I am willing that the matter shall be open for further debate, but I am not willing that the unanimous-consent agreement shall be set aside, because that was distinctly understood.

Mr. BACON. Mr. President, there is no proposition to set aside the unanimous-consent agreement. Unanimous consent undoubtedly was given for the present consideration of this matter, but that does not in any manner conflict with the request to have it go over. When it is before the Senate, there being no unanimous consent to vote upon it to-day, it is subject to disposition just as any other matter would be when it is the regular order. So there is no conflict in that regard. The proposition to have it go over is not at all in conflict with the unanimous consent which was given; and the Senator would do me an injustice if he understood that I meant anything of that kind, because I did not.

Mr. KERN. Mr. President, I only understood that the Senator wanted further delay. The Senator's attitude during the discussion was that of hostility, and I assume that he desires delay. I insist that any Senator here can, by listening to the reading of this short resolution now, understand it. It is plain. There is no occasion for further delay.

Mr. BACON. I am not sure that I know upon what the Senator bases his statement that in the discussion my attitude was one of hostility. I did not take part in the discussion. I think possibly I asked some question as to a matter of law, or something of that kind; but I certainly did not discuss the resolution in any particular; I took no part in the debate.

The VICE PRESIDENT. The Chair has no pride in his ruling; and as there seems to have been some doubt that Senators heard what the Chair did rule, the Chair now announces that unanimous consent has been given for the present consideration of the resolution, and the resolution is before the Senate.

Mr. BRISTOW. Mr. President, I desire to congratulate the Chair upon his fairness. I remember distinctly that at the last session of Congress, when a question was before the Senate in which I was very much interested and which I had been discussing, a Senator came and distracted my attention for a moment; and while the Senator was engaging me in conversation the Senator who was then temporarily in the chair announced the passage of the resolution in the same way the present occupant of the chair did, and refused to reconsider it upon my protest. Upon a vote of the Senate he was sustained by a majority of 1, and the Senator who has made the greatest objection in this instance then voted to sustain the Chair.

Mr. BACON. I do not know whether the Senator referred to me or not. I do not recall the incident. I was certainly not in the chair.

Mr. BRISTOW. The Senator was not in the chair, but it was a case that attracted a good deal of attention, and we insisted on a roll call as to whether the matter would be reconsidered for the purpose of discussing it further and offering some amendment. I simply wanted to call attention to the fact. I think the Chair has done exactly the right thing.

Mr. BACON. The then occupant of the chair, I presume, must have been my distinguished friend the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I have no disposition whatever to discuss that matter. It is ancient history. As the temporary occupant of the chair I endeavored honestly to administer the rules of the Senate, and I am quite content to leave the matter as it appears in the RECORD.

Mr. CRAWFORD. Mr. President, I think we ought to keep in mind the fact that that was not a parallel case. That was a request for the entry of a unanimous-consent order. This is simply the question of the adoption of a resolution.

Mr. GALLINGER. That is correct.

Mr. CRAWFORD. They are quite different.

Mr. ASHURST. Mr. President, upon the question pending I ask for the yeas and nays.

The VICE PRESIDENT. Now?

Mr. ASHURST. I ask that when the vote is taken it be taken by yeas and nays.

The VICE PRESIDENT. The Senator from Arizona demands the yeas and nays upon the adoption of the resolution.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I regret exceedingly that I do not have the opportunity to know exactly what is in the resolutions. I did not anticipate that so grave a matter would be presented for our decision without the opportunity to read them. I have heard them read and I have some general idea about them.

There has been no question submitted to the Senate since I have had the honor to be a Member of it which is quite as far-reaching in its influences in some directions as these resolutions. It may be that upon an examination of them, if I had the opportunity, I would find some things specified in them that I would be willing to have an investigation about. As I could catch the reading of them, there are some things that there may be properly an investigation of. There may be a question of investigation as to whether or not there was peonage in a State, with a view, I presume, not of correcting the evil by any decision which might be reached by the Senate, because it would have no power in that direction, but for the purpose of seeing whether or not any legislation was required to prevent that which has been agreed upon in this country as a violation of law and a violation of public policy.

There may be other things, as to labor conditions. I do not mean to say that there are none. On the contrary, I think there are some things in the resolutions which can properly be investigated. But as I catch the reading of them there are some other things that I do not think those of us who have as high a consideration as I hope I have for my State would be willing to see pass.

Mr. President, we have reached a very unfortunate stage in our political history if we have come to a point where it is to be a conceded fact that the States have no functions to perform that are not under the supervision of the General Government. The old fable of my ox and your bull is one which has a very great and solemn truth in it. It may seem to be a very simple matter for us to pass a resolution to investigate another State, but it is a very serious proposition when we take it to ourselves whether or not our State is to be investigated.

I am not speaking, Mr. President, as to whether or not conditions should be investigated in a State. I realize the fact that labor has a great battle, and I very largely sympathize with it in that battle, and I have testified to it on this floor not only by my speech but by measures which I have endeavored to have enacted. But for that reason, Mr. President, I am not willing that the great fundamental principles which underlie our great dual system of government should be utterly disregarded and trampled under foot.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. BORAH. What principle does the Senator allude to in reference to these resolutions?

Mr. BACON. If the Senator will pardon me a few moments, although I confess I am unprepared for this discussion, as I did not anticipate it, I will endeavor to state the principle, if the Senator will give me the opportunity.

Mr. BORAH. I do not want to interrupt the Senator, but the reason I asked was that I assumed from the Senator's statement he thinks we are investigating the State as a State.

Mr. BACON. Yes; that is what I am going to try to call attention to, if I can.

Mr. BORAH. I do not think we are.

Mr. BACON. When you investigate the official acts of a coordinate branch of a State, you are investigating that State. When you investigate the decisions of a court of a State, especially when those decisions are, as has been represented here, bound up and included with executive acts, you are investigating a State. What constitutes the State in that sense in which I am speaking of it? There are three coordinate branches of every State—the legislative, the judicial, and the executive. If you investigated the official acts of them all, you certainly would be investigating the State. If you investigate the official acts of one of them, you are investigating the State.

It may be, Mr. President, and may very well be, that a State may be investigated if it relates to a matter in which it has impinged upon or violated something in which the Federal Government is the superior, in which it has ultimate power and control. If it is a violation of a law of Congress enacted in the exercise of its constitutional functions, such for instance as the peonage law, that may be a subject matter of investigation. But when you come to investigate, under a Senate resolution, the question whether a State court has decided right or wrong in the enforcement of a State statute it is another matter altogether.

Mr. President, if there were no other remedy for this alleged wrong there might be some strong defense, if not justification, for any interference on the part of the Federal Government through its legislative branch. But come right down to the point, what is the investigation proposed here with reference to the decision of this court?

Before I go on with that, I want to say that I utterly disagree with the decision of the West Virginia court. I want to go further and say I utterly condemn it. I want to say that only my great respect for the distinguished former jurist and present Senator from West Virginia [Mr. GOFF] causes me to withhold even stronger terms. I do not think it can be justified at all, either in the forum of reason or of precedent, that when there has been domestic insurrection, and when order has been restored and the authority of the State reestablished, that either through executive order or otherwise, although there is martial law, that the laws of a State can be set aside, that the civil authorities of a State can be subordinated, that the civil courts can be for the time abolished, and men can be put upon trial before a military commission and sent to penal servitude for a violation of civil law. I have no patience with that proposition, Mr. President.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I do.

Mr. POMERENE. Mr. President, I note that in this report the fourth paragraph reads as follows:

> To investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

Does that not present a Federal question under the Federal Constitution of which the Senate can take jurisdiction beyond peradventure?

Mr. BACON. Well, Mr. President, the resolution may be so phrased as to make it technically within the suggestion of the Senator from Ohio, but we know the fact from the discussion which has been had here that the violation of law which is to be investigated is a violation of the laws of West Virginia; not that there is any doubt about that, but the charge is that the court which tried them had no right to try them for the infraction of the laws of West Virginia; that the court which tried them was a military court; that the authority of the State had been asserted and was being maintained; and that the civil courts should have tried them. That, as I understand, is the issue.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I yield.

Mr. POMERENE. It occurs to me that, while it may be true that one of the questions is as to whether the State laws had been complied with, immediately connected with it is the question as to whether or not a citizen of the United States has been deprived of his rights and privileges in violation of the Federal Constitution. As it seems to me, if it be conceded that we have a right to inquire into the latter question, the mere fact that the inquiry may be so broad as to include within it these other matters incidentally should not in the least interfere with the examination.

Mr. BACON. If the Senator will pardon me, I will try to answer him before I get through, but I wanted to go on with some degree of continuity in the line of thought which I was trying to present to the Senate.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. BACON. I do.

Mr. GOFF. Did I understand the Senator from Georgia to mean that it is improper at all times for a military commission to try a civil cause?

Mr. BACON. If the Senator will pardon me, I will endeavor to state what my attitude is in regard to that matter. I understand the question propounded by him, and I think I will reply to it.

Mr. GOFF. Will the Senator from Georgia permit me just to call his attention, then, to one fact, and he can discuss that as he elucidates his position? I will state the position I have taken. Bear in mind the distinction between a court-martial and a military commission. The court-martial tries only those people in the military service. The military commission tries those not in the military service, but within the zone or strip of territory where the insurrection exists. The theory of the martial law is that the civil law in that place is temporarily suspended; otherwise there would be no martial law. Now, then, in that place where martial law prevails our contention has been that the court-martial should try any offenses of a party in the military service, but the military commission or court would try those not in the military service.

Mr. BACON. I will put it on the broadest ground the Senator may desire it. So far as that is concerned, I draw no distinction between a military court-martial and a military commission. They are all of them at last under martial law and operating as under military authority. That is not what I object to. Whether it is a military commission or a court-martial makes no difference to me.

Now, my proposition is this: There is a reason why under certain circumstances civil offenses are taken cognizance of by military authorities, but in every such instance it is because of the fact that conditions are such that the civil power can not be brought into play. For instance, when an army invades a foreign country and takes possession of a certain area of that country and is in control of it, there must be some authority; there must be some way in which controversies can be adjusted, as well as in which order may be preserved. If an army of one country is in possession of the country of another, it can not set up civil authority unless it is going to annex that country. It can not set up civil authority in the foreign country, because the civil authority can only derive its power from the country in which it is situated. The invading people are foreigners to them, and yet they have the responsibility of maintaining order in that country where there can be no civil authority.

Therefore it is that under such circumstances, well recognized in the books and by the universal practice in cases of war, the military authorities exercise control not only for the purpose of punishing offenses, but for the purpose of keeping order in that country; for the purpose, if you please, of adjusting controversies between parties in that country; for the purpose of doing justice between parties in that country so long as military control continues. It is because of the absolute necessity of the case that there can be no civil power there. The only authority which could establish civil power has been overthrown, and when the military power asserts its authority and secures power it can only accomplish all these necessary ends through the means of military authority.

But, Mr. President, in the case of a domestic insurrection the matter is altogether different; the reasoning does not apply. Martial law is declared in a case of domestic insurrection because the civil power is unable to cope with it; but when martial law has been declared and martial power has restored order there is then present the very authority to protect the courts in the administration of the law. That is the distinction. The same military power which would sustain the authority of a

military court is present to sustain the authority of the civil court, which can then resume its functions.

What can be justified in the case of martial law in a foreign country and a military commission and military courts in a foreign country when it has taken possession of a certain part of the territory of that foreign country can not be justified in a case where there has been domestic insurrection and where by means of military power and military authority order has been restored and where the civil court can be protected in the exercise of its functions. This is because the very power which restores order can protect the courts in the exercise of their functions. Therefore there is no excuse whatever; and the position which I take in opposing some of these resolutions has no possible reference to any justification for what I understand to have occurred in that regard in the State of West Virginia, for personally I utterly condemn what occurred in that State.

When the domestic violence was such in West Virginia that the governor, in the exercise of his proper authority, declared martial law and when, in response to that declaration, martial power was interposed and put down the domestic insurrection, and when it not only put down the domestic insurrection but had supreme power over it, the same power, Mr. President, which enabled it to call for a military commission enabled it to call to its courts to resume their function; and that alone, in my opinion, was that which could have been properly and legally done in the State of West Virginia.

So that I come now to the point of condemning as fully as does the Senator from Indiana [Mr. KERN] what occurred in the State of West Virginia. I say "condemning"—I mean personally; I do not think it called upon the Senate officially to do it—condemning what the governor did in authorizing this commission; condemning what was done under and by that commission. Believing, as I do, it to be utterly illegal, believing it to be utterly inconsistent with the genius of our institutions, believing it to be indefensible under any reasoning or under any precedent, the only question is what ought we to do about it?

Mr. President, if the time has come when the official acts of a State through its courts can not be depended upon to establish and do justice and maintain order, if the time has come when that particular function which the Supreme Court of the United States times without number has said to be the function of the State can no longer be left to the States, if the time has come when the States can no longer be relied upon to accomplish and perform that duty, then, Mr. President, we have reached the sad period when our dual system of government is a failure.

Do not let me be misunderstood, Mr. President. I recognize the fact that there are things which can be adjudicated by State courts in which the act of a State court is not and should not be considered as final; I realize the fact that a State court may violate a right which is guaranteed by the United States; I realize the fact that it can and has frequently happened that a State court may decide a question arising under the Constitution of the United States in a manner which I should consider wrong and which the Supreme Court of the United States finally decides to be wrong; but that does not call for or justify an investigation by the United States Congress. Why? Because the law has not left the man remediless who has that injustice done to him, whether it be one man or a thousand men. The law has not left him to a State court if the State court violates a right under the Constitution of the United States or under a law passed in pursuance thereof, but it has provided a means by which the great tribunal which sits in this building can review the action of that State court and set it aside and annul it if wrong has been done.

Mr. President, when the Supreme Court of the United States reviews such an action and determines that that action of a State court or that judgment of a State court is an illegal judgment, what they say about it amounts to something; what they say about it corrects the evil; what they say about it remedies the wrong. But, Mr. President, when we investigate the action of a State court and pass our judgment upon it, what does it amount to?

Sir, it is alleged—and I have no doubt it is true—that certain parties were arrested in West Virginia; that they were tried by a military court or a military commission; that they were sentenced to the penitentiary for violation of the laws of West Virginia; and that they are now in confinement in the penitentiary under that sentence. I believe that judgment absolutely illegal. I have not a doubt to-day that they are illegally detained under that judgment.

If we shall pass this resolution and the committee shall come to the conclusion that I have already reached, that it is illegal, and they come back to the Senate, and the Senate passes a resolution affirming and agreeing with what that committee says, and announces that their confinement is illegal; that the court which assumed to try them had no jurisdiction; that the court violated every principle of our Government; and that those men should be released; does our finding in that matter help those men? Does it release them? Does it unlock the prison doors? Certainly not.

But, Mr. President, if the course is pursued which the Constitution of the United States intends and prescribes shall be pursued; if from the judgment of the Supreme Court of West Virginia an appeal on writ of error is taken to the Supreme Court of the United States, and the Supreme Court of the United States says that that State court had no jurisdiction; that that court violated every principle of Federal or State Government known to the United States, and particularly the provisions of the fourteenth amendment, and not only so, but violated the traditions and the principles which have come down to us from an ancestry of hundreds of years—which I think they have done—when the Supreme Court of the United States says that, the prison doors are unlocked and the men go free.

Mr. SUTHERLAND. Will the Senator from Georgia permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. I understand the Senator from Georgia to take the position that the action of the governor in providing for this military commission and the action of the military commission in undertaking to try people for offenses under the civil law is wholly unwarranted, and, if I understand him, constitute a violation of the due process of law clause of the Federal Constitution.

Mr. BACON. Yes; I do.

Mr. SUTHERLAND. I quite agree with the Senator as to that. The Senator says, however, conceding that to be so, Congress has no function to perform in the matter at all, as I understand him. The Senator says that these men have a remedy; that they can go to the Supreme Court of the United States. That is quite true. He says that Congress can do nothing so far as those individual men are concerned; and I think that is true. We could enter no order here, we could enter no judgment, that would liberate those individuals. But may not Congress, after it has gathered the information upon this subject, have some other function to perform in connection with it?

Mr. BACON. I grant you that.

Mr. SUTHERLAND. I invite the Senator's attention to the language of the first section of the fourteenth amendment of the Constitution, which is:

> Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

And the concluding clause of the fourteenth amendment is:

> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

May it not be that circumstances may develop in this case or in some other case where the provisions of the fourteenth amendment are being violated, that Congress may have some legislative duty to perform; and in that view may it not be valuable to Congress to procure accurate information with reference to these transactions in West Virginia?

Mr. BACON. Oh, yes; Mr. President, there is no doubt about it that under the particular provisions of that amendment there is scarcely anything affecting human personal rights that would not possibly give opportunity for some legislation by Congress; but there is a greater question than that in this. As I have had occasion to say about other things, even if we have the power, it is not always expedient to exercise it. But, Mr. President, the Senator does not deceive himself; that is not at all the purpose of this resolution. There is no thought that the laws of the United States are not now sufficient to protect, under a judgment of the Supreme Court, a man from illegal imprisonment following a trial by a military court in a State. Does the Senator think there is?

Mr. SUTHERLAND. Does the Senator ask me that question?

Mr. BACON. I do.

Mr. SUTHERLAND. There is no doubt that the particular individuals who have been convicted by this military tribunal have a perfect remedy. They may by writ of error carry their case from the State court to the Supreme Court of the United States, and if the Supreme Court finds that the action of the

military tribunal was in violation of the due process of law clause of the Constitution, it may order them released.

Mr. BACON. Very well. Now, I hope the Senator will simply answer that question and not undertake to make a speech in the middle of my remarks, because it is very difficult to make a speech unless one can proceed with some continuity.

Mr. SUTHERLAND. If the Senator did not want me to make a short speech in answer to the question, he ought not to have asked me the question.

Mr. BACON. I asked the Senator the question if he thought there was any doubt about the fact that there are now upon the statute books laws which would give a remedy and permit the Supreme Court of the United States to release any man from imprisonment in any State where he had been condemned to that imprisonment under circumstances such as those under which these men in West Virginia were convicted.

Mr. SUTHERLAND. Not at all.

Mr. BACON. And the Senator said "yes." I wanted him to answer that question; and when he answered it I thought that I ought to go on.

Mr. SUTHERLAND. The difficulty is that the Senator undertakes to say when I am through answering, instead of permitting me to say so.

Mr. BACON. I understood the Senator to say that there was a remedy for these men.

Mr. SUTHERLAND. Yes.

Mr. BACON. That is the only question I asked him.

Mr. SUTHERLAND. The answer might have been sufficient for the Senator's purposes; but I had not completed it. If the Senator objects, however, I shall not proceed.

Mr. BACON. I will not object to the Senator at the proper time elaborating that just as much as he wishes, but in the course of my argument I wanted to know whether there is any issue on that question.

Mr. SUTHERLAND. So far as these individuals are concerned, I answer the Senator that they have a perfect remedy; but whether or not the laws are sufficient to deal with this whole subject matter, I do not know. It may be that we could enact laws that would deal with similar situations in the future, that would deal in some way with these illegal tribunals that are attempted to be set up.

Mr. BACON. Mr. President, I have no possible sympathy with what has occurred in West Virginia. So far as I have heard the discussion and so far as I have heard the statements made by the Senator from Indiana as to what has occurred, I condemn it without the slightest qualification. I think these men have been treated with great injustice—and when I say "these men" I am speaking of the general mass. The particular men who have been arrested and tried by the military courts I think have been tried in violation of law and in violation of every principle which underlies free government, and particularly our free Government. I can not be misunderstood about that. I want to see every remedy applied that is a proper remedy; but, Mr. President, we have no higher duty than to maintain the relative authority and the powers of the Federal Government and of the States. As I heard a Senator remark this morning, such a proposition as this a few years ago would have absolutely set the whole country in a ferment; but step by step we are proceeding to the utter overthrow of every power which it was sought to retain for the States. They had these powers originally; it was sought to retain them in the States, and the Constitution expressly provided that they should retain them; yet, Mr. President, we are confronted with a situation here where as grave a matter as this was to be passed upon sub silentio, without a word.

Sir, I feel the embarrassment which every Senator must feel when he knows the powerful sentiment there is behind these resolutions. Every Senator must feel an embarrassment when he stands up in antagonism to them.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. KERN. Has the Senator stopped to consider the powerful influences that are opposed to this resolution?

Mr. BACON. I will consider them, too.

Mr. KERN. I will ask the Senator if he would weigh the power of capital, the power of great organized wealth, on one side against the power of the workingman on the other as to which way the scales would preponderate?

Mr. BACON. No; not at all. I will not be misunderstood on that point before I get through; I do not think my record in the Senate will cause me to be misunderstood on it; and I do not think the implication in the inquiry of the honorable Senator will cause me to be misunderstood on it.

I repeat, Mr. President, that I fully realize the embarrassment to which I have referred. I presume that I feel it as much as any Senator here, but there are other things to be considered, not what the Senator from Indiana would seem to imply, not that it is a question of the rights of the laboring man on the one side and of capital on the other, but it is the question of whether or not to accomplish what is a good purpose on the part of the Senator from Indiana—one that does credit to his heart and to every impulse of his nature—we should recklessly or carelessly endanger the great institutions of this country. I repeat, Mr. President, that we are not without a remedy for the existing evils. The laws are sufficient as they stand, and, if not, circumstances are sufficiently known for us to enact other laws to remedy them. When a man has suffered a wrong there ought to be a remedy for it, and when a man has suffered a wrong the right remedy should be applied; and who doubts, Mr. President, what that right remedy is here?

I am not speaking about many of the subdivisions of this resolution. I would vote for the resolution if it were confined within the limits of some of its parts. I should have no objection to voting to find out whether or not peonage existed in West Virginia. I should not object to voting for any part of the resolution which relates to matters properly within Federal jurisdiction and where a proper remedy can be applied as a result of the investigation. It may be that a remedy is necessary in the way of further legislation in order to protect these people against peonage. Therefore I should not object to that and to some other parts of the resolution relating to Federal questions.

There are other branches of the resolution to which I do not object. But the particular part of the resolution to which I do object is the part which undertakes to investigate the official acts of the officials of the State of West Virginia. That is what I object to, and that is all I object to. I object to an investigation by the Senate of the official acts of the officials of a State.

I do not mean to say that they should never be investigated. Occasions may arise when they should be investigated; but they should be very extreme cases to justify it, and they should be occasions where no other remedy could be applied.

Mr. BORAH rose.

Mr. BACON. The Senator from Idaho rises. I do not know whether he wishes to interrupt me or not. I shall not object if he does. I hope, however, it will not be for anything more than a question.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. BORAH. I was going to ask what more critical situation could arise than that of trying citizens by military tribunal in time of peace and when the courts are open.

Mr. BACON. Any situation where the law does not apply the remedy or does not provide for it.

Mr. BORAH. Of course the law may apply the remedy, provided the man who is in jail has a sufficient amount of money to hire lawyers and to get to the Supreme Court of the United States; but in the meantime he is in jail, and if he happens to be out of money he may remain there indefinitely.

Mr. BACON. Mr. President, that is an argument that I should not have expected from the Senator from Idaho.

Mr. BORAH. If the Senator will allow me to develop it for just a moment, perhaps I can win back his respect.

Mr. BACON. The Senator would have to do a great deal to forfeit my respect.

Mr. BORAH. I undertake to say to the Senator that where a State has fixed and established the status of its citizens as the State of West Virginia seems to be doing, it is not the business of the United States Government to stand by and let the individual citizens fight it out. It is the business of the Federal Government as such to take note of it, and fight for the status of the citizens regardless of their individual rights. It becomes a matter of protecting citizenship and not simply of releasing a particular individual.

Mr. BACON. The Senator has my unbounded respect and admiration as a lawyer, but I confess that what he has just said does not contribute toward increasing it.

Mr. BORAH. The Senator says I had his respect. I hope I still have it.

Mr. BACON. The argument of the Senator is just this, Mr. President, that wherever a man in a State was illegally imprisoned, wherever a court had acted without jurisdiction and a man had been imprisoned as a result of it, the Congress of the United States could investigate the matter for the purpose of releasing him and finding out whether or not he had money to take his case to a higher court.

Mr. BORAH. No, Mr. President; the Senator states it a little bit strongly. What I mean to say is that where the provisions of the United States Constitution have been suspended—where men are being tried, as the Senator says, in violation of every principle known to our free institutions—it is not the business of the Federal Government to stand idly by and say to the citizen, "You, in your individual capacity, shall fight out this thing."

There are two citizenships in this country; there is a dual citizenship. There is one citizenship of the State and one of the Federal Government. Wherever the citizenship of the Federal Government is interfered with it is the business of the Congress of the United States to find out what are the facts, and, if legislation is necessary, to legislate upon the subject.

I do not contend that we can go there and release the citizen who is in jail in that individual instance. But there is a future, and we investigate for the purpose of legislating with reference to the future. The court simply deals with the facts as they appear in the past. We investigate with a view of providing against recurring incidents, if legislation can do so.

Mr. BACON. It is simply a question of degree whenever a man is illegally confined. It is simply a question of degree whenever a man is confined under an alleged usurpation of power by any tribunal. The case we have in view is one extreme in degree. The case of a man arrested and tried by a military tribunal is extreme; but that is no more illegal than the case of the incarceration of any other man by any court that did not have jurisdiction. It is simply a question of degree, as I say. One may be a minor matter which does not excite our indignation. Another may be a grave matter, an extreme matter, which does excite our indignation to the highest point; but in each case it is simply a question of illegal imprisonment. In each case, to bring it down more directly to a Federal question, it is a case of a man being deprived of his liberty without due process of law. And the Senator's proposition would justify Federal interference in the minor case as fully as in the extreme case. The principle is the same in each.

The books are full of cases of men who were in imprisonment and who raised the issue that they were deprived of their liberty without due process of law. I have no doubt that every State in this Union has cases now pending where that question can be raised. But while it is a question of degree, the principle does not apply to one of high degree any more than it does to one of low degree.

If it be true, as the learned Senator from Idaho says, that whenever a man is in prison in violation of law it is within the proper province of the Senate of the United States to investigate it, there is just as much right to investigate a case where a man has been deprived of his liberty without due process of law under civil authority as where he has been deprived of his liberty without due process of law under military authority. One excites our indignation more than the other, but the principle applies to the one as strongly as it does to the other.

I repeat, Mr. President, I realize the fact that this is an embarrassing thing to do. I repeat that it embarrasses me, and I am not indifferent to that embarrassment. But I want to say that I consider that the obligation upon me is one which I can not ignore. If any man or any organization in the world has a high obligation, a Senator of the United States above every other is under obligation to see to it that the rights of the State he represents shall not be jeopardized, either by direct invasion or by giving consent to that which may thereafter justify the invasion of his own State. Further than that, not only is he under an obligation to see to it that the rights of his State are not invaded, not only is he under an obligation to see that a precedent is not set which may thereafter cause or justify an invasion of his State, but he is under a high obligation to see to it, even where technically it may be justified, that that right is not exercised unless it is absolutely necessary for the purposes for which the Congress of the United States was organized, or for which the Government of the United States exercises its powers.

I have stood on this floor endeavoring within my limited abilities to speak for the rights of labor. I believe in the right of labor to combine. I think the power of capital is so great and so easily exercised, concentrated as it is in the hands of a few men, that this great army of laborers can properly protect themselves only by organizing and by having their representatives to speak for them, and by so arranging that when they speak for them they will be in a position to command the respect and the acquiescence of those for whom they speak. Not only in the last Congress, but in this Congress, I introduced a bill, and to the extent of my ability I expect to press it to a successful conclusion, which embodies the principle which is contained in the amendment which was put in the appropriation bill which we had under discussion a short time since and puts that principle in a practical and effective shape—that for laborers to meet together and to agree upon measures which shall protect their interests, which shall enable them to have more time for recreation and shorter hours for labor, and shall enable them to secure an adequate return for their labor, shall not render them amenable to any construction which may be put upon the antitrust law commonly known as the Sherman law.

I have faced harsh criticism by some friends at home because I have thus stood for the rights of labor. I have had those, not simply at home, but in the large centers, visit their criticisms upon me because I would not do what the question of the Senator from Indiana would imply that I should do—weigh the rights of these men against the power of capital. I have not hesitated to stand for these men, although capital said "no." I have not been one, either here or elsewhere, to weigh the rights of these men against the power of capital and to give my judgment in favor of capital. I have weighed, Mr. President, and as a result of that weighing I have thought it to be my duty to stand in my place and see to it that these men have the right to combine. I do not think they have the right to combine to the extent of violence, to the extent of saying that another man shall not work if he desires to work. I do not approve of anything of that kind. But I do believe men should have the right peacefully to assemble and to agree upon measures by which they can more effectively cope with the great power of the concentrated capital with which they are engaged in productive enterprise. I do believe that they should have the right to do that which is necessary to contribute to their comfort, to their improvement, and to their having more time for recreation and for reading and for study and for shorter hours of labor.

All that, Mr. President, I approve. I have weighed the contest between capital and labor to the extent that I have come to the conclusion that they are to be justified in all proper and peaceful measures to bring about such ends.

But, Mr. President, is the fear, the apprehension that I feel—I do not say anybody else feels it—that those whom I have thus sought to defend may be offended by what I now do, to cause me to fail to stand for what I believe to be not only the interests of my State but the interests of this whole Government; that the line between Federal and State authority should not only be clearly drawn but observed; and that where one crosses the other we should be careful to do nothing which shall disturb the great fundamental principle that as to all local matters the State is supreme and has the responsibility, and that wherever it is charged that the State has invaded powers which the Constitution of the United States confers upon the Federal Government the test as to whether or not there has been a violation shall be made strictly in accordance with the provisions of law made for the purpose of correcting an evil of that kind?

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. BORAH. It seems to me the Senator's argument finally reaches this result, and that is the impropriety of the Senate doing it rather than the invasion of the rights of the State. The Senator says there is a tribunal which may do all these things and set aside all these acts of the State officers?

Mr. BACON. Yes.

Mr. BORAH. If it were done through the Supreme Court or the proper judicial tribunal, as I understand the Senator, he would not consider it an invasion of State rights?

Mr. BACON. I certainly would not.

Mr. BORAH. Then does not the argument of the Senator resolve itself into the impropriety of the Senate doing it, rather than the proposition that it is an invasion of State rights?

Mr. BACON. Not at all; it does not follow at all as the Senator suggests.

Mr. BORAH. If the Supreme Court, in a case——

Mr. BACON. If the Senator will pardon me, he has asked me a question, and I will submit to another interruption when I have answered it.

The Senator from Idaho asked me the question whether I would consider the intervention of the Supreme Court, through regular processes, by which the act of a State should be reviewed and overturned, an invasion of State rights. I said no. Then the Senator asked the question, if I understood him correctly, whether it would not be any more an invasion of the rights of a State if done through an investigation by the Senate. Am I correct in my statement of the Senator's position?

Mr. BORAH. I did not hear the Senator.

Mr. BACON. I think I am correct, and therefore I will proceed, Mr. President.

It is not an invasion of State rights for any constitutional power to be exercised by the Federal Government in the way in which the Constitution and the laws provide that they shall be exercised. There are some things which can be done by courts which can not be done by legislatures. There are some things that can be done by courts or legislatures which can not be done by the executive. It would not be an invasion of State rights for the Supreme Court of the United States to declare illegal the judgment of the Supreme Court of West Virginia upholding the judgment of this court-martial or commission and to set these men free. That would not be an invasion of State rights. But for the President of the United States to send an army there to turn them loose would be; and for the Senate of the United States to send its marshal there and turn them loose would be; and for the Senate of the United States to make an investigation which can not even go to the extent of turning anyone loose is none the less an invasion of the rights and dignity and responsibility of the State.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. BORAH. If the Senator will refresh his recollection of the argument which was made by the very able attorneys in the old case of Cohens against Virginia, when the Supreme Court of the United States had before it the question of reviewing the action of the State court, he will find it was contended precisely as the Senator is now contending, that it was an invasion of State rights.

Mr. BACON. Oh, yes; but, then, it has been settled the other way.

Mr. BORAH. Exactly. Then, as I say again, it resolves itself into the proposition rather of the impropriety of the Senate doing it than the fact that the action of the State authorities is set aside.

Mr. BACON. No, Mr. President; I do not think the Senator is logical. I do go to the extent of saying that. It is an impropriety for us to do a great many things which we have the power to do, if perchance it is not necessary to be done and if the evil of doing it is great. I put my objection to this particular part of the resolution—and there are some parts I do not object to—upon two grounds; first, that it is not a legal act, that it is not a proper act; and, second, that, even if legal and proper, it is not a necessary act, and no good can come from it, but great harm may come of it. I put it on both grounds, if that will suit the contention of the learned Senator.

Mr. President, we ought not to shut our eyes to the possibilities which may flow from a precedent set here nem con. I do not know, if the yeas and nays had not been called, that I would have said anything. Possibly I might have yielded to my feeling of embarrassment, as uncourageous as that would have been; possibly I might have stood still and said nothing. I certainly would not have voted yes if there had been no yeas and nays ordered; I might have remained silent, as little as I would have been satisfied to do so; but when I am put to the responsibility, being compelled to either say "yes" or "no," I am not going to say something which in some future day may be presented to me when they seek to investigate my State; and I want my reasons known.

Mr. President, I am never going to stand on this floor and either myself consent to an investigation of the authorities of my State nor am I going to consent to any investigation of another State and establish a precedent under which the authorities of my State can hereafter be investigated.

I repeat, I do not say that I would never consent to any investigation in my State. There are conditions which may arise that would justify an investigation there or in any other State. But I am talking about an investigation of the official acts of my State. I am not going to do it. I am not going to let the embarrassment that I feel in casting this vote induce me to do it.

Mr. President, let every Senator stop and think. Do they want to establish a precedent by which congressional committees are going to investigate the action of their courts and of their legislatures and of their governors, especially when it is not necessary and when the law points out the plain way in which the remedy can be applied? And, sir, the more especially as the Senator from Idaho rises in his place and says these men have already been released. You establish such a precedent when men have already been released which will come back to plague us. A time when the poisoned chalice is to be commended to our own lips may come; and, Mr. President, if so, and if I have to drink the bitter dregs, no man shall say that I first pressed it to the lips of another.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. I have sometimes, Mr. President, thought that I am more of a State-rights man than many Senators on the other side of the Chamber. I have listened with a great deal of interest and profit to the argument the Senator from Georgia has made. I now rise to ask the Senator from Georgia if he will not carefully examine the resolution and move to strike out such portions of it as cover the ground he has traversed?

Mr. BACON. I would be more than delighted to do it if I had time. It was for that reason I asked the Senator from Indiana [Mr. KERN] to let it go over. I would not have said a word if there had been an opportunity to examine the objectionable parts of the resolution and if the objectionable parts could have been eliminated.

Mr. GALLINGER. Some parts of the resolution we can vote for.

Mr. BACON. Some of them I could vote for.

Mr. GALLINGER. Others we ought not to vote for, as I interpret them, and we ought to have an opportunity to divide them and to have a separate vote on those parts.

Mr. BACON. I will say to the Senator from Indiana that if the resolution goes over I will endeavor to confine my objections to certain features of the resolution and give my support to others, although they may even be of doubtful character; but if those about which I have no doubt and those which I think would be extremely dangerous should be adopted and established as a precedent, I must object. If I am compelled to vote on the resolution as a whole, I must vote against it as a whole, even if I stand alone in the Senate.

Mr. GALLINGER. If the Senator will permit me, I will formally ask unanimous consent that the further consideration of the resolution be postponed until after the morning business on the next day that the Senate meets.

Mr. BACON. I hope the Senator from Indiana will agree to that course. There will be no delay about it.

Mr. KERN. That would necessitate a meeting of the Senate to-morrow.

Mr. GALLINGER. Not necessarily. It would be taken up the next day the Senate sits.

Mr. KERN. I can not consent to any further procrastination about the matter. The resolution was objected to. It was amended to suit the Senators from West Virginia, and they have both said that they have no objection to the consideration of the resolution. I have no objection to having it go over until to-morrow, but I must insist that the resolution shall be disposed of.

Mr. GALLINGER. I have no disposition, the Senator knows, to procrastinate the consideration of the resolution.

Mr. KERN. Of course I do not attribute anything of that kind to the Senator. If it is convenient to Senators and to the Senate to meet to-morrow——

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Will the Senator from Indiana yield to the Senator from West Virginia?

Mr. KERN. If the Senator will allow me, I will take the sense of the Senate on the proposition. I move that when the Senate adjourns to-day it be until to-morrow at 2 o'clock p. m.

The VICE PRESIDENT. The Senator from Indiana moves that when the Senate adjourns to-day it adjourn until 2 o'clock p. m. to-morrow.

The motion was agreed to.

Mr. GALLINGER. Now, I ask unanimous consent—and I appeal to the Senator from Indiana—that the further consideration of the resolution be postponed until after the morning business to-morrow.

Mr. KERN. And let there be unanimous consent that it shall be the unfinished business.

Mr. GALLINGER. Yes; and it will be taken up immediately after the morning business.

Mr. KERN. If there is unanimous consent, very well.

The VICE PRESIDENT. It will be understood, by unanimous consent, that the resolution is the unfinished business for to-morrow. The Chair hears no objection.

Mr. SMOOT. Mr. President, in conformity to the notice I gave on May 22 I now move that the Senate proceed to the consideration of Senate resolution No. 19, to authorize the allowance of an additional clerk to Senators having less than three.

Mr. BORAH. I have no objection to considering that resolution, but if the Senator's motion prevails the unfinished business will be displaced.

Mr. SMOOT. Not necessarily, if we dispose of the resolution to-night.

Mr. BORAH. If we dispose of it; but if the motion prevails and we do not dispose of it, then it becomes the unfinished

business and the resolution which we have had up to-day is displaced.

If the Senator will ask unanimous consent that it be taken up and considered, in that way it would not have the effect of displacing the unfinished business.

Mr. SMOOT. I am perfectly aware of that, but I have already received notice I would not have a unanimous-consent agreement for the consideration of the resolution.

Mr. GALLINGER. I suggest to the Senator from Utah that he give notice he will move to proceed to the consideration of this resolution after the other matter is disposed of.

Mr. SMOOT. Very well. Then, in order not to interfere with the unanimous-consent agreement that the resolution which has been up shall be the unfinished business, I give notice that immediately upon the disposition of the unfinished business to-morrow I will make the motion.

Mr. WILLIAMS. What is the Senator's notice?

Mr. SMOOT. I simply gave notice that to-morrow at the conclusion of the unfinished business I shall move to take up Senate resolution 19.

Mr. WILLIAMS. The Senator will move to take it up?

Mr. SMOOT. Yes.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 27, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1913.

APPRAISER OF MERCHANDISE.

George E. Welter, of Oregon, to be appraiser of merchandise in the district of Portland, in the State of Oregon, in place of Owen Summers, deceased.

COLLECTOR OF INTERNAL REVENUE.

William C. Whaley, of Montana, to be collector of internal revenue for the district of Montana, in place of Edward H. Callister, superseded.

UNITED STATES ATTORNEY.

Edward C. Love, of Florida, to be United States attorney for the northern district of Florida, vice Fred. C. Cubberly, whose term has expired.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Walter Owen Rawls, of Alabama, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from May 21, 1913.

PROMOTION AND APPOINTMENTS IN THE NAVY.

Second Lieut. Alfred McC. Robbins to be a first lieutenant in the Marine Corps from the 22d day of August, 1912.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 14th day of May, 1913:

Thomas C. Pounds, citizen of California.
Jesse B. Helm, citizen of Tennessee.
John W. Bovee, citizen of District of Columbia.
Charles I. Griffith, citizen of District of Columbia.

Albert T. Weston, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 17th day of May, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1913.

COLLECTOR OF CUSTOMS.

John W. Martin to be collector of customs at Jacksonville, Fla.

REGISTER OF THE LAND OFFICE.

Richard Strobach to be register of the land office at North Yakima, Wash.

COLLECTORS OF INTERNAL REVENUE.

Louis Murphy to be collector of internal revenue for the third district of Iowa.

Samuel A. Hays to be collector of internal revenue for the district of West Virginia.

POSTMASTERS.

ARKANSAS.

N. H. Mitchell, Gentry.

CALIFORNIA.

John A. Rollins, Tulare.

FLORIDA.

Samuel J. Giles, Carrabelle.
Eva R. Vaughn, Century.
William R. Roesch, Eau Gallia.
P. S. Coggins, Madison.

NEW JERSEY.

Charles Rittenhouse, Hackettstown.
Joseph B. Cornish, Washington.

NORTH CAROLINA.

W. C. Hall, Black Mountain.
Lee H. Yarborough, Clayton.
Plato C. Rollins, Rutherfordton.
P. J. Caudell, St. Paul.
William H. Etheredge, Selma.
Duncan L. Webster, Siler City.
Howard C. Curtis, Southport.
W. D. Pethel, Spencer.
Joseph S. Stallings, Spring Hope.
John L. Gwaltney, Taylorsville.
W. H. Stearns, Tryon.
Hector McL. Green, Wilmington.

SOUTH CAROLINA.

S. M. Ward, Georgetown.
Louis Stackey, Kingstree.
Pierre H. Fike, Spartanburg.
Julius F. Way, Holly Hill.
Joseph M. Poulnot, Charleston.

SOUTH DAKOTA.

Mary Brennan, Lake Preston.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 26, 1913.

COMMISSIONER OF CORPORATIONS.

Joseph E. Davies, of Wisconsin, to be Commissioner of Corporations in the Department of Commerce, vice Luther Conant, jr.

SENATE.

TUESDAY, *May 27, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SMITH of Arizona. I present a joint memorial of the Legislature of Arizona, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

To the Congress of the United States of America:

Your memorialists, the Legislature of the State of Arizona in session assembled, do hereby memorialize and petition your honorable body that—

Whereas a great hardship has been caused to certain occupants on school land who settled thereon before the survey thereof, and who subsequently discovered that they had settled on school land, and were unable to secure title to the land so occupied as a town site, and that the State is unable to select lands in lieu of the land so settled upon: Therefore

Your memorialists respectfully pray that such legislation be enacted by Congress as to enable the State to select other lands in lieu of school sections settled upon and occupied as towns, to the end that the State may be able to make such lieu selections and leave the lands so occupied open for entry for town-site purposes, and that the occupants may thereby be enabled to obtain title to the lands occupied by them.

The secretary of the senate is hereby directed to forward a copy of this memorial to the President of the Senate and to the Speaker of the House of Representatives of the United States, and a copy to Hon. HENRY F. ASHURST and Hon. MARCUS A. SMITH, United States Senators from Arizona, and to Hon. CARL HAYDEN, Representative in Congress from Arizona, and our Senators and Representative are earnestly requested to do all in their power to bring about the legislation herein prayed.

May 9, 1913. Read third time in full and passed the house by the following vote: 29 ayes, — noes, 4 absent, 2 excused.

H. H. LINNEY,
Speaker of the House.

Passed the senate May 3, 1913, by a vote of 14 ayes, — noes, 4 absent, 1 excused.

W. G. CUNNIFF,
President of the Senate.

Mr. SMITH of Arizona. I present a concurrent resolution adopted by the Legislature of Arizona, which I ask may be

printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the concurrent resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Concurrent resolution 4.

THE STATE SENATE, FIRST LEGISLATURE, FOURTH SESSION.

Whereas it has come to our knowledge that Arizona has as yet about 28,000,000 acres of unsurveyed land, or about twice as much as any other State in the Union; and

Whereas the number of filings in the land office have amounted to about 500 a month for the last past several months, and the land office is far behind with its work, and that the number of filings would be greatly increased after the lands were surveyed; and

Whereas the State of New Mexico has 6 land offices, the State of Nevada has 7, Montana 8, Colorado 10; and

Whereas there are none of the Western States that have less than five land offices; and

Whereas Arizona has but one land office, the said land office being far behind with its work and getting further behind: Now therefore be it

Resolved, That it is the sense of this legislature that there is an urgent necessity for the establishing of two more land offices in the State of Arizona; and be it further

Resolved, That a copy of this resolution be sent to the General Land Office, the Secretary of the Interior, and to each of our Members in Congress.

Passed the senate on the 5th day of May, 1913.

W. G. CUNNIFF.

May 9, 1913. Read the third time in full and passed the house by following vote: 27 ayes, 6 absent, 2 excused.

H. H. LINNEY,
Speaker of the House.

Mr. CATRON. I have received a letter from the New Mexico Wool Growers' Association and also several telegrams in the nature of memorials from citizens of my State, remonstrating against free wool. I ask that the letter and telegrams be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter and telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NEW MEXICO WOOL GROWERS' ASSOCIATION,
OFFICE OF THE SECRETARY,
Albuquerque, N. Mex., May 20, 1913.

Hon. T. B. CATRON,
United States Senate, Washington, D. C.

DEAR SENATOR: We wired you to-day as follows: "We most emphatically protest against free wool, as it will positively ruin the sheep industry in New Mexico. We need 35 per cent ad valorem to exist."

I wish to inform you that our cowmen are contracting for steers in old Mexico, and these contracts contain a provision that whatever duty is taken off from the cattle shall be added to the price paid for the cattle in old Mexico. In fact, all cattle and live stock being contracted in old Mexico for importation to the United States at this time contains the above-mentioned provision. Now, how can the reduction in the duties on live stock cheapen the cost of meat to the consumer? I do not believe that a single American citizen will profit by reducing these schedules.

Trusting this information may be of value to you, I am, as ever,

Truly, your friend,

CHARLES CHADWICK, *Secretary.*

MAGDALENA, N. MEX., *May 24, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

Free wool will ruin us. Should have at least 35 per cent ad valorem duty to continue in business. Woolen manufactures should be entered on a pure-fabric basis and shoddies in every form prohibited from entry. Fight for us.

Jose Garcia Y. Ortega, Justinina Baca, Lorenzo P. Garcia, Jose Y. Aragona, J. Frank Romero, Ranch Supply Co., J. L. Davis, Clemente Castillo, Manuel L. Garcia, C. B. Bruton, Jack Bruton, The Becker Co., O. M. Sakarison, Allen Falconer.

ROSWELL, N. MEX., *May 23, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

There are over 200 woolgrowers in this county alone who are seriously affected by tariff agitation and their business stagnated. Will positively state that 95 per cent of these growers are heavy borrowers, paying 10 per cent interest on money. Again there are hundreds of herders getting $25 per month and their living, whose wages must be reduced fully 25 per cent. The State is now leasing its land, for which growers are paying 5 cents per acre, and if wool and mutton are put on the free list they can not exist, and thousands of others must suffer with them.

W. S. PRAGER.

EAST LAS VEGAS, N. MEX., *May 23, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

Proposed tariff legislation regarding wool spells ruin of New Mexico's greatest industry. Will throw thousands out of only possible means of employment. Denude entirely the stock ranges, unless except for sheep and goats. Obligate ten million yearly revenue. State can not raise wool or mutton at profit unless wool is protected.

CHARLES ILFELD CO.
E. ROSENWALD & SON.
STEIN & NAHM.

ALBUQUERQUE, N. MEX., *May 30, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

We most emphatically protest against free wool, as it will positively ruin the sheep industry in New Mexico. We need 35 per cent ad valorem to exist.

NEW MEXICO WOOL GROWERS' ASSOCIATION.
By CHARLES CHADWICK, *Secretary.*

Mr. WEEKS presented a resolution adopted by the State Board of Trade of Massachusetts, favoring the establishment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the National Association of Woolen and Worsted Overseers, remonstrating against the proposed reductions in the woolen schedule of the pending tariff bill, which was referred to the Committee on Finance.

Mr. SHIVELY presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring the enactment of legislation providing for protection against floods in the Mississippi Valley, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring the enactment of sound banking and currency laws, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring the reduction of the rate of postage on first-class mail matter to 1 cent, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring an appropriation for the purchase of suitable homes for American representatives in foreign countries, which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a resolution adopted by the local board of directors of the National Business League of America of Illinois, favoring an appropriation for the continuance of the Commerce Court, which was referred to the Committee on Appropriations.

Mr. LODGE presented a resolution adopted by the State Board of Trade of Massachusetts, favoring the establishment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the National Association of Woolen and Worsted Overseers, remonstrating against the proposed reductions in the woolen schedule of the pending tariff bill, which was referred to the Committee on Finance.

ACTION ON THE TARIFF BILL.

Mr. JONES. I have two short articles in the nature of petitions to the Senate. I desire to say that the sentiment expressed in these articles is embodied in a great many letters which I have received. I ask that the articles may be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

AMEN CORNER SENDS APPEAL TO SENATE—WANTS LAWMAKERS TO ADJOURN AND GO HOME.

The "amen corner" of the Commercial Club and Chamber of Commerce, composed of Walter J. Thompson, John A. Rea, Tom Fleetwood, H. J. Rowland, Joshua Peirce, L. F. Gault, J. H. Holmes, and several other well-known men who gather almost daily after lunch and thrash over public questions, to-day sent the following telegram to the United States Senate:

"*To the United States Senate:*

"The undersigned, irrespective of party alignment, respectfully beg your honorable body to pass the pending tariff bill as speedily as possible. Any changes for the better a long struggle might effect will not compensate the country for losses of business incident to the uncertainty of the exact duties that will be written in the final draft. Knowing that there will be a new law, we think it wise to give it to the people with as little delay and friction as practicable. We subscribe to the sentiment: 'Let us have peace.'

"AMEN CORNER, TACOMA COMMERCIAL CLUB."

URGES CONGRESS TO END ITS WORK SOON—TACOMA SENDS APPEAL TO MANUFACTURERS—COMMERCIAL CLUB ASKS THAT POLITICS BE CONSIDERED AFTER NATION'S PROSPERITY.

An appeal that politics be cast aside while commercial affairs of vital importance to a continuance of prosperity in America are considered was sent to the hundreds of manufacturers who are gathered in Detroit by the Tacoma Commercial Club and Chamber of Commerce yesterday. The manufacturers are attending the annual convention of the National Association of Manufacturers in the City of Straits. The telegram was directed personally to Harry A. Wheeler, president of the Chamber of Commerce of the United States, of which the Tacoma Commercial Club is a member. The communication from Tacoma will be brought before the manufacturers by Mr. Wheeler, and, if acted favorably upon, will have a reach of nation-wide scope. It reads as follows:

"The greatest immediate need of the Nation is for the public mind to be turned away from politics and back to business. For six months it

has been known that material changes would be made in some of the tariff schedules. Long-delayed action will serve no worthy end. Trade readjustments await definite action and a fixed tariff status. We respectfully urge that a campaign be undertaken by the National Chamber of Commerce to prevent repetition of the calamity of 1894, when seven months of Senate debate on the Wilson tariff bill brought commercial paralysis upon the country. Then, as now, there was small public concern at the outset. But seven months of bitter partisan contention in the Senate stirred the public to a state of frenzy. Hope changed to bitterness, and trade collapsed utterly before adjournment came in August. To-day the people are hopeful. All are willing to accept the action of Congress in good faith and turn again to fields and market places. All of the good and powerful forces of the Nation will become active, and the forward movement will begin again when definite tariff status is established and Congress adjourns. Influence of the 400 chambers of commerce and trade organizations, carrying membership in the national chamber, can, through appeal, prove to Congress the urgent need for prompt action and early adjournment. Every day of delay adds to the danger. Every partisan speech and every partisan editorial tends to shatter public confidence and add to the growing wave of doubt and distrust. Let every good influence urge prompt action and adjournment to the end that the public mind may be turned away from politics and back to business."

TARIFF DUTY ON SUGAR.

Mr. SHAFROTH. I have received a telegram from the president of the Chamber of Commerce of the city of Denver requesting that the telegram which I present, in the nature of a petition, from various organizations in the State of Colorado, relative to the tariff on sugar, be read to the Senate. I therefore ask unanimous consent that it be read.

The VICE PRESIDENT. Is there objection?

There being no objection, the telegram was read, as follows:

DENVER, COLO., *May 26, 1913.*

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.:

We respectfully request that you present the following petition to the United States Senate:

Your petitioners, the Chamber of Commerce of the city and county of Denver, being specifically authorized in this matter to also represent Derby Chamber of Commerce; Wellington Commercial Club; Sterling Chamber of Commerce; Walsenburg Business Men's Association; Gill Commercial Club; Polly Commercial Club; Consolidated Commercial Association, of Erie; Bristol Commercial Club; Johnstown Commercial Club; Antonito Chamber of Commerce; Farmers' Cooperative Association, of Hartman; Mesa County Business Association, of Grand Junction; Brush Commercial Club; Paonia Commercial Association; Sugar City Chamber of Commerce; Keota Commercial Club; Lasalle Commercial Club; Wiley Commercial Club; Kersey Commercial Club; Fort Collins Retail Merchants' Association; Fort Lupton Commercial Club; Fountain Commercial Club; Swink Commercial Club; Hartman Commercial Club; Hooper Commercial Club; Ault Commercial Club; Greeley Commercial Club; Fort Morgan Chamber of Commerce; Rifle Chamber of Commerce; Calhan Chamber of Commerce; Loveland Chamber of Commerce; Dolores Board of Trade; Haxtum Commercial Club; Merino Commercial Club; Lamar Commercial Association; Louisville Commercial Association; and your petitioners, the Denver Clearing House Association, of the city of Denver, comprising the First National Bank, Colorado National Bank, Denver National Bank, United States National Bank, Hamilton National Bank, and Federal National Bank, being specifically authorized in this matter to also represent Broadway Bank; Central Savings Bank & Trust Co.; Citizens' Exchange Bank; City Bank & Trust Co.; Colorado State & Savings Bank; Continental Trust Co.; Denver Stock Yards Bank; Fleming Bros., bankers; German-American Trust Co.; Germania State Bank; Guardian Trust Co.; Hibernia Bank & Trust Co.; Home Savings & Trust Co.; International Trust Co.; Interstate Trust Co.; Merchants' Bank; Pioneer State Bank; State Bank of Denver; State Mercantile Bank; West Side State Bank; First National Bank, Ault; First National Bank, Brush; Stockmen's National Bank, Brush; First State Bank, Aguilar; Alamosa National Bank; Aspen State Bank; First National Bank, Center; Fremont County National Bank, of Canon City; First State Bank, Brandon; American National Bank, Alamosa; First National Bank, Buena Vista; Farmers & Merchants' State Bank, Brighton; Burlington State Bank; First National Bank, Boulder; Bristol State Bank; Farmers' State Bank, Flagler; Estes Park Bank; J. N. Beaty, Manzanoa; Home Savings Bank, Fort Morgan; Burns National Bank, Durango; Bank of Crested Butte; Eaton National Bank; Erie Bank; Bank of Crook; Exchange National Bank, Colorado Springs; First National Bank, Colorado Springs; Colorado Savings Bank, Colorado Springs; Colorado Title & Trust Co., Colorado Springs; First National Bank, Delta; Platte Valley State Bank, Fort Lupton; Farmers & Merchants' Bank, Evans; First National Bank, Fort Morgan; Citizens' National Bank, Craig; Fort Lupton State Bank; First National Bank, Durango; Durango Trust Co.; First National Bank, Fort Collins; Poudre Valley National Bank, Fort Collins; Morgan County National Bank, Fort Morgan; Fowler State Bank; Fort Collins National Bank; Woods Rubey National Bank, Golden; Farmers' State Bank, Haxtum; Merchants & Miners' Bank, Idaho Springs; Greeley National Bank; First State Bank, Hill Rose; Citizens' National Bank, Julesburg; Colorado Springs National Bank; First National Bank, Englewood; First National Bank, Idaho Springs; Gunnison Bank & Trust Co.; First National Bank, Julesburg; Union National Bank, Greeley; First National Bank, Holyoke; Kit Carson State Bank; First National Bank, Greeley; First National Bank, Holly; Holly State Bank; City National Bank, Greeley; Hartman State Bank; First National Bank, Hugo; First National Bank, Glenwood Springs; Phillips County State Bank, Holyoke; Kersey State Bank; Yampa Valley State Bank, Hayden; First National Bank, Granada; Longmont National Bank; Farmers' National Bank, Longmont; Wallace State Bank, Monte Vista; First National Bank, Rifle; Union State Bank, Rifle; Merino State Bank; Olathe Banking Co.; Lamar National Bank; First National Bank, La Junta; Laird State Bank; First National Bank, Lamar; Citizens' State Bank, Lamar; First National Bank, Littleton; Carbonate National Bank, Leadville; American National Bank, Leadville; Larimer County Bank & Trust Co., Loveland; First National Bank, Loveland; Colorado Savings & Trust Co., La Junta; First State Bank, Mesita; La Junta State Bank; First National Bank, Mancos; Limon State Bank; Louisville Bank; Routt County Bank, Oak Creek; Loveland National Bank; Bank of Manitou; First National Bank, Lafayette; First State Bank, Milliken; Farmers' State Bank, Las Animas; First National Bank, Monte Vista; Romeo State Bank; Mercantile National Bank, Pueblo; First State Bank, Silt; Pitkin Bank; First National Bank, Silverton; First National Bank, Pueblo; Rocky Ford National Bank; Platteville National Bank; First National Bank, Saguache; Saguache County Bank; First National Bank, Rocky Ford; Fruit Exchange Bank, Paonia; Seibert State Bank; First National Bank, Sedgwick; Minnequa Bank, Pueblo; First National Bank, Paonia; Wiley State Bank; First State Bank, Sulphur Springs; Weldon Valley State Bank, Weldon; North Park Bank, Weldon; State Bank, Sugar City; H. H. Tomkins & Co., bankers, Westcliffe; International State Bank, Trinidad; First National Bank, Trinidad; Trinidad National Bank; Commercial Savings Bank, Trinidad; Logan County National Bank, Sterling; Farmers' National Bank, Sterling; Bank of Victor; Bank of Baca County, Two Buttes; First State Bank, Swink; People's State Bank, Towner; First National Bank, Salida; First State Bank, Wiggins; Farmers' Bank, Timnath; First National Bank, Wellington; Farmers' State Bank, Windsor; First National Bank, Windsor; First National Bank, Steamboat Springs; Bank of Telluride; Littleton State Bank; Emerson & Buckingham, bankers, Longmont; Bank of Meeker; Mesa County National Bank, Grand Junction; United States Bank & Trust Co., Grand Valley; Grand Valley Bank, Grand Valley; First National Bank, Fruita; First Bank of Fruita; First National Bank, Clifton; Palisades National Bank; Bank of De Beque; Plateau Valley Bank, Colbran; Bank of Palisades; Engle Bros., bankers, Breckenridge; First National Bank, Cripple Creek, Miners & Merchants' Bank, Lake City; Farmers' National Bank, Ault; Commercial National Bank, Salida; Guaranty State Bank, Walsenburg; Miners & Merchants' Bank, Ouray; First National Bank, Cortez; Montezuma Valley National Bank, Cortez; First National Bank, Eaton; Bank of North Fork, Hotchkiss; Lafayette Bank & Trust Co.; Costilla County Bank, San Acacio; Byers State Bank; First National Bank, Sterling; Western National Bank, Pueblo; Bent County Bank, Las Animas; First National Bank, Walsenburg; First National Bank, Montrose; Home State Bank, Montrose; Montrose National Bank; Blanca State Bank; Pueblo Savings & Trust Co., Pueblo; Hudson State Bank; Bank of Hayden; Mercantile Bank & Trust Co., Boulder; First National Bank, Las Animas; First National Bank, Gill; City Bank, Victor; H. M. Rubey, president Colorado State Bankers' Association, acting in our own behalf and of those commercial organizations and banking institutions solely who have specifically authorized us to represent them, respectfully represent:

That the enactment of the tariff bill pending before Congress, known as the Underwood bill, in so far as it proposes within three years to remove entirely all import duty on sugar, will, if enacted into law, seriously cripple and is likely to entirely destroy one of the principal farming industries of this State and one of its most important manufacturing industries, and we therefore most respectfully and most earnestly protest against such enactment. The sugar-beet growing industry and the sugar-manufacturing industry in Colorado distribute annually among the farmers of this State $10,000,000 and among workmen and for supplies and fuel $5,000,000, and these industries have been expanding. The sugar-beet growing and sugar-manufacturing industries in Colorado have more than doubled the value of farming lands within the State. Extensive irrigation enterprises are under way, which are dependent for their success and for the success of their financing upon this industry. Upon the basis of value given to good farming lands in Colorado by reason of the prosperous industry of beet raising and sugar manufacture here many farmers in this State have secured loans upon their lands for improving them and making them more productive, but will suffer serious loss, and in many instances eventual loss of their entire properties, if the value of the lands is reduced by crippling the sugar-beet raising industry here. Such result would be exceedingly hurtful to workingmen and to every business interest and landowner in the State. The Underwood bill preserves a portion of the old tariff upon most manufactured goods in this country, but in the case of sugar it proposes to wipe out the tariff entirely. We respectfully represent that such action would constitute unjust discrimination against the people of Colorado and would be unfair to them and to the people of the several States where sugar beets are now grown. We urge upon Congress that in the case of sugar it in any event make only such proportionate reduction in the tariff as it may make in the case of other products manufactured in this country, and that it do not destroy by removing the sugar duty a great industry, the continued prosperity of which is of vital importance to all our people. And your petitioners will ever pray.

DENVER CHAMBER OF COMMERCE,
By EDWARD J. YETTER, *President.*
DENVER CLEARING HOUSE ASSOCIATION,
By G. B. BERGER, *President.*

Mr. THOMAS. Mr. President, my colleague [Mr. SHAFROTH] very properly complied with the request of the Denver Chamber of Commerce by introducing the somewhat unusual document which has just been read to the Senate. I say "unusual" because it reads more like a State bank directory and a directory of chambers of commerce and commercial associations than anything else. But I can not allow the introduction of that document to pass without saying something about it, because, otherwise, it might be accepted by the country as the reflection of the actual public sentiment of the people of my State upon the subject matter to which it is addressed, and which I do not believe to be the case.

A campaign has been carried on for a number of months in Colorado—and I presume in other States—by what I am pleased to call the Beet-Sugar Trust, its purpose being to manufacture an artificial public sentiment in its behalf and to bring the pressure of that sentiment to bear in this particular instance upon the two Senators from the State of Colorado. This document is one, and perhaps the most extensive, instance of its expression, indicating how widespread the propaganda has been.

Mr. President, during the campaign of last year I was opposed, not personally, but opposed by the interests whose activities have resulted in and which have prompted the telegram which has just been laid before the Senate. The ques-

tion of sugar and the tariff therefore became an active issue in the campaign in my State. The various phases of the question were therefore freely discussed both on the stump and in the public press. The people at the polls expressed themselves upon the subject by their election of my colleague and myself. That ought to have sufficed to outline the popular sentiment of the people of my State. But the fact that tariff changes were intended, the fact that there would be a general revision of the tariff downward, has doubtless aroused the apprehension as well as the self-interest of the beet-sugar people into the making of a stupendous effort to create and afterwards to circulate what purports to be an aroused public opinion which, though not wholly unfounded, has no extensive basis in fact.

This propaganda, Mr. President, so far as I am personally concerned, has taken this shape: I have received every day during the past two or three months a great many telegrams and letters, coming in bunches, so to speak, first from one place and then from another, signed by personal friends, by banking institutions, by chambers of commerce, by political committees, both Democratic and Republican, and all using the same expressions in substance, and sometimes using identical language, and all urging me to oppose the sugar section of the bill. The next day I would receive a basketful of similar communications from another section of the State or from another city, and so on, each one of them being the evident result of inspired action through communication by the telephone or the telegraph or by the visits of agents and representatives to these different communities. All these letters and telegrams bear a family resemblance. They are plainly prompted by a common interest and designed for a common end—the protection of the Sugar Trust through a manufactured plea from the body of the people seemingly concerned for themselves alone. And these communications, in many instances, have been followed by personal explanations from personal acquaintances and friends sending them to the effect that they had done so at the request of some friend or employee of a sugar company, which had paid all expenses. These letters and telegrams have also been accompanied by newspaper articles, editorials, communications, and so forth, all bearing upon the same general proposition, and all having for their purpose a common object.

On the other hand, Mr. President, I have received almost as many letters from individuals and from some associations not connected with this propaganda, but entirely separated from it, each and all of them bearing the assurance that the great heart of the Democratic masses in the State throbs in unison with the policy of the administration, of the Congress, and of the Democratic Party, and urging the enactment of the Underwood bill.

I have said that this was an inspired crusade. If I had the time, I think I could demonstrate it by the introduction here of a great number of communications. I shall content myself, however, with two or three merely as an antidote to what otherwise would be an erroneous impression created, and intended to be created, by this telegraphic petition, representing so many banks and chambers from so many places. This morning I received a telegram dated Brighton, Colo., addressed to myself and my colleague, as follows:

> The undersigned members of the Democratic Party of Adams County, a farming district where sugar beets is an important crop, earnestly urge our Senators and Representatives to stand firmly with the administration in its effort to remove the tariff on sugar.

Of course, this assumes that to be the purpose of the bill.

> We have no sympathy with the so-called Democrats in this or any other State who permit their selfish interests to interfere with a great national reform.

This is signed by J. F. Jones, chairman of the county central committee. It also contains the names of some prominent individuals, as follows:

> George M. Griffin, clerk district court; E. B. Moore, assessor; R. S. McNatt, ex-assessor; W. O. Stillwell, treasurer; E. E. Sauve, clerk; Wm. A. Maxwell, editor; J. P. Higgins, water commissioner; Herman J. Schloo, sheriff; E. G. Jones, coroner; J C. McCann, county physician; V. H. Wright, attorney; W. C. Hood, jr., county judge.

In many instances commercial bodies have declined to respond to this call of distress, this command, this effort to secure an expression of public sentiment in the interest of a great monopoly. I may refer specifically to the cities of Grand Junction and Fruita, in Mesa County, which is in the heart of one of the sugar-beet districts in my State I might refer to a number of farming associations where resolutions to the same effect have been introduced, but voted down.

I have received a good many letters from employees in some of the sugar mills in my State urgently beseeching a departure from the policy of my party and from its purpose to the end that a local industry may not suffer because they fear that they must bear the consequence of any injury to it. I knew that these letters were all inspired, for they were all alike, and in proof of it I received a day or two ago the following letter:

> 408 BAKER STREET,
> *Longmont, Colo., May 19, 1913.*
>
> Hon. CHARLES S. THOMAS,
> *United States Senate, Washington, D. C.*
>
> DEAR SIR: Inclosed with this letter you will find one of the statements of the Great Western Sugar Co., which were recently distributed to its employees at the factory here in Longmont.
>
> You will no doubt receive a few letters from employees of this company here, as they are compelled in an underhanded way to either write them or take chances of losing their jobs by refusing, as you can readily see by one paragraph of their statement which I have marked.
>
> Seventy-five per cent of the employees at the factory here are Democrats and understand the tariff question quite well. They also are familiar with the principles of the Democratic national platform and are fully aware of the fact that you were elected along with Hon. JOHN F. SHAFROTH to the United States Senate to maintain the principles of Democracy for the benefit of all of the people of all of the United States. Many of us employees of this company placed ourselves and families in jeopardy during the campaign of 1912 and 1913 by refusing to sign certain petitions gotten out by the company in favor of the Republican Party and the tariff question. I was employed at the factory all of last summer as pipe fitter, and during the beet run last winter and winter before I was employed as engineer on Corliss engine, being laid off at the close of the last run. I applied for employment last month and upon asking the superintendent, Mr. Modru, for work he immediately asked me what were my political views at the present time. My answer was they are the same as they have always been, according to the dictations of my conscience. He said he had been informed that I had radical views politically and otherwise, and that he had discharged several men on that account. After talking with him for some time and all the time realizing my position in regard to the necessity of employment for the benefit and support of my family and at the same time trying to uphold my individual independence politically and otherwise he finally told me that he would talk the matter over with the master mechanic, and said he would write me in a few days. Four days later I received a letter stating that I could report for work on the next Monday morning. I reported for duty and was put to work running a planer in the machine shop. After working six days I learned from the timekeeper that I was only rated at 22½ cents per hour instead of 27½ cents, which I was being paid previously.
>
> I immediately went to the superintendent and asked the reason for the reduction and asked for more pay. He told me that it was the best he could do at this time, stating that many men were receiving that and less, blaming the unsettled conditions upon the tariff situation. So I asked for my time and quit right there after telling him it was too low pay for such work to support myself and family on respectably. During the last campaign they got out a chart showing the cost of the production of sugar throughout the world and placed the average wages in American factories at $2.99 per day, when at the same time many men were receiving the pitiable sum of 17½ cents per hour, and the vast majority 20 cents per hour. In closing will say that I know it would be useless to apply for work with them again. And my case is only one of many. So you can readily understand the workman's situation under such conditions, which are a disgrace to the people of this Republic.
>
> I have been a Democrat all my life and will fight the rest of my days to uphold the principles of pure Democracy, win or lose.
>
> Respectfully, yours,
>
> THOS. S. PRICE.

Mr. Price incloses me a circular letter, which I will read, because it sustains my contention that these communications are artificial creations sent to Senators in Washington and also laid upon the desk of the Senate in order to influence official action. It is as follows:

> THE GREAT WESTERN SUGAR CO.,
> LONGMONT FACTORY,
> *Longmont, Colo, May 12, 1913.*
>
> *To the employees of the Longmont factory:*
>
> You have heard so much of the tariff bill and its probable effect on our industry that many of you think, no doubt, that it is only a scare and that the sugar company will not be hurt by it.
>
> I want to say to each one of you in all earnestness that it is a very serious proposition to each and every employee of the Great Western Sugar Co.
>
> If the present bill, as it has been passed by the House of Representatives, should be passed by the United States Senate, which it has every chance of doing, we would not be able to pay more than $4.50 per ton for beets, if that much, and you all know that the acreage grown for $4.50 per ton will be so small that not more than two or three of our nine factories could be operated, and you all know also that idle factories mean idle men.

Let me digress here for a moment by saying that in 1903—I think that was the year—the beet-sugar factories of northern Colorado announced $4.50 per ton as a flat rate for beets, declaring then that they could pay no more than that and make any profit whatever, although they enjoyed a better tariff protection than they do at present. The farmers simply refused to grow beets at that rate, in consequence of which the factories were compelled to pay a better price, not because they wanted to, but because they had to. There was just as much truth then in their statement that they were unable to pay more than $4.50 per ton as there is in the statement that in the event of the enactment of this bill that sum will be the maximum amount which they can afford to pay for their raw materials.

I proceed with the letter.

> As employees of the company, interested in keeping the factories in operation, will you not each one write a letter to the Hon. CHARLES S. THOMAS, United States Senate, and the Hon. JOHN F. SHAFROTH, United States Senate, Washington, D. C., asking that they use their

influence to have the "free-sugar-in-three-years" clause eliminated in the tariff bill.

Your letter will have just as much influence with these gentlemen as any letter they will receive—

That is a fact, as far as I am concerned—

and we would ask that you show your interest in the State at large as well as the company you are working for by doing this, advising the head of your department when you have written this letter. If you are a Democrat and will so state in your letter, it will carry even more weight with the gentlemen, as I do not think any Democrat in Colorado anticipated any such sweeping reduction as is contemplated in this bill.

Very truly, yours, N. R. McCREERY, *Manager*.

Attached to this document is a form of letter to be used:

The following form may be used to suggest ideas—

It is necessary to suggest an idea, of course, for an ordinary laborer in a beet-sugar factory, if he is intelligently to instruct his Senators what to do, when he is himself acting upon instructions.

We prefer that a letter be written in your own words, but if necessary you may copy this one.

Be sure to send two letters, one to Senator C. S. THOMAS and one to Senator JOHN F. SHAFROTH. A third letter to Hon. Woodrow Wilson, President of the United States, Washington, D. C., will do a lot of good. If you are a Democrat, tell them so. It will carry more weight.

Now comes the form. There is no word here, you will notice, in behalf of the sugar companies; it is all for the poor farmer and the poor wageworker.

Hon. ——— ———,

United States Senate, Washington, D. C.

DEAR SIR: The undersigned respectfully protests against any law being passed that will do away with the duty on sugar. We believe that free sugar will mean the closing of many, if not all, the sugar factories in the State and the throwing out of employment of hundreds of factory employees as well as the thousands employed in the beet fields. This will mean decreased values of land and city property.

We respectfully ask your consideration of the thousands of farmers and workingmen in Colorado who will be hurt by such action.

Many of these people who are now making vigorous protest against this reduction supported you in the election, feeling themselves secure in your promise that you would not harm legitimate industry, and which pledge can not be faithfully fulfilled if you destroy one of Colorado's greatest industries by the passage of a bill calling for free sugar.

Yours, truly,

———— ————.

I think I can say without exaggeration that I have received 200 letters, couched almost in the language of this instruction, from the employees of beet-sugar companies operating in my State. Therefore I am justified in my charge that this apparently unified action in one direction by some of the people of my State is such only in so far as it represents an extensive, disciplined, and persistent campaign to that end.

These companies have made an enormous amount of money, not only upon their capitalization but upon their overcapitalization. Two of them operating in Colorado represent collectively a capital of $50,000,000, $30,000,000 of which is water, pure and simple. Yet they have paid dividends constantly upon their preferred stock; they have paid dividends a large part of the time upon their watered stock, and one of them has a surplus in its treasury in excess of $10,000,000—that is, it did have before it began this propaganda. What amount of it has been expended for that and the extent to which that expense is going to be included hereafter as cost of production I do not know. I do say, however, that neither at the time this overcapitalization was issued nor since then has any chamber of commerce, national bank, or commercial association protested against it. Yet we know that the high price of the necessaries of life and the low price of labor in this country are largely due to the fact that these protected industries have been hugely overcapitalized, and then the prices of their products—the necessaries of life—have been fixed so as to yield a profit upon not only their actual but their fictitious capital.

If protests of this kind are justifiable, why should they not call attention to these conditions as well? This fight merely means that these hugely overcapitalized industries want to retain their franchise to rob the people by taxing the necessaries of life, to the end that they may pay profits upon the capital that they have invested and upon the capital they have manufactured with printing presses and fountain pens.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. Certainly.

Mr. REED. I do not want to interrupt the Senator from Colorado, but it appears that this condition of overcapitalization and watered stock in the sugar factories is not peculiar to his State.

Mr. THOMAS. Oh, not at all—not at all. My State is simply running with the rest of the pack.

Mr. REED. I have been furnished with a copy of the last report of the National Sugar Co., filed in September, 1912, in which the total capital of the company is given at $9,846,980.57, $5,000,000 of which is scheduled as "good will."

Mr. THOMAS. Certainly.

Mr. REED. I thought I would just call the Senator's attention to that.

Mr. THOMAS. The Senator might go further and say that of the $141,000,000 of capital invested in this industry all but $60,000,000 is water—good will, bad will, anything you may call it except actual capital invested. Yet it is the equivalent of capital, because it rests as an incubus upon the productive and consuming energies of the Nation.

These gentlemen who operate in my State—good men, good citizens, capable gentlemen, worthy gentlemen, many of them personal friends of mine—charge the Colorado consumer for sugar manufactured in Colorado the New York price plus the freight from New York to Denver. I have not heard any chamber of commerce or national bank or civic or political association protest against that to the Senate of the United States, yet it is the levying of tribute upon the people of Colorado. The same thing is true of Wyoming; it is true of New Mexico, and I have no doubt it is true of the State of Utah. It is these people who are doubly burdened by this tribute. It reminds one of the historic tax on tea. These sugar companies have this tariff protection arranged very much like the old negro set his coon trap. You know, Mr. President, he set it so as to catch the coon both "a-comin' and a-g'wine." In Colorado we are caught going both ways. The sugar companies catch us with a national protective tariff, and locally we are caught with the railway protective tariff. They get a profit from us, in other words, from the railroad rate and from the tariff imposed by the laws of the United States.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I do.

Mr. SMOOT. I believe the Senator will admit that at least four-fifths of the sugar that is produced in Colorado is sent from Colorado to another State.

Mr. THOMAS. To other States—yes; I think so.

Mr. SMOOT. The Senator referred to the sugar factories of Utah. I will say that out of every 5 pounds of sugar produced there at least 4 pounds are sent either to the Missouri River or to Chicago. The sugar has to go to places where the people will purchase it and use it. Our freight rate from Salt Lake City to Chicago is 60 cents a hundred, while the freight rate from New York to Chicago is 22½ cents a hundred; so that instead of having an advantage in the freight rate, we are at a disadvantage as between 22½ cents and 60 cents. I think not quite that difference exists in the case of Colorado.

Mr. THOMAS. I agree with the Senator, if he means that the crux of this question is more in the discrimination of railways than it is in the tariff. This is a question which never will be settled rightly until the railroads are compelled to equalize their rates over the different sections of the country and business prohibited from adding them to their charges for commodities.

Mr. SMOOT. Mr. President, I do not want the Senator to think that I fully agree with his statement, because this question of the freight rates upon sugar from the Intermountain States to Chicago and the freight rate from New York to Chicago has been before the Interstate Commerce Commission, and up to the present time the Interstate Commerce Commission has not seen fit to change them.

Mr. THOMAS. That is true, but that does not deprive the rates of their iniquitious character. It is true also, as suggested by the Senator from Utah, that the great proportion of the sugar produced and manufactured in my State has to find a market elsewhere; but it finds it at a profit. I do not object to the people of the Mississippi Valley getting Colorado sugar cheaply. What I do object to is that my people are required to pay for it, because they are charged so much more for the same thing.

Why, Mr. President, I can go to the cities of Omaha and Kansas City—at least I have been told so by men who know—and buy sugar produced in the factories of Colorado and pay the freight on it back to the factory door and get it cheaper than I can purchase it from the Sugar Trust at the factory door itself.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. CUMMINS. I rise to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CUMMINS. Is this discussion proceeding by and under unanimous consent?

The VICE PRESIDENT. That is the opinion of the Chair.

Mr. CUMMINS. I simply wish to suggest that there is some business yet to be transacted in the morning hour, and if the discussion is likely to consume the entire morning hour I should feel it my duty to object.

Mr. THOMAS. I will yield the floor in not to exceed 10 minutes, unless I am interrupted.

Mr. CUMMINS. I have no desire to take the Senator off the floor. I only want a portion of the morning hour reserved for the business assigned to it.

Mr. THOMAS. Mr. President, when the session opened I had no idea that there would be any discussion of this subject. But in view of the presentation of this petition from my home city I felt it my duty to say something, and in connection with what I have presented I was necessarily obliged to elaborate somewhat upon the general proposition.

In this connection I want to read an editorial which I have just received from Swink, Colo., where there is another very large sugar factory, merely for the purpose of showing that the people of the State, the consumers, the men who do the work and pay the taxes, are not here petitioning the Congress of the United States to take any specific action in behalf of a highly protected interest by means of which their tariff burden will be continued. It is headed—

DON'T WORRY ABOUT SUGAR TARIFF.

SWINK, COLO., *Friday, May 23, 1913.*

Regardless of the amount of discussion that the Underwood tariff bill (providing for the removal of tariff on sugar and other things) has caused, farmers of the fertile Arkansas Valley are very little worried.

Our farmers realize that this vast, rich, and productive area of the best soil in the golden West will produce melons, alfalfa, and many grains and grasses, as well as fruits, vegetables, etc., that will enable them within a short time to forget that sugar beets ever were an income producer. And the market never will be glutted, either, with the quality of excellent products such as can be grown in this valley.

True, it may be, that sugar beets have added much to the wealth of a large portion of this valley, but it is just as true that our resourceful farmers can easily turn their hands to some other line to which both they and this splendid soil are so well adapted.

Farmers of this section of the valley are not inclined to guzzle down a lot of hot air about certain things that are "sure to happen" to them and "the whole country" if certain tariff measures become a law and sugar-factory attachés' salaries are reduced to help make up for what the trust will "lose" in favor of the consumers.

To be sure, our farmers are entirely too wise to be fooled, and they well know that they can and will produce just as much revenue-bringing products as ever before and that they will get that revenue, tariff or no tariff, and the market will not be flooded except with the highest grade of foodstuffs such as are in daily demand.

And right below it I find this significant statement:

BUSY AT A. B. S. FACTORY—

That is, the American Beet Sugar factory—

TO BE LARGEST AND BEST IN STATE, ACCORDING TO REPORT—BIG IMPROVEMENTS WILL COST A PRETTY PENNY.

The following news item, bearing a Rocky Ford date line in the Tuesday edition of the Pueblo Chieftain, paints a very rosy word picture of the progressiveness of the American Beet Sugar Co., and is optimistic to say the least:

"The factory of the American Beet Sugar Co. is the busiest place in the city at the present time and the largest gang of men ever employed during the off season is now at work there. A large sum of money is being expended in the alterations and improvements which, when completed, will make the Rocky Ford factory the largest and best in the State.

"With the present outlook on tariff regarding sugar the company realizes that if it is to continue the manufacture of beet sugar it must devise every plan possible to manufacture the product with as little expense as possible, and improved machinery will be installed to do all the work possible, thereby keeping the pay roll down to the minimum."

Presages and prophecies of disaster surcharge the atmosphere in Washington; activities and increasing expenditures for expanded production are going on at home.

Mr. President, while I have the most profound respect for petitions sent to myself or to the Senate of the United States from my State, while I am a Member of that body, while I believe they should be given the utmost consideration, I want to say here and now, and I think I speak for my colleague as well as myself, that I was sent here by the people of my State, by the producers and by the consumers, by men and women who are not organized, who have no lobby, who are possessed with no great fund to go out through the highways and byways of the State, seeking and obtaining favorable action in their behalf by the great banks and associations. They are the toilers and the taxpayers, the common people, as Mr. Lincoln called them. It is their interest and their welfare, their wants and their desires that I propose to represent and promote in the Senate of the United States to the best of my ability. They look to us for relief, and we shall not disappoint them. I shall support the measure known as the Underwood bill as that measure comes to the Senate from the hands of the party to which I belong, and they will judge me as I shall deserve.

Mr. THORNTON. Mr. President, I am aware that I have no right in this morning hour to make a speech to the Senate on the sugar feature of the Underwood tariff bill, but in view of the discussion which we have had and in further view of the fact that I have some letters here bearing somewhat on the subject, which I propose to have incorporated in the RECORD, I want, if I may receive permission, to address the Senate for a time not exceeding 10, certainly not 15 minutes. As I hear no objection, Mr. President, I will proceed.

Mr. President, on last Thursday my esteemed and very genial friend, the senior Senator from New Jersey [Mr. MARTINE], in an effort to counteract what he considered the effect of what he kindly called a calamity howl of the southern sugar planters, briefly addressed the Senate, and I shall now read as a part of my remarks his own remarks:

Mr. MARTINE of New Jersey. As I have said, Mr. President, I will take but a moment. I ask the courtesy of the Senate to say that, in view of the fact that for the past two months we have had one long doleful and tearful tale on the sugar question to the effect that the planters of the South would be annihilated at one fell swoop. I felt that it would be refreshing, at least, to have the testimony of some others not belonging to that particular class.

I have clipped from a prominent paper published in my State, the Newark Evening News, the statement of Mr. George F. D. Trask, a gentleman whom I know, a man of wealth and large business interests, living in Orange, N. J. He writes to Representative MCCOY, thereby putting himself on record as one exception in believing that the sugar interests are not going to be destroyed. Mr. Trask urges that free sugar will advance not only the people's interests but will advance at the same time the interests of the sugar planters. He has bought and invested largely in Louisiana lands in consequence of and in the hope of this step, and he finally says:

"I am heartily in favor of free sugar. I think it will be a fine thing for the country as a whole, and that the injury which the present producers claim it threatens to them is grossly exaggerated. I do not believe that it will result in shutting down any plant or factory that ought not to be closed anyhow.

"I know that in one case a very large producer has lately added enormously to its cane-producing acreage in anticipation of the reduction or abolition of the duty."

I desire that this shall be known and go on record as the testimony of a capable, ingenious, bright, and successful business man and investor, who is willing to invest his money notwithstanding the calamity howls of the sugar planters.

Mr. President, to those of us who are familiar with the conditions of the sugar industry in the State of Louisiana, and who on account of their familiarity with those conditions are absolutely convinced that the industry would be entirely destroyed at the end of three years if the present tariff bill goes into effect, the statement that free sugar would advance the interest of the sugar planter was incredible, coming, as it was stated, from a bright, ingenious, capable, and successful business man and investor. It was still more incredible that such a man would be willing to invest money in sugar lands because he thought that the production of sugar by him would be increased in consequence of free sugar. But it was even more incredible that a large sugar-cane producer in the State of Louisiana should have lately added enormously to his cane-producing area in the hope of reduced duties or the entire abolition of the duty.

For that reason some of us here who are interested in the facts being known, took upon ourselves the responsibility of getting in communication with this friend of the Senator from New Jersey, and the result has been two letters which I will now read. The first is dated May 22, 1913.

MAY 22, 1913.

Mr. G. F. D. TRASK, *Orange, N. J.*

DEAR SIR: There appeared some few days ago in a newspaper published in Newark, N. J., an interview purporting to quote you as stating that you were interested in Louisiana lands, and that from your observations the State of Louisiana farmers could continue in sugar even if free trade in sugar became law.

Believing that you are not desirous of misrepresenting facts, I would respectfully request that you advise me at this address as to whether you have been properly quoted. Our family has been for many years engaged in the sugar business in Louisiana, and we have endeavored to apply to our affairs the most approved and improved methods in field and factory. We wish to state that even with the present tariff we have found many years unprofitable, and we can hardly conceive of any local conditions that will make sugar production profitable in Louisiana with any radical change in the sugar duty, to say nothing of the distress and disaster that would occur if free trade in sugar became law.

Should you have good reason for thinking otherwise I would thank you to so advise me and will appreciate your so doing.

We are glad to learn that you are interested in our State, and with the assurances of respect we anticipate the receipt of your reply.

Very truly,

JULES GODCHAUX.

NEW WILLARD HOTEL, *Washington, D. C.*

The writer of this letter, as appears, is a cane producer and sugar manufacturer in the State of Louisiana. He is known to many Senators here, having been here for some time engaged in the effort of appealing to their reason and to their sympathy, also to try to enlist them and their sympathies in the effort to prevent the destruction of one of his principal means of livelihood, an effort which is characterized by the Senator from New Jersey as calamity howling, and which may be con-

sidered by some others as insidious lobbying, but considered by the gentleman and by myself as a most earnest and legitimate effort to try and save himself and a large portion of his State from this impending blow.

Now, I will read the answer:

S. F. HAYWARD & Co.,
New York, May 24, 1913.

Mr. JULES GODCHAUX,
The New Willard Hotel, Washington, D. C.

DEAR SIR: I received your favor of the 22d yesterday evening, in which you ask me whether I was correctly quoted in a newspaper article printed in Newark, N. J., which stated that I was interested in Louisiana lands and believed that Louisiana planters could make sugar profitably under free sugar.

I have not seen the newspaper article which you refer to, but I have never made the above statement. I do not own any land or any interest in sugar lands in Louisiana. I have never expressed the opinion that the sugar planters of Louisiana could make money under free sugar; I do not know whether they could or not.

I am in favor of a reduction in the present duty on sugar and of its ultimate abolition, and I did express myself to that effect in a recent letter to my Congressman, which I was afterwards told did find its way into print, although I wrote it without that intention. In that letter, however, I did not mention the State of Louisiana nor state that I had any investment there.

My opinion that the present reduction and ultimate removal of the sugar duty is desirable does not depend on the question of whether the sugar planters of Louisiana can pursue the industry profitably under free sugar or not. I hope they can, especially those who run their business capably. But even if they can not, I believe that the benefit of free sugar to the country as a whole should outweigh in the minds of our legislature the losses which may be incurred by those domestic producers who have to depend for their profits on the artificial price which has heretofore been secured to them by a high duty.

Yours, respectfully,

GEORGE F. D. TRASK.

Mr. President, this investigation was made and these remarks have been addressed to the Senate because of what we knew was a misconception of the Senator from New Jersey, who, from my knowledge of him, on account of the probity of his character and the goodness of his heart, I know would never intentionally misstate a fact or try to do an injury to anyone.

Mr. MARTINE of New Jersey. Mr. President, in order that I may square myself with the Senate of the United States I have this to say: The article which I read stands for itself. The Newark News is a most reputable paper, probably a paper of the largest circulation in the Commonwealth of New Jersey. I read the article verbatim, and that which has been quoted is, I believe, it in its entirety.

Now, as to the final rendering of the letter, I feel that my position is not shaken a whit. I believe and Mr. Trask believes that in the reduction, even to free from duty, the good of the whole country will be enhanced; and that is verified by the quotation that I made, and again verified by the quotation made by the Senator from Louisiana.

I had no purpose to misrepresent anybody, but I saw immediately after I made the quotation that there was a disturbance. A couple of distinguished Senators on this side immediately came to me and wanted to run down the story. They wanted to find out who the man was. I told them he was a Mr. Trask, a gentleman in Orange, as the article stated, and he could be readily found.

Now, Mr. President, I have no desire to destroy the industry in South Carolina or the industry in Louisiana or in any other State, but I do deny the right of the Senators from South Carolina or from Louisiana to come to the people of New Jersey and demand that they shall hold them up by the chin in order that their heads shall not get under water. God knows we have been doing it for 125 years.

I quoted the calamity howler, but I did not mean so badly when I said "calamity howlers." They are real generous gentlemen, big hearted and kind, most delightful in their way, but they were willing to touch cotton, and I say that we have prospered under free cotton, and I believe we can prosper under free sugar.

I am not a sugar planter, but the Lord knows I have heard how long or how necessary it was to maintain a tariff in order to hold the planter's head up or the farmer's head. I have listened to the song of praise of the farmers with tears running down their cheeks as large as walnuts. They prayed for the poor farmer, in order to put on more tariff, but in spite of it the farmer has grown poorer and poorer each year.

The Senator quoted four farms for sale in Louisiana. I can quote you 104 farms that are there for sale. You will find farms for sale all over the length and breadth of this land.

I do say, Mr. President, that the calamity proposition which is put out by the Senator from Louisiana, that they are going to be annihilated, is unfounded and unreasonable. I do not believe any such result will occur; neither do I believe, because of the reduction of the tariff on the schedules that are proposed in the House tariff bill, that business is going to be annihilated, that stagnation of trade will come, and that the shafts and spindles and pulleys of our mills and the clang of our anvils will cease. This country will go on and grow and prosper. For practically eight months—nearly a year—every man who knows enough to be in business knew full well that the tariff was going to be reformed. They knew that the Democratic Party was to triumph. They knew that it was the principle of the Democratic Party to reduce the iniquity of the so-called protective tariff. So, then, for a year we have been living in the atmosphere of tariff reduction. If you have not settled your houses and put them in order, it is your fault. You have realized for all the year that this proposition was coming. Why, in the name of heaven, have you not adjusted your affairs? If you can not grow sugar, grow something else to profit. Why should you ask us for relief?

It seems funny that only this morning I clipped out of a paper what I shall read:

With a Democratic tariff at their very doors to be enacted into law, with free sugar to come, this fact was published May 26 in New York:

NEW YORK, *May 26.*

Total interest and dividend disbursements next month will reach $111,286,556, as against $99,543,163 in June a year ago. Of this sum stockholders will receive in the way of dividends $55,686,556, an increase of $5,943,393, while interest payments will total $55,600,000, an increase of $5,800,000.

All this has come with that horrid nightmare, that horrible pall hanging over this country of Democratic ascendancy.

I clipped from another paper the following:

[Special to the Courier-News.]

NEW YORK, *May 24.*

The New York Central Railroad system has placed an order for 179 passenger, freight, and switch engines to be delivered during the fall of this year. The locomotive company will build 159 of the engines, while the remainder will be supplied by the Baldwin Locomotive Works.

Anticipating the great result of prosperity in this country.

Another clipping I have lost. It was from the papers in New York, referring to the Baltimore & Ohio Railroad, wherein it goes on to say that they are bonding themselves for $10,000,000 for the purpose of buying 100 additional locomotives to carry the freight, 4,000 freight cars, 8 postal cars, and 96 passenger cars. All these things have been prompted in the atmosphere of stagnation, paralysis, devastation, and woe, and you unfortunate calamity howlers and you fathers of this protective tariff, I say to you, take new courage; we are approaching a brighter dawn and a better day for God and humanity. The day of governing and controlling the millions of people by the selfish doctrine of protection in order that you may tax everybody for the benefit of somebody, thank God, has disappeared from this country.

Mr. SMITH of South Carolina. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from South Carolina will state it.

Mr. SMITH of South Carolina. Mr. President, my question of personal privilege is that the Senator from New Jersey [Mr. MARTINE], in laying his strictures on certain Democrats on this side of the Chamber for their seeming leanings toward protection, took occasion to specify the names of two States—the States of South Carolina and Louisiana. I should like for the Senator from New Jersey to explain by what authority or on what grounds he made the statement that he was holding up the farmers of South Carolina by the chin while they were pleading for protection.

Mr. MARTINE of New Jersey. Mr. President, I desire to make a most abject apology so far as South Carolina is concerned. God knows I had not the least thought of making any strictures on South Carolina. I realize their troubles. I was down there a couple of months ago, and I realize what they have gone through with, with their sandy soil, their dispensary system, and God knows what. They have troubles enough, and far be it from me to burden any heavier South Carolina. I had no thought of that. I did mention South Carolina. I can not say just how it came up, but there is something in the all-pervading influence—it was the ever genial, happy smile and the generous heart of South Carolina that prompted me, and God knows where I would have landed if I had kept on looking in your face a little longer. [Laughter.]

The VICE PRESIDENT. The telegram in the nature of a petition will be referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 2377) granting an increase of pension to Joseph R. C. Hunter (with accompanying paper); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 2378) granting a pension to Charles Franklin White; to the Committee on Pensions.

Mr. PITTMAN. At the request of the governor of Alaska I introduce a bill and ask that it be referred to the Committee on Territories.

The bill (S. 2379) authorizing the town of Juneau, Alaska, to issue bonds for public-school purposes, and prescribing the method of issuing bonds for such purposes, was read twice by its title and referred to the Committee on Territories.

By Mr. ROBINSON:

A bill (S. 2380) for the relief of heirs or estate of Thomas Daly, deceased (with accompanying paper); and

A bill (S. 2381) for the relief of heirs of James Thompson, deceased (with accompanying paper); to the Committee on Claims.

By Mr. JONES:

A bill (S. 2382) granting a pension to Willie J. Etheridge; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2383) for the relief of Stephen J. Mulhall and others; to the Committee on Claims.

By Mr. CRAWFORD:

A bill (S. 2384) amending the act approved March 9, 1892, entitled "An act to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States," to provide for the taking of depositions in foreign countries; to the Committee on the Judiciary.

THE TARIFF.

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. OLIVER submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. CUMMINS. I submit a resolution, for which I ask immediate consideration.

The resolution was read (S. Res. 92), as follows:

Resolved, That there be appointed by the Vice President a committee of five Senators to investigate the charge that a lobby is being maintained at Washington or elsewhere to influence proposed legislation now pending before the Senate. The committee is instructed to report within 10 days the names of all lobbyists attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends; and in giving the name of the lobbyist to give the particular bill upon which he is working, and, if it be the tariff bill, the item he is seeking to change.

The committee is further instructed to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session concerning pending legislation, and especially concerning the tariff bill; and the inquiry shall include the character of the representation and the circumstances under which it was made, in order to ascertain whether it was a proper or improper attempt to influence legislation.

It is further resolved, That the President be, and he is hereby, requested to furnish said committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th day of May, and any other information about them and their efforts to bring about changes in legislation now before the Senate which will promote the general welfare.

The committee is authorized to administer oaths, subpœna witnesses, and to send for persons and papers in the prosecution of said investigation.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of the resolution, but the Chair is compelled to rule that, under the statute, the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CUMMINS. Before that ruling is made I desire to suggest that there is no provision in the resolution for any payment from the contingent fund of the Senate. The statute to which reference is made by the Chair applies only when it is proposed to make a payment from the contingent fund. If it shall be found necessary in the course of this investigation, if it is ordered, to apply to the contingent fund, then that request, of course, must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of the resolution.

Mr. GALLINGER. Mr. President, we have had at various times accusations similar to the one which we have recently read in the press, that there were lobbyists about the corridors of Congress.

Mr. CUMMINS. Mr. President, if the Senator from New Hampshire will permit me——

Mr. GALLINGER. Certainly.

Mr. CUMMINS. May I ask has unanimous consent been given for the present consideration of the resolution?

Mr. GALLINGER. It has not been given.

The VICE PRESIDENT. The Chair was not advised as to the purpose of the Senator from New Hampshire in rising and addressing the Senate.

Mr. CUMMINS. My attention was diverted for a moment, and I did not know whether consent had been given.

Mr. GALLINGER. Unanimous consent has not been given, Mr. President, and the probability is that it will not be given this morning.

I was about to say, Mr. President, that charges similar to these that we are now asked to investigate are, as a rule, unsubstantial and without any real foundation in fact. At intervals the newspapers are filled with statements that notorious lobbyists are around the corridors of the Senate and of the House of Representatives; but such lobbyists are never visible to the naked eye.

While no charge has been made in any quarter against the Senate, this resolution requires Senators to state with whom they have talked and from whom they have received communications in reference to pending legislation. Mr. President, it seems to me absurd that the Senate should give its time to an investigation of that kind. Men are here who have a right to be here, men who represent great interests in this country, which, in their judgment, are imperiled. To call them "lobbyists" is, to my mind, utterly absurd; to say that they should not be here is equally so; and the suggestion that Senators should, under oath, without any charge being made against them, be interrogated as to whether friends of theirs have written to them or talked with them about current legislation is, to me, not worthy of serious consideration on the part of this body.

Mr. President, I do not know that when this resolution again comes before the Senate I shall object to it, but I do object to its present consideration, and ask that it shall lie over under the rule.

The VICE PRESIDENT. Objection having been made, the resolution will lie over under the rule.

Mr. CUMMINS. Mr. President, in view of the fact that the Senator from New Hampshire has been permitted to debate the proposition as a prelude to his objection, I think I ought also be allowed to say that I recognize the right of any interest or industry about to be affected by legislation to appear and present arguments either to individual Senators or to a committee of Senators. We are, however, at this time, I think, put in a very unenviable position. I do not know that there are any lobbyists here; none have approached me; but we have a tariff bill before us and there are a great many men here, I assume, for the purpose of putting before the Senate and its committees their reasons either for the adoption or the modification of the bill.

It is stated, with the highest possible authority from the highest possible source, that a lobby of greater proportions than ever before known fills the city of Washington, employing more illegitimate and unlawful means than were ever before employed to secure certain changes in the tariff bill, and the public is led to believe, and will be led to believe, that if any change is made in the tariff bill that is now proposed it will be under the influence of men who are termed "lobbyists."

I will not attempt to define the word "lobbyist." If he is what I believe him to be and what I have always supposed him to be, I abhor him quite as much as any Senator can; but I am not willing, so far as I am concerned, that this tariff bill shall go forward to debate and to a vote under the imputation that if any change is effected in it that change is the result of illegitimate and improper influences.

I think the country has a right to know what is now surrounding the Senate of the United States. I think it has a right to know whether Senators are being influenced by improper representations, or, rather, whether it is being attempted to influence them by improper representations. I want the country to know who are here and who are attempting in their arguments or in their statements or in their persuasion, whatever form it may take, to change the tariff bill. If there are men here who ought not to be here, if they are doing what ought not to be done—and it may be true that they are; I do not deny it—the country ought to know it, and it ought to know it authoritatively; and notwithstanding what the Senator from New Hampshire has said about the absurdity of asking Senators with regard to the representations which have been

made to them, I believe that every Senator here ought to be willing and ought to be anxious to give the country the information suggested by this resolution. It is of the highest importance that whatever we do here shall command the confidence of the people of the country. A law ought not only to be just, but the people ought to believe it to be just and believe that it has been passed with high and upright motives. This is the reason which has led me to present this resolution. When it comes before the Senate I shall address myself to it again.

Mr. GALLINGER. Mr. President, if the Senator from Iowa will permit me, the paragraph that attracted my attention particularly was that relating to Senators—that they should be summoned and, under oath, give the names of all the persons who have made representations to them concerning pending legislation, and so forth. It seemed to me that that was going further than was necessary in an investigation of the charge that was made to the effect that lobbyists are in Washington. The charge having been made in a high quarter, it ought to be investigated, and if Senators are to be investigated I have no concealment so far as I am concerned. I will endeavor to recall the scores of men who have talked with me or written to me, friends of mine, some of them from my State and some from other States, on this subject. They had a right to do it, and it was my duty to listen to them. However, waiving what seems to me a serious objection to one phase of the resolution, I withdraw my objection to its present consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. OWEN. I object, and ask that it go over one day.

The VICE PRESIDENT. The resolution will go over.

Mr. CUMMINS. Has objection been made to the consideration of the resolution submitted by me?

The VICE PRESIDENT. Objection was made. The resolution will go over.

COST OF ARMOR PLATE.

Mr. TILLMAN submitted the following resolution (S. Res. 93), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, instructed to send to the Senate, as soon as practicable, the following information:

1. What is the cost of manufacturing the best armor plate per ton?
2. What would be the cost of erecting and equipping a plant for use by the Government in manufacturing armor and gun forgings?
3. Whether there is any secret or patented process or processes used in the manufacture of the best armor; and if so, who own the patents?
4. How long would it take the Government to build and equip an armor plant adequate for the needs of the Navy?

TARIFF DUTY ON SUGAR.

Mr. SMOOT. I have an editorial by Hon. Thomas M. Patterson, proprietor of the Denver News, as to the effect of free sugar on beet culture. He is the publisher of the leading Democratic newspaper of Colorado, and I ask that the editorial to which I refer may be printed in the RECORD.

Mr. REED. Mr. President, we could not hear the request of the Senator from Utah.

Mr. SMOOT. I have requested the printing in the RECORD of an editorial by Hon. Thomas M. Patterson, ex-Senator of the United States, on the sugar question, which appeared in the Denver News May 11, 1913.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The editorial referred to is as follows:

T. M. PATTERSON TELLS WHY FREE SUGAR WOULD CRIPPLE COLORADO'S GREAT INDUSTRY—GIVES CREDIT OF SINCERITY TO PRESIDENT WILSON, BUT TAKES ISSUE WITH HIM AS TO THE EFFECT OF FREE SUGAR ON BEET CULTURE; BELIEVES SHAFROTH AND THOMAS SHOULD STAND SIDE BY SIDE WITH DEMOCRATIC SENATORS FROM LOUISIANA AND INSIST THAT SUGAR SCHEDULE BE TAKEN UP AND DISPOSED OF BY ITSELF.

Now that the tariff bill has passed the House and is in its next stage, that of correction and adoption by the Senate, I think this is an appropriate time for everybody who thinks seriously upon the subject to express his views. But I will confine this paper to one subject—the tariff and sugar.

I have always held that the present duty on sugar was abnormally high and that when a general revision of the tariff was undertaken I would insist that the duty on sugar and on every other protected Colorado product should be relatively reduced. I enthusiastically urged Mr. Wilson's nomination for the Presidency and his election, because I believed he was a statesman who would fearlessly insist upon a general tariff revision downward, and upon the removal of all unnecessary tariff props from industries which time and experience had proved could stand alone. Coupled with this was Mr. Wilson's broad statements that he would oppose in this revision the destruction or serious crippling of any important American industry. This I regarded as a necessary corollary to his general statements concerning the tariff. Just such a revision of the tariff was the crying demand of the American people.

The revision undertaken by Mr. Wilson's administration in conformity with this pledge involves an industry of peculiar importance to Colorado and a number of other Western States—that of sugar. It is a young industry—yet in its early teens. The first beet-sugar factory was built at Grand Junction in 1899. It was a failure. It was several years after that before a Colorado factory was in successful operation. The beet-sugar industry in the United States really dates from but a few years before the first successful factory in Colorado. The business had been started in other States before, but its permanent and unqualified success was doubtful until the soil, climate, and sunshine of Colorado put its success beyond peradventure. But besides soil and climatic conditions, the element of tariff was necessary to its success. Had sugar been on the free list during the last decade of the last century and it were yet there we would not be wrangling over protection to sugar now. There would be no beet-sugar industry to foster. The cane and beet fields of other countries would be supplying all the American needs.

GROWTH OF BEET-SUGAR INDUSTRY.

The tremendous growth of the industry can be told in a few lines.

Prior to 1895 practically all the sugar made in the United States was from cane only, and that was confined to Louisiana and a small section of Texas. The annual yield was in round numbers 300,000 tons.

Sugar from cane is yet confined to the same localities, and the yield, if there is any change, has decreased.

But from a negligible quantity of beet sugar in 1895 the amount now annually produced is but little short of 600,000 tons, and the growth of the industry continues to be rapid and certain.

Of this immense sugar tonnage, Colorado produces nearly one-third, or in round numbers about 200,000 tons.

There are 17 sugar factories in Colorado, with more planned. The Colorado farmers were paid over $9,500,000 for the beets they raised last year. It is difficult to conceive of a new industry making such rapid strides and reaching such prodigious proportions in so short a time. When it is recalled that as yet more than 2,000,000 tons of sugar is imported; that its per capita consumption more than keeps pace with our increase in population, and that enough to supply all of the United States and Canada and South America can be produced right here on the high plains of what was once the great American desert, some comprehension of the vast importance of the sugar industry to Colorado and the rest of the country may be reached.

PRESIDENT WILSON'S DECISION.

President Wilson has suddenly decided that this vastly important industry can now get along without any of the tariff protection it has had in the past. Although the Democratic majority in the last House of Representatives had signified its wish before the election to put sugar on the free list, the Senate had emphatically dissented, and its committee had proposed a compromise duty of about 1 cent a pound, which was quite generally conceded, until the present Congress convened, would be the basis for a settlement of the sugar controversy. It must be admitted that President Wilson is sincere in his stand for free sugar—for the three-year period for which the 1-cent duty is to endure is but a concession by the President to the representatives of the sugar-producing States. For every purpose of practical protection it is as though sugar will go on the free list immediately. If it can thrive as a nondutiable article commencing three years hence, it could soon readjust itself to the immediate withdrawal of the duty and march right along almost without a halt. The fact is that those who oppose putting sugar on the free list at any specified time—letting experience and time determine when such a change may be safely made—look upon the three years as a period for liquidation only, and that the President but mercifully allotted the time for winding up the business rather than force it into bankruptcy coincident with the flourish of the pen that will make the bill a law.

I will assume, then, that President Wilson is of the opinion that the beet-sugar industry can thrive in Colorado and elsewhere in the United States with sugar placed on the free list. To assume otherwise is to charge that he was insincere when he declared in Denver and elsewhere during his campaign for the Presidency that he favored no change in the tariff that would destroy or cripple any American industry. The President is not a hypocrite. Unless the Nation is deceived after a pretty intimate acquaintance with its new Chief Magistrate, he is frankness itself, and would scorn deception as an adjunct to his own advancement.

DIFFERS WITH THE PRESIDENT.

I differ with President Wilson as to the result of placing sugar on the free list, either at once or three years hence. While I do so I do not believe that if free it will necessarily destroy the industry; but I do believe that while it may probably live it will live a cripple. It will cease to invite capital. It will offer small, if any, inducements for the farmer to put in large crops of beets. The beet-growing industry must languish. In Colorado a number of the factories will inevitably be closed down. If the industry continues, the farmer must be content with considerably less for his beets—how much less I would not say, but considerably less—and the factories must be run with more rigid economy in every department, if that is possible. It isn't likely that the factories will all be abandoned; but there must be concentration. Once the smelting business was carried on at many points in Colorado; now it is concentrated at one or two. With the necessary cut in the price the farmer will get for his beets the acreage of beet culture must be greatly lessened. Ask the farmer for how much less he can afford to cultivate beets and his answer will convince you that profitable beet growing and sugar on the free list are almost fatally incompatible. It wouldn't require any serious cut in the price paid for beets to drive the farmers wholly to the cultivation of other crops—wheat, barley, oats, and the like.

GIVES FACTS AND REASONS.

I have said a good deal without giving the facts and reasons upon which my conclusions are based. The facts all resolve themselves into the price for which beet sugar can be made in Colorado and the United States and the price for which foreign-made sugar can be laid down in competition with it.

I suppose it is unnecessary to discuss the proposition that the cheapest sugars, when of practically the same quality, will drive the dearest sugar out of the market.

In presenting the question of the price for which sugar can be made in the United States and in foreign countries I won't cover any controverted ground. I recognize that after all the question of "cost" is the pivotal point in the controversy. Therefore I won't state even debatable facts, and will accept what is acknowledged to be the lowest average figure at which beet sugar can be made in this country and what is confessed to be the cost of foreign sugars.

CONGRESSMAN KINDEL'S FAITH.

There was printed in the News a week or more ago a lengthy article from Congressman GEORGE KINDEL, in which he justified his present

acceptance of the sugar schedule of the Underwood bill. In stating his case he becomes enthusiastic over the benefits that free sugar will bring to Colorado. He says:

"I believe the great State of Colorado will not suffer any permanent harm from the removal of the duty on sugar and that the temporary depression that might result chiefly because of the attitude assumed by the sugar manufacturers will be followed by greater prosperity than the State has ever enjoyed under the existing high sugar tariff schedule."

I am going to accept the figures of the cost of domestic and foreign sugars upon which Mr. KINDEL based this enthusiastic and optimistic conclusion. I do this because they are authoritative, besides the advocates of free sugar are constantly using them. I quote again from Mr. KINDEL'S paper:

COST OF BEET SUGAR.

"Now, as to the cost of producing sugar in Colorado, as compared with cost of production in Cuba. The testimony of Mr. Morey before the Hardwick committee, given on page 889 of the reports of that committee, is that the cost to the Great Western Sugar Co. for manufacturing 100 pounds of sugar ranges from $3.65 to $3.75. Mr. Oxnard, of the American Beet Sugar Co., testified before the same committee (Hardwick hearing, p. 400) that the cost of manufacturing beet sugar ranges from $3.50 to $4 per 100 pounds. The statements of other sugar-beet manufacturers place the net cost of beet sugar some place within that limit. A statement filed by Edward F. Dyer with the Ways and Means Committee of the House in the investigation in 1909 places the minimum cost of manufacturing beet sugar at $2.957 per 100 (H. Doc. 1505, 60th Cong., 2d sess., p. 3498). This is for beets testing 17 per cent sugar, the cost for 14 per cent beets being placed at $3.65."

It will be observed that Mr. KINDEL quotes from the testimony of Mr. C. S. Morey, Mr. Oxnard, and Edward F. Dyer, representing, respectively, the Great Western Sugar Co. and the American Beet Sugar Co. Whom Mr. Dyer represents is not stated.

The cost of producing beet sugar, according to these gentlemen, ranges from $3.75 to $3.65 per 100 pounds. Mr. Dyer places the cost at $2.95 per 100 pounds with beets testing 17 per cent sugar, and $3.65 for beets testing 14 per cent sugar.

It may fairly be presumed that Messrs. Morey, Oxnard, and Dyer made the cost of manufacturing beet sugar as high as they conscientiously could.

But Mr. KINDEL also gives the other extreme. He calls upon Edward F. Atkins and the Spreckels Co. These people placed the cost as low as they could, and Mr. KINDEL thus refers to their statements:

"But there is a difference of opinion as to the cost of manufacturing beet sugar. Edward F. Atkins, a well-known cane-sugar expert, who said he had made a careful study of the cost of manufacturing beet sugar, placed the cost in this country at $2.87 per 100 pounds (H. Doc. 1905, 60th Cong., 2d sess., p. 3360). The cost of manufacturing beet sugar given by the Spreckels Beet Sugar Co. for 1910 was placed at $2.70 per 100 pounds (Hardwick hearings, p. 2379.) The cost of manufacturing beet sugar, as given before the Hardwick committee, all coming from experts, ranges from $2.70 to $3.02 per 100 pounds. Would it not appear either that there is a vast range of efficiency among sugar producers in this country, or that somebody has attempted to deceive us?"

COST OF FOREIGN SUGAR.

While I am inclined to think that the one side puts the cost too high and the other side too low, and that from $3 to $3.25 per 100 pounds are more nearly the true figures than those given by either, I will take the lowest cost price that anyone gives as the basis of the conclusion I reach—$2.70 per hundredweight.

The cost of West India cane sugar, as the nearest and best sugar to come in competition with American beet sugar, ought to be acceptable as the basis of the cost of foreign sugar, and the cost of Cuban cane sugar is about the highest on the market.

As to the cost of Cuban sugar, Mr. KINDEL says, quoting from the same paper:

"The sugar manufacturers in this country tell us that the cost of producing raw cane sugar in Cuba is less than $1.50 per 100 pounds. Dyer, in the same statement referred to above, places the cost at from $1.021 to $1.261. The cost of refining is not above 40 cents per 100 pounds. This would make the total cost of Cuban sugar range from $1.421 to $1.661. If refineries were operated in connection with the sugar plants in Cuba it is conceded that the cost of manufacturing refined sugar would be materially reduced."

Thus we have as the very lowest price for which American beet sugar can be made $2.70 per 100 pounds, and the highest cost of Cuban cane sugar, including refining charges, $1.66 per 100 pounds.

I do not refer to the cost charge of foreign beet sugars, for it is conceded on every hand it is much less than the American article. The import duties and excise taxes on foreign beet sugar reach all the way from 40 cents per 100 pounds in the United Kingdom to $8.67 per 100 pounds in Italy. And these duties and excises and bounties in some countries are so complicated I can not fix with anything like accuracy the cost of sugar in these countries.

So we have as the cost for the making and refining of foreign sugar (Cuban) $1.66 per 100 pounds.

This puts the foreign sugar (refined) in the warehouses of New York ready for shipment to customers $1.65 per 100 pounds less than the beet sugar of the United States, estimated at the lowest possible cost price at the factories in the West.

I will not trouble myself with transportation charges to the dealers in or consumers of either the one sugar or the other, for they must nearly balance each other. In any event, there would not be enough difference between these charges to materially change the results of the difference in the cost of production.

Now, what is the logic of these facts? If the beet-sugar industry of the country will not die it must surely languish. It can be conducted with profit to neither the farmer nor the sugar maker. The results I have before suggested are as inevitable as it is that water will run down hill.

DOES COLORADO FAVOR FREE SUGAR?

I know it is claimed by others of the congressional delegation from Colorado besides Mr. KINDEL that the great majority of Colorado people are favorable to free sugar.

If they are, it is because they believe the statements made by Mr. KINDEL and Mr. KEATING. Of course, if sugar can be put on the free list and the beet-sugar industry flourish, giving to the farmers the present or nearly the present price for beets and leaving to the sugar factories a fair margin of profit, Colorado people would, like those of other communities, insist that sugar should be made free.

But the election of last fall is no index that Colorado voters entertain any such views. Conditions in the country at the last election were exceptional. The Republican Party was divided and the certainty that it was doomed to defeat made great bodies of voters indifferent to economic issues. The plain injustice of the tariff as it is outraged the public mind, so that it lost sight of details and minutiæ and gave apparent support to any extreme, whether of reduction or the enlargement of the free list. Colorado voters are as practical as those of other States, and when they will be confronted with the concrete question of the certain closing down of a number of their sugar factories, the absolute necessity for a heavy cut in the prices paid for beets or the closing down of the rest, when such questions can not be clouded with a multitude of others and Democrats must meet the cold, clammy facts as to the future of the sugar industry in Colorado by reason of putting sugar on the free list, I fear Messrs. KINDEL and KEATING and the entire Colorado Democratic ticket will realize that a large majority of Colorado voters are opposed to free trade in sugar, and will line up once more with the Republican Party.

I had no thought when I commenced this article of giving advice to the Colorado delegation at Washington. In any event, our Congressmen now represent different districts and they will be influenced by what they conceive to be the welfare of the counties that make them up; but with the Senators it is different, for they represent the entire State; they are, each of them, as it were, ambassadors from Colorado at the National Capital to keep careful watch over the welfare of all its people.

CONSCIENCE NOT TO BE CONTROLLED BY CAUCUS.

Frankly, I do not believe that any Senator should submit his conscience to the keeping of any party caucus. I do not believe that a Senator, should he believe that the material welfare of his State is linked with an industry that is threatened, should vote to make the threat good and grievously endanger that industry. When I in part represented Colorado in the Senate I refused to be bound by a caucus dictum, and I defied the Senators of my party who tried to read me out of the party because of it. It was by my vote that the treaty with Santo Domingo was ratified, and I have never regretted that vote. But, as I read the Constitution, a Senator who, on matters vital to his State or his country, yields his duty to the decree of a senatorial party caucus is false to his State and to the oath he took on entering upon his duties as Senator.

FORCING IT AS ONE BILL IS UNGENEROUS.

The course taken by the Democratic majority of the House, with the approval of the President, that welds into one great bill every schedule of the tariff, including that of sugar, and with that an income-tax bill, is ungenerous at least to every Member and intended to coerce their votes in favor of parts of the measure they disapprove of.

Mr. Wilson justifies his stand on the sugar question by the fact that sugar is an article of prime necessity and enters into the economy of every family, wherefore it should be made as cheap as possible. That putting sugar on the free list will make sugar cheaper in the end is justly open to challenge, for should free sugar destroy or seriously cripple the American sugar industry the last condition of the consumer may be worse than the first. But I make no issue on this point; only the future can determine it.

But since President Wilson lays stress upon sugar being an article of prime necessity, and bases his stand for free sugar on that as a principle, denying that it is merely a matter of policy, may I not respectfully ask, are not the staples of woolen and cotton fabrics quite as much prime necessities, and do not they enter as deeply into the economy of the American family as sugar; and how can those who favor free sugar for the reason given support and vote for duties that will average 35 per cent on every such fabric and articles of apparel made from them? The Wilson-Underwood tariff bill that has just passed the House is made up of duties imposed to protect thousands of articles that have grown into necessities. They may say the bill puts wool and cotton on the free list, they being the raw material. There will be no complaint if beets—the raw material of sugar—are put on the free list; but sugar, the finished product, just as fabrics made from wool and cotton are the finished product, should be treated as fairly and in as friendly a spirit as the latter. If this is done there will be no complaint.

DUTY OF SENATORS.

Our Senators should, it seems to me, stand side by side with the two Democratic Senators from Louisiana. They should insist that the sugar schedule be taken up and disposed of by itself. Less than two years ago the House revised the tariff, each schedule by itself, sugar being a separate schedule. Why was that course changed to one of revising the tariff in a lump? Everybody knows. It is to intimidate the weak. It is a warning, I suppose, that no matter how injurious the treatment of certain products may be to the States represented by Senators, they must vote for the bill as a whole or suffer in patronage and lose the smiles that would otherwise greet them from the White House.

United States Senators are now elected by the people. They must even be nominated in an open primary. Patronage and White House favor will not take the place of services patriotically and faithfully performed.

T. M. PATTERSON.

ARMOR FRAUDS.

Mr. ASHURST. Mr. President, I present, and ask unanimous consent that it may be printed in the RECORD, a speech delivered in the Senate of the United States on Monday, March 1, 1897, by the Hon. BENJAMIN R. TILLMAN, United States Senator then, as now, from the State of South Carolina, on the subject of armor-plate frauds.

Mr. President, the speech of the distinguished Senator from South Carolina [Mr. TILLMAN] upon the subject at that time was so forceful and so pregnant with facts that could not be and never were controverted that it now becomes illuminating in view of observations I have made upon this subject within the past few days.

When the day comes, as come it will, that this Government shall manufacture its own armor plate and thus save to the people of this country some $3,000,0000 to $5,000,000 per annum, impartial history will give, and justly give, the credit for that

saving of the public moneys to the brave old Senator from South Carolina, BENJAMIN R. TILLMAN.

I ask unanimous consent to incorporate his speech into the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

"ARMOR FRAUDS.

"SPEECH OF HON. BENJAMIN R. TILLMAN, OF SOUTH CAROLINA, IN THE SENATE OF THE UNITED STATES, MONDAY, MARCH 1, 1897.

"Mr. TILLMAN. Mr. President, from my brief experience in this body I sympathize very much with the feeling of helplessness and ignorance which the distinguished Senator from West Virginia [Mr. Elkins] has confessed; and, even though I am a member of the Naval Committee and have devoted as much time as I could spare from my other duties here to the business of familiarizing myslf with the subject matter intrusted to our care, I do not feel able to give him all the light that he asks for on this question of armor. But I do feel able to give him enough light, and to give the Senate enough light, to show that there is nothing connected with the recent history of this Government—no expenditure—so reeking with fraud and so disgraceful to those who are responsible for it.

"If we go back and trace the history of this armor-plate manufacture we find that during Mr. Cleveland's first term, when Secretary Whitney began what is known as the construction of the new Navy, the manufacture of armor according to the most approved methods was an unknown thing in this country, and that there was no plant capable of performing that work. The largest steel plant in the country at that time, I believe, was at Bethlehem, and Congress wisely, perhaps—I shall not pretend to say it was not wise—entered not into a contract, but it authorized the Secretary of the Navy to enter into a contract with the Bethlehem Iron Works by which they were to construct a sufficient addition to their already large steel works to make this armor. The price fixed was away up yonder, some $600 or $700, I am not familiar with the exact amount, but it was $600 or $700 per ton, and it was generally understood in the debates and in the newspapers that the enormous price was given by reason of the fact that an enormous expenditure of three, four, or five million dollars was necessary, and the Government proposed by this large price to reimburse the Bethlehem Manufacturing Co. in the contract which would then be let for its outlay. The proof is overwhelming in these reports, in the testimony taken before the Naval Committee in the investigation last winter, that the plant at Bethlehem which was constructed in addition to what they already had has been paid for twice over by this Government absolutely, and that they have made a present of it to the Bethlehem Co.

"In a year or two after the contract was entered into at Bethlehem the new Secretary of the Navy, Mr. Tracy, finding that the delivery of armor from Bethlehem did not keep pace with the needs of the Navy, or for some other reason—that was the ostensible excuse—without authority from Congress, entered into a contract of his own with the Carnegie Works at Pittsburgh, by which they were to receive the same price for the armor that Bethlehem was receiving, and he thereby hoped, as he explained, to bring about competition in the price of armor and have two plants instead of one, and thus enable the Government to obtain all the armor it might want in the construction of the new Navy at reduced prices after a while.

"The construction of the new Navy has gone on. It is getting to be rather respectable. It has cost us an enormous sum. Last winter, when the Venezuela war scare was on, the proposition came from the House to increase the Navy by four battleships. There was a struggle here to reduce it to two, but we compromised on three, as I foretold would be the case, because there are only three navy yards in this country that can construct such ships. Each one of them got a ship, and they, in collusion, agreed as to the price they would bid on those ships, and no doubt we are to-day paying a million dollars bonus or a million and a half dollars clear profit over and above a reasonable sum for their construction.

"But the question of armor to put on these ships was under investigation by the Naval Committee, and all we could do in this body as to the reduction that should be had was to put it off and forbid any contract being let out for armor plate until an investigation was had by the Secretary of the Navy. The Secretary of the Navy made that investigation. It is here. It is full and complete. The Naval Committee has had this matter under consideration during the whole year; we have paid more attention to it than any and all else before us; and notwithstanding our ignorance—and I confess we are still ignorant—we have learned enough to know that these two companies, instead of competing with each other in the manufacture of armor, are to-day in collusion and have formed a trust; that they fix the price absolutely, without any regard to justice, without any regard to the liberal manner in which the Government has treated them in the past, without any regard to the fact that the price they have received, amounting to about $15,000,000 for plates they have already manufactured, has paid them back fourfold for the expenditure they paid out, and that they have had large dividends on account of the investment besides.

"Mr. Herbert comes forward and makes a report based on the best information he can obtain as to the construction and cost of armor in Europe, and then he takes up the reports of the Carnegie Co. and the Bethlehem Co. He went to the auditor's office at Pittsburgh to find out the profits they had returned for taxation. He analyzed every bit of the information he obtained, and here are his conclusions:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50
Making	246
Or in round numbers	250
He then adds for profit 50 per cent, or	125
Making	375
And then adds for nickel to be furnished hereafter by the contractors	20
Making	395
Or in round numbers	400

"And that is the way the $400 figures have been reached. We have constructed these armor factories, we have given them to these people, we are asked to give them 50 per cent profit upon the reasonable cost of the manufacture, to give $10 extra as a bonus on guesswork, and reach $400 as the basis of the Naval Committee.

"I will say here that the reason why there is some ambiguity or a little latitude in the report of the committee as being somewhere between $300 and $400 was in order that the Naval Committee might come in here like a band of brethren upon a united report without any minority battle to be fought.

"The Senator from New Hampshire [Mr. Chandler], who has been largely instrumental in getting up this investigation, whose ability nobody questions, is here asking us to go back to $300 as a fair price, and here are his conclusions as to why that is enough.

"After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Cost of labor and material per ton	$168
Add for reforging	12
	180
Add for maintenance of plant	30
	210
33⅓ per cent profit	70
	280
Add for nickel	20
Making the price for armor	300

"Now, Mr. President, the proposition here is to limit this price to $300 or have the Government go into the manufacture of armor on its own account rather than submit to further imposition. Those who are accustomed to hold up their hands in horror at the idea of the Government going into business, who see the specter of the Subtreasury or the Government ownership of railroads in everything brought in here to take the trusts by the throat and cause them to relinquish their grasp upon the throats of the people say, 'Oh, no; we can not have the Government do anything on its own hook except to sit down here as the agent and tool of these corporations and trusts, wring from the people their hard earnings in taxes, and turn them over to these robbers.' That is the business we are engaged in. That is what we are here for, and that is why all of this discussion is being raised here as to the Government not going into business and buying or erecting a plant of its own for the purpose of making armor. How else are we to do under the law which requires us not to purchase abroad one bolt or one scintilla of material which goes into these ships, which limits us to home manufacture? How are we to break the grasp of this trust?

"The theory advanced in this body as we heard it discussed here in regard to the monopolies in the District of Columbia in

the matter of electric lighting and gas is that Congress can regulate monopolies here, hold them down and make them put their prices at whatever we please; that we can control monopolies. I say here that the evidence is overwhelming in this electric-light business and everything else that instead of our controlling monopolies, monopolies have the Senate in their breeches pockets.

"Mr. President, I grow so indignant when I trace the history of this iniquitous business that I am apt to say harsh words, but God knows I believe every utterance I have made here is true. I would hate to believe or even to insinuate that these people have their paid agents in this Chamber. I would hate to suppose or suspect——

"Mr. HAWLEY. Mr. President——

"The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

"Mr. HAWLEY. Does the Senator dare to say that, or even dare to insinuate it?

"The PRESIDING OFFICER. Does the Senator from South Carolina yield?

"Mr. TILLMAN. I dare say that, as far as I can see and understand the situation here. I can explain it upon no other ground except that there must be men here who are the agents of these trusts.

"Mr. HAWLEY. I say that is a disgraceful slander, unworthy of any gentleman.

"The PRESIDING OFFICER. The Senator from South Carolina will proceed.

"Mr. CULLOM. And in order.

"Mr. TILLMAN. I might say that none but the galled jade winces.

"Mr. HAWLEY. If the Senator applies that to me, I have a very sufficient answer.

"The PRESIDING OFFICER. The Senator from Connecticut must address the Chair and be recognized before he can interrupt a Senator on the floor.

"Mr. HAWLEY. I beg the pardon of the Chair.

"The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

"Mr. HAWLEY. If the Senator addresses any language of that kind to me, I have a sufficient answer.

"The PRESIDING OFFICER. The Senator must not proceed to speak until he is recognized by the Chair.

"Mr. HAWLEY. I accept the rebuke.

"Mr. TILLMAN. I said I would feel ashamed to even insinuate that there were men here who are so lost to their duties to the men who sent them here and to the States they represent as to be guilty of this, but I am bound to put two and two together. I am compelled, as an honest man, to speak what I believe to be true, and so help me God, unless this be true, then I can not explain it upon any other hypothesis.

"Mr. President, to go on with the question as to the Government going into business, who conducts this vast and complex machine of handling the mails, a business ramifying into the remotest corners of this country, covering every State and county and hamlet, a monopoly created by the Government and made self-sustaining almost in spite of the facts brought out here and notorious to everybody that everything else has gone down in the last 20 years except the compensation of these corporations for transporting the mails? The cost of manufacturing steel rails is one-half what it was 15 years ago, when these contracts were begun, or 10 years ago. Everything now, almost, is reduced by reason of the shrinkage in the volume of money; yet the Armor-Plate Trust, created by the money of the Government, acknowledged by the Secretary of the Navy to be a trust, is to have its hands thrust deep into the coffers of the Treasury, into the pockets of the people, and when I get up here and try to expose their iniquities and proclaim my belief that there is dishonesty in it—fraud, peculation—I am twitted. I do not want to say anything harsh. God knows I have got enough vitriol in me now, and I could let out a heap of it. I will try to go on with the question.

"On what do I base these charges? Here is the conclusion of the Secretary of the Navy, as to his belief that there is a trust in the manufacture of armor, which I will ask the Secretary to read.

"The PRESIDING OFFICER. The Secretary will read as indicated.

"The Secretary read as follows:

"During the debate in the Senate upon the armor question at the last session of Congress, one question discussed was whether there was an understanding or agreement among armor manufacturers throughout the world to keep up prices. This was one of the questions I inquired about upon my recent trip to England and France. If there be any such understanding it is of course impossible to prove it, unless some one of those to whom the secret has been confided should betray his trust. My impression is that there is and has been for some time at the least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression I find prevails abroad, certainly among some of the persons who have inquired into the subject.

"Without undertaking in any manner to justify such combinations, there are reasons that would naturally induce armor contractors to agree among themselves as to the prices to be charged to their own Government, and also with armor makers abroad as to the prices at which armor is to be furnished to countries which do not manufacture it.

"Mr. TILLMAN. Here we have the representative of the Government in the control of the Navy Department, the man charged last winter by this Congress with the duty of investigating this question, and who has done it fully and thoroughly, proclaiming his belief in a combination, and yet he has acted so liberally that after arriving at such a conclusion he allows them 50 per cent profit in order to make the price $400.

"What other business in this country, except that of those conducted by trusts and monopolies, now earns 50 per cent, or 30 per cent, or 20 per cent, or 10 per cent? Why are these millionaires to be given 50 per cent profit after we have created the factories and presented them to them? Why, I ask, unless, as I said, it be because they have their 'friends' in this Chamber?

"Mr. President, if the statement were made, the proof produced that the Treasury was to be looted to the amount of two or three million dollars in a transaction, and there was no doubt about it, and men got up here and said, 'We can not help it; we must let this go on; we can not have the Government go into competition in business; we have got a monopoly here, created by ourselves, two corporations in combination; they have the Government down; they have their hands in our pockets, and we can not help it,' what other conclusion can be reached but that we are sharing in the booty? Let me ask why we can not help it? We can help it if Senators will rise to a sense of their duty, will consider that the country is looking at us, and we are already considered a body disgraced by reason of our lack of ability to do business according to the dictates of Wall Street. We do not hurry up enough. We do not obey orders. The touch of the electric button between Wall Street and the Senate has been broken somehow in the last year or two on the financial issue; and the newspapers are turned loose on us like a pack of sleuthhounds to abuse and slander and misrepresent the Senate. If the Senate does this thing in the broad light of day, in the face of the facts produced by its own committee and by our Secretary of the Navy, how can we escape the condemnation of honest men as being the paid agents of these corporations?

"But there is another phase of this armor business that is even blacker than this. In 1894 a big complaint was made through the newspapers, a furor created as to frauds in armor plate. The charges were that the Carnegies were not complying with their contract even at the high price we were paying them, $650 a ton; that they were putting off on us spongy material, rotten material, untempered material, as armor plate at that price. The Naval Committee at the other end of the Capitol got a resolution through that body instructing its committee to investigate these questions. They sent for the manufacturers themselves. They did not go out in the highways and byways and look up this informer or that spy, and men who had been turned off by the company; but they sent for the superintendent and the manager of the Carnegie Works and the others connected with the manufacture of those plates and asked them questions, took their own admissions, brought in no other testimony except that which Carnegie's men themselves made; and what did they report? Here are the charges made against the company, which were admitted by the agents of the company who appeared as witnesses before the committee. I want the Secretary to read it.

"The PRESIDING OFFICER. The Secretary will read as requested.

"Mr. TILLMAN. Now, gentlemen, those of you who do not feel so thin-skinned, who know you are honest, who feel that you are the agents only of the people of the States which you represent, please listen.

"The Secretary read as follows:

"THE CHARGES AGAINST THE COMPANY.

"[CONGRESSIONAL RECORD, Aug. 23, 1894, p. 8638.]

"First. The plates did not receive the uniform treatment required by the specifications of the contracts. In many cases the treatment was irregular, and in other cases it was practically inefficient. The specifications of the contract of February 28, 1893, required that each plate should be annealed, oil tempered, and again annealed, the last process being an annealing one.

"Second. False reports of the treatment of the plates were systematically made by the Government inspectors. This was in violation of paragraph 95 of the circular concerning armor-plate appurtenances, dated January 16, 1893, which was made a part of the contract. Paragraph 95 says:

"'The contractor shall state for each article in writing the exact treatment it has received.'

"The specifications of the contract of November 20, 1890, paragraph 164, say:

"'A written statement of work and contractor's tests to be commenced and in progress each day must be furnished to the chief inspector.'

"Third. No bolts received the double treatment provided for in the specifications of either contract. A report of a double treatment, however, was made to the Government inspectors.

"Fourth. Specimens taken from the plates both before and after treatment to ascertain the tensile strength of each plate were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength when actually tested.

"Fifth. False specimens taken from other plates were substituted for the specimens selected by the Government inspectors.

"Sixth. The testing machine was repeatedly manipulated by order of the superintendent of the armor-plate mill so as to increase the apparent tensile strength of the specimens. These specimens were juggled in measurement so as to increase their apparent ductility.

"Seventh. Various specimens selected by the Government inspectors were re-treated without their knowledge before they were submitted to test.

"Eighth. Plates selected by the Government inspectors for ballistic test were re-treated with the intention of improving their ballistic resistance without the knowledge of the Government inspectors. In one case at least the conclusion is almost irresistible that the bottom of another plate was substituted for the top half of plate A 619, after it had been selected by the Government and while awaiting shipment to Indian Head. Upon this ballistic test a group of plates containing 348 tons, valued at about $180,000, were to be accepted or rejected. In three cases, at least, the plates selected by the Government inspectors were re-treated in this manner without their knowledge. These ballistic plates represented 779 tons of armor, valued at over $410,000. The groups represented by these three plates had all been submitted for premium of $30 per ton if they passed a more severe test than required for acceptance.

"Ninth. In violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defects concealed from the Government inspectors. These cavities, in some cases, diminished the resistance and value of the plate.

"Tenth. The inspector's stamp was either duplicated or stolen, and used without the knowledge of the Government inspectors.

"Eleventh. The Government inspector in inspecting bolts was deceived by means of false templets or gauges.

"Mr. TILLMAN. Mr. President, those were the charges, and the testimony is there to show that every word of them was admitted and confessed before a committee of the House of Representatives, and that House, without a division—because even the Republicans over there dared not face their constituents for reelection and fight the investigation—passed a resolution to have certain plates taken off the vessels of the Navy and have them put through the necessary test to show the frauds and prove them. Mr. Carnegie was fined by the Secretary of the Navy and, by some hocus-pocus, this glorious President of ours, who, God be thanked, goes out of power in two days from now, remitted that fine. The thieves were caught; they confessed that they had robbed the Government; the House of Representatives sent to you a resolution to have certain plates tested upon your new Navy to prove the frauds which had been practiced upon the Government.

"That resolution came over here and went to sleep and died without action, and Mr. Carnegie sports his steam yacht and floats back to Scotland to his game preserve, and writes gold-bug literature to tell the American people how they ought to behave themselves. He can come to Congress and come to the President, and get such recognition as he has had. Why should he not sport steam yachts and live in palaces? Why not? He can conduct private business; yes; oh, yes; but we can not. We can not compete with him, because there is too much red tape here, too much eight-hour law, too much this, too much that, too much tother created here by political influences to stop the wheels of an honest administration and to rob the people and make millionaires at the expense of the paupers, who are growing more and more numerous every day. Then, when I get up here and bring these facts to the attention of the Senate and ask the Senators if they do not propose to convict themselves in the eyes of the people of being in collusion with these men, of being only their greedy and paid agents, a Senator gets up here with his thin skin and undertakes to twit me with being insulting and slanderous!

"Why was not that resolution passed here and those plates taken off? Why? Why? Here is a list of the ships of our new Navy—our boasted new Navy, the one we love so, and that we pet so. This is only a partial list of the ships the plates on which were confessed to have been plugged up, or not tempered, or some other thing which would weaken them and make them worthless, and not according to contract.

"Four on the *Monterey*, six on the *Monadnock*, eight on the *New York*, four on the *Amphitrite*, three on the *Terror*, three on the *Oregon*, three on the *Olympia*, six on the *Indiana*, four on the *Massachusetts*, and so on.

"You were asked to cooperate with the House and to have those plates taken off and tested before the Government paid for them, and you would not do it. Why did you not do it? [A pause.] Do not everybody answer at once [laughter], especially you people who think I am slandering the Senate. Why did you not do it?

"If we get into a war with Spain or anybody else and those ships of ours go out to meet an honestly constructed vessel of equal strength, a shot from one of those vessels plunging through one of these spongy plates which have been plugged up would send our American vessel with 600 or 800 men to the bottom of the sea by the frauds perpetrated by these pets of the Senate. Then what will your responsibility be?

"Now, are you ready to continue these monopolists in their grab game of looting the Treasury at will? You can only help it by authorizing the construction of a plant which will make armor for the Government in case these monopolists will not submit to a decent price. Our committee tells you that $300 will allow them 33 per cent profit, while the Secretary of the Navy, in order to reach $400, has to give them 50 per cent profit and $10 a ton bonus.

"Why should you not reduce the price to $300 and say, 'Now, you robber rascals, if you do not come here and take this work at a reasonable price, we will make it ourselves, even if it costs $500 or $800 a ton.' We would at least have then the satisfaction that the money that is spent would go to the common laborers and mechanics, the 'men in blouses,' who are going into the ditch with my friend from Pennsylvania [Mr. Quay], or, I believe, he is to go into the ditch with them. [Laughter.] Now, my friend, if you do not vote to fix the price at $300, we will know that you do not mean to go with them.

"The eight-hour law and the red tape in connection with Government administration in conducting its own affairs is such that it costs the Government more. But let us distribute the benefit among the masses and not concentrate it upon these two pets, the Carnegie Co. and the people at Bethlehem, who have had a rich, rich, rich reward for their 'patriotism' 10 years ago in going into the manufacture of armor so that Americans could have a navy constructed by Americans out of American material. You are face to face with it, gentlemen; you can not dodge it. That is the situation.

"This committee comes here and says that these frauds were perpetrated, and they proved it by the admissions of Carnegie, and you did nothing about it, and would not even investigate. Carnegie was fined, but the fine was remitted. The two plants were in collusion, and the Secretary of the Navy said so before the committee, and I as an humble member of that committee directed all the inquiries I put to them to bring out the fact that they to-day are practically one corporation. They did not deny it. That is the situation. You can not help yourselves from taking whatever they offer, unless you do now allow the Government to make its own plant. I would not say buy any plant, because there are only two for sale—they are the only two in the country—and we open the doors to buy what we paid for to these people, and we were asked to give them two dollars for every one the plant cost.

"They have got it; they have got the title; and now you say 'We will buy it.' I would rather build a new one. Any honest man who resents robbery and rascality and stealing would rather build a new one than let these thieves have their own way. I would sooner see them become useless if the Government enters into the manufacture. That is my position. I am not afraid to get up here and say what I think and what I believe when you give me facts like these to base my belief on. Nobody from Connecticut or anywhere else is going to terrorize me. I am not thin skinned. I am not afraid of being accused of stealing if I did vote for the subsidy for the Southern mail last night. You men who have been here so long, who are so friendly, so loving and kind in your consideration toward the great wealthy combinations—you are the men who have to face the alternative of voting for a decent reduction in the price of armor and giving us a way out by allowing us to construct a plant if these people will not come down to a decent rate; you have got to vote one way or the other.

"You have voted for these people in the past without regard to public opinion, and I dare say you will vote that way to-night. The old guard never surrenders. But there is a young man in the Senate from West Virginia, a weakling, a suckling, like myself, who feels his inability here to get in touch with the business of the Senate, and sits here and sees things ground out; and you get up and quarrel like schoolboys or like geese over some little pitiable $10,000 or $5,000 or $3,000 proposition, and you slide through these millions like greased lightning [laughter]; you do not even discuss them; you do not even ventilate them. Here is one that the Naval Committee brings to your attention. We prove these charges; we prove not only that they are robbing the Government, but that they are practicing fraud upon the Government in the manufacture of armor, and they have not been punished for it. Will you stop it, or will you not? Will you allow the Government to go into the business of manu-

facturing armor if the Government must pay these people twice what the armor is worth?

"I went down to Bethlehem. I followed that thing through from the ore at the beginning to the finished plate at the end. I saw how many men were at work; I saw the machinery; I saw the entire output and how it was handled; and I do not believe it costs $200 a ton to make it. I am ready to take an oath to that, and others of the committee think so, too.

"But the Naval Committee tries to be harmonious. We come here with what we think is a reasonable proposition, a liberal proposition, to give these people $300 a ton, and it is left for the Senate to decide now whether we shall reduce the price to $300 or will allow the Government a way out by giving it an opportunity to make its own armor if it can not buy it at that price.

"Mr. President, I have only to say in conclusion that I would be glad if somebody would ask some question about this, for I have probably forgotten some points about it.

"Mr. STEWART. I would ask the Senator the cost of the same kind of armor in other countries?

"Mr. TILLMAN. We found out that all the armor manufacturers in the world are in the same combination that these two American concerns are—the Creusot people in France, the German manufacturers, and the English are all together, each robbing their own Government all in a pile. So that if you go abroad you will only get on the other prong of the fork. You do not want to go abroad. I would rather pay the American workmen $10 a day for six hours' work, and let this money be distributed among the masses, than allow it to go into the pockets of the combination here. Let us do the Government business through Government agencies, and then these combinations against the Government will be in vain.

"(To Mr. Quay, who had risen.) Now I am ready for the Senator, who is the blouse Senator. [Laughter.] I am afraid he is not with the workingman. I know how he is going to vote.

"Mr. QUAY. There is no difficulty about the way I am going to cast my vote on this question; but I merely desire to ask the Senator from South Carolina whether I understood him to say that this amendment, proposing to limit the cost to $300, comes from the Naval Committee and is offered by the authority of that committee?

"Mr. TILLMAN. It comes in this way. The Senator from New Hampshire and all of the committee, except four, were in favor of fixing the limit at $300, but out of consideration for the other members of the committee, and with a desire, as we thought, to be reasonable and to get some action—mind you, we have got to run the gantlet of the House, and everybody knows how the trusts are fortified in that end of the Capitol at this time, with the gag law in full force and effect, with every man manacled and unable to obtain the eye of the Speaker or get a chance to say a word, unless he crawl around on his belly like a worm—for a free American Representative in Congress has got to crawl around like a whipped cur to obtain recognition. You can not do anything over there; and unless the Senate rises to its duty and protects the people, then the steal goes on. The majority of the committee are in favor of $300 a ton.

"Mr. QUAY. But they did not direct this amendment to be offered on the floor of the Senate.

"Mr. TILLMAN. We did not direct it.

"Mr. QUAY. That is all I want to know.

"Mr. TILLMAN. We did not direct it, because we knew that we had to pass the gantlet of the great moguls of the Appropriations Committee, and we proposed to come in here, where we would have a better chance, and ask you gentlemen to give us some consideration. Let the Naval Committee take charge of the Navy, instead of you gentlemen of the Committee on Appropriations managing it, because we do know more about it than you do, although you are all-wise and have been here long enough to have wisdom die with you whenever you go out of here. [Laughter.]"

THE LOUISIANA PURCHASE (S. DOC. NO. 46).

Mr. MARTIN of Virginia. At the dedication of the Jefferson Memorial Building at St. Louis, Mo., on the 30th day of April, 1913, the principal address was delivered by Prof. William M. Thornton, of the University of Virginia. The occasion was a historical one, and the address is of such merit that I ask unanimous consent that it be printed as a Senate document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

ALLEGED COTTON POOL.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a previous day.

The SECRETARY. Senate resolution 91, by Mr. SMITH of South Carolina:

Resolved, That the Secretary of Commerce be, and he is hereby, directed to inquire fully as to the names of the party or parties or corporations that sold the cotton alleged to have been bought in the year 1910 by a pool of purchasers, who are now under indictment by the Department of Justice, and at what prices these parties sold this cotton to the alleged pool, and whether or not the parties selling this cotton owned the cotton at the time of the sale thereof, and the price of spot cotton in the markets of this country on the date of the making of these contracts or the sale of these contracts for this cotton, and to report the same at the earliest possible moment to the Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. CLARK of Wyoming. Mr. President, I objected to the consideration of this resolution yesterday and asked that it should go over. As a matter of fact, I wanted to examine the resolution and wanted to examine the opinion from the Attorney General's office which the Senator from South Carolina afterwards produced and incorporated in the RECORD.

The opinion from the Attorney General's office thoroughly confirms me in the view which I expressed upon the floor of the Senate. Nowhere in that opinion does the Attorney General say or indicate that the Department of Justice is not fully qualified and equipped to make any investigation which it chooses as laying the foundation for future action. The resolution does not appear to provide for securing information to lay the foundation for future action. It calls upon the Secretary of Commerce to give information to the Senate for its action, I suppose, which action can be only in the way of legislation.

While it occurs to me that the Senate in seeking information should use its own agencies, I do not propose to object to the consideration of the resolution or to oppose its adoption.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

THE TARIFF.

Mr. LIPPITT. Mr. President, I see that the chairman of the Finance Committee is present in the Senate. I should like to ask him what action, if any, his committee has taken in regard to the matter of making public the testimony that is being presented here before various subcommittees in connection with the proposed tariff legislation. I understood his committee was to consider that matter some day last week. I have not personally been informed of any results that may or may not have been obtained. I should be glad to know the result of their consideration.

Mr. SIMMONS. Mr. President, at the meeting of the committee last week a resolution was adopted, and I think the papers carried the substance of the resolution, providing that all briefs upon the tariff which had been filed or which might be filed and which were not already printed as a part of the hearings before the Ways and Means Committee of the House should be printed. There are a great many of these briefs, and it took two or three or probably more men some little time to classify them. They were thrown together without much reference to the subjects to which they related. Those gentlemen have finished their work as to the briefs that have been filed up to this time, and the briefs are in the hands of the printer to be printed. I can not tell the Senator when they will be ready for delivery, but I should imagine very likely to-morrow.

Mr. LIPPITT. I am very glad to hear that the committee have taken comparatively prompt action in regard to this matter. The course the committee seemed disposed to take when this matter was first brought up had rather created in my mind the idea that perhaps they would decide not to make this information public.

Mr. SIMMONS. If the Senator will pardon me, I do not understand why he should make that statement. On the occasion of his first reference to this matter in the Senate Chamber I stated to him that I should bring the matter to the attention of the committee and that I myself was in favor of the publication of all these briefs that had not already been published, and I was satisfied that there would be no objection on the part of the committee. The Senator has referred to the matter several times since then, and every time he has referred to it I have made substantially the same statement with reference to it. At this date, in view of what has transpired here, I do not see why the Senator should throw any doubt upon the purpose of the committee with reference to this matter.

Mr. LIPPITT. Mr. President, the only reason I threw any doubt upon it was that it has taken about two weeks of consideration to bring the matter to the present point. I never could understand why there was any hesitation on the part of the committee, or the chairman of the committee, or any member of

it, or any Member on that side of the Chamber, about making all these matters public. Another reason why I was in doubt about it was because one of the most competent members of the committee, the junior Senator from Georgia [Mr. SMITH], argued here upon the floor that he thought it was not advisable that this information should be made public. I do not attempt to quote him exactly, but that was the gist of his argument as I remember it from listening to it.

Certainly there is no doubt but that this matter has been treated in rather a dilatory way. In addition to that there have been repeated attempts to intimidate the people who are coming down here to offer testimony, threats to have them "hung as high as Haman," threats that there is a million dollars to be used to investigate the actions of men who may express their opinions in regard to these matters; and now, no later than this morning, a publication in the daily papers applying opprobrious terms to the great experts of this country who are coming down here day by day to give the information that they, and they alone, possess in regard to the conduct of all the multifarious business of this country. It seems to me almost like an organized attempt to suppress and stifle the information that Congress ought to have for the proper consideration of this bill. It is for those reasons that I am trying to have this action taken promptly and effectively and completely, and I think I have good reason for it.

Mr. SIMMONS. Mr. President, I do not recall that the Senator from Georgia [Mr. SMITH], who is not in the Chamber, a member of the Committee on Finance, has ever given utterance to the views that the Senator attributes to him. I think I have heard substantially everything the Senator from Georgia has said upon this subject. I do not think he has ever said that he thought it was unwise to publish these briefs. I do not think any member of the committee has ever entertained any such sentiment as that. The Senator upon my left [Mr. JAMES] reminds me that he voted in favor of their publication when the question was before the committee.

I want to say to the Senate, once for all, with reference to these briefs, that from the very beginning of this session, when gentlemen interested in these tariff hearings came to see me pressing for hearings, I suggested to them that I did not think there was any necessity for further oral hearings such as had been had before the Ways and Means Committee, but that I thought if there was anything that representatives of any industry desired to say in addition to what they had already said it could be said in a way that was more likely to receive consideration from the committee, through briefs, than by these oral hearings.

I explained in full my experience with oral hearings, and expressed my opinion that they were not nearly so satisfactory to the Senators as well-considered briefs and did not contribute toward informing the Senate to nearly the same extent. I said to each of them: "As a substitute for hearings I think the plan I shall suggest to the committee will be that when these briefs are all in we will carefully classify them, carefully index them, and have them all printed in one volume of moderate size; and in my judgment a book of briefs properly indexed will be more likely to be read by the Senators than these long, drawn-out hearings, full of irrelevant and immaterial matter, requiring so much time on the part of Senators to obtain a minimum of information."

So I want to say to the Senator that in the very beginning, before any suggestion had been made as to the printing of briefs, I had outlined to various gentlemen who had come here to discuss these matters with me this plan of printing the briefs for the use of the Senate.

Now, the Senator says we have delayed in the matter. Why, Mr. President, what he calls delay was merely waiting in order that everybody who desired to do so might have an opportunity to present briefs, so that they might all be published at the same time and in one volume. The Senator became anxious about the matter of printing, however, and pressed it, and I assured him I would take it up at once. The result is that we will have to have two books. The briefs that are in now will be printed. We are expecting other briefs. We are expecting answers to some questions that have been sent out. As soon as those come in I assure the Senator that we will have printed the additional briefs and the answers to these questions in whatever form they may come, whether they are in the nature of briefs or statements or testimony or depositions.

I do not think Senators on the other side have any idea that it is our purpose to conceal anything or to withhold from the Senate the fullest measure of information. Certainly, if they have any such opinion as that, it is not warranted by anything that has happened. We were simply proceeding in an orderly manner.

With reference to what the Senator has said about the manner in which representatives of these industries have been treated who have come down here for the purpose of conferring with members of the Finance Committee, or appearing before subcommittees, I want to say to the Senator that I have heard no complaint on the part of gentlemen who have come here as to the treatment they have received either from the hands of the individual members of the committee or from the subcommittees. I do not think gentlemen who have come to this Capitol on similar missions have ever been treated more courteously and more considerately than these gentlemen are being treated by the majority members of the committee and by the subcommittees. If the Senator knows or can state to the Senate any individual complaint of lack of courteous treatment or lack of opportunity of these gentlemen to confer when they have desired to do so, I should be glad to have him state it. I want to say to him frankly that if there has been anything of that sort it has not come to my knowledge.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. I do.

Mr. LIPPITT. I scarcely know why the Senator from North Carolina asked me that question, because I have not in the slightest degree, or at any time, intimated that he or his committee had not given hearings.

Mr. SIMMONS. Then I wholly misunderstood what the Senator said a few minutes ago. He did not mean that, then.

Mr. LIPPITT. On the contrary, I took occasion here a few days ago to state that I thought the committee, as far as was within their power and at the expenditure of a great deal of personal effort and time, had been giving these hearings. What I objected to was the fact that the result of those hearings was not made available to the Members of this body and to the country, and that the important information that was being filed there from day to day, and that was being poured into the ears of the members of these subcommittees verbally from day to day, was being almost wasted, although much of it had been prepared with great trouble and great care and great skill by the only people in the entire world who know the facts.

MIDSHIPMEN AT THE UNITED STATES NAVAL ACADEMY.

Mr. SWANSON. Mr. President, I ask unanimous consent to take up a measure which is of very great general importance in connection with the appointment of naval cadets.

On the 30th of June of this year the privilege of appointing two cadets to the Naval Academy by Senators and Representatives will expire, and the Navy Department thinks it is very important that we shall get through at this special session of Congress legislation continuing that privilege. Consequently I ask unanimous consent that we take up for immediate consideration Senate bill 2272.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I call attention to the fact that we have a unanimous-consent agreement that upon the completion of the routine morning business the Senate will proceed to the consideration of Senate resolution No. 37, authorizing the appointment of a committee to make an investigation of conditions in the Paint Creek district, West Virginia.

Mr. OWEN. Mr. President, we can not hear what the Senator says on this side.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. SWANSON. The matter will take only a few minutes.

Mr. SMOOT. We can not do it under the unanimous-consent agreement. It says that we will take up the matter immediately upon the conclusion of the routine morning business.

Mr. LODGE. Mr. President, I appreciate the recognition, but it is entirely vain.

I was going to say to the Senator from Virginia that I sincerely hope there will be no objection to the bill which he proposes to take up. It was intended to put that clause in the last naval appropriation bill. It was a mere accident that it was not included in the bill. It is absolutely necessary, in order to keep up the appointments at the academy, that this bill should be passed.

Mr. SMOOT. The only reason I objected was because of the unanimous-consent agreement.

Mr. KERN. Senators on this side of the Chamber were unable to hear a word said by the Senator from Utah. We have no sort of idea as to what the subject of discussion was.

Mr. SMOOT. The Senator from Virginia [Mr. SWANSON] asked unanimous consent for the present consideration of a Senate bill. I called attention to the fact that there was a

unanimous-consent agreement entered into yesterday, and that agreement was that upon the completion of the routine morning business to-day the Senate would proceed with the consideration of a Senate resolution; and under the rules I did not see how we could, by unanimous consent, take up the bill and consider it, in the face of the agreement yesterday.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate resolution 37.

The Senate resumed the consideration of Senate resolution 37, authorizing an investigation of conditions in the Paint Creek district, West Virginia, reported from the Committee on Education and Labor with an amendment in the nature of a substitute.

The VICE PRESIDENT. The question is on the amendment in the nature of a substitute reported by the Committee on Education and Labor, on which the yeas and nays have been ordered.

Mr. SUTHERLAND. Mr. President, I intend to vote for this resolution, and I want in a very few words to give my reasons for that vote.

The question which is presented by the resolution is one of far-reaching importance. With what the Senator from Georgia [Mr. BACON] had to say on this subject yesterday afternoon I, in very large measure, sympathize. I think it is an exceedingly delicate matter to undertake to investigate the proceedings of the officials of a State—the governor, the courts, or the legislature—and yet I conceive it to be the duty of Congress, under some circumstances, to do that very thing.

I think that the order which was issued by the governor in these proceedings, the appointment of the military commission to try cases under the civil law, their action in trying individual citizens and sentencing them to terms in the State prison were violative not only of the constitutional guaranties contained in the constitution of West Virginia but of the fourteenth amendment contained in the Federal Constitution and destructive of the most important principles which lie at the foundation of free government.

I understand that when a military government has been established the commander in chief of the army may appoint a military commission, which military commission may be empowered to try not only cases of violations of military law but cases of violations of law generally. But I understand that that applies only where the army is in the enemy's country and where either the courts of the enemy's country have been closed or are incapable of action, or it is perfectly manifest that they are so out of sympathy with the forces that are for the time being in control that they ought not to be permitted to administer the law.

I do not understand that that can ever be the case in a State of this Union. I do not believe that it is competent under any circumstances to declare martial law in the way in which martial law was declared in the State of West Virginia, namely, that not only the military forces of the State were called out to suppress disorder and to apprehend persons who had been guilty of violating the law, but to supplant the courts of the State in the trial and conviction of the offenders.

As far back as the year 1322 such a proceeding on the part of the English military authorities was declared to be wholly unwarranted. It was one of the things which was declared against in the Petition of Right under the first Charles. I read very briefly what is said upon that subject in McGehee on Due Process of Law, at page 13:

> The formation of the Petition of Right in the Commons, under the leadership of Sir Edward Coke, was the result, and that great constitutional document became a statute of the realm by the grudging assent of the King. This instrument recites various guaranties of the rights of the subject and acts of the King declared to be in violation thereof, which show the meaning given to the guaranties. Chapter 29 of the Magna Charta of 9 Henry III, and statutes 28, Edward III, chapter 3 (where the words "due process of law" are used), are recited and declared to be violated by imprisonment of subjects "without any cause showed," "but that they were detained by your Majesty's special command, signified by the lords of your privy council"; statutes 25, Edward III, chapter 4, is given, and declared to be infringed by commissions authorizing trial by martial law. The construction thus put upon these acts is confirmed for the future by the King's assent to the prayer "that no freeman in any such manner as is before mentioned be imprisoned or detained, * * * and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by color of them any of your majesty's subjects be destroyed or put to death contrary to the laws and franchises of the realm."

To that declaration of the Petition of Right the reluctant assent of the King of England was given.

In the case of the Earl of Lancaster, during the rebellion of 1322, after he had been tried by court-martial and executed under the sentence of that tribunal, the Parliament declared as follows:

> 1. That in time of peace no man ought to be adjudged to death for treason or any other offense without being arraigned and put to answer.
> 2. That regularly, when the King's courts are open, it is a time of peace in judgment of law.
> 3. That no man ought to be sentenced to death by the record of the King without his legal trial per pares.

That has been the law of England since that day. It was the law of England when we borrowed the common law and when we adopted the Constitution.

I have no doubt that the spirit of this rule, which was embodied in the Petition of Right and before that in Magna Charta, was covered and intended to be covered first by the fifth amendment to the Constitution and later along by the use of the same words with reference to due process of law in the fourteenth amendment.

This question has arisen in the United States from time to time. In Shay's rebellion, which was referred to here the other day and which occurred, as I recall, in 1787, Gov. Bowdoin's order to Gen. Lincoln contained this clause:

> Consider yourself in all your military offensive operations constantly as under the direction of the civil officers, save where any armed force shall appear to oppose your marching to execute these orders.

Again, in the Pennsylvania disturbances of 1793, the Secretary of War stated:

> The object of the expedition was to assist the marshal of the district to make prisoners.

And President Washington, who, as we know, marched at the head of the troops, declared:

> The Army should not consider themselves as judges or executioners of the law, but only as employed to support the proper authorities in the execution of the laws.

In the history of the United States, so far as I have been able to investigate the question, I have been unable to find a parallel for the order which was issued in these proceedings. Let me read what was said by the governor of West Virginia in his military order, for the purpose of contrasting it with the various orders and pronouncements to which I have just called attention. It is dated—

> GENERAL ORDERS, NO. 23.
>
> STATE CAPITOL,
> *Charleston, November 16, 1912.*
>
> The following is published for the guidance of the military commission, organized under General Orders, No. 22, of this office, dated November 16, 1912:
> 1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

Now, let it be remembered, Mr. President, that this order was issued at a time when it is conceded the courts having jurisdiction of these various offenses were open and competent to try them. It was as easy for the military authorities to take these individuals who had been apprehended before the regularly organized courts of the State for trial and punishment as it was to try them before this military commission and then take them after sentence to the prisons of the State.

Not only is this military commission substituted for the courts of the State and given jurisdiction over these various offenses, but by this order the will of the military commission is substituted for the laws of the State. When a military government has been established and a military commission organized to try cases in a condition of war, it is true that the will of the military commander becomes supreme. As was stated in the Milligan case by the counsel for the Government:

> The officer executing martial law is at the same time supreme legislator, supreme judge, and supreme executive.

Could it ever have been contemplated under a scheme of constitutional government such as ours that in a State of this Union there could ever exist circumstances which would make the executive officer of the State the supreme legislator, the supreme judge, and the supreme executive? Yet that is what this order in effect does. As I have said, it not only puts this military commission in the place of the courts and substitutes their operations for the operations of the courts, but it puts the will, the arbitrary will, it may be, of the commission in the place of the laws of the land, because the order provides:

> And as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

If I have understood the genius of our institutions, it is that its very corner stone is that this is to be a government of laws as distinguished from a government of men, and whenever a situation such as I have described is tolerated immediately the laws are submerged and the government of men becomes the controlling thing.

This military commission was authorized to impose sentences either lighter or heavier than those imposed by the civil law. For a mere misdemeanor, for which there is a punishment of three months in a county jail, they might under this order imprison a man for life in the State prison.

I understand that in these very proceedings two of these men who were convicted were guilty of misdemeanors, the extreme punishment for which would have been confinement for one year, and yet they were sentenced to imprisonment for five years by the military commission. But this order goes further:

2. Cognizances of offenses against the civil law as they existed prior to November 15, 1912, committed prior to the declaration of martial law and unpunished, will be taken by the military commission.

The effect of that is that if a bank cashier within that district of country which was made subject to the order had been guilty of embezzlement two years preceding this disturbance and still remained unpunished he could have been brought before this military commission and tried and convicted and sentenced for life if the commission so willed.

3. Persons sentenced to imprisonments will be confined in the penitentiary at Moundsville, W. Va.

By command of the governor:

C. D. ELLIOTT, *Adjutant General.*

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. I do.

Mr. REED. I wanted to ask the Senator if he really thinks it would make any difference whether the bank cashier had been previously tried and convicted and punished when a board was organized outside of the Constitution and proceeding with no law to govern it except the will of the commander in chief? Does not the organization of such a board set aside the constitutional guaranty which provides that a man shall not be placed twice in jeopardy? Could a man with success plead before such a board a prior conviction or acquittal, and if so, what rule would there be to compel the board to pay any attention to the plea?

Mr. SUTHERLAND. There is no rule that would compel the tribunal to pay any attention to any defense so far as that is concerned, but if he had been punished prior to the issuance of this order he would not come within the terms of it, because it provides that cognizance of offenses against the civil law committed prior to the declaration of martial law and unpunished would be taken by the military commission.

Mr. President, as I have said, I think that the action of the governor in appointing this commission and the action of the commission itself after their appointment constitutes a violation of the provisions of the fourteenth amendment, which reads:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

As I understand that provision of the Constitution, it means that, so far as life and liberty are concerned, whatever may be the case with property, no man can be deprived of them except by judicial action; that no man can be deprived of life or liberty in a State of this Union except by the orderly processes of the courts.

The Supreme Court of the United States, in One hundred and eleventh United States, page 708, distinguishes between the three things which are enumerated in the amendment in this language:

The appellant contends that this fundamental principle was violated in the assessment of his property inasmuch as it was made without notice to him or without his being afforded any opportunity to be heard respecting it, the law authorizing it containing no provision for such notice or hearing. His contention is that notice and opportunity to be heard are essential to render any proceeding due process of law which may lead to the deprivation of life, liberty, or property.

And the court says:

Undoubtedly, where life and liberty are involved, due process requires that there be a regular course of judicial proceedings, which imply that the party to be affected shall have notice and an opportunity to be heard; so, also, where title or possession of property is involved.

So it seems to me that we are presented here with a case involving a very grave violation of the fourteenth amendment upon the part of the officials of this State.

The Senator from Georgia, however, says that while he concedes the violation of the constitutional guaranty, that the remedy is ample, so far as these individuals are concerned, in the courts, and Congress has no function to perform in connection with the matter. I quite agree with the Senator that so far as these individuals are concerned Congress has no functions to perform. It can render no judgment in their cases. It can not order their release from prison. They have a remedy by taking their case, upon writ of error, to the Supreme Court of the United States; and the Supreme Court of the United States, if it finds them deprived of their liberty without due process of law within the meaning of the fourteenth amendment, will, of course, discharge them. But it does not follow that because the Congress can do nothing so far as these individual cases are concerned it has no function to perform in this matter. The fourteenth amendment provides further:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Therefore Congress, by the affirmative language of the fourteenth amendment, is charged with some duty in respect to these provisions of the amendment. Congress may enforce the provisions of the fourteenth amendment, including the guaranty of due process of law, by appropriate legislation; and if Congress has the power to enact appropriate legislation to carry a provision of the fourteenth amendment into operation, it certainly has the power to inquire into suggested violations of the fourteenth amendment in order that it may know what legislation to adopt.

I do not know, none of us know, what particular legislation might follow after a full inquiry into this matter; perhaps none whatever; but certainly it will be competent for Congress to gather the information, and then determine whether or not the laws of the United States need strengthening, and whether or not in this class of deprivations by denial of due process of law of the rights of the citizen we should not provide some other remedy, some more speedy remedy, than that which to-day exists; whether or not we should not provide for an immediate application to the Circuit Court of the United States, instead of the roundabout method of permitting the case to go through the State courts, and then to the Supreme Court of the United States, and perhaps other remedies may be suggested after the facts shall have been gathered.

Mr. President, I have said all that I desire to say in regard to this subject, and I should not have said anything at all had it not been for the suggestion here that Congress has no function in the matter, and that it is an idle performance on the part of the Senate to make this inquiry. I think the inquiry ought to be made, and I think we ought to ascertain the facts. It is significant——

Mr. BRYAN. Mr. President——

Mr. SUTHERLAND. If the Senator will pardon me just a moment. It is significant that in the Constitution there are only three amendments where provision is specifically made that Congress shall have power to enforce their provisions by appropriate legislation, indicating to my mind that in the preparation of those amendments it was deliberately considered that Congress would have some affirmative duty to perform in the matter of their enforcement. These three amendments are the thirteenth, the fourteenth, and the fifteenth.

I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, I desire to ask the Senator from Utah a question. I first wish to state to him, however, that I have followed his argument with a great deal of interest; and, as I understand, his remarks have been addressed to the fourth subdivision of the resolution. The question I desire to ask the Senator is, if he believes any investigation can establish more than the admitted facts in the decision of the Supreme Court of West Virginia? Does it not occur to the Senator that it is quite reasonable that in the writ of habeas corpus the party discharged from custody by the military commission would state his case as strongly as it could be stated, and that from the statement of his case by himself Congress would be placed in possession of the facts without an inquiry into the action of the courts of West Virginia, just as effectually as would be obtained by an investigating committee of the Senate? Can the Senator imagine that the petitioner did not place before the Supreme Court of West Virginia his case in as strong a light and as favorable to himself as any investigating committee may find by making a dragnet inquiry around the coal fields of West Virginia?

Mr. SUTHERLAND. Mr. President, so far as the individuals who are parties to the habeas corpus proceedings are concerned, the Senator from Florida is probably correct.

Mr. BRYAN. Well——

Mr. SUTHERLAND. Just a moment. In all probability we have all the facts we could ever get with reference to their cases, but we do not know as to other cases; we do not know as to the general conduct of this military commission in this disturbed area; and other charges were made, as I understand. So it seems to me that we ought to make a full investigation of the whole subject.

Mr. BRYAN. But I call the Senator's attention to the fact that while the facts may be different, and different cases may be presented, they all present the proposition as to whether or not the section of the fourteenth amendment to the Constitu-

tion to which the Senator refers is being violated; and if so, if there is any legislation Congress can pass, it does seem to me that we are sufficiently in possession of that information to legislate without questioning the good faith of the courts of West Virginia or assuming to go to meddling with the affairs of sovereign States.

Mr. SUTHERLAND. The Senator from Florida may think he has sufficient information upon which to act; I do not. I think that this is a very grave matter, and that before Congress undertakes to do anything upon the subject it ought to investigate it fully.

Mr. BRYAN. Mr. President, I do not understand there is any difference of opinion between the Senator from Georgia and the Senator from Utah as to the law. As the Senator from Georgia contends, and maintains with much force, no military commission has the power to sentence men while the courts of the land are open. We understand thoroughly and fully and completely now, as much as we shall after this matter shall have been investigated, that the Supreme Court of West Virginia takes the opposite view. It seems to me, therefore, we are in possession of facts sufficient to legislate with reference to the matter without investigating that particular branch of it. If any of these laws are being violated, if access is prohibited to the post offices, or if the immigration law is being violated or the antitrust law is being violated, I can well see that it would be proper for a committee of this Congress or of the Senate to go and possess itself of the facts; but you by this resolution undertake to say that we shall investigate the administration of the law by the courts of West Virginia, when you know of the holding of the courts of West Virginia, when you know the facts upon which those courts acted as well now as you will then.

Mr. REED. Mr. President, it has been strenuously urged that if the Senate institutes an inquiry to ascertain whether citizens of the United States have been imprisoned in West Virginia without trial by any court of law the Senate by such investigation invades the rights of a sovereign State. I do not agree with that doctrine. I recognize the fact that the rights of sovereign States should not be impaired or disregarded. But I insist that if a citizen of the United States is deprived of those great rights guaranteed to him as a citizen of the United States by the Constitution of the United States it is a matter of grave concern to every citizen of the Republic and to the Nation at large. I believe, sir, that the United States Government owes to its citizenry protection not only when they stand upon soil specially ceded to the Federal Government but also that it owes them protection whether they be within the confines of a State of the Union or the boundaries of a foreign country.

I do not concede that when we inquire whether a citizen of the United States has been deprived of his rights under the Federal Constitution we thereby trench upon any of the prerogatives of a sovereign State. I insist that wherever the American flag floats every citizen beneath its folds has the right to call not only upon the Congress of the United States but, if need be, upon the Army and Navy of the country to protect him in those liberties guaranteed to him by the Federal Constitution.

I am not so sensitive about this proposed investigation as are some Senators. If it be true that in a great State of the Union men can be taken, not before a court, not even before a court-martial, but before four or five individuals acting without the slightest warrant or authority of law and by the farcical, illegal, and unwarranted decree of that unauthorized body of irresponsible men be deprived of their lives, their liberty, or their property, then I want to know the fact.

If that intolerable, despotic, and infamous condition exists in the State of West Virginia, and the General Government is powerless to grant protection to its victims, then, by parity of reasoning, it is equally impotent in all other States. It follows that the governors of all States may exercise like arbitrary power. Thus all citizens of the Republic may be deprived of the rights reserved to them in the Constitution; thus will the Constitution be rendered worse than a dead thing. Such, sir, is not my conception of the Federal Constitution and Bill of Rights.

I believe that it ought to be worth something to be a citizen of the United States of America. I believe that wherever our laws and jurisdiction extend the liberties of the citizen are guaranteed, the great privileges of the common law are his. Before he can be deprived of his life, his liberty, or his property, before so much as a single hair of his head may be touched, he is entitled to the judgment of his peers, according to the language of the Constitution and the forms of law.

Mr. President, it was well said by my learned friend from Florida, Mr. BRYAN, that there is enough admitted upon the face of this record to warrant action. With that statement I agree.

It is conceded that there was in the State of West Virginia absolute peace, order, and quiet. Throughout the confines of the State the courts were open. There was neither interference with the processes of the law nor the ordinary course of justice. There was no resistance to established authority save in one little spot in the single county of Kanawha known as the Paint Creek district. It is conceded that the court having criminal jurisdiction over that entire county, including the Paint Creek district, sat at Charleston, a city of 25,000 population and the capital of the State. It is admitted that in this city there was neither actual nor anticipated disturbance. The doors of the courts were open, and their officers were ready and willing to perform every duty devolving upon them.

All this is admitted by the Senator from West Virginia [Mr. GOFF], who avers that the disturbed district bore about the same relation in area to the State as the small desk in front of him bears to the entire Senate Chamber. The Senator further admits that the criminal courts of the county were not only open, but that they were presided over by men learned in the law, of high probity, and unassailable character. With that condition existing, we are confronted with the admitted fact that the governor of West Virginia declared martial law within the Paint Creek district and issued the following order:

GENERAL ORDERS, NO. 23.

STATE CAPITOL,
Charleston, November 16, 1912.

The following is published for the guidance of the military commission organized under General Orders, No. 22, of this office, dated November 16, 1912:

"1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit."

It is further admitted that, having issued this order, the governor invaded the Paint Creek district with his armed soldiery, and that the troops almost immediately suppressed disorder and brought about a condition of absolute peace. It thus conclusively appears that all persons accused of offenses against the law committed within the disturbed area could at all times, upon apprehension, be brought before the constitutional courts of justice sitting at the State capital, 25 miles from the disturbed area, and there brought to trial according to the forms of law. This the governor refused to do. On the contrary, he brought the men before his so-called military commission, and expressly authorized it "to impose sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit." By this action the governor of West Virginia undertook to strike down the Constitution of the United States and the constitution and laws of West Virginia. He became the assassin of liberty.

For the Federal Constitution, adopted by 48 sovereign States; in place of the bill of rights of West Virginia, representing the crystallized opinion of her 1,500,000 free citizens; instead of the common law, established by centuries of sacrifice and revered by the great English-speaking race—for all these he substituted his own dogmatic will. He assembled four or five political understrappers, military sycophants, bursting with the importance of new uniforms, inflated with the newly acquired authority of pistols and cartridge belts, ignorant of the law, unlettered in the Constitution, uninstructed in either the tactics or rules of civilized warfare. To this aggregation of incompetence and truculence he gave the high-sounding name "military commission," and ordered it to impose upon American citizens any penalty their prejudice, malice, ignorance, or cruelty might suggest. Citizens of the United States, surrounded by detectives and other hired thugs, were driven at the bayonet's point before this usurping and farcical tribunal and by it sentenced to the penitentiary for long terms of years upon charges which, if true, would not, under the law of the land, send them to penal servitude for even a day. And the Supreme Court of West Virginia sanctions the farce, applauds the usurper's crime, and affirms the unjust and cruel decree.

Mr. President, if the action of the governor of West Virginia was legal and valid, if it can stand, then the Constitution of the United States is dead and liberty is "a dream that is past and gone."

Let us analyze this new doctrine. It is this: That for the judgment of all the people, crystallized into a constitution, a single individual may substitute his own will. That, Mr. President, is absolutism, and absolutism is despotism based upon slavery. For rules of law duly established and subject to change only after full consideration we are now to be governed by the transient whim, the senseless caprice, or the baseless prejudice of one man. We adopt this frightful policy, not because there

is a necessity growing out of the absence of all law, for the courts are open. We adopt it not because the State is in peril, for the militia has restored order in every part of the State. We adopt it for no other purpose than that men shall be punished, not according to the law but in spite of the law; not according to the Constitution but in defiance of the Constitution. And then the Court of Appeals of the State of West Virginia does this remarkable thing: It announces that when the governor of the State declares there is a state of war, war exists whether it exists or not. Says this learned court, in the majority opinion: "If the governor says there is war, there can be no inquiry into the fact." There can be no investigation as to the truth of the governor's proclamation. There may never have been a shot fired; there may not be a firearm in the State. His decree is a verity, not to be questioned or disturbed.

We, then, are brought by this astounding doctrine to this, that it is possible for a man who happens to be governor of a State to declare a state of war in a time of profound peace. He may declare there is an insurrection when, in fact, law and order reign. Having so declared, he may set aside every constitutional guaranty. Every right that was baptized in the blood and tears of those who went down to their deaths that we might have liberty may be stricken down. And the people are not only barred from punishing the culprit who has thus overthrown the temple of liberty, but they may not even investigate his conduct!

I denounce such a doctrine as the most monstrous ever written by any court in any country. I unhesitatingly declare that the majority opinion of the Supreme Court of West Virginia suffers by comparison with some of those decisions rendered by Lord Jeffreys, which brought to that judicial criminal an immortality of infamy.

Mr. President, if governors can declare a state of war when there is no war, and there can, under the law, be no inquiry into the fact, and the citizen be deprived of those great rights guaranteed by the Constitution, and there is no redress, then it is high time that methods be devised by which there can be inquiry into the fact and redress given to all citizens who have been ravished of their liberties.

Mr. President, the "doctrine of necessity" relied upon by the defender of the governor of West Virginia is not of recent birth. It is as old as human ambition. It is as bloody a doctrine as has ever cursed the world. There never has been king who sat upon a throne, ambition-mad and bent upon the exercise of arbitrary power, who has not masked his most despotic cruelties behind the "doctrine of necessity."

Never has English monarch dared attempt to supersede the civil law who has not sought warrant in some pretended danger to the state. Yet, 500 years ago, it was declared in England—and it has never since been doubted to be the law—that even when insurrection was rife within the land and armed bodies were marching and countermarching across the island, when there was a state of actual war, still, even at such a time, if the courts of law were open, there could be no military trial save for those who were in the military service.

That rule of law has not been seriously doubted since the days of Charles II. It was in some part invaded by George III as to these colonies. One of the bitterest complaints laid against the English monarch in the Declaration of Independence was, "He has affected to render the military independent of and superior to the civil power."

Mr. President, every tyrant who has established a despotism has only made his will the law of the country. When a King of France issued his lettre de cachet and sent a citizen of France to the Bastile without trial, he only substituted his will for the laws of France. When the Sultan of Turkey condemns his subjects to be sewed in sacks and drowned in the Bosporus, he merely imposes his will upon the Empire of the Ottomans. When the Czar of Russia issues a ukase that drags men and women from their beds at night and drives them at the bayonet's point into the wilds of Siberia, to starve and freeze until death brings a respite from the tyrant's wrongs, he only expresses his will and declares it to be the law. When commanders of armies have seized citizens and put them to death without trial, they have only made the civil authority subject to military power. And when the governor of West Virginia called out his little army, captured defenseless citizens, put them to a mock trial before a packed and pretended court composed of men selected to convict; when he issued his order directing that the accused should have neither court of law nor jury of peers; when he declared that this false tribunal might punish in its discretion without limitation and without mercy, he simply substituted his will for the law. But when he did all this, he struck at the very heart of human liberty; he violated the Constitution of the United States, the constitution of his own State, and the law of the land. By that act he became a dangerous criminal.

The Senator from West Virginia [Mr. GOFF] declared that the governor of West Virginia stands upon a pedestal. I reply, he stands within a pillory, and will so stand as long as the men of West Virginia love liberty and revere the Constitution of the United States. [Applause in the galleries.]

The VICE PRESIDENT. If the occupants of the galleries do not preserve order, the Sergeant at Arms will clear the galleries.

Mr. REED. The question under consideration is one of the gravest nature. Let me state it again: It is declared by the Supreme Court of Appeals of West Virginia that the governor of a State may declare that a riot or revolution exists; he may follow this by a declaration of martial law; he may set aside the Constitution and laws of the country and impose his will in their stead; he may deny citizens the right to trial before the courts of law; he may drag them before military commissions existing without warrant of law, and these illegal tribunals may inflict whatever punishment their ignorance or malice may inspire. Nay, more, if in fact there has been no riot; if in fact there has been no revolution; if in fact there has been no disturbance, the man sentenced by this pretended tribunal to scaffold or prison can not in any court on earth show that there has at all times been a condition of profound peace, and that the governor's declaration to the contrary is an official falsehood. Such is the doctrine which we are here confronting. I confidently assert that there never fell from the pen of George III or any of his ministers, never was written during the infamous reign of Charles II—by the king or any of his ministers—a doctrine more destructive of all law, of all justice, of all free government, of all the rights of man.

"But," says the Supreme Court of Appeals of West Virginia, "when the governor declared martial law, he did so to save the constitution; when he superseded civil authority by the military power, he was only preserving civil authority and civil law." This remarkable doctrine, epitomized, amounts to this: That when a riot starts, the constitution stops; the beginning of a disturbance is the end of the law; resistance to authority terminates the authority; the moment men meet in unlawful assemblage the constitution is dead. If this be true, a few evil-disposed persons may inaugurate a riot, and thereupon the constitutional rights of the multitude of well-disposed and law-abiding citizens residing in that division of the country is deprived of all rights reserved to it by law or constitution, and becomes at once subject to the arbitrary rule of power as represented by the commander of the military forces, because the riot has in itself made both the constitution and the law dead things.

The truth is found in the converse of this silly doctrine. It is only when the rights of the citizen are being violated, when the peace and order of a community have been infringed upon, that the constitution and laws become effective and vital. It is under such circumstances that the citizen needs and is entitled to the protection of constitutional government. The philosophy of the West Virginia courts amounts to this: That the governor of a State has the right to destroy all constitutional law in order to save the constitution. In a word, you must kill the constitution in order to save the constitution from death. Thus this court goes back to the old plea that the necessities of the case warrant the usurpation of arbitrary authority.

Mr. President, I do not intend to discuss this doctrine at length. It is not a new one. It is no longer a debatable proposition. Upon it the minds of lawyers and students of the Constitution do not differ. The doctrine of necessity was advanced in the Milligan case.

I want at this point to put in the language of the United States Supreme Court in the Milligan case. One preliminary word, however. The constitution of West Virginia expressly provides that the writ of habeas corpus shall never be suspended. In this respect it differs from the Constitution of the United States, which confers upon the Federal Government express authority to suspend the writ of habeas corpus in case of rebellion or invasion. The language, therefore, of the Supreme Court of the United States in the Milligan case, so far as it relates to this great writ of right, is not applicable to the West Virginia situation. It is necessary to bear this distinction in mind in reading the Milligan case. In that great case the court asserts the right of the Federal Government to set aside the writ of habeas corpus in the cases specified, but expressly declares that none of the other rights reserved by the Bill of Rights can be set aside, even in case of rebellion or actual war, so long as the civil courts are open. The sum of the opinion is that the great rights enumerated, viz, freedom of speech, the

right of petition and peaceable assembly, and a speedy public trial by an impartial jury, are preserved. So, also, the prohibitions against the quartering of soldiers upon the people without their consent, unreasonable searches and seizures, the preservation from trial for an infamous crime except upon indictment by a grand jury, the inhibition against taking property, life, or liberty without due process of law, and against ex post facto laws all are declared to be sacredly inviolable even in time of actual war, the court in substance declaring that it was to guard against usurpation by those in authority in times of disturbance or war that these great privileges of the citizen were engraved into the fundamental laws of the land. I read from this great opinion:

This Nation, as experience has proved, can not always remain at peace and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln—

And if they could have looked down the years of time they might have added "or may become governors of States"—

and if this right—

Namely, the right to supersede the civil law by military force when it is deemed necessary because of riot or rebellion—

is conceded and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew—the history of the world told them—the Nation they were founding, be its existence short or long, *would be involved in war*, how often or how long continued human foresight could not tell; *and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this* and other equally weighty reasons *they secured the inheritance they had fought to maintain by incorporating in a written constitution the safeguards which time had proved were essential to its preservation. Not one of these safeguards can the President or Congress or the judiciary disturb*, except the one concerning the writ of habeas corpus.

It is essential to the safety of every Government that in a great crisis like the one we have just passed through there should be a power somewhere of suspending the writ of habeas corpus.

And I remark, by way of parenthesis, the men who wrote the constitution of West Virginia did not believe that even that right ever should be taken away.

In every war there are men of previously good character wicked enough to counsel their fellow citizens to resist the measures deemed necessary by a good government to sustain its just authority and overthrow its enemies; and their influences may lead to dangerous combinations. In the emergency of the times an immediate public investigation according to law may not be possible, and yet the peril to the country may be too imminent to suffer such persons to go at large. Unquestionably there is, then, an exigency which demands that the Government, if it should see fit in the exercise of a proper discretion to make arrests, should not be required to produce the persons arrested in answer to a writ of habeas corpus. *The Constitution goes no farther. It does not say after a writ of habeas corpus is denied a citizen that he shall be tried otherwise than by the course of the common law. If it had intended this result, it was easy by the use of direct words to have accomplished it. The illustrious men who framed that instrument were guarding the foundations of civil liberty against the abuses of unlimited power. They were full of wisdom, and the lessons of history informed them that a trial by an established court, assisted by an impartial jury, was the only sure way of protecting the citizen against oppression and wrong. Knowing this, they limited the suspension to one great right and left the rest to remain forever inviolable.*

But, sir, down in West Virginia the governor and supreme court take a different view. They hold that if a few excited men in one parish engage in a fight the Constitution and the civil law may be suspended. Suspend the Constitution of the United States because there is a riot!

What is a riot? Three men can constitute a riot. Fifty men might, to the inflamed vision of a small-minded governor armed with a little brief authority, loom as a dangerous revolution. All the other millions of population might be at profound peace, yet by this miserable "necessity" doctrine, now in the beginning of this century announced, we are told that a governor may suspend all those rights the heroes of the past died to gain; that citizens may be riven from the arms of wives and children and dragged before four or five of the governor's sycophants and understrappers and by them sentenced to prison or scaffold for even trivial offenses.

For, mark, this military despot left to his military commission composed of men unlearned in the law, responsible to nobody, appointed by no authority—for where there is no legal authority there is none whatever—the right absolutely of life and death over the thousands of men and women living within the afflicted Paint Creek district.

I say now, and I weigh my words, that the men who sat upon that commission made of themselves criminals, and, together with the chief offender, the governor of the State, are liable under the laws of this country to indictment, trial, and imprisonment for their offenses. Of that there can be no doubt under the law. Whenever men joining in conspiracy deprive a citizen of his liberty, unless acting by warrant of law, they breach the law and themselves become criminals. That has been decided not once but many times in the course of history.

What are the limits to this doctrine of necessity? Who shall set its bounds? Is it anything more or less than the law of power, the supremacy of brute force? Suppose we apply it, not to poor miners—suppose we leave the cottage of poverty and go to mansion at the capital. Suppose a new governor takes office in West Virginia and concludes to try the law of necessity upon the gentleman now occupying that exalted place. He thereupon sets up a tribunal to try the present governor and instructs that tribunal to try him according to its own notions and to affix any penalty it sees fit. Suppose the autocrat of the present is fed out of his own spoon by the autocrat of the future. What an outcry will then be heard! How loudly will he proclaim his constitutional privileges! How stoutly will he demand a jury of his peers! How insistently will he cloak himself in the Bill of Rights! How complete will be his conversion to the glories of constitutional government!

A word more of this decision. Says this great judge:

Knowing this, they limited the suspension to one great right and left the rest to remain forever inviolable. *But it is insisted that the safety of the country in time of war demands that this broad claim for martial law shall be sustained. If this were true, it could be well said that a country preserved at the sacrifice of all the cardinal principles of liberty is not worth the cost of preservation. Happily, it is not so.*

Mr. President, I want this investigation. I want it to go to the very bottom. I heard much said the other day by the learned Senator from West Virginia about property rights. He told us how men of means had come there from other States and opened mines, started furnaces flaming, industry humming, and the State prospering. I am glad that is true. But, Mr. President, I wondered when the eloquent Senator was speaking so feelingly of "the rights of property" why it never occurred to him to give a few moments of consideration to the rights of human beings, to the men who moil in the night in the mines to bring up wealth for their industrial overlords; to the women who stint and starve to keep their ragged children from hunger's cruel gnawings, who go from girlhood to the grave with no prospect but toil, no respite but death. Mr. President, I do not affirm the fact, but the public prints state that the real truth is that the men in West Virginia saw fit to strike because their condition had become unbearable; that these went peaceably to their homes; that thereupon the proprietors of the mines brought in large numbers of men claiming to be detectives and locally known as Baldwins, and that they were armed to the teeth; that they inaugurated such a series of persecution and of abuse as almost literally to drive miners to arms in defense of their homes and of their wives. I have read that armored trains were arranged for, and were sent plunging through the valleys, their sides blazing with the fire of rifles.

I do not know whether that is true or not, but I do know that a governor bent upon maintaining the peace in that community would have stopped that sort of a proceeding before it had been well started. I do know that if that sort of thing was done the country ought to know it. If that was done and was followed by a declaration of martial law, and the miners were brought by the soldiers out of a place where there had been trouble and turmoil into a peaceful community where courts having full jurisdiction sat, but instead of being taken before those courts and there being tried by a jury of their peers, they were drawn before a usurping, illegal, and criminal tribunal organized by the governor and composed of four or five men who sat in defiance of constitution and law, and by these men were sent to the penitentiary to be caged like animals until the long and weary months have run by and their appeal is heard by the Supreme Court of the United States—if that is possible as the law now stands, then there ought to be a law passed which will insure to us our rights under the Constitution of the United States without that long and endless delay.

Mr. President, the attempt to parallel this case with a case of actual war is pitiable—aye, it is ridiculous. In a case of actual war, if we were to invade an enemy's country and set aside its government, its courts, where there were no time to set up a government, if we were surrounded by enemies, waging battle on every hand, there might be excuse for trial by military tribunals. But to say that when in a State of this Union there is a riot in one township, its inhabitants, all of its people—not only those concerned in the riot, but every other man, woman, and child in that district—lose the protection of the Constitution of the United States, is a doctrine so monstrous as to shock the conscience and rouse the indignation of every man who reveres his country or loves the word liberty.

I have heard the technical arguments advanced that the courts have decided that technically a governor may do that which the governor of West Virginia did. But, sir, so confident am I that the Constitution of the United States can not be set aside, or its great precepts impaired, changed, or annulled by any authority on earth save the people themselves in the man-

ner and form prescribed, that I would declare it to be my opinion that the governor of West Virginia was guilty of gross usurpation and oppression, even if every court in the land were to declare him to have been in the right. If, however, I am wrong and the governor of West Virginia acted within the law, then so much the more reason to make this investigation ascertain the extent of the wrongs wrought, and to amend the law so that the future may be secure.

Mr. ROOT. Mr. President, it is my intention to vote for this resolution, but I wish to say that I shall cast that vote without impugning or questioning the good faith or the patriotism either of the governor or of the courts of West Virginia. I do not doubt the governor of West Virginia, under very difficult and perplexing conditions, did what he believed to be the best he could for the interests of peace and order and the welfare of the people of that State. I do not doubt that the courts of West Virginia have passed upon the questions presented to them or the records before them in accordance with their sincere and honest views of what the law is. But, sir, it is possible for governors and courts to be mistaken.

Without undertaking to determine the question whether the governor and the courts of West Virginia were mistaken in this case, it appears to me that their action has been challenged by so great an authority and upon the production of such an array of unquestioned facts, that the Senate owes a duty to the Constitution and the laws to take the action which is indicated in the fourth paragraph of the resolution. That paragraph reads as follows:

> Fourth. To investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

That points directly, sir, to a violation of the provisions of the fourteenth amendment of the Constitution, an amendment by which now almost 50 years ago it was made the duty of the National Government to see to it that its citizens should not be deprived of life or liberty or property without due process of law, and should not be denied the equal protection of the laws even by a sovereign State.

Mr. President, I do not consider this a question merely of the laws of West Virginia or the interests of its people. It seems to me as this question is presented to the Senate it rises above the interest of the litigants in West Virginia or of all the people of that State. It rises to the dignity of presenting to us the question whether we shall do our duty by those great guarantees of liberty which underlie and are necessary to the perpetuation of American freedom.

There is, sir, always motive power enough in a democracy. There is motive power enough in American democracy. The supreme necessity is the necessity of self-control, and we have imposed that upon ourselves by these great rules of freedom. We call them the limitations of the Constitution, those limitations which protect citizens against the overwhelming power of government, so that however weak and friendless a man may be, whether he works with his hands or his brain, is poor or rich, the great rules of right conduct embedded in the Constitution give to him the whole power of our Nation to protect him against the arbitrary control of government and its agents.

It is a question affecting the liberty of everyone in every State, not merely in the State of West Virginia. There have been, sir, no such fatal influences to sap the strength and destroy the practical effect of rules for the protection of liberty under such constitutions as ours as are to be found in the permission granted to great officers of state to suspend the constitutional guaranties in time of disorder. It seems to me upon what has been presented in this debate that there was furnished in the State of West Virginia grounds upon which we may well consider whether it is not our duty to enact legislation which shall draw more definitely and particularly lines about the conduct of officers who may under some circumstances and not under others suspend the constitutional guaranties.

I do not know, sir, none of us can tell now, what legislation may be indicated by a full presentation of the facts in such an investigation as the resolution provides. It may be that we shall find it desirable to define powers. It may be that we shall find it desirable to provide for the transfer of such cases to the Federal courts. It may be that we shall find it desirable to give power to call them up by writ of certiorari. It may be that we shall find it desirable to give the power to issue writs of prohibition. It may be that we shall find it necessary to impose upon the Department of Justice or upon the Executive the duty to take the initiative in order that the weak citizen may be protected in the fundamental rights of liberty that have come down to us from Magna Charta and are imposed upon the States by the fourteenth amendment, with the duty resting upon us to see that they are preserved.

For these reasons, without impugning or criticizing any of the officials of the State of West Virginia, I am for doing our duty by passing this resolution.

Mr. SHAFROTH. Mr. President, I did not expect to say anything upon this resolution, although I was upon the Committee to Audit and Control the Contingent Expenses of the Senate, to which this resolution was first referred; but we have had a condition in the State of Colorado which somewhat resembles the situation in West Virginia, and I want to say a few words with relation to it and to make a suggestion to the committee as to the inquiry that is proper and should be made.

There was a declaration of martial law made by the governor of the State of Colorado about 10 years ago. It was contended upon the part of many of the people that there was no justification whatever for it. In my judgment there was none. A case involving that question was taken to the supreme court of the State and it held, similar to the decision of the Supreme Court of West Virginia, that the declaration of the governor was supreme; that no matter if the causes for the declaring of martial law did not exist, when he proclaimed them so they did exist.

I do not believe that that decision is sound, but it received the concurrence of a majority of the judges upon that bench. One judge, however, delivered a dissenting opinion which has been considered a classic. It has been considered one of the strongest decisions ever rendered in our State.

The difficulty that occurred then was in the case of a strike. This declaration was made upon representations to the governor, and from those representations he declared martial law. The result was that great indebtedness was incurred. A bonded indebtedness of the State of Colorado, to the amount of $950,000, had to be issued in order to liquidate the expenses that were incurred by that governor.

As to the difficulty in the procedure relative to the declaration of martial law, I want to invite the attention of the committee. Gentlemen representing large corporations appear before the governor and represent a condition of affairs which, though theatening to the peace and order of society, do not justify a proclamation establishing martial law. Danger of great loss to life and property is declared to be imminent and that delay would be disastrous. The governor often is not a lawyer; he does not look into the matter closely; he relies upon the representations made, and under such pressure he signs the document that proclaims martial law over a great part of the State. Then it becomes almost impossible to remove the troops and the order for martial law until the strike is broken.

The initial difficulty lies in the fact that the governor has not looked into and has not inquired as to whether the causes for the declaration of martial law exist. When we ascertain what the law is, there is a very plain remedy to be invoked in the handling of such situations. We find that a riot does not constitute cause; I do not care how many are in the riot; they may all be armed, but that fact does not constitute a cause for the proclaiming of martial law. Under our Constitution martial law can only be legally established in case of invasion or insurrection. Those two words have been defined by the courts. An armed body of strikers upon one side and an armed body of strike breakers upon the other side do not constitute insurrection, nor does the killing of one or more persons upon either side.

The test which is made as to the existence of insurrection is whether or not there is resistance to the enforcement of the law. If the sheriff can arrest any man there, then there is no cause for the declaration of martial law; there is no insurrection. If the sheriff of the county is resisted and an attempt is made to forcibly rescue men who have been seized by the sheriff, then a cause for martial law might exist. But where there are armed bodies resisting one the other, it is not an insurrection. An insurrection means violence against the Government; it means treason against the Government; it means rebellion against the officers of the Government in their capacity as peace officers. When we hear of a riot, when we know that there are armed men upon one side and upon the other, we are apt hastily to say that is a state of war or that is insurrection; but it is not. According to the authorities that are numerous in the courts of the United States, it is resistance to the authorities, such as the attack upon or killing of an officer, or something of that kind, that clothes with authority the govern to declare martial law.

I do not believe that the governor possesses, even if martial law is declared, the power to suspend the great writ of habeas corpus and many of the other declarations of the Constitution in behalf of the protection of the citizen.

If there are armed bodies of men pitted against each other, ready to kill each other, there is a remedy to prevent bloodshed. That remedy is laid down by the authorities, and it is plain and clear. It is for the sheriff to call upon the governor, not for martial law, not to suspend all the rights which guarantee the liberties of men, but for the governor to aid and assist the civil authorities by sending the militia of his State to act under the direction and control of the sheriff. That can be done, and is frequently done. If this committee will investigate the facts with relation to this subject and go into the question as to the law, they will find that, instead of justification for martial law, there is not one occasion out of a hundred that is presented where martial law should be declared. It is only when there is a resistance to the Government, not the resistance of one body of men against another, not a conflict between bodies of men who have grievances against each other. No; the true test is resistance to the State. If there is no resistance to the State, no martial law can properly be declared.

It is true that these authorities—the one in Colorado and the other in West Virginia—say that if the governor proclaims there is a cause for martial law his decision is supreme; but it seems to me the inquiry of the committee would be very well directed toward cautioning governors against declaring martial law when they have the power vested in them, by reason of being the commanders in chief of the military forces of their States, to send aid to the sheriffs; so that nothing but the administration of the civil law will take place; so that men will be tried by juries and due administration of the courts will continue.

Mr. BORAH. Mr. President, I do not care to trespass upon the Senate again in discussing this question unless there is to be an amendment offered to strike out section 4.

Mr. BACON. I will state to the Senator—and it is proper that I should state in view of that statement—that it is my purpose to move to strike out section 4; and with that stricken out I shall be ready to support the resolution.

Mr. BORAH. Mr. President, in view of that suggestion, I will say a few words, but shall undertake to be brief.

This question, Mr. President, as was well said by the Senator from New York [Mr. ROOT], is not alone a question of labor; it is a broader question than that, and involves the duty and the obligation of the Government toward its citizens regardless of their vocation or profession in life. The Senator from Georgia [Mr. BACON] was of the opinion last evening that there was no precedent for this kind of a resolution, and was of the opinion that had such a resolution been presented some time ago, it would have caused great excitement throughout the country.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield to the Senator from Georgia.

Mr. BACON. In order that I may be set right, I will say that the latter part of the statement of the Senator from Idaho is a correct statement of what I said, but I do not think the Senator will find in my remarks any statement that there was no precedent for this proposed action, because I have not searched the records, and I could not have made such a statement broadly unless I had done so. I do not think the Senator will find in my remarks any statement to that effect.

Mr. BORAH. Perhaps I am in error as to the Senator who made the statement, but it has been declared in discussion here that there was no authority or no precedent for such a resolution.

Mr. BACON. No such declaration was made by me.

Mr. BORAH. I may be in error as to the Senator who made the statement, but the Senator from Georgia said so much upon that particular phase of the case that I drew the conclusion, perhaps, that that part of it had also been covered by his remarks.

Mr. President, if those who are interested in the precedents will look at a resolution which was introduced in January, 1900, they will find a resolution which is much broader in its terms than the resolution which is now before the Senate, authorizing the House of Representatives to make a full investigation as to the acts of the governor of Idaho, his justification for declaring martial law, the proceedings of the courts, and the acts of different officers of the State with reference to the things which were done after martial law was declared. A full hearing was had under that resolution. The governor of the State came here and was put upon the witness stand; the attorneys who represented the State were also put upon the witness stand; and the entire subject matter was investigated. The question of whether or not there were just grounds for declaring martial law and the question of whether or not the parties were properly convicted after martial law had been declared were all inquired into. If you will compare the resolution which is now before the Senate with the resolution which was then introduced, and under which the House acted, you will find that the resolution now pending is very mild in its terms compared with the terms of the resolution to which I refer, which provided for an investigation of certain conditions in the State of Idaho.

Mr. President, I am not going to discuss the question of what constitutes a just ground for the declaration of martial law nor the power of the governor after martial law shall have been declared. We discussed that a few days ago; but I desire to say in passing that it was attempted to distinguish the Milligan case by saying that there was at the time of the alleged trial of the party in Indiana no insurrection; that it was not in the military zone; and that there was no occasion therefore for the operation of martial law; but the fact is that the decision of the court turned upon the proposition, not that it was not in the military zone but that the civil courts were open, and undoubtedly established the rule that so long as the civil courts are open there is no justification for even attempting to try people by a tribunal erected under a court-martial proceeding.

I want to call attention to the decision of Mr. Justice Miller in the case of In re Murphy, which bears out that construction of the Milligan case. Murphy was arrested in New Orleans in 1865 charged with offenses which had been committed at Memphis in 1864, at a time when civil war raged throughout that part of the country. He was afterwards taken to St. Louis, where he was tried. Associate Justice Miller, who presided in the circuit where the matter was heard upon a writ, said:

> In both of these places—

That is, the place where he was arrested in Alabama and the point to which he was taken in New Orleans—

> In both of these places the courts of the United States were open and perfectly competent to the trial of any offenses within their jurisdiction. He was tried at St. Louis, in a State where the process of the courts had never been interrupted.

This party was arrested in a State where a state of war prevailed, then taken into another State where a similar condition prevailed, and finally taken to a State where it is true that condition did not prevail; but Justice Miller says that in all of these places, notwithstanding the condition which prevailed at the time with reference to civil war, the courts were open, and for that reason the party was improperly tried by a military tribunal. I call attention to that as a construction of the Milligan case by one of the Associate Justices of the Supreme Court of the United States.

Mr. CRAWFORD. It was decided after the Milligan case.

Mr. BORAH. That was decided after the Milligan case.

I freely concede the strength of the argument against the effectiveness of what we may do. With reference to releasing the particular individuals who may now be in custody, or who have been in custody, the power of this committee will perhaps be very ineffective; but we do not investigate for the purpose of determining a particular case which is pending in the courts at the time that investigation takes place, but for the purpose of preparing the facts for future legislation and to provide against future contingencies. If the investigation is held after the parties shall have been released, we will not hesitate in our investigation by reason of the fact that they have been released; but we are investigating for the purpose of preparing for future conditions or prescribing rules of conduct which may cover future contingencies.

While it may be true, as has been said by the Senator from Georgia [Mr. BACON], that after the committee have returned their report and after the Senate may have acted upon it those particular individuals may still remain in prison, it is nevertheless our duty to provide such rules and such statutes as will prevent that condition from happening again. I go further, and say that if those parties were in prison at the time when the Senate acted the Congress could undoubtedly proceed in such a way as to relieve them from imprisonment through the process of the courts under the instruction of the Congress to the Attorney General; that is, we could pass a law which would authorize him to protect in the courts the rights of citizens whose constitutional rights were being denied.

However, I do not follow the argument, Mr. President, of those who say that this is an invasion of State rights. We are not seeking to interfere with any right of the State of West Virginia. The allegation is made that the action in that State has been such as to interfere with the Federal rights of citizens of the United States. In so far as any right peculiar to the State of West Virginia is concerned, the State of West Virginia must settle it, so long as in the settlement of that right the State does not interfere with the Federal rights of the citizen; but it must be remembered that the very object and purpose of the fourteenth amendment was to impose upon the National Government the duty of supervising not the act of an individual, of looking after not the act of the citizen, but of supervising the

act of the State when the State as a State should deprive the citizen of his liberty without due process of law or deny him the equal protection of the law.

It might be well, Mr. President, to refer to the exact language of the fourteenth amendment:

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States—

It is the action of the State which is referred to here; it is the action of the State with reference to which we may deal, and it is concerning that matter that we make the inquiry in order that we may intelligently legislate—

nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

If it be true that the State of West Virginia, in the discharge of its duties, through its officers, has done those things which have interfered with the rights of citizens of the United States, the United States should not stand idly by and say that it is the sole duty of the State of West Virginia to settle that matter. We have an obligation to perform and a duty to discharge, the same as has the State of West Virginia; and when we supervise and oversee or overrule or override the act of West Virginia, we are simply performing the duty which the Constitution of the United States has imposed upon us and to which the State of West Virginia has consented, as has every other State.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield to the Senator.

Mr. BACON. Mr. President, there can be no question whatever as to the correctness of the proposition just announced by the learned Senator from Idaho, but I submit that when the fourteenth amendment provides that no man shall be deprived of his property or of his liberty without due process of law, it means that the power of the United States Government shall be so exercised and so exerted that whenever that is attempted to be done the Government of the United States will by its proper and effective interposition nullify that act. Now, in what way does the Government make provision for the nullification of an act when under the authority of a State one is deprived of his liberty without due process of law? Is it by the resolution or the finding of Congress or of one branch of Congress, or by a judgment of the Supreme Court? When the proper methods are pursued by which that act can be nullified, those which are pointed out by the law, the Government does perform its obligation when, in pursuance of the methods which the law has pointed out, it nullifies the improper act of the State or the authorities of the State in depriving a citizen of his liberty without due process of law. The method pointed out is by an appeal to a tribunal vested with the power, not simply to assert a conclusion, but to enforce a judgment based upon that conclusion. The Senate of the United States is not the body intended by the Government of the United States for the assertion and the vindication of the fourteenth amendment of the Constitution.

Mr. BORAH. Mr. President, I stated yesterday evening, during the argument of the Senator, that it seemed to me his argument all drifted to the proposition of the propriety of the Senate doing this, rather than the fact that by doing these things we were invading any right of the State; and his argument all comes back to that proposition. But I remind the Senator of the fact that when, in the first instance, the Supreme Court of the United States undertook to review the action of the State court and to review its judgment that precise argument was made by the attorney, and he said to the Supreme Court of the United States, in effect, Suppose you enter a judgment here—who will enforce it? What will be the effect? It will be a vain and an idle thing to do.

Mr. BACON. The Senator does not mean that if the question as to the legality of this trial by a military commission were brought to the Supreme Court, and the Supreme Court should hold that it was violative of the fourteenth amendment and was null and void, that judgment could not be enforced by the liberation of the prisoner?

Mr. BORAH. No; not now. We have passed that period in the history of this country; but the time was when it was true. I remember reading in my history, in former days, where when Chief Justice Marshall rendered an opinion liberating two men in a certain State of the Union who had been convicted and imprisoned under the decision of a State court, the President of the United States said:

John Marshall has rendered his judgment, now let him execute it.

The State refused to release the men and the men remained in prison, notwithstanding the fact that the Supreme Court of the United States had held that they were there under a void judgment.

I say that time has passed; but it was just as vital a question at that time as the question now is whether the Senate of the United States can find out facts upon which to legislate concerning the protection of its citizens in the different States of the Union.

We do not propose, by virtue of the report of this committee, to do all that is to be done in regard to this matter. I apprehend that we make the inquiry in this case for the same reason that we make an inquiry in reference to a "money trust," or the violation of the Sherman law, or any other condition of affairs—to enable us to legislate, to provide against a recurring condition of affairs.

Will it be said that the Senate of the United States may send out all kinds of committees to make inquiries concerning the property rights, the material interests about which we are going to legislate, and that when a tribunal is erected which, as the Senator from Georgia says, violates the fundamental principles of this Government, we can not make an inquiry so as to legislate intelligently for the protection of citizenship?

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do.

Mr. BACON. I do not wish to interrupt the Senator unduly.

Mr. BORAH. I am very glad to yield to the Senator from Georgia.

Mr. BACON. With the Senator's permission, I desire to ask him the same question which I asked yesterday of the learned Senator from Utah [Mr. SUTHERLAND], whether, in the opinion of the Senator, there is any possible doubt that we now have legislation which should furnish ample opportunity for any man in any State who was tried by a military commission in violation of the fourteenth amendment to take his case to the Supreme Court of the United States and have that judgment annulled and himself set free?

I ask the Senator if, in his opinion, there is any possible doubt about the fact that we now have laws on the statute books which will perfectly accomplish that end? If so, what is the purpose of further legislation, or inquiry with a view of having further legislation?

Mr. BORAH. Mr. President, there is a protection of general citizenship or of the citizenship of all the people, aside from the question of protecting the particular individual who at the particular hour happens to come under the displeasure of this military tribunal. But I will read to the Senator a telegram I have here which throws some light upon that proposition. It is dated a day or two ago:

We have not been able to appeal from the State court to the Supreme Court of the United States because prisoners have been turned out of the penitentiary without giving us time to get into the Supreme Court of the United States. Our efforts have been thwarted in that behalf.

It seems, Mr. President, that they arrest men, they take them before a military tribunal and try them, and send them to the penitentiary for from one to five years; and when the time comes to have that action reviewed they are released from imprisonment, although they may be returned to prison within 10 days by that same military tribunal.

Does the Senator think it is any usurpation of authority for the Senate of the United States to inquire as to the exact facts, in order that that constant harassing of the citizen may cease and that the guaranties of the Constitution may be a thing of substance and not merely a shadow or a delusion?

Mr. BACON. Mr. President, the Senator and I do not in any manner differ on the proposition that this trial was an utterly illegal one, violative of every principle of government, and violative of the fourteenth amendment of the Constitution of the United States. I do not know that I could state my proposition any more broadly than I did on yesterday, or in a more unlimited expression than I used yesterday. The Senator can not go further than I can in that, although he may be so fortunate as to express himself more felicitously. But however far he may go in its condemnation, I agree with him most thoroughly that this was an illegal act; that the court was without any authority at all, and violative of all laws. But the question the Senator is discussing is not that, because we do not differ as to that. The question is as to the purpose of the investigation.

The Senator says that his purpose is—and it is the only thing which can be logically said—to find out whether or not there should be further legislation in order to protect people who may be put in a position where their rights are thus violated. When I asked the Senator the question, as a lawyer—and there is none better in this Chamber—whether he had any doubt that there are now upon the statute books laws which

will enable anyone who has his personal liberty thus violated to have his rights adjudicated and asserted and his liberty restored by a judgment of the Supreme Court of the United States, the Senator, in reply to that, read a telegram stating that these parties had been released.

If it were true that there was some question not adjudicated, some question about which he and I had a doubt or any other lawyers had a doubt, as to the legality of that court, and the opportunity for the adjudication of that question had been destroyed by the liberation of these parties, then his telegram would have been pertinent. But there is no question in the Senator's mind, and there is none in my mind, that there is now ample law for the liberation of any man thus illegally incarcerated under a judgment of an illegal court. Therefore the liberation of these parties has not taken away any opportunity of which it was valuable to take advantage. Their liberation, it is true, enables them to be free prior to the judgment of the court. It anticipates what would have been the judgment of the Supreme Court of the United States. But there has been no opportunity destroyed by their liberation to have adjudicated a doubtful question, because there is no doubtful question.

Mr. BORAH. I agree with the Senator that so far as the individual is concerned who has been incarcerated, he has his remedy if you are going to leave it to the individual to fight out this proposition by himself. But does the Senator from Georgia contend that we have not the power to provide aid and assistance to this party who may be improperly imprisoned, through directing the Attorney General of the United States or some other proper officer, under a law properly passed, to see to it himself that he does have his appeal and that he does have his protection?

Mr. President, it is almost cruel to stand here and say that with all the influence and power of the State back of these military tribunals, the citizen alone and by himself shall fight this proposition to a final conclusion. The Government of the United States may itself furnish him and his attorney with the aid and power of the Government in order to relieve him from improper imprisonment. We have not now any such provision as that so far as I know.

Mr. BACON. With the permission of the Senator from Idaho, I desire to say to him, as I said on yesterday in the discussion of another feature of this case, that that is a question of degree. If the Senator's argument is sound and the principle is correct, then it is only a question of degree as to one man's imprisonment being under circumstances which will excite our indignation more than the circumstances of another illegal imprisonment. But the principle would be the same for which the Senator contends, that whenever a man is illegally imprisoned, whenever he has had his liberty taken from him without due process of law, it would be the duty and province and office of the Federal Government to direct the Attorney General to intervene in his behalf and see that he is released.

Is that to be done whenever the fourteenth amendment is violated in all the length and breadth of this great country? Whenever a man has been deprived of his liberty without due process of law, are we to come to the point that the Government of the United States is to intervene for the purpose of seeing to his release? If it is true that it is a correct principle of law when a man has been deprived of his liberty by an illegal judgment of an illegal court—a military commission—then it is true when he has been deprived of his liberty without due process of law in any other circumstances, and it would not be confined to the State of West Virginia; but if we are to enter upon that system of paternalism, as has been suggested to me by a Senator, it would be a very wide field.

If the Senator will pardon me further—however, I will not trespass upon his time. I will end with that.

Mr. BORAH. I do not object to the Senator's statement.

Mr. BACON. I was just about to say, though I fear I would trespass upon the Senator in so saying, that yesterday when a similar line of argument was being made and the contention was made that it was perfectly competent for these parties, either by a direct appeal to the Supreme Court of the United States, or upon an appeal from the judgment of the Supreme Court of West Virginia, or by a writ of habeas corpus taken out before any Federal judge, to have his liberty restored to him, the reply was made that the party might not have sufficient money to do it. I want to say that in this case there could be no question about that. I have no doubt that right in this Chamber money enough could be had for any man who was thus incarcerated who wished to take proper measures to have his liberty restored and did not have the money to do it. I should be very glad to contribute to that end myself.

Mr. BORAH. Mr. President, this Government was not constructed upon the theory that men would voluntarily contribute to the defense of other men. It was constructed upon the theory that the Government itself as a Government should see that its citizens are protected in every part of the country. So far as the position first assumed by the Senator is concerned, I do take the position, without any hesitancy, that it is the duty of this Government to see that a man is properly cared for when he is deprived of his liberty contrary to the Constitution of the United States, and it makes no difference whether the judgment is that of a military tribunal or a court of the State.

Mr. BACON. Does the Senator mean that he would favor the passage of a law which would make it the duty of the Government of the United States, through its law officer, to undertake the case of every man who claimed that he was deprived of his liberty without due process of law and to carry his case to the courts and see to his release?

Mr. BORAH. Mr. President, I would not say that it would be true in every case where a man made that claim.

Mr. BACON. Well, where there was reasonable ground to believe that it was well founded?

Mr. BORAH. I would unhesitatingly say that if a man were actually deprived of his liberty in any State of this Union in violation of the Constitution of the United States, there ought to be a provision in our laws by which the Government itself would interpose to see that he secured his liberty. What is the Government constructed for? Is it a daydream?

The Constitution says that no State shall deprive a man of his life or his liberty or his property without due process of law or deny him the equal protection of the law. Why does it say it? It meant that the Government of the United States, if necessary, would call into action all its power to see that that was carried out.

Mr. BACON. If the Senator will pardon me, he must not stop, then, at the question of the Government interposing for the purpose of taking care of a man who has been deprived of his liberty without due process of law. In that case the Senator says that, in his opinion, there ought to be a law by which an officer of the Government should be clothed and charged with the duty of going and seeing that that man was presented in court and that he was liberated. Now, if that be true, the Senator must not stop there. He must go further and say that it is the business of the Government, whenever a man has been deprived of his property without due process of law, to step in and represent his case, and that whenever a man has not had the equal protection of the laws the Government will step in. I think in this Democratic administration I should like to have that law passed as rapidly as possible, if we are going to have it, because we would have about a thousand district attorneys in every State, and the field of patronage would be very much enlarged.

Mr. BORAH. When a proper occasion arises we should make sure all the guaranties of the Constitution.

Mr. President, I want to read from one of the justices of the Supreme Court, Mr. Justice Field, in his interpretation of the fourteenth amendment. He says:

> All history shows that a particular grievance suffered by an individual or a class from a defective or oppressive law or the absence of any law touching the matter is often the occasion and cause for enactments, constitutional or legislative, general in their character, designed to cover cases not merely of the same, but all cases of a similar nature.
>
> The wrongs which were supposed to be inflicted upon or threatened to citizens of the enfranchised race by special legislation directed against them moved the framers of the amendment to place in the fundamental law of the Nation provisions not merely for the security of those citizens, but to insure to all men at all times and at all places due process of law and the equal protection of the laws. Oppression of the person and spoliation of property by any State were thus forbidden, and equality before the law was secured to all. * * * With the adoption of the amendment the power of the States to oppress anyone under any pretense or in any form was forever ended, and henceforth all persons within their jurisdiction could claim equal protection under the laws. And by equal protection is meant equal security to everyone in his private rights—in his right to life, to liberty, to property, and to the pursuit of happiness. It implies not only that the means which the laws afford for such security shall be equally accessible to him, but that no one shall be subject to any greater burdens or charges than such as are imposed upon all others under like circumstances. This protection attends everyone everywhere, whatever be his position in society or his association with others, either for profit, improvement, or pleasure. It does not leave him because of any social or official position which he may hold, nor because he may belong to a political body, or to a religious society, or be a member of a commercial, manufacturing, or transportation company. It is the shield which the arm of our blessed Government holds at all times over everyone, man, woman, and child, in all its broad domain, wherever they may go and in whatever relations they may be placed. No State—such is the sovereign command of the whole people of the United States—no State shall touch the life, the liberty, or the property of any person, however humble his lot or exalted his station, without due process of law; and no State, even with due process of law, shall deny to anyone within its jurisdiction the equal protection of the laws.

Now, Mr. President, if that provision of the Constitution means anything at all it means that if our laws are so defective that men may be tried by military tribunals or in any other

way deprived of their liberty or denied the equal protection of the law, it is our duty to inquire and ascertain the fact and to so amend our laws and our statutes that that may not occur again.

These things go on, Mr. President, unless there is public discussion until the precedent becomes established and we become accustomed to the conduct which may deprive a party of his liberty and it becomes ingrained and ingrafted in and upon our institutions. These men have been there contending against this situation for months.

This condition of affairs has prevailed in the State of West Virginia for nearly a year. Has there been any discussion of it in the public press? In all that time I have seen but three editorials in the entire country in regard to that condition of affairs.

And yet, Mr. President, such a condition of affairs prevailed that here in the very shadow of the Capitol where we sit as the representatives of this Constitution, men were tried by a military tribunal in violation of all the principles of Government and of the Constitution which we have taken an oath to support, and not an effort was made to see that these men should enjoy what the Constitution of the United States guarantees to them.

There is no wonder, Mr. President, that in these days men sometimes think that the Government is separate and apart from the people. If men can be deprived of their liberty through a tribunal unknown to our institutions, certainly it will not be long until the respect of the people for these institutions will be utterly gone. There is no higher duty resting on the Senate to-day, in view of the turmoil and condition of affairs which prevail throughout the country, than to see that the courts are open to every man who is charged with crime or who may be arrested and detained of his liberty.

In order to legislate intelligently and fairly we must hear both sides, hear all the facts, and pass our laws upon a full investigation. What harm will be done to the State of West Virginia? What harm would be done to any State by going therein for the purpose of ascertaining a condition of affairs which is said to exist? If it does not exist the report of this committee would be an exoneration of the State and of the State officers. If it does exist, would the Senator from Georgia say we ought not to remedy it by a law which shall be effective for the protection of the citizen?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. Certainly.

Mr. GALLINGER. The fourteenth and fifteenth amendments to the Constitution were adopted for the protection of the political rights of citizens of the United States as well as their other rights. The Senator recalls the fact that a very exhaustive investigation took place in the year 1884, of which the late Senator Hoar was chairman, and a finding was had and a report made to the Senate which is very illuminating. Yet Congress has not by appropriate legislation protected those people in their rights.

Now, does the Senator think we will be any more fortunate in dealing with the few men in West Virginia who feel aggrieved when a million people in this country are to-day deprived of the rights guaranteed by the fourteenth and fifteenth amendments?

Mr. BORAH. I would not cite the dereliction of Congress in one instance as a reason why Congress should be derelict in another. I am not familiar with the report which was made nor the reasons why Congress has seen fit not to legislate, but I may say in answer to the Senator that if such a precedent has been established, here is another one, and pretty soon there will be no question about the proposition that the fourteenth amendment means nothing.

It seems to me, Mr. President, that there can hardly be a justification for refusing to support this subdivision of the resolution because in the past Congress for some reason, why I do not know, has not seen fit to act. Perhaps the Senator knows why it did not. I know I do not.

Mr. President, I am not going to discuss the other features of this matter, because it is late and the desire to vote upon this measure I know prevails throughout the Senate. I only want to say that section 4 is the one section which interested me in this controversy. I can submit to any other proposition, because I think it would be a temporary matter, except that of denying the right of a citizen to a trial before a common-law court and before a jury. When it was asserted and practically admitted that that was true, I could but believe that this was a matter which ought to be investigated, and if the facts are as alleged, something should be done in the way of legislation to prepare for the future. I believe it our duty to fairly and fully secure all the facts on both sides and then determine what, if anything, Congress should do by way of legislation.

If section 4 is to go out, so far as the other investigations are concerned, in my opinion they are merely incidental to the question.

Mr. POMERENE. Mr. President, I am going to vote for this resolution. There is, in my judgment, no question about our constitutional authority to pass it. Neither have I any question as to the expediency under all the circumstances. It seems to me if I were one of the Senators from the great State of West Virginia and took the view of this controversy that they do, I would vote for the resolution. If the facts are as they contend them to be, and if these men have been tried in conformity with the laws in the name of their great State, it seems to me that they would invite this investigation. If, on the other hand, these men have been improperly convicted, have been denied the right of trial by jury, have been called before a military commission when there was no just reason for the organization of the commission, then our duty in the premises can not be questioned.

If this were the last labor controversy that we were to have in this country, it might be wise to draw the veil and close it from view, but in this great industrial country of ours, when we know from past experience that we will have these disputes whether they are due to one cause or to another, it seems to me that now is the time to investigate the situation as it was in West Virginia in order that we may learn a lesson therefrom.

The other day in the discussion of this subject the junior Senator from West Virginia [Mr. GOFF] referred to the recent strike in the city of Cincinnati in these words:

> I assume that the conditions are very similar, and I think if we had authorities in New Jersey that would put an end to the violence that exists there and the destruction of life and property, it would be well to have that authority invoked; just as I think when the mayor of Cincinnati appealed to the governor of Ohio, when the police force of the city of Cincinnati proved utterly inadequate to cope with the desperadoes who were destroying lives and property there, there ought to have been relief furnished by the governor of Ohio by sending militia to that great city. That is my judgment.

No one else seems to have heard of any lives being destroyed there.

On the same day my very good friend, the distinguished Senator from New Hampshire [Mr. GALLINGER], used this language:

> If the governor of Ohio and the governor of New Jersey would take a lesson from the governor of West Virginia concerning those regions where strife has prevailed and where insurrection in fact exists in those States and issue their martial-law orders, there would be peace in the great city in the Valley of the Ohio, as well as in that industrial center in New Jersey.

Mr. President, at the very time the distinguished Senators from New Hampshire and from West Virginia were giving their advice to the governor of Ohio to declare martial law and to send the military forces to Cincinnati the representatives of the contending forces were then engaged in a council which on the very night of that day led to the cessation of all differences and ended in an agreement for the settlement of their contentions.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. POMERENE. Certainly.

Mr. GALLINGER. And on the very morning of the day on which I made those observations—and I did not intimate that I was in favor of suspending the operations of the courts—on that very morning the newspapers chronicled the fact that lawless men had been throwing steel beams and other heavy material on a street car in the city of Cincinnati, injuring the passengers and destroying the property of the corporation.

Mr. POMERENE. The facts are, as I understand them at this distance, that there was a strike. There were certain differences between employees and employers. The street cars were stopped; for some days they did not operate, and during that time it does seem that there were some missiles thrown and that the running of cars was interfered with. I think that some missiles were thrown from a high building, perhaps. There were no lives lost. There was no personal violence. And yet under those conditions the Senators wanted the military.

The mayor of the city of Cincinnati, having the view of the situation he did, did make a call for troops. The governor of the State of Ohio having the view of the situation as he had it, did refuse to send the military. Both these men—and I have the honor of the acquaintance of both of them—are men of the highest character, consecrated to their official duty, and I will do both of them the credit of saying that I believe each of them

thought he was doing his duty as he saw it under the circumstances.

Yet it would seem from the events as they actually occurred that the governor of the great State of Ohio was right in declining to send the military to the city of Cincinnati, and now the entire controversy is settled.

On the morning of May 20, which was Tuesday following the discussion here in the Senate, the Cincinnati Enquirer had these headlines:

Strike has been settled and cars will run to-day; company recognizes union. Pact signed by both sides. Representatives of the carmen and Cincinnati Traction Co. announced after a conference, which was ended at a late hour, that terms satisfactory to all concerned had been agreed upon by them. Action of the leaders unanimously indorsed by strikers when report was read at meeting; employers follow suit and arrangements were at once made to open up all lines.

And this was the settlement that was being made when the advice was given to send the military to Cincinnati. In view of the fact that the Senator from West Virginia and the Senator from New Hampshire presumed to give advice to the governor of Ohio, may the junior Senator from Ohio presume to give a little advice to the governor of West Virginia and suggest to him that hereafter he be not so insistent upon sending the military? For myself I prefer the conduct of the governor of Ohio to the conduct of the governor of West Virginia.

Mr. President, under the circumstances, in view of the fact that the distinguished governor of a sovereign State was criticized upon this floor, and unjustly so, as the facts developed, I feel that I ought to present to the Senate the governor's own statement with respect to that situation. I therefore send to the desk this letter from Gov. Cox, and ask that it be read as a part of my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
May 22, 1913.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have noticed newspaper reports of a discussion in the United States Senate of labor strike troubles, in the course of which Senators GOFF, of West Virginia, and GALLINGER, of New Hampshire, criticize my action in refusing to send troops to Cincinnati at the time of the street railway strike.

I am personally indifferent to the intemperate observations of the two Members of your body, except the thought that if there were any doubt in my own mind about the propriety of my conduct it would be entirely removed by the senatorial evidence of disapproval.

However, consideration for the State of Ohio suggests that the facts in the case be given prominence equal to that received by the misrepresentation.

When the call for troops came the mayor was advised that whenever the disorder was beyond the control of the maximum resources of the local government troops would be dispatched without delay and the peace, good order, and dignity of the State maintained. The suggestion at the same time was made that since the public was not riding in the cars and no utility was created they might very well be run into the car barns and kept there until the acute stage was passed. This was done, and within a few hours, the immediate menace of troops withdrawn, the city was in quiet, and arbitration, the sole resort of either contending party, spurred on by an insistent public opinion, was under way. Two days later, on Monday, at the very hour that the Senators from West Virginia and New Hampshire, respectively, were making their contribution to public records, the agreement of peace was being written in Cincinnati. The Tuesday morning papers, which carried Washington stories of the senatorial slander against an orderly and peace-loving State, also in bold headlines announced the settlement of the strike, and displayed in conspicuous manner interviews with street railway officials, labor leaders, and representative citizens, all satisfied with the outcome. This was in such marked contrast to the scenes so familiar to the Senator from West Virginia that one can easily understand his resentment against a civilized and humane industrial condition which might sweep eastward over the Ohio River and wipe out a situation that has been a disgrace to the Republic for 20 years. In Ohio we court the intelligent criticism of our sister States, but we look with pity, rather than resentment, upon the lamentations of one whose political and industrial standards grew out of a condition made abhorrent in memory by the brutal tyranny of government over human rights.

Very truly, yours,
JAMES M. COX.

During the delivery of Mr. POMERENE's speech,

Mr. SMOOT. Will the Senator from Ohio yield for just a moment? I have to leave the Chamber.

Mr. POMERENE. Certainly.

Mr. SMOOT. It is evident that it will be too late to take up Senate resolution 19 for consideration to-night after this matter is disposed of. I now give notice that on Thursday, after the routine morning business, I shall move that the Senate proceed to the consideration of Senate resolution 19.

After the conclusion of Mr. POMERENE's speech,

Mr. GALLINGER. Mr. President, the Senator from Ohio [Mr. POMERENE] would not on his own responsibility have made this contribution to the discussion to-day, because a rule of the Senate would have prevented him from doing so. The governor of Ohio is at liberty to make any observations concerning me that he chooses, and I will feel at liberty to form any opinion concerning that official that I see fit to form.

Mr. STONE. Mr. President, with all due respect and kindliness of feeling for the Senator from Ohio [Mr. POMERENE] and with great respect for the governor of his Commonwealth, I do make a protest against the introduction of a communication that is in the nature of a criticism—I am attempting to use moderate terms—of what is said by Senators on the floor of this body by gentlemen outside of this body, even though they may hold important public positions. I do not by that mean to say that the Members of the Senate are not open to criticism; they are; but I can not approve of having any man outside the Senate, through the intervention of a Senator, make a speech in the Senate criticizing the utterances of a Senator. I think it is in violation of the rules of the Senate, and I hope it will not be repeated.

Mr. LODGE. Mr. President, I am very glad that the Senator from Missouri [Mr. STONE] has called attention to this matter as he has done. The rule of the Senate provides that—

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The next clause of the rule is that—

No Senator in debate shall refer offensively to any State of the Union.

Mr. President, those rules are essential to the proper conduct of debate in this body. I do not think I ever knew them violated here, but if the utterances of others outside of the Senate, which violate both those rules, can be introduced, read here, and placed in the RECORD the rules cease to have any meaning. I do not think a letter of the character of that which has been read, reflecting on two Senators and two States, ought to remain in the RECORD.

Mr. GOFF. Mr. President, I will leave it to the Senate to determine who has used intemperate language; I submit to the Senate the decision of the question who has violated the dignity of this Chamber or the honor of a State. If there have been utterances of that character upon this floor, they have escaped me; but there has just been read before this Chamber a communication which is an insult to the Senate and a degradation to the State of Ohio. I submit that statement without fear of successful contradiction. I am surprised that the Senator from Ohio [Mr. POMERENE] should introduce such a communication to the Senate.

At the very time referred to in the communication, where allusion is made to the headlines of a Cincinnati newspaper, at the very time the governor says—and his statement meets the approval of the Senator from Ohio—that peace was being arranged and that honorable men were meeting in conference for that purpose, and that at last they succeeded, what do the journals of the State of Ohio say and what do the people of the State of Ohio say? They say, "Yes; an agreement was reached, but how?" The great power of a great city was held in the palm of the hands, if you please, of insurrection, and a great governor of a great State refused aid to that community. In that situation—the power of a mob controlling a city, the prayer of the mayor thereof being repudiated, a governor withholding the power of the law that he had but recently registered an oath to support—is it any wonder that the corporations involved, the men who owned the property through which flame had swept and destruction was threatened, realizing that they had no support from the State or the city, should acquiesce in the adjustment that we have been told about? It is acquiescence of that character, Mr. President, that has led this country—Ohio and West Virginia included—to the very verge of anarchy.

It makes a great deal of difference whose ox is gored. The governor of Ohio is not a stranger to martial law. It has only been a few weeks since the present governor of Ohio issued a proclamation of martial law. Only a few weeks since in a district afflicted by an unprecedented misfortune, toward which the sympathy and the heart of mankind went out, what did he do? When the rioter was there, when the looter was there, and when confusion reigned supreme, the governor issued his proclamation declaring martial law in the flooded districts, thereby temporarily suspending the authority of the civil law. I am not complaining of that; it was right. He realized that it was right. The military officers and the militia paraded the streets of the cities, stopped people, arrested citizens, and suspended the power of the local authorities, but maintained order and protected the communities. It was right; the exigency and the hour demanded it; the preservation of society required it. But in Cincinnati we are told the situation was entirely different. Yes; the shoe was on the other foot. There, in a great city where half a million people live, but where confusion reigned supreme, where law was trampled in the dust, where the majesty of the law was defiantly denounced, business sus-

pended, and property destroyed, the governor, who could under relatively easy circumstances issue his martial-law proclamation and send his militia into the field, said: "Nay, nay; verily I will not." Why? Because a very different state of affairs prevailed. The people, the corporations, if you please, which so largely contributed to the making of the city what it is, were in a controversy with—what shall I call it?—the idiosyncrasies of labor. It was a dangerous situation to meddle with, but dangerous only in the future.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. STONE. Mr. President, I think the criticism I made a little while ago of the letter introduced by my friend from Ohio [Mr. POMERENE] is equally applicable to what the Senator from West Virginia is saying. I think one is just as much subject to objection under the rules of the Senate as the other. To attack the governor of a State and the authorities of a State——

Mr. GOFF. I am criticizing the conduct of the governor of the State; that is what I am doing.

Mr. STONE. I can not see what that has to do with determining the question before the Senate. It seems to me to be wholly out of place and not at all in accord with the proprieties of the occasion or the rules of the Senate. So I hope the Senator will not continue.

Mr. GOFF. Mr. President, if I had without cause injected into this discussion the remarks I have just submitted, as the governor of Ohio injected himself into this controversy, then I might have been subject to the criticism of the Senator from Missouri; but when I simply reply to the unjust attack of the governor of Ohio upon the Senator from New Hampshire and myself, and to his unfounded aspersions upon the State of West Virginia and her governor, surely I violate no rule of the Senate, no precept of propriety. I would be less than human if I did not resent the misrepresentations contained in the communication presented by the Senator from Ohio. So far as I am concerned, the Senate can dispose of the matter as to it seems proper.

Mr. KERN. Regular order!

Mr. POMERENE. Mr. President, if I have in any way violated the proprieties of this Chamber, no one regrets it more than I. I am not convinced that I have so violated them. The Senators to whom I referred did not hesitate to refer to the great State of Ohio and to the conditions which prevailed there and to the conduct of her chief executive in such a way as to reflect in a very severe degree upon the conduct of our distinguished governor. I did not feel when I presented that letter that it was different in kind or in degree from the utterances which were made by the Senators themselves.

Mr. President, I do not intend to carry on this discussion very much further, except to say this: The Senator from West Virginia referred to the settlement of the strike because there was nothing else to do, in view of the fact that the governor of that great State failed to send the necessary protection.

I happen to have before me a statement that was issued by the general manager of the Cincinnati Traction Co. I am not going to weary the Senate by reading that entire statement, but there is just one sentence to which I wish to refer. He says:

> I believe that the influence of Gov. Cox was also useful at the last in aiding to bring about the final result.

What was it about which this governor had so offended? Not that he refused aid; not that he said that the military would not be sent if the conditions were such as to justify it, but he felt that the civil arm of the government had not been exerted to its utmost, and for that reason he declined to send the military branch of the service; and in that I think he was right.

Mr. BACON. Mr. President, I do not intend to detain the Senate to repeat anything I said on yesterday, when the Senate was kind enough to listen to the views I then expressed. I propose to offer an amendment to strike out the fourth paragraph of this resolution.

I simply wish to say in this connection, repeating what I said yesterday, that I entirely condemn the action of the State authorities in the creation of this court-martial or military commission and in the trial of these men. I think it was utterly illegal. I am not indifferent to the fact that that illegality should be corrected. I am not in doubt of the fact that the law already exists, and the method by which that correction is to be made is already well known, and that that method is by a judgment of the Supreme Court of the United States, and not by any resolution or conclusion which may be adopted or reached by the Senate.

I am not in favor of an investigation of the official acts of a State or the authorities of a State unless it is a case of absolute necessity to do so, and when there is no other way through which the end may be accomplished. As the end can be accomplished in this case and every other similar case by the judgment of the Supreme Court, I am not in favor of the invasion of the State for the purpose of having its official acts examined by a committee of the Senate.

I will simply add that what has occurred in the Senate in the last half hour must impress every Senator with the fact that if we are to enter upon the examination of the official acts of the authorities of every State who may contravene what we may think to be proper in the matter of the issuance or nonissuance of an order for martial law, or anything done under it, we have entered upon a most interminable enterprise; and it will not be limited to one State or to a dozen, but will affect every State in the Union.

It is for that reason that I move to amend the resolution reported by the committee by striking out the fourth subdivision of it. I will say that while there are reasons why I might hesitate to give my support to the other sections of the resolution, of which there are six, I believe, because there is a remedy which might be applied in each case, on account of the prominence given to this matter and the importance which is attached to it I am willing to support the other six sections of the resolution, and will do so if the fourth section is stricken out.

Mr. KERN. Mr. President, one word in conclusion. I desire to say that, in my judgment, of all the seven propositions contained in this resolution the one of the highest importance to the public and to the country is the fourth; and I hope the motion of the Senator from Georgia will not prevail.

Mr. CHILTON. Mr. President, not exactly in conclusion, because I want to explain my vote upon the resolution, I repeat what I said at the beginning of this discussion; it is somewhat embarrassing to me, because I differ in politics from the entire administration, both judicial and executive, of the State of West Virginia.

If any man will take the resolution as it now is and compare it with the resolution as originally introduced he will see that there is a vast difference in the scope of the proposed inquiry, especially as to section 4, now under consideration. In the original resolution it provided that the committee should investigate whether or not the laws of the United States had been violated. In my opinion that is almost insulting to a State. But as it is now framed, directing the committee to investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States, it is entirely a different matter, and, in my judgment, contains about all the virtue there is in the resolution.

The Department of Justice can investigate peonage, and has done it. It can investigate whether or not the immigration laws of the United States have been violated, and has done it. It can investigate every subject that is embraced in the seven branches of the resolution except the fourth. That one, I submit, can not be investigated unless it shall be investigated by the legislative branch of the Government.

I stated in the beginning of this discussion that if this resolution should take the regular course, if it should be properly referred to a committee and both sides of the matter should be heard, and if a favorable report should come in and, in the opinion of that committee these matters should be investigated, I, representing in part West Virginia, should not object. I still stand by that, and as we have here now a unanimous report from the Committee on Education and Labor, I do not intend to oppose the resolution unless, sir, the fourth clause should be stricken from it. In that event I shall consider it proper to vote against the resolution as a whole.

A great many things have been said on this floor. I can not go back and correct them. I can not interject here and there facts which have been omitted in the discussion. But I want the Senate to know that, so far as I am concerned, both in West Virginia and here, I have never defended nor excused the decision of the Supreme Court of Appeals of West Virginia upholding the conviction of men in West Virginia under the declaration of martial law. I am sorry to disagree with my distinguished colleague upon that subject, but I do disagree with him. I think those men were improperly convicted. I think the Supreme Court of the United States will hold that they were improperly convicted when the matter is taken to that tribunal. But, so far as I am concerned, I think if anything should be investigated the Senate should investigate all the facts connected with that matter, because if that is the law in the State

of West Virginia I certainly want something done to correct what I consider to be a deprivation of the rights of the citizen.

With this explanation, Mr. President, the matter may go to a vote so far as I am concerned.

Mr. GOFF. Mr. President, a short explanation. If the amendment suggested by the Senator from Georgia [Mr. BACON] is adopted, it will be in exact accord with the theory I have taken from the beginning of this discussion. I have maintained that the Senate should not investigate the action of the State of West Virginia; that it should not investigate the action of its governor; that it should not investigate the decisions of its courts; that we have ample provision in our laws by which all of that can be reviewed and corrected if erroneous. The Senate will bear me out that that, in substance, has been my contention. I am glad there are some Senators upon the floor who agree with me in that contention.

I go further; I differ, also regretfully, with my colleague. If the fourth section is eliminated and the State is no longer to be interviewed, so to speak, or to be investigated by this committee, I can see no objection to investigating the riot or the strike or the matter of peonage or anything else, if the Senate should deem it proper to do so. Therefore I shall vote for the amendment, and, if carried, I shall vote for the resolution. If the amendment should be defeated, as matters now stand I shall vote against the resolution.

Mr. SUTHERLAND. Mr. President, upon the amendment of the Senator from Georgia [Mr. BACON] I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is upon the amendment of the Senator from Georgia [Mr. BACON] proposing to strike out the fourth clause of the resolution, which clause the Secretary will read.

The Secretary read as follows:

Fourth. Investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. If at liberty to vote, I should vote "nay."

Mr. KERN (when Mr. CLAPP's name was called). I am authorized to say that the Senator from Minnesota [Mr. CLAPP], if present, would vote "nay." He is necessarily absent.

Mr. FALL (when his name was called). Upon this particular resolution, and all questions pertaining to it, I am paired with the senior Senator from North Carolina [Mr. SIMMONS]. I therefore withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Wyoming [Mr. WARREN]. I do not know how he would vote upon this question. If he were present, I should vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN] and will therefore withhold my vote.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. If I were at liberty to vote, I should vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]; but I understand that if he were present he would vote as I shall vote on all matters pertaining to this measure. Therefore I shall vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. Knowing that he would vote as I will, I will exercise the privilege of voting. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent from the city on business. I desire this announcement to stand for all the votes that may be taken.

The roll call was concluded.

Mr. KERN. I was requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is unavoidably detained from the Senate.

Mr. SHEPPARD. My colleague [Mr. CULBERSON] is necessarily absent. He has a general pair with the Senator from Delaware [Mr. DU PONT].

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent. If he were present, he would vote "nay." He is paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. OVERMAN. My colleague [Mr. SIMMONS] is necessarily absent. He has a general pair with the junior Senator from Minnesota [Mr. CLAPP].

Mr. GALLINGER. I have been requested to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Tennessee [Mr. LEA], and that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON].

Mr. REED (after having voted in the negative). I have a pair with the Senator from Michigan [Mr. SMITH]. When I voted I did not know that he was absent from the city and I voted inadvertently. I have, however, been informed by his colleague that if he were present he would vote as I have already voted. Under those circumstances, and with this explanation, I will allow my vote to stand.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is necessarily absent from the Chamber. If he were present, I think he would vote "nay."

Mr. KERN. I will transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Oregon [Mr. CHAMBERLAIN] and vote. I vote "nay."

The result was announced—yeas 10, nays 59, as follows:

YEAS—10.

Bacon	Catron	Smith, Ga.	Tillman
Bankhead	Goff	Stone	
Bryan	Overman	Thornton	

NAYS—59.

Ashurst	Hollis	Nelson	Shively
Borah	Hughes	Norris	Smith, Ariz.
Brady	James	Oliver	Smith, Md.
Brandegee	Johnson, Me.	Owen	Smith, S. C.
Bristow	Johnston, Ala.	Page	Smoot
Burton	Jones	Perkins	Sterling
Clark, Wyo.	Kenyon	Pittman	Sutherland
Clarke, Ark.	Kern	Pomerene	Swanson
Colt	La Follette	Reed	Thomas
Crawford	Lane	Robinson	Thompson
Cummins	Lewis	Root	Townsend
Dillingham	Lodge	Saulsbury	Vardaman
Gore	Martin, Va.	Shafroth	Walsh
Gronna	Martine, N. J.	Sheppard	Works
Hitchcock	Myers	Sherman	

NOT VOTING—27.

Bradley	Fall	McLean	Simmons
Burleigh	Fletcher	Newlands	Smith, Mich.
Chamberlain	Gallinger	O'Gorman	Stephenson
Chilton	Jackson	Penrose	Warren
Clapp	Lea	Poindexter	Weeks
Culberson	Lippitt	Ransdell	Williams
du Pont	McCumber	Shields	

So Mr. BACON's amendment was rejected.

Mr. BACON. I now ask that the vote may be taken separately upon the several resolutions. [Cries of "Oh, no!"] I have the right to make the request.

Mr. SMOOT. Unquestionably the Senator has the right.

Mr. BACON. I am not going to call for the yeas and nays on them.

Mr. CLARK of Wyoming. The yeas and nays have been ordered.

The VICE PRESIDENT. The Chair is in doubt as to what the Chair should do. The yeas and nays have been ordered on the substitute resolution reported by the committee.

Mr. BACON. I do not think that the ordering of the yeas and nays on yesterday has any force to-day. I do not think there is any order of the yeas and nays on any proposition except the one that has just been voted on.

The VICE PRESIDENT. The Chair understands——

Mr. BACON. If there is no yea-and-nay vote called I shall not ask for a separate vote, but if there is a yea-and-nay vote called I shall do so, because, while I can not vote for the fourth resolution, I am ready to vote for the other sections. If no yea-and-nay vote is called on the general proposition, I am willing not to press my demand for a separate vote.

Mr. CLARK of Wyoming. Mr. President, the yeas and nays were ordered on yesterday.

Mr. BACON. In my opinion, and I have adhered to that opinion for years and have so expressed it on the floor——

Mr. CLARK of Wyoming. If the Senator will read the order that was made on yesterday, I think he may modify his view as to this particular case.

Mr. BACON. I do not think I will.

Mr. CLARK of Wyoming (reading):

Mr. ASHURST. I ask that when the vote is taken it be taken by yeas and nays.

* * * * * * *

[The yeas and nays were ordered.]

Mr. BACON. That is not the way in which the yeas and nays are called for.

Mr. CLARK of Wyoming. It is the way they were called for at that time.

Mr. BACON. When a Senator calls for the yeas and nays the demand is in the nature of a motion.

Mr. CLARK of Wyoming. The Vice President said:

The Senator from Arizona demands the yeas and nays upon the adoption of the resolution.

[The yeas and nays were ordered.]

Mr. BACON. But the Constitution says that the yeas and nays, when ordered upon the demand of one-fifth of those present, shall be entered upon the Journal. It evidently contemplates that those who were about to vote shall order the yeas and nays. We have measures here which sometimes run in the Senate for a whole month, and if that construction were adopted it would be competent for those to order the yeas and nays who would not be present when the vote was taken. That is not according to the contemplation of the Constitution. The contemplation of the Constitution is that one-fifth of those who are going to vote shall demand the yeas and nays, and that they shall be entered on the Journal, not that a month ahead of the time one-fifth shall second the demand for the yeas and nays and then a month after that, when the question comes to a vote, it shall be taken with possibly no single person who had ordered the yeas and nays present.

Mr. STONE. If the Senator will permit me, I have seen the contrary rule followed here frequently, and I supposed it was the established procedure of this body. If now a new demand for the yeas and nays were permissible and the yeas and nays should be ordered, debate might go on after that before the calling of the roll was commenced; it might run on indefinitely notwithstanding the yeas and nays had been ordered. It might run on 10 minutes; it might run on 10 hours——

Mr. LA FOLLETTE. Or 10 days.

Mr. STONE. Or 10 days; but at the conclusion of the debate, the yeas and nays having been ordered, it seems to me they should be taken.

Mr. BACON. That has been a mooted point. I know that has been the rule in some instances, and in other instances, for the purpose of avoiding the very thing the Senator from Missouri has suggested, the yeas and nays have again been called for and ordered. The RECORD will show that fact. I have a distinct recollection of instances in which that was done. I have no objection to a demand for the yeas and nays, but if the yeas and nays are ordered I want a separate vote on the different provisions of the resolution.

Mr. CHILTON. I should like to ask the Senator from Georgia if the order for the yeas and nays could not be set aside now by unanimous consent?

Mr. LODGE. It can be rescinded, of course. If the Senator who demanded the yeas and nays asks leave to withdraw his demand, by unanimous consent it can be withdrawn.

Mr. BACON. Undoubtedly.

Mr. ASHURST. Mr. President, although against my own inclination, I ask unanimous consent that the order for the yeas and nays may be rescinded. I could not insist further upon the yeas and nays when it is perfectly obvious to all that the roll call just had shows the resolution will safely carry. Therefore, in view of the roll call just had, it does seem to me that I would, to say the least, uselessly and for no real practical purpose, cause the Senate much inconvenience by now insisting upon a further roll call at this late hour.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent that the order heretofore entered for the yeas and nays be rescinded. Is there any objection? The Chair hears none, and the order is rescinded.

Mr. STONE. Mr. President, before the motion is put by the Chair on the passage of the resolution, without the yeas and nays, I desire to say a word or two. I voted for the amendment offered by the Senator from Georgia. I do not believe in the wisdom or the policy of the Government of the United States entering at pleasure upon the work of investigating the acts of a State. I do not think that a State is a mere province. I think it is a sovereignty. I do not like the thought embodied in the fourth resolution. It is obnoxious to me. Nevertheless, I intend, with great misgivings and doubt as to the wisdom of that particular part of the resolution, to vote for the resolution as proposed.

Mr. OVERMAN. Mr. President, it seems that it may take as long to make these explanations as to call the roll. I simply want to say that I am heartily in favor of every one of the resolutions except the fourth, which I voted against.

Mr. ASHURST. Mr. President, the speeches in behalf of the adoption of this resolution have uniformly been so clear and convincing that it would be a work of supererogation for me to add anything further; but I now embrace the opportunity most emphatically to record myself as being in favor of this resolution and investigation, and in favor of each and every subdivision of this resolution.

Had the duty of drafting the resolution been assigned to me, I should have made the resolution, if possible, even more searching and drastic than it is in its present form.

Mr. GALLINGER. Mr. President, I rise simply to say that if I had an opportunity to record my vote it would be in favor of the resolution.

The VICE PRESIDENT. The Senator from Georgia has called for a division of the question.

Mr. BACON. I withdraw that call.

Mr. GALLINGER. The question then is upon agreeing to the resolution.

The VICE PRESIDENT. The question is on the adoption of the resolution reported as a substitute by the Committee on Education and Labor.

The resolution was agreed to, as follows:

Resolved, That the Senate Committee on Education and Labor is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the Paint Creek coal fields of West Virginia for the purpose of ascertaining—

First. Whether or not any system of peonage has been or is maintained in said coal fields.

Second. Whether or not postal services and facilities have been or are interfered with or obstructed in said coal fields; and if so, by whom.

Third. Whether or not the immigration laws of this country have been or are being violated in said coal fields; and if so, by whom; and whether or not there have been discriminations against said coal fields in the administration of the immigration laws at ports of entry.

Fourth. Investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

Fifth. Investigate and report to what extent the conditions existing in said coal fields in West Virginia have been caused by agreements and combinations entered into contrary to the laws of the United States for the purpose of controlling the production, sale, and transportation of the coal of these fields.

Sixth. Investigate and report whether or not firearms, ammunition, and explosives have been shipped into the said coal fields with the purpose to exclude the products of said coal fields from competitive markets in interstate trade; and if so, by whom and by whom paid for.

Seventh. If any or all of these conditions exist, the causes leading up to such conditions.

Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof, at such time and place as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses and the production of papers, books, and documents; to employ stenographers, at a cost not exceeding $1 per printed page, to take and make a record of all evidence taken and received by the committee and keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed; and to employ such other clerical assistance as may be necessary. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who having appeared refuses to answer any questions pertinent to the investigation herein authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

Mr. KERN. I move that when the Senate adjourns it shall adjourn to meet on Thursday at 2 o'clock p. m.

The motion was agreed to.

Mr. MARTINE of New Jersey. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 15 minutes p. m.) the Senate adjourned until Thursday, May 29, 1913, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 27, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that thou hast made us progressive beings, that nothing less than the best will satisfy our longings, hopes, and aspirations, since it is the dynamo which moves the car of progress and promises perfection for the individual, for the race. And we thank Thee that possession in the material, intellectual, moral, or spiritual life is never fully enjoyed until we begin to share our possessions with others. Help us to realize that when we shall have reached the end of our earthly existence it will not be the wealth, wisdom, or power which we may have attained but the full, rounded-out character

and the knowledge that we have wrought not only for ourselves but for others which will bring us peace, joy, and happiness. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Friday, May 23, 1913, was read and approved.

LEAVE TO PRINT.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. I rise to ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 4357) to provide for the inspection of any parcel sent by mail which contains fruit, plants, trees, shrubs, nursery stock, grafts, scions, peach, plum, almond, or the pits of other fruits, cotton seed, or vegetables at point of delivery in any post office of the United States that requests such inspection and where the requisite inspectors are provided by the States to perform such service.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE NECESSITY OF INSPECTION OF PARCELS SENT BY MAIL WHICH CONTAIN PLANTS, ETC., AT POINTS OF DELIVERY IN POST OFFICE.

Mr. RAKER. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert herewith bill H. R. 4357, introduced by me on April 28, 1913, which bill is as follows:

A bill (H. R. 4357) to provide for the inspection of any parcel sent by mail which contains fruit, plants, trees, shrubs, nursery stock, grafts, scions, peach, plum, almond, or the pits of other fruits, cotton seed, or vegetables at point of delivery in any post office of the United States that requests such inspection and where the requisite inspectors are provided by the States to perform such service.

Be it enacted, etc., That it shall be unlawful for any postmaster or postal clerk to receive any parcel containing fruit, plants, trees, shrubs, nursery stock, grafts, scions, peach, plum, almond, or the pits of other fruits, cotton seed, or vegetables to be sent by mail except that the same be plainly labeled, which label shall not only give the character of the parcel, but also the name of the person who produced it and place where grown, if possible; also the name of the sender. It shall also be unlawful for any postmaster or postal clerk to deliver at any post office in any State any parcel containing fruit, plants, trees, shrubs, nursery stock, grafts, scions, peach, plum, almond, or the pits of other fruits, cotton seed, or vegetables until the same has been inspected by a regularly appointed fruit inspector provided by the State, and it shall be the duty of the postal officers to apprise said fruit inspectors of the presence of such parcels. It shall also be unlawful for any postmaster or postal clerk to deliver such parcel until it is released by such regularly appointed fruit inspector, who certifies that it is free from injurious insects and injurious fungi. In case any State desires inspection at destination, it shall be divided into a reasonable number of inspection districts, to be determined by the joint action of the Agricultural Department and the State authorities, and that in each of such inspection districts there shall be designated a point of inspection, and that all nursery stock coming through the mails shall be routed through such inspection point and there subject to inspection prior to reshipment to destination, and in this case, immediately after inspection, the parcel shall be carefully rewrapped and remailed to the consignee in case it is free from pests, and otherwise treated and destroyed as the State officials shall direct.

Dr. A. J. Cook, State commissioner of horticulture of California, in writing to me under date of April 21, 1913, upon this subject contained in H. R. 4357, says:

The matter is certainly one of no little importance and requires immediate action. The point of one or two places for inspection is certainly the right thing. If some dreadful disease were in this country, would there be any hesitation about acting on the part of Congress? Of course, this is not a dreadful disease, but you know its importance and the fact that immediate action might save us thousands and possibly millions of dollars. Are we not justified, then, in using every possible effort to secure immediate legislation? I wish to repeat what I said before: This is too important a matter to neglect. I wish Congress could know the danger as I see it. If it is a possible thing by straining every point, do not fail to get immediate action on this matter, as delay may cause frightful loss. It is not at all imperative to have this bill touch the express or railroad. We have those now in thorough control, and we inspect everything that comes by express or rail, so the post office is all with which we need to concern ourselves. I know you see the importance of this and will leave no stone unturned to secure the needed protection at an early date.

Dr. Cook was furnished a copy of bill H. R. 4357, and I received a letter from him under date of May 6, 1913, in which he states:

I am delighted with your bill and also the letter of the 29th ultimo. I do not see how the bill can be improved. The district idea is good, because some States will wish more districts than others, and the way of determining it will make all satisfied. Now, Judge RAKER, you have a chance to do a marvelous good for our State, as you have done in the past; that is, to get this bill through. We can not afford to put this off until another session of Congress. Within a week or ten days I will send such a statement as you desire. * * * Thanking you sincerely for the active interest you have taken in this matter, and hoping and believing that we can succeed at this session of Congress to consummate this most important action.

Under date of May 14, 1913, Dr. Cook writes me in relation to this bill as follows:

I think the last bill you sent (H. R. 4357) is excellent. I do not know how we could better it. I am glad you appreciate the fact that haste is exceedingly important. I shall get the data that you request as soon as possible, making a strong case in favor of hasty action.

In response to the letters of date April 21, May 6, and May 14, 1913, Dr. Cook writes under date of May 21, 1913, upon bill H. R. 4357 and the necessity of its being enacted, as follows:

Agreeable to the promise I made you some time ago, I am glad to give you some reasons why we so emphatically urge the necessity of inspecting plant material arriving by mail before the same is delivered to the addressee. I submit the following:

"At San Francisco all plant material arriving by parcel post at the United States post-office customs for California points is submitted to the inspection of the State horticultural quarantine officers. In looking over the records for the past three months we find the following entries of plant material infested in such a manner as to preclude its admission into the State under the present quarantine laws:

"One lot fruit trees from Australia badly infested with live specimens of bud moth.

"One lot small cherry trees from Japan infested with live specimens of *Aulacaspis pentagona*.

"Four lots peach trees from localities known to be infested with peach yellows.

"One lot of fruit hosts of the Mediterranean fruit fly in violation of section 5, State quarantine law.

"Seven lots of potatoes in violation of Federal quarantine No. 3, 'potato scab.'

"Potatoes from European points which might bring the terrible potato wart.

"Plants from greenhouses in the Northeastern States badly infested with the citrus white fly.

"Such findings as these in the small amount of mail matter we are at present enabled to examine makes the necessity of examining all plant material arriving by mail a very potent one in our opinion. The good effect of our quarantine laws will be lost and the most diligent efforts of our quarantine officers will be brought to naught if we are to continue to leave wide open in California over 1,750 avenues of entrance for this material, all available to every man, woman, and child in the State each working day in the year, yet all of them beyond the control of the horticultural inspection officers.

"Is not this matter of sufficient moment to warrant the most energetic effort to secure a law such as you have formulated and presented to the National Congress? I believe that law is excellent, and I hope no effort will be spared to secure its enactment at the present special session of Congress.

"Again urging the necessity of this law and thanking you for your energetic action in the matter."

The Department of Agriculture, as well as the Post Office Department, is earnestly cooperating in this important matter. The great need and necessity of bill H. R. 4357 being enacted by Congress at an early date is fully set out and explained in the statement made by Dr. Cook under date of May 21, 1913. The number of special instances in which the State commissioner of horticulture of California has located infected plants, trees, and so forth, if scattered over California might be sufficient to infect the entire State. One lot of the Mediterranean fruit fly, if permitted to be distributed, would of itself be sufficient to cause untold loss, and I am therefore most respectfully calling this matter to the attention of Congress that early action might be had upon bill H. R. 4357.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD also.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I am just in receipt of a telegram signed, or authorized to be signed, by some 250 of the leading banks and about 50 of the business men's associations of the various cities and towns of Colorado, protesting against the clause of the Underwood bill placing sugar on the free list at the expiration of three years and petitioning Congress to make only such proportionate reduction in the tariff on sugar as may be made in the tariff on other products manufactured in this country.

These petitioners represent a very large per cent of the business interests of my State. They respectfully ask me to present their petition to the House of Representatives. They certainly are entitled to this consideration, and in compliance with their request I ask that the following telegram be inserted in the RECORD:

DENVER, COLO., *May 26, 1913.*

Hon. EDWARD T. TAYLOR,
House of Representatives, Washington, D. C.:

We respectfully request that you present the following petition to the House of Representatives:

Your petitioners, the Chamber of Commerce of the City and County of Denver, being specifically authorized in this matter to also represent Derby Chamber of Commerce; Wellington Commercial Club; Sterling Chamber of Commerce; Walsenburg Business Men's Association; Gill Commercial Club; Holly Commercial Club; Consolidated Commercial Association, of Erie; Bristol Commercial Club; Johnstown Commercial Club; Antonito Chamber of Commerce; Farmers' Cooperative Association, of Hartman; Mesa County Business Association, of Grand Junction; Brush Commercial Club; Paonia Commercial Association; Sugar City Chamber of Commerce; Keota Commercial Club; La Salle Commercial Club; Wiley Commercial Club; Kersey Commercial Club; Fort Collins Retail Merchants' Association; Fort Lupton Commercial Club; Fountain Commercial Club; Swink Commercial Club; Hartman Commercial Club; Hooper Commercial Club; Ault Commercial Club; Greeley Commercial Club; Fort Morgan Chamber of Commerce; Rifle Chamber of Commerce; Calhan Chamber of Commerce; Loveland Chamber of Commerce; Dolores Board of Trade; Haxtum Commercial Club; Merino Commercial Club; Lamar Commercial Association; Louisville Commercial Association; and your petitioners, the Denver Clearing House

Association, of the city of Denver, comprising the First National Bank; Colorado National Bank; Denver National Bank; United States National Bank; Hamilton National Bank; and Federal National Bank; being specifically authorized in this matter to also represent Broadway Bank; Central Savings Bank & Trust Co.; Citizens' Exchange Bank; City Bank & Trust Co.; Colorado State & Savings Bank; Continental Trust Co.; Denver Stock Yards Bank; Fleming Bros., bankers; German-American Trust Co.; Germania State Bank; Guardian Trust Co.; Hibernia Bank & Trust Co.; Home Savings & Trust Co.; International Trust Co.; Interstate Trust Co.; Merchants' Bank; Pioneer State Bank; State Bank of Denver; State Mercantile Bank; West Side State Bank; First National Bank, of Ault; First National Bank, of Brush; Stockmen's National Bank, of Brush; First State Bank, of Aguilar; Alamosa National Bank; Aspen State Bank; First National Bank, of Center; Fremont County National Bank, of Canon City; First State Bank, of Brandon; American National Bank, of Alamosa; First National Bank, of Buena Vista; Farmers & Merchants' State Bank, of Brighton; Burlington State Bank; First National Bank, of Boulder; Bristol State Bank; Farmers' State Bank, of Flagler; Estes Park Bank; J. N. Beaty, Manzanola; Home Savings Bank, of Fort Morgan; Burns National Bank, of Durango; Bank of Crested Butte; Eaton National Bank; Erie Bank; Bank of Crook; Exchange National Bank, of Colorado Springs; First National Bank, of Colorado Springs; Colorado Savings Bank, of Colorado Springs; Colorado Title & Trust Co., of Colorado Springs; First National Bank, of Delta; Platte Valley State Bank, of Fort Lupton; Farmers & Merchants' Bank, of Evans; First National Bank, of Fort Morgan; Citizens' National Bank, of Craig; Fort Lupton State Bank; First National Bank, of Durango; Durango Trust Co.; First National Bank, of Fort Collins; Poudre Valley National Bank, of Fort Collins; Morgan County National Bank, of Fort Morgan; Fowler State Bank; Fort Collins National Bank; Woods Rubey National Bank, of Golden; Farmers' State Bank, of Haxtum; Merchants & Miners' Bank, of Idaho Springs; Greeley National Bank; First State Bank, of Hill Rose; Citizens' National Bank, of Julesburg; Colorado Springs National Bank; First National Bank, of Englewood; First National Bank, of Idaho Springs; Gunnison Bank & Trust Co.; First National Bank, of Julesburg; Union National Bank, of Greeley; First National Bank, of Holyoke; Kit Carson State Bank; First National Bank, of Greeley; First National Bank, of Holly; Holly State Bank; City National Bank, of Greeley; Hartman State Bank; First National Bank, of Hugo; First National Bank, of Glenwood Springs; Phillips County State Bank, of Holyoke; Kersey State Bank; Yampa Valley State Bank, of Hayden; First National Bank, of Granada; Longmont National Bank; Farmers' National Bank, of Longmont; Wallace State Bank, of Monte Vista; First National Bank, of Rifle; Union State Bank, of Rifle; Merino State Bank; Olathe Banking Co.; Lamar National Bank; First National Bank, of La Junta; Laird State Bank; First National Bank, of Lamar; Citizens' State Bank, of Lamar; First National Bank, of Littleton; Carbonate National Bank, of Leadville; American National Bank, of Leadville; Larimer County Bank & Trust Co., of Loveland; First National Bank, of Loveland; Colorado Savings & Trust Co., of La Junta; First State Bank, of Monte Vista; La Junta State National Bank; First National Bank, of Mancos; Limon State Bank; Louisville Bank; Routt County Bank, of Oak Creek; Loveland National Bank; Bank of Manitou; First National Bank, of Lafayette; First State Bank, of Milliken; Farmers' State Bank, of Las Animas; First National Bank, of Monte Vista; Romeo State Bank; Mercantile National Bank, of Pueblo; First State Bank, of Silt; Pitkin Bank; First National Bank, of Silverton; First National Bank, of Pueblo; Rocky Ford National Bank; Platteville National Bank; First National Bank, of Saguache; Saguache County Bank; First National Bank, of Rocky Ford; Fruit Exchange Bank, of Paonia; Seibert State Bank; First National Bank, of Sedgwick; Minnequa Bank, of Pueblo; First National Bank, of Paonia; Wiley State Bank; First State Bank, of Sulphur Springs; Weldon Valley State Bank, of Weldon; North Park Bank, of Weldon; State Bank of Sugar City; H. H. Tomkins & Co., bankers, of West Cliffe; International State Bank, of Trinidad; First National Bank, of Trinidad; Trinidad National Bank; Commercial Savings Bank, of Trinidad; Logan County National Bank, of Sterling; Farmers' National Bank, of Sterling; Bank of Victor; Bank of Baca County, of Two Buttes; First State Bank, of Swink; People's State Bank, of Towner; First National Bank, of Salida; First State Bank, of Wiggins; Farmers' Bank, of Timnath; First National Bank, of Wellington; Farmers' State Bank, of Windsor; First National Bank, of Windsor; First National Bank, of Steamboat Springs; Bank of Telluride; Littleton State Bank; Emerson & Buckingham, bankers, Longmont; Bank of Meeker; Mesa County National Bank, of Grand Junction; United States Bank & Trust Co., of Grand Valley; Grand Valley Bank, of Grand Valley; First National Bank, of Fruita; First National Bank, of Clifton; Palisades National Bank; Bank of Debeque; Plateau Valley Bank, of Colbran; Bank of Palisades; Engle Bros., bankers, of Breckenridge; First National Bank, of Cripple Creek; Miners & Merchants' Bank, of Lake City; Farmers' National Bank, of Ault; Commercial National Bank, of Salida; Guaranty State Bank, of Walsenburg; Miners & Merchants' Bank, of Ouray; First National Bank, of Cortez; Montezuma Valley National Bank, of Cortez; First National Bank, of Eaton; Bank of North Fork, of Hotchkiss; Lafayette Bank & Trust Co.; Costilla County Bank, of San Acacio; Byers State Bank; First National Bank, of Sterling; Western National Bank, of Pueblo; Bent County Bank, of Las Animas; First National Bank, of Walsenburg; First National Bank, of Montrose; Home State Bank, of Montrose; Montrose National Bank; Bianca State Bank; Pueblo Savings & Trust Co., of Pueblo; Hudson State Bank; Bank of Hayden; Mercantile Bank & Trust Co., of Boulder; First National Bank, of Las Animas; First National Bank, of Gill; City Bank, of Victor; H. M. Rubey, president Colorado State Bankers' Association.

Acting in our own behalf and of those commercial organizations and banking institutions solely who have specifically authorized us to represent them, respectfully represent: That the enactment of the tariff bill pending before Congress known as the Underwood bill in so far as it proposes within three years to remove entirely all import duty on sugar, will if enacted into law seriously cripple and is likely to entirely destroy one of the principal farming industries of this State, and one of its most important manufacturing industries, and we therefore most respectfully and most earnestly protest against such enactment. The sugar-beet growing industry and the sugar-manufacturing industry in Colorado distribute annually amongst the farmers of this State $10,000,000, and amongst workmen and for supplies and fuel $5,000,000, and these industries have been expanding. The sugar-beet-growing and sugar-manufacturing industries in Colorado have more than doubled the value of farming lands within the State; extensive irrigation enterprises are underway which are dependent for their success and for the success of their financing upon this industry, upon the basis of value given to good farming lands in Colorado by reason of the prosperous industry of beet raising and sugar manufacture. Here many farmers in this State have secured loans upon their lands for improving them and making them more productive; but will suffer serious loss and in many instances eventual loss of their entire properties if the value of the lands is reduced by crippling the sugar-beet-raising industry here. Such result would be exceedingly hurtful to workingmen and to every business interest and landowner in the State. The Underwood bill preserves a portion of the old tariff upon most manufactured goods in this country, but in the case of sugar it proposes to wipe out the tariff entirely. We respectfully represent that such action would constitute unjust discrimination against the people of Colorado, and would be unfair to them and to the people of the several States where sugar beets are now grown. We urge upon Congress that in the case of sugar it in any event make only such proportionate reduction in the tariff as it may make in the case of other products manufactured in this country and that it do not destroy by removing the sugar duty a great industry, the continued prosperity of which is of vital importance to all our people. And your petitioners will ever pray.

DENVER CHAMBER OF COMMERCE,
By EDWARD J. YETTER, *President.*
DENVER CLEARING HOUSE ASSOCIATION,
By G. B. BERGER, *President.*

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 32 and disagree to the Senate amendments thereto, and that the same be sent to conference.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to take from the Speaker's table House bill 32, with Senate amendments, to disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to have the title of the bill reported.

The SPEAKER. The Chair thinks that the title of the bill and the Senate amendments had better be read.

The Clerk read the title of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suggest to the gentleman from Virginia that the committees will soon be appointed. I think I shall ask for a roll call on disagreeing to these Senate amendments. It is manifest that it would not be a safe thing to do that this week. I hope the gentleman will either withdraw his request or let this go to the Judiciary Committee and let them make a report upon it. When they make a report I shall have no objection myself to the matter being taken up.

Mr. CARLIN. If the gentleman objects, of course I can not do anything else; but I think we will accomplish the same purpose by letting it go to conference.

Mr. MANN. As I say, when the matter does come before the House, I think I shall ask for a roll call upon the amendments. That would hardly be the thing to do this morning.

Mr. CARLIN. The amendments may never come before the House, except in a conference report.

Mr. MANN. They are before the House now.

Mr. CARLIN. Yes.

The SPEAKER. Is there objection?

Mr. MANN. For the present I object.

The SPEAKER. The gentleman from Illinois objects.

HETCH HETCHY VALLEY (H. DOC. NO. 54).

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. I rise to ask unanimous consent that the report of the advisory board of the Army Engineers to the Secretary of the Interior on an investigation relating to the sources of water supply for San Francisco and Bay communities, known as the Hetch Hetchy Valley project, dated February 19, 1913, be printed as a House document. I ask it for this reason: There is a bill before the Committee on the Public Lands relating to this subject, and this entire report will have to be used by the committee and the Members. I have inquired of the Secretary of the Interior and there are not enough copies that can be used, and it will be necessary to print it to be used at the hearings. It will be much cheaper to do it now than when it comes before the committee later.

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman if he has ascertained what it will cost to print this? How many copies does he want printed?

Mr. RAKER. I have ascertained this morning that this report is already set up and stereotyped, and the printing of 5,000 copies will cost $510.77.

I will say to the gentleman that there are many requests being made for this document. It is the report of the engineers covering the entire water supply of that part of California surrounding San Francisco. It will be absolutely necessary to reprint it in the hearings before the committee unless it is printed as a public document, in which case it will not be necessary to reprint it.

Mr. MANN. How many copies does the gentleman ask to have printed?

Mr. RAKER. I think 1,000 copies now will be sufficient.

Mr. MANN. And then it will not be printed as a part of the hearings?

Mr. RAKER. Then it will not be printed as a part of the hearings, because we will use the copy now printed as an exhibit.

Mr. MANN. Of course, the gentleman knows that the Committee on the Public Lands will obtain authority to have printing done for that committee, and after obtaining that authority it could then order this printed if it chose to.

Mr. RAKER. I will say to the gentleman that it will be my purpose not to have it printed as a part of the hearings, because it will be a public document if we get this through, and the Members will have it in advance to use. There will be no necessity for printing it as a part of the hearings.

Mr. KAHN. Mr. Speaker, I hope the gentleman from Illinois will not object to this, as it will be of great advantage to the members of the committee.

Mr. MANN. I recognize the importance of the matter and I shall not object.

Mr. RAKER. I would like to ask the gentleman from Illinois what the usual number is that is printed?

Mr. MANN. The usual number is 1,320, but that would not give the committee very many copies. If the gentleman gets an authorization for printing 1,000 copies, that carries the usual number and 1,000 copies besides. Whenever the House authorizes a certain number of documents the usual number is printed and that number in addition.

Mr. RAKER. It would not cost much more; suppose we ask for 2,500 copies for printing?

Mr. MANN. That would give 2,500 copies in addition to the usual number.

Mr. RAKER. We do not care for that number.

The SPEAKER. The gentleman from California asks unanimous consent that the report of the Army engineer on the Hetch Hetchy Valley water supply be printed as a House document, with 1,000 copies in addition to the usual number. Is there objection?

There was no objection.

CHAIRMAN OF CONFERENCE MINORITY.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the order that I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That the chairman of the conference minority be authorized to have such printing and binding done as may be necessary for official business.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object for the purpose of making a statement, I wish to say that I think this is a perfectly fair provision for the minority to have. The chairmen of committees do have the right to print official business. The minority up to this time has never had the right to print official business, and I am inclined to think that in order that the minority may have full opportunity to express its views it ought to have this privilege. The minority performs a useful function in the House in seeing that the majority does not do the things that it ought not to do, acting as a check on the majority, and I think they ought to have this privilege.

Mr. MANN. I would not make the request, but I need to have some printing done in reference to the committees at this time.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois what is the minority committee? I will say that I ask this for information.

Mr. MANN. The term "chairman of the conference minority" is used in appropriation bills. It has always been the same term, and a similar term is used in the Senate in appropriation bills. It is supposed to cover the minority leader. I appreciate the fact that there might be some question as to who is the chairman of the minority. I believe my friend from Kansas has not raised any question of that sort under authority of the appropriation bills.

Mr. MURDOCK. Not at all. What I wanted to inform myself on is, does the chairman of the conference minority, as such, perform any services of any kind in the House.

Mr. MANN. I think not; it is simply a method of recognition of the minority in reference to positions, and so forth.

Mr. MURDOCK. What kind of printing would he have done?

Mr. MANN. At present I want to have committee lists printed of Republican assignments as a matter of convenience.

Mr. MURDOCK. Separate from the main committee lists?

Mr. MANN. In advance of the main committee lists; that is all.

The SPEAKER. Is there objection to the present consideration of the order?

There was no objection.

The order was considered and agreed to.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. AUSTIN. Reserving the right to object, Mr. Speaker, Friday is Decoration Day. Why not adjourn to meet on Thursday?

Mr. UNDERWOOD. I had overlooked that fact, and I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Thursday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Thursday next. Is there objection?

There was no objection.

THE TARIFF.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two brief editorials relative to the effect of the pending tariff bill on the industries of the country.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

Mr. WILLIS. There has been some dispute here and in the country at large relative to the probable effect of the free-wool provision of the Underwood bill on the production of wool and the raising of sheep in this country. What this effect is likely to be is indicated by the following editorial from the Morning Republican, Findlay, Ohio:

FARMERS MARKET WOOL—ACTION OF CONGRESS ON FREE WOOL CAUSES PRODUCT TO BE SOLD AS SOON AS POSSIBLE—FEAR FOREIGN COMPETITION—THINK IT WOULD BE UNPROFITABLE TO RAISE SHEEP ON HIGH-PRICED GROUND, WHEN RETURNS WOULD BE SMALL.

According to Findlay wool dealers, Hancock County farmers are not holding back their wool in hope of getting better prices this year, as they are accustomed to do. On the other hand, they are bringing their wool to market as soon as possible, because they think that the price now is better than it will be later in the season, if foreign wool should be admitted to the country duty free.

Owing to the uncertainty of the market on account of the tariff tinkering, the price this year is from 6 to 10 cents lower than it has been in former years. The prices range from 12 to 20 cents, while the product formerly brought from 18 to 30 cents a pound. Should wool be put on the free list, it is possible that the price will go still lower.

MAY KILL OHIO INDUSTRY.

If such a thing happens, it is probable that it will kill the wool industry in Hancock and a number of surrounding counties, as many farmers in this vicinity say that it would not pay them to raise sheep on high-priced ground when the market price of wool is so low. They claim that they could get a better return from their land by using it for other purposes.

Although free wool would kill the industry in this vicinity, it is thought that sheep could still be raised at a very slight profit in the Western States, where land is cheap and the animals could be allowed to run at large. It is said that the high or low price of wool has very little effect in cheapening the price of a suit of clothing, as it requires only about 4 pounds of wool to make a suit of clothing, and the difference between the high and low prices is not over a dollar.

As to whether the purchaser of clothing or the manufacturer of cloth is to receive the benefit of free wool is shown by the following article from the Daily Trade Record of May 1, 1913:

WASHINGTON.

In letter to Senate Finance Committee William C. Hunneman, of Boston, says that free raw wool will not particularly benefit consumer, but will be of great benefit to 17 worsted mills, which consume over half of wool used in this country; suggests that these millmen be summoned for examination. Members of the Senate Finance Committee have received the following letter from William C. Hunneman, of Boston:

DEAR SIR: I learn to-day from the press dispatches that your committee has decided to grant hearings on the free list of the tariff bill, and I beg leave to submit some observations on the plan to make wool free of duty.

For four years I have been actively engaged in the agitation to change the present specific duties on wool to an ad valorem basis. During that time the House of Representatives has twice passed a bill making the wool duty 20 per cent ad valorem, and twice it has passed a bill making the wool duty 29 per cent ad valorem. The Senate during the same period has twice passed a bill providing for a wool duty of 29 per cent ad valorem, which failed to become a law because of the veto by President Taft, and once the House, by a two-thirds vote, agreed to pass over the veto of the President the bill providing for a duty of 29 per cent ad valorem on wool. Seldom has an issue been presented more clearly to the country than was the wool tariff at the election in November, 1912. The voters of the country gave the control of the Government to the Democratic Party with the distinct understanding that in the coming revision of the tariff an ad valorem duty should be placed on wool.

I desire to protest against the Underwood bill, which makes wool free of duty, not only because it is in violation of this understanding by the people of the country, but also because the removal of the duty from wool, while depriving the wool producer of protection, confers a special privilege of great value on a few wool-manufacturing corporations.

FAVORS CONSUMER OF WHAT?

It has been widely proclaimed that the President of the United States, at whose request free wool was substituted for a duty of 15 per cent ad valorem in the Underwood bill, has stated that he favored the change in the interests of the consumer. The consumer of what? Of raw wool or wool clothing? If he meant a few large consumers of raw wool, his measure was well conceived, for the benefit of free wool will go to them; but if he meant the consumers of wool clothing, he has laid his plan on a foundation of sand, namely, the ridiculous assumption that the few great wool-manufacturing corporations will pass the benefit of free wool on to the clothiers, who in turn will give it to the ultimate consumers.

The benefit of free wool will accrue first of all to the wool manufacturer, and it will remain there if business can make it stay. That is business. The normal consumption of wool in this country is estimated at 300,000,000 pounds (scoured weight) a year Over one-half of this quantity is consumed by the following 17 worsted corporations, each one of which has an officer who is also an officer in the National Association of Wool Manufacturers:

	Number of combs.
American Woolen Co	430
Arlington Mills	96
Pacific Mills	85
United States Worsted Co	65
Farr Alpaca Co	50
Cleveland Worsted Mills Co	50
Amoskeag Manufacturing Co	44
Lorraine Manufacturing Co	40
Forstmann-Huffmann Co	36
Erben-Harding Co	27
Pocasset Manufacturing Co	25
Goodall Worsted Co	21
W. H. Grundy & Co	18
Victoria Mills	18
Warner J. Steel	12
Globe Woolen Co	9
Thomas Oakes Co	4
Total	1,030

QUANTITY AND VALUE OF WOOL USED BY MILLS MENTIONED.

Estimating the average value of wool at 40 cents per scoured pound and the annual consumption of wool at 150,000 pounds per comb, we get the following quantities and values of the wool used by these corporations:

Corporation.	Wool.	Value.	15 per cent duty.
	Pounds.		
American Woolen Co	64,500,000	$25,800,000	$3,870,000
Arlington Mills	14,400,000	5,760,000	864,000
Pacific Mills	12,750,000	5,100,000	765,000
United States Worsted Co	9,750,000	3,900,000	585,000
Farr Alpaca Co	7,500,000	3,000,000	450,000
Cleveland Worsted Mills	7,500,000	3,000,000	450,000
Amoskeag Mills	6,600,000	2,640,000	396,000
Lorraine Manufacturing Co	6,000,000	2,400,000	360,000
Forstmann-Huffmann Co	5,400,000	2,160,000	324,000
Erben-Harding Co	4,050,000	1,620,000	243,000
Pocasset Manufacturing Co	3,750,000	1,500,000	225,000
Goodall Worsted Co	3,150,000	1,260,000	189,000
Victoria Mills	2,700,000	1,080,000	162,000
W. H. Grundy & Co	2,700,000	1,080,000	162,000
Three others	3,750,000	1,500,000	225,000
Total	154,500,000	61,800,000	9,270,000

OVER HALF WOOL USED IN COUNTRY CONSUMED BY THESE MILLS.

This estimate shows that over half the wool used in this country is consumed by these 17 corporations. Over 30 per cent is consumed by 3 of them. Over 20 per cent is used by 1 of them. And it is an interesting fact that 3 of these corporations operate 519 combs in Lawrence, Mass., where they consume over 25 per cent of all the wool used for clothing the American people.

It is to these great corporations that the main benefit of free wool, which I have estimated at $9,000,000 a year, will go. They are all represented in the National Association of Wool Manufacturers. That organization has led in the fight during the past four years to keep Schedule K with its specific duties unchanged. It has during that time advocated a duty on wool as part of a broad protective policy. One of its vice presidents, William M. Wood, president of the American Woolen Co., on March 20, 1909, publicly stated his solicitude for the woolgrower in these words:

"To be able to arrange the schedule to satisfy them (the Maine carded woolen manufacturers) of course would be a happy thing to do, if it would not do an injustice to the woolgrower, who certainly is entitled to consideration. He works hard in a lonely occupation in the wild mountains of the Northwest, where his life is dreary and hard, and if he feels he is entitled to protection he ought to have it, the same as we ask for in our industry. * * * I congratulate the woolgrowers on their deserved wool duties."

The flaw in Mr. Wood's proposition at that time was in the fact that the wool duty he wanted to protect the woolgrower was specific, under which he could import the light shrinking worsted wools his mills needed at half the price imposed on the wool needed by his carded woolen competitors. Now, however, there is an opportunity for Mr. Wood and his worsted associates in the National Association of Wool Manufacturers to show their disinterested devotion to the interests of the woolgrower by choosing between free wool and a fair ad valorem duty. Since the election last November the policy of the association has been one of evasion, as shown by the following extract from the testimony of its president, John P. Wood, before the Ways and Means Committee on January 27:

"Mr. JAMES. Are you in favor of free wool?

"Mr. WOOD. I do not wish to express any opinion in regard to the wool duty at all.

"Mr JAMES. Have you not expressed any in the brief you have filed?

"Mr. WOOD. No, sir.

"Mr. JAMES. Are you unwilling, then, to give the committee your opinion about whether wool ought to be free or taxed?

"Mr. WOOD. Quite unwilling."

SUGGESTS THAT MILLMEN BE SUMMONED TO TESTIFY REGARDING REMOVAL OF WOOL DUTIES.

In view of the record of this organization, which, in 1864, petitioned for free worsted wool and a duty on other kinds of wool, and which has since worked openly and in secret to keep wool duties specific, and in view of the great advantage that the removal of the duty on wool would give to these worsted manufacturers, I respectfully suggest to your committee that you summon William M. Wood, president of the American Woolen Co., and the heads of the other 16 worsted corporations before you to testify as to their position in regard to the removal of the duties from wool.

Respectfully, WM. C. HUNNEMAN.

(Since this letter was written to members of the committee it has been decided not to hold public hearings.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1689. An act authorizing the accounting officers of the Treasury to allow in the accounts of the United States marshal for the district of Connecticut amounts paid by him from certain appropriations; and

S. 485. An act to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

MEMBERSHIP OF CERTAIN COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to make a few changes in the rules in reference to the membership upon committees of the House. I seek to do this by unanimous consent rather than to have it referred to the Committee on Rules, because it is a matter that may properly be attended to in that way, and I hope there will be no objection. The majority in this Congress gave the minority the same representation it had upon committees in the last Congress, although the number of Representatives upon that side of the House has largely decreased. It somewhat embarrassed the majority in fixing committee places. I ask unanimous consent to increase one or two committees which I will state in their order, and, in the first place, the Committee on Indian Affairs. That committee was increased in number in the last House from 19 to 20, but that was only for the last Congress. There was no change made in the rules, so that it leaves only 19 members upon that committee at the present time, of which the minority now have 7. I ask unanimous consent that Rule X, subsection 16, be changed by striking out "19" and inserting in lieu thereof "21," so that this side of the House may have 14 members of that Committee, and the minority 7, as on all of the other large committees.

The SPEAKER. The gentleman from Alabama asks unanimous consent to change subsection 16 of Rule X so as to increase the membership of the Committee on Indian Affairs to 21. Is there objection?

Mr. CAMPBELL. Mr. Speaker, I reserve the right to object. There are now 3 members of that committee from one State. Is it the purpose of the majority to add the 2 additional members to that committee from that State?

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman that the majority is not yet prepared to state who will be on the committees of the House. That is a matter which has first to go to the Democratic caucus.

Mr. CAMPBELL. I am not seeking the information in the interest of any applicant for a place on that committee.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. CARTER. I will suggest that there are also 2 Members on that committee from the State of Kansas, and if any objections are made to the number of men going on the committee from any particular State, I think it ought to operate as to one State the same as to another.

Mr. CAMPBELL. I heartily agree with the gentleman in that.

Mr. CARTER. The State of Oklahoma has one-third of the entire Indians in the United States and the State of Kansas, I think, has less than 20,000.

Mr. CAMPBELL. But there are a lot of good ones among those.

Mr. CARTER. So I leave it to the House as to which State has the greatest representation on the committee, Oklahoma with three or Kansas with two.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I reserve the right to object in order that I may ask a question. Will this increase of two on this committee sufficiently take care of everyone on that side

of the House so that we shall not have to have a new committee on public health, and all the rest of this tomfoolery that is talked about, in order to take care of the Members of the majority?

Mr. UNDERWOOD. Mr. Speaker, I would state to the gentleman that I intend before I get through, if I am not stopped in asking unanimous consent, to ask unanimous consent that a committee on expenditures in the Department of Labor may be created, because that is a new department. The reason that I am asking this now is that I am trying to prepare a report to present to the House, and I desire to have the numbers on the different committees fixed.

Mr. PAYNE. If the gentleman from Alabama has his way about increasing the membership of these committees, I would like to know whether it would do away with the necessity or the policy of increasing the number of committees, and making new committees on some of these different subjects that are liable to grow so fast in the future into legislation and possibly into departments?

Mr. UNDERWOOD. I will say to the gentleman that the question of a committee on the public health is a matter that is before the Committee on Rules, and it is for them to report to the House and for the House to determine.

Mr. PAYNE. I have been told that the Committee on Rules has already been authorized to report that favorably.

Mr. UNDERWOOD. That is a question for the House to determine. The requests I propose to make to-day are those that will not involve any issues.

Mr. PAYNE. I was in hopes the gentleman had something more in view, something of real benefit besides taking care of a couple of Democrats.

Mr. MANN. Mr. Speaker, at the organization of the last House there were 19 members of the Committee on Indian Affairs. A number of committees at that time were increased in membership to 21 each and the minority was given 7 of the 21 and the majority took 14. Although there has been some decrease in the actual membership of the minority and a considerable increase in the actual membership of the majority, due to the increase in Members of the House, at a meeting between the gentleman from Alabama and the gentleman from Kansas and myself with reference to the membership of the minority and the majority of the present House, the membership of the minority of the 21 membership committees was not decreased and the minority was given 7 places on Indian Affairs as though it were a 21-member committee. And I think the gentleman from Alabama is only asking what is fair, to give to the majority the same number upon the Indian Affairs Committee that it has upon the other committees now consisting of 21 members each. In the last House when Arizona and New Mexico were admitted as States there was one full number on the Committee on Indian Affairs provided by unanimous consent for that House. So, too, with the Committee on Irrigation, and at our meeting the minority was given 6 places on the Committee on Irrigation, although the rules only provided for 13 places. In the last House the membership of that committee was temporarily increased upon the admission of the new States to 15 each, and, as I understand, the gentleman expects to ask unanimous consent to increase the committee to 15, so I think it is perfectly fair that the majority should have the 9 places. That also exists in part as to the Committee on Public Buildings and Grounds, the minority having been given its proportion of the larger committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Committee on Indian Affairs is authorized to be increased to 21.

Mr. MANN. As I understand the rules are now modified.

The SPEAKER. Yes; the rules are modified. The Speaker did not take the trouble to put the question, but announced it as carried without objection.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that on page 284 of the Manual that Rule X, paragraph 34, on irrigation of arid lands, which now reads, "To consist of 13 members," be changed so as to read "To consist of 15 members."

The SPEAKER. The gentleman asks unanimous consent that the rules be so modified as to increase the number of members on the Committee on Arid Lands from 13 to 15. Is there objection to the change in the rule? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Now, Mr. Speaker, I ask unanimous consent that Rule X, paragraph 21, that now reads "On Public Buildings and Grounds to consist of 17 members," be so changed as to read, "On Public Buildings and Grounds to consist of 19 members."

The SPEAKER. The gentleman from Alabama asks unanimous consent that the rules be amended so as to increase the membership on the Committee on Public Buildings and Grounds from 17 to 19. Is there objection? [After a pause.] The Chair hears none, and the rules are so changed.

Mr. UNDERWOOD. Now, Mr. Speaker, I ask unanimous consent that Rule X, paragraph 45, which now reads, "On Expenditures in the Department of Commerce and Labor, to consist of 7 members," that the words "and Labor" be stricken out.

The SPEAKER. The gentleman from Alabama asks unanimous consent to modify the rules by striking out of Rule X, paragraph 45, the words "and Labor."

Mr. MURDOCK. Mr. Speaker, what does that do?

Mr. UNDERWOOD. I intend to ask unanimous consent to establish a Committee on Expenditures in the Department of Labor.

Mr. HENRY. Mr. Speaker, what are we doing; amending the rules?

The SPEAKER. Yes; that is exactly what we are doing. We have amended the rules in three particulars already.

Mr. HENRY. I have just had my attention called to it.

Mr. UNDERWOOD. I will say to the gentleman from Texas that the amendments we have made here were carried in the last House for that House only, but in making up the committee positions the Committee on Expenditures in the Department of Labor is a new matter. That is as far as we are going——

Mr. MURDOCK. Mr. Speaker, if I understand the gentleman from Alabama, this creates, when he finishes his request, a new Committee on Expenditures in the Department of Labor?

Mr. UNDERWOOD. Yes; that is one of the reasons. In making up the committees we prefer to do it now and have it uniform. We have established since these rules were adopted a Department of Labor, and of course it has to have a Committee on Expenditures in the Department of Labor.

Mr. MURDOCK. As I understand it, this request includes only one-half of the proposition.

Mr. UNDERWOOD. This is the first half of it. If this is agreed to, I shall ask for the other half.

Mr. BUCHANAN of Illinois. Mr. Speaker, reserving the right to object, there has been a committee on expenditures in every department of the Government until the present time?

Mr. UNDERWOOD. Yes.

Mr. BUCHANAN of Illinois. And this change becomes necessary because of the creation of a Department of Labor?

Mr. UNDERWOOD. That is all.

The SPEAKER. Is there objection to omitting from subsection 45 of Rule X the words "and Labor"? The Chair hears none, and this rule is modified to that extent.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to add to Rule X a new subsection to be numbered 56, to read as follows:

On expenditures in the Department of Labor, to consist of 7 members.

The SPEAKER. The gentleman asks unanimous consent to modify Rule X by adding as subsection 56 the words—

On expenditures in the Department of Labor, to consist of 7 members.

Mr. MANN. Does the gentleman think it more desirable to put that in as subsection 56 or to put it in following the Committee on Commerce, and to change the numbers of the others?

Mr. UNDERWOOD. For the present I ask unanimous consent that it go in as subsection 45a.

The SPEAKER. The gentleman modifies the request, and asks that the words suggested go in as subsection 45a of Rule X. Is there objection?

There was no objection.

Mr. UNDERWOOD. One more request, Mr. Speaker. In Rule XI, subsection 45, which now reads—

In the Department of Commerce and Labor—to the Committee on Expenditures in the Department of Commerce and Labor—

I move to strike out the words "and Labor," where they appear in two places in that paragraph.

The SPEAKER. The gentleman asks unanimous consent that in Rule XI, subsection 45, the words "and Labor" be stricken out where they appear, and that subsection 45 of Rule XI be modified to that extent. Is there objection?

There was no objection.

Mr. UNDERWOOD. Now, Mr. Speaker, I ask unanimous consent to add to the rule subsection 45a to read as follows:

In the Department of Labor—to the Committee on Expenditures in the Department of Labor.

The SPEAKER. The gentleman asks to add as subsection 45a the words—

In the Department of Labor—to the Committee on Expenditures in the Department of Labor.

Is there objection to the rule being modified in that respect?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, the Department of Commerce has recently given to the press a statement with reference to the comparative efficiency of labor at home and abroad. This statement is claimed to be supported by a pamphlet on "Foreign Tariff Systems and Industrial Conditions," issued by the same department, and is apparently based on tables contained therein from which inferences have been drawn and deductions made.

Some of these inferences have been made by the compilers of the pamphlet, others would not be put forth by its authors. In either case, in so far as it is asserted that these tables show that for the wages paid the American workman, as a rule, adds more to the value of the manufactured product than his foreign competitor, it is easy to establish that these tables afford no basis for such conclusions. The table principally relied upon as a foundation for misleading articles which have appeared in the press is found on page 39 of this pamphlet, where a comparison is made of the amount of wages paid for every $1,000 added by manufacture in 31 specified industries carried on in the United States, Canada, and the United Kingdom. This table purports to show that in 17 industries the amount of wages paid for each $1,000 added by manufacture was less in the United States than it was in England. As a careful study of the pamphlet itself will afford the means of completely refuting the inferences generally drawn from it, it is hardly just to state that the table was prepared with intent to deceive, but it is subject to the criticism that it would be likely to mislead any person who merely examines it, and that it has mislead many.

Elsewhere in the pamphlet, on page 41, it is stated that "owing to the higher level of prices in the United States that foregoing comparisons, being based on values, is more favorable to the United States than would be one based on quantities if such could be made." This is stating very mildly a matter which utterly destroys the usefulness of the table for purposes of comparison. On nearly all the goods manufactured in these industries prices are from 30 to 50 per cent higher in this country than abroad, as shown by the fact that importations of such goods are constantly being made and a duty paid thereon to this amount. When allowances are made for the value of these goods, expressed in American prices, the result is at once to reverse the showing of this table, if, indeed, any showing could be made in such manner.

For example, prices of woolen goods, which are among the manufactures listed, will average more than 50 per cent higher in this country than abroad. It may be said that it is impossible to work out exactly how much has been added in United States values, and possibly this is true, but for that very reason it is impossible to properly use this table for the purpose of comparison of the efficiency of the respective workmen.

If attention is directed to another portion of the table than that which relates to the United Kingdom, it at once shows what absurd results will be reached by using the figures used therein for the comparative efficiency of labor. The table not only gives the amount paid for each $1,000 added by manufacture in the United States and the United Kingdom, but also for Canada. Of the 29 industries for which the comparison is so made between the United States and Canada all but 8 in the list show that the amount of wages paid in Canada for each $1,000 added by manufacture is not only less in the last-named country, but very much less in most instances, and in two cases less than half what is paid in the United States. Applying the line of reasoning and peculiar inferences which some well meaning but not overlogical gentlemen have applied to this table, it would be found by the same process that workingmen in Canada were so much more efficient than in the United States that ordinarily $2 paid in wages to Canadians would equal $3 paid to Americans in producing power, and in some lines of manufacture the American wage cost for equal output would be twice that of the Canadian. There is much more reason for applying this method in the case of Canada and the United States than in the case of the United States and Great Britain, because the daily wage and scale of values are nearly the same in the two countries; but such a conclusion is so in variance with well-known facts that the comparison would be received as more in the nature of a joke than as a statement of fact.

The use of this table for the purpose mentioned reminds one of Mark Twain's calculations from statistics as to the shortening of the Mississippi during the years he was navigating it. Following the average for those years, he was able to demonstrate that a century ago the river stuck out over the Gulf into South America, and that a century in the future it would shrink until its mouth would be about at Cairo.

So far as the table referred to is concerned, a little consideration clearly brings out the reasons why it can not be used for the purpose of determining comparative efficiency. Some of these reasons appear in the pamphlet itself and some have already been stated. It will be observed that no attempt is made to show how much it costs in the respective countries to make exactly similar articles in quality and quantity. It is well known that in one country an industry may be largely confined to highly finished products, and in another to coarse machine-made articles. These tables afford no basis for comparing the kind or quality of the articles produced. Nothing can be ascertained as to whether they are highly finished, needing much labor in proportion to the value of the finished product, or whether their nature is such that one man can feed the raw material into one end of a long series of machines and another man at the other end can take out the finished product; so that the amount of labor is trifling compared to the resulting value, although the expense for the machinery is necessarily high. The only proper way to make such comparisons is furnished in the report of the Tariff Board on wool. Here we find that the cost of weaving per yard on the same kind of woolen cloth is from two to three times as much here as in England, and the same is true of total conversion costs. This fact is not disputed, yet we are asked to infer from this table that the American workingman in the woolen mills gives more return for his wages than the Englishman. It is well known, as stated in the pamphlet, that in certain lines more highly finished articles are produced by the English factories than in the American, and necessarily where a large amount of hand labor is required the proportion of wages to the finished product is higher. It also appears from the pamphlet that in making up this table the figures as to the cost of materials in the United Kingdom included the amounts paid to other firms for work given out. This was not done with reference to the United States, for the reason that no separate statement thereof was made. The effect of this would be to greatly lessen the returns for the United Kingdom and is sufficient by itself to show that a table based thereon afforded no proper basis for comparison. The real test can only be the quantity of similar work performed under practically similar circumstances in all respects. The pamphlet does not pretend to even estimate this.

There are some concerns that mine iron ore and make pig iron from it. From the pig iron another makes steel; others from the steel billets make bars or rods, and from the bars and rods another concern makes wire and hoop iron, and so forth, in various forms. The great Steel Trust carries on all of these and many other operations from the ore to the finished product in forms too numerous to mention. It is obvious that if a concern that carries on all of these processes simply deducts the cost of the ore from the value of the finished product, that the amount added by manufacture will be very high as compared to the returns where several processes are performed by different firms and the cost of the material with an addition for each process is deducted as many times as there are different firms engaged in its production. Or to take a simpler illustration, one concern manufactures every part of an automobile. Another concern makes only certain portions thereof and buys the remaining parts and assembles them. It is perfectly apparent that the workmen in the last-named factory may be just as efficient as those of the first, but according to the methods of the Department of Commerce they would fall far below. In no country do single concerns carry on so many different processes or use such expensive equipment as in the United States, and both of these matters render any comparisons based on the amount added by manufacture to the cost of the original material no measure whatever of the efficiency of the workmen even in the same class of industry.

On page 42 of the same pamphlet is found another table, giving for each wage earner the amount of wages, horsepower used, and value added by manufacture for all industries in the United States, Canada, and the United Kingdom. This table also seems to have been used in making a comparison of the efficiency of the wage earners in the respective countries. Here again the table furnishes in itself an illustration of the absurd and inconsistent results that will be reached by using these returns for such purposes.

As above stated, a comparison made by using the figures on page 39 of the same document, showed that the Canadian workman was very much more efficient than the American, but according to the table on page 42 there is only a slight difference, and that difference is in favor of the American workman instead of to his disadvantage.

If the census returns for the same matters from the various States were used for the purpose of making the same kind of comparisons, the result would show a marked difference in the efficiency of the respective workers in many cases where they were separated only by a State line. Who believes that Arizona has the most efficient artisans, and that its workers in manufacturing are nearly three times as efficient as those of Wyo-

ming? Who thinks the factory hands of Minnesota nearly twice as efficient as those of Vermont? Yet this is what such comparisons of the State census returns will show, although everyone knows that there is little difference in the average efficiency of our workingmen throughout the whole country.

It is not difficult to give reasons why the comparison of such statistics furnishes no evidence as to efficiency. How useless it is to compare the wages expended in a State where flour is its greatest product with the same returns from one whose chief manufactures are cutlery or other lines requiring much labor and using material of no great value. In flour making $1 spent in wages will add $5 to the value of the material used. The expense arises largely from the investment in the plant, and that of the power. In certain other lines the amount of wages is so large that it is not far from the total value added by manufacture. Nations differ even more than our States with respect to the kind of industry which each develops. It is as useless to compare the totals of all industries united from different countries as to compare the special industries mentioned. The difference would only be in the degree of inaccuracy.

There are, however, some interesting and useful facts contained in this document. Thus we find that the British Board of Trade Report shows that the average hourly wage for labor in the United States is 140 per cent higher than in the United Kingdom—in other words, that wages in this country are nearly two and a half times as much as in the United Kingdom—and that as compared to Germany and France the ratio is still higher. It also shows that while rent is higher in this country, and that food prices, without making any allowances for the better living of the American workman, are higher in this country, the precentage of total income spent by the American workman for these items is much less than abroad. It follows, therefore, that he not only lives better, but after paying for necessaries has more left than his English brother.

It may be conceded that in some lines of industry the efficiency of the American is greater than the European. In some branches of manufacture which were originated in this country the foreigner has as yet failed to overtake us. On the other hand, it is equally true that in many industries which have been developed for centuries in Europe we are so lacking in trained workers that the American makes a poor showing in efficiency as compared to the European worker. The document referred to only serves to emphasize the necessity of a tariff commission which will obtain the facts upon which an estimate can be based as to the cost of production at home and abroad, and from which a conclusion may be properly drawn as to the amount of tariff necessary to maintain among our workingmen the American standard of wages and living.

HOMES FOR THE INDUSTRIOUS POOR.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. BORLAND] be allowed to address the House for one hour.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the gentleman from Missouri [Mr. BORLAND] be permitted to address the House for not to exceed one hour. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Speaker, I want to discuss briefly this morning the movement which is now going on in Washington to provide better homes for the industrious poor.

Every great municipality has its own peculiar housing problem. These housing problems are in great part the result of the growth of the municipality in wealth, the rise in land values, and the rise in the standard of living that follows.

As soon as a city begins to grow and land values become an important element some of the population who are well to do, and frequently those who are in very moderate circumstances, move gradually out from the down-town sections to the suburbs, where they can find the surroundings and conveniences of modern civilization and refinement. That generally leaves a large section of the city, wherein land values have grown very high, devoted primarily to the uses of business. Those business uses include, of course, the office buildings, the retail section, and the financial district; but they also include the hotels, many apartment houses, and a large number of buildings designed for human abodes for a more or less transient element of the population—not always a dependent element, frequently a prosperous element, but still a more or less transient element of the population.

All through the business sections of every great city there is another residential section. It is the residential section of the poor, that section which with a sweeping injustice we sometimes denominate "the slums." It is the section where the irregularly employed poor must live; where people must live who must be close to where there is a chance for a job; where people must live who can not afford to pay car fare to and from their work, whose employment is at irregular hours, perhaps, and on irregular days; where people must live who are temporarily out of employment and who have not the necessary credit and the necessary facilities to rent for a fixed term one of the better homes farther out.

Now, that class is sweepingly denominated the slums. I am optimist enough to believe that the so-called slums shelter a large percentage of worthy people. While that class of property shelters the criminal and the semicriminal element of the city, it also unfortunately shelters a great percentage of the industrious poor. I undertake to say that two-thirds of the dwellers in the so-called slums do not belong to the criminal nor to the semicriminal class. They are the class of toilers who are the by-product of the wealth and progress of the city itself.

We take ample care of the well to do; we beautify the city for the rich, we tempt them to move out in the beautiful park districts of the city, and yet we take no care of a part of the problem that is just as necessary to the vital commercial life of the city, the industrious, floating, irregularly employed poor. We allow them to drift into the slum sections of the city.

The city of Washington was laid out originally on very generous lines. The streets are broad; great avenues and squares; large blocks of ground for residential purposes. Evidently the men who laid out the city of Washington believed that it would always have a semirural aspect, that the dwellings would be surrounded by large, spacious grounds and lawns, and that there would be a semirural life, and so they laid it out on that generous plan for those purposes. The blocks are large, and they include the regular alley which used to be and still is a feature of the regular American city life. I undertake to say that the alley is an economic anachronism. There may have been a time when the residents needed an alley, when every man had a back garden of limitless expanse, usually flanked at the rear end by barns and outbuildings which sheltered the animals—horses, cows, and other domestic animals. In those days probably an alley was a necessity to a resident district. To-day the alley is useless in a resident district, and it is only necessary in a city as a back passage to a warehouse, a store, or a hotel.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. MANN. Is that the policy pursued in the gentleman's own city—Kansas City—subdividing property and not providing for alleys?

Mr. BORLAND. In the new subdivision; yes. Unfortunately, our old section is laid out in the usual way of American cities.

Mr. MANN. Is that because of the topography of the city?

Mr. BORLAND. Not always.

Mr. MANN. I hope no such propaganda will come to my city. I think every civilized community in subdividing property provides for alleys, and always will.

Mr. BORLAND. That is more a question of taste and opinion. I find that residential property not having alleys is cleaner and more wholesome than residential sections having alleys, for this reason: Mr. A will keep his premises adjoining his alley in a very creditable condition. Possibly Mr. B and Mr. C will do likewise as long as they occupy their own premises.

Mr. B moves away and rents his premises, and the renter does not feel the same interest in keeping the alley opposite his premises in the same condition, and no one property owner in the block can control the general condition of the block. He must, of course, rest upon the enforcement of the ordinary sanitary laws.

Mr. MANN. Is not that also true of streets as well as alleys?

Mr. BORLAND. Not so true, because streets are more open to inspection, and they become more offensive if neglected.

Mr. MANN. Why are they any more open to inspection than alleys?

Mr. BORLAND. They are used for different purposes also. Alleys are used for the purpose of taking away ashes and garbage and for various purposes to relieve the street from traffic of that sort.

Mr. MANN. The gentleman from Missouri, as I understand, thinks that it is more desirable to place the ashes and the garbage upon the sidewalk of the street in front of the house while awaiting removal than to have them placed in the alley in the rear of the house.

Mr. BORLAND. No; the gentleman from Missouri did not say that.

Mr. MANN. Then where does the gentleman put the garbage and ashes while waiting for them to be carried away? In New York City they put them in the streets where they have no alleys.

Mr. BORLAND. The gentleman from Illinois is from a great city, and I will undertake to say that I can go into the city of Chicago and find a dozen blocks that have no alleys in them, but have bricked-paved passageways along the side of the house, for instance, to the back of the house, where ashes and garbage may be removed.

Mr. MANN. Oh, I think so; thousands of them.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. BUCHANAN of Illinois. Mr. Speaker, I am interested in this proposition of doing away with the alleys. It is a new question, or would be a new one in my locality. Where I come from there is quite a sentiment in favor of enlarging the lots or the sites of the homes of the working people so that it will be possible for them to have fruit gardens or patches where they may grow vegetables, and also a place for a few chickens. That seems to be the disposition on the part of the real estate men in my district, and I have approved of that. Of course my district is in the outlying part of the city of Chicago. In fact, I have been trying to encourage that so far as I can, and to encourage the half acre and acre lot proposition with alleys, with large back yards so that the children of the working people may be able to have sunshine and air and grow to more healthy and better citizens. I am interested, and I will be glad to hear from the gentleman further in regard to doing away with alleys. If it is of any advantage, of course we want to know it.

Mr. BORLAND. Mr. Speaker, I did not intend to speak at any great length on the proposition of whether alleys were or were not desirable in residence sections. I think that in a section of the city where there is space enough to really have a back yard and a garden an alley has its uses. When we come to the down-town sections of the city we very soon find that the alley becomes instead of a convenience a menace, and that is what has occurred here in the city of Washington and I want to point that out.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. I yield for a question.

Mr. CAMPBELL. What will the gentleman do to replace the uses of an alley in case of fire? An alley has its uses now in case of fire.

Mr. BORLAND. Oh, yes; there are a great many uses that an alley has as a back passageway of some form. It has a great many uses behind any building, particularly a store or a hotel.

Mr. CAMPBELL. I will state that I have in mind now a place which has been blocked up by objectionable houses to which the gentleman has referred, and the houses ought to be removed, so that protection may be given to the property in front.

Mr. BORLAND. I think that is unquestionably true. The situation here in the city of Washington in regard to alleys is this: These blocks, as I said, were of very generous size. I understand that after the Civil War, when Washington began to fill up rapidly with people they began to build on these broad, handsome streets, and the frontage of the street being the most valuable part of the property it was built up on as narrow a line as possible. Some of the houses are very narrow, occupying the full frontage allotted to them, and they run up three or four stories or more in height.

That left a back part of very generous proportion, the interior of these great squares, practically useless until some genius discovered that the ground inside of the block, being very accessible to business, to residences, and to hotels, had a commercial value, had a rental value, and then they began to construct these alley tenements. I understand most of the tenements were constructed between 1875 and 1890. They are in many cases of a somewhat substantial character; that is, they could not be condemned at that time under the building laws and many could not be condemned to-day under the building laws. They are not all in a dilapidated or dangerous condition. Some were adapted from other purposes—warehouses, sheds, and barns—for the purpose of residences, but many of them seem to have been constructed for the very purpose of alley tenements.

Along about 1892, I understand, a law was passed in the District forbidding any further construction of alley tenements on alleys less than 30 feet wide, with certain other limitations. This law had the virtual effect of forbidding the construction of alley tenements, because no alleys existed that met the requirements where buildings could be constructed. Many of these old buildings, however, have been remodeled since that time and repaired, but all tenements now are at least 25 years of age, and some of them probably as much as 40 years old. They will average more than 30 years old, so that these buildings are not modern, they are not sanitary, do not have the light, air, and facilities that they should have, and they have stood here a problem to the District of Columbia for this reason. Take cities like the great city of Chicago, with its teeming industrial population in its squares where there is a congested population. That congestion arises from the presence of manufacturing districts, where persons are crowded together in limited quarters within reach of their earning power and for other reasons that the city struggles against and struggles with a great degree of success. Here in Washington there is no such industrial congestion, but this whole population is scattered all through the main sections of the city. It permeates the whole city, with the exception of the newer outlying suburbs. I have a little map, or a little sketch, here, in which you may be interested, showing these black spots, or squares, which contain inhabited alleys in the District of Columbia, and it shows there is hardly a section of this city, no matter how crowded it may be with a self-respecting, clean, refined population, but what there is directly adjacent to them these alley tenements. The fashionable district of the city, all of the apartment-house district of the city, are directly in contact with this alley section. In addition to that, of course it permeates the business section of the city, to which the great army of workers must come and make it their workshop during the business hours of the day; so that it is impossible in the city of Washington to separate the population from the contagion of the alley slums. It is not the same in some of the great industrial cities, where there will be industrial suburbs or industrial sections separate and distinct from the residential section. Here they ramify and permeate the entire city.

Mr. KEATING. Will the gentleman yield for a question?

Mr. BORLAND. Certainly.

Mr. KEATING. The gentleman used an expression just now "contagion of the slums." Do I understand the sanitary conditions of those sections are——

Mr. BORLAND. I was just about to touch upon that.

Mr. KEATING. When the gentleman does touch upon that will he give some light as to what the health department has been doing in regard to this matter?

Mr. BORLAND. So far as I am able to do so. The death rate in the city of Washington, according to the census of 1910, was the third highest in the United States. It is 19.8 per thousand.

Mr. RAKER. Mr. Speaker, before the gentleman passes from that can the gentleman give us any information as to who own these tenement houses?

Mr. BORLAND. I have it here; I shall come to it in a moment.

Mr. RAKER. The gentleman is going to come to that later?

Mr. BORLAND. Yes. The death rate of the whole District of Columbia is the third highest in the whole United States.

Mr. DYER. Will the gentleman state to what he ascribes that?

Mr. BORLAND. I was just about to touch upon that. The District of Columbia, of course, includes more than the city of Washington. It embraces a large rural section and a large suburban section, so that when we say that the death rate of the District of Columbia is the third highest in the United States we are making a very strong indictment against the crowded portions of the city.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MANN. The gentleman says the death rate here is the third highest in the United States. Just what does he mean?

Mr. BORLAND. I mean that there are only two municipalities whose death rate exceeds that of Washington, according to the report of 1910.

Mr. MANN. Does the gentleman mean only two municipalities, or only two municipalities of a certain population?

Mr. BORLAND. I mean only two municipalities.

Mr. MANN. I venture to say that the gentleman is mistaken about that, or that there are no figures which show the death rate in many of the smaller municipalities.

Mr. BORLAND. I am stating what I have been informed. I have had the figures shown to me, and I could name the two municipalities—I do not think it necessary—which have a higher death rate. It may have been accidental in those cases. Of course, when I say the death rate in the District of Columbia is high and near the top of the list, it is an indictment against the central portions of the city, and a very strong indictment indeed.

When I came to find out where this death rate was highest, as shown by the figures, I found that the death rate in the alleys is 160 per cent of the death rate on the resident streets. The

death rate in the alleys runs over 30 per 1,000; so that it is the infection of the alleys that brings up the death rate of the District of Columbia. It not only brings up the death rate of the alley population, but it brings up the death rate of the population who live in houses on streets as well, for we find that the death rate of the streets, not including the alley tenements, is higher than the death rate of the average municipality of the size of Washington in this country. It is two or three points higher than the death rate of the great cities of St. Paul and Minneapolis.

Mr. SIMS. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. BORLAND. Yes.

Mr. SIMS. Without naming the two municipalities which the gentleman referrred to where the death rate is higher than in Washington, do those two municipalities contain an outlying rural population similar to this?

Mr. BORLAND. No; they do not. They are congested cities.

Mr. SIMS. Then the comparison would not be altogether fair.

Mr. BORLAND. The comparison is not quite fair. It is still stronger against the District of Columbia than the simple figures show.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. BORLAND. Yes.

Mr. BUCHANAN of Illinois. What objection is there to naming those two municipalities that have a higher death rate than Washington?

Mr. BORLAND. The gentleman can look them up. I will name two municipalities that have a low death rate. They are Minneapolis and St. Paul. I am glad to give them credit for that. They are entitled to it.

Mr. DYER. Does not the gentleman know that the principal city of his own State, St. Louis, has a very low death rate?

Mr. BORLAND. I know that the death rate of St. Louis is down to nearly 13 per thousand, which is very creditable and of which I am very proud.

Mr. BRYAN. Is not the gentleman willing to state that neither of the two cities having a death rate higher than the city of Washington is located in the State of Washington?

Mr. BORLAND. They are not. Now, I want to state some further concrete facts, because facts are what we are after. I could tell you many stories of the actual conditions in these alley tenements. Some of them are in a deplorable and revolting condition. They are the natural incubators of crime and disease. They are so because of the fact that they are hidden away from the inspection of the police and the health officer. The owners of these alley tenements have been placing a tremendous burden upon the rest of the municipality in compelling it to try to police and keep sanitary those alley tenements.

Many of these alley tenements are built in the form of a letter "H," so that until you have gone 75 or 80 feet through a 10-foot passageway between high walls or high board fences, when you turn suddenly into the inhabited portions of the alley, it is impossible to see the ramifications spread out before you.

Mr. DAVIS of Minnesota. Has the gentleman a list of the owners of these alley tenements?

Mr. BORLAND. I have a partial list. I think there is a complete list.

Mr. DAVIS of Minnesota. Does the gentleman propose to disclose the names of those owners?

Mr. BORLAND. Some of them. I want to say that these alley tenements have been bought and sold on the market. They have passed sometimes into the hands of nonresidents, frequently into the hands of widows. They are in the hands of all classes of people who ordinarily seek investments in rental properties.

Mr. KAHN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from California?

Mr. BORLAND. Yes.

Mr. KAHN. Is it not a fact that the alley property yields large returns on the investment?

Mr. BORLAND. Unquestionably.

Mr. KAHN. And is not that the reason why people of moderate means invest their money in that property—because they get such a large percentage in return?

The SPEAKER. The Chair wishes to make an announcement that he has made several times before. The rule requires that when a Member wishes to interrupt another who holds the floor, he shall first address the Chair. At first it looks like there was not much sense in the rule, but when you come to consider it, it prevents quarrels, misunderstandings, ugly scenes, and sometimes fights. Of course, there is no danger of any such trouble here to-day, because a good-natured gentleman has the floor and the subject is not exciting any great amount of feeling; but the Chair has seen circumstances and conditions where it was entirely different.

Mr. LAZARO. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Louisiana?

Mr. BORLAND. Certainly.

Mr. LAZARO. Can the gentleman state what is the death rate in this House?

Mr. BORLAND. I do not know exactly; I am not able to inform the gentleman. Of course, we do not have young children and strong, able-bodied schoolboys in this House.

Mr. SIMS. Mr. Speaker, will the gentleman from Missouri yield?

Mr. BORLAND. I will yield.

Mr. SIMS. Before the gentleman gets away from this subject I want to suggest that, therefore, on account of the increased earnings of money invested in alley property the love of the almighty dollar is the real cause of it.

Mr. BORLAND. "The love of money is the root of all evil." That was written a long time ago. It is not money, but the love of money, that is the root of all evil.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. BORLAND. I will.

Mr. HOWARD. Will the gentleman state what class of tenants these alleys have—whether they are mostly white or black?

Mr. BORLAND. The overwhelming majority of them are colored. I saw one building where there were six rooms in the building, two on a floor. The stairway led off from a little passage that led off from the alley. The passage itself was dark and the stairway was as black as night. That stairway went almost straight up like a ladder, and there were two turns in it to reach each floor. You had to light a match to get into the passageway and up the stairway. There were two rooms on each floor. In each room was an entire family—six families in the six rooms. One family had five members in it, and how many the others had I do not know. One of the rooms was so littered up with washtubs and broken furniture—people sitting on the broken furniture and on the bed—that it was impossible for two additional people to get into the room. These rooms rent for a dollar a week apiece—$4.50 for a room or $27 for the building per month. That building could be constructed for $700 or $800, not counting the value of the land.

I will not have time to call attention to all the charts here, but I want to pay acknowledgment to some ladies who have been so industrious in getting the facts. These alley tenements have attracted the attention of philanthropic charitable women. There have been alley commissions of all kinds. These women have gone into the alleys with a degree of moral heroism and physical heroism that is almost incomprehensible. They have gone into these alleys with their accumulation of crime and of drunken conditions that would appall a strong man. They go in the nighttime and on Sundays and at times when the population, the worst element of it, is particularly turbulent.

The general outline of alleys is about the same. They will have a saloon on the street and the corner of the alley. Inside the alley is a low store in the center of it, generally run by a white man who very frequently is the only white resident of the alley. The rest of the population is usually black, of the floating, transiently employed class. As I say, I do not think all or a majority or a substantial per cent belong originally to the criminal class. But the whole alley atmosphere debases and degrades them. It spares neither age or sex in the general demoralization and degradation of these low conditions. Into some of these alleys, after certain hours of the night, I understand the police officers go in pairs. They never venture in there alone for fear they would not have a chance to get out and report. There is no possibility of those on the outside seeing what is going on on the inside. There is found this huddled population swarming over the street or the paved portion of the alley, sometimes showing in the very center the open grating of the sewer in that narrow block. Here the children and adults swarm back and forth at all hours of the day and night, crowded up against the offal, the refuse, the garbage, the ashes, and the accumulation of that form of life. It is so easy for the collectors of garbage to overlook those corners, so difficult for those in charge to find when there has been an overlooking, so difficult for the officers to keep them in a sanitary condition.

After every investigation and sometimes a prosecution they will compel a particular owner in the alley to make certain repairs, and he does it just up to the narrow verge where he can escape the prosecution of the law, and within a few months it is back again where it started. There you are spending the money of the people and of the district in health departments battling against conditions that are almost impossible to deal with. Think of these buildings 20 and 30 and 40 years old, with their blackened walls. Think of the deaths from tuberculosis, cholera infantum, typhoid, pneumonia that those walls have looked down upon in the past 30 or 40 years. Think of the army of tenants that have passed through those buildings. I will undertake to say that two-thirds of the nursemaids, the cooks, the porters, and the hotel boys in this District come from and return to those alley tenements two and three and seven times a week.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes; I yield for a question.

Mr. KAHN. The gentleman has made a tour of the alleys. Has he not found that in most of them there is a hydrant in the center of the block, from which all of the tenants in the alley have to procure their water and carry it into their houses?

Mr. BORLAND. Usually that is so.

Mr. KAHN. And has he not found house after house where the women inhabiting them take the family washing for the residents of the city of Washington into the unclean surroundings?

Mr. BORLAND. Yes; I have seen, and I know that the gentleman has seen, women's and children's clothing hanging up in those yards and across those ramshackle porches, and even in those damp, dank rooms clothing that would be taken back as clean the next day to some family of children or women.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DYER. The gentleman has been a member of the Committee on the District of Columbia of this House. Does the gentleman know that there is now authority of law for the health commissioner to proceed to condemn these alleys on account of public health?

Mr. BORLAND. Yes; and I am obliged to the gentleman for that suggestion. I am going to touch on that matter in a moment. Something was said about getting at the actual facts about who owns the property and what kind of looking property it is. I will not have time to call attention to all of these charts which are gotten up by some of these investigating ladies, but they are open to the inspection of anybody who cares to look at them. I will use this which I have in my hand as an illustration. It is one prepared with a good deal of care by Mrs. Albert Norton Wood, wife of a retired naval officer, who has taken some interest in these matters. Here is Madison Alley and here is Chew Alley, and they are both in the same block. This is Madison Alley and this is Chew Alley, and these are not the worst so far as the formation of the street is concerned. They happen to be pretty bad in respect to the tenements that occupy them.

I want to state something about the statistics in respect to these. There are 13 occupied houses in Madison Alley, and those houses shelter 90 people. Of those the colored people are 85 and the white 5, and the adults are 56 and the children 34. The number of deaths that occurred in that alley in 1912 was 7. The number of arrests was 73 out of a total population of 90, of which arrests 27 were women. The number of complaints investigated by the sanitary inspector during the year 1912 was 16. Sixteen complaints in 13 houses for the sanitary inspector, and that is the burden that is put upon the officers of the District of Columbia by the owners of these alley tenements—16 sanitary complaints in 13 dwellings in 12 months.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. KEATING. What do the authorities do to improve these conditions that prevail in these alleys?

Mr. BORLAND. Well, they say they have remedied 12 out of 16 complaints and found 4 unfounded. When they say they found 4 unfounded they mean the fellow had not gotten himself over the ragged edge of the law. Now, that is all it means. It does not mean the property was restored to a livable condition, but it means that a police court prosecution would fail in that case.

Mr. LOBECK. The property owners would interest themselves in defending themselves against the inspector.

Mr. BORLAND. Oh, frequently. Nearly every complaint of an inspector brings about a bitter contest with the property owner or his agent or both, and frequently from other property owners. This little picture in the center represents one family in Madison Alley. There is a boy 10 years old and two smaller children. These are the children of a washerwoman, who goes out into your family or my family and does the family washing. She leaves these children penned up on the top of this porch here so that they can not get out. There is a fence put around here so they can not get out. That little boy is left there to take care of these other two, and he is 10 years of age. Although he is 10 years of age he has never been inside a public school provided by Congress in the District of Columbia. What are you going to do with that boy later on? You are going to provide a penitentiary for him; you are going to provide handcuffs for him; you are going to provide an army of officers for him; and you are going to pay them out of the taxes levied upon the honest industries of God-fearing people of this District and this country. [Applause.]

Mr. DYER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DYER. Have not we juvenile courts here for the protection and care of these kind of children?

Mr. BORLAND. Yes; and I want to say they are doing a wonderful work. I want to say we are manufacturing criminals, we are manufacturing helpless invalids, we are manufacturing crooks and sots, we are filling the hospitals, and we are filling the jails, and the juvenile court and charities are dealing with this overwhelming oncoming army as well as they can. [Applause.] But they are being overwhelmed with criminals and imbeciles and sots, and there is an increased number of them being forced upon their hands every year.

Mr. HOWARD. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. HOWARD. Does the gentleman know that about one-third of the population of Washington city consists of negroes?

Mr. BORLAND. Yes; 90,000.

Mr. HOWARD. Does the gentleman know about 76 per cent of the crimes committed in Washington are committed by the Negro race, although they comprise only one-third of the entire population?

Mr. BORLAND. I think that is quite possible. I find about 16,000 of the 90,000 live in these alleys. These inhabited alleys have 3,000 dwelling houses in them, each house having something over 5 people.

Mr. SIMS. If the gentleman will permit, in connection with the horrible description he has given, I think he should also emphasize the fact that one-half the municipal expenses here are paid by people who do not live in the District.

Mr. BORLAND. Yes; one-half of the municipal expenses of this city are paid by the people of this District and half by the people who do not live in the District, so we are taxing 90,000,000 of American citizens for this condition of affairs here. Now, something has been said in regard to charity workers and juvenile courts. There has been wonderful work done by them in the last few years.

No man feels stronger sympathy than the gentleman from Missouri [Mr. DYER], the able Representative from the great municipality of St. Louis, toward the aims and purposes of these institutions, but these charity workers who have done so much for these alleys make but one report, and that is that they can not combat the alley conditions. They say as soon as they help one family to raise in its moral tone and restores its self-respect and raises its economic standard it moves out of the alley. The vacancy thus created is immediately filled by another family, sometimes from the country, sometimes a good, straight, honest family that has been brought to that condition by sickness or lack of employment or some other recent cause, which goes to the alley tenement. There it soon sinks to a lower moral level and then these same noble workers, these same noble women, go through the same hopeless task again of raising another family and another brood of children out of the horrible moral depths to which they have fallen and start them again upon a career of good citizenship. It is too big a battle, they can not maintain that unequal struggle. Now, as to these alley conditions. I have said that there is no section of the District or city where a family, no matter how self-respecting and industrious they may be, can escape this alley contagion.

I have said that these alley dwellers are largely of the servant class, who go to the homes of their employers in the morning and return to these tenements in the evening, every day.

There are plenty of drawing rooms in this city that have never been open to Members of Congress. I undertake to say there are plenty of drawing rooms in Washington that I have never been in and never will be in. But I undertake to say that there is not a drawing room or a home in Washington which is not open to alley contagion, and which alley contagion does not enter. It not only enters those homes which in many respects have the power to protect themselves, but it enters the

homes of your constituents and mine, who come here to perform service for the great General Government of the United States. There are 40,000 people gathered here on the pay roll of Uncle Sam, coming from every section of the country with their families to make their homes here.

In many cases, living on humble salaries, they must find homes on streets adjacent to these alley tenements. Their back doors, their back yards, their back gates must open upon these noisome, crime-breeding, moral cesspools of the alleys. They find it impossible to keep their children out of the alleys, even when they are at home, in their own neighborhoods, and certainly impossible when they are on their way to and from school. Why, I have one picture here which shows a schoolhouse at the very corner of one of these alleys, where a great many of these arrests have been made. Here is a picture of the east half of Fenton Court. There is another half of Fenton Court which I could not get into this picture. The names are not all filled in on Fenton Court, because we did not have time. There is a public school right at the corner of that alley, and that alley has become one of the playgrounds of the children of that neighborhood. In 1912 there were 83 arrests in that half of Fenton Court, 83 arrests in the children's playground of the Blake School. There is not a family in Washington that can escape the alley contagion.

I have spoken more especially about the physical conditions of disease, about the contagion of pneumonia, and typhoid, and cholera infantum, and tuberculosis, those four great alley specters that stalk abroad at noonday from every one of these alleys; but there is this great crime-breeding, this great moral incubator of crime. There is this place that is filled with every form of human vice and degradation, and which is so crowded and so hidden from the ordinary inspection of the law officer and of the passerby in the street that it is impossible to turn the necessary white light of publicity upon it. Now, what is the remedy for these conditions?

Mr. LOBECK. Will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Nebraska?

Mr. BORLAND. Yes; I yield to the gentleman.

Mr. LOBECK. Were not these alleys so laid out in the original survey as to enhance these conditions, or make them possible?

Mr. BORLAND. Yes; that is true. I thought I had brought that out. I am glad the gentleman called my attention to it. Many of these alleys are in the shape of a letter "H," so that when you get in there you run into two, three, or four blind courts, and those places are utterly impossible to be policed and kept clean. They are worse than the ordinary class of straight alleys. Here is one instance, Bladen Alley, between Ninth and Tenth and M and N Streets. This picture shows two men fighting in the part of the alley showing that "H" formation, and a policeman on his beat at the corner of the street within 75 or 80 feet. It is one of the most instructive pictures I ever saw illustrating that condition of affairs. You can see that it would be utterly impossible for that police officer to get at those men without going halfway down the block through a 10-foot alley, then around the "H" formation, and by that time they would have disappeared out of the other entrance to the alley.

What is the remedy for all this? Somebody will say, "Well, transform them into parks." That is a good thing in a great many instances. Other people will say, "Well, suppose you do turn them into parks; your alley population will go elsewhere and form new slums, and then you will have to make new parks."

I am frank to admit that the cleaning of the alleys or the elimination of the inhabited alleys is only part—although it is, I think, the larger part—of the problem. There is also the problem of rehousing. The only solution I have seen of that is the one so successfully made by the Washington Sanitary Housing Co. I went to see some of their houses. They began operations several years ago. They have two classes of houses. They will take a portion of the city and turn it into what is practically a minor street—a narrow street with sidewalks, curbing, and lights, like other streets, with water, gas, and sewer connections, and open at both ends. Here is one of these minor streets through the center of a block. On that they have built some very substantial apartments of brick and frequently of stone, with stone steps, concrete walks, iron handrails, with very little wood—very little framework—to get into a state of dilapidation or to be carried away or to be chopped up for kindling wood. They are very serviceable and very permanent. They have two classes of property, one that rents for $13.50 and the other for $14, the 50 cents difference being made by a bay window in some tenements. They consist of three rooms and a bath. There is a waiting list for these apartments. They are adapted to the white mechanic, to the white artisan, and they are filled with the best class of self-respecting, clear-eyed, and clear-headed honest toilers I have seen anywhere, inside or outside of the District of Columbia.

They have another set of apartments that are plainer but very similar in facilities. They have three rooms and a bath, furnished with modern conveniences. They are adapted to the colored people, and they have a waiting list for those. They are in beautiful condition. The little back yards, very small, are usually in the pink of condition. There is an emulation or self-respect that goes with that sort of a thing. It is very far from being a pauperizing charity; it is a long way from being a pauperizing charity. From these buildings, well constructed, well cared for, they net 5 per cent income. That is not enough to attract the owner of alley tenements. It necessarily appeals more strongly to a sense of philanthropy, a wise sense of philanthropy—a sense of philanthropy that does not wish to pauperize but respects the beneficiary, which recognizes the fact that self-respecting people want to earn their own way and want to pay for their own advantages at a fair rate. Here is the great advantage about that sort of thing: I saw, not very strange to say, in all districts where alley slums occur, little bits of oases, a little bit of a place where some householder had fixed up a clean little garden, and where there was really an attractive little home. You see frequently on these alleys some self-respecting family will have quite an attractive little place—a clean garden and a clean back door and a clean kitchen and an attractive place. But what can one person do in a block? It must be done generally and on a scale that will put the entire street or block in a condition that will raise the moral tone and raise the self-respect of all the inhabitants. Now, these darkies that inhabit the homes of the Washington Sanitary Co. are an average lot; they are not selected. They are the average tenants that have had to go out of the alley slums.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from California?

Mr. BORLAND. Yes.

Mr. KAHN. Is it not a fact that the rental of these sanitary houses that the gentleman is speaking of is no greater than the rental that the people pay in the alleys?

Mr. BORLAND. Not a bit. The house in Madison Alley that I spoke of pays a rental of $27 a month for those rooms without any conveniences, against $8.50 for three rooms with a bath and gardens all around them. It is actually cheaper. The only difference is this, as the gentleman from San Francisco recognizes, that there is a class—the transient poor class, irregularly employed poor—that sometimes can not rent from month to month, but must rent from week to week. But the house problem remains the same. We should provide some system of accommodation even for the irregularly employed poor that will prevent them from being slum tenants and semi-criminal. Because a man is frequently out of employment, because he is occasionally sick, because he has the bad taste to die and leave a widow and several small children, does not relieve the community of the burden of seeing that that family becomes good citizens. It increases the moral responsibility of every true legislator. The greatest thing we can do is to cure the moral sore. We must find remedies that reach the cause of the moral disease, and the cause of the social disease in this case is the alley tenement in the District of Columbia. Those alley tenements must be eliminated. They must be eliminated in the interest of the people of the District of Columbia, they must be eliminated in the name of the honest toiler and worker of the District of Columbia who does not live in the alleys. They must be eliminated in the interest of your constituents and mine who come here to serve our common Government, and they must be eliminated in the interest of the great God-fearing mass of the American people, who demand that such conditions must not continue in the Capital of the great Nation of which we are all a part. [Applause.]

Mr. SIMS. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. SIMS. Does the gentleman not believe that our constituents at home would much rather pay taxes to relieve such a condition as this than to build six and eight million dollar driveways for the rich to use?

Mr. BORLAND. Mr. Speaker, the gentleman knows what I think about that. I think that we have spent enough money for the rich in the city of Washington, and it is time now that we spent a little money for the honest, self-respecting poor. [Applause.] We have beautified many spots in the District of Columbia, and we are constantly urged in the most honeyed tones to beautify other spots in the District of Columbia; but now we are to have a chance to relieve and sweeten some of the homes of the helpless and industrious citizens of the District of Columbia.

Mr. SIMS. But Congress will never be importuned to accept an option on one of these slums in order to build a monument to a gentleman who wants to build up and beautify the city of Washington.

Mr. BORLAND. No; I think not. I do not think any of these alley-slum owners will importune us to take an option on their property. I think that they will resist bitterly any effort on our part to do so. That has been the experience in the past in all of our cities. I think in the end they will probably be paid 25 to 50 per cent in advance of the actual value of their property and that, notwithstanding that fact, they will carry the case to the Supreme Court of the United States in an effort to test whether the proceedings were regular and as to whether or not we have violated the Constitution. I think we will have to face that, and everybody who has made a reform has faced that. Notwithstanding that, notwithstanding the irritation and friction that will result or may result from any real, substantial, basic reform the time has now arrived when we must begin that reform.

We must eliminate these alley slums; there must not be any more alley population in the great city of Washington. We must turn these alleys into minor streets, and those that are capable of being opened through and widened and sidewalked and planted with trees should be treated in that way. Nearly all of them are capable of that.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. HOWARD. Does not the gentleman think that a large portion of the sanitary conditions that exist in these slums could be relieved by an efficient administration of the District affairs by those in authority?

Mr. BORLAND. I realize that fact.

Mr. HOWARD. And does the gentleman know of another city in the world, not only in the United States, but in the world, with a population of 331,000, that has a great army of 25,000 people employed in its municipal government to do the very work of which the gentleman speaks in respect to conditions that exist in the city of Washington? I know of my own personal knowledge that these conditions do exist.

Mr. BORLAND. Mr. Speaker, I have two answers to that. The first answer I made a little while ago was to the effect that these alley slums have produced conditions which it is almost impossible for the health and police departments to cope with, because those conditions accumulate faster——

Mr. HOWARD. Why?

Mr. BORLAND. Because in the formation of these alleys it would take an extraordinary number of men, both in the police and the health departments, to enforce even the plainest regulations.

The second answer I desire to make is that four years ago I served one term on the District Committee. I have since served on the Appropriations Committee. I believe that $14,000,000 to run the District of Columbia is an extortionate and extravagant amount. I believe that we do not get the efficient service out of that $14,000,000 that we ought to get, and I do not propose to justify here or elsewhere the expenditure of the money. I am not in sympathy with the constant cry that goes up from the District that we do not have enough money, and I am going to touch on that point right now.

Mr. HOWARD. From the gentleman's own observation, does he not know that no other great municipality in this country would permit for 10 days the insanitary conditions to exist that exist in the city of Washington?

I know that the great city of Atlanta, which I have the honor to represent in part, has no such condition as I have seen with my own eyes here or that could exist under the watchful eyes of the police and sanitary departments of that city.

Mr. BORLAND. Yes; I think that is true; but I want to say to the gentleman that the result of my personal investigation convinces me that the alley conditions were such that it was not only almost impossible to cope with it from the health and police standpoint, but it was useless to try to cope with it from a police standpoint. There is no reason for the purpose of preserving a little alley property or the profits of a few alley tenement owners to continue conditions which are almost impossible to provide sufficient money with which to cope.

Mr. WILLIS. If the gentleman will permit, I understood the gentleman to say, in his judgment, the alley conditions are worse in this city than they are in other cities of a similar size in the country.

Mr. BORLAND. Yes; what I said was this, that it is more widespread and more general; that there are very few cities where the slum district, so called, is so generally diffused and so immediately in touch with the rest of the city as in this city.

Mr. WILLIS. What is the gentleman's observation in regard to the alleys in these slum districts in regard to their being paved or not?

Mr. BORLAND. Most of them are paved, and paved within the last five years.

Mr. WILLIS. That does not obtain in the other large cities of the country.

Mr. BORLAND. No; there are a great many unpaved alleys in the other large cities.

Mr. WILLIS. While I agree entirely with the gentleman that there ought to be some amelioration of these conditions I think that the gentleman's statement that the conditions are worse here than in other large cities is not warranted by the facts.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. WILLIS. I ask unanimous consent that the gentleman's time may be extended 15 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Missouri may be extended 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Now, I realize the force of what the gentleman from Ohio says. Slum conditions are unfortunately present in every growing municipality; if they were not present, it would not be a growing municipality. I tried to start by prefacing my remarks that it was one of the conditions of growth and increase in wealth and increase in living conditions that took the best of the population out from contact with the slums. Every city has its battles, and they are worse at some times and places than at other times and places, but the industrial conditions that bring them about elsewhere are not present in the city of Washington. The industrial conditions that exist in other cities and with the influx of the foreign population do not exist in Washington. The great railroad and manufacturing suburbs do not exist here, but you have a purely residential section here in which no slums ought to exist at all. Any slums in Washington are bad slums. That is the plain unvarnished truth about it. Now, as to the question of the elimination of these. In my judgment it is a useless expense to undertake to police the conditions we have here. It is a useless expense to try to reclaim this criminal population by juvenile courts, hospitals, and visiting nurses. It is a useless expense to try to maintain proper sanitary regulations that would keep conditions livable and proper in these slums. The cheapest, sanest, and best way in the long run is to eliminate the whole alley slums. It will have to be done. They can be in many cases, I believe, turned into minor streets. To-day the blocks are too large; there is no necessity for having so much waste ground back of these blocks. They can be opened at both ends and filled with a clean, respectable class of tenants.

Mr. WILLIS. I just wondered what is the practical solution. Now, take a typical example—for instance, Snow's Court, which the gentleman has seen. What is the solution of such a situation? What are you going to do about it?

Mr. BORLAND. I was just telling you just now. I understand there is a bill introduced to turn it into a playground, and I think perhaps it is a good thing.

Mr. MANN. If the gentleman will permit, I desire to ask the gentleman would he be willing to vote for a bill to turn that alley into a playground, one-half or one-third of the expense to be paid by the Government?

Mr. BORLAND. What does the gentleman mean to imply when he says one-third of the expense to be paid by the Government?

Mr. MANN. I say, would the gentleman be willing to have his constituents contribute toward relieving the situation in Washington?—my recollection being that the gentleman has always opposed having the Government pay anything toward the maintenance of the playgrounds in the District.

Mr. BORLAND. I am going to tell the gentleman exactly how I feel about that. If the District of Columbia were already bearing a burden of taxes greater than the property should bear in order to maintain a city government here, if property in the District of Columbia was being closed out under the hammer, if conditions here were bad and there was a lack of taxable wealth in proportion to the burdens of government that had to be borne, such as exists in other municipalities, it would be the bounden, sworn duty of the gentleman from Illinois [Mr. MANN] and myself to tax the 90,000,000 American citizens to see that proper conditions were maintained here. If, on the other hand, property in the District of Columbia is higher relatively than in other communities of its size, if it is not

overtaxed, if there is an abundance of taxable wealth in the District to meet every civic problem, if its civic problems are less in proportion than the civic problems of other municipalities from which the gentleman and myself come, if it has less problems to deal with and more taxable wealth with which to meet those problems, then it is iniquitous and wrong for us to lay our hands upon the taxable wealth of the people of Chicago or the people of Kansas City to repair the results of the lack of taxation which has gone on in the District of Columbia.

I undertake to say that from two sources of taxation levied upon the wealth of the District of Columbia, which will not reach a single wage earner in the District, I could raise in five years enough money to eliminate every slum and rehouse every slum family in the District of Columbia. I would raise it first by applying the general inheritance-tax law of Missouri, Illinois, and New York to the District of Columbia. I would raise it, second, by taxing the intangible property, the stocks and bonds which now are exempt from taxation by the laws of the District. I did not intend to go into that question, because I am going into it more fully at some other time. But when the gentleman asks me if I would couple with a moral reform a proposition to tax my own people, I have but one answer in the ultimate for that: I will tax my own people and justify myself before them if the problem can not be solved in any other way. [Applause.]

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MANN. Of course, the gentleman admits that the Government owns a large amount of property in Washington which, if owned by private individuals, would be subject to taxation, and which is not now subject to taxation. Yet, as I understand, the gentleman's position in the past and in the present—and I ask for information whether that is his position—the gentleman, while he wishes to do away with these horrors which he has described, is not willing to have any part of this expense based upon property of the United States in the District of Columbia, but proposes to have it all paid by private property in the District and by taxation upon that property, notwithstanding the agreement—which is not really an agreement——

Mr. BORLAND. No; it is not a real agreement——

Mr. MANN. But which we refer to as the agreement that the District shall pay half the expense and the Government shall pay half the expense of the maintenance of the District of Columbia and its government.

Mr. BORLAND. Well, I have expressed myself to the House on that subject before, and hope to do so again. The fact that the District of Columbia, away back in 1874 and 1878, went into bankruptcy, and the Government of the United States took it out of bankruptcy and has now made it the wealthiest city per capita in the known world does not constitute any contract any more than if you give a man $10 to keep him from being broke and to help him get home it constitutes a contract that you will give him another $10 to-morrow. There is no moral or legal obligation there, and the gentleman from Illinois will readily admit that there is not even a legal obligation.

Mr. MANN. I think there is a moral obligation, and a legal obligation at present, undoubtedly.

Mr. BORLAND. The fact that the Government of the United States owns a large amount of acreage in the District of Columbia which it does not use in competition with private owners of property is no criterion. The United States Government owns Lafayette Park, pays for the lighting and policing of it, and puts no burden for it upon the District.

The Government does not use the park in sight of the Arlington Hotel for any purpose in competition with property owners, but the fact that the Government owns it makes the hotel site worth a million dollars more than it otherwise would be worth. Nobody does anything on the park that competes with the property owners adjoining, but the existence of the park has made valuable the Arlington site—made it more valuable than any other hotel site in the District of Columbia.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. I will.

Mr. MANN. Do I understand the gentleman to say that the Government pays for the maintenance of Lafayette Park, without any expense to the District of Columbia?

Mr. BORLAND. Lafayette Park is one of the parks carried by the Federal Government.

Mr. MANN. Is it?

Mr. BORLAND. My understanding is that that is so.

Mr. MANN. Is it not a fact that one-half is charged to the District and carried in the sundry civil appropriation bill with the other parks?

Mr. BORLAND. Yes; but the title is in the United States. When the gentleman from Illinois computes the acreage owned by the United States Government, on which he says it ought to pay taxes in aid of the private owners of property, he computes the acreage of Lafayette Park and he also computes the triangular pieces at Connecticut Avenue, Rhode Island Avenue, and Massachusetts Avenue that are marked plainly United States reservations, and which are only put there to enhance the surrounding property, because the United States makes no use of it in any way that competes with the adjoining property owners.

Mr. MANN. The gentleman from Missouri confuses what I said with what somebody else has said. I have said nothing about acreage or that the Government ought to pay taxes. The gentleman says that I compute the acreage; I have done nothing of the sort and made no such suggestion.

Mr. BORLAND. Then I misunderstood the gentleman.

Mr. MANN. The Government does own a large number of buildings in the District of Columbia on which it pays no taxes. That is what I said. I have always found, as far as my life goes, that many people are willing to reform somebody else at their expense. My test of the man who is willing to reform is whether he is willing to reform partly at his own expense.

Mr. BORLAND. That has been answered. I have been in this House four years under Republican rule, and served two years under a Republican chairman of the District Committee. I did not see any attempt to reform at anybody's expense while I was on the District Committee.

Mr. MANN. The gentleman ought not to bring that indictment against himself.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. I will yield to the gentleman from Tennessee.

Mr. SIMS. Is it not a fact that the entire amount of taxes paid per $1,000 on property assessed for taxation in this District is not more than half of what it would be for all purposes in the city of Chicago or Kansas City?

Mr. MANN. Let the gentleman speak for Kansas City and not for Chicago, because as to that city the statement is not true.

Mr. SIMS. Well, the gentleman from Illinois has challenged the statement.

Mr. BORLAND. Mr. Speaker, I decline to yield further, for I think the discussion is wandering far afield. The property question of the District of Columbia deserves consideration at the hands of this House, and I want to promise the gentleman from Illinois that it is going to get it, and it is going to get it during the Sixty-third Congress.

I want to say that if this alley elimination had to be done at the expense of the charitable people who subscribe out of their own pockets it ought to be done, but it would be a disgrace to allow it to be done in that way. If it had to be done at the expense of the people of the United States it ought to be done, but it would be a disgrace to allow it to be done in that way. It ought to be done at the expense of the property owners of the District of Columbia, who have been growing in wealth and in prosperity by reason of the presence of the Federal Government and the increase of value of property here on that account.

Mr. LOBECK. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. I will yield to the gentleman.

Mr. LOBECK. Is it not a fact that every alley that was cleaned up would immediately benefit the adjoining property owners?

Mr. BORLAND. There is no doubt about it; I was about to touch upon that point.

Mr. LOBECK. That was the effect when you cleaned up Kansas City?

Mr. BORLAND. It was done by condemnation, and the cost was assessed on a benefit district. Now, we have a law in this District, passed in 1906, that gives them the right to open alleys and turn them into minor streets, but it provides that all the damages must be assessed against the four abutting blocks; it makes an arbitrary benefit district.

That will not work in the District of Columbia, unfortunately, and for this reason: Each one of the four abutting blocks is very apt to, and in most cases does, have an alley problem of its own and it is not in a position to bear any of the burdens of eliminating any of the conditions of some other block. In fact, the Supreme Court has thrown some doubt on the legality of that kind of procedure. There must be a law providing for the opening of these alleys and turning them into minor streets, providing for the assessment of the benefits on the benefit district as far as the jury can assess them, and the balance, if any, upon the general fund of the District. I am not now going to go into the constitution of that general fund. I think we ought to provide an honest means for the apportionment of the general fund, but it must be assessed against the general fund

as between the general fund and the benefit district, and that is the only way in which these alleys can be opened up legally and with any possible effect.

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Speaker, as the gentleman from Nebraska [Mr. LOBECK] has well pointed out, the benefits accruing to the property abutting on the street and backing up on these noisome and crime-breeding alleys are greater than would appear at first glance. The jury would go down and look at a piece of property, a little frame or brick dwelling of six or seven rooms, occupied by a modest family, paying $17.50 a month rent, and they would say that that piece of property could not bear many benefits; that you could not put much benefit on that without confiscating it. The reverse of that is true, however. The proper view of the matter is that that property rents for $17.50 a month or $20 a month, because of that noisome alley, because that makes it undesirable, and only people of very modest purse are compelled to live in that class of property. If you were to eliminate that alley you would immediately raise the rental value of that little piece of property $5 or $10 a month, and then you would have a new basis on which to compute the benefits that would absorb the damages caused by the opening of the alley.

Mr. KAHN. Does not the gentleman think his proposition would raise the rent to such an extent that the people who live in those cheap houses would have to get out because they could not pay the increased rent? Would not the gentleman then create a new condition in that respect?

Mr. BORLAND. Not necessarily. I think that there is so much of that property that the natural laws of competition would regulate that. It could not raise it beyond what the rent-paying power of the ordinary tenant would be.

Mr. KAHN. The gentleman recognizes the fact that $5 a month to a workingman is a considerable amount.

Mr. BORLAND. Of course.

Mr. KAHN. And when you increase his rent $5 a month there is a question whether he can stand the raise, and if he can not stand it, where are you going to put him?

Mr. BORLAND. The gentleman has introduced a bill to turn Snow Court into a public playground and park. Does he think he is going to raise out of all proportion the rent of the property about there so that no self-respecting white man can live there?

Mr. KAHN. No.

Mr. BORLAND. Of course not; and neither do I think that.

Mr. KAHN. On the contrary, I contend that the abutting property should pay some of the benefits; that the District of Columbia should pay some of the benefits; and that the Government of the United States should pay some of the benefits. But the gentleman's proposition is to have the property pay all of the benefits.

Mr. BORLAND. No; the gentleman has evidently misunderstood me. I stated expressly that from a personal inspection of the matter I was convinced that it was impossible to provide a benefit district that could carry all of the damages that would be caused by the opening of the alleys, and that there must be a residue charged against the general fund of the District, however that general fund might be constituted. I do not think the gentleman and I disagree on that proposition There is going to be a residue of expense that is not absorbed by the benefits in the benefit district.

Mr. KAHN. I disagree with the gentleman so far as the proportion to be paid by the General Government is concerned.

Mr. BORLAND. I have not spoken of any proportion. I have spoken of the jury assessing all of the benefits they found, levying the unassessed benefits against the general fund, and that, I believe the gentleman will agree, is the only practical solution of the alley problem.

Mr. KAHN. I understood the gentleman to say the fund of the District.

Mr. BORLAND. I said the general fund however constituted; I did not go to the question of how it was constituted. I differ with the gentleman on other things, but he and I seem to agree on this alley proposition. When we come to the general fund we will fight it out when we come to it, but on this alley proposition I am glad to find that we are in substantial agreement.

These alleys, then, must be eliminated. They ought to be eliminated and turned into these minor streets, and the rehousing of these people ought to go on just as fast as possible. Why, it does not make any difference what the cost is. From a practical standpoint we can dispose of these details, of course. We know where to put them. Every man here has had more or less experience as to where they ought to fall and could fall with no great hardship. The greatest cost we are paying is in the cost of human lives, the cost of wrecked hopes, the cost of blighted careers, the cost of deformed, imbecile, invalid, and crippled children, the cost of ignorance and vice and crime that permeates the whole community, and that cost is heavier than the cost of dollars and cents. There is no cost so heavy as the cost of vice, as the cost of ill health, as the cost of ignorance and of crime. It is the heaviest cost that any community in the world bears. The greatest asset that a nation or a city has is its men. The greatest crop that the Nation raises is a crop of sound, healthy children, and if it does not raise that crop it does not make any difference how many splendid palaces or Greek temples adorn its capital. It must raise a crop of men, of honest, self-respecting toilers, of men of intelligence, of men of moral backbone, of men of physical courage and nerve to solve the great problems, men to grow under an advancing civilization step by step, men to bless the community in which they live.

Why, we want men who will be a blessing to the community that has given them birth; we want men who will advance the great standard of civilization and plant it higher and higher upon the ramparts of free government. We want men not criminals and not imbeciles, not cripples and not ignoramuses, but men of intelligence and skill; moral, strong men who can live under the great Stars and Stripes and live in the Nation's Capital. There is a story in the old classic days that when the purse-proud Roman matron went to the mother of the Gracchi and boasted of her jewels, that simple wife and mother of soldiers, who had an humble plain home and spun her own clothing, went to the courtyard, called to her lusty boys, gathered her arms about them and said, "These are my jewels." [Applause.] So the great American Nation can gather its arms about the honest self-respecting workingman, the man wherever he lives and however he works, who tries to earn a living to take home to his family on Saturday night, it can gather these men into its arms and say to all the nations of the world, "These are America's jewels." [Loud applause.]

ADJOURNMENT.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 58 minutes p. m.) the House adjourned to meet on Thursday, May 29, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Postmaster General, relative to the disposition of useless papers in the Post Office Department (H. Doc. No. 55) was taken from the Speaker's table, referred to the Committee on Disposition of Useless Executive Papers, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KINKAID of Nebraska: A bill (H. R. 5597) to provide small farm homes for worthy citizens of the United States; to the Committee on the Public Lands.

By Mr. EDMONDS: A bill (H. R. 5598) to amend section 3 of an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; to the Committee on Immigration and Naturalization.

By Mr. PLUMLEY: A bill (H. R. 5599) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 5600) to pension remarried widows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5601) to amend section 985 of the Revised Statutes of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 5602) to amend section 860 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 5603) to regulate the interstate shipment of cream by railway; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 5604) granting public lands to the city of Monte Vista, Colo., for public park purposes; to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 5605) to repeal an act entitled "An act divesting intoxicating liquors of their interstate character in certain cases"; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 5606) to amend the act of March 4, 1913, relative to Tuberculosis Hospital, District of Columbia; to the Committee on the District of Columbia.

By Mr. HELVERING: A bill (H. R. 5607) authorizing the Secretary of War to donate to the city of Concordia, Kans., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 5608) to provide for a commission to visit foreign countries; to the Committee on Labor.

Also, a bill (H. R. 5610) for reduction of postage rates on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. SIMS: A bill (H. R. 5611) to abolish the Commerce Court, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOOHER: Resolution (H. Res. 110) creating a committee on conservation and reclamation, and amending Rules X and XI; to the Committee on Rules.

By Mr. TAVENNER: Resolution (H. Res. 111) to appoint a committee to investigate and secure the facts concerning the existence of a lobby or lobbies in Washington; to the Committee on Rules.

By Mr. AUSTIN: Joint resolution (H. J. Res. 89) authorizing the President of the United States to obtain certain information; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Memorial of the Legislature of Wisconsin, for the enactment of legislation to set aside unoccupied islands in the Great Lakes for the purpose of establishing thereon bird reserves and turning them over to adjoining States whenever they are ready to take over such islands and improve them for the purpose named; to the Committee on the Public Lands.

By Mr. NELSON: Memorial of the Legislature of the State of Wisconsin, for the enactment of legislation to set aside unoccupied islands in the Great Lakes for the purpose of establishing thereon bird reserves; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Wisconsin, for the adoption of an amendment to the Constitution proposed in S. J. Res. 131 and H. R. 16808, introduced in the Sixty-second Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 5612) for the relief of the estate of Joseph Melancon, deceased; to the Committee on War Claims.

By Mr. BROWN of West Virginia: A bill (H. R. 5613) granting an increase of pension to George W. Hartman; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 5614) for the relief of Thomas B. Lawrence; to the Committee on War Claims.

Also, a bill (H. R. 5615) for the relief of the heirs of Lewis Stephens; to the Committee on War Claims.

Also, a bill (H. R. 5616) granting an increase of pension to Eli J. Allen; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 5617) granting a pension to Elmer E. Dickey; to the Committee on Pensions.

Also, a bill (H. R. 5618) granting a pension to Lula L. Lee; to the Committee on Pensions.

Also, a bill (H. R. 5619) for the relief of the legal representatives of John Shane, deceased; to the Committee on War Claims.

By Mr. CLAYPOOL: A bill (H. R. 5620) granting an increase of pension to Delliah Beecher; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 5621) granting an increase of pension to Bertha Herder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5622) for the relief of Robert O. Hilligoss; to the Committee on Military Affairs.

By Mr. GARRETT of Tennessee: A bill (H. R. 5623) for the relief of estates of Rebecca and Nathan Dungan; to the Committee on War Claims.

Also, a bill (H. R. 5624) for the relief of estate of William Grant; to the Committee on War Claims.

By Mr. HOBSON: A bill (H. R. 5625) for the relief of Tracey Edson; to the Committee on Naval Affairs.

By Mr. FESS: A bill (H. R. 5626) granting an increase of pension to George Clare; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 5627) granting a pension to Ellen Soule; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5628) granting an increase of pension to Jesse H. Bond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5629) granting an increase of pension to Samuel H. Hess; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 5630) granting a pension to A. J. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5631) granting an increase of pension to George H. Clay; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 5632) granting an increase of pension to James Reddan; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 5633) granting a pension to Emma E. Steele; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 5634) for the relief of the heirs of John R. McKee, deceased; to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 5635) granting an increase of pension to James A. Bowman; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 5636) granting an increase of pension to Rowena A. Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5637) granting an increase of pension to Margaret Smith; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 5638) granting a pension to Abbie E. Farr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5639) granting an increase of pension to James L. Swan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5640) granting an increase of pension to Harmon S. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5641) granting an increase of pension to James Ennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5642) granting an increase of pension to Ichabod Rowe; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 5643) granting a pension to Mary E. Carney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5644) granting a pension to Margaret Steadman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5645) granting an increase of pension to John Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5646) granting an increase of pension to William J. Williamson; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 5647) to correct the military record of Joseph Elshire; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 5648) granting a pension to Grant H. Hill; to the Committee on Pensions.

Also, a bill (H. R. 5649) granting an increase of pension to John Finegan; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 5650) granting a pension to James W. Alexander; to the Committee on Pensions.

Also, a bill (H. R. 5651) granting a pension to Thomas J. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 5652) granting a pension to Mary V. Doyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5653) granting a pension to Charles B. Marshall, alias Charles B. Andrus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5654) granting a pension to Mary E. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5655) granting a pension to Sarah J. Manspeaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5656) granting a pension to William H. Haight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5657) granting a pension to Mary H. Bisbey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5658) granting a pension to Sarah A. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5659) granting an increase of pension to Sherman L. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5660) granting an increase of pension to George W. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5661) granting an increase of pension to Samuel J. Smock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5662) granting an increase of pension to Mary Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5663) granting an increase of pension to John Hiet; to the Committee on Pensions.

Also, a bill (H. R. 5664) granting an increase of pension to Sarah A. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5665) granting an increase of pension to Albert G. Ingraham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5666) granting an increase of pension to Alfred H. Guest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5667) granting an increase of pension to Robert Hird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5668) for the relief of Frank Hodges; to the Committee on Claims.

Also, a bill (H. R. 5669) to correct the military record of James A. Church; to the Committee on Military Affairs.

By Mr. TAVENNER: A bill (H. R. 5670) granting a pension to James E. Larkin; to the Committee on Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 5671) for the relief of heirs of James Thompson; to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 5672) granting a pension to Catharine L. Welch; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Missouri State Medical Association, St. Louis, Mo., favoring the passage of the bill to create a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of Tuttle & Sellers and 6 other merchants of Creston, Ohio, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BALTZ: Petition of A. Holloway and others of Illinois, against including mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the Missouri State Medical Association, favoring the establishment of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of the National Broom Manufacturers' Association, of Davenport, Iowa, against the reduction of the duty on brooms; to the Committee on Ways and Means.

Also, petition of E. F. Burton, of New York City, against House bill 33, to create a new committee on public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New Orleans and Louisiana, favoring the immediate passage of the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of the United States Gypsum Co., against reduction of the duty on gypsum; to the Committee on Ways and Means.

By Mr. DYER: Petitions of Everett W. Pattison and Percy Werner, of St. Louis, Mo., favoring the passage of House bill 28463 relative to simplification of pleading, etc., in inferior Federal courts; to the Committee on the Judiciary.

Also, petition of the United States Gypsum Co., against reduction of the duty on gypsum; to the Committee on Ways and Means.

Also, petition of the Missouri State Medical Association, of St. Louis, Mo., favoring the passage of the Owen bill to create a department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pittsburgh Plate Glass Co., of Kansas City., Mo., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the National Broom Manufacturers' Association, of Davenport, Iowa, against reduction of the duty on brooms; to the Committee on Ways and Means.

By Mr. GARDNER: Petition of the Massachusetts State Board of Trade, favoring the establishment of a permanent tariff commission; to the Committee on Appropriations.

By Mr. GARRETT of Tennessee: Petitions of sundry citizens of the State of Tennessee, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of Washington Camp No. 578, Patriotic Order Sons of America, of South Williamsport, Pa., protesting against the passage of legislation for setting aside of October 12 as a holiday in the District of Columbia in anniversary of the discovery of America by Christopher Columbus; to the Committee on the District of Columbia.

By Mr. KINKEAD of New Jersey: Petition of George R. Kolter, of Jersey City, N. J., against the passage of House bill 33, relative to a new committee on public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Cigar Manufacturers' Protective League of Jersey City, N. J., against free cigars from the Philippine Islands; to the Committee on Ways and Means.

Also, petitions of M. Straus & Sons and the American Insurance Co., of Newark, N. J., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Hudson County Butchers' Association, of Hoboken, N. J., against the duty on meats, etc.; to the Committee on Ways and Means.

Also, petition of the J. Wilckes Co., of New York City, relative to assessment of fee for filing protests against assessment of duty by collectors of customs; to the Committee on Ways and Means.

By Mr. LEVY: Petition of the J. Wilckes Co., New York, N. Y., protesting against the assessing of a fee for all protests against the assessment of duty by collectors of customs; to the Committee on Ways and Means.

Also, petition of the National Broom Manufacturers' Association, Davenport, Iowa, protesting against the reduction of the duty on brooms; to the Committee on Ways and Means.

Also, petition of Charles F. Hubbs & Co., New York, N. Y., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of New Orleans and the State of Louisiana, favoring the immediate passage of the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

By Mr. LOBECK: Petition of the Omaha Crockery Co., Omaha, Nebr., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of the National Broom Manufacturers' Association, of Davenport, Iowa, against reduction of the present duty on brooms; to the Committee on Ways and Means.

By Mr. MAPES: Petition of the Grand Rapids Trades and Labor Council, of Grand Rapids, Mich., favoring the passage of a law fixing eight hours per day for labor in connection with grants and franchises of our remaining natural resources; to the Committee on Labor.

Also, petition of the Grand Rapids Credit Men's Association, favoring early action in banking and currency reform; to the Committee on Banking and Currency.

By Mr. MARTIN: Petition of sundry citizens of South Dakota, favoring change in the interstate-commerce laws relative to selling goods direct to consumers; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of the Chamber of Commerce of Rumford, Me., protesting against any reduction in the tariff on paper; to the Committee on Ways and Means.

By Mr. McKELLAR: Papers to accompany bill (H. R. 5634) for the relief of the heirs of John R. McKee, of Shelby County, Tenn.; to the Committee on War Claims.

By Mr. ROGERS: Petition of the Massachusetts State Board of Trade, favoring the establishment of a permanent tariff commission; to the Committee on Appropriations.

By Mr. STEPHENS of California: Petition of Kullman Sat & Co., Benicia, Cal.; the Luitweiler Pumping Engine Co.; and 2 citizens of Los Angeles, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Retail Hardware Merchants' Association and the H. Jevine Co., Los Angeles, Cal., and the J. J. Pfister Knitting Co. and Ganteer & Mattern Co., San Francisco, Cal., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Elizabeth Lamb, Huntington Beach, Cal., protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of H. Jevne Co., Los Angeles, Cal., protesting against the passage of the proposed legislation assessing a fee for protests against the assessment of duty by collectors at ports of entry; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of Guy V. Pettit, Reynolds, Ill., and Frank G. Young, Rock Island, Ill., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Western Stone Ware Co., Monmouth, Ill., protesting against the passage of House bill 3321, placing the import and domestic freight rate on the same basis; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of the National Broom Manufacturers Association, of Davenport, Iowa, against reduction of the duty on brooms; to the Committee on Ways and Means.

SENATE.

THURSDAY, *May 29, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint and concurrent resolution of the Legislature of Missouri, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF MISSOURI,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, Cornelius Roach, secretary of state of the State of Missouri and keeper of the great seal thereof, hereby certify that the following pages contain a full, true, and complete copy of a concurrent resolution of the General Assembly of the State of Missouri entitled "Joint and concurrent resolution asking Congress to call a constitutional convention or to submit to the several States, through a congressional joint resolution, an amendment to the Constitution of the United States correcting the manner in which the constitutionality of State enactments shall be determined by the Supreme Court of the United States," and that the journals of the proceedings of the house and senate of the forty-seventh general assembly show that said joint resolution was adopted.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Missouri. Done at the city of Jefferson this 15th day of April, A. D. 1913.

[SEAL.] CORNELIUS ROACH,
Secretary of State.

House joint and concurrent resolution 23, Forty-seventh General Assembly.

Joint and concurrent resolution asking Congress to call a constitutional convention or to submit to the several States, through a congressional joint resolution, an amendment to the Constitution of the United States correcting the manner in which the constitutionality of State enactments shall be determined by the Supreme Court of the United States.

Whereas a single judge of an inferior Federal court has time after time nullified and amended the solemn enactments of the Legislative Assembly of the State of Missouri and of other States of this Union, and has even destroyed provisions of the constitutions of the States made after the most deliberate thought and study in convention or by the sober verdict of the whole people; and

Whereas this manner of destroying and amending the deliberate enactments of a sovereign State has no specific warrant in the Federal Constitution, and is not in keeping with the dignity of this State or of any other State of this Union; and

Whereas it is not in keeping with the spirit of free institutions that the ruling of an inferior Federal court shall nullify the deliberate acts of the people of a whole State: and

That in order to correct these evils an amendment to the Federal Constitution, to be known as Article XVII, be proposed to the several States for their ratification or rejection, to wit:

Be it resolved by the house of representatives (the senate concurring therein) as follows: That we apply to the Congress of the United States and respectfully ask that an amendment to the Federal Constitution to correct these evils be proposed to the several States for their ratification, to wit:

To the Congress of the United States:

In pursuance of the rights reserved to themselves by the sovereign States of this Union, we, the representatives of the State of Missouri, regularly met in general assembly, do hereby apply to you and respectfully ask that you either call a constitutional convention for the purpose of proposing to the several States of the Union the amendment to the Federal Constitution given below, or that you propose to the several States for their ratification, according to Article V of the Constitution of the United States, said amendment, to wit:

"ART. XVII. No inferior Federal court shall have jurisdiction over questions involving the constitutionality or the validity of any State law; but a law of any State, when called in question as violating the Constitution of the United States or as conflicting with any Federal statute, shall be certified immediately to the Supreme Court of the United States, and shall be given precedence over all other business before said court. No Federal court shall issue any writ of injunction restraining the execution of any State law, and no appeal to the Supreme Court of the United States involving the validity or the constitutionality of the law of any State shall operate as a supersedeas. Every question involving the rights of a State or the validity or constitutionality of a State law shall be decided by the concurring opinion of every member of the Supreme Court."

And be it further resolved, That every State in the Union be respectfully requested to join with us in this memorial to Congress, and that a copy of this resolution be sent to the governor and secretary of state of each State and to such general assemblies of States as are now in session and to all other general assemblies of States as soon as they shall convene, and that copies be sent to the President of the Senate of the United States and to the Speaker of the House of Representatives.

The VICE PRESIDENT presented a concurrent resolution of the Legislature of Oklahoma, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House concurrent resolution 13, as amended by the senate.

Whereas certain lands located in the Big Pasture, Wood Reserve, and other pastures allied therewith and located in Comanche, Tillman, Kiowa, Caddo, and Stephens Counties, in southern Oklahoma, were thrown open to settlement in 1906 under the homestead laws;

Whereas the settlers on said lands were compelled to purchase the same at an auction sale to the highest bidder;

Whereas the purchasers were required to comply with all the conditions of the homestead laws; and

Whereas we believe that it is an injustice to the purchasers of these lands to be required to pay for the same at the prices at which they were purchased, which in most cases were more than the full value of the land, and at the same time be compelled to homestead the same and comply with all the requirements of the homestead laws: Now, therefore, be it

Resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That the Congress of the United States is hereby petitioned and earnestly requested to permit the settlers and purchasers of said land to perfect and secure title by paying the Government therefor the minimum price of $5 per acre; be it further

Resolved, That a copy of this resolution, duly authenticated, be transmitted to the President of the Senate of the United States and to the Speaker of the House of Representatives and to each of the Representatives and Senators from the State of Oklahoma.

Passed the house this 23d day of April, 1913.

J. H. MAXEY,
Speaker of the House of Representatives.

Passed the senate this 29th day of April, 1913.

C. B. KENDRICK,
President pro tempore of the Senate.

The VICE PRESIDENT presented a joint resolution of the Territorial Legislature of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Resolution.

Whereas it is desirable that annual sessions of the legislature be had, each session to be limited to 60 and 30 days' duration, one session to be devoted exclusively to the consideration of measures in general (60 days), while the other session be devoted to the consideration of financial measures and appropriation bills (30 days), and that the present compensation of $10 per diem to the legislators be continued: Therefore be it

Resolved by the House of Representatives of the Territory of Hawaii, That the Congress of the United States be, and is hereby, requested to amend the organic act of this Territory so as to accomplish this desired object, and that a copy of this resolution be sent to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and the Delegate to Congress from this Territory; and be it further

Resolved, That the Delegate to Congress be requested to prepare and advocate in Congress appropriate legislation to accomplish this desired object.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII,
Honolulu, Hawaii, April 30, 1913.

We hereby certify that the foregoing resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

Mr. BRYAN presented a resolution adopted by the board of county commissioners of Duval County, Fla., favoring an appropriation to reimburse that county for money expended in the improvement of the St. Johns River, Fla., which was referred to the Committee on Commerce.

Mr. FLETCHER. I have received a communication from the Board of County Commissioners of Duval County, Fla., transmitting a certified copy of a resolution, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the communication and accompanying paper was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

BOARD OF COUNTY COMMISSIONERS OF DUVAL COUNTY,
Jacksonville, Fla., May 24, 1913.

Hon. D. U. FLETCHER,
United States Senator, Washington, D. C.

DEAR SIR: As directed by the board of county commissioners, in session this day, I am inclosing herein certified copy of a resolution, which was unanimously adopted.

Yours, very truly, FRANK BROWN, *Clerk.*

Whereas the county of Duval, in the year A. D. 1893, issued bonds in the sum of $300,000, the proceeds of which were used in the deepening of the St. Johns River; and

Whereas the said bonds are still outstanding and unpaid, and an obligation upon which said county of Duval has since the date of issuance been paying interest; and

Whereas the improvement of navigable streams is within the jurisdiction of and an obligation upon the United States Government for which appropriations are made from time to time by Congress: Now, therefore, be it

Resolved by the Board of County Commissioners of the County of Duval, State of Florida, That the Congress of the United States be, and it is hereby, requested to appropriate a sum of money sufficient to reimburse the said county of Duval for the money expended, as aforesaid, upon the improvement of the St. Johns River, a navigable stream of the United States; and be it further

Resolved, That a certified copy of this resolution be forwarded to each of Florida's United States Senators and Congressmen with the request that they urge action thereon.

I, Frank Brown, clerk of the board of county commissioners, Duval County, Fla., do hereby certify that the above is a true and correct copy of a resolution which was unanimously adopted at a meeting of said board, held at their office in the courthouse, city of Jacksonville, Fla., on Saturday, May 24, 1913.

Witness my hand and seal of office this 26th day of May, A. D. 1913.

[SEAL.] FRANK BROWN,
Clerk Board of County Commissioners, Duval County, Fla.

Mr. WORKS. I present the memorial of Alfred Wellington Jones, remonstrating against the reduction of the tariff on sugar. I ask that the memorial be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE SUGAR BEET TALKS.

Hon. JOHN D. WORKS, *Washington, D. C.*

SIR: Although I am attending strictly to business, producing sugar from sun and atmosphere, I have to say to Uncle Sam, "Protect me, and I will do you good; on the other hand, break down my industry, letting in tropical sugars, and calamity will follow."

My history in America has been like the "toad-getting-out-of-the-well" sum in arithmetic of schoolboy days—I have been enabled to make progress in the daylight of Republican politics, but fell back in the night of Democratic free-trade propaganda while being played into the hands of Wall Street cane refiners. The result is I am about 75 years behind the times in "crawfish progressive" America.

It was different in truly progressive Europe, where the first Napoleon, 100 years ago, had the sagacity to see the economic value of producing from home soil in France the nation's sugar.

In this connection he saw, as in a vision, conservation of resources and soil fertility as well.

Statistics show that food production in the United States is not keeping pace with the increase of population, hence the principal reason for the high cost of living. Neither is this condition peculiar to the United States.

The money sent abroad for sugar alone, not to mention other foodstuffs, judiciously laid out in rotation of crops would so increase the fertility of our soils as to make us practically independent of other nations in that regard.

The raising of sugar beets brings about many advantages—first, beet sugar is distinctively first, last, and all the time a labor crop, and some of the benefits to our farmers are:

Beets find a sure market; require little capital to raise them—wealth mined from soil; the poor man's crop, the factory making cash advances while growing; assured price before planting; whole family employed; for owner of land, rotation improves it; other farmers find market for other crops which they raise, sold to growers; intensive cultivation; beets the best resistant crop on alkali soils; by-products valuable as fodder and fertilizer; beets the best conservator of the soil under rotation of any crop.

Development benefits all American consumers, because, being a labor crop, money is put in circulation in immediate vicinity. Although sugar is the cheapest food product of equal sustaining quality, eventually sugar will be cheaper to the consumer when all produced at home, as it already is cheaper than it would be were it not for the beet sugar now produced.

Why the tariff should not be reduced: Tariff should foster a labor crop; tariff should protect the farmer from tropical planters; tariff should keep $100,000,000 at home by producing with American labor all the sugar we, as a Nation, consume; tariff should remain to protect vested interests, both North and South; tariff should remain to permit the white man to produce white sugar with labor paid a white man's wages in a white man's country; tariff should remain, for free trade in sugar will, as sure as thunder sours milk, blight our beet-sugar industry, besides wiping out the Treasury surplus.

Who will suffer? Directly and indirectly all of our 100,000,000 people.

ALFRED WELLINGTON JONES.

Mr. WORKS presented a petition of the Board of Trade of Pasadena, Cal., praying for the enactment of sound banking and currency laws, which was referred to the Committee on Banking and Currency.

Mr. WEEKS presented a petition of the Frank Ferdinand Co., of Boston, Mass., praying for the repeal of the clause in the Panama Canal act exempting American coastwise shipping from the payment of tolls, which was referred to the Committee on Interoceanic Canals.

He also presented sundry papers to accompany the bill (S. 1604) granting a pension to Henry Hatch, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1591) granting a pension to George R. W. Battis, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1590) granting an increase of pension to Lewis G. Whiting, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1585) granting a pension to Julia N. Jewett, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1581) granting a pension to Rebecca J. Manning, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1582) granting a pension to Sarah M. Stone, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1831) granting a pension to Mary Kehoe, which were referred to the Committee on Pensions.

Mr. GALLINGER presented the petition of F. H. McNett, of Aurora, Ill., and the petition of Josiah Bellows, of Washington, D. C., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. STEPHENSON presented a joint resolution passed by the Legislature of Wisconsin, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing Congress to adopt Senate joint resolution 131 and H. R. 16808, introduced during the second session of the Sixty-second Congress.

Whereas the following resolution, S. J. Res. No. 131, was introduced in the United States Senate during the second session of the Sixty-second Congress by Senator LA FOLLETTE:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE XVIII.

"The Congress, whenever a majority of both Houses shall deem it necessary, or on application of 10 States, by resolution adopted in each of the legislatures thereof or by a majority of the electors voting thereon, shall propose amendments to this Constitution, to be submitted in each of the several States to the electors qualified to vote for the election of Representatives; and the vote shall be taken at the next ensuing election of Representatives, in such manner as the Congress prescribes. And if in a majority of the States a majority of the electors voting approve the proposed amendments, and if a majority of all the electors voting also approve the proposed amendments, they shall be valid to all intents and purposes as part of this Constitution," and

Whereas the following bill, H. R. No. 16808, was introduced in the House of Representatives during the second session of the Sixty-second Congress by Congressman LENROOT:

"*Be it enacted, etc.*, That section 237 of 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, is hereby amended so as to read as follows:

"SEC. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had where is drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision against their validity; or where is drawn in question the validity of a statute of or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is claimed under the Constitution or any treaty or statute of or commission held or authority exercised under the United States, and the decision is against the title, right, privilege, or immunity especially set up or claimed by either party, under such Constitution, treaty, statute, commission, or authority, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ," and

Whereas the welfare of the people of this Nation will be promoted by the adoption and enactment of said resolution and said bill: Therefore be it

Resolved by the assembly (the senate concurring), That this legislature memorialize Congress to adopt said resolution S. J. Res. 131 and said bill H. R. 16808; and be it further

Resolved, That copies of these resolutions be transmitted by the secretary of state to the presiding officers of the respective Houses of Congress and to the United States Senators and Congressmen from this State.

MERLIN HULL,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON presented a joint resolution adopted by the Legislature of Wisconsin, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. S. Donald, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 63–A has been compared by me with the original enrolled act on file in this department, and that the same is a true copy thereof, and of the whole of such original enrolled act.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 20th day of May, A. D. 1913.

[SEAL.]

J. S. DONALD,
Secretary of State.

Joint resolution memorializing Congress to enact a law setting aside certain islands in the Great Lakes for the purpose of establishing thereon bird reserves.

Whereas the people of the North Central States, particularly the States bordering on the Great Lakes, desire and deem it necessary that there be extended further protection to bird life in said States; and

Whereas the wild lands in said States are rapidly becoming settled and the former unoccupied lands in said States are rapidly becoming occupied and devoted to agricultural, industrial, and other pursuits; and

Whereas there are at the present time a great number of unclaimed and unoccupied islands and reefs in the Great Lakes which will soon be occupied and settled, and which would afford appropriate and ideal places for bird reserves: Therefore be it

Resolved by the assembly (the senate concurring), That the Congress of the United States be memorialized to enact a law or laws setting aside such unoccupied or unclaimed islands in the Great Lakes which have not been already set aside by Congress, for the purpose of establishing thereon bird reserves, and turning over to the respective States the islands in said lakes whenever such States are ready to take over such islands and improve and care for them for the purposes herein named: Be it further

Resolved, That certified copies of this resolution be forwarded to the Chief Clerks of the two Houses of Congress and to the United States Senators and Congressmen from Wisconsin.

MERLIN HULL,
Speaker of the Assembly.
H. C. MARTIN,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
L. M. WYLIE,
Chief Clerk of the Senate.

Mr. LODGE presented the petition of Richard Olney, Charles W. Eliot, A. Lawrence Lowell, Moorfield Storey, Samuel J. Elder, John D. Long, Henry L. Higginson, and 19 other citizens of Boston, Mass., praying for the repeal of the clause in the Panama Canal act exempting American coastwise shipping from the payment of tolls, which was referred to the Committee on Interoceanic Canals.

Mr. FLETCHER presented a memorial of the Cigar Makers' International Union, of Jacksonville, Fla., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

WOMAN'S SUFFRAGE PARADE.

Mr. JONES. On behalf of the Committee on the District of Columbia I desire to submit a report, pursuant to Senate resolution 499, relating to the woman's suffrage parade of March 3, 1913.

The VICE PRESIDENT. May the Chair inquire of the Senator from Washington what shall be done with the report?

Mr. JONES. I suppose it should be printed. There is no legislation pending in reference to it. It is a report made to the Senate on a subject referred to the committee. I move that the report (No. 53) be printed and lie on the table.

The motion was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 2385) granting a pension to Sussannah M. Smith; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 2386) to provide four customs collection districts for the State of Florida; to the Committee on Commerce.

By Mr. SMITH of Maryland:

A bill (S. 2387) to promote First Lieut. C. R. W. Morison to his proper rank in the United States Army; to the Committee on Military Affairs.

By Mr. THOMAS:

A bill (S. 2388) prohibiting contract labor by Federal prisoners; to the Committee on Education and Labor.

By Mr. GALLINGER:

A bill (S. 2389) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

A bill (S. 2390) granting a pension to Laura E. Peavey (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 2391) relative to legislative counsel and agents; to the Committee on Privileges and Elections.

By Mr. PENROSE:

A bill (S. 2393) granting an increase of pension to David G. S. Gochanauer;

A bill (S. 2394) granting an increase of pension to Charles R. Gentner;

A bill (S. 2395) granting an increase of pension to John R. Jones; and

A bill (S. 2396) granting a pension to Caroline S. Mindil; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 2398) to fix and regulate rates to be charged by taxicabs and other vehicles; to the Committee on the District of Columbia.

By Mr. GOFF:

A bill (S. 2399) granting an increase of pension to Asa S. Hugill (with accompanying paper); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 2400) for the relief of Jacob Beekman Rawles; and

A bill (S. 2401) for the relief of Albert Edgerton Buckman and others; to the Committee on Claims.

A bill (S. 2402) to place control of Columbia Institution for the Deaf entirely under the president and board of directors of the institution and Congress; to the Committee on Education and Labor.

By Mr. REED:

A bill (S. 2403) granting an increase of pension to Sallie E. Patrick; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 2404) to permit entries on lands withdrawn for power-site purposes; to the Committee on Public Lands.

By Mr. McLEAN:

A bill (S. 2405) granting an increase of pension to Annie M. Judd (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A joint resolution (S. J. Res. 40) appropriating funds to pay expense of delegates to conference of landowners and water users, under the several reclamation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

REORGANIZATION OF CUSTOMS SERVICE.

Mr. BRYAN. Mr. President, I rise to offer a bill. Before sending it to the Secretary's desk I wish to make a brief statement. It has to do with an order issued by President Taft on the 4th of March of this year to reorganize the customs service. That order was issued in pursuance of a provision which found its way into the sundry civil appropriation act, passed August 24, 1912. The provision is as follows:

> The President is authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year 1914, bringing the total cost of said service for said fiscal year within a sum not exceeding $10,150,000 instead of $10,500,000, the amount authorized to be expended therefor on account of the current fiscal year 1912; in making such reorganization and reduction in expenses he is authorized to abolish or consolidate collection districts, ports, and subports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order, and to do all such other and further things that in his judgment may be necessary to make such organization effective and within the limit of cost herein fixed; such reorganization shall be communicated to Congress at its next regular session and shall constitute for the fiscal year 1914 and until otherwise provided by Congress the permanent organization of the customs service.

The order authorized by this general legislation upon an appropriation bill came into the Senate, as a matter of fact, after the term of office of President Taft had expired by limitation of law. Of course that does not make any difference, because the courts, if that were all that was the trouble, would hold as conclusively binding the Journal of the Senate.

I desire to make the statement upon the introduction of this bill, because it is my purpose to request that it be referred to the Committee on the Judiciary, instead of the Committee on Finance or the Committee on Commerce or some other committee to which it would more naturally go. My reason for making that request is because it seems to me it is very doubtful if this order is valid, and for two reasons. In the first place, the provision of the law places a condition upon the President in executing the order. The condition was that the total cost of the customs service should not exceed $10,150,000. The statement attached to the President's order shows upon its face that the total cost will be $10,381,000. So the first proposition is that the order did not bring itself within the provisions that authorized it.

Another—a relatively small question—is that whereas the provision that Congress enacted authorized the President to consolidate collection districts, the order issued by the President authorized the Secretary of the Treasury to appoint deputy collectors and to fix their salaries. I do not undertake to say, Mr. President, that the Secretary of the Treasury may not be authorized to do that. I know that under the constitutional provision lesser officers may be appointed by the courts, by the President alone, or by heads of departments, and that it is competent for the Secretary of the Treasury to issue such an order fixing salaries and appointing deputy collectors. But Congress did not provide in this law that the President should redelegate the power given to him to his Secretary of the Treasury.

Beyond all that, Mr. President, I ask that the bill may go to the Committee on the Judiciary, because it seems to me to violate section 1 of Article II of the Constitution, which places the legislative power in Congress. In other words, it occurs to me that this is a delegation of legislative power under the decisions of the Supreme Court and under the rules uniformly laid down by the Supreme Court.

I am aware that the court goes as far as it can to uphold an act of the legislature, especially as to the ascertainment of facts, for carrying out the purposes of Congress. I think nowhere in the books can the statement of the limitation or of

the power of Congress to delegate legislative power be found more clearly laid down than in the decision of Field *v.* Clark (143 U. S., 649, text 693), in which the Supreme Court quotes from the Supreme Court of Ohio, as follows:

The true distinction—

as Judge Ranney, speaking for the Supreme Court of Ohio, has well said—

is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

The question therefore arises: Has Congress by this provision made the law and only left to the President the ascertainment of a fact upon the determination of which the law goes into effect? Not at all. The President may or he may not make that order. He may or he may not abolish districts. He may or he may not consolidate districts. He may in some instances abolish some districts established by Congress, some of them for a hundred years, and leave others as they are to-day; yet the President has not undertaken to do anything more himself than to create the districts, appoint the collectors of the districts, and then redelegate the power, if he ever had that power, to the Secretary of the Treasury to fix the salaries and to appoint the deputy collectors who are to have charge of many of the ports. Neither has he come within the limit of cost. The purpose of the act is perfectly evident. In 1912 the cost of the customs service was $10,500,000. In 1913 this act was passed; and it provided that if the President could save $350,000 of the amount of $10,500,000 expended in 1912, he might make the order. The President does not undertake in his message to Congress to state that he had done that thing. He says:

Whereas,

* * * * * * *

I was authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year 1914, reducing the total cost of said service for said fiscal year by an amount not less than $350,000.

That is true; but he was not authorized to issue his order unless he brought it within the maximum amount specified in the act itself.

Mr. President, my State is quite largely interested in this order. From one end of Florida to the other is 900 miles. There are two ports in that State that collect customs amounting to nearly $3,000,000 annually, at neither one of which will there be a collector. I am not complaining that by this order collectors of small ports are legislated out of office by the President, and not by Congress, for the purpose of trying to get them back into office, but in the city of Tampa, where are collected nearly $2,000,000 of revenue, a deputy collector will be in charge and his superior officer will be more than 200 miles away. Key West, where there are nearly a million dollars collected, will be in charge of a deputy collector, with his principal over 500 miles away.

I do not complain, however, if an officer qualified and authorized to act for the collector can be in charge of those ports, but it is a very serious matter, if this order is ineffective, that great ports shall be turned over to a person designated by the Secretary of the Treasury who has no legal existence.

The question has been asked of me, Who could object; how could the question be raised? Well, Mr. President, it seems to me the question is, How could it help from being raised? Is it possible that collectors of customs at all the ports in this country, if this order is invalid, are going to lay down their offices and walk out because a man comes and demands the office who has no legal right or power to demand it?

Again, many forms of statements must be filed with the collectors of these ports. They are required to be made under oath. If this order is invalid, no prosecution or punishment could follow the false making of a single one of those affidavits.

The collector of a port is given very large power, and necessarily so, in the administration of the tariff laws of the country; but if a man who has no legal authority undertakes to exercise it, I can not understand how we can expect his assumed authority will not be questioned.

Therefore, Mr. President, it has occurred to me that if President Taft's order is wise, if it should be carried into effect—and I understand the present Secretary of the Treasury is in favor of that—it is the duty of Congress to make it valid by itself enacting the legislation, and not to leave this matter to be determined upon an Executive order. If action is to be taken, it must be done before the beginning of the next fiscal year.

Mr. OVERMAN. Mr. President, may I ask the Senator from Florida a question?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. BRYAN. Certainly.

Mr. OVERMAN. I merely wish to ask a question for information. I understand the provision to which the Senator from Florida refers is in the appropriation act of 1912.

Mr. BRYAN. It is in the sundry civil act of August 24, 1912.

Mr. OVERMAN. In pursuance of that provision there was, as I understand, a reorganization. Does not the sundry civil act for the year beginning July 1, 1913, recognize that reorganization and make appropriation in accordance with the reorganization? That is the point as to which I wanted to ask the Senator.

Mr. BRYAN. I am not sure about that.

Mr. OVERMAN. If it does, does not that really, in effect, enact it into law? That is the point I wish to hear the Senator on.

Mr. BRYAN. I do not think so, Mr. President. I think the mere fact that Congress legislated to carry into effect an invalid provision of the law would not make the provision itself valid.

The bill I have proposed to introduce, Mr. President, is exactly the order the President issued, with the single exception that in my State, where he created only one district, I propose for the four large ports of the State to create a district for each; and I thought it was worth while and of sufficient importance, to call the matter to the attention of the Senate, and to ask that the bill may go to the Committee on the Judiciary for them to consider these legal questions; so that we may know whether the order is valid or not; and, if not valid, that it may be corrected before it is too late.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Delaware?

Mr. BRYAN. Certainly.

Mr. SAULSBURY. I desire to call the attention of the Senator from Florida to another provision in which this Executive order may violate the Constitution of the United States. He has stated the difficulty with the ports of his own State. In the case of Delaware the customs district has been entirely abolished and all of our ports have been placed in the district of Philadelphia. The provision of the Constitution of the United States to which I desire to refer the Senator is in the ninth section of Article I, which reads as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Mr. President, the ports of the State which I have the honor in part to represent have been open to the commerce of the world and the commerce of the world has come to those ports for a period of 125 years. Those ports have been operated and open under the supervision of the citizens of that State. The Executive order of the President has, I think, given preference to the port of Philadelphia and the ports of Pennsylvania over those of the State of Delaware by making us entirely subordinate to the collector or the proposed collector of that district, who will take charge on the 1st of July.

I am extremely glad that the Senator from Florida has called the attention of the Senate to this very serious matter, and I sincerely hope that the reference to the committee which he has asked for will be made. I shall be glad to appear with the Senator before the Judiciary Committee and to advocate a favorable report on that bill, including a provision which will maintain in their integrity the customs districts in each and every State of this Union, so that the Constitution may not possibly be infringed on that point. I am surprised that the matter has come up so early. I had intended to prepare, and have been preparing, a brief on this subject, which I hope at some time to submit to the Senate.

Mr. BRYAN. I will appreciate very much the assistance of the Senator.

I now introduce the bill and ask that it be referred to the Committee on the Judiciary.

The bill (S. 2392) to reorganize the customs service, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

HOUSING COMMISSION IN THE DISTRICT OF COLUMBIA.

Mr. WORKS. I introduce a joint resolution, which I ask to have read.

The joint resolution (S. J. Res. 39) providing for a housing commission, and for other purposes, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and he is hereby, directed to appoint a commission of five persons, three women and two men, who shall serve without compensation, to devise plans and the means of

caring for and housing the indigent, improvident, and needy population of the District of Columbia, to be known as the housing commission.

It shall be the duty of said commission to ascertain and report to the President, who shall transmit the same to Congress with his own views thereon and any suggestions he may desire to make, the following:

First. A suitable location for a sufficient number of model sanitary houses for the accommodation of such persons as should be cared for under the direction of the National Government.

Second. The kind and probable cost of such suitable houses as may be needed for the proper housing and care of such persons.

Third. The best means of renting or otherwise providing such houses for persons able to make compensation therefor.

Fourth. The best and most practicable way of policing, superintending, and securing proper care and sanitation of such houses and the grounds provided for their construction and of improving the moral and sanitary conditions of the people so provided for.

Fifth. Any other data or facts that the commission may desire to submit and suggestions it may desire to make as to the kind of legislation needed to carry out such plan as it may report for the better housing and care of such persons.

Mr. WORKS. Mr. President, earnest efforts are now being made to eliminate the inhabited alleys and slums in the city of Washington. With that effort I am in entire sympathy; but when we have done that our work is only half done. The National Government is doing this by condemning the land in such places and converting the property into public parks. The practical effect of it is to forcibly eject the tenants living in these places from their homes. There is no provision made for them anywhere else; they will have to find the best places they can, and rents in the city of Washington are so exorbitant that these people, with the means they have, can not rent suitable and sanitary homes. As the Government has deprived them of the homes they have and turned them out of doors, it should provide some means by which they can be housed. This should not be done as a matter of charity, but the Government should provide cheap and sanitary homes for people of this class, where property can be rented to them and afterwards cared for and kept sanitary and clean.

Some charitable and public-spirited citizens of Washington are doing what they can to meet this problem, but I think it is a matter that should be dealt with by the Government. I have for that reason introduced the joint resolution, which involves no expense to the Government, but simply provides for the appointment of a commission to act without compensation and to ascertain the facts and make suggestions as to the best way to provide for this class of people. I take it for granted that there are generous and interested people in Washington who will be glad to serve upon this commission to bring about that result.

Mr. President, my solicitude for the inhabitants of the city of Washington is not confined to what we are pleased to call the "lower class." There are a good many of the rich and well to do who are living in insanitary houses in this city at the present time. We have rows and rows of what are known as attached houses. They sometimes extend the full front of a square, and, I think in some places, they entirely encircle the square. There is no means of ventilating these dwelling houses except from the front to the rear. There are thousands of rooms in houses of that kind in this city that are never touched by a ray of sunshine and that are only ventilated by the passage of the air through some other rooms to reach them, and often it is the kitchen.

The Government never should have allowed the construction of such houses. It should be a criminal offense to erect, maintain, sell, or rent houses of that kind. No man should be willing to live in one of them and bring up his children. Every family in the city of Washington should have free light and sunshine on all sides of the house, and should have at least a small plot of ground. Of course, the Government can not condemn all of these houses and destroy them as it does in the case of the poorer classes, but it can prevent the construction of any more of them; and that this may be done, Mr. President, I am going to offer a bill dealing with that phase of the housing question. I ask to have the bill printed in the RECORD. It is very short.

The VICE PRESIDENT. Will the Senator from California inform the Chair what disposition he desires made of the joint resolution?

Mr. WORKS. I would be glad to have it taken up if I can have unanimous consent to do so at the present time.

Mr. GALLINGER rose.

The VICE PRESIDENT. The Senator from California asks unanimous consent——

Mr. WORKS. The Senator from New Hampshire [Mr. GALLINGER] is about to object, and I ask to have the joint resolution referred to the Committee on the District of Columbia.

Mr. GALLINGER. I simply wanted to say that I think all bills and joint resolutions ought to first go to committees. The Senator is a member of the Committee on the District of Columbia, and I think the joint resolution had better be referred to that committee.

Mr. WORKS. I have no objection, if the Senator prefers that course.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the District of Columbia.

Mr. WORKS. I ask that the bill now introduced by me may be printed in the RECORD.

The bill (S. 2397) to provide for the construction and location of dwelling houses, and for other purposes, was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That it shall be unlawful for any person to construct or maintain in the District of Columbia any dwelling house or other place of abode nearer than 6 feet of any other such house or abode, or to construct or maintain any number of dwelling houses connected or attached together, commonly known as attached houses, or to construct or maintain any apartment house nearer than 20 feet of any other dwelling house or other place of abode, and no house or building of any kind, to be used as a dwelling place, shall be constructed or maintained nearer than 15 feet of the inside line of the sidewalk fronting the lot upon which it is constructed: *Provided*, That this act shall not apply to buildings already constructed.

SEC. 2. Any person who shall construct or maintain any house or other building in violation of the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined not less than $100 nor more than $1,000, and every day that such house or building is maintained in violation of this act shall be a separate and distinct offense.

SEC. 3. That it is hereby made the duty of the Commissioners of the District of Columbia to see that this law is enforced.

THE TARIFF.

Mr. CUMMINS submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. BURTON presented two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

LUCY ST. JOHN TATE.

Mr. MARTINE of New Jersey submitted the following resolution (S. Res. 96), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Lucy St. John Tate, sister of William W. St. John, late assistant clerk to the Committee on Coast Defenses of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. CLARKE of Arkansas submitted the following resolution (S. Res. 97), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and the same are hereby, authorized, during the Sixty-third Congress, to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page, and to employ such assistants as may be required to report such hearings as may be had in connection with any subject which may be pending before the said committee or under investigation or examination thereby; that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate, the expenses thereof to be paid out of the contingent fund of the Senate; and that such committee or subcommittee thereof may sit during the sessions of the Senate or during the vacation of the Senate at any place in the United States.

POSTMASTER AT SALEM, OHIO.

Mr. BURTON. I submit a resolution for which I ask immediate consideration.

The resolution (S. Res. 94) was read, as follows:

Resolved, That the Postmaster General be requested and directed—

1. To transmit to the Senate all papers relating to the appointment of a postmaster at Salem, Ohio.

2. To investigate and inform the Senate whether such postmaster was recommended under an agreement that, if appointed, he would, as a condition of such appointment, publish a Democratic newspaper.

3. To inform the Senate whether it is the policy of the department that postmasters shall devote the whole of their time to the duties of their office; and if so, whether such condition was imposed in the case of this office.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. ASHURST. I do not rise to object, Mr. President, but to ask that the resolution be read again.

The Secretary again read the resolution.

Mr. SMITH of Georgia. In the absence of the chairman of the Committee on Post Offices and Post Roads I will object, and ask that the resolution go over for the day.

The VICE PRESIDENT. Objection being made, the resolution will go over.

VALORIZATION OF COFFEE.

Mr. NORRIS. I ask unanimous consent for the present consideration of a resolution which I send to the desk.

The resolution (S. Res. 95) was read, as follows:

Whereas on the 21st day of April, 1913, the Senate passed the following resolution:

"*Resolved*, That the Attorney General be, and he is hereby, directed to transmit to the Senate the following information:

"First. Copies of any and all requests asking for the dismissal of the case of the United States of America, petitioner, against Herman Sielcken and others, defendants, heretofore pending in the District Court of the United States for the Southern District of New York.

"Second. Copies of any and all agreements that were made by the parties to said action during its pendency providing for its discontinuance or its dismissal.

"Third. Copies of any and all correspondence regarding the maintenance or dismissal of said action.

"Fourth. Copies of any and all reports that were made by any agent or special attorney of the Government investigating the existence of any trust or combination in coffee or any scheme or plan for the valorization of coffee.

"Fifth. The names and addresses of the parties purchasing the coffee involved in said suit, together with the price and the amount purchased by each.

"Sixth. Copies of any memoranda, correspondence, letters, or documents on file in the Department of Justice pertaining to or connected with the settlement and dismissal of said action.

"Seventh. Any additional statement that he may desire to make touching any of the above matters;" and

Whereas the Attorney General in his response to said resolution entirely ignored the fifth paragraph thereof: Therefore be it

Resolved, That the Attorney General be, and he is hereby, directed to transmit to the Senate the names of the persons and parties purchasing said coffee involved in said suit, together with the prices and the amount purchased by each; and be it further

Resolved, That the Attorney General be, and he is hereby, directed to inform the Senate what assurances have been given him of the alleged sale of said coffee, by whom such assurances were given, and if such assurances were given in writing, then to send to the Senate copies thereof.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. NORRIS. Mr. President, on the resolution proper, I think I ought briefly to explain to the Senate one of the reasons why I think it necessary that the resolution should be passed.

At the time of the passage of the other resolution, which, I think, was on the 21st day of April, I supposed—and I think it was generally believed—that the suit involving this valorized coffee had been dismissed. It was on the 16th day of April, I think, that the Attorney General issued a public statement that I understood to mean—and I think was generally taken to mean—that the suit had been dismissed. However, I learned just recently that, as a matter of fact, the suit had not been dismissed, and the motion to dismiss it was not filed in court until last Tuesday. The New York Sun of Wednesday, May 28, prints the following statement of what occurred at the presentation of the motion:

Assistant District Attorney Guiler, in asking for a dismissal of the suit, yesterday said that since the institution of the proceeding the Brazilian Government has taken up the matter with the United States through the proper channels in Washington, and as a result an agreement was reached whereby the coffee was sold. The sales were to more than 70 bona fide purchasers, located in several States.

As has been called to the attention of the Senate, the Attorney General, on the 16th of April, made a statement that the coffee had been sold; but nowhere did it ever appear, and nowhere was I ever able to obtain any evidence as to the bona fides of the sale—the names of the purchasers, the amount that each one purchased, or the price paid for the coffee that he bought.

It has occurred to me that possibly since the passage of that resolution and since my remarks the other day in the Senate upon the subject the Attorney General may have secured additional information. In responding to the resolution which was passed on the 21st of April, the Attorney General entirely ignored this particular paragraph of the resolution, and did not give to the Senate any facts as to the names of the purchasers or the price of the coffee or how and when it had been sold. If he has obtained the information since, or if through any neglect or failure he failed to report before the facts in his possession, then he should do so now, in order to determine, if possible, whether or not there had been a bona fide sale of the coffee in dispute in that suit.

In my mind, at least, there is no doubt; and I do not see how there can be any doubt in the mind of any reasonable man that if there was a bona fide sale according to the agreement the names of the purchasers ought to be known to the public, the price they paid ought to be known, and the amount that each purchaser bought at the sale ought to be known. If those things are all secret, I do not see how it can be claimed that it was a bona fide sale; and if it was not a bona fide sale, then the Attorney General was under no obligation, under the agreement, to dismiss the suit.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

CANADIAN WOOLEN INDUSTRY (S. DOC. NO. 49).

Mr. SMOOT. Mr. President, I have here a short history, taken from the Daily Trade Record, showing the effect of the tariff upon the Canadian woolen industry. I ask that it be printed as a public document.

Mr. REED. Mr. President, I did not understand what the Senator said the article was taken from.

Mr. SMOOT. The article is from the Daily Trade Record, a paper published in New York City. A member of the staff of that paper visited Canada and gathered the history of the Canadian woolen industry from the time the Canadian tariff was changed in 1898 up to the present time, and this simply gives the history of that matter.

Mr. REED. It is merely a newspaper article?

Mr. SMOOT. That is as I stated.

Mr. REED. I shall not object.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BAUER & CO. V. JAMES O'DONNELL (S. DOC. NO. 47).

Mr. FLETCHER. I wish to ask to have the decision of the Supreme Court in the case of Bauer & Co. (chemical company) against James O'Donnell, for which there have been numerous calls, printed as a public document, and that 10,000 additional copies be printed for the use of the Senate document room. It is the recent decision of the United States Supreme Court in the patent case. There is a large demand for it, and I think it ought to be printed as a document. I send the order to the desk and ask for its adoption.

The order was read and agreed to, as follows:

Ordered, That the decision of the United States Supreme Court in the case of Bauer & Co. *v.* James O'Donnell (No. 951, October term, 1912), decided May 26, 1913, be printed as a document, and that 10,000 additional copies be printed for the use of the Senate document room.

TARIFF ON LIVE STOCK AND MEATS (S. DOC. NO. 48).

Mr. SHEPPARD. I have here a statement signed by the officials of the American National Live Stock Association, the Cattle Raisers' Association of Texas, the National Wool Growers' Association, representatives of the Utah stock raisers, and the Cottonseed Crushers' Association of Texas, setting forth the reasons prompting these associations to request the adoption of an amendment to the pending tariff bill making the meat-inpection laws of the United States applicable to imported meats. Attached to the statement is a copy of the proposed amendment.

I have not studied the subject myself; I am not familiar with its merits; but it is one of such importance that at their request I desire to ask that this statement, with the amendment, be printed as a Senate document and referred to the Committee on Finance.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

THE TARIFF.

Mr. KENYON. I have received a number of letters in the form of petitions or resolutions from various lodges and labor organizations in the State of Iowa. I think I shall ask to have one of them inserted in the RECORD, and I ask that it be read and referred to the Committee on Finance.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

INTERNATIONAL ASSOCIATION OF MACHINISTS,
JULIEN LODGE, NO. 379,
Dubuque, Iowa, May 19, 1913.

Hon. W. S. KENYON,
United States Senate, Washington, D. C.

DEAR SIR: Reading from the columns of the daily press in the past, we noticed comment about the present tariff revision and threats in the event that the tariff reduction would become a law that the wages would be forced downward. As we heartily agree to the tariff legislation as a means to lower the cost of living, the undersigned committee on legislation, for our organization and for the welfare of labor in general, unanimously indorse the proposed method of the President of the United States and Secretary Redfield, of the Department of Commerce, of investigating such wage reductions.

Very respectfully,

[SEAL.] PETER R. MARTIN,
[SEAL.] OTTO WELLMAN,
Committee on Legislation.

TARIFF DUTY ON SUGAR.

Mr. RANSDELL. I desire to give notice that on June 2, at the close of the morning hour, I shall address the Senate on the pending tariff bill, with special reference to the interests of the Sugar Trust and the refiners in destroying the domestic sugar industry.

COMMISSION ON ECONOMY AND EFFICIENCY (S. DOC. NO. 50).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

In compliance with the resolution of the Senate of May 26, 1913, requesting the President "to send to the Senate, if not incompatible with the public interest, a copy of the report submitted to him on March 25, 1913, by the President's Commission on Economy and Efficiency on the apportionment of appointments made from the registers of the Civil Service Commission of the apportioned service at Washington," I transmit herewith a copy of the said report.

WOODROW WILSON.

THE WHITE HOUSE, *May 29, 1913.*

The VICE PRESIDENT. The message and accompanying paper will be referred to the Committee on Civil Service and Retrenchment and printed.

Mr. SMOOT. The message of the President transmitting the information was ordered to be printed?

The VICE PRESIDENT. Yes.

Mr. SMOOT. Very well.

Mr. NORRIS. I should like to make an inquiry in regard to that, as applying not only to this but to similar communications. I make the inquiry now, because I am particularly interested in the report, and I wish to have an opportunity to examine it. Where it is ordered printed does it mean that it is printed in pamphlet form or in the RECORD?

Mr. SMOOT. It is printed in document form as a document.

Mr. NORRIS. So that it will be accessible to Senators through the document room?

Mr. SMOOT. It goes directly to the Senate document room.

Mr. NORRIS. While I am on the subject and for general information, how many copies will be printed under the rule?

Mr. SMOOT. This could hardly be designated as a public document.

Mr. NORRIS. No; I understand it is not a public document.

Mr. SMOOT. There is generally printed the number likely to be called for.

Mr. NORRIS. But who determines that? Is there not any rule as to the number to be printed?

Mr. SMOOT. There is no absolute rule as to that.

Mr. NORRIS. May I ask, then, what is the practice?

Mr. SMOOT. The practice is that the printing clerk judges as to how many copies would be really needed and orders that number, but if there is a further call for copies, then, of course, they are ordered, up to $200 worth, by the Committee on Printing.

Mr. NORRIS. Has the Senator any information about the practice of the clerk in that respect in a case of this kind? How many would he order printed?

Mr. SMOOT. I will tell the Senator what the rule has been. Generally more have been printed than have been called for.

Mr. NORRIS. That, of course, is not the question I am asking, and I am not particularly interested in that. I wanted to know what the practice was. If anyone else knows, I shall be glad to be enlightened.

Mr. SMOOT. No; I can not state exactly how many would be printed.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read Senate resolution 92, submitted by Mr. CUMMINS on the 27th instant, as follows:

Resolved, That there be appointed by the Vice President a committee of five Senators to investigate the charge that a lobby is being maintained at Washington, or elsewhere, to influence proposed legislation now pending before the Senate. The committee is instructed to report within 10 days the names of all lobbyists, attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends; and in giving the name of the lobbyist to give the particular bill upon which he is working, and if it be the tariff bill the item he is seeking to change.

The committee is further instructed to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session concerning pending legislation, and especially concerning the tariff bill, and the inquiry shall include the character of the representation and the circumstances under which it was made in order to ascertain whether it was a proper or improper attempt to influence legislation.

Resolved further, That the President be, and he is hereby, requested to furnish said committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th day of May and any other information about them and their efforts to bring about changes in legislation now before the Senate which will promote the general welfare.

The committee is authorized to administer oaths, subpœna witnesses, and to send for persons and papers in the prosecution of said investigation.

Mr. CUMMINS rose.

Mr. MYERS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Oliver	Smith, Md.
Bacon	Hughes	Overman	Smoot
Bradley	James	Penrose	Stephenson
Bristow	Johnson, Me.	Perkins	Sterling
Bryan	Jones	Pittman	Stone
Burton	Kenyon	Pomerene	Sutherland
Catron	Kern	Reed	Swanson
Chamberlain	La Follette	Robinson	Thomas
Clark, Wyo.	Lane	Root	Thompson
Crawford	Lewis	Saulsbury	Thornton
Cummins	Lodge	Shafroth	Tillman
Dillingham	Martin, Va.	Sheppard	Townsend
Fall	Martine, N. J.	Sherman	Vardaman
Gallinger	Myers	Shively	Walsh
Goff	Nelson	Simmons	Weeks
Gronna	Newlands	Smith, Ariz.	Williams
Hitchcock	Norris	Smith, Ga.	Works

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city on important business.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. A quorum is present.

Mr. CUMMINS. Mr. President, it has been stated in some of the newspapers that the resolution now before the Senate had for its purpose some partisan advantage. I desire to disavow immediately and emphatically any such motive upon my part. I am not conscious of any ulterior purpose whatsoever. It is entirely immaterial to me what party the investigation may help or what party it may hurt. I care not what person may fall under the condemnation of the investigation or what person may be vindicated by the investigation.

It will be taken for granted, I hope and believe, that the members of a legislative body ought to be guided solely by a desire to advance the public welfare. There are differences of opinion among Senators with respect to the tariff bill now before us. Some Senators believe—and believe with the utmost sincerity and the highest good faith—that it will promote the public interests. There are other Senators, with like high motives and with like sincere faith, who believe that its effect will be disastrous to the American people. In this conflict of opinion, which is common and natural, it is of the highest importance that the vote of every Senator upon this bill shall register his informed and conscientious judgment upon its merits. It is of not less importance that the country shall believe that every vote cast in the Senate as the bill passes through its various stages is the expression of an honest conviction intelligently formed.

I need not say more with regard to the general conditions which surround us.

There have been, as we all know, hundreds of people in Washington within the last two or three months endeavoring to influence the conclusion to which Senators are gradually arriving respecting the merits of the bill as a whole and respecting the justice of its individual items. I would not venture to say how many have been here upon that mission, but there have been a great many, and there are still a great many such persons—I will come presently to ascertain or to inquire what they ought to be called—who are interested in the conclusion which the Senate shall finally reach upon this especial measure.

For instance, I represent a State that probably has as little direct concern in the tariff as any State in the Union. I represent a State that can probably care for itself without any assistance whatever from legislation as well or as completely as any State in the Union. Yet this bill had barely reached the Senate until there came into my office a committee composed of three of the best known and the most estimable men in my State. They constituted a committee raised by what is known as the Corn Belt Meat Producers' Association, an association made up of the farmers of my State, who would be horrified if from any source they were characterized as lobbyists attempting to improperly influence legislation. They came here to protest against admitting meat free and at the same time putting a duty on cattle. I acted simply as their guide to the subcommittee room presided over so graciously and, I am sure, so fairly by my distinguished friend from Mississippi [Mr. WILLIAMS]. They were received in a perfectly proper way; they were received kindly and decently, and they stated their case to the members of the subcommittee. What impression they made I do not know, nor need I inquire. They did not confine the submission of their case to the subcommittee in formal session. They laid the facts, as they understood them, before every Senator with whom they could secure an audience;

and having done so, like the good people they are, they went home.

I do not know whether their visit here accomplished anything or not; that is yet to be ascertained; but I do not want the people of this country to receive the impression that there was anything wrong in those men from my State coming to Washington for the purpose of putting before individual Senators or a committee of Senators their case as they understood it and explaining how the proposed change in the tariff law would affect them.

The same thing occurred with regard to a committee raised by the employees and the employers in a business in which pearl buttons are manufactured. They came here, and I did for them precisely what I did for the committee of farmers. They laid their case before Senators and before the proper committee, and they went home. I could not find it in my heart to criticize them for the effort they were making to sustain what they believe to be a valuable industry in which they are engaged, in which their capital is employed, and to which their services are given.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. KERN. I rose only to inquire whether the word "lobbyists," as used in the resolution, was intended to refer to men of the character indicated by the Senator, and I ask the question because in looking at the language of the resolution I find it states that—

> The committee is instructed to report within 10 days the names of all lobbyists attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends.

Mr. CUMMINS. Mr. President, I shall not myself attempt to define the meaning of the word "lobbyist." I intend in a moment or two to present the definition which a very well known and commonly accepted lexicographer gives to that word; and one of the things I hope this committee will do is to define, for the use of the American people, the meaning of the word "lobbyist," so that those people who have a right to come here and have a right to be heard may not be reproached with this term, and so that we may be able to separate, in the public mind, the sheep from the goats, and condemn the one without consigning the other to the pillory.

Mr. PENROSE. Mr. President, will the Senator from Iowa permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. Certainly.

Mr. PENROSE. I wish to make a suggestion to the Senator, which is whether it would be in harmony with the purpose he has in mind to add, on line 6, after the word "lobbyists," the words "and any other persons"?

Mr. CUMMINS. I will consider that presently, Mr. President. Just now I am not——

Mr. PENROSE. I suggest that amendment in line 6 of the first paragraph of the resolution.

Mr. CUMMINS. I think probably that would be a wise amendment, although the committee would have no difficulty in entering upon and discharging its duties without it. However, I have no objection to the amendment.

Mr. PENROSE. The thought I have in mind is that there is so much doubt as to what constitutes a lobbyist, and there might be some individual here who might have been guilty or might not of improper motives, but perhaps would claim he was not a lobbyist; and so that the resolution may cover the whole situation, I make that suggestion.

Mr. CUMMINS. Certainly I shall not make any objection to increasing the breadth and scope of the resolution.

Mr. PENROSE. Then I will offer that amendment.

Mr. ROOT. The second paragraph of the resolution covers that.

Mr. PENROSE. It will not do any harm to put those words in line 6, as I suggest.

Mr. CUMMINS. I shall have no objection if, after I have finished, the amendment is offered.

Likewise, Mr. President, there were a great many people in our State who seemed to feel that it was unjust to put a duty on oats and to admit oatmeal, rolled oats, and other like products free. They came here and labored earnestly with those having the matter in charge and with Senators, who must determine whether that is a wise adjustment of the tariff schedules.

There have been hundreds, Mr. President, of such people here on one side and upon the other; and it seems to me, inasmuch as it has been given out that lobbyists are attempting illegitimately to influence the Senate and to change the bill, that we ought to look into the matter and inform the country whether we believe that the people who come here under such circumstances have a right to come, or whether they are to be disparaged and condemned with the term "lobbyist." Whatever that word means, it does not sound good in the American ear. Whatever may be its technical definition, no man cares to be called a "lobbyist." Somehow or other we have gradually formed the conclusion that a lobbyist is doing something selfish, corrupt, or personal, as distinguished from promoting a cause upon its merits.

I have taken the time to copy from the dictionary—Webster's, I believe—these definitions, and I consulted, I think, a recent edition.

> Lobby: The persons, collectively, who frequent the lobbies of a legislative house to transact business with the legislators.

Of course that is not comprehensive enough. The word originated on account of work of that character being done in rooms adjacent to a legislative hall and to which members of the legislative body could be called for conference or for conversation, but long ago the word escaped any such narrow bounds as that. The most successful, the most corrupt, and the most effective lobbyist I ever knew never went within a half mile of the Capitol Building. It is not necessary that a lobbyist shall be physically adjacent to a legislative body or in a so-called lobby. The word has come to mean a kind of service rather than a place in which the service or in which the act is performed. But I read further:

> Persons, collectively, not members of a legislative body, who strive to influence its proceedings by personal agency, whether in a lobby or elsewhere.

Again:

> To address or solicit members of a legislative body, in the lobby or elsewhere, with intent to influence their votes by personal agency. The term "lobbying" does not necessarily imply any corrupt influence, and in some States of the United States statutory provision is made for the registration of persons so engaged in accordance with the conditions provided. At common law it is held illegal as against public policy, irrespective of whether corrupt or not.

I think it is high time, I think this is the most opportune time, to investigate the subject, so that we may distinguish the lobbyist—the man who ought to be stamped with a public sign of some kind, in order that he may be known wherever he is pursuing his vocation—from the other men of the country who come here for the purpose of influencing legislation in a way that is recognized by every man to be not only legitimate and lawful but praiseworthy.

Again, Webster says:

> To urge or procure the passage of a bill, measure, etc., by personal influences addressed to the individual legislators; also to influence (a legislator) by such means.
>
> Lobbyist: A member of the lobby; a person who solicits members of a legislature to influence them in the exercise of their functions.

While these definitions are not very satisfactory—they are a little vague—yet they convey to my mind a meaning; they do trace the difference; they do mark the line between the legitimate and the illegitimate attempt to influence legislation.

In this connection I desire to have the Secretary read what really induced the offering of this resolution. I ask the Secretary to read from an article published in one of the Washington newspapers on Monday afternoon last—a statement which, according to its terms, was issued from the White House.

Mr. GALLINGER. Mr. President, before that is read will the Senator permit me a moment?

Mr. CUMMINS. Certainly.

Mr. GALLINGER. I am very much interested, Mr. President, in this matter. I trust this investigation will result in giving a definition of "lobby" and "lobbyist" that will be satisfactory to the Senate and to the country. The definitions the Senator gave are not very enlightening, and I want to read a definition from the Century Dictionary, which would seem to indicate that every man who comes here and has been here is a lobbyist. It is this:

> Lobbyist: One who frequents the lobby or the precincts of a legislative or other deliberative assembly with the view of influencing the votes of members.

It does not say "corruptly influencing," but with a view of influencing in any way members of the body to vote for or against a bill or an item in a bill. That is not satisfactory to me, and I apprehend it is not satisfactory to the Senator from Iowa.

Mr. CUMMINS. It is not.

Mr. GALLINGER. So that if this committee should find themselves wise enough to give a definition that would be more satisfactory than any the Senator has read from Webster or than the one which I have read from the Century Dictionary, they would be doing a great service.

Mr. SMITH of Georgia. Mr. President, we can not hear the Senator.

Mr. GALLINGER. I am sorry. I will repeat that the definitions given by the Senator from Iowa from Webster's Dictionary as well as the one which I have read from the Century Dictionary do not seem to be very satisfactory. I think they will not be satisfactory to any Senator; and I said if this committee in their wisdom shall be able to evolve a definition that will be satisfactory to the Senate and to the country, they will have done a great service, because I can not believe, as the broad definition in the Century Dictionary would seem to imply, that any man who frequents the precincts of a legislative body with a view of influencing the votes of Members can properly be termed "a lobbyist" unless he undertakes to act corruptly or by illegitimate means.

Mr. BACON. Mr. President, with the permission of the Senator, I should like to suggest that the important word in that definition is the word "frequents."

Mr. GALLINGER. Yes.

Mr. BACON. A broad distinction is necessarily marked by that word between one who comes here legitimately to represent an interest which concerns either himself or some one whom he represents, and another man whose business it is to frequent legislative corridors with a view by any means—frequently, as this term has become associated in the public mind, improper means and corrupt means—to influence legislation; in other words, a man who is a professional. So I do not think there is much doubt about what that definition means. It seems to me to be a very correct one. If a man comes here legitimately to represent an interest which is to be affected by legislation, he is not engaged in an improper business and is not subject to criticism, while, on the other hand, a man who makes that his profession, and who is ready to endeavor by any means which may be practical in their effect to influence legislation by frequenting the halls or corridors for that purpose, is a lobbyist. The other man is not a lobbyist in the sense in which we generally consider the term to be opprobrious.

Mr. GALLINGER. I thank the Senator from Georgia for that suggestion. It occurred to me that there was that differentiation and that it might well be taken into consideration. A man who frequents the lobbies naturally comes under the definition of a lobbyist, while a man who comes here simply to make a suggestion about an item in a tariff bill or about a general bill, for instance, as the friends of labor legislation are in the habit of doing, ought not to come under the ban.

I thank the Senator from Iowa for permitting me to put in this definition.

Mr. CUMMINS. I now ask for the reading of the extract from the newspaper which I have sent to the desk.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The President's statement in full is as follows:

"I think that the public ought to know the extraordinary exertions being made by the lobby in Washington to gain recognition for certain alterations of the tariff bill. Washington has seldom seen so numerous, so industrious, or so insidious a lobby. The newspapers are being filled with paid advertisements calculated to mislead the judgment of public men not only, but also the public opinion of the country itself. There is every evidence that money without limit is being spent to sustain this lobby and to create an appearance of a pressure of public opinion antagonistic to some of the chief items of the tariff bill. It is of serious interest to the country that the people at large should have no lobby and be voiceless in these matters, while great bodies of astute men seek to create an artificial opinion and to overcome the interests of the public for their private profit. It is thoroughly worth the while of the people of this country to take knowledge of this matter. Only public opinion can check and destroy it.

"The Government in all its branches ought to be relieved from this intolerable burden and this constant interruption of the calm progress of debate. I know that in this I am speaking for the Members of the two Houses, who would rejoice as much as I would to be released from this unbearable situation."

Mr. CUMMINS. Mr. President, personally, I can neither affirm nor deny the truth of the statement just read. It is natural that I can neither affirm it nor deny it, because not only am I an obscure Member of this body, but I happen for the time being to be a member of the minority, and I assume that whatever influences of this sort have been used have been directed toward the dominant part of this body. I know that if such influences have been used, they have been entirely unavailing. It is not conceivable that any Senator here could fall under the influence or be swayed in the least degree by such a lobby as that described in the statement I have just had read; but this is the time to discover of whom this lobby consists, of what it consists, and what it is trying to do; this is the time to make it impossible that there shall ever gather together another such lobby as is there described. If it is now in existence—I do not know whether it is or not, but if it is—let us expose it so that the whole country may know not only what has been done but who has done it, and never again will a President of the United States feel impelled to state to the country that a great measure is in danger of being modified or amended under an influence such as he has suggested.

Therefore, I hope, Mr. President, that we may hold this investigation. There is nothing like publicity to destroy not only the effect of lobbying such as is there described, but there is nothing like publicity to destroy the lobbyist himself, for such a lobbyist can not live in the full light of the exposure that would follow the investigation which I have proposed. I earnestly hope there will be no opposition to the adoption of the resolution, and that, when adopted, we will carry the inquiry forward with zeal and with promptitude, so that before we even begin to debate the tariff bill we may know whether these influences are still at work.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the senior Senator from Iowa yield to his colleague?

Mr. CUMMINS. I yield.

Mr. KENYON. I simply wanted to ask my colleague if he thought 10 days would give sufficient time to make this investigation. In view of all the other matters on hand it seems to me that 10 days is a very brief time.

Mr. CUMMINS. I feared, Mr. President, that 10 days would not be enough; but so hopeful am I that it can be done before we begin the consideration of the tariff bill that I put the minimum limit. I am quite willing that the time shall be enlarged, but I suggest to my colleague that if the committee finds it impossible to complete the inquiry within the 10 days it could then apply to the Senate for an enlargement of the time.

One thing more, and I am done. I have not asked for an appropriation for this investigation. I do not know whether it can be carried on without an expenditure from the contingent fund of the Senate or not, but I think it can be. I believe there is enough patriotism here, enough unselfishness here, to carry on this investigation without the expenditure of a penny. Every Senator upon the other side, and most of the Senators on this side, are provided with three employees. Most of them are, I take it, stenographers; and we can do this work without incurring any expense. But if it is necessary to incur some expense and have it defrayed from the contingent fund, then the committee, when appointed, ought to ask the Senate for that authority. I ought not to ask the Senate for it, but the committee can ask the Senate and can show its reasons for doing so.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I wish to ask the Senator if he does not think it would be better to have this resolution sent to one of the standing committees of the Senate already provided with clerks and stenographers and everything else? If we create a select committee, I am afraid it will be necessary to go to some expense that would be totally unnecessary if the resolution were sent to a standing committee.

Mr. CUMMINS. I am not at all particular about that. I want the investigation made, and I asked for a special committee because many Senators who may be on a standing committee to which this resolution would naturally be referred are so employed now that they could not give the necessary time to it. I hoped the Vice President would appoint upon this committee Senators who could give the subject their undivided time and attention, and thus hasten the conclusion.

Mr. WILLIAMS. I should think either the Judiciary Committee or the Committee on Privileges and Elections, which are at this time comparatively unemployed, could make this investigation thoroughly, if the Senator will substitute either one of the two for the select committee.

Mr. CUMMINS. In answer to the Senator from Mississippi, I will say that I should prefer a special committee, even if it did require a payment from the contingent fund; but, of course, I would rather have the matter investigated by a standing committee than not have it inquired into at all.

Mr. WILLIAMS. At the proper time I shall move to substitute one or the other of these committees for the select committee.

Mr. LODGE. Mr. President, as definitions have been inserted, I should like to call attention to and have printed in the RECORD the definition given in Bouvier's Law Dictionary, because I think it comes nearer to the popular idea of a lobbyist:

One who makes it a business to procure the passage of bills pending before a legislative body.

Then he quotes the definition in Bryce's American Commonwealth:

One "who makes it a business to 'see' members and procure, by persuasion, importunity, or the use of inducements, the passing of bills, public as well as private, which involve gain to the promoters." (1 Bryce Amer. Com., 156.)

Then there are cited the various judicial decisions on the subject and the various judicial definitions. I suggest that the whole paragraph be printed in the RECORD, because I think the reference to the cases will be useful for the purposes of the committee.

The VICE PRESIDENT. If there be no objection, it will be printed as requested.

The matter referred to is as follows:

A contract for the employment of personal influence or solicitation to procure the passage of a public or private law is void (21 Barb., 361; 16 How., 314; 34 Vt., 274; 15 Oreg., 330), as contrary to sound morals and tending to inefficiency in the public service (93 Wis., 393) if by its terms or by necessary implication it stipulates for or tends to corrupt action or personal solicitations (69 U. S., 45; 98 Ind., 238; 36 N. Y., 235; 40 id., 543; 127 id., 370; 18 Ohio St., 469; 149 Pa., 375). And if the contract is broad enough to cover services of any kind, either secret or open, honest or dishonest, the law pronounces a ban upon the contract itself. (2 McArth., 268.) It is not required that it tends to corruption If its effect is to mislead, it is decisive against the claimant. It may not corrupt all, but if it corrupt or tend to corrupt some, or if it deceive or tend to deceive some, that is sufficient to stamp its character with the seal of reprobation before a judicial tribunal. (5 W. & S., 315; 7 id., 152; 59 Pa., 19; 100 id., 561.) But it has been held that though the contract contemplates the use of personal solicitation, yet if no personal influence is brought to bear upon the members and no dishonest, secret, or unfair means employed to accomplish the object, it is not illegal. (86 Cal., 542.)

Where the agreement is for compensation contingent upon success, it suggests the use of sinister and corrupt means for the accomplishment of the desired end. The law meets the suggestion of evil and strikes down the contract from its inception. (69 U. S., 45; 98 Ind., 238; and see 60 Minn., 26.) But if the contract does not by its terms or by necessary implication contain anything illegal or tend to any violation of sound morals, the fatal element should not, through an overzealous desire to fortify against the deplorable effects of lobbying contracts, be injected into it by mere suspicion and conjecture that the party intended to do an illegal act or a legal act by illegal means. Presumptions in human affairs are in favor of innocence rather than of guilt, and this rule applies in testing a contract. (93 Wis., 393.) In the last two cases, brought by the same plaintiff, the contracts were somewhat similar; but in the first the decision was based mainly on what was done under and before the contract was entered into, whilst that of the latter was upon the construction of the contract.

A contract for services as an attorney before a legislative body is valid (22 Kans., 692), and where it contains an agreement to labor faithfully before such body to effect the desired end it is not necessarily illegal (34 Vt., 275). It is allowable to employ counsel to appear before a legislative committee or the legislature itself to advocate or oppose a measure in which the individual has an interest (36 N. Y., 241, followed in 52 How. Pr., 144), and an agent may be authorized by the legislature to prosecute claims on behalf of the State which require the procurement of legislation for a contingent fee (164 Mass., 241). Services which are intended to reach only the reason of those sought to be influenced rest on the same principles of ethics as professional services and are no more exceptionable. They include drafting the petition which sets forth the claim, attending to the taking of testimony, collecting facts, preparing arguments and submitting them orally or in writing to a committee, and other services of a like character; but such services are separated by a broad line of demarcation from personal solicitation, and though compensation can be recovered for them when they stand alone, yet when they are blended and confused with those which are forbidden the whole is a unit and indivisible, and that which is bad destroys the good. (21 Wall., 441.)

In Massachusetts, by statute, lawyers or agents endeavoring to secure the passage of a bill must file written authority from their principal; in California lobbying, openly practiced, is declared by the constitution a felony, and in Georgia a crime.

Mr. KERN. Mr. President, I am in hearty sympathy with the manifest purpose of this resolution. Especially am I interested in having a correct and authoritative definition of the word "lobbyist," so that the men who are here for entirely proper purposes may not be stigmatized in any way, as they seem to be by the language of the resolution.

I am about to offer an amendment to the resolution of the Senator from Iowa [Mr. CUMMINS], which I think will in no wise limit the inquiry or interfere with its scope.

The first part of the resolution, down to and including line 11, provides for the constitution of the committee and confers upon it general powers. The second part of the resolution provides an instruction as to taking the statements of all the Senators as to the names of all persons who have made any representations to them concerning pending legislation, the character of the representation, and the circumstances under which it was made, in order to ascertain whether it was a proper or improper attempt to influence legislation. The third part requests the President to furnish the committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th of May, and any other information about them and their efforts to bring about changes of legislation, and so forth.

The second part of the resolution, commencing with line 12, on page 1, and ending with line 4, on page 2, requires this committee to hale before it every Senator and compel him to disclose the names of all men who have made representations to him on any subject or on the subject of the tariff. I will say to my friend from Iowa that if that were undertaken to be done a very large part of this session would be consumed. I am sure I should occupy some hours myself if I were to undertake to recount to the committee the names of all the men who have talked to me on the various phases of this tariff bill, and undertake to repeat to the committee all the representations they have made to me on these various subjects.

Mr. CUMMINS. I will say that I think the Senator from Indiana does not quite catch the import of that paragraph.

Mr. KERN. I am only assuming that the language conveys the meaning intended.

Mr. CUMMINS. It would not take long, I am sure, to put down the names of all those the Senator could remember. Those whose names he could not remember, of course, could not be put down.

Mr. KERN. That is obvious.

Mr. CUMMINS. And it would only include the character of the representations and the circumstances under which they were made. I do not think anybody would construe that to mean that the Senator from Indiana must attempt to put down the conversations he has had with all the people who have come to him upon the tariff question, but what we want to know is whether anybody has come to the Senator from Indiana making a representation which was not a fair and legitimate representation to influence legislation.

How can we discover it unless we take the word of the various Senators? Moreover, if it did take the Senator four or five hours to do it, in my judgment he could not render the people of this country a more valuable service than to help restore, if it ought to be restored, the confidence which the people of the country ought to have in the Senate of the United States, and to destroy the idea that we were about to enact legislation under the influence of bad men and for bad motives.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Florida?

Mr. KERN. In just a moment.

The language to which I am referring requires the committee—

to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session concerning pending legislation, and especially concerning the tariff bill, and the inquiry shall include the character of the representation and the circumstances under which it was made—

That is, as to each representation—

in order to ascertain whether it was a proper or improper attempt to influence legislation.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. KERN. I beg pardon for a moment.

I think it would be very difficult for a committee or for the Senate to draw a conclusion as to whether an attempt to influence legislation was a proper or improper attempt if it was not known specifically what was said by the lobbyist or by the advocate of certain interests to the Senator.

I first yield to the Senator from Florida.

Mr. BRYAN. I wanted to inquire of the Senator from Iowa if under this resolution Senators would not be required to search through their correspondence and get all their letters and telegrams, because, of course, representations need not be made orally. I should like to ask the Senator if it was his purpose to require Senators to do that.

Mr. CUMMINS. Mr. President, I hope Senators will not be overtechnical or hypercritical in interpreting the language that is being used. If any Senator can point out any method by which we can ascertain whether he has been approached by any lobbyist concerning any legislation now pending before the Senate that will not require some such disclosure as I have suggested, I shall be very happy to adopt another plan that will be less burdensome. But what I am trying to find out is whether any Senator has been approached by a lobbyist, and whether it has been sought to bring to bear upon him any influence that is unfair, dishonest, illegal, or illegitimate. How can we do that without having those Senators say something?

Mr. BRYAN. Then, as I understand, it is not the Senator's intention to require us to go through our correspondence and search out the names there?

Mr. CUMMINS. I had not correspondence in my mind at all when I drew the resolution. I just thought of the hundreds who have been swarming around Washington and around the Capitol here in the last two months, all of them eager to make representations concerning their business to Senators both in committee and out of committee; and I wanted to know whether among all those hundreds there were some who were using improper methods and so conducting themselves that they could be called lobbyists, and therefore would fall under the just condemnation uttered by the President of the United States in the statement made by him.

Mr. KERN. I now yield to the Senator from Kansas for a question.

Mr. BRISTOW. Referring to the wording of the second paragraph, I was going to inquire of the Senator from Indiana as to how we would know whether lobbyists had improperly approached Senators with a view of influencing their votes or their action upon legislation unless we knew who the men were, the character of their representations to the Senators, and the subjects upon which they were made. There might be a difference of opinion as to whether it was a proper or improper influence, and in order that that may be determined it seems to me we must know what was said and the subject of the conversation.

Mr. KERN. In what I said, Mr. President, I was leading up to the amendment which I propose to offer. I made some criticism of the language of these two parts of the resolution. I had already stated that the first part of the resolution confers ample plenary power upon this committee to reach the facts sought. Keeping that in mind, keeping in mind, now, the second provision, that the committee is required and instructed to bring each Senator before it instead of leaving that matter to his own judgment, and that the third section is in the nature of a cross-examination of the President of the United States, I offer an amendment which I should like to have read at this time.

Mr. GALLINGER. Before the amendment is read, may I be permitted to say a word?

Mr. PENROSE. Let the amendment be read.

Mr. KERN. The amendment fits in so closely that unless it inconveniences the Senator I should prefer to have it read at this time.

Mr. GALLINGER. Very well; let it be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. The Senator from Indiana [Mr. KERN] moves to amend the resolution by striking out all after line 11, on page 1, and inserting in lieu thereof the following:

The committee is further instructed to ascertain the character of any representations made by such persons to influence legislation, the names of Senators to whom they were made, the names of persons making them, and the circumstances under which they were made. All persons appearing before the committee are required to testify under oath.

It is further resolved, That the President is respectfully invited to aid the committee in its investigation by giving to it any information in his possession with reference to the subject matter of the investigation which he considers it proper to make public. The committee is authorized to administer oaths, subpœna witnesses, and send for persons and papers in the prosecution of the said investigation.

Mr. KERN. Mr. President, I submit that the object to be attained is provided for in that amendment, and I think it makes the language a little less objectionable. There is no purpose in offering this amendment either to curtail the power of the committee or to narrow the scope of the inquiry.

Mr. SWANSON. Mr. President, I wish to say in regard to this resolution that I have no objection to any correspondence I have, and I feel sure that no Senator has any objection to any correspondence he has being given to the committee; but it seems to me there is an effort to put the President in a false position in connection with this resolution in the speeches that have been made. The President has not by insinuation, he has not even indirectly, intimated that a single Senator in this body was improperly approached. He says he knows he is speaking for all of the Members of the House and Senate who wished to be relieved from this lobby. The only thing the President has said is that there is a large lobby trying to influence public opinion and to create the impression that the sentiment of the country is so-and-so on legislation, using the newspapers, and by their numbers and by their insistence trying to create a false evidence of public opinion. He calls on the public that he thinks agrees with him in tariff reform and tariff reduction to let their ideas be known. The President has not in any way by insinuation intimated that any Senator has been improperly approached. I am perfectly willing to have any investigation. The more rigid and the more thorough it is, the more it is pleasing to me. But I am not willing to have the President put in the attitude of having made an accusation that Senators, either as a body or individually, have been improperly approached.

Mr. CUMMINS. Mr. President, has the Senator from Virginia read the resolution? I think he must have taken its sense from some one who has misinterpreted it. The resolution does not impute anything to the President. It simply asks that the President shall furnish the names of the lobbyists referred to in the article which has been read at the desk. It does not say the President has made a charge that Senators have been improperly influenced, but he says there is a lobby, and I assume that having ascertained it he knows of whom it is composed, and I ask that he give us the names of those people so that we may deal with them, inasmuch as we only have any power to deal with them.

The VICE PRESIDENT. The hour of 4 o'clock has arrived, and the morning business is closed.

Mr. CUMMINS. I ask unanimous consent that the resolution we have had under consideration be taken up for further consideration.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Mr. President, I ask for the regular order.

Mr. CLARK of Wyoming. There is no regular order.

Mr. CUMMINS. I move that Senate resolution 92 be taken up by the Senate for consideration.

Mr. KERN. I think there will be no objection to going on with the resolution.

Mr. SIMMONS. I hope the Senator from Arizona will not insist on displacing the resolution.

Mr. ASHURST. My request was made upon the suggestion of Senators sitting near me, but I withdraw the same.

Mr. KERN. I think there will be no objection to proceeding with the resolution by unanimous consent.

Mr. CUMMINS. Very well; then I withdraw my motion.

The VICE PRESIDENT. The Chair hears no objection.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Virginia [Mr. SWANSON] has the floor.

Mr. SWANSON. As I was stating, the President has no objection to any investigation. But the remarks of the Senator from Iowa, and also the second resolution requiring each Senator to come before the committee with his correspondence and the representations made to him, can have no other purpose except to leave the impression that the President has charged that Senators were being improperly influenced.

The only thing contained in the interview of the President, as I previously stated, is that there was a large number of attorneys or lobbyists trying to create a false public opinion as to the sentiment of the country in regard to tariff reform.

Mr. CUMMINS. May I ask the Senator from Virginia a question?

Mr. SWANSON. Certainly.

Mr. CUMMINS. Is not a lobby intended to create a public opinion—a lobby intended to influence the Senate? For what purpose is a public opinion being created if it is not to influence the legislation that is now pending before the Senate?

Mr. SWANSON. If the Senator will permit me, the President has an idea that persons are active in trying to create a false public opinion; by their activity, by their use of papers, he states in his interview, they are trying to create a false public opinion as to the wishes and sentiment of the country in connection with tariff reduction. His interview simply calls on the public to let their views be known, to let their wishes be ascertained, in order to show that this is a false public opinion.

I have no objection, and no one on this side has any objection, to a thorough and complete investigation, but we are satisfied that the interview of the President does not permit the construction which some gentlemen try to put upon it.

Mr. TOWNSEND. Mr. President, I think I am clearly within the facts when I state that a majority of the Senate and of all the people who read the President's article are of the opinion that his statement was made for the purpose of influencing certain Members of the Senate who it was supposed were hesitating about supporting the tariff bill as it passed the House. After the President's statement a Democratic Senator will hesitate before he votes for amendments, even though he conscientiously believes in them. I have no evidence or knowledge that there is or has been any corrupt lobby operating here in connection with the tariff. But the President has intimated that there is, and certainly his party, which constitutes the majority of the Senate, can not afford at this time to split hairs as to what the language of the resolution of investigation shall be. The President has insinuated that a lobby, one of the greatest ever known, one of the most corrupt, is here in Washington and elsewhere for the purpose——

Mr. HITCHCOCK. Mr. President——

Mr. TOWNSEND. Wait a moment.

Mr. HITCHCOCK. The Senator has misstated the language used by the President.

Mr. TOWNSEND. I am stating what is the clear understanding of everybody.

Mr. HITCHCOCK. The Senator said the President intimated that there was a corrupt use of the lobby.

Mr. TOWNSEND. That it was an insidious lobby—a lobby with unlimited money; and I can think of nothing more corrupt than where those two things exist—an insidious lobby with plenty of money—and that it is creating a false public sentiment in the country which is having an effect or may have an effect upon legislation.

The President ought in all fairness to specify what he has on this subject, and I think it is our duty as self-respecting Members of the Senate to request him in no uncertain language to submit such information as he possesses and which induced him to make his statement.

I repeat, there is no misunderstanding about the purpose of his interview. Gentlemen may refine the language as much as they please; he simply had one object in view, and that was to give the impression that a lobby was influencing the Senate, improperly, of course.

We have a right to know on what he based his insinuation. Senators ought not to haggle a great while about the language that it should use in this resolution. There is no reflection upon the President in this proceeding. We simply ask him to submit to the Senate the knowledge that he has which induced him to make the statement and which will form the basis for an investigation on the part of the Senate. If he knows the things which he has charged, he ought to submit them to the Congress, in order that the committee may work intelligently and proceed at once with the investigation. There should be no evasion or false modesty indulged.

I certainly hope that we can pass a resolution which means something and which the committee can use as the basis for their most important work.

Mr. WILLIAMS. Mr. President, as has been said more than once in this debate, there may be a difference of opinion as to what constitutes an insidious and an improper method of approaching legislators. I have in mind, and every Senator here may well have in mind, because I doubt not it has been his experience as well as mine, that certain great and rich and powerful life insurance companies of the country have sent broadcast all over the country printed slips, to be signed by every policyholder whom they have, asking them in another circular to sign and date the same and send it to their Senators and their Representative, with the view undoubtedly of influencing legislation and with the view undoubtedly of creating in the minds of Senators and Representatives the impression that there was a great upheaval of public sentiment in revolt against the idea of taxing what are called mutual insurance companies. That similar things have taken place with regard to other matters concerning which the income tax and the other features of the tariff-bill deal is known to every one of us.

I think that the language used by the Senator from Indiana is more comprehensive, more searching, broader at any rate, than the language used by the Senator from Iowa, and will bring within the scope of the resolution every possible subject of legitimate inquiry.

The only objection I have to the resolution is the creation of a special committee, which I regard as unnecessary. It might come about that we would have to spend three or four hundred dollars or more out of the contingent fund. The Judiciary Committee of this body is composed upon the whole of its best and its most astute lawyers, men who are in the habit of making investigations and carrying on cross-examinations.

I shall therefore move an amendment, Mr. President, and I ask the attention of the Senator from Iowa while I read the amendment. I move that there be stricken out in lines 1 and 2 the following words:

> There be appointed by the Vice President a committee of five Senators—

And that the resolution shall then be made to read as follows:

> That the Judiciary Committee of the Senate is authorized and instructed—

The first part of the resolution would then read:

> That the Judiciary Committee of the Senate is authorized and instructed to investigate the charge that a lobby is being maintained—

And so forth.

Mr. SHERMAN. May I ask the Senator from Mississippi a question?

Mr. WILLIAMS. Certainly.

Mr. SHERMAN. Has the Senator any objection to inserting in his amendment the exact language of the Executive, that there is a numerous, industrious, and insidious lobby?

Mr. WILLIAMS. Oh, Mr. President, I would have no objection to inserting——

Mr. SHERMAN. Further, I should like to know who they are who are likely to consume by their predatory tactics some of us new Senators in office before they are identified.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi has the floor. Does he yield to the Senator from Missouri?

Mr. WILLIAMS. I wish to answer the Senator from Illinois. He has asked me a question. If we are in earnest, Mr. President, about this matter, and if you are honest about it, and if you desire to ascertain the truth, we are not going to begin it by ironical flings at the President of the United States; and there could be no object at all in inserting that language in this place except just that identical purpose.

Mr. SHERMAN. May I ask a further question?

Mr. WILLIAMS. The effect of it would be something absolutely alien to the investigation itself. It could accomplish no good. The Senator knows that this side of the Chamber is not going to hurl reflections at the President, either by innuendo or otherwise.

Mr. SHERMAN. I ask the Senator from Mississippi——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. WILLIAMS. Certainly.

Mr. SHERMAN. If that language is ironical and useless, why does the Chief Magistrate of the country use it in applying it to a legislative body?

Mr. WILLIAMS. I did not say that the language was ironical, and so forth. I said its use in this connection would be ironical. I might very well quote a part of the Lord's prayer in an ironical way, but the language of the Lord's prayer would not be ironical. I am now trying to get the matter before the Senate so that it can be properly investigated. I believe the Committee on the Judiciary is the ablest committee of the body and that it is best fitted to make the investigation.

Mr. CUMMINS. May I interpose a word there?

Mr. WILLIAMS. Yes.

Mr. CUMMINS. I want an investigation. I have no desire to reflect on anybody, and I am sure no other Senator has. I hope that feeling will not get into the consideration of the resolution. I prefer a special committee for the reasons I have stated, but that preference is but a slight one, and I, in so far as I can do it, am perfectly willing to have the Judiciary Committee authorized and instructed to do this work.

Mr. WILLIAMS. I will say to the Senator that I am further of the opinion that the Judiciary Committee would be a better committee for this purpose than any select committee that could be constituted, because they have been selected as the lawyers of this body.

Mr. CUMMINS. I would ask the Senator from Mississippi to change his amendment slightly so that a subcommittee of the Judiciary Committee could carry on the investigation. It would be impossible to get a full committee——

Mr. WILLIAMS. I have no objection to that. I will modify it so as to read:

> That the Judiciary Committee of the Senate, or a subcommittee appointed by that committee, is authorized and instructed—

And so forth.

Mr. CUMMINS. I am perfectly willing, Mr. President, to accept that amendment.

Mr. BACON. Mr. President, I think the amendment offered by the Senator from Indiana [Mr. KERN] should be adopted. I will point out the advantages of it, or at least one, which, I think, will be recognized. The purpose of the resolution, as has been disclosed by the utterances of the author of it and by others in debate, is to reach those who may have attempted to use any improper influences to affect legislation.

Now, the language used in the first paragraph down to line 11 does recognize the distinction between lobbyists such as are included within the definition read by the Senator from New Hampshire, those who are frequenting legislative halls for the purpose of affecting legislation, and, on the other hand, those who are attempting to simply represent legitimate interests and in a legitimate way present those interests to legislators. I say that distinction is properly recognized in the first paragraph, but in the second paragraph it is not. It is the second paragraph that is sought to be displaced by the amendment offered by the Senator from Indiana.

The Senate will recognize that in the first paragraph persons concerning whom the investigation is sought to be made are denominated as lobbyists, and we will not be in doubt as to the persons whose acts are sought to be investigated, but in the second paragraph it will be noticed the language is—

> The committee is further instructed to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session concerning pending legislation, and especially concerning the tariff bill, etc.

That would necessarily include all that the Senator from Florida inquired about. It would include every communication which has been made to any Senator. While none of us have any objection to that scope of the inquiry, so far as it could relate to our disclosing every communication which has been received, it is evident that such an investigation would be interminable. I certainly have no objection to having the disclosure of every communication which I have received, and yet

I am satisfied it would take a good long time to present the letters, to say nothing of the oral communications I have had, all of which have been representations made to me by persons in a legitimate way of their legitimate interests, and matters which it would be immaterial to bring to the attention of the Senate with the view it now has in this proposed investigation. But if the language of the second paragraph should be retained that would be necessary. It is a direct instruction to take from Senators, under oath, the names of all persons who have made any representations. It seems to me that language would certainly not only be objectionable but it would be entirely foreign to what is the purpose of the Senate in the adoption of the resolution. What is the purpose of the Senate? As I understand it, and about which I presume there is no doubt, it is to try to ascertain whether there are any parties who are correctly denominated as lobbyists—those who make a profession of trying to influence legislation, those who frequent the corridors for that purpose, who are here and being maintained for this purpose. The language used in the amendment offered by the Senator from Indiana [Mr. KERN] is this:

> The committee is further instructed to ascertain the character of any representations made by such persons—

Which, of course, would include the persons denominated in the first paragraph as lobbyists—

> by such persons to influence legislation, the names of Senators to whom they were made, the names of persons making them, and the circumstances under which they were made.

That, it seems to me, covers the entire ground. I would simply suggest one amendment to that. I think the use of the words "such persons" is not liable to any serious misunderstanding; but in order to make the purpose and the designation more explicit and to leave no possibility of doubt, I would strike out the word "persons" and insert in lieu thereof the word "lobbyists," so that it would read:

> The committee is further instructed to ascertain the character of any representations made by such lobbyists to influence legislation, the names of Senators to whom they were made—

And so forth.

I would suggest to the Senator from Indiana—I do not see him here at this moment—to strike out the word "persons," in the second line of his amendment, and to insert the word "lobbyists," so that there can be no doubt as to the purpose and scope of the investigation.

I will make a suggestion in reply to the statements of the Senator from Kansas [Mr. BRISTOW]. The Senator from Kansas suggested, very pertinently, that it would be impossible to judge as to whether the representations were improper unless the representations were disclosed. That, of course, would lead to an investigation as to all representations; and I would suggest that properly the matter might be met when the Senator appears before the committee by him being asked the question, "Has anyone approached you or made any representations to you other than of a legitimate character—such as you recognize to be legitimate? Has any professional lobbyist approached you?" If he said "no" and there was in the possession of the committee any facts which led to the belief that there were such, of course, upon cross-interrogation, that matter could be brought to light and disclosed; but——

Mr. BRISTOW rose.

Mr. BACON. If the Senator will pardon me a moment, it would be certainly impracticable, within the scope of 10 days or a year, for a committee to hear everything that had been said to a Senator or to hear everything which has been represented to him through letters or otherwise in regard to this matter. It could only be done by interrogating him as to whether or not there had been anything which, in his opinion, was improper or of that nature.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. I do.

Mr. BRISTOW. The Senator from Georgia speaks about inquiring of a Senator as to whether or not a lobbyist had appeared before him. How are we to know who a lobbyist is, or how do you determine who is a lobbyist?

Mr. BACON. I can imagine in my own case, if the Senate will pardon a personal allusion, if I should appear before the committee and I were asked the question, "Has any lobbyist approached you?" I could say with absolute confidence, "No"; because I can say that I have not been approached by anyone, except by persons who have been in the representation of a legitimate interest in which they were personally concerned, and I do not consider such persons to be lobbyists.

Mr. BRISTOW. Mr. President——

Mr. BACON. On the contrary—if the Senator will pardon me a moment—if the committee had information that there were around here certain persons who were professional lobbyists, they might ask me, "Has Mr. So-and-so ever spoken to you?" "No." Or they might ask me any other question which might elucidate whether or not I had been improperly approached; but it must necessarily be left at first to a general statement on the part of a Senator whether he had been so approached, and if he had he could disclose that fact.

Mr. BRISTOW. Mr. President, it seems to me that the policy suggested by the Senator from Georgia [Mr. BACON] would very much limit the scope of this inquiry. In order that the Senate might know whether or not a lobbyist had approached the Senator from Georgia it seems to me that we ought to know who had approached the Senator from Georgia and what the conversation was. Then the committee could judge whether or not it was a proper conversation or whether or not the party was a lobbyist. If you leave it to a Senator to determine whether or not a lobbyist has approached him, you simply limit this inquiry so that the Senator might get up and confess that a lobbyist had importuned him or that he had not. If a Senator submits the names of parties who have come to him, stating the business upon which they came and what they said, then the committee and the Senate will know and form their own judgment as to whether or not they were proper proceedings or improper proceedings.

Mr. BACON. It is not proposed by the terms of this resolution to limit the inquiry to the suggestion made by me. I am simply talking about what would be the practical way in which the committee would proceed. If the committee had reason to doubt what I said, it would have perfect power to say, "Well, Mr. BACON, produce the name of every man who has talked with you." There is nothing in the resolution which would prevent it. If, on the contrary, the committee thought they could rely upon my own judgment in the matter, possibly they would not go further than that, but if the committee had reason to doubt the accuracy of my judgment as to whether or not the man was a lobbyist or whether or not I had been approached by those who were lobbyists, the committee would, in connection with the part of the resolution which it is proposed to retain, have full power to go on and examine me as thoroughly as they wished as to everybody who had spoken to me and as to every communication which had been made to me.

So, Mr. President, I hope that the Senator from Indiana will accept the amendment which I suggest, which is to strike out the word "persons," in the second line, and to insert "lobbyists," so as to make it certain. Otherwise it might lead to some misunderstanding. Of course I shall not press the amendment if the Senator from Indiana does not desire it.

Mr. KERN. I will state that if the word "lobbyist" had a well-defined meaning, I should not hesitate about the substitution.

Mr. BACON. The first paragraph which the Senator from Indiana proposes to retain speaks of lobbyists only.

Mr. KERN. I understood that the amendment proposed by the Senator from Pennsylvania [Mr. PENROSE] was accepted by the Senator from Iowa [Mr. CUMMINS].

Mr. PENROSE. Mr. President, I find that the amendment which I had intended to propose is not necessary, and I have withdrawn it, not on the floor of the Senate, but in conversation with the Senator from Iowa.

Mr. CUMMINS. I called the attention of the Senator from Pennsylvania to the fact that the second paragraph contained the breadth that he thought the whole resolution should have, and that it was, therefore, not necessary to insert the amendment in order to reach the purpose which the Senator from Pennsylvania desired to accomplish. I accepted the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS].

Mr. BACON. I think it practically means the same thing, but I simply desired to put it beyond any question; but as there is some doubt as to whether or not the amendment would be acceptable I shall not offer it. I do think, however, that the amendment as it stands is certainly not only an improvement but absolutely necessary, unless we propose to impose a burden upon this committee which it would be impossible for them to bear and to open an investigation which it would be impossible for them to correctly make.

Mr. PENROSE. Mr. President, I shall detain the Senate for only a very few minutes. I can not understand this shrinking on the part of Senators—because there is no other conclusion to draw—from stating to this body with whom they have been conferring. I offered a resolution for that information last week, and it was referred to the Committee on Finance, but nothing has been since heard of it.

I probably have had as many persons calling on me about the tariff bill as has any Member of this body. The State which I in part represent here is close to the Capital, and there is hardly a paragraph in the tariff measure which does not

affect the State of Pennsylvania; but I am prepared this afternoon or to-morrow, or whenever this committee meets, to furnish a complete list to the committee and to the Senate of the full name, occupation, and address of every caller who has entered my committee room or met me on the street or in the hotel to make any representations concerning the tariff bill. Why should not other Senators be willing to do the same thing for the enlightenment of the country in this condition of absolute secrecy regarding the framing of the tariff bill and under the grave charges and innuendoes which have been made by the President in the newspapers?

To say that a Senator is to judge in the secrecy of his own mind as to whether he has been approached by a lobbyist seems to me to be an absurdity. Many Senators may be unsophisticated as to lobbyists; they may not recognize one when he comes along. [Laughter.] These gentlemen are generally well dressed, of attractive demeanor, of cordial manners, and of a hospitable turn of mind, and are not the persons to impress an unsophisticated Senator with the sinister character of the design which lurks beneath their pleasing exterior. [Laughter.]

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Arizona?

Mr. PENROSE. I do.

Mr. ASHURST. The Senator's very minute description of lobbyists discloses the fact that he is intimately acquainted with them.

Mr. PENROSE. I am thoroughly acquainted with them, Mr. President. In 15 years' service in this body, and with considerable activity in tariff legislation, I know the lobbyist probably as quickly as anybody in this Chamber. I also know the business man who comes here with extravagant claims and ridiculous assertions to influence Congress and tariff legislation, and, so far as I am concerned, I have never paid any attention to anybody except one in whose patriotism, loyalty to the Government, and knowledge of the subject I had complete confidence. Only the other day we saw in the Washington papers an account of a gentleman of pleasing exterior who undertook to get indorsements for a candidate for the high position of an ambassador to one of the foreign governments, and Senators, apparently without guile, absorbed the suggestions of this plausible gentleman. [Laughter.]

Gold bricks are floating around the Capitol, Mr. President, and we have a number of new Members in this body. Now, it would be very mortifying to these new Members, these unsophisticated gentlemen, if they should appear and under oath testify that they did not consort with a lobbyist and that hideous intimacy should afterwards be disclosed [laughter] in some accidental manner along the line of the episode in connection with the selection of an ambassador to France or to England already referred to. For the protection of these very Senators, it seems to me that they ought, without reservation, to state who has been here. He may have been an importer interested in the free list; he may have been a southern gentleman interested in the cotton schedule, or he may have been a bad man from Pennsylvania interested in modifying the metal schedule. [Laughter.]

But let us have the information made public, and let, at least, there be one feature of the tariff discussion with which the whole American people can be familiar and on which a flood of light may fall, and that is the people who are here in Washington conferring with Senators individually or as a committee.

We heard during the campaign from the stump about the fact that the plain people of the land were not admitted to the councils of the Nation when a tariff bill came up. Perhaps we can find out where the "plain people" or their representatives are. I have not noticed undue crowds in the Union Station in my weekly pilgrimages to Philadelphia and my return to Washington. The only people that I have seen here are the wounded and battered and time-honored warriors who have been addressing themselves to Republican majorities in the Senate for the last 25 years. [Laughter.]

Mr. KERN. Mr. President——

Mr. PENROSE. Let us have their names, and if among them there are hid away any obscure representatives of the "plain people" from some fastness in the mountains or remote village let their names be disclosed and let the majority Senators call our attention to them when the tariff bill is up for debate.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. PENROSE. I do.

Mr. KERN. I was about to ask to what Republican majority those gentlemen addressed themselves last fall?

Mr. PENROSE. I do not understand the Senator, Mr. President. If he will repeat his question, I will be very glad to answer it.

Mr. KERN. I say, I was about to ask to what Republican majority those gentlemen addressed themselves last fall.

Mr. PENROSE. I think those gentlemen last fall were in a kind of benumbed condition. [Laughter.] They thought the President was to be taken at his word, and that legitimate industry was not to be injured. All of them thought they were engaged in legitimate industry, and all of them thought that considerable tariff reductions would result in injury. The consequence was they stood like steers in an abattoir, unmindful of the slaughter awaiting them. [Laughter.]

Mr. NORRIS. Mr. President, the basis of this resolution, as I understand, is the statement of the President. While I am in most hearty accord with the Senator from Iowa [Mr. CUMMINS] in advocating the resolution, it seems to me that it only goes into one portion of the facts contained in the President's statement. It might be well at the beginning to notice that the President's statement perhaps does not refer to the Senate in particular. If we are to take the evidence of legislators, the investigation ought to be held in reference to Members of the other House as well as with reference to Members of the Senate.

But laying that aside for the moment, I want to call the attention of the Senate to what to me appear to be the three important suggestions contained in the President's statement. First, his statement as to the existence of a lobby. Second, that—

> The newspapers are being filled with paid advertisements calculated to mislead the judgment of public men—

And also to change public opinion. Third—

> That money without limit is being spent to sustain this lobby and to create an appearance of a pressure of public opinion antagonistic to some of the chief items in the tariff bill.

Those are the charges made by the President; and it seems to me the resolution of the Senator from Iowa only undertakes to investigate one of them. Page 2 of the resolution, beginning with line 5, reads as follows—and it is the first place in the resolution where there is any reference or mention made to the statement of the President:

> *Resolved further*, That the President be, and he is hereby, requested to furnish said committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th day of May—

And so forth.

It strikes me that if we are to investigate that part of the statement and get from the President the names of those lobbyists, we ought also to investigate the other two propositions contained in the President's statement—one in reference to the publication of paid articles in newspapers having for their object the changing of public opinion and the influencing of public men, and the other statement that unlimited amounts of money are being used for the purpose of sustaining this lobby and carrying on this kind of a propaganda.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I do.

Mr. CUMMINS. If my resolution does not cover the phase of the matter just mentioned by the Senator from Nebraska, it is because I do not know how to use my mother tongue or my language. I have assumed that that was the most offensive type of lobbying—the lobbying that is intended to create public opinion, which, in turn, is to be used for influencing members of a legislative body; and I assumed, of course, that the investigation would cover all efforts made by these people to influence the legislative body before which the tariff bill is now pending.

Mr. NORRIS. I agree most thoroughly with the Senator that that kind of lobbying is the most offensive, and not only the most offensive, but it is the most harmful. But it strikes me that the Senator's resolution, if passed without any amendment on that subject, would not cover the investigation that it seems to me is more important than any other; that is, that we ought to know about the money that is being used without limit; we ought to know about the publication in the newspapers of advertisements intended to influence public opinion and to form public opinion.

Mr. CUMMINS. I am sure the Senator from Nebraska wants to reach the same end that I desire to reach.

Mr. NORRIS. I do not doubt it a bit.

Mr. CUMMINS. But if he will turn to the first paragraph he will find this sentence:

> The committee is instructed to report within 10 days the names of all lobbyists attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends.

Mr. NORRIS. Yes. I think that is all very well, although that is followed by a provision that says they shall call before them all the Senators. Evidently that is one of the methods——

Mr. CUMMINS. That is one of the ways in which we will have to investigate.

Mr. NORRIS. Since the President's statement is the basis for all of it, would it not be more logical to go to the President and ask him to disclose the names of these men?

Mr. CUMMINS. I have asked him to disclose the names of these men.

Mr. NORRIS. And ask him to disclose the methods by which advertisements are paid for, and so forth?

Mr. CUMMINS. I assume that he does not know the methods any better than we do. He has stated the methods in his public statement.

Mr. NORRIS. I have no doubt the President has at least some basis for his statement, and it seems to me we ought to go to the head of the charge and ascertain from the man who makes it the basis for it.

Mr. CUMMINS. Let us see; let us read this for a moment, if the Senator from Nebraska will permit it:

That the President be, and he is hereby, requested to furnish said committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th day of May.

Of course, he will also give the names, if he has them, of the men who are putting in these paid advertisements.

Mr. NORRIS. I do not know whether he will or not.

Mr. CUMMINS. Why, they are lobbyists, are they not?

Mr. NORRIS. I do not know.

Mr. CUMMINS. They are the lobbyists to whom the President refers in his statement—the very men to whom he refers.

Mr. NORRIS. I am not sure about that.

Mr. CUMMINS. If we are not sure of that, we are not sure about anything.

Mr. NORRIS. I think the statement itself discloses that when the President refers to paid newspaper advertisements being used for the purpose of changing and influencing public opinion, he does not necessarily mean that it is being done by the lobbyists he refers to in the beginning of his statement.

Mr. CUMMINS. But the Senator from Nebraska, of course, has not considered this further language in the resolution:

And any other information about them and their efforts to bring about changes in legislation now before the Senate which will promote the general welfare.

Mr. NORRIS. The last clause read by the Senator from Iowa would cover it in a general way. It is a general clause that would cover everything that could possibly be included in the investigation; but it is not a specific reference to what the President is perhaps referring to.

I have called attention to what I believe to be this particular weakness of the resolution in order to explain what amendment it seems to me ought to be made to the resolution. At this point I want to send to the desk an amendment I have prepared, which I believe will more fully carry out the theory and the idea of the resolution. It will come right after line 11, page 2, and will specifically refer to the particular matters I have mentioned.

The VICE PRESIDENT. The Chair understands that everything after line 11 has been stricken out.

Mr. NORRIS. No, Mr. President.

Mr. CUMMINS. When was it stricken out, Mr. President?

The VICE PRESIDENT. The Senator from Indiana [Mr. KERN] has moved to amend by striking out all after line 11——

Mr. CUMMINS. I hope that has not yet been adopted. I did not hear the motion put, and the argument upon it has not yet been finished.

Mr. NORRIS. Mr. President, the amendment I have offered has nothing to do with the amendment offered by the Senator from Indiana.

The VICE PRESIDENT. Did not the Senator from Iowa accept the amendment offered by the Senator from Indiana?

Mr. CUMMINS. I did not. On the contrary, I very distinctly refused to accept it. I accepted the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS].

The VICE PRESIDENT. That is the way the Chair understood it; but the pending amendment is the amendment starting at line 11, and the proposed amendment——

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. If the Senator from Nebraska will permit the Chair to state the condition of the record as the Chair understands it——

Mr. CUMMINS. The Chair is right. I accepted the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS].

The VICE PRESIDENT. The amendment starts at line 11.

Mr. CUMMINS. And it is the amendment proposed by the Senator from Indiana [Mr. KERN] that is now pending.

The VICE PRESIDENT. The amendment of the Senator from Indiana, starting at line 11; so that the amendment proposed by the Senator from Nebraska [Mr. NORRIS] must be an amendment to the amendment offered by the Senator from Indiana.

Mr. NORRIS. Mr. President, I do not offer it as an amendment to the amendment of the Senator from Indiana. The Chair has not yet gathered the idea I have been trying to convey.

The VICE PRESIDENT. The Senator from Nebraska has not gathered the ruling of the Chair.

Mr. NORRIS. It may be that I have not, but I have not offered any amendment on page 1. The Chair is talking about an amendment on page 1. I have offered an amendment to page 2, line 11. There are two lines 11 in this bill, as the Chair will see if he will examine it. One is on page 1 and the other is on page 2.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Chair is stating the record as the Chair understands it. The Senator from Indiana [Mr. KERN] moved to amend by striking out all after line 11, on page 1. That amendment is pending before the Senate, and, if adopted, will take the balance of the resolution from the Senate. Pending that amendment, the Senator from Nebraska [Mr. NORRIS] offers an amendment, which the Chair believes is not now in order.

Mr. NORRIS. Mr. President, may I be permitted to be heard on that point of order?

The VICE PRESIDENT. It must be an amendment to the amendment of the Senator from Indiana.

Mr. NORRIS. Mr. President, let me be heard just for a moment. If I can have the ear of the Chair for just a minute, I think I can convince him that my amendment must be voted on before the amendment of the Senator from Indiana is voted on——

The VICE PRESIDENT. There is no doubt of that.

Mr. NORRIS (continuing). Because it applies to the text which the amendment of the Senator from Indiana would strike out, and we must first vote on the amendment that goes to the perfection of the text of the bill before we vote on a motion to strike out. Therefore my motion would be voted on first.

The VICE PRESIDENT. The Chair has no doubt about the amendment of the Senator from Nebraska; but the Chair still insists that it is an amendment to the amendment of the Senator from Indiana.

Mr. GALLINGER. May it be read for information? It has not yet been read.

The VICE PRESIDENT. The Secretary will read the amendment; and the Secretary will kindly read the resolution down to the point where the Senator from Nebraska offered his amendment, so that it may be understood.

The SECRETARY. The Senator from Indiana [Mr. KERN] proposes to strike out, beginning on page 1, after line 11, the following words:

The committee is further instructed to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session concerning pending legislation, and especially concerning the tariff bill, and the inquiry shall include the character of the representation and the circumstances under which it was made in order to ascertain whether it was a proper or improper attempt to influence legislation.

Resolved further, That the President be, and he is hereby, requested to furnish said committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th day of May and any other information about them and their efforts to bring about changes in legislation now before the Senate which will promote the general welfare.

The committee is authorized to administer oaths, subpœna witnesses, and to send for persons and papers in the prosecution of said investigation.

And in lieu of the words proposed to be stricken out the Senator from Indiana offers certain other words. Pending that motion, the Senator from Nebraska [Mr. NORRIS] offers to amend the part to be stricken out as follows:

On page 2, after line 11, insert:

The committee is further instructed to investigate the charges made by the President in said statement in reference to the use of money to sustain said lobby, and in reference to the publication of newspaper advertisements intended to mislead public men and public opinion, and the committee is also instructed to ask the President for all the information in his possession bearing on the charges contained in said statement so made by him.

Mr. CUMMINS. Mr. President, I have no doubt the resolution as it now is or as I prepared it would give abundant and ample authority to the committee to do the very thing proposed in the amendment offered by the Senator from Nebraska; but I have no objection whatever to making my purpose still more specific and definite. Therefore, in so far as I may do it or can do it, I accept the amendment proposed by the Senator from Nebraska.

Mr. ROOT. Mr. President, I hope the amendment proposed by the Senator from Indiana will not be adopted. I think it would go far to emasculate the resolution and render the investigation futile.

I think this is a very serious situation, which is created by the public statement of the President of the United States. That statement opens with the words:

I think that the public ought to know the extraordinary exertions being made by the lobby in Washington to gain recognition for certain alterations of the tariff bill. Washington has seldom seen so numerous, so industrious, or so insidious a lobby.

That was published in the newspapers of Tuesday, the 27th of May, at a time when the tariff bill had passed the House, had been sent to the Senate, and was pending in the Senate. The efforts of a lobby can be understood only to apply to the Senate, and the effect of that statement must necessarily be that any Senator who votes to change the bill as it came from the House votes under the imputation put upon him by the President of the United States, before the people of the country, of having been influenced by a lobby.

I think it does not comport with the dignity and self-respect of the Senate of the United States to permit that imputation to pass without notice. I think this resolution should be adopted, and I think it should be adopted in such form as to indicate that the Senate is in earnest in intending that there should be a thorough, searching, and effective inquiry and exposure of whatever there may be to expose.

The two things in the resolution as proposed by the Senator from Iowa [Mr. CUMMINS] which are softened and in great part taken out by the amendment are the two things which I think it is our duty to insist upon. One is that the Members of the Senate shall make proffer of their testimony and their full disclosure to the people of the country of all communications with them which could, by any construction, form the basis of a finding or a suspicion that a lobby has been influencing them. We can not make that proffer except by a resolution of the Senate. No committee by its course of conduct can take the place of the Senate's own declaration before the people of the United States of its willingness and its desire under oath to make a full statement of the facts. I sincerely hope the Senate will not shrink from making that proffer of full disclosure.

The other thing which is practically taken out is a respectful call upon the President of the United States for the names, which, of course, he must have had in his possession before he made this public statement, and which will enable the Senate to make its investigation effective.

To my mind, the question between the resolution as offered by the Senator from Iowa and the amendment proposed by the Senator from Indiana is the question whether we are in earnest or not; whether we mean the stringent and severe proceeding necessary to make effective our action, or whether we are willing that this shall go down the stream with the ordinary investigation and the finding of no results. I do not think the party of the President, the party in the majority, which is framing this tariff bill, can afford to emasculate this resolution; and I hope they will not amend the resolution in accordance with the proposal of the Senator from Indiana.

Mr. REED. Mr. President, a parliamentary inquiry. Has the Senator from Iowa accepted the amendment offered by the Senator from Nebraska, and if so, is the amendment offered by the Senator from Indiana to be considered as an amendment to the resolution which includes the amendment of the Senator from Nebraska?

The VICE PRESIDENT. The Chair rules that the Senator from Iowa had a right to accept the modification of the text of his resolution as proposed by the Senator from Nebraska, and that therefore the question pending before the Senate now is the amendment offered by the Senator from Indiana to the resolution as modified.

Mr. REED. To the amendment as offered by the Senator from Indiana I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The Senator from Missouri offers an amendment to the amendment offered by the Senator from Indiana. The Secretary will read the amendment to the amendment.

The SECRETARY. At the end of the first paragraph of the amendment proposed by the Senator from Indiana add:

The committee shall further inquire and report—
1. Whether any Senator is financially interested in the production, manufacture, or sale of any article or articles mentioned in said tariff bill, and if so, to what extent.
2. Whether any Senator represents or is connected, directly or indirectly, with any person, firm, association, or organization engaged in the manufacture, production, or sale of any of said articles.

Mr. REED. I wish to ask the Senator from Indiana if he will not accept my amendment to his amendment?

Mr. KERN. I have no objection to it, Mr. President. It seems to me, if we are going into the inquiry, it ought to be very full and very thorough. While I am on my feet, I want to say——

Mr. CUMMINS. May I ask the Senator from Missouri why he does not offer that as an amendment to the resolution which I have proposed, which is broad and searching, and will be effective on the subject it covers? I would have no objection whatever to the adoption of the amendment of the Senator from Missouri as an addition to my own, although it covers an entirely different field. I hope that the Senator will not try to strengthen the weakness of the amendment offered by the Senator from Indiana by the stringent proposition upon another subject which he has just offered.

Mr. REED. Mr. President, I intend to press this amendment as far as I am able, and if the amendment offered by the Senator from Indiana is not accepted by the Senate I will then claim the privilege of offering it to the resolution introduced by the Senator from Iowa.

Mr. NORRIS. Will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. For a question, certainly.

Mr. NORRIS. I should like to suggest to the Senator from Missouri, in order that there may be absolute fairness and that the Senators who are opposed to the amendment of the Senator from Indiana but do want the amendment of the Senator from Missouri, that he has a right, I understand, under the parliamentary situation, to offer his amendment first to the resolution offered by the Senator from Iowa, and it would properly be voted on first before the amendment of the Senator from Indiana would be voted on. So he can really offer it in both places and give both sides an opportunity to have the benefit of his amendment.

Mr. REED. Mr. President, the difficulty I have in agreeing with my friend from Nebraska lies in the fact that I think the amendment offered by the Senator from Indiana improves the resolution offered by the Senator from Iowa.

Mr. President, we have gone somewhat afield in this discussion. The question here is not whether an investigation shall be throttled in any way. If there is a man on this side of the Chamber who does not want to see a full, searching, and thorough investigation, then I am not aware of the fact.

I have no difficulty about the meaning of the word "lobbyist." I do not care in what sense the word is used; neither do I think the purpose of this investigation is to advise the new Members of the Senate who the lobbyists are, in order that they may escape contamination, as was suggested by the Senator from Illinois [Mr. SHERMAN]. Somehow or other I have it in mind that the Senator who made that suggestion, coming from the party he represents and hailing from the great State of Illinois, is scarcely likely to be imposed upon by any lobbyist. If he is in that condition of unfortunate ignorance, I respectfully refer him to the Senator from Pennsylvania [Mr. PENROSE], who has evidenced a thorough and complete knowledge of the entire subject.

I was interested in the remarks of the Senator from Pennsylvania. His statement was to the effect that the city is full of these so-called lobbyists. He told us they were the same old battle-scarred veterans whom he had met in other days and upon fairer fields.

Mr. PENROSE. I did not say "fairer fields."

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. In just a moment.

Mr. PENROSE. The Senator is not quoting me correctly. I did not say "fairer fields." That expression is due to the Senator's poetic imagination.

Mr. REED. I said "fairer fields for the lobbyists than the fields that are now presented." That was my language, not the language of the Senator from Pennsylvania. I exculpate him entirely from having used so frank an expression.

The difference between the old days and the present time is that formerly the great manufacturing industries, the big trusts, the great combinations, came here and appeared before committees which believed in big trusts, in big combinations, in big profits, in big tariffs, and in big campaign contributions. The same gentlemen still come, but now, as I undertook to explain the other day, they must confront committees charged by the people of the United States with the pleasant duty of annihilating legalized loot.

The committees as now organized are determined to relieve the country from the exactions so long practiced upon them at the instance of the army of "battle-scarred veterans," to employ the tender phraseology of the Senator from Pennsylvania [Mr.

PENROSE], who for 20 years have been coming down to Washington to increase their profits by virtue of the policies and friendly interest of the gentlemen who represent the other side of this Chamber. They came here then to write their own bills and arranged to have their own confidential secretaries installed as the confidential secretaries of the Finance Committee. Truly we have entered upon new times, and I doubt not the "battle-scarred veterans" believe "the times are out of joint."

Mr. President, we need no longer attempt to disguise the fact that an attempt is being made to embarrass the President. That purpose was plainly disclosed by the remarks of the Senator from New York [Mr. ROOT]. I do not, however, ascribe the same sentiments to the Senator from Iowa [Mr. CUMMINS], but the Senator from New York practically puts this case as a direct challenge to the President of the United States. He insists that President Wilson has been guilty of making a charge which impugns the honor and challenges the integrity of Members of this body. He insists that the honor of the Senate is directly involved, and that we must take cognizance of the President's statement and proceed to investigate into its truth or falsity.

Mr. President, I do not believe the Senator from Iowa had that purpose in view, but I do believe that the language employed by the Senator from Iowa in his resolution is subject to a construction somewhat similar to that given by the Senator from New York. Now, if it be a mistake to assume that the President of the United States has impugned the honor or the integrity of this body, then I ask whether we ought to adopt a resolution which can be construed or understood as an affront offered by the Senate to the President, who, I insist, has given no just reason for offense.

Mr. President, I have seen in the Senate in my short time here hours consumed over the phraseology of a resolution calling for papers or documents or information. I have never known a resolution to be passed which in any manner could be construed as an imputation against the President or as a suggestion of an investigation of the President's conduct. I have seen no man upon this side, when a President of a different political faith sat at the other end of the Avenue, attempt in any way to assume the position of an investigator of the President, and I do not believe we have reached a point yet where Senators upon the other side of this Chamber want to take that position.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. Certainly.

Mr. CUMMINS. Will the Senator from Missouri turn to the resolution and point out where in the remotest degree it imputes to the President of the United States any wrongful or improper purpose or conduct?

Mr. REED. Mr. President, the Senator from Iowa has been reading, and I think he did not hear me, although I twice stated that I exonerated the Senator from Iowa from any thought or purpose of the kind referred to; but I did say that the debate had taken on that character, and I referred especially to the utterances of the Senator from New York. Now, to fully answer the Senator I shall need to go on for a moment, and I will endeavor to show——

Mr. CUMMINS. Let me say just before the Senator goes on that there is no word in this resolution disrespectful, disparaging, or critical of the President of the United States.

Mr. REED. I have said that the Senator did not intend it. I have, however, expressed the opinion that the language of the resolution is not fortunate, and I am about to discuss that phase of it.

Mr. President, the resolution I propose to discuss in a moment; but, first, I want to clear away, if I may so far trench upon what may be almost called the decencies of the occasion, as to ask my friend the Senator from Nebraska [Mr. HITCHCOCK] to let me discuss a question which he himself suggested to me. I am imposing on his good nature, but as I am on my feet I beg his indulgence for doing that which he has just told me it was his purpose to do.

Let us read this statement of the President that has opened the vials of the wrath of the Senator from New York. Reading President Wilson's interview without prejudice, reading it in a spirit of fairness and candor, let us see whether it does, in fact, reflect upon the honor of Members of Congress. If it does, then I have nothing further to say; but if read fairly, if looked at through clear glasses and not through the mists of prejudice, it is not susceptible of the sinister construction insisted upon by the Senator from New York. Then let us, as fair men, give it the proper construction and cease crying out that the honor of Congress has been attacked. Here is the statement—

> I think that the public ought to know the extraordinary exertions being made by the lobby in Washington to gain recognition for certain alterations of the tariff bill. Washington has seldom seen so numerous, so industrious, or so insidious a lobby. The newspapers are being filled with paid advertisements calculated to mislead the judgment of public men not only but also the public opinion of the country itself. There is every evidence that money without limit is being spent to sustain this lobby—

Not to corrupt Members of Congress, but "to sustain the lobby." To sustain it how? The statement is clear on the point, viz, "they are filling the newspapers with paid advertisements."

I read on—

> and to create an appearance of a pressure of public opinion antagonistic to some of the chief items of the tariff bill. It is of serious interest to the country that the people at large should have no lobby and be voiceless in these matters, while great bodies of astute men seek to create an artificial opinion and to overcome the interests of the public for their private profit. It is thoroughly worth the while of the people of this country to take knowledge of this matter. Only public opinion can check and destroy it.
>
> The Government in all its branches ought to be relieved from this intolerable burden and this constant interruption to the calm progress of debate. I know that in this I am speaking for the Members of the two Houses, who would rejoice as much as I would to be released from this unbearable situation.

The last line I have just read is a certificate to every man, woman, and child of the United States that the President has not impugned the integrity of Congress or any of its Members. It gives a complete cast and color to the entire article. What the President was complaining of was not that Members of Congress were being corrupted. What the President was charging was not that Members of Congress were being improperly approached with money or bribes.

The President was charging that there was a large number of men here who were endeavoring to manufacture an artificial public sentiment; that they were expending large sums of money to manufacture that sentiment by paid newspaper articles and otherwise. He was calling the attention of the country to the fact, in order that the country might understand how to read and how to understand the articles and arguments being put before the people of the United States by these interested lobbyists. He was giving the people of the country to understand that only one side was being represented; that large sums of money were being expended for advertising and other purposes. He was not challenging the integrity of either House of Congress. That such was the purpose of the President must be clear to every fair man who reads what the President actually said.

We surely ought to be willing to candidly view the acts of the Chief Executive of this great Nation. We ought, as just men, in weighing and measuring the utterances of the President, to have regard for the concluding words:

> I know that in this I am speaking for the Members of the two Houses, who would rejoice as much as I would to be released from this unbearable situation.

Mr. President, I submit to the candor of gentlemen on the other side of the Chamber, I submit to the candor and fair judgment of the people of the United States the words of the President I have just quoted, and I ask that they be taken into consideration along with the other portions of his declaration. I ask that it be also remembered that the statement was written by the pen of a man who has never been given to making loose charges or recklessly impugning the honor and integrity of the public men of the country. Thus viewed, there can, it seems to me, be found no fair man to longer dispute the character, the purpose, and the intendment of this article. Of course an unfair critic can select a single word from this article and find a sinister meaning in it; so you can take one word or one sentence from any document ever written, tear it from its context, and find in it cause for offense. But Senators in this Chamber will hardly indulge in that kind of criticism.

Mr. President, why do I prefer the amendment that has been submitted by the Senator from Indiana [Mr. KERN]? I call the attention of the Senator from Iowa to what I am saying, because I am in full accord with the Senator from Iowa in the fundamental thought of this resolution, because I believe his purpose is right, because I am in sympathy with this and every other resolution that will purge the reputation of Congress of every aspersion and every suspicion that may exist in the mind of any man or woman in the United States. I prefer the amendment offered by the Senator from Indiana, because I think it is as complete and as full as is the resolution of the Senator from Iowa, that it will reach the point he desires to reach, and yet, at the same time, it is not subject to a criticism

which I think lies against the resolution offered by the Senator from Iowa. The resolution of the Senator from Iowa reads:

The committee is further instructed to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session.

That seems to imply, Mr. President, that it is necessary to investigate the Senate; it seems to imply not so much an investigation of lobbyists and lobbying as an inquiry into the probity of Senators. It seems to suggest that we suspect each other, and are therefore engaged in requiring each Senator to purge himself under oath.

For that reason I do not like the form in which this resolution is couched. Nevertheless I believe the committee should be empowered to go to every source for knowledge and to inquire of Senators, if they see fit so to do. I think they will so inquire. So, Mr. President, instead of that language employed in the resolution of the Senator from Iowa this is suggested:

The committee is further instructed to ascertain the character of any representations made by such persons to influence legislation, the names of Senators to whom they were made, the names of persons making them, and the circumstances under which they were made.

Thus the desired point is arrived at; but we do not reach it by language which may by some be regarded as self-stultification by the Senate. I do not think that the point I have just discussed of great importance. The matter is, after all, largely a matter of form.

I pass to the last clause of the Senator's resolution, which, I think, is subject to the objection that it does not treat the President of the United States with that delicate consideration which his office entitles him to receive, and I am sure it was no part of the purpose of the Senator from Iowa to treat him otherwise. The resolution reads:

Resolved further, That the President be, and he is hereby, requested to furnish said committee with the names of the lobbyists to whom he refererd in the public statement issued by him on the 26th day of May and any other information about them and their efforts to bring about changes in legislation now before the Senate which will promote the general welfare.

Mr. President, that, in effect, is putting the President of the United States upon his trial and proof. It is, in substance, a demand that he shall come hither and produce the evidence. I do not believe that is treating the Chief Executive of this Nation with proper consideration. Other Presidents have occupied the presidential chair, and other Presidents have given forth public statements, and it has never been regarded as true that a President dare not open his lips without at once being called to the bar of the Senate and then and there required to answer for that which he has uttered.

Mr. President, I have in the past often heard it here asserted that the President of the United States should not be requested to furnish books and papers unless the request was coupled with the language, "so far as he may deem it consistent with the public interests." So this language has been suggested in lieu of the language proposed by the Senator from Iowa:

It is further resolved that the President is respectfully invited to aid the committee in its investigation by giving to it any information in his possession with reference to the subject matter of the investigation which he considers it proper to make public.

I think that is a more respectful way to phrase a request addressed to the Chief Executive. I am very sure that the President of the United States, under that resolution, will lay before the committee of Congress everything he can lay before it with due regard for the public interests. He may have received some information in confidence; he may be, as we are, the recipient of information in such manner as to make it undesirable to name a particular individual who furnished some important fact; but at the same time he may be in a position, as many of us have been, to give valuable information to a committee or to a court or to an investigating body, at the same time retaining the name of our informant. I submit to the Senator from Iowa, whose candor and fairness I have always admired, if the language proposed in the amendment of the Senator from Indiana is not as effective for all practical purposes as that contained in his own resolution, and if it does not more clearly accord with that difference to which the present Chief Executive is justly entitled?

I am sure the Senate does not desire to do anything that would seem to be offensive against the very niceties of the proprieties, and I am sure the Senator from Iowa does not.

Now, Mr. President, I beg the Senate's pardon for so long taking its time.

Mr. CUMMINS. Mr. President, it would be impossible for me, I believe, to be disrespectful toward the President of the United States, for whom I feel a very great admiration and of whom and of whose good faith I hold not the least suspicion. I never dreamed, in preparing the resolution concerning which the Senator has spoken, that it could by any possibility be interpreted as disrespectful. There is not in it the least tinge of challenge. I do not think the amendment proposed by the Senator from Indiana [Mr. KERN] would be so effective. If I did, I would have no pride of authorship, and would be very glad to accept it. It is not so effective; but I am afraid that what is most desired is that the invitation shall come from a Democratic instead of a Republican source.

Mr. REED. Oh, no, Mr. President.

Mr. CUMMINS. That is the only reason I can imagine that would have prompted my friends on the other side in seeking to change the resolution.

Mr. REED. No; Mr. President, I think I can speak for the Senator from Indiana, and I will say that if the Senator from Iowa will offer the amendment as his we will accept it, so far as I have authority to represent anybody.

Mr. CUMMINS. It seems to me that if I had offered it in that form I would have found my friend from Indiana offering as an amendment the form of my original resolution, because there can not be any disrespect in this resolution; there can not be any challenge in it of the President of the United States, as such, that a lobby is here. The Senate asks him to give the committee the names of the lobbyists; that is all. What possible disrespect can there be to the President of the United States in such a plain, definite proposition?

Mr. REED. Will the Senator pardon me long enough to let me make a statement to him?

Mr. CUMMINS. Certainly.

Mr. REED. This is not only not an attempt to have a resolution passed by this side instead of one offered from the other side, but I say to the Senator now that if the amendment offered by the Senator from Indiana is defeated I shall vote for the Senator's resolution, offering to it the amendment I have submitted to the amendment. The Senator is in error about an idea or motive so small as that being back of this matter. It is not as generous as the Senator usually is to make such a suggestion.

Mr. CUMMINS. The Senator from Missouri seemed to feel that from this side of the Chamber there came a challenge to the President; that we were attempting in some way to question his good faith and to ask him to do this thing because we believed he could not do it. I believe he can do it——

Mr. REED. He will certainly do it, then.

Mr. CUMMINS. To a degree, and I want him to do it, and I am quite willing to insert the word "respectfully." Then the resolution will differ from the amendment offered by the Senator from Indiana only in this respect: We want the names of this lobby; I ask for them, and the Senator from Indiana does not. That constitutes the difference between the two forms. I am accustomed to deal candidly and openly, and when I want a thing I ask for it. If the Senate does not want the President of the United States to give the names of the men who are termed lobbyists, then, of course, we ought not to ask for their names. I want to know who they are, and I do not believe that anything but an overzealous imagination could read into this resolution anything other than the most complete respect and deference to the President of the United States.

Mr. BACON. Mr. President, I should like to call the attention of the Senator from Iowa to one feature. The Senator is a very alert and attentive Senator, and very few things have happened since he has been in this Chamber that have escaped his notice. I am quite sure that I can say with perfect confidence that since the Senator has been a Member of this body—and it has been much to the advantage of this body that he has been here—I am sure the Senator has never known of a resolution passing the Senate calling upon the President of the United States for any information, regardless of how certain the body may have been at the time it passed the resolution that the information was in the possession of the President, that that resolution did not contain the phrase "if, in his judgment, not incompatible with the public interest."

Mr. CUMMINS. I will correct that at once. The moment the Senator from Georgia reminds me of that, I know that language ought to be there, and it is a mere oversight that those words are not in the resolution.

Mr. BACON. Mr. President, I am glad to have that assurance from the Senator; but that is certainly one very important feature in this proposed amendment correcting what was not found in the original resolution—a proper regard to the courtesy which has always been considered as imperative in addressing any communication or any request to the President of the United States.

If that were all, of course the matter could stand in that way. But, Mr. President, what I desire particularly to take

issue with is the extreme vigor with which Senators attack this amendment as being one calculated in any manner to abridge the fullness and thoroughness of this investigation. What is the purpose of the investigation? The purpose is as disclosed in the first paragraph of the resolution, and I will remark, in passing, that if the purpose were such as the oversensitive apprehension of the Senator from Iowa would indicate, simply to take away from the Republican side of the Chamber the credit of having introduced the resolution, the amendment would not be confined to one clause of his resolution, but would substitute something for its entirety; and there is no pretense of that; there is no such purpose whatever.

On the contrary, the resolution will still remain the resolution of the Senator from Iowa, and the first half of it is left in identically the words which he himself proposed. The purpose of that, which is thus disclosed in the language of the Senator from Iowa himself, is to ascertain who are the parties who constitute the alleged lobby. That is the purpose of it, as declared in the first part of the resolution.

The question I want to submit to the Senator from Iowa and the Senator from New York is whether or not, in the proposed amendment, there is anything which will defeat that purpose or which will in any manner render the work of the committee less effective? Bearing in mind that that is the purpose—to ascertain the names of those who constitute this alleged lobby—what is the language of the amendment proposed by the Senator from Indiana? It is this:

The committee is further instructed to ascertain the character of any representations made by such persons to influence legislation, the names of Senators to whom they were made, the names of persons making them, and the circumstances under which they were made.

I ask the Senators to suggest to the Senate any information required, either as to the name of the person to be discovered, or the character of the representation, or the person to whom the representation was made which could not be obtained under this language. With the committee clothed with that power, what name of a person could be withheld as not being authorized under the resolution as thus amended, what representation could be withheld as not authorized to be investigated by the resolution, and the name of what Senator could be withheld?

Senators grow earnest and eloquent in the charge that the purpose is to contract and narrow the investigation. With the purpose, as disclosed, to ascertain those three things, I ask the Senator from New York or the Senator from Iowa to suggest one single fact that could exist in connection with this matter the ascertainment of which could not be made under the authority granted in that sentence—one single supposititious case. I pause for a reply.

Is there a supposititious case that the Senators themselves can suggest to-day which might exist and which the committee would not have the power to bring out under that language? I do not think either of the Senators can do it.

Mr. CUMMINS. Mr. President, I will try to do it.

Mr. BACON. I shall be very happy to have the Senator do it.

Mr. CUMMINS. The objection I have to the second paragraph, as it would be if the amendment of the Senator from Indiana [Mr. KERN] were adopted—the first paragraph of the amendment itself—is that it refers directly to the term used in the first paragraph, namely, "lobbyist"; and it would permit every Senator, or every other person, to put his own construction upon the act of influencing legislation and determine whether it was a lobbying act or otherwise. I want the resolution broad enough so that Senators will be called upon to disclose all the representations that have been made to them touching the tariff bill—I do not mean in detail, but I mean their character—and then the public and the Senate can determine whether those representations were of a lobbying character or were made in a lobbying way.

That is the difference between the amendment offered by the Senator from Indiana and my resolution; and therein not only would the range of investigation be narrowed but the opportunity of investigation would be greatly foreclosed.

Mr. BACON. If the amendment which I suggested to the Senator from Indiana had been adopted the pending amendment might be subject to the criticism now made by the Senator from Iowa. I proposed, myself, to strike out the word "persons" and insert "lobbyists." The Senator from Indiana objected to it; I withdrew the suggestion, and that word is not in it. It uses the word "persons." I can conceive, myself, of no possible information which it is sought to secure by means of this resolution which would not be secured under the language I have just read; and it goes on further to require all persons appearing before the committee to testify under oath.

Now as to the second proposition, whether this is sufficiently full in the call made upon the President:

It is further resolved, That the President is respectfully invited to aid the committee in its investigation—

What investigation? Why, the investigation as to whether or not any persons have attempted to influence this legislation. It is not an ambiguity by any means. The purposes of the invsetigation are set out in the first paragraph, as drawn by the Senator from Iowa himself. Those purposes thus alluded to in this clause of the amendment are designated specifically as those in which the President is asked to aid by giving his assistance to the committee. How?

By giving to it any information in his possession with reference to the subject matter of the investigation.

Mr. President, while that is couched in more courteous language, it is exactly the same in effect as if we asked for the specific information and requested that he give it, if in his judgment not incompatible with the public interests.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. I have been listening with a good deal of interest to the argument of the Senator from Georgia, and I should like to know why he prefers the amendment to the original resolution if the amendment does not change the original resolution. If it is the same thing, why change it? Why adopt the amendment rather than the resolution?

I have been listening with a great deal of attention; and I should like to know why the Senator prefers the amendment to the original resolution if there is no difference.

Mr. BACON. It is a question of taste, if the Senator pleases.

Mr. FALL. I thank the Senator for the information.

Mr. BACON. It is a question of taste. We think the language fully covers it, and that it is more respectful in every way, and intrusts the committee with this investigation in the more usual language, particularly the part of it which applies to the President of the United States.

I myself do not sympathize with any purpose to narrow the scope of the investigation. I do not think a man who comes here for the purpose of representing to a committee or to the Senate or to any Senator facts which relate to that which will affect his personal interests, or the interests of those with whom he is associated, has in any manner committed any impropriety. I do not understand Senators on the opposite side to make any suggestion of the kind; but I understand the purpose is to try to ascertain whether any improper or undue methods are being used for this purpose.

Before I take my seat I wish to say that we hear a great deal about the improvement in public and political morals and in political methods; and I want to express my very great gratification with the evidence which the Senators on the opposite side of the Chamber are to-day giving as to their increasing sensibility and sensitiveness upon the subject of improper influences being used in the procurement of legislation. Four years ago, when this Capitol literally swarmed with those who were interested in the tariff bill then under discussion, I recollect that day after day, for weeks, not one or two or dozens of men but streams of men were going from this Capitol building to the Senate Office Building, where the then majority members of the Finance Committee were holding their sessions, and from the office building returning to the Capitol Building. The charge was made on this side that such was the fact; that these influences were being brought to bear; and we had the highest evidence that such was the case through Senators rising in their places day after day and saying that this industry and that needed so much of protection, and that without it they could not live. With the charge thus made, we had no such extreme desire then on the part of Senators on the opposite side of the Chamber for an investigation as to the truth of that charge.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. Did the Senator from Georgia at that time, or did any Senator on that side, ask for an investigation by resolution or otherwise?

Mr. BACON. There was no investigation made, because we made the charge and it was never denied.

Mr. FALL. I understand that the President of the United States differs from the Senator from Georgia, as I understand the statement of the President to be that there never have been so many lobbyists as now.

Mr. BACON. Of course, the Senator understands that is a matter of computation.

Mr. FALL. That is another matter of taste, then.

Mr. BACON. I do not recollect what the language is, but I will say that if there are as many lobbyists now as there were

four years ago, this committee, when it begins its investigation, will have no trouble in finding them, because I know and every Senator who was here then knows that they were so much in evidence that a man had to shut his eyes not to be conscious of their presence. They were not only streaming between the Capitol Building and the Senate Office Building but they swarmed these corridors, and every man was here for the purpose of insisting that there should be this, that, and the other increase made in the pending tariff bill in order that he might have that much more of contribution from the general public for the purpose of maintaining his private business and promoting his personal prosperity.

The VICE PRESIDENT. The question is on the amendment of the Senator from Indiana [Mr. KERN] as modified by the amendment of the Senator from Missouri [Mr. REED].

Mr. REED. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Newlands	Smith, Md.
Bacon	Hollis	Norris	Smoot
Borah	Hughes	Oliver	Sterling
Bradley	James	Overman	Stone
Brandegee	Johnson, Me.	Penrose	Sutherland
Bristow	Johnston, Ala.	Pittman	Swanson
Bryan	Kenyon	Pomerene	Thomas
Burton	Kern	Ransdell	Thompson
Catron	La Follette	Reed	Thornton
Chamberlain	Lane	Robinson	Townsend
Clark, Ark.	Lewis	Root	Vardaman
Crawford	Lippitt	Shafroth	Walsh
Cummins	Lodge	Sheppard	Warren
Dillingham	McLean	Sherman	Weeks
Fall	Martin, Va.	Shively	Williams
Fletcher	Martine, N. J.	Simmons	
Gore	Myers	Smith, Ariz.	
Gronna	Nelson	Smith, Ga.	

Mr. DILLINGHAM. I wish to announce that my colleague [Mr. PAGE] is necessarily absent from the Senate to-day.

Mr. JOHNSTON of Alabama. My colleague [Mr. BANKHEAD] is absent by reason of sickness in his family.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. A quorum of the Senate is present. The question is upon the amendment offered by the Senator from Indiana [Mr. KERN] as modified by the amendment of the Senator from Missouri [Mr. REED].

Mr. CUMMINS. Mr. President, while I regard the amendment offered by the Senator from Missouri [Mr. REED] to the amendment offered by the Senator from Indiana [Mr. KERN] as introducing a subject entirely foreign to the resolution which I originally offered, nevertheless there is no reason why such an inquiry should not be made. I am so solicitous that no one shall vote for the amendment offered by the Senator from Indiana—which narrows and I think paralyzes to a great degree this inquiry—on account of the presence of the amendment offered by the Senator from Missouri, that I offer the same amendment to the resolution proposed by myself. It is the same amendment with these words added, which I think will follow the inquiry to its end. Where the amendment of the Senator from Missouri says:

> Whether any Senator represents or is connected, directly or indirectly, with any person, firm, association, or organization engaged in the manufacture, production, or sale of any of said articles—

I add:

> and whether any such Senator has sought to influence any other Senator as to the duties upon any such article.

Mr. REED. Is that where the Senator's amendment ends? Did the Senator read his entire amendment?

Mr. CUMMINS. No; I read simply the addition which I have made to the amendment offered by the Senator from Missouri.

Mr. REED. Is the amendment the same as the one I offered, with those words added?

Mr. CUMMINS. I will ask the Secretary to read it at length.

The VICE PRESIDENT. The Senator from Iowa offers to modify the resolution by adding language which will be read by the Secretary.

Mr. CUMMINS. I desire to offer it to come in immediately after line 11.

Mr. BACON. The Senator has a right to modify it without offering it. He has a right to modify his own resolution.

Mr. CUMMINS. I assume I have that right, but I want the Senate to understand just what it is, and therefore I ask the Secretary to read it. It will be added after line 11 on page 2.

Mr. NORRIS. Let me call the Senator's attention to the fact that, on line 11, page 2, the amendment which I offered has already been offered. So it ought to follow that.

Mr. CUMMINS. That is true. Let it follow the amendment offered by the Senator from Nebraska.

The VICE PRESIDENT. The modification will be stated.

The SECRETARY. The Senator from Iowa modifies his resolution as follows:

> Following the modification of the Senator from Nebraska [Mr. NORRIS], accepted by him, add:
> "The committee shall further inquire and report:
> "1. Whether any Senator is financially interested in the production, manufacture, or sale of any article or articles mentioned in said tariff bill; and if so, to what extent.
> "2. Whether any Senator represents or is connected, directly or indirectly, with any person, firm, or association or organization engaged in the manufacture, production, or sale of any of said articles, and whether any such Senator has sought to influence any other Senator as to the duties upon any such articles."

Mr. LIPPITT. Before that modification is adopted, I should like to propose an amendment to it. In the first part, where it says the committee shall further inquire and report whether any Senator is financially interested in the production, and so forth, I should like to add the words "or professionally," so that the inquiry will read "shall inquire and report whether any Senator is financially or professionally interested," and so forth.

Further on, where it says "in the manufacture or sale of any article or articles mentioned in said tariff bill," I should like to insert the words "or in any other legislation now pending or that has been considered during his term as a Senator."

In the second paragraph, where it says, "whether any Senator represents or is connected, directly or indirectly, with any person, firm," and so forth, after the word "connected" and before the words "directly or indirectly," I should like to insert the words "professionally or otherwise," so that it will read "whether any Senator represents or is connected, professionally or otherwise, directly or indirectly," and so forth.

Mr. REED. Does the Senator offer that to the amendment which I offered to the resolution? If so, I accept it.

Mr. LIPPITT. I hoped the Senator would.

Mr. CUMMINS. While I believe that we will lose some of the strength of the inquiry, which I had hoped would be made with earnestness, nevertheless I accept the amendment proposed by the Senator from Rhode Island.

Mr. FALL. I should like to ask the Senator if he would not also accept an amendment to inquire whether any Member of this body is in any way directly or indirectly interested in the welfare of any business interest in the United States?

Mr. THOMAS. Or abroad.

Mr. FALL. Or abroad.

The VICE PRESIDENT. The question is on the amendment of the Senator from Indiana [Mr. KERN] as modified.

Mr. LA FOLLETTE. Mr. President, I can not vote for the amendment offered by the Senator from Indiana because I believe that it is a limitation upon the proposed investigation. The amendment proposes to strike out all after line 11, on page 1. That which precedes it, and which it is important to consider in connection with it, I want to read to the Senate:

> The committee is instructed to report within 10 days the names of all lobbyists attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends; and in giving the name of the lobbyist to give the particular bill upon which he is working, and if it be the tariff bill the item he is seeking to change.

Now comes the proposed amendment of the Senator from Indiana:

> The committee is further instructed to ascertain the character of any representations made by such persons.

By whom?

By lobbyists. The Senate has been at some pains this afternoon to have incorporated in the RECORD of this day's debate the definition of the various lexicographers upon this term, and quite an elaborate argument was made by the Senator from Georgia for the limitation of the investigation to lobbyists.

Mr. President, the country has not forgotten, if the Senate has, that one of the worst scandals which ever touched this body grew out of a tariff bill where the corrupt influence that was used, or attempted to be used, was not by a lobbyist but by the head of a great trust, the owner of a great business. Surely, sir, the owners or part owners of the great protected interests should be brought within the scope of this investigation——

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. I do.

Mr. KERN. Would the substitution of the words "or any person or persons" meet the objection of the Senator?

Mr. LA FOLLETTE. I have no doubt, Mr. President, that the amendment proposed by the Senator from Indiana could be so altered in its terms that it would be as broad as the resolution proposed by the Senator from Iowa. But why not accept the original amendment? As perfected by the Senator who in-

troduced it it is far-reaching and is now couched in even more respectful language in the paragraph addressed to the President than is the amendment proposed by the Senator from Indiana.

Mr. President, I do not believe that there ought to be any partisan lines drawn on this resolution. The communication which the President issued has been so construed by the press and the country as to call for prompt action by the Senate. The public is quick to suspect these protected interests. I have no criticism to make of the President, for whom I have the greatest respect. He must have had a basis for his statement. I believe that the Senate should insist upon the fullest, most searching, and thoroughgoing investigation which can be provided.

Mr. KERN. Mr. President, I ask leave to modify my amendment. After the words "such persons," in the third line of the amendment, add the further words "or any person or persons," so as to read "such persons or any person or persons."

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Indiana as modified.

Mr. CUMMINS. Upon that I ask for the yeas and nays.

Mr. LIPPITT. I hope it will be read, so that we can understand what it is; there has been so much modification to it.

Mr. STONE. I desire to say that I have been absent from the Senate during almost the entire session on committee work. I have just come in. I should like very much to have the question stated by the Secretary, so that I will know what I am to vote upon.

The VICE PRESIDENT. The Secretary will state the question.

The SECRETARY. Strike out all of the resolution after line 11, page 1, and in lieu of the words stricken out insert——

Mr. BRISTOW. Let me ask that the original resolution as modified be read and then the amendment, so that we may have both.

The VICE PRESIDENT. The Secretary will read in compliance with the request of the Senator from Kansas.

The SECRETARY. The original resolution as modified reads as follows:

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee appointed by that committee, be, and is hereby, authorized and instructed to investigate the charge that a lobby is being maintained at Washington or elsewhere to influence proposed legislation now pending before the Senate. The committee is instructed to report within 10 days the names of all lobbyists attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends; and in giving the name of the lobbyist to give the particular bill upon which he is working, and if it be the tariff bill the item he is seeking to change.

The committee is further instructed to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session concerning pending legislation, and especially concerning the tariff bill, and the inquiry shall include the character of the representation and the circumstances under which it was made in order to ascertain whether it was a proper or improper attempt to influence legislation.

Resolved further, That the President be, and he is hereby, respectfully requested, if, in his judgment, the same is not incompatible with the public interest, to furnish said committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th day of May and any other information about them and their efforts to bring about changes in legislation now before the Senate which will promote the general welfare.

The committee is further instructed to investigate the charges made by the President in said statement in reference to the use of money to sustain said lobby and in reference to the publication of newspaper advertisements intended to mislead public men and public opinion, and the committee is instructed to ask the President for all the information in his possession bearing on the charges contained in said statement so made by him.

The committee shall further inquire and report: (1) Whether any Senator is financially or professionally interested in the production, manufacture, or sale of any article or articles mentioned in said tariff bill, or in any other legislation now pending or that has been considered during his term as a Senator, and if so, to what extent. (2) Whether any Senator represents or is connected, professionally or otherwise, directly or indirectly, with any person, firm, association, or organization engaged in the manufacture, production, or sale of any of said articles, and whether any such Senator has sought to influence any other Senator as to the duties upon any such articles.

The committee is authorized to administer oaths, subpœna witnesses, and to send for persons and papers in the prosecution of said investigation.

The amendment of the Senator from Indiana [Mr. KERN] proposes to strike out all of the resolution after line 11, on page 1, and in lieu of the words stricken out to insert the following words:

The committee is further instructed to ascertain the character of any representations made by such persons or any person or persons to influence legislation, the names of Senators to whom they were made, the names of persons making them, and the circumstances under which they were made. All persons appearing before the committee are required to testify under oath.

The committee shall further inquire and report: (1) Whether any Senator is financially interested in the production, manufacture, or sale of any article or articles mentioned in said tariff bill, and, if so, to what extent. (2) Whether any Senator represents, or is connected, directly or indirectly, with any person, firm, association, or organization engaged in the manufacture, production, or sale of any of said articles.

It is further resolved, That the President is respectfully invited to aid the committee in its investigation by giving to it any information in his possession with respect to the subject matter of the investigation which he considers it proper to make public.

The committee is authorized to administer oaths, subpœna witnesses, and send for persons and papers in the prosecution of the said investigation.

Mr. BRISTOW. Mr. President, it seems that the amendments offered by the Senator from Rhode Island [Mr. LIPPITT] are not incorporated in the amendment as perfected of the Senator from Indiana.

Mr. KERN. That was the amendment of the Senator from Missouri [Mr. REED], I will say.

Mr. BRISTOW. They are accepted, of course, as a part of the resolution. I understand from the reading that the original resolution offered by the Senator from Iowa requires every Senator to state who has appeared before him in behalf of legislation, the names and the subjects that were discussed by them, so that the Senate may judge whether or not the influence was proper or improper, and it requires the President to give the names of the lobbyists referred to, if not incompatible with the public interest; but the amendment offered by the Senator from Indiana does not require every Senator to state who appeared before him and what he talked about, and does not require the President to give the names of the lobbyists who are swarming the Capitol.

Mr. KERN. The amendment gives to the Judiciary Committee full, complete, and plenary power to make a full and complete investigation of all charges of this kind, and I think we have a Judiciary Committee that can be trusted.

Mr. REED. Mr. President, in the reading of the amendment offered by the Senator from Indiana the amendment to the amendment offered by the Senator from Rhode Island [Mr. LIPPITT], and which was accepted, is not included. It should be included.

The VICE PRESIDENT. The Secretary is now incorporating it.

Mr. REED. The Secretary got it, I think, in the wrong resolution. It was accepted upon this side, but I did not understand that it was accepted on the other. If it was, then it ought to be incorporated in both.

The VICE PRESIDENT. It is now incorporated in both.

Mr. CUMMINS. The Secretary hears well. It was accepted on this side. He did not hear its acceptance upon the other side, although I did.

The VICE PRESIDENT. The question is now on the amendment of the Senator from Indiana.

Mr. CUMMINS. On that I ask for the yeas and nays.

Mr. LIPPITT. Before that demand is put, I should like to know whether it is understood that the amendment which I offered to the amendment of the Senator from Missouri, and which was accepted by him, is a part of the original resolution and is a part of the amendment as now proposed by the Senator from Indiana.

The VICE PRESIDENT. It is in both. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Indiana [Mr. KERN] as modified.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired for the remainder of this afternoon with the junior Senator from South Carolina [Mr. SMITH]. If I were at liberty to vote, I would vote "nay."

Mr. GALLINGER (when Mr. BURLEIGH's name was called). I am requested to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Tennessee [Mr. LEA].

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. If I were privileged to vote, I should vote "nay," but I refrain from voting because of my pair.

Mr. GOFF (when his name was called). I am paired with the Senator from Alabama [Mr. BANKHEAD]. If he were present, I should vote "nay."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN of Virginia] is paired with the Senator from Washington [Mr. JONES]. If my colleague were present, he would vote "yea."

Mr. DILLINGHAM (when Mr. PAGE's name was called). My colleague [Mr. PAGE] is unavoidably detained from the Senate to-day, but he is paired upon this question and upon all other questions with the junior Senator from Tennessee [Mr. SHIELDS]. Were my colleague present, he would vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from North Dakota

[Mr. McCUMBER]. I transfer that pair to the junior Senator from Colorado [Mr. SHAFROTH] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is necessarily absent on business. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. REED (after having voted in the affirmative). I voted inadvertently, not noticing the absence of my pair, but I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Oklahoma [Mr. OWEN], and will allow my vote to stand.

Mr. KERN (when the name of Mr. SMITH of South Carolina was called). I am requested to state that the Senator from South Carolina [Mr. SMITH] is necessarily detained from the Senate on account of sickness in his family.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "yea." Under the circumstances, I withhold my vote.

The roll call was concluded.

Mr. WEEKS. I have been requested to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired on this question with the senior Senator from Tennessee [Mr. LEA]. If he were present, the Senator from Maine would vote "nay."

Mr. GALLINGER. I have announced my general pair with the junior Senator from New York [Mr. O'GORMAN], but I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote. I vote "nay."

I have been requested to announce that the Senator from Rhode Island [Mr. COLT] is paired with the junior Senator from Delaware [Mr. SAULSBURY]; that the senior Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON]; that the Senator from Maryland [Mr. JACKSON] is paired with the Senator from West Virginia [Mr. CHILTON]; and that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Arkansas [Mr. CLARKE].

Mr. OVERMAN. I have a general pair with the senior Senator from California [Mr. PERKINS]. He is absent, but he authorized me to vote on this resolution.

Mr. THOMAS. I wish to announce that my colleague [Mr. SHAFROTH] was obliged to leave the city a few moments ago. If he were present, he would vote "yea."

Mr. SHEPPARD. My colleague the senior Senator from Texas [Mr. CULBERSON] is necessarily absent. If he were present, he would vote "yea." As has been already stated, he is paired with the Senator from Delaware [Mr. DU PONT].

Mr. LEWIS. I am requested by the Senator from West Virginia [Mr. CHILTON] to explain that he was called away by necessary business. If present, he would vote "yea."

Mr. CLARKE of Arkansas. As has already been stated, I am paired with the Senator from Utah [Mr. SUTHERLAND]. If he were present, I should vote "yea."

Mr. TOWNSEND. The senior Senator from Washington [Mr. JONES] has been called from the Senate on important business.

Mr. BRANDEGEE. I have previously announced my pair with the junior Senator from South Carolina [Mr. SMITH], but I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. JOHNSTON of Alabama. I wish to announce that my colleague [Mr. BANKHEAD] is necessarily absent because of sickness in his family. I ask that this announcement stand for the day.

The result was announced—yeas 38, nays 28, as follows:

YEAS—38.

Ashurst	Johnson, Me.	Pomerene	Swanson
Bacon	Johnston, Ala.	Ransdell	Thomas
Bryan	Kern	Reed	Thompson
Chamberlain	Lane	Robinson	Thornton
Fletcher	Lewis	Sheppard	Tillman
Gore	Martine, N. J.	Shively	Vardaman
Hitchcock	Myers	Simmons	Walsh
Hollis	Newlands	Smith, Ariz.	Williams
Hughes	Overman	Smith, Ga.	
James	Pittman	Smith, Md.	

NAYS—28.

Borah	Cummins	Lippitt	Root
Bradley	Dillingham	Lodge	Sherman
Brandegee	Fall	McLean	Smoot
Bristow	Gallinger	Nelson	Sterling
Burton	Gronna	Norris	Townsend
Catron	Kenyon	Oliver	Warren
Crawford	La Follette	Penrose	Weeks

NOT VOTING—30.

Bankhead	Culberson	O'Gorman	Smith, Mich.
Brady	du Pont	Owen	Smith, S. C.
Burleigh	Goff	Page	Stephenson
Chilton	Jackson	Perkins	Stone
Clapp	Jones	Poindexter	Sutherland
Clark, Wyo.	Lea	Saulsbury	Works
Clarke, Ark.	McCumber	Shafroth	
Colt	Martin, Va.	Shields	

So Mr. KERN's amendment to the resolution was agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the resolution as amended.

Mr. FALL. Mr. President, before that question is put I would suggest to the author of this new resolution that possibly the Judiciary Committee had better be admonished to investigate itself and its own membership, as they will not have authority to do so under the resolution, as I understand it.

Mr. PENROSE. Mr. President, I hope there will be no investigation of any Senator who shrinks from the investigation or who modestly wants to retire from the situation. [Laughter.]

Mr. FALL. Of course, in that view, I will withdraw the suggestion.

Mr. PENROSE. There seems to be a considerable backwardness on the part of Senators, according to what has happened, and I sincerely hope that the sensibilities of no Senator will be hurt during the conduct of this investigation.

Mr. LEWIS. Mr. President, with the permission of the distinguished Senator from Pennsylvania, I will say that, so far as he is concerned, there is no apparent shrinking.

Mr. PENROSE. No; I have announced to the Senate that I shall be early and voluntarily before the committee with a full list of my callers.

The resolution of the Senator from Iowa having been completely emasculated, so that response to it is now entirely voluntary, those Senators who are guileless and innocent as to what a lobbyist is—and some of them have already been taken in during the short period of the special session—are at perfect liberty to withdraw from the scene of action. [Laughter.]

Mr. STONE. Fortunately, Mr. President, very few of us have to offer apologies or explanations in advance. [Laughter.]

Mr. SMOOT. I move to strike out the word "ten," in line 6, and to insert "twenty," so that it will read "report within 20 days." The resolution has been added to, and it seems to me that it would be impossible to conclude the proposed inquiry in 10 days.

Mr. WILLIAMS. Mr. President, I hope that amendment will not be adopted. If you allow the time to remain at 10 days, it will hasten the work of the committee, and in the meanwhile if the committee find that they can not complete the investigation in 10 days they can come in and get further time; but giving a longer time will be merely an encouragement to the committee to go slow instead of going to work right away.

Mr. SMOOT. I will withdraw the amendment if any Senator thinks the work can be done within 10 days.

Mr. WILLIAMS. If we find that it can not be finished within the time specified, we will join with you in extending the time.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee appointed by that committee, be, and is hereby, authorized and instructed to investigate the charge that a lobby is being maintained at Washington, or elsewhere, to influence proposed legislation now pending before the Senate. The committee is instructed to report within 10 days the names of all lobbyists attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends; and in giving the name of the lobbyist to give the particular bill upon which he is working, and if it be the tariff bill the item he is seeking to change.

The committee is further instructed to ascertain the character of any representations made by such persons or any person or persons to influence legislation, the names of Senators to whom they were made, the names of persons making them, and the circumstances under which they were made. All persons appearing before the committee are required to testify under oath.

The committee shall further inquire and report: (1) Whether any Senator is financially or professionally interested in the production, manufacture, or sale of any article or articles mentioned in said tariff bill, and if so, to what extent, or in any other legislation now pending or that has been considered during his term as a Senator. (2) Whether any Senator represents or is connected, professionally or otherwise, directly or indirectly, with any person, firm, association, or organization engaged in the manufacture, production, or sale of any of said articles.

It is further resolved, That the President is respectfully invited to aid the committee in its investigation by giving to it any information in his possession with respect to the subject matter of the investigation which he considers it proper to make public.

The committee is authorized to administer oaths, subpœna witnesses, and send for persons and papers in the prosecution of the said investigation.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn until Monday next at 2 o'clock p. m.

The motion was agreed to.

ADDITIONAL CLERKS TO SENATORS.

Mr. BACON. I move that the Senate——

Mr. SMOOT. I hope the Senator will withhold his motion for a moment.

Mr. BACON. I will withhold it.

Mr. SMOOT. I have given notice at several of the sessions of the Senate that I would call up, immediately after the dis-

position of morning business, Senate resolution No. 19, but the business of the Senate has been such that I have been unable to do so. I now give notice that on Monday next, immediately after the conclusion of the morning business, I shall call up resolution No. 19 and move that it be then considered.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive business the doors were reopened.

DEATH OF REPRESENTATIVE FORREST GOODWIN, OF MAINE.

A message from the House of Representatives, by Joseph Sinnott, Doorkeeper of the House, communicated to the Senate the intelligence of the death of Hon. FORREST GOODWIN, late a Representative from the State of Maine, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. MCGILLICUDDY, Mr. LOBECK, Mr. FERRIS, Mr. HILL, Mr. CRISP, Mr. DONOVAN, Mr. RAKER, Mr. GUERNSEY, Mr. HINDS, Mr. LANGLEY, Mr. STEVENS of Minnesota, Mr. MORGAN of Oklahoma, Mr. GREENE of Vermont, and Mr. DYER as the committee on the part of the House to attend the funeral of the deceased.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
May 29, 1913.

Resolved, That the House has heard with profound sorrow of the death of Hon. FORREST GOODWIN, a Representative from the State of Maine.

Resolved, That a committee of 14 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. JOHNSON of Maine. I offer the resolutions which I send to the desk, and ask unanimous consent for their present consideration.

The resolutions (S. Res. 98) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. FORREST GOODWIN, late a Representative from the State of Maine.

Resolved, That a committee of five Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. GOODWIN at Skowhegan, Me.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

The VICE PRESIDENT appointed under the second resolution Mr. JOHNSON of Maine, Mr. GALLINGER, Mr. HOLLIS, Mr. CRAWFORD, and Mr. DILLINGHAM as the committee on the part of the Senate.

Mr. JOHNSON of Maine. I move, as a further mark of respect to the memory of the deceased, that the Senate adjourn.

The motion was unanimously agreed to; and (at 7 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, June 2, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 29, 1913.

FIRST ASSISTANT SECRETARY OF THE INTERIOR.

Andrieus A. Jones, of Las Vegas, N. Mex., to be First Assistant Secretary of the Interior, vice Samuel Adams, resigned.

COMMISSIONER OF THE GENERAL LAND OFFICE.

Clay Tallman, of Nevada, to be Commissioner of the General Land Office, vice Fred Dennett, resigned.

ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE.

Charles M. Bruce, of Virginia, to be Assistant Commissioner of the General Land Office, vice Samuel V. Proudfit.

CONSUL GENERAL.

Evan E. Young, of South Dakota, now a foreign trade adviser in the Department of State, to be consul general of the United States of America at Halifax, Nova Scotia, Canada, vice James W. Ragsdale, resigned.

CONSUL.

William H. Robertson, of Virginia, now consul general at Callao, Peru, to be consul of the United States of America at Manchester, England, vice Church Howe, resigned.

COLLECTOR OF CUSTOMS.

Joseph B. Russell, of Massachusetts, to be collector of customs for the district of Boston and Charlestown, in the State of Massachusetts, in place of Edwin U. Curtis, resigned.

NAVAL OFFICER OF CUSTOMS.

William M. Croll, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania, in place of Walter T. Merrick, resigned.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Fletcher Webster Brown to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Henry Montgomery Carr to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Henry Coyle to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Robert Donohue to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet James Alexander Frost, jr., to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Frank Joseph Gorman to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Loyd Vineyard Kielhorn to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Gordon Whiting MacLane to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Earl Griffith Rose to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Edward Hanson Smith to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Elmer Fowler Stone to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet Carl Christian von Paulsen to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

Cadet John Elliot Whitbeck to be third lieutenant in the Revenue-Cutter Service of the United States, to take effect from date of oath, to fill an original vacancy.

JUDGE OF THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

J. Wilmer Latimer, of the District of Columbia, to be judge of the Juvenile Court of the District of Columbia, vice William H. De Lacy, whose term has expired.

COMMISSIONER OF INDIAN AFFAIRS.

Cato Sells, of Cleburne, Tex., to be Commissioner of Indian Affairs, vice Robert G. Valentine, resigned.

SOLICITOR FOR THE DEPARTMENT OF LABOR.

John B. Densmore, of Montana, to be Solicitor of the Department of Justice for the Department of Labor, as provided for by the act approved March 4, 1913, entitled "An act to create a Department of Labor."

UNITED STATES ATTORNEY.

Fred Robertson, of Kansas, to be United States attorney for the district of Kansas, vice Harry J. Bone, whose term has expired.

SURVEYOR GENERAL OF WASHINGTON.

Edward A. FitzHenry, of Port Angeles, Wash., to be surveyor general of Washington, vice Edward P. Kingsbury, resigned and term expired.

REGISTER OF THE LAND OFFICE.

Ralph R. Reed, of Buffalo, Wyo., to be register of the land office at Buffalo, vice William F. Brittain, resigned.

POSTMASTERS.

ALABAMA.

J. A. Cluck to be postmaster at Bridgeport, Ala., in place of J. Percy Freeman, resigned.

H. H. Farrar to be postmaster at Bloeton, Ala., in place of Newton L. Wilson. Incumbent's commission expired December 16, 1912.

J. A. Huggins to be postmaster at Oakman, Ala., in place of Alice A. Sartain, deceased.

Welborn V. Jones to be postmaster at Auburn, Ala., in place of Felix T. Hudson. Incumbent's commission expired June 29, 1910.

Henry C. Oswalt to be postmaster at Fairhope, Ala. Office became presidential October 1, 1911.

James H. Shepherd to be postmaster at Cordova, Ala., in place of Henry L. Jones, resigned.

ARKANSAS.

C. A. Berry to be postmaster at Huttig, Ark., in place of James U. Brown, removed.

A. W. Cammack to be postmaster at Portland, Ark., in place of J. E. Herren, deceased.

J. F. Gillespie to be postmaster at Carlisle, Ark., in place of B. D. Muzzy. Incumbent's commission expired May 18, 1913.

D. B. Thompson to be postmaster at Hope, Ark., in place of J. E. Woodson. Incumbent's commission expired December 17, 1912.

CALIFORNIA.

G. E. Arnold to be postmaster at Loyalton, Cal., in place of William S. Collins. Incumbent's commission expired January 20, 1913.

R. J. Bagby to be postmaster at Visalia, Cal., in place of Elbert S. Lamberson, removed.

Otto Haese to be postmaster at Mojave, Cal., in place of Cyrus F. Demsey, deceased.

Earle Hughes to be postmaster at Fresno, Cal., in place of John W. Short, removed.

Flora S. Knauer to be postmaster at Reedley, Cal., in place of Flora S. Knauer. Incumbent's commission expired January 28, 1913.

W. A. Lucas to be postmaster at Cucamonga, Cal. Office became presidential January 1, 1913.

Charles S. Martin to be postmaster at Sawtelle, Cal., in place of Walter Mundell, deceased.

J. M. Qualls to be postmaster at Sanger, Cal., in place of George P. Manley. Incumbent's commission expired February 9, 1913.

COLORADO.

F. T. Donovan to be postmaster at Longmont, Colo., in place of Ira L. Herron. Incumbent's commission expired January 22, 1913.

H. E. Maxville to be postmaster at Paonia, Colo., in place of John A. Bunker, deceased.

E. F. Street to be postmaster at Englewood, Colo., in place of Mary E. Williams, resigned.

CONNECTICUT.

William I. Austin to be postmaster at Noroton Heights, Conn., in place of Jerome S. Gainer. Incumbent's commission expired January 11, 1913.

Thomas McGrath to be postmaster at Washington, Conn., in place of Frederick W. Wersebe. Incumbent's commission expired May 18, 1913.

Allen W. Rathbun to be postmaster at Noank, Conn., in place of George E. Andrews. Incumbent's commission expired February 9, 1913.

DELAWARE.

John P. Murphy to be postmaster at New Castle, Del., in place of George W. Vantine. Incumbent's commission expired May 27, 1912.

William H. Robinson to be postmaster at Milford, Del., in place of Frank W. Davis. Incumbent's commission expired January 9, 1912.

FLORIDA.

Florida E. Gay to be postmaster at Lynn Haven, Fla. Office became presidential January 1, 1913.

J. N. Willis to be postmaster at Williston, Fla. Office became presidential January 1, 1913.

GEORGIA.

W. H. Beddingfield to be postmaster at Unadilla, Ga., in place of Adam J. Branan, removed.

R. H. Dunlap to be postmaster at Chipley, Ga., in place of Howard A. Poer, resigned.

Ralph E. McKnight to be postmaster at Senoia, Ga., in place of Hugh B. Sasser. Incumbent's commission expired May 18, 1913.

Carrie B. Padgett to be postmaster at Glennville, Ga., in place of Arthur H. Prince, resigned.

L. J. Pritchard to be postmaster at Tennille, Ga., in place of Isaac A. Smith. Incumbent's commission expired May 18, 1913.

Robert L. Stephenson to be postmaster at Royston, Ga., in place of Gordon C. Ridgway. Incumbent's commission expired February 27, 1912.

IDAHO.

Franklin A. Miller to be postmaster at St. Anthony, Idaho, in place of Charles C. Moore, resigned.

ILLINOIS.

E. F. Bieser to be postmaster at Nashville, Ill., in place of Samuel A. Muller, deceased.

John D. Brady to be postmaster at Buda, Ill., in place of G. B. Bushee. Incumbent's commission expired April 23, 1913.

E. E. Burton to be postmaster at Newton, Ill., in place of James P. Jack. Incumbent's commission expires June 9, 1913.

John C. Crawford to be postmaster at Jonesboro, Ill., in place of Philip H. Baker. Incumbent's commission expired January 11, 1913.

Thomas J. Cunningham to be postmaster at Taylorville, Ill., in place of William D. Hardy. Incumbent's commission expired March 25, 1913.

William B. Davis to be postmaster at Mount Sterling, Ill., in place of John F. Regan. Incumbent's commission expired April 15, 1913.

Daniel Du Russell to be postmaster at Trenton, Ill., in place of Benjamin F. Louden. Incumbent's commission expired January 11, 1913.

William Foran to be postmaster at Sorento, Ill., in place of Oliver M. Edwards, resigned.

Henry Gilbert to be postmaster at Ashley, Ill., in place of Joel P. Watson. Incumbent's commission expired January 14, 1913.

E. P. Kimball to be postmaster at Virden, Ill., in place of Henry Noll. Incumbent's commission expired January 11, 1913.

C. M. Lewis to be postmaster at Bridgeport, Ill., in place of Clark M. Piper. Incumbent's commission expired April 23, 1913.

W. F. Lutyen to be postmaster at Flanagan, Ill., in place of Herman F. Mette. Incumbent's commission expired February 20, 1913.

W. J. McKenna to be postmaster at Melvin, Ill. Office became presidential January 1, 1913.

William McNeill to be postmaster at Prophetstown, Ill., in place of Edgar Rodee. Incumbent's commission expired December 14, 1912.

John R. McWhorter to be postmaster at North Crystal Lake, Ill., in place of Albert S. Corl. Incumbent's commission expired December 14, 1912.

A. E. Martin to be postmaster at Benton, Ill., in place of Harry L. Frier, resigned.

J. W. Payne to be postmaster at Lamoille, Ill., in place of Alice M. Clement. Incumbent's commission expired May 18, 1913.

Robert L. Rich to be postmaster at Cobden, Ill., in place of Henry P. Miller. Incumbent's commission expired December 14, 1912.

Henry S. Rolwing to be postmaster at Thebes, Ill., in place of Holly C. Marchildon. Incumbent's commission expired February 9, 1913.

T. N. Sutton to be postmaster at Mason City, Ill., in place of Claude L. Stone. Incumbent's commission expired April 19, 1913.

Charles H. Ware to be postmaster at Barry, Ill., in place of Charles H. Hurt. Incumbent's commission expired January 26, 1913.

Lewis A. Westbrook to be postmaster at Creal Springs, Ill., in place of Robert J. Morray. Incumbent's commission expired December 14, 1912.

INDIANA.

Charles A. Daniels to be postmaster at Akron, Ind., in place of Charles F. Hoover. Incumbent's commission expired January 13, 1913.

James P. Hawkins to be postmaster at Shoals, Ind., in place of Addison M. Catterson, resigned.

Geston P. Hunt to be postmaster at Rushville, Ind., in place of Charles A. Frazee. Incumbent's commission expired January 12, 1913.

Eddy Mason to be postmaster at Hagerstown, Ind., in place of Knode D. Porter. Incumbent's commission expired January 13, 1913.

Quincy A. Wright to be postmaster at Fortville, Ind., in place of John C. Jenkins. Incumbent's commission expired March 3, 1913.

Daniel C. Zehner to be postmaster at Windfall, Ind., in place of William E. Sholty. Incumbent's commission expired January 13, 1913.

IOWA.

David D. Darby to be postmaster at Hamburg, Iowa, in place of W. R. Harris, resigned.

Jacob S. Forgrave to be postmaster at Farmington, Iowa, in place of J. C. Schee, removed.

Harry C. Fox to be postmaster at Monona, Iowa, in place of George H. Otis. Incumbent's commission expired January 28, 1913.

Edward F. Glau to be postmaster at Charter Oak, Iowa, in place of Isaiah A. Mains, resigned.

Charles W. Harris to be postmaster at Coin, Iowa, in place of Thomas R. Shaw. Incumbent's commission expired February 20, 1913.

J. J. Herbster to be postmaster at Milford, Iowa, in place of E. E. Heldridge. Incumbent's commission expired February 9, 1913.

Bradley B. Hopkins to be postmaster at Forest City, Iowa, in place of Eugene Secor. Incumbent's commission expired December 9, 1911.

Le Roy H. Lyon to be postmaster at Colfax, Iowa, in place of William W. Hawk. Incumbent's commission expired February 26, 1912.

Charles W. McCarty to be postmaster at Ottumwa, Iowa, in place of Frank A. Nimocks. Incumbent's commission expired January 26, 1913.

William F. McCarty to be postmaster at Clarence, Iowa, in place of Charles Smith. Incumbent's commission expired December 14, 1912.

Thomas R. McKaig to be postmaster at Corwith, Iowa, in place of S. L. Thompson. Incumbent's commission expired March 25, 1912.

Sam T. Manatt, jr., to be postmaster at Kalona, Iowa, in place of Alfonzo Z. Rawson. Incumbent's commission expired May 26, 1912.

Stephen C. Maynard to be postmaster at Grand Junction, Iowa, in place of Stephen C. Maynard. Incumbent's commission expired December 13, 1909.

Jacob Meyer to be postmaster at Calmar, Iowa, in place of Hans Evenson. Incumbent's commission expired December 14, 1912.

Charles N. Nelson to be postmaster at Bedford, Iowa, in place of James P. Flick. Incumbent's commission expired April 20, 1913.

George A. Pruitt to be postmaster at Blanchard, Iowa, in place of James N. Hutcheson. Incumbent's commission expired February 9, 1913.

Robert M. Reid to be postmaster at Lake City, Iowa, in place of J. W. Colvig. Incumbent's commission expired April 8, 1913.

R. C. Spencer to be postmaster at Audubon, Iowa, in place of Harper W. Wilson. Incumbent's commission expired January 11, 1913.

Charles H. Woodard to be postmaster at Gowrie, Iowa, in place of J. E. T. Johnson. Incumbent's commission expired December 14, 1912.

KANSAS.

J. W. Achelpohl to be postmaster at Argonia, Kans., in place of Esther G. Colin. Incumbent's commission expired January 28, 1913.

Frank J. Castle, sr., to be postmaster at Norcatur, Kans., in place of Joshua M. Roney, resigned.

C. A. Hopper to be postmaster at Pratt, Kans., in place of John K. Cochran, deceased.

L. F. Niece to be postmaster at Natoma, Kans., in place of Carl C. Hunt, removed.

J. H. Slanbery to be postmaster at Attica, Kans., in place of J. H. Stanberry, to correct name.

P. D. Spellman to be postmaster at Plainville, Kans., in place of George W. Benedick, resigned.

KENTUCKY.

John Baker to be postmaster at Hazard, Ky. Office became presidential October 1, 1912.

A. K. Bowles, jr., to be postmaster at Jenkins, Ky. Office became presidential January 1, 1913.

John J. Hagan to be postmaster at Corbin, Ky., in place of Isaac N. Bryant. Incumbent's commission expired February 20, 1913.

LOUISIANA.

Ulysses J. Barrios to be postmaster at Lockport, La., in place of Edgar A. Barrios. Incumbent's commission expired January 20, 1913.

Hattie M. Cooke to be postmaster at Washington, La., in place of Jacob Plonsky. Incumbent's commission expired February 18, 1913.

Tina Collins to be postmaster at Bastrop, La., in place of John Dominique. Incumbent's commission expired January 20, 1913.

Gaston Gonsoulin to be postmaster at Patterson, La., in place of Theodore W. Schmidt. Incumbent's commission expired January 20, 1913.

B. H. Miller to be postmaster at Clarks, La. Office became presidential April 1, 1913.

William C. Stewart to be postmaster at Longville, La. Office became presidential April 1, 1913.

MAINE.

William R. Frost to be postmaster at Gardiner, Me., in place of George D. Libby. Incumbent's commission expired December 16, 1912.

MASSACHUSETTS.

George P. Cooke to be postmaster at Milford, Mass., in place of George G. Cook, resigned.

Jesse W. Crowell to be postmaster at South Yarmouth, Mass., in place of Jesse W. Crowell. Incumbent's commission expired April 8, 1913.

Robert J. Crowley to be postmaster at Lowell, Mass., in place of Joseph A. Legare, resigned.

John Howe to be postmaster at North Brookfield, Mass., in place of Harold A. Foster, removed.

Thomas E. Luddy to be postmaster at East Bridgewater, Mass., in place of Joseph C. Sheehan. Incumbent's commission expired December 14, 1912.

MICHIGAN.

Frank D. Baker to be postmaster at Flint, Mich., in place of Fred P. Baker. Incumbent's commission expired May 17, 1913.

C. D. Downing to be postmaster at St. Charles, Mich., in place of William C. Mertz. Incumbent's commission expired March 1, 1913.

Frank M. Ennis to be postmaster at Baraga, Mich., in place of Jennie Vaughan. Incumbent's commission expired January 22, 1913.

William Grant to be postmaster at Coloma, Mich., in place of John V. Wright. Incumbent's commission expired May 7, 1913.

George H. Mitchell to be postmaster at Birmingham, Mich., in place of John Hanna. Incumbent's commission expired January 31, 1911.

MINNESOTA.

Amos F. Avery to be postmaster at Stewart, Minn., in place of William J. Bliss, removed.

George A. Blackmun to be postmaster at Hancock, Minn., in place of John Atz. Incumbent's commission expired April 22, 1912.

H. L. Buck to be postmaster at Winona, Minn., in place of George P. Tawney. Incumbent's commission expired December 9, 1911.

Herman N. Dahl to be postmaster at Minneota, Minn., in place of Gunnar B. Bjornson, resigned.

E. L. Flaten to be postmaster at Moorhead, Minn., in place of Edward L. Bjorkquist, deceased.

Nels E. Hawkinson to be postmaster at Grove City, Minn. Office became presidential January 1, 1909.

Edward Hurley to be postmaster at La Crescent, Minn., in place of Everett B. Webster. Incumbent's commission expired December 11, 1911.

J. S. Jacobson to be postmaster at Elbow Lake, Minn., in place of Charles M. Nelson. Incumbent's commission expired March 1, 1913.

W. P. Lemmer to be postmaster at Belgrade, Minn., in place of Ole C. Reiquam. Incumbent's commission expired January 22, 1913.

Walter W. Parish to be postmaster at Rushford, Minn., in place of George E. Kirkpatrick, resigned.

C. H. Phinney to be postmaster at Herman, Minn., in place of Hattie J. Hodgson. Incumbent's commission expired February 9, 1913.

Joseph H. Seal to be postmaster at Melrose, Minn., in place of John Kolb. Incumbent's commission expired March 28, 1910.

Charles L. Skaug to be postmaster at Crookston, Minn., in place of Elias Steenerson. Incumbent's commission expired January 14, 1913.

MISSISSIPPI.

Walter L. Bourland to be postmaster at Amory, Miss., in place of L. H. Tubb. Incumbent's commission expired March 1, 1913.

William G. Edwards to be postmaster at Enterprise, Miss., in place of William G. Edwards. Incumbent's commission expired April 28, 1912.

T. M. Fuller to be postmaster at Hattiesburg, Miss., in place of Walter A. Collins. Incumbent's commission expired February 24, 1913.

Monroe L. Lott to be postmaster at Sumrall, Miss., in place of Monroe L. Lott. Incumbent's commission expired February 9, 1913.

Charles W. McKeithen to be postmaster at Woodville, Miss., in place of Nannie B. Richardson. Incumbent's commission expired January 11, 1913.

Minnie L. Rees to be postmaster at Purvis, Miss., in place of Benjamin A. Weems. Incumbent's commission expired April 28, 1912.

L. W. Smith to be postmaster at Shubuta, Miss., in place of Thomas R. Gates. Incumbent's commission expired April 28, 1912.

Charlie P. Wadley to be postmaster at Tunica, Miss., in place of William J. Brigham. Incumbent's commission expired March 1, 1913.

MISSOURI.

Roy C. Barnes to be postmaster at Sturgeon, Mo., in place of Willard A. Seymour. Incumbent's commission expired February 17, 1913.

Charles Ferguson to be postmaster at Burlington Junction, Mo., in place of John H. Bryant. Incumbent's commission expired February 17, 1913.

William D. Johnson to be postmaster at Crocker, Mo. Office became presidential January 1, 1913.

Simeon E. Juden to be postmtster at Hayti, Mo., in place of Bayless L. Guffy. Incumbent's commission expired January 12, 1913.

Cora D. Perdue to be postmaster at Orrick, Mo. Office became presidential October 1, 1912.

William S. Walker to be postmaster at Bethany, Mo., in place of B. P. Stigler. Incumbent's commission expired March 2, 1913.

Willis Wiley to be postmaster at Crane, Mo. Office became presidential January 1, 1913.

MONTANA.

John Dailey to be postmaster at Medicine Lake, Mont. Office became presidential October 1, 1912.

B. L. Golden to be postmaster at Sheridan, Mont., in place of Sydney L. Foster, resigned.

Harry S. Green to be postmaster at Big Sandy, Mont. Office became presidential January 1, 1913.

J. S. Pearson to be postmaster at Belt, Mont., in place of Eugene R. Clingan. Incumbent's commission expired March 29, 1913.

NEBRASKA.

Gus Diers to be postmaster at Petersburg, Nebr., in place of Benton Cotterman. Incumbent's commission expired January 11, 1913.

A. J. Ferris to be postmaster at Palmer, Nebr., in place of Orrin Peck, deceased.

B. S. Littlefield to be postmaster at Syracuse, Nebr., in place of John F. Diener. Incumbent's commission expired February 9, 1913.

R. V. McPherson to be postmaster at Craig, Nebr., in place of George A. Blackstone. Incumbent's commission expired April 8, 1913.

Fred H. Ossenkop to be postmaster at Louisville, Nebr., in place of Wilfred C. Dorsey. Incumbent's commission expired January 25, 1913.

Harry N. Wallace to be postmaster at Coleridge, Nebr., in place of William A. Grant. Incumbent's commission expired January 14, 1913.

NEVADA.

W. J. Bonner to be postmaster at Mason, Nev. Office became presidential April 1, 1913.

George Foley to be postmaster at Round Mountain, Nev. Office became presidential January 1, 1913.

NEW HAMPSHIRE.

Horace C. Phaneuf to be postmaster at Nashua, N. H., in place of John A. Spalding, deceased.

NEW JERSEY.

James J. Davidson to be postmaster at Swedesboro, N. J., in place of Howard V. Locke. Incumbent's commission expired January 13, 1913.

Harry M. Knight to be postmaster at Camden, N. J., in place of Robert L. Barber, deceased.

Charles McCue to be postmaster at Lakewood, N. J., in place of Albert M. Bradshaw. Incumbent's commission expired December 16, 1912.

NEW MEXICO.

Howard S. Boise to be postmaster at Hurley, N. Mex. Office became presidential January 1, 1913.

A. B. Wagner to be postmaster at Clovis, N. Mex., in place of W. A. Davis, removed.

NEW YORK.

Samuel F. Andrews to be postmaster at Homer, N. Y., in place of Zera T. Nye, removed.

Fred J. Dunham to be postmaster at Montour Falls, N. Y., in place of Charles W. Fletcher. Incumbent's commission expired December 16, 1912.

J. Marvin Lotridge to be postmaster at Cincinnatus, N. Y., in place of Philo C. Wheeler. Incumbent's commission expired January 11, 1913.

William E. McDonell to be postmaster at Alexandria Bay, N. Y,. in place of Elbert E. Makepeace, deceased.

Charles Ray to be postmaster at Barker, N. Y., in place of George M. Nellist. Incumbent's commission expired February 10, 1912.

William H. Sullivan to be postmaster at New Brighton, N. Y., in place of Thomas A. Braniff. Incumbent's commission expired December 16, 1912.

Miles G. Wellman to be postmaster at Youngstown, N. Y., in place of Herbert B. Eaton, resigned.

William F. Wild to be postmaster at Lindenhurst, N. Y., in place of Frederick Torns. Incumbent's commission expired December 16, 1912.

NORTH CAROLINA.

W. T. Chambers to be postmaster at Madison, N. C., in place of Thomas P. Newnam. Incumbent's commission expired May 26, 1912.

G. H. Currie to be postmaster at Clarkton, N. C., in place of Augusta Meares. Incumbent's commission expired December 17, 1912.

D. D. French to be postmaster at Lumberton, N. C., in place of Richard M. Norment, deceased.

O. K. Holding to be postmaster at Wake Forest, N. C., in place of Edward W. Timberlake. Incumbent's commission expired May 20, 1912.

E. T. Lee to be postmaster at Dunn, N. C., in place of Thomas J. Jackson, deceased.

R. J. Lewellyn to be postmaster at Elkin, N. C., in place of Charles N. Bodenheimer. Incumbent's commission expired January 25, 1913.

Leonidas M. Michaux to be postmaster at Goldsboro, N. C., in place of John F. Dobson. Incumbent's commission expired December 11, 1911.

Andrew Lewis Pendleton to be postmaster at Elizabeth City, N. C., in place of John P. Overman. Incumbent's commission expired May 14, 1912.

John B. Petteway to be postmaster at Jacksonville, N. C. Office became presidential July 1, 1910.

J. H. Weddington to be postmaster at Charlotte, N. C., in place of John B. Spence. Incumbent's commission expired December 17, 1911.

NORTH DAKOTA.

Andrew D. Cochrane to be postmaster at York, N. Dak., in place of Andrew D. Cochrane. Incumbent's commission expired February 17, 1913.

John Robertson to be postmaster at Willow City, N. Dak., in place of Frank Sims, resigned.

OHIO.

D. F. Akers to be postmaster at New Carlisle, Ohio, in place of E. Calvin Miller. Incumbent's commission expired January 13, 1913.

T. O. Armstrong to be postmaster at Middle Point, Ohio. Office became presidential October 1, 1912.

D. C. Brown to be postmaster at Napoleon, Ohio, in place of W. A. Ritter. Incumbent's commission expired May 12, 1913.

Louis C. Brown to be postmaster at Warren, Ohio, in place of George C. Braden. Incumbent's commission expired December 17, 1912.

J. H. Connor to be postmaster at West Union, Ohio, in place of Charles E. Frame. Incumbent's commission expired February 24, 1913.

Daniel D. Duty to be postmaster at Wellsville, Ohio, in place of James L. McDonald. Incumbent's commission expired April 26, 1913.

Jacob Fraker to be postmaster at Sherwood, Ohio. Office became presidential January 1, 1913.

E. E. France to be postmaster at Kent, Ohio, in place of William W. Reed. Incumbent's commission expired January 21, 1913.

Orange V. Fritz to be postmaster at West Alexandria, Ohio, in place of Herman C. Glander. Incumbent's commission expired January 21, 1913.

George H. Gee to be postmaster at Salem, Ohio, in place of William S. Atchison. Incumbent's commission expired January 5, 1913.

Louis J. Golling to be postmaster at Bedford, Ohio, in place of Edward H. Collins. Incumbent's commission expired January 21, 1913.

Elmer E. Green to be postmaster at Byesville, Ohio, in place of Charles R. Austin, deceased.

Charles H. Hackett to be postmaster at Yellow Springs, Ohio, in place of Charles H. Ellis. Incumbent's commission expired April 5, 1913.

C. C. Hadsell to be postmaster at Cortland, Ohio, in place of John C. Burrow. Incumbent's commission expired January 21, 1913.

Fred H. Johnson to be postmaster at Quaker City, Ohio, in place of William W. Dowdell. Incumbent's commission expired May 16, 1912.

J. W. Kissell to be postmaster at West Unity, Ohio, in place of William T. Orton. Incumbent's commission expired April 28, 1913.

W. A. Lowry to be postmaster at Urbana, Ohio, in place of Lee G. Pennock. Incumbent's commission expired January 26, 1913.

Hoyt B. Mahon to be postmaster at Dunkirk, Ohio, in place of Guy M. Kingsbury. Incumbent's commission expired February 11, 1913.

William T. Mann to be postmaster at Clyde, Ohio, in place of Charles J. Tiffany. Incumbent's commission expired May 22, 1913.

Harry E. Marshall to be postmaster at Bergholz, Ohio. Office became presidential January 1, 1913.

Edward J. Meagher to be postmaster at Glendale, Ohio, in place of Peter Schatzman. Incumbent's commission expired May 22, 1913.

Harley W. Purdy to be postmaster at Bradford, Ohio, in place of Albert W. McCune, resigned.

C. A. Rush to be postmaster at Wickliffe, Ohio. Office became presidential October 1, 1912.

H. B. Sibila to be postmaster at Massillon, Ohio, in place of John Ellis. Incumbent's commission expired January 21, 1913.

Frank Wasmer to be postmaster at Oak Hill, Ohio, in place of John O. Thomas. Incumbent's commission expired February 24, 1913.

George J. Windle to be postmaster at Sebring, Ohio, in place of Henry M. Larkins. Incumbent's commission expired January 18, 1913.

OKLAHOMA.

J. P. Brawley to be postmaster at Hastings, Okla., in place of Newton S. Figley. Incumbent's commission expired February 28, 1912.

J. R. Capshaw to be postmaster at Chattanooga, Okla., in place of Benjamin G. Baker. Incumbent's commission expired February 20, 1913.

Mary F. Cumpston to be postmaster at Lenapah, Okla. Office became presidential January 1, 1913.

Sydney A. Doyle to be postmaster at Maud, Okla. Office became presidential January 1, 1912.

A. Tarlton Embree to be postmaster at Henryetta, Okla., in place of Olin W. Meacham. Incumbent's commission expired January 14, 1913.

Jesse L. Gallaway to be postmaster at Foss, Okla., in place of Charles F. Hartronft. Incumbent's commission expired April 28, 1912.

Morris D. Gibbins to be postmaster at Fort Sill, Okla. Office became presidential January 1, 1913.

Andrew J. Grayson to be postmaster at Blanchard, Okla., in place of Robert E. L. McLain, resigned.

George H. Hancock to be postmaster at Welch, Okla. Office became presidential January 1, 1913.

Edward Hensley to be postmaster at Mountain Park, Okla. Office became presidential October 1, 1911.

Della Hickman to be postmaster at Spiro, Okla., in place of Howard E. Wallace. Incumbent's commission expired April 20, 1913.

John Huskey to be postmaster at Fort Towson, Okla., in place of Thomas Fennell. Incumbent's commission expired May 7, 1913.

George P. Lawson to be postmaster at Coweta, Okla., in place of Downey Milburne. Incumbent's commission expired December 17, 1912.

Robert Burton Mayfield to be postmaster at Blair, Okla., in place of Jack Fletcher, resigned.

O. P. Ramsey to be postmaster at Kiefer, Okla., in place of N. H. Hibbard. Incumbent's commission expired January 29, 1913.

N. L. Sanders to be postmaster at Broken Arrow, Okla., in place of William T. Brooks. Incumbent's commission expired January 14, 1913.

Bettie Smythe to be postmaster at Marlow, Okla., in place of Ransom H. Drewry, deceased.

C. E. Steele to be postmaster at Sayre, Okla., in place of Benjamin F. Williams. Incumbent's commission expired December 17, 1912.

Galen B. Townsend to be postmaster at Mangum, Okla., in place of Harry L. Crittenden, deceased.

Simon Peter Treadwell to be postmaster at Ryan, Okla., in place of Mary H. McBrian. Incumbent's commission expired January 21, 1913.

P. W. Tucker to be postmaster at Comanche, Okla., in place of George W. Mellish. Incumbent's commission expired March 1, 1913.

Henry T. Vanderford to be postmaster at Sentinel, Okla., in place of David N. Smith, resigned.

G. B. Williams to be postmaster at Manitou, Okla., in place of Jay Collins. Incumbent's commission expired January 14, 1913.

OREGON.

Archie F. Eaton to be postmaster at Sheridan, Oreg., in place of Lee Rowell. Incumbent's commission expired April 23, 1913.

R. L. Guiss to be postmaster at Woodburn, Oreg., in place of William P. Pennebaker. Incumbent's commission expired January 15, 1910.

John Larkin to be postmaster at Newberg, Oreg., in place of C. B. Wilson. Incumbent's commission expired May 4, 1913.

O. J. Skiff to be postmaster at Union, Oreg., in place of Marion F. Davis. Incumbent's commission expired February 12, 1912.

Guy E. Tex to be postmaster at Central Point, Oreg., in place of Guy E. Tex. Incumbent's commission expired March 2, 1913.

Lewis Ulrich to be postmaster at Jacksonville, Oreg., in place of Mabel Miller, deceased.

Ben Weathers to be postmaster at Enterprise, Oreg., in place of Ben Weathers. Incumbent's commission expired December 14, 1912.

Mamie Winters to be postmaster at Burns, Oreg., in place of John E. Loggan. Incumbent's commission expired December 14, 1912.

PENNSYLVANIA.

Earl L. Anderson to be postmaster at Parnassus, Pa., in place of Renwick Rowan, deceased.

Margaret W. Buchanan to be postmaster at Scalp Level, Pa., in place of Margaret W. Buchanan. Incumbent's commission expired January 12, 1913.

Fletcher C. George to be postmaster at Lilly, Pa., in place of John A. Leap. Incumbent's commission expired December 11, 1911.

Harry Hagan to be postmaster at Uniontown, Pa., in place of William W. Greene. Incumbent's commission expired April 6, 1912.

Bernhart Helbling to be postmaster at Aspinwall, Pa., in place of Samuel R. McMorran, resigned.

James Kingsbury to be postmaster at Pottsville, Pa., in place of Frank W. Leib. Incumbent's commission expired April 10, 1913.

Robert W. Lange to be postmaster at Belle Vernon, Pa., in place of Frank A. Springer. Incumbent's commission expired March 29, 1913.

John S. Leiby to be postmaster at Newport, Pa., in place of Lehman E. Gantt. Incumbent's commission expired February 18, 1913.

R. J. McGee to be postmaster at Dunbar, Pa., in place of William C. Smith. Incumbent's commission expired February 10, 1913.

Edward Raker to be postmaster at Shamokin, Pa., in place of John W. Zerbe. Incumbent's commission expired March 1, 1913.

Albert E. Rumberger to be postmaster at Patton, Pa., in place of Edward Hunter. Incumbent's commission expired February 17, 1912.

James F. Singer to be postmaster at New Freedom, Pa., in place of John H. Grove. Incumbent's commission expired May 14, 1912.

J. H. Smith to be postmaster at Yardley, Pa., in place of Samuel B. Willard. Incumbent's commission expired January 25, 1913.

W. H. Strauss to be postmaster at Johnstown, Pa., in place of Levi J. Foust. Incumbent's commission expired March 2, 1913.

A. J. Sweeny to be postmaster at Gallitzin, Pa., in place of Matthew P. Frederick. Incumbent's commission expired January 12, 1913.

SOUTH CAROLINA.

E. C. Bethea to be postmaster at Latta, S. C., in place of John L. Dew. Incumbent's commission expired February 21, 1912.

James A. Cannon to be postmaster at Fountain Inn, S. C., in place of James A. Cannon. Incumbent's commission expired January 12, 1913.

Pearle H. Padget to be postmaster at Saluda, S. C. Office became presidential April 1, 1913.

SOUTH DAKOTA.

Henry B. Baer to be postmaster at Bowdle, S. Dak., in place of Hiram A. Mason, resigned.

F. B. Boyle to be postmaster at Corsica, S. Dak. Office became presidential January 1, 1913.

A. A. Closson to be postmaster at White Lake, S. Dak., in place of Albert H. J. George. Incumbent's commission expires June 23, 1913.

D. J. Delaney to be postmaster at Custer, S. Dak., in place of Joseph Kubler. Incumbent's commission expired January 28, 1913.

Michael Dougherty to be postmaster at Mount Vernon, S. Dak., in place of Edward C. Bromwell. Incumbent's commission expired April 9, 1913.

E. J. Engler to be postmaster at Ipswich, S. Dak., in place of Arthur B. Chubbuck. Incumbent's commission expired March 1, 1913.

Stephen Jones to be postmaster at Canton, S. Dak., in place of Thomas T. Smith. Incumbent's commission expired December 17, 1912.

Albert Lewis to be postmaster at Conde, S. Dak., in place of Fannie F. Holliday. Incumbent's commission expired February 9, 1913.

J. B. Lundy to be postmaster at Mellette, S. Dak., in place of Arthur W. Jeffries, resigned.

M. E. McCormick to be postmaster at Tyndall, S. Dak., in place of Charles H. Stilwell. Incumbent's commission expired May 22, 1912.

J. E. McNeil to be postmaster at Wessington, S. Dak., in place of Charles N. Curtiss. Incumbent's commission expired April 19, 1913.

Carl Oldewurtel to be postmaster at Freeman, S. Dak. Office became presidential January 1, 1913.

T. J. Sullivan to be postmaster at Iroquois, S. Dak., in place of Frank E. Brown. Incumbent's commission expired April 9, 1913.

W. M. Walters to be postmaster at Fairfax, S. Dak., in place of William H. Barger, resigned.

P. G. Williams to be postmaster at Montrose, S. Dak., in place of William P. Antrim. Incumbent's commission expired December 11, 1911.

Charles L. Wohlheter to be postmaster at White, S. Dak., in place of Sumner E. Wood. Incumbent's commission expired May 6, 1913.

TENNESSEE.

A. B. Cook to be postmaster at Woodbury, Tenn., in place of William Brewer, declined.

J. N. Maxwell to be postmaster at Somerville, Tenn., in place of W. S. Latta, removed.

O. L. McCallum to be postmaster at Henderson, Tenn., in place of William M. Bray. Incumbent's commission expired January 31, 1912.

Adam S. Nichols to be postmaster at Dandridge, Tenn. Office became presidential January 1, 1913.

I. R. Roberts to be postmaster at Erwin, Tenn., in place of Grover S. McNabb, removed.

R. L. Strong to be postmaster at Collierville, Tenn., in place of Jasper N. Fitzwater. Incumbent's commission expired January 11, 1913.

TEXAS.

Pope Allen to be postmaster at Valley Mills, Tex., in place of Charlie Simmons, removed.

E. B. Barnes to be postmaster at Snyder, Tex., in place of Kate Nelson. Incumbent's commission expired April 2, 1912.

William C. Boyett to be postmaster at College Station, Tex. Office became presidential January 1, 1912.

Minnie Burke to be postmaster at Blossom, Tex., in place of Newton H. Eades, deceased.

P. H. Clements to be postmaster at Goldthwaite, Tex., in place of Andrew J. Harrison. Incumbent's commission expired April 28, 1912.

C. S. Davis to be postmaster at Ranger, Tex., in place of Joseph W. Barber. Incumbent's commission expired April 28, 1912.

J. J. Erwin to be postmaster at Ballinger, Tex., in place of Henry A. Cady. Incumbent's commission expired February 27, 1910.

M. Ezell to be postmaster at Timpson, Tex., in place of Anderson C. Vinson. Incumbent's commission expired January 11, 1913.

W. D. Foster to be postmaster at Miles, Tex., in place of John D. Anderson. Incumbent's commission expired December 16, 1912.

Sam K. Hailey to be postmaster at Conroe, Tex., in place of William L. Rogers. Incumbent's commission expired February 11, 1913.

John M. Hembree to be postmaster at Cross Plains, Tex. Office became presidential July 1, 1912.

William E. Jenkins to be postmaster at Smithville, Tex., in place of Lottie E. Turney. Incumbent's commission expired April 15, 1913.

W. J. Lamb to be postmaster at Mabank, Tex., in place of Louise A. Ackerman. Incumbent's commission expired February 11, 1913.

S. S. McClendon to be postmaster at Tyler, Tex., in place of Jeff D. Burns, deceased.

R. K. McCleskey to be postmaster at Rule, Tex., in place of James E. Lindsey. Incumbent's commission expired April 28, 1912.

P. B. McNatt to be postmaster at Arlington, Tex., in place of James I. Carter. Incumbent's commission expired February 19, 1912.

C. E. Maxwell to be postmaster at Strawn, Tex., in place of Robert B. Gordon. Incumbent's commission expired April 28, 1912.

B. F. Mitchell to be postmaster at Gainesville, Tex., in place of Jerra L. Hickson. Incumbent's commission expired January 7, 1913.

John W. Person to be postmaster at Colorado, Tex., in place of Prince A. Hazzard. Incumbent's commission expired January 11, 1913.

Shaw D. Ray to be postmaster at Winnsboro, Tex., in place of George C. Hopkins. Incumbent's commission expired December 16, 1912.

S. P. Robbins to be postmaster at Lubbock, Tex., in place of S. T. Stubbs. Incumbent's commission expired March 29, 1913.

J. Wiley Taylor to be postmaster at Midland, Tex., in place of Theodore Ray. Incumbent's commission expired May 22, 1910.

S. W. Thomas to be postmaster at Aspermont, Tex., in place of George A. Gray, removed.

Shadrac S. Tullos to be postmaster at Grand Prairie, Tex. Office became presidential January 1, 1912.

Young C. White to be postmaster at Hamlin, Tex., in place of W. L. Brown. Incumbent's commission expired December 16, 1912.

VERMONT.

A. H. Gleason to be postmaster at St. Johnsbury, Vt., in place of Arthur F. Stone. Incumbent's commission expired January 5, 1913.

VIRGINIA.

George E. Cunningham to be postmaster at Buena Vista, Va., in place of James M. Updike. Incumbent's commission expired April 21, 1912.

R. Henry Cobb to be postmaster at Franklin, Va., in place of F. W. Rose. Incumbent's commission expired February 9, 1913.

W. E. Hailey to be postmaster at Keysville, Va., in place of Frederick I. Hanmer. Incumbent's commission expired December 14, 1912.

H. Lester Hooker to be postmaster at Stuart, Va., in place of Joseph E. Rangeley. Incumbent's commission expired March 2, 1913.

William F. Kennedy to be postmaster at Kenbridge, Va. Office became presidential January 1, 1913.

J. S. Lauck to be postmaster at Shenandoah, Va., in place of Robert S. Pritchett. Incumbent's commission expired May 20, 1912.

J. F. Lowman to be postmaster at Hot Springs, Va., in place of Arthur M. Stimson. Incumbent's commission expired June 29, 1910.

Sadie A. Southall to be postmaster at Amelia Court House, Va. Office became presidential October 1, 1910.

W. W. Tuck to be postmaster at Virgilina, Va., in place of William D. Amis. Incumbent's commission expired May 23, 1912.

Charles F. Russell to be postmaster at Herndon, Va., in place of Harry A. Sager. Incumbent's commission expired December 14, 1912.

E. L. Toone to be postmaster at Boydton, Va., in place of Charles Alexander, deceased.

WEST VIRGINIA.

James Brady to be postmaster at Barboursville, W. Va., in place of James H. McComas, resigned.

Floyd J. Brown to be postmaster at Bluefield, W. Va., in place of Hugh I. Shott, resigned.

Thomas F. Henritze to be postmaster at Welch, W. Va., in place of J. W. Edwards. Incumbent's commission expired December 14, 1912.

Benjamin F. Patton to be postmaster at Harrisville, W. Va., in place of Romeo H. Freer, deceased.

Andrew Price to be postmaster at Marlinton, W. Va., in place of Andrew Price. Incumbent's commission expired April 23, 1913.

Robert E. Wood to be postmaster at Charleston, W. Va., in place of J. F. Hudson. Incumbent's commission expired March 29, 1913.

WISCONSIN.

George E. Forward to be postmaster at Brandon, Wis., in place of Frank C. Brown. Incumbent's commission expired February 10, 1912.

John Henninger to be postmaster at Markesan, Wis., in place of Ernest S. Mottram, resigned.

John S. Meldeen to be postmaster at Palmyra, Wis., in place of Martin J. Gosa. Incumbent's commission expired March 1, 1913.

F. A. Partlow to be postmaster at Clear Lake, Wis., in place of Thomas Stout, jr. Incumbent's commission expired December 14, 1912.

William J. Riedner to be postmaster at Columbus, Wis., in place of Herman M. Blumenthal. Incumbent's commission expired January 11, 1913.

Paul E. Stiehm to be postmaster at Johnson Creek, Wis., in place of W. H. Schallert. Incumbent's commission expired March 3, 1913.

George Wildermuth to be postmaster at Sheboygan Falls, Wis., in place of George A. Robbins. Incumbent's commission expired April 24, 1912.

WYOMING.

J. R. Baird to be postmaster at Powell, Wyo. Office became presidential January 1, 1913.

Juan Jenkins to be postmaster at Upton, Wyo. Office became presidential July 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 29, 1913.

FIRST ASSISTANT SECRETARY OF THE INTERIOR.

Andrieus A. Jones to be First Assistant Secretary of the Interior.

REGISTER OF THE LAND OFFICE.

Harry J. Kelly to be register of the land office at Lewistown, Mont.

PROMOTION IN THE NAVY.

Boatswain Thomas F. Greene to be a chief boatswain.

UNITED STATES ATTORNEY.

D. Hayden Linebaugh to be United States attorney for the eastern district of Oklahoma.

POSTMASTERS.

ALABAMA.

Dora G. Wendel, Tallassee.

CALIFORNIA.

Lutie M. Anderson, Roseville.
Luke F. Morgan, East Auburn.

FLORIDA.

John W. Alvarez, Starke.

GEORGIA.

Jackson C. Atkinson, Midville.
Charles Beaty, Moultrie.
Minnie E. Hogan, Collegepark.
Charles Jackson, Palmetto.
John F. Jenkins, Ashburn.
William F. Jones, Hogansville.
Vivian McCurdy, Stone Mountain.
B. A. Parker, Whigham.
James P. Stewart, Tallulah Falls.
J. L. Wells, Smithville.

ILLINOIS.

James E. Caley, Mackinaw.
Daniel A. Grady, Waukegan.
William F. Hagebusch, Okawville.
George Kirkbride, Vermont.
J. P. McPherren, Homer.
B. E. Prater, Cowden.
H. Poffenberger, Freeport.
William A. Reeds, Oakland.
George Reuss, Bethany.
A. O. Rupp, Chenoa.
O. Cammie Seeders, Palestine.
J. H. Sipe, Tremont.

INDIANA.

Oliver J. Chapman, Eaton.
David D. Corn, Petersburg.
Warren L. Dick, Pierceton.
Frank Fletcher, Wakarusa.
Walter D. Hunt, Gas City.
Harry Hunter, Ossian.
Charles C. Leisure, Earl Park.
Erastus C. Palmer, National Military Home.
Charles M. Snepp, Kewanna.
William J. Ten Barge, Poseyville.
Lewis Walker, Loogootee.

KANSAS.

E. J. Buckley, Marion.
M. V. Dunlap, Osawatomie.
S. J. Hampshire, Overbrook.
C. A. Hopper, Pratt.
William McHaley, Toronto.

LOUISIANA.

J. W. Bouanchaud, New Roads.
Carl C. Brown, Haynesville.
George D. Domingeaux, Breaux Bridge.

MICHIGAN.

William J. Gleason, Ludington.
Mortimer D. Snow, Standish.

MISSISSIPPI.

W. W. Cain, West.
C. E. McAlexander, Holly Springs.
Rosa Mayers, Shelby.
Fielden H. Mitts, Tupelo.
Marshall Spiva, Ackerman.
Mary E. Tubb, Aberdeen.

MISSOURI.

C. W. Brady, Independence.
Alvin Chapman, Senath.
P. L. Connolly, Norwood.
Walter L. Cox, Osceola.
Harry R. Culp, Alton.
S. D. McMillen, Lockwood.
James E. Phillips, Meadville.
G. W. Summers, Hartville.
H. J. Von Gremp, Dixon.
M. J. Watkins, Bourbon.

NEW JERSEY.

Joseph Atkinson, Freehold.
John V. L. Booraem, Milltown.
Frank Hampton, Sea Bright.
Peter H. S. Hendricks, New Brunswick.
Frank Pittenger, Red Bank.
John F. Ryan, Woodbridge.
Daniel W. Sheldon, jr., Franklin Furnace.

NORTH CAROLINA.

M. M. Faison, Roanoke Rapids.
R. S. Galloway, Winston-Salem.
W. E. Gary, Henderson.
Ira T. Hunt, Kittrell.
J. E. Ligon, Lillington.
Elijah B. Perry, jr., Littleton.
N. G. Rowland, West Raleigh.
George L. Whitfield, Franklinton.
J. H. Weddington, Charlotte.

OHIO.

W. F. Uhle, Attica.
Harmon Wensinger, Fremont.

OKLAHOMA.

Cassius L. Byrne, Ardmore.
K. C. Cox, Granite.
Samuel M. Flournoy, Elk City.
J. T. Holley, Stigler.
J. F. Larecy, Hugo.
T. I. Truscott, Olustee.

TEXAS.

R. L. Bronaugh, Edna.
C. J. Davis, Madisonville.
A. Y. Donegan, Nacogdoches.
Ada Duffey, Emory.
Henry Eilers, jr., Schulenburg.
S. A. Hill, Bellville.
Jean Hornbuckle, Venus.
G. D. Martin, Donna.
R. A. Motley, Overton.
D. U. Ramsay, Gonzales.
J. M. Richards, Weatherford.
O. B. Slayden, Rusk.
W. W. Sloan, Falfurrias.
John L. Spurlin, Hamilton.
C. C. Teas, Karnes City.
W. W. Trow, Trinity.
J. A. White, Goliad.
J. C. Woodworth, Cuero.

WEST VIRGINIA.

Sarah K. Rush, Newell.

WITHDRAWALS.

Executive nominations withdrawn from the Senate May 29, 1913.

SURVEYOR GENERAL OF WASHINGTON.

Richard Roediger, sent to the Senate May 1 for said office, in view of his death.

POSTMASTER.

KANSAS.

A. C. Hopper to be postmaster at Pratt, in the State of Kansas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 29, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the deep and everabiding gratitude which comes welling up from our hearts at this season of the year for our sacred dead. The sound of drum, the clash of arms, the roar of battle is hushed. In the silent bivouac of the dead they sleep "on fame's eternal camping ground." May the winds blow gently and the sun shine softly over their tents of green. We thank Thee that the Nation has not forgotten. They live in the hearts of the true; they live in the deeds they wrought. Their graves we strew with flowers; for them we sing our songs of praise. Long may their memory live, and longer yet their deeds inspire "our free-born sons with patriot fire"; and long may Old Glory float in peace over a people whose God is the Lord. So may Thy blessing be upon us, so may Thy providence guide us, by the memories of the past and the glories of the present, to a faithful service as citizens of a Republic whose genius is peace, happiness, and good will to all mankind.

Once more the mysterious visitor we call death has taken from this legislative body one of its Members, who promised faithful and efficient service to his State and Nation. Comfort us with the blessed hope of the immortality of the soul; and be very near to the stricken wife, that she may look forward to an everlasting reunion in a realm beyond the confines of earth. And glory and honor and praise be Thine, in the spirit of the Prince of Peace. Amen.

The Journal of the proceedings of Tuesday, May 27, 1913, was read and approved.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. DONOVAN. At what time?

The SPEAKER. At the regular time, 12 o'clock.

There was no objection.

WATER SUPPLY OF LOS ANGELES AND SAN FRANCISCO, CAL.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD, in parallel columns, the bill H. R. 4319 and the grant to Los Angeles, so as to show a comparison of the two, with a summary of points of difference between the two bills, so that they may be used by Members of the House.

The SPEAKER. The gentleman from California asks unanimous consent to print certain bills in the RECORD. Is there objection?

Mr. GARRETT. Reserving the right to object, are these bills that have been introduced?

Mr. RAKER. One is a bill that has been introduced and the other is an act passed in 1906. I want the RECORD to show, in parallel columns, the difference between the Los Angeles act and the San Francisco bill, so as to avoid any question hereafter, and so that it may be easily accessible.

Mr. MANN. Does this relate to the Los Angeles Exposition proposition?

Mr. RAKER. No; this relates to the water supply of San Francisco.

The SPEAKER. Is there objection?

There was no objection.

The document referred to is as follows:

A statement showing that the proposed grant to San Francisco of right of way privileges through the public lands for the purpose of a municipal water supply, as contained in House bill 4319, introduced in the House of Representatives April 25, 1913, is substantially the same as the grant made by Congress to the city of Los Angeles for its municipal water supply. (U. S. Stat. L. 1905–1907, vol. 34, pt. 1, p. 801.)

(Important changes and new matter in italics.)

GRANT TO SAN FRANCISCO. (As amended.)	GRANT TO LOS ANGELES.
Granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.	An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal.
SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby granted to the city and county of San Francisco, a municipal corporation in the State of California, all necessary rights of way, not to exceed 250 feet in width, in, over, and through the public lands of the United States in the counties of Tuolumne, Stanislaus, San Joaquin, and Alameda, *in* the State of California, and in, over, and through the Yosemite National Park and the Stanislaus National Forest, *or portions thereof lying within the said counties*, for the purpose of constructing, operating, and maintaining *aqueducts*, canals, ditches, pipes, pipe lines, flumes, tunnels, and conduits for conveying water to the city and county of San Francisco *and such other municipalities on the Bay of San Francisco or adjacent thereto which may, with the consent of the city and county of San Francisco or in accordance with the laws of the State of California, hereafter participate in the beneficial use of the rights and privileges granted by this act*, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for generation and sale and distribution of electric energy; *also for the purpose of constructing, operating, and maintaining telephone and telegraph lines, and for the purpose of*	SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby granted to the city of Los Angeles, Cal., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States, in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara Forest Reserves and the San Gabriel Timber Land Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as *the Secretary of the Interior may deem to be* actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants whenever said city shall have filed, as hereinafter provided, *and the same shall have been approved by the Secretary of the Interior*, a map or maps showing the boundaries, locations, and

constructing, operating, and maintaining roads, trails, bridges, tramways, railroads, and other means of locomotion, transportation, and communication, together with such lands in said counties and also within the Yosemite National Park and the Stanislaus National Forest, *irrespective of the width or extent of said lands,* as may be actually necessary for *surface or underground* reservoirs, diverting and storage dams, power houses, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, *telephone and telegraph lines, and such means of locomotion, transportation, and communication as may be established: Provided,* That said city and county of San Francisco shall file, as hereinafter provided, a map or maps showing the boundaries, location, and extent of said proposed rights of way and lands for the purposes hereinabove set forth, *together with the right to take, free of cost, from the public lands, the Yosemite National Park, and the Stanislaus National Forest stone, earth, gravel, sand, tufa, and other material actually necessary to be used in the construction of its said water, power, and electric plants, and its said telephone and telegraph lines, and its said means of locomotion, transportation, or communication under such conditions as may be fixed by the Secretary of the Interior and the Secretary of Agriculture, respectively, for the protection of the Yosemite National Park and the Stanislaus National Forest.*

SEC. 2. That within *three* years after the passage of this act said city and county of San Francisco shall file with the registers of the United States land offices in the districts where said rights of way or lands are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way *required* for the purposes stated in section 1 of this act; but no *permanent* construction work shall be commenced on said land until such maps shall have been filed, as herein provided, and approved by the Secretary of the Interior: *Provided, however,* That any changes of location of said rights of way *or lands* may be made by said city and county of San Francisco *before the final completion of any of said work and operations so permitted in section 1 hereof* by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps, and the approval by the Secretary of the Interior of extent of said proposed rights of way for the purposes hereinabove set forth.

SEC. 2. That within one year after the passage of this act the city of Los Angeles shall file with the registers of the United States land offices in the districts where the lands traversed by said rights of way are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act; but no construction work shall be commenced on said land until said map or maps have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however,* That any changes of location of said rights of way may be made by said city of Los Angeles within two years after the filing of said map or maps by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; and the approval of the Secretary of the Interior of said map or maps showing changes of location of said rights of way shall said maps showing changes of location of said rights of way or lands shall operate as an abandonment by the city and county of San Francisco to the extent of such change or changes of the rights of way *or lands* indicated on the original maps: *And provided further,* That any rights inuring to the city and county of San Francisco under this act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein, *or to the date of the filing of such maps as they may be copies of, as provided for herein: And provided further, That with reference to any maps heretofore filed by said city and county of San Francisco with the Department of the Interior or with the Department of Agriculture, or with any officer of either of said departments, that the provisions hereof will be considered complied with by the filing by said city and county of San Francisco of copies of any of such maps with the register of the United States land office, as provided for herein.*

SEC. 3. That the rights of way hereby granted shall not be effective over any lands upon which homestead, mining, or other existing valid claims shall have been filed or made *and which now in law constitute prior rights to any claims of the city and county of San Francisco,* until the city and county of San Francisco shall have procured proper relinquishment of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants, and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however,* That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress *for the benefit of any parties other than said city and county of San Francisco* or its predecessors in interest, and that no private right, title, interest, or claim of any person, persons, or corporations in or to any of the lands traversed by or embraced in the rights of way or lands *granted to said city and county under this act* shall be interfered with or abridged, except with the consent of the owner or owners, or claimant or claimants thereof, or by due process of law and just compensation paid to such owner or owners or claimants.

SEC. 4. That the city and county of San Francisco shall conform to all regulations adopted and prescribed by the Secretary of the Interior govoperate as an abandonment by the city of Los Angeles to the extent of such change or changes of the rights of way indicated on the original maps: *And provided further,* That any rights inuring to the city of Los Angeles under this act shall, on the approval of the map or maps, referred to herein, by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein.

SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however,* That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, *nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights,* and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant.

SEC. 4. That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the for-

erning the Yosemite National Park and by the Secretary of Agriculture governing the Stanislaus National Forest, and shall not take, cut, or destroy any timber within the Yosemite National Park or the Stanislaus National Forest, except such as may be actually necessary to remove to construct its said reservoir, dams, power plants, *water power and electric works*, and other structures above mentioned, *or is actually necessary to be used in the construction thereof;* and it shall pay to the *United States* the full value of all timber and wood cut, *injured*, or destroyed on *or adjacent* to any of the rights of way and lands, as required by the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That the city and county of San Francisco shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the Stanislaus National Forest when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works, and within the Yosemite National Park, as required by the Secretary of the Interior, and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior or the Secretary of Agriculture or the Forester of the Department of Agriculture, construct and maintain along each side of said right of way a lawful fence, as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further*, That the city and county of San Francisco shall clear its rights of way within the Yosemite National Park and the Stanislaus National Forest of any débris or inflammable material as directed by the Secretary of the Interior and the Forester of the Department of Agriculture, respectively, and said city and county shall allow any road or trail which it may construct over the public lands, the Yosemite National Park, or the Stanislaus National Forest to be freely used by the officers of the Interior Department, the Forest Service of the United States Department of Agriculture, and by the public, and shall allow to officers of the Interior Department *and to the Forest Service*, for official business only, the free use of any telephone or telegraph lines, or equipment, or railroads it may construct and maintain within the Yosemite National Park and the Stanislaus National Forest, or on the public lands, together with the right to connect with any such telephone or telegraph lines private telephone wires for the exclusive use of the said Interior Department and the said Forest Service.

forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and *structures, poles, and flumes*, storage dams and reservoirs, and it shall pay to the *Forest Service of the Department of Agriculture*, the full value of all timber and wood cut, *used*, or destroyed on any of the rights of way and lands within forest reserves hereby granted: *Provided further*, That the city shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works as required by the Secretary of the Interior, and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right of way a lawful fence as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further*, That the city of Los Angeles shall clear its rights of way within forest reserves of any débris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further*, That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephone, telegraph, *or electric railroads* it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines, private telephone wires, for the exclusive use of said Forest Service or of the Interior Department: *And provided further, That the Forest Service may, within forest reserves, protect*, use and administer said land and resources within said rights of way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyments of the right of way by the city of Los Angeles: *And provided further*, That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding $14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements, and the preference right to acquire at any time within three years from the approval of this act any lands now reserved by the United States under the terms of said reclamation act in connection with said project necessary for storage or right-of-way purposes upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior, and upon the payment of $1.25 per acre to the receiver of said land office, title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however*, That the terms of this act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo.

SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements: *Provided, however*, That the construction of the aforesaid works *shall be diligently prosecuted to completion;* and if there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States, *unless the Secretary of the Interior shall find that the construction of the works has been delayed or prevented by the act of God or the public enemy, or by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of said city and county of San Francisco.*

SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements: *Provided, however*, That if construction of said *waterworks shall not have been begun in good faith within five years from the date of approval of this act*, or if after such period of five years there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States.

SEC. 6. That the city and county of San Francisco is prohibited from ever selling or letting to any corporation or individual, except a municipality *or municipal water district or irrigation district*, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the said city and county.

SEC. 6. That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city.

SEC. 7. That the right to amend, alter, or repeal this act at any time is hereby reserved.

Summary of points in which the San Francisco bill (H. R. 4319) differs from the Los Angeles act.

(Page 2, line 7.)

The San Francisco bill provides in distinction from the Los Angeles act that—

1. Other cities on San Francisco Bay be allowed use of water with San Francisco's consent or by State law.

The city's plans have always contemplated that the development of the Hetch Hetchy source of water supply shall be for the benefit of all the cities about the Bay of San Francisco. The presentation of the city's case at the hearing before the Secretary of the Interior last year, as shown by the report of the advisory board of Army engineers, showed that the Freeman plan provided for the supplying of all the cities about the bay for a century hence.

(Page 2, line 14.)

2. Rights of way granted for telephone and telegraph lines, roads, trails, bridges, tramways, and railroads for use in conjunction with main purposes.

Practically the same thing is contemplated in the Los Angeles act, where, in section 4, it is provided, as in section 4 of the San Francisco grant, that free use to the Federal departments for official business shall be allowed of any telephones, telegraphs, or railroads constructed on public lands.

(Page 2, line 21.)

3. Such lands be granted for the enumerated purposes as "may be actually necessary" instead of such as the "Secretary of the Interior may deem to be actually necessary."

This is carrying out the intent of the Los Angeles grant; that is, it is, of course, intended that Congress make a grant of such lands as are actually necessary for the enumerated purposes.

(Page 2, line 21.)

4. Such lands to be granted, not for the aqueduct right of way, but for reservoirs, buildings, and so forth, "irrespective of the width or extent of said lands."

This is the clear intent of the Los Angeles grant, the limitation "not to exceed 250 feet in width," which is in both grants, being intended for the canals, ditches, pipe lines, and so forth. A reservoir, such as the Hetch Hetchy Reservoir, would be at some points from half a mile to a mile wide.

(Page 3, line 7.)

5. The taking from the public lands of stone, earth, gravel, sand, tufa, and other material actually necessary for construction purposes under conditions to be fixed by the Secretaries of the Interior and Agriculture is permitted.

This is manifestly necessary.

(Page 3, line 18.)

6. Three years instead of one be allowed for filing maps.

This is simply a precaution taken, owing to material changes which the city has in the past found it necessary to make in its plans for a municipal water supply.

(Page 3, line 24.)

7. Only permanent construction work be prohibited prior to approval of maps.

San Francisco has already been granted permission by Secretary of Interior Lane, under the order of March 12, 1913, to do preliminary work.

(Page 4, line 22.)

8. Where maps have already been filed, copies of such maps may be filed in compliance with requirements of the act.

San Francisco has filed several maps, including those filed early in 1913, in conformity with the request of Secretary of Interior Fisher, and it is desired that, with reference to any such maps, the filing of copies thereof may be a sufficient compliance with the act of Congress.

(Page 4, line 5.)

9. Changes in location may be made at any time before final completion of the works instead of within two years.

It may be that a change in location may be desired by the city, subject to the approval of the Secretary of the Interior, at a time subsequent to two years after the filing of an original map. So long as this is prior to the completion of the works and is approved by the Secretary of the Interior, it is desired that the city have permission to make any such changes.

(Page 5, line 8.)

10. Existing claims prior to the city's claims shall be protected.

This is the clear intent of the Los Angeles grant.

(Page 5, line 18.)

11. Act shall not apply to lands embraced in rights of way heretofore granted to any parties other than city of San Francisco and its predecessors in interest.

The city has acquired several right-of-way privileges by purchase, some of which have been recognized by the Department of the Interior, as the Cherry Valley Reservoir site, the city being the successor in interest to the Sierra Ditch & Water Co.

(Page 5, line 17.)

12. Omits provisions that adjudication of pending applications shall not be affected.

It has been decided by the Forestry Bureau that property of application by an individual as against a city does not necessarily work to the disadvantage of a city.

(Page 6, line 16.)

13. City shall pay the United States for timber "cut, injured, or destroyed, on or adjacent to lands or rights of way as required by Secretary of Interior or Secretary of Agriculture" instead of being required to pay the Forest Service for "timber and wood cut, used, or destroyed on any of the rights of way and lands within the forest reserves hereby granted."

The city is required to pay for all timber cut, rather than only for timber cut on the rights of way, as in the Los Angeles act.

(Page 7, line 25.)

14. Omits local provisions applying to Owens River project.

This was of interest to Los Angeles only.

(Page 8, line 4.)

15. Work must be "diligently prosecuted to completion," instead of that it must begin within five years from date.

It is impracticable to specify exact dates when there is always a possibility of delay on account of litigation, etc.

(Page 8, line 8.)

16. Secretary of Interior may waive forfeiture for noncompliance with conditions of grant if he finds that city is prevented from continuing construction by unforeseen engineering difficulties or special and peculiar causes.

This is manifestly a just and proper provision. See "The National Forest Manual," issued by the Secretary of Agriculture, to take effect February 24, 1913, Regulation L, 16, and Form No. 61, page 35, the aforesaid "The National Forest Manual," article 6, article 7.

(Page 8, line 17.)

17. City may sell water to municipal water districts or irrigation districts in addition to municipalities.

This is to make possible the consummation under the law of California of a municipal water district, by which all the cities about the bay might be united, the city to sell to the district organization, which would in turn distribute to the different cities, which, again, would sell to the inhabitants thereof. Also, for the protection of such irrigation districts as the Modesto-Turlock irrigation districts, the city would want privilege of selling water to them, in order that they in turn might sell to the land owners within their districts.

(Page 8, line 19.)

18. Section 7 of Los Angeles grant is omitted.

There seems no purpose to be accomplished by including this section. The law as to right to repeal, amend, and so forth, is thoroughly established.

THE WATER SUPPLY: WARNING.

The water consumption in San Francisco now exceeds the safe, dependable supply available for distribution. Until the city or the company can increase the development of sources now owned and install more aqueducts to San Francisco, extreme care must be exercised in the use of water—

Or the supply will fail. Stop all waste; stop hosing steps and sidewalks with water. Please prevent all unnecessary use of water. We earnestly ask for your cooperation in maintaining the supply.

SPRING VALLEY WATER CO.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolutions and bill of the following titles:

On May 21, 1913:

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913.

On May 22, 1913:

H. J. Res. 82. Joint resolution authorizing the President to accept an invitation to participate in the International Conference on Education; and

H. R. 4234. An act providing certain legislation for the Panama California Exposition to be held in San Diego, Cal., during the year 1915.

LEAVE TO ADDRESS THE HOUSE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that when the House meets on Monday, after the reading of the Journal, the gentleman from Washington [Mr. HUMPHREY] be permitted to address the House for one hour. I will say that that will not interfere with the Democratic caucus in any way.

The SPEAKER. The gentleman from Illinois asks that immediately after the reading of the Journal on Monday next—of course, barring the usual little routine matters—the gentleman from Washington [Mr. HUMPHREY] be permitted to address the House for one hour. Is there objection?

Mr. MURDOCK. Reserving the right to object, is there any reason why the gentleman from Illinois should not announce the subject matter of the gentleman's address?

Mr. MANN. I think it is something in relation to the Forestry Service.

Mr. MURDOCK. I have no objection.

Mr. RAKER. Reserving the right to object, would that prevent taking up any little matters that it might be desired to take up in this hour?

The SPEAKER. It would not prevent that. The practice has been that these little matters, such as the gentleman has presented and such as other Members have, are allowed to come in ahead of a request like this, although if it was literally construed, of course, as soon as the Journal was read, the gentleman from Washington would have to begin his speech. The practice is the other way—that these little matters be attended to when they take no great amount of time.

Mr. HENRY. Let me remind the gentleman that we have a caucus at 2 o'clock on Monday.

Mr. MANN. I stated that this would not interfere in any way with that caucus. If for any reason the time was occupied otherwise before the gentleman had a chance to address the House, he would not impose upon the Democratic Members or delay an adjournment in time for that caucus.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF REMARKS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman upon what subject?

Mr. KEATING. I desire to insert an editorial from Mr. Bryan's Commoner.

Mr. MANN. For fear the Democratic Members will not get a chance to read it in any other way I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEATING. Mr. Speaker, one of the Senators from Utah [Mr. SMOOT] read into the RECORD of Tuesday an editorial from the pen of former Senator T. M. Patterson, which appeared in the Rocky Mountain News of Denver on May 11. Former Senator Patterson urged the Senators from Colorado to combine with the Senators from Louisiana for the purpose of forcing the Democratic majority in this Congress to place a duty of 1 cent a pound on refined sugar.

I wish to insert in the RECORD an editorial from Bryan's Commoner of May 23 in answer to former Senator Patterson's editorial.

The editorial is as follows:

SUGAR IN THE STATE OF COLORADO.

[From Bryan's Commoner.]

It is not often that the Commoner has occasion to differ from its esteemed friend, ex-Senator Patterson, of Colorado, but it feels it its duty to dissent from him in the matter of the sugar schedule.

It is outside of the purpose of this comment to enter into an argument upon the merits of the case. It is enough at this time to say that the arguments which Senator Patterson presents are, from beginning to end, a reproduction of the arguments that have been made for a hundred years in behalf of every industry for which protection has been asked. For a century each industry that asks for the privilege of taxing the rest of the people has been accustomed to marshal figures to show that a failure to comply with its demand would mean the sure destruction of the industry and ultimate suffering to the country.

Mr. Patterson's argument follows the protectionist line even to the final warning that the reduction may only be temporary, and that "if" favored industry is destroyed, the consumer will become the victim of higher prices. He says:

"That putting sugar on the free list will make sugar cheaper in the end is justly open to challenge, for should free sugar destroy or seriously cripple the American sugar industry the last condition of the consumer may be worse than the first."

And then he adds:

"But I make no issue on this point; only the future can determine it."

This saving clause does not save. If it is not intended as an argument, it ought not to be advanced. It is merely a speculation and indicates the extent to which Mr. Patterson has allowed his advocacy of this particular industry to lead him into the language employed by the protectionist.

The purpose of this editorial, however, is to combat the conclusion which he presses upon the Senators from Colorado. Mr. Patterson says:

"Our Senators should, it seems to me, stand side by side with the two Democratic Senators from Louisiana. They should insist that the sugar schedule be taken up and disposed of by itself."

He then proceeds to say that the tariff is being revised "in a lump," "to intimidate the weak." This is an unfair impeachment of the purposes of the party and of the motives of the President. He concludes:

"United States Senators are now elected by the people. They must even be nominated in an open primary. Patronage and White House favor will not take the place of services patriotically and faithfully performed."

This is an injustice to Senators THOMAS and SHAFROTH. He does a wrong to the Senators in suggesting that their support of the bill will be due to "patronage and White House favor." It is, in effect, an attempt to impose a different course of action upon them under the threat that they will not be considered as patriotic or faithful in the performance of their duties as Senators unless they take Mr. Patterson's view of the subject.

The Commoner is sure that its distinguished and beloved friend does not mean to set himself up as a final judge in this matter or to demand acquiescence in his opinion as the price of his confidence and good will.

Senators THOMAS and SHAFROTH were elected as Democrats, and they will be justified in considering themselves as Democrats, not merely as representatives of a particular industry. Comparatively few of the voters of Colorado are personally interested in the production of sugar. Why should the Senators from Colorado consider the wishes of sugar producers only? Have not those who pay the tax as much right to be regarded as those who receive the benefit of the tax?

And does not Mr. Patterson know that Senators THOMAS and SHAFROTH must act with the tariff reformers or against the tariff reformers? The Louisiana Senators may be willing to join with the Republicans and defeat a tariff law and thus deny to the people of the country the reform for which they have labored for so many years, but will the Senators from Colorado be performing a "patriotic and faithful" service if they cast in their lot with those who make everything subordinate to sugar?

If Mr. Patterson desires to consider the effect of the votes on their political future, why not remember that Congressman KEATING, of Colorado, was elected to the House of Representatives after boldly taking his stand in favor of free sugar? Would this not be some indication of the temper of the people of Colorado? Can Mr. Patterson give bond that the voters of his State will applaud its Senators if they become responsible for the defeat of tariff reduction? Would it not be well also for him to recall the fate of the Democratic Senators who in the past have put the interests of special industries above the demand of the Nation?

The Commoner commends the spirit in which Colorado's Senators have addressed themselves to the work of fulfilling the pledges of the party, and is glad to believe that they will consult their Democratic colleagues who are striving to assist the President in the carrying out of his high purpose rather than Senators who are willing to jeopardize the party's fate merely because they believe that some industry in which they are specially interested may suffer injustice. The injustice which the tariff has wrought for so many years still exists and that injustice will continue until the rates are materially lowered. The Senators from the sugar-producing States can not afford to make all tariff reform dependent on what they regard as fair rates to a single industry.

BRYAN VOICES COLORADO'S VIEWS.

In my judgment, Mr. Speaker, Mr. Bryan voices the sentiments of the overwhelming majority of the voters of Colorado on this sugar question.

In support of this statement, I wish space would permit me to quote the scores of editorials from Colorado papers which I have received during the last few weeks. Almost without exception the Democratic press of Colorado, outside of Denver, is vigorously supporting free sugar.

For a quarter of a century I have been connected with the papers of Denver, but I want to be placed on record now as saying that the cause of genuine Democracy in Colorado must look for support to the courageous and untrammeled country press of the State.

It is very gratifying to be able to state that the most ardent supporters of free sugar are the Democratic papers published in the cities and towns which contain sugar factories. They have disregarded the cajoleries and the threats of the sugar companies and have fearlessly championed the policy outlined by the President of the United States.

The following editorial from the Swink (Colo.) Advocate of May 23 is representative of the position taken by the independent press of the sugar towns in Colorado:

DO NOT WORRY ABOUT SUGAR TARIFF.

Regardless of the amount of discussion that the Underwood tariff bill (providing for the removal of tariff on sugar and other things) has caused, farmers of the fertile Arkansas Valley are very little worried.

Our farmers realize that this vast, rich, and productive area of the best soil in the Golden West will produce melons, alfalfa, and many grains and grasses, as well as fruits, vegetables, etc., that will enable them within a short time to forget that sugar beets ever were an income producer. And the market never will be glutted, either, with the quality of excellent products such as can be grown in this valley.

True, it may be, that sugar beets have added much to the wealth of a large portion of this valley, but it is just as true that our resourceful farmers can easily turn their hands to some other line to which both they and this splendid soil are so well adapted.

Farmers of this section of the valley are not inclined to guzzle down a lot of hot air about certain things that are "sure to happen" to them and "the whole country," if certain tariff measures become a law, and sugar factory-attachés' salaries are reduced to help make up for what the trust will "lose" in favor of the consumers.

To be sure! Our farmers are entirely too wise to be fooled, and they well know that they can and will produce just as much revenue-

bringing products as ever before, and that they will get that revenue, tariff or no tariff, and the market will not be flooded, except with the highest grade of foodstuffs such as are in daily demand.

SUGAR COMPANIES EXPANDING.

That the sugar companies themselves do not believe that the removal of the tariff will destroy the sugar industry in Colorado is shown by the following item which appeared a few days ago under a Rocky Ford date line in the Pueblo Chieftain, the most uncompromising "stand-pat" Republican newspaper in Colorado:

The factory of the American Beet Sugar Co. is the busiest place in the city at the present time and the largest gang of men ever employed during the off season is now at work there. A large sum of money is being expended in the alterations and improvements which, when completed, will make the Rocky Ford factory the largest and best in the State.

With the present outlook on tariff regarding sugar the company realizes that if it is to continue the manufacture of beet sugar it must devise every plan possible to manufacture the product with as little expense as possible, and improved machinery will be installed to do all the work possible, thereby keeping the pay roll down to the minimum.

Mr. Speaker, I want to heartily indorse the testimony given by this Republican witness. Efficiently and economically managed, Colorado sugar factories can compete with the world.

SENTIMENT OF BUSINESS MEN.

The following letter, which I have just received from the secretary of the Gilpin County (Colo.) Chamber of Commerce, reflects the sentiments of that element in Colorado's business life which has refused to be stampeded by the calamity howling of the beneficiaries of the sugar tariff:

CENTRAL CITY, COLO., *May 26, 1913.*

Congressman EDWARD KEATING,
Washington, D. C.

DEAR SIR: Am writing you to apprise you of the attitude of the Gilpin County Chamber of Commerce, in regard to the petition which the Denver Chamber of Commerce will shortly forward to the Colorado Members of Congress in reference to the sugar tariff. Following is the telegram received by our organization from Denver:

"DENVER, COLO., *May 24, 1913.*

"W. J. STULL,
"*Secretary Gilpin County Chamber of Commerce,*
"*Central City, Colo.:*

"All commercial organizations of Denver are joining with the chamber of commerce in petition to President and Congress, asking that the three-year clause placing sugar on the free list be eliminated. We would like your concurrence in order to help protect one of Colorado's greatest industries. Please wire answer collect by Monday if possible.
"DENVER CHAMBER OF COMMERCE."

Following is the reply I sent, after interviewing a large number of our citizens. One leading Republican, who is favorable to free sugar, said if it was necessary he could circulate a petition among the members of his party, showing that they were also in favor of the elimination of the tariff on sugar.

"CENTRAL CITY, COLO., *May 26, 1913.*

"DENVER CHAMBER OF COMMERCE,
"*Denver, Colo.:*

Sentiment in this county is very strong in favor of free sugar and would like sugar on the free list now instead of in three years. We do not believe in a tariff policy for the benefit of the comparatively few engaged in or connected with an industry as against the many numbered among the consumers. The greatest good to the greatest number is the policy which should guide the commercial organizations of Colorado in the upbuilding of the State.

"GILPIN COUNTY CHAMBER OF COMMERCE,
"W. J. STULL, *Secretary.*"

Respectfully, W. J. STULL.

THE CURRENCY.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address by Mr. Festus J. Wade, of St. Louis, to the American Bankers' Association on the currency question.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, one of the great questions that demands the attention of the Congress of the United States is the necessity of a change in the banking system, and one that will provide a more elastic currency. Under leave granted me to extend my remarks in the RECORD on this subject, I include an address by Festus J. Wade, of St. Louis, Mo., delivered before the trust-company section of the American Bankers' Association in the city of New York on the 8th instant. Mr. Wade is one of the leading financiers and bankers of this country. He is president of the Mercantile Trust Co., of St. Louis, and also president of the Mercantile National Bank, of the same city. His address follows:

"I have come a thousand miles from the interior of this country to make an urgent appeal for help, for aid, for assistance. I appeal to those from the far West, the Middle West, the North, and the South for help; I appeal to the New York bankers present, and also those ambitious to be New York bankers. I appeal to you regardless of your political affiliation, social or financial condition, or religious belief for help. I appeal to you as American citizens to join forces in an endeavor to bring about a reduction in the high cost of living, and to stop the invidious tirade against railroads, which is gradually and insidiously undermining the good sense and economic principles of the whole Nation.

"There are several causes for the present high cost of living. To-night I will touch upon only one, and that is the weak financial credit system of the Government, with monetary laws totally inadequate to meet the needs of our ever-growing commerce. To solve that serious problem why not adopt ordinary business methods, first, by endeavoring to discover the foundation of the evil, and, secondly, the remedy to be applied.

"There is no problem without a solution; no difficulty insurmountable by the American people; no enterprise too large; no undertaking too great for them to carry to a successful issue if they can once be aroused to join hands and hearts in a united effort for the benefit of mankind. Such has been the history of the American Republic since its birth 137 years ago.

"If you have in your respective establishments a well-regulated credit department, you frequently refer to the manager of same to keep you posted in regard to various borrowers whose credit you have reason to believe a shade doubtful. If that manager should demonstrate to you that a certain corporation was keeping up its credit through fictitious means not generally understood by the public, then your confidence would be shaken, and if that credit manager further demonstrated to you that the rate at which the stockholders of that particular corporation were borrowing money was 25 per cent to 50 per cent higher than paid by competitors, then you would hesitate and cease to make further loans until you could investigate the cause, with a view to applying a remedy that would increase the security to your trust company and the profits of the corporation, that your loan might be more secure. If in your investigation you discovered the corporation's methods and systems to be antediluvian, unsound, unscientific, you would immediately send for the head of the establishment you had been lending money to and point out to him the inherent weakness found, and then insist that proper and conservative methods of conducting that business be applied.

"In dealing with an economic question concerning a corporation, the same principles may be applied to the Government; the people are the stockholders; the Government officials the officers and directors. If the Government is financed upon an unsound basis, its officers know it. If true, then you must admit a governmental wrong which ought to be righted. On the other hand, if the financial basis of the Government be unsound, and the governmental officials are ignorant of that fact, then they are proven incompetent.

"Even those who have given the matter only casual consideration acknowledge that the Government 2 per cent bond is kept at par on a fictitious financial basis. You and I, and every other thinking banker, know these bonds are not held by the people of the United States, but through a fictitious financial scheme are deposited in Washington as security for the issuance of national-bank circulation, or governmental deposits. England, France, Germany, and Italy, notwithstanding their stupenduous expenditure for army and navy, have their Government securities on a 3½ per cent basis, which is about the average annual banking rate of discount in the financial centers of Europe—London and Paris—on all railroad and commercial loans. The average rate of bonded interest paid by the great railway companies of England will not exceed 3½ per cent; while here in the United States our Government bonds are on a 2 per cent basis, fictitiously bolstered up, and the railroads of our great country are on a 7 per cent basis for their enormous requirements.

"Why is it the discount rate in London and Paris to-day on prime commercial bills is only 3½ per cent? Why is it the average rate throughout England and France the last 10 years has not been over 4 per cent except when financing a money stringency in America? Because they are on a sane financial basis; their monetary laws are sound and safe. They have not, within the recollection of any man in this hall to-night, ever suspended cash payments. They have had their great crises, disasters, misfortunes, panics, but have never yet repudiated their obligations nor declined to pay gold or currency as we did in the dark days of 1907 and 1893.

"The facts are, to enable the corporation (our Government) to sell its 2 per cent bonds at par, legislators have obliged stockholders (the people), by failure to revise the monetary laws, to pay on an average more than 6 per cent to finance large railroads and industrial enterprises, because of our weak financial system.

"Occupying as we do a most enviable position in the realms of commerce, and possessing an inexhaustible fund of ingenuity,

energy, and indomitable spirit; with agricultural resources and manufacturing industries constantly increasing; with commercial establishments and financial institutions on a firmer basis than ever before, the rate of money charged our people is abnormally high—all because of the inherent weakness of our monetary laws.

"Appeal after appeal has been made to Congress by merchants, manufacturers, and other classes, but I have not heard of a concerted and united appeal being made by the trust companies of the country, although out of a total of all deposits in all banks and financial institutions in the country the trust companies represent fully 30 per cent. And with this great power behind them they have practically sat silently by and left the work of reformation of the monetary system almost entirely to the national banks.

"At present the only system of expanding the currency of the Nation is through bond-secured currency of the national bank. The national banks represent only 38 per cent of the banking interests of the United States. Forty years ago, as a measure to overcome the ravages of war, it accomplished wonders, but it is entirely obsolete in the present day and generation, and no one will, on reflection, insist that the note-issuing power or privilege be given to the national bank to the exclusion of the State institutions, provided always that the State institutions—private and State banks and trust companies—comply with the strict letter of the law governing national banks.

"In England and France large corporations buy money on a 3½ per cent basis. In this country they must pay at least 6 per cent. Therefore the European manufacturer or railroad operator has an advantage over us of fully 40 per cent in the interest he is obliged to pay for every dollar borrowed, yet in the face of this fact the tariff on nearly every product will be lowered and increased competition created, while as yet no effort has been put forth to reduce the high cost of money, the primary cause of which is our weak monetary and credit system. Lower the tariff if you will, but when you do so, correct your monetary laws to make your interest rates lower and steadier.

"And now I come back to my appeal for help—not personal help from the East, West, North, or South, but for a united effort from all parts of the country—all its people; help for Senator OWEN, of Oklahoma, and Congressman GLASS, of Virginia, as chairmen of the respective congressional Committees on Banking and Currency, in so revising the monetary laws as to put trust companies, national and State banks, on an equal basis and create a flexible credit currency that will meet the necessities of the Nation's development. And with equal emphasis do I beg, nay, urge and plead, that Senator OWEN, of Oklahoma, and Congressman GLASS, of Virginia, appeal to the greatest bankers of this great Nation—a preponderance of them are found in New York City—to give them counsel and advice in the forming of a bill that will meet the needs of the Nation. To ignore New York City and its great financiers in the forming of such a measure would, in my judgment, be almost fatal to its being constructed on proper lines. Every bank west of the Hudson River, every locality west of the Hudson River, must and do appeal to New York in times of distress and go there to lend its money in times of redundancy. New York is the mecca of the Nation on financial matters, the financial center of the United States, and with proper monetary laws would immediately become the financial center of the world. Its financiers have the practical experience so necessary to give counsel and advice on such a vitally important question. Properly revised monetary laws will bring about a reduction in interest rates to borrowers, encouraging the owners of the farm, the mine, the factory, to increase their productions, and thus lowering the cost of living.

"No monetary plan should be submitted to Congress for vote unless it gives trust companies an equal right with banks, both State and National, to participate in carrying the burdens of this country and also to participate in any benefits accruing from a reformation of the monetary system.

"I know at first blush trust-company officials will put up a vigorous protest at being placed on the same plane as national banks in carrying the reserve required under the present system. They will claim the character of the trust-company business is so different from that of the national bank they do not require a reserve. I simply refer you to the panic of 1907, and, without mentioning names, call your attention to the fact that trust companies, the same as any other financial institution, require a reserve against demand deposits to meet emergencies in times of distress and to be on a sound basis in placid times.

"National banks will protest against this doctrine of allowing trust companies to participate in all of the benefits that might accrue from a reformation of the monetary laws, and one of their first objections will be: 'How can a trust company be permitted to issue currency?' The answer is plain and simple: If they comply with every requirement as to security, supervision, and reserve, the same as national banks, why should they not be permitted to have all the privileges and prerogatives of national banking institutions? Mark you, I say, provided they comply with all the obligations of the national institutions.

"When I advocate again that the privilege be given national banks of loaning on real estate, say, to the extent of 10 or 15 per cent of their gross deposits, confining them strictly to the limit of owning or loaning not more than 10 per cent of their gross deposits, I know it will be met with a storm of protest, and I shall doubtless be subjected to severe and honest but undesirable criticism. Nevertheless, I here and now assert that nothing could occur that would so tend to reduce the cost of living as to allow the 7,000 national banks in the country to loan, under proper supervision, 10 to 15 per cent of their $8,360,000,000 deposits on real estate, thus encouraging development of the agricultural as well as the industrial resources of the Nation. At present the national banks of the country own over $200,000,000 real estate, principally office buildings. How much more safely would that be invested in, say, 200,000 mortgages on good farms, and how greatly this would reduce the interest rate to the farmers, enabling them to produce more at less cost.

"The second topic which I am going to discuss to-night is the adverse, drastic, foolish legislation that has been directed against railroads, which represent the greatest purchasing power of any branch of trade or commerce in the country. Why is it railroad companies are unable to find a market for their securities at a reasonable rate? Why have they had to resort to the short-time note issues which bear tremendous discounts and high rate of interest? Simply because on the one side organized labor the last 10 years has demanded and secured increased wages of from 15 to 40 per cent; on the other hand, legislators in different States have demanded a decrease in railroad rates of from 25 per cent to 50 per cent, thus creating fear, making it more difficult to finance railroad bonds and notes, and actually have increased the yearly cost of hiring money 20 per cent to 30 per cent. Is it not therefore manifest, with this increase in expenditures and decrease in revenue, that the cost of living is not only increasing to the danger point but that the very lifeblood of the Nation is threatened with ruin and disaster?

"Therefore I appeal to you as trust-company men not only to lend a helping hand but to bend every energy to arrest the tirades directed against corporations in general and railroads in particular. To do this in a practical way, urge all your friends in the various State legislatures, and particularly your Senators and Congressmen, to study and understand the situation, to the end that they will not only advocate but urge the Interstate Commerce Commission to grant the increase of 5 per cent in the railroad rates, as now asked by the railroads, to meet existing conditions, bearing in mind that it costs the railroads of our country annually to buy money 40 per cent more than railroads of competing nations, while transportation rates charged by the roads of France, Germany, England, Russia, Austria, and Italy are more than 75 per cent higher than in the United States. Your efforts in this direction will redound to the benefit of the whole country, enable the railroads to keep up their present high standard of service, install even more effective safeguards for the protection of life, and better equip themselves for the further development of the wonderful and marvelous natural resources of our great country. This will increase the productions of the factory, farm, and mine, supply an abundance of food and raiment to the people, thus showing a net earning capacity sufficient not only to justify and demand but to be able to buy money at a proper and legitimate rate, the same as exists in Europe at the present time. When railroads are forced to reduce rates to a point making it almost impossible to meet obligations, the greatest purchasing power of the country is hampered and retarded, dissatisfaction ensues, investors the world over discredit the securities.

"In conclusion, let us resolve before we leave this banquet hall to-night that we will shun as we would a pestilence any individual, be he pauper or millionaire, banker or artisan, manufacturer, farmer, or politician, who decries the railroad simply because it is a railroad, wealth merely because it is wealth, for such an individual is an enemy to society and a menace to the Government."

FOREST SERVICE.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to print in the RECORD a resolution which I am

going to introduce and upon which I am going to speak next Monday.

The SPEAKER. The gentleman from Washington asks unanimous consent to print in the RECORD a resolution which will be the text of his remarks next Monday. Is there objection?

There was no objection.

The resolution is as follows:

Resolved, etc., That a special committee of five members be appointed by the Speaker of the House of Representatives from the Members of that body, which committee is hereby empowered and directed to make a complete and thorough investigation of the conditions, the methods, and practices of the Forest Service.

SEC. 2. That said committee is especially hereby empowered and directed to make a complete investigation of the following facts:

First. The giving to the Santa Fe Railroad and the Northern Pacific Railroad, and other private corporations, more than 2,000,000 acres of valuable public land, most of it timbered, in exchange for an equal number of acres of barren treeless and practically worthless land, included in forest reserves.

Second. What relation exists, if any, between the Forest Service, the Weyerhaeuser syndicate, the Northern Pacific Railroad, and other large timber owners of the Pacific Northwest, and especially as to what understanding there is, if any, in regard to the fixing of prices of timber and as to the keeping of timber off the market.

Third. As to why many million acres of nontimbered lands are included and kept in the forest reserves.

Fourth. The reason for the creation and the maintaining of forest reserves in Alaska.

Fifth. As to why five or six billion feet of merchantable timber annually rots in the forest instead of being cut, and why only $1,000,000 worth is sold while $15,000,000 worth is permitted to decay.

Sixth. The character, competency, and conduct of those employed in the Forest Service.

SEC. 3. That said committee shall report to the House all the facts disclosed by said investigation and what legislation, if any, it deems advisable in relation thereto.

SEC. 4. That said committee, or any subcommittee thereof, is hereby empowered to sit and act during the sessions or recess of Congress at such place or places as may be found necessary and to require the attendance of witnesses, the production of books, papers, and other documents, by subpœna or otherwise, to swear such witnesses and take their testimony orally or in writing.

SEC. 5. That said committee is hereby authorized to employ such counsel and experts and clerical and other assistance as shall be necessary to perform its duties hereunder.

SEC. 6. That the Speaker shall have authority to issue subpœnas for witnesses, upon the request of the committee, during the recess of Congress in the same manner as during the sessions of Congress.

INTERNATIONAL CONGRESS ON ALCOHOLISM (S. DOC. NO. 44).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, a report by the Secretary of State covering the report of the delegates of the United States to the Thirteenth International Congress on Alcoholism, at The Hague, in September, 1911, appointed in pursuance of a provision in the diplomatic and consular appropriation act approved March 3, 1911.

WOODROW WILSON.

THE WHITE HOUSE, *May 26, 1913.*

LEAVE OF ABSENCE.

Mr. SELDOMRIDGE, by unanimous consent, was granted leave of absence until Monday, June 23, 1913, on account of important business.

DEATH OF REPRESENTATIVE FORREST GOODWIN, OF MAINE.

Mr. HINDS. Mr. Speaker, it is my painful duty to announce to the House the death of my colleague, Hon. FORREST GOODWIN, of the third Maine district, which occurred at Portland yesterday afternoon. He had attained distinction at the bar and in both branches of the Maine Legislature. Twenty years ago, under the Speakership of Thomas B. Reed, he served this House as parliamentarian. At a later date I shall ask the House to set apart a time for pronouncing eulogies upon his character and public services. At this time I present the following resolutions:

The Clerk read as follows:

House resolution 113.

Resolved, That the House has heard with profound sorrow of the death of Hon. FORREST GOODWIN, a Representative from the State of Maine.

Resolved, That a committee of 14 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER appointed as the committee to attend the funeral the following Members: Mr. MCGILLICUDDY, Mr. LOBECK, Mr. FERRIS, Mr. HILL, Mr. CRISP, Mr. DONOVAN, Mr. RAKER, Mr. GUERNSEY, Mr. HINDS, Mr. LANGLEY, Mr. STEVENS of Minnesota, Mr. MORGAN of Oklahoma, Mr. GREENE of Vermont, and Mr. DYER.

The SPEAKER. The Clerk will read the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to; accordingly (at 12 o'clock and 17 minutes p. m.) the House, under its previous order, adjourned until Monday, June 2, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Warwick River, Md. (H. Doc. No. 57); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of Labor, transmitting a letter from the Commissioner of Immigration in regard to the immigration of Asiatic laborers (H. Doc. No. 56); to the Committee on Immigration and Naturalization and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KINKAID of Nebraska: A bill (H. R. 5609) to amend section 4 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 5673) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent; to the Committee on the Public Lands.

Also, a bill (H. R. 5674) to amend section 9 of the act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, to permit the taking of the depositions of witnesses residing a long distance from the court; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 5675) providing for the purchase of a site and the erection of a public building in the city of O'Neill, State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. STANLEY: A bill (H. R. 5676) to further protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: A bill (H. R. 5677) to authorize reduction of value of improvements required by act of April 28, 1904, and acts amendatory thereof, providing for homestead entries of certain lands in Nebraska of not exceeding 640 acres; to the Committee on the Public Lands.

Also, a bill (H. R. 5678) to amend the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195; to the Committee on Agriculture.

Also, a bill (H. R. 5679) providing for the purchase of a site and the erection of a public building in the city of Broken Bow, State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5680) providing for the purchase of a site and the erection of a public building in the city of Lexington, State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 5681) to refund the cotton tax realized to the Government under the various acts of Congress; to the Committee on War Claims.

Also, a bill (H. R. 5682) to amend section 15 of the act to regulate commerce as amended June 29, 1906, and June 18, 1910; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 5683) to prevent the nullification of State antigambling laws by international or interstate transmission of race gambling bets or of racing odds; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5684) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898; to the Committee on the Judiciary.

Also, a bill (H. R. 5685) to provide for a road to the Shiloh National Military Park; to the Committee on Military Affairs.

Also, a bill (H. R. 5686) declaring the selling, exchanging, or giving away any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a misdemeanor; to the Committee on the District of Columbia.

Also, a bill (H. R. 5687) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a felony; to the Committee on the District of Columbia.

By Mr. KINKAID of Nebraska: A bill (H. R. 5688) providing for the purchase of a site and the erection of a public building in the city of Scottsbluff, State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 5689) to make it unlawful for certain public officials to own capital stock or bonds in any and all public-service corporations doing business in the District of Columbia; to the Committee on the Judiciary.

Also, a bill (H. R. 5690) declaring all highways in the several States used for the purpose of transporting rural mail to be post roads and authorizing the improvement of same; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 5691) to regulate the issuance of injunctions in suits instituted in court to enjoin, set aside, annul, or suspend orders of the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5692) to erect a post-office building in the city of Huntingdon, State of Tennessee; to the Committee on Public Buildings and Grounds.

By Mr. FESS: A bill (H. R. 5693) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 5694) to repeal section 3480 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. VARE: A bill (H. R. 5695) to prevent the sale or transportation of articles of food which have been held in cold storage or refrigerating warehouses beyond the periods of time fixed herein, and for regulating traffic therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: A bill (H. R. 5696) to create a commission on social insurance; to the Committee on Appropriations.

By Mr. STANLEY: A bill (H. R. 5697) authorizing a survey of Tradewater River, and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5698) providing for the construction of a dredge boat to be used upon the Ohio River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5699) to establish a fish-hatching and fish-cultural station in Christian County, in southwestern Kentucky; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 5700) for the erection of a public building at Madisonville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5701) to admit free of duty certain articles manufactured in the United States of America; to the Committee on Ways and Means.

Also, a bill (H. R. 5702) for the erection of a cold-storage warehouse in Washington, D. C.; to the Committee on the District of Columbia.

Also, a bill (H. R. 5703) to prohibit persons engaged in the manufacture and sale of railroad cars, locomotives, railroad rails, and structural steel, or in the mining and sale of coal, from becoming directors or other officers or employees of railroads engaged in interstate commerce; to the Committee on the Judiciary.

Also, a bill (H. R. 5704) authorizing a survey of Pond River, Ky., and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5705) for the relief of farmers, merchants, and other dealers in leaf tobacco; to the Committee on Ways and Means.

Also, a bill (H. R. 5706) to provide for the securing of plans for additional buildings for the Department of Agriculture in the District of Columbia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5707) to enable the Secretary of Agriculture to conduct experiments and determine the practicability of making paper material out of cornstalks, and to erect buildings and purchase apparatus therefor; to the Committee on Agriculture.

Also, a bill (H. R. 5708) relating to punishment for contempt in Federal courts; to the Committee on the Judiciary.

Also, a bill (H. R. 5709) for the construction of a lock and dam in the Ohio River below the mouth of Green River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5710) for the relief of the drafted men of Henderson County, Ky., and other counties of Kentucky; to the Committee on Military Affairs.

Also, a bill (H. R. 5711) relating to punishment for contempt in Federal courts; to the Committee on the Judiciary.

Also, a bill (H. R. 5712) requiring a more complete record of all unmanufactured tobaccos; to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 5713) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington, on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Affairs.

By Mr. GREGG: A bill (H. R. 5714) to amend the Revised Statutes of the United States by adding thereto section 4547a, to provide for a more efficient remedy for the collection of seamen's wages and to provide fees for officers issuing and serving process; to the Committee on the Merchant Marine and Fisheries.

By Mr. STANLEY: A bill (H. R. 5715) providing that the Director of the Bureau of Engraving and Printing shall be a practical plate printer; to the Committee on Appfopriations.

Also, a bill (H. R. 5716) to amend an act entitled "An act to regulate commerce, approved February 4, 1887, as amended June 18, 1910"; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5717) to prohibit holding companies from engaging in interstate commerce, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 5718) to regulate the ownership of common carriers engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 5719) to place control of Columbia Institution for the Deaf entirely under the president and board of directors of the institution and Congress; to the Committee on the District of Columbia.

By Mr. SMITH of Texas: A bill (H. R. 5815) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BRITTEN: Joint resolution (H. J. Res. 90) proposing an amendment to the Constitution providing for the nomination and election of President and Vice President by a direct vote of the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. SIMS: Resolution (H. Res. 112) amending the rules of the House of Representatives; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 114) for the appointment of a committee to investigate the Forest Service; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the Territory of Alaska, in regard to reducing the tax on electric light plants, cigar stands, banks, etc.; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, in regard to proposed amendments to school laws; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, in regard to patrolling the coast by revenue cutter; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of Alaska, in regard to appointment of attorney general and secretary of state for Territory of Alaska; to the Committee on the Territories.

Also (by request), memorial of the Legislature of Alaska, in regard to development and extension of the town site of Juneau; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the Territory of Hawaii, favoring the amending of the organic act of the Territory in regard to sessions of the legislature; to the Committee on the Territories.

Also (by request), memorial of the Legislature of the State of Missouri, suggesting and favoring amendment to the Constitution of the United States correcting the manner in which the constitutionality of State enactments shall be determined by the Supreme Court of the United States; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Arizona, favoring the speedy enactment of House bill 4825

opening the surplus and unallotted land in the Colorado River Indian Reservation to sentlement and entry under the provisions of the Carey Land Acts, and for other purposes; to the Committee on Indian Affairs.

Also (by request), memorial of the Legislature of Arizona, to ask Congress to legislate for relief of settlers of school lands in that State who settled before such lands were surveyed; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Connecticut, requesting Congress to propose an amendment to the Constitution of the United States for the election of the President and Vice President by a direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CARY: Memorial of the Legislature of Wisconsin, asking Congress to enact a law setting aside certain islands in the Great Lakes for the purpose of establishing thereon bird reserves; to the Committee on the Public Lands.

Also, a memorial of the Legislature of Wisconsin, favoring the adoption of Senate joint resolution 131 and House bill 16808, introduced during the second session of the Sixty-second Congress; to the Committee on the Judiciary.

By Mr. CRAMTON: Memorial of the Legislature of Michigan, favoring the passage of House bill 7661, relative to the loaning of money by the Government on farms; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 5720) granting a pension to Malissa Sands; to the Committee on Invalid Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 5721) granting an increase of pension to William H. Mize; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5722) granting an increase of pension to Sarah M. Dunn; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 5723) granting a pension to Ebb Workman; to the Committee on Pensions.

Also, a bill (H. R. 5724) granting a pension to Edward H. Osmond; to the Committee on Pensions.

Also, a bill (H. R. 5725) granting a pension to Elizabeth Pierson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5726) granting a pension to Walter Zogg; to the Committee on Pensions.

Also, a bill (H. R. 5727) granting a pension to Foster Rine; to the Committee on Pensions.

Also, a bill (H. R. 5728) granting a pension to Josephine Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 5729) granting an increase of pension to David R. Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5730) granting an increase of pension to Anthony Headley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5731) granting an increase of pension to Azuba Burch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5732) for the relief of J. Walter Duncan; to the Committee on Claims.

Also, a bill (H. R. 5733) for the relief of S. C. Gist; to the Committee on Claims.

Also, a bill (H. R. 5734) for the relief of Oakley Randall; to the Committee on Claims.

Also, a bill (H. R. 5735) for the relief of Charles L. Barnes; to the Committee on Claims.

Also, a bill (H. R. 5736) for the relief of James H. McGill; to the Committee on Military Affairs.

Also, a bill (H. R. 5737) for the relief of E. H. Hoult; to the Committee on Claims.

Also, a bill (H. R. 5738) for the relief of J. Walter Duncan; to the Committee on the Judiciary.

Also, a bill (H. R. 5739) for the relief of Henry Borman; to the Committee on Military Affairs.

Also, a bill (H. R. 5740) for the relief of Samuel Harrison; to the Committee on Military Affairs.

Also, a bill (H. R. 5741) for the relief of Frank Sheldon; to the Committee on Claims.

Also, a bill (H. R. 5742) for the relief of the heirs of Elijah M. Hart; to the Committee on War Claims.

Also, a bill (H. R. 5743) for the relief of the heirs of James A. Cummins; to the Committee on War Claims.

Also, a bill (H. R. 5744) for the relief of the heirs of E. C. Trimble; to the Committee on War Claims.

Also, a bill (H. R. 5745) to execute the findings of the Court of Claims in the case of William Erskine, administrator of John M. Doddridge, deceased; to the Committee on Claims.

By Mr. DONOVAN: A bill (H. R. 5746) for the relief of Marcus L. Pelham; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 5747) granting a pension to Polly R. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5748) to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Joseph O'Reilly; to the Committee on Naval Affairs.

By Mr. HAMMOND: A bill (H. R. 5749) granting a pension to Mary A. Frazier; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 5750) for the relief of William Keough; to the Committee on War Claims.

Also, a bill (H. R. 5751) for the relief of Grace Harris; to the Committee on the Public Lands.

Also, a bill (H. R. 5752) for the relief of Uriah S. Town; to the Committee on the Public Lands.

Also, a bill (H. R. 5753) to correct the military record of John Minahan, alias John Bagley; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 5754) granting a pension to Theodore T. Simon; to the Committee on Pensions.

Also, a bill (H. R. 5755) granting an increase of pension to Samuel C. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5756) granting certain land to the Northern Minnesota Conference of the Methodist Episcopal Church; to the Committee on the Public Lands.

By Mr. O'SHAUNESSY: A bill (H. R. 5757) granting an increase of pension to James Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5758) granting an increase of pension to George H. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5759) granting an increase of pension to Abby M. Thompson; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 5760) granting a pension to Amy Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5761) granting a pension to Addie M. Paff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5762) granting a pension to Rosa A. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5763) granting a pension to Marcia H. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5764) granting a pension to Clara G. Branch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5765) granting a pension to Lizzie E. Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5766) granting a pension to Alice Hammond; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 5767) granting a pension to Juliett Wentworth; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 5768) to perfect the title of the heirs of James S. Rollins, deceased, to bounty land warrant No. 58479, issued to George Hickum, teamster, United States Quartermaster Department, War with Mexico; to the Committee on the Public Lands.

By Mr. SIMS: A bill (H. R. 5769) for the relief of Mildred J. Bray; to the Committee on Claims.

Also, a bill (H. R. 5770) for the relief of David W. Reed; to the Committee on War Claims.

Also, a bill (H. R. 5771) for the relief of the heirs of W. H. Sneed; to the Committee on War Claims.

Also, a bill (H. R. 5772) for the relief of the legal representatives of William Goad, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5773) for the relief of the legal representatives of Henry Roberson, deceased; to the Committe on War Claims.

Also, a bill (H. R. 5774) for the relief of the legal representatives of John Green, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5775) for the relief of the legal representatives of V. B. Walker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5776) for the relief of the legal representatives of Joseph R. Mathews, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5777) for the relief of Thomas Kennedy, executor of the estate of Margaret Kennedy, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5778) for the relief of Edwin Moore; to the Committee on War Claims.

By Mr. STANLEY: A bill (H. R. 5779) granting a pension to George Price; to the Committee on Pensions.

Also, a bill (H. R. 5780) granting a pension to Ulysses S. Davis; to the Committee on Pensions.

Also, a bill (H. R. 5781) granting a pension to William E. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 5782) granting a pension to Columbus Wise; to the Committee on Pensions.

Also, a bill (H. R. 5783) granting a pension to Stephen H. Harrel; to the Committee on Pensions.

Also, a bill (H. R. 5784) granting a pension to Mary S. Overby; to the Committee on Pensions.

Also, a bill (H. R. 5785) granting a pension to Sophia Goodman; to the Committee on Pensions.

Also, a bill (H. R. 5786) granting a pension to Escar Smith; to the Committee on Pensions.

Also, a bill (H. R. 5787) granting a pension to Robert S. Hill; to the Committee on Pensions.

Also, a bill (H. R. 5788) granting a pension to William H. Jones; to the Committee on Pensions.

Also, a bill (H. R. 5789) granting a pension to Emmett Puckett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5790) granting a pension to Elise G. Irving; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5791) granting a pension to Edwin Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5792) granting an increase of pension to Catharine May; to the Committee on Pensions.

Also, a bill (H. R. 5793) granting an increase of pension to Marcus E. Cartwright; to the Committee on Pensions.

Also, a bill (H. R. 5794) granting an increase of pension to William A. Parker; to the Committee on Pensions.

Also, a bill (H. R. 5795) granting an increase of pension to Elizabeth A. Pearce; to the Committee on Pensions.

Also, a bill (H. R. 5796) granting an increase of pension to Louisa Jacobs; to the Committee on Pensions.

Also, a bill (H. R. 5797) granting an increase of pension to Perry Knox; to the Committee on Pensions.

Also, a bill (H. R. 5798) granting an increase of pension to John Coombs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5799) granting an increase of pension to S. G. Ragsdale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5800) granting an increase of pension to Nathaniel S. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5801) for the relief of George D. Blakey; to the Committee on Claims.

Also, a bill (H. R. 5802) for the relief of Frank W. Clark; to the Committee on War Claims.

Also, a bill (H. R. 5803) for the relief of Francis M. Price; to the Committee on War Claims.

Also, a bill (H. R. 5804) for the relief of Martha A. Troop; to the Committee on Military Affairs.

Also, a bill (H. R. 5805) for the relief of Walter Langley; to the Committee on Military Affairs.

Also, a bill (H. R. 5806) for the relief of George W. Lackey, surviving partner of the firm of William Lackey & Sons; to the Committee on War Claims.

Also, a bill (H. R. 5807) for the relief of the estate of Ben Whitaker, sr., deceased; to the Committee on War Claims.

Also, a bill (H. R. 5808) for the relief of the estate of Joel F. Yager, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5809) for the relief of the estate of Leopold Harth, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5810) for the relief of the estate of David O. Conn, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5811) for the relief of the estate of W. C. Russell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5812) for the relief of the estate of John M. Higgins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5813) for the relief of the estate or heirs of Philip P. Phillips, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5814) to carry into effect the findings of the Court of Claims in the case of A. W. Richards, administrator of estate of Kinchen Bell, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the First Baptist Church of Elgin, Ill., favoring the passage of legislation making polygamy unlawful in the United States; to the Committee on the Judiciary.

Also, petition of citizens of Springfield, Mo., protesting against the passage of the proposed legislation for the establishment of a committee on public health; to the Committee on Rules.

Also, petition of Fred Lang, Herman, Mo., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. ALLEN: Petition of the Cleveland (Ohio) Chamber of Commerce, favoring the passage of legislation making an appropriation for the control of the waters of the Mississippi River; to the Committee on Appropriations.

By Mr. CLARK of Florida: Petition of the Board of County Commissioners of Duval County, Fla., favoring an appropriation sufficient to reimburse the county of Duval for money expended for the improvement of the St. Johns River; to the Committee on Rivers and Harbors.

By Mr. DALE: Petition of the Traffic Club of New York, New York, N. Y., favoring an appropriation for the continuance of the Commerce Court; to the Committee on Appropriations.

Also, petition of James E. Carroll, Brooklyn, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Cigar Makers' Joint Advisory Board, New York, N. Y., protesting against the removal of the duty on Philippine tobacco and cigars; to the Committee on Ways and Means.

Also, petition of George W. Houck, Ellicottville, N. Y., protesting against the creation of a committee on public health; to the Committee on Rules.

By Mr. GARDNER: Petitions of Henry C. Taylor, 205 Besse Building, Springfield; Frederick Carlsen, 8 Brimmer Street, Boston; Charles Albion Clark, Salem; L. F. Fleming, 39 Mount Pleasant Avenue, Roxbury; R. Putnam, Dorchester; Edmond R. Sargent, 41 Sherwood Street, Roslindale; Charles T. Morgan, 5 Pleasant Street, Bradford; Elmer E. Chain, 57 Foster Street, Peabody; Mr. and Mrs. H. C. Oersted, 328 Huntington Avenue, Hyde Park; H. A. Stoddard, 256 Essex Street, Salem; B. R. Davis, 57 White Street, Haverhill; Mildred H. Wright, 3 Ruthven Street, Roxbury; William C. Keith, Salem; S. Flewelling, 5 Elm Hill Park, Roxbury; John F. Eccles, 84 Huntington Avenue, Boston; Isabelle C. Cressey, 24 Nightingale Street, Dorchester; L. E. Seeley, 33 Elm Hill Park, Roxbury; William R. Knox, 220 Clarendon Street, Boston; Lambert H. Farnham, 112 Corey Road, Brookline; Ina M. Farnham, 112 Corey Road, Brookline; Della C. Farnham, 112 Corey Road, Brookline; M. Guy Archibald, 17 Railroad Square, Haverhill; Mrs. L. A. Carter, 16 Everett Street, Hyde Park; W. F. Armstrong, 93 Lyndhurst Street, Boston; Harrison James, 50 Franklin Street, Boston; M. S. Flewelling, 4 Elm Hill Park, Roxbury; Nathan C. Harrison, 5 Dorchester Avenue Extension, Boston; Miss M. C. Grant, 35 Mount Pleasant Avenue, Roxbury; Anna E. Appleton, 52 Townsend Street, Roxbury; Henry C. Nickerson, 4 Albany Street, Boston; Helen Appleton, 52 Townsend Street, Roxbury; Ruth Appleton, 52 Townsend Street, Roxbury; Mrs. Thomas C. Carter, 73 Humboldt Avenue, Boston; Stewart G. Lawrence, 71 Beaumont Street, Ashmont; Mrs. Jennie M. Skinner, 60 Clarkwood Street, Mattapan; H. Bruce Fletcher, 32 Ocean Street, Dorchester; William E. Rumrill, Boston; Mrs. B. C. Piper, 26 Bellevue Street, Dorchester; E. W. Fletcher, Boston; Gretchen P. Bartlett, 9 Ware Street, Dorchester; L. M. Greene, Dorchester; Louis G. Hirtz, 9 Elm Hill Park, Roxbury; Albert L. Ware, 24 Ellsworth Avenue, Cambridge; Charlotte L. Swift, Milton; John Swift, Milton; Forest E. Goodrich, Haverhill; James W. Bennett, 288 St. Botolph Street, Boston; Wilfred Carter, 12 Franklin Terrace, Hyde Park; William A. Pike, Pittsfield; Dr. H. J. Baker, 471 Columbia Road, Dorchester; Miss Eliza Bruce Ryan, 348 Walnut Avenue, Roxbury; Miss Lucy E. Lane, 91 Munroe Street, Roxbury; Sadie M. Ray, 16 Stanley Street, Dorchester; F. O. Tarbox, Haverhill; Joseph F. J. M. Brown, 7 Louise Park, Roxbury; H. C. Brown, 7 Louise Park, Roxbury; Mrs Ida L. Henry, 288 Chestnut Avenue, Jamaica Plain; Mrs. Florence H. Houghton, 288 Chestnut Avenue, Jamaica Plain; Mrs. Ella F. Nickerson, 33 Alpine Street, Roxbury; Mrs. Amy P. Blanchard, 60 Clarkwood Street, Mattapan; Annie A. Rea, 45 Mount Pleasant Avenue, Roxbury; Ralph P. True, Amesbury; Mary A. Fowkes, 7 Louise Park, Boston; Sarah C. Linscott, 8 Ruthven Street, Roxbury; Martha I. Emery, 35 Waverly Street, Roxbury; E. L. Willis, 179 Lincoln Street, Boston; Miss Edith Calchpole, 24 West Street, Boston; C. L. Hudsley, 80 Glendale Street, Dorchester; Charlotte D. Wesson, Boston; B. W. Skinner, 185 Congress Street, Boston; Mrs. Mary L. Weaver, 485 Washington Street, Dorchester; Miss Edith A. Tuttle, 7 Larchmont Street, Dorchester; D. L. Crawley, Dorchester; Mrs. Bertha Davis Weston, Riverbank Court, Cambridge; Frank B. Homans, Hyde Park; Katharine L. Smith, 30 Wyoming Street, Roxbury; P. F. Hood, 45 Milk Street, Boston; Elnora Ginn Cord, 34 Spencer Avenue, West Somerville; Ruth J. Morse, 55 Hastings Street, West Roxbury; J. W. Robbins, 20 Rockland Avenue, Boston; A. J. Lavery, 22 Holborn Street, Roxbury; Miss Mabel Blaisdell, 38 Quincy Street, Roxbury; Carolyn Glidden, 45 Metropolitan Avenue, Roxbury; Helen Maude Binney, Roxbury; Gertrude E. Harrison, 84

Melville Avenue, Dorchester; Mrs. Alice E. Linnell, 100 Boylston Street, Boston; Florence E. Shattuck, 61 Moreland Street, Roxbury; A. E. Starks, Boston; George Lord Starks, Boston; Clarence J. Carlisle, 29 Millet Street, Dorchester; Horace M. Carlisle, 29 Millet Street, Dorchester; Mrs. C. V. Chipman, 560 West Park Street, Dorchester; Nancy B. Lawrence, 560 Park Street, Dorchester; E. M. Klotzbach, 99 Bowdoin Avenue, Dorchester; A. P. Ryder, 10 North Devon Street, Roxbury; J. Lee Robinson, editor Cambridge Tribune, Cambridge; George S. Haddock, 9 Crawford Street, Roxbury; J. D. Blaisdell, Symphony Hall, Boston; J. W. Lewis, Pittsfield; Mary C. McLain, 23 Castlegate Road, Dorchester; Frances M. McLain, 23 Castlegate Road, Dorchester; Lilian E. Fales, 23 Castlegate Road, Dorchester; Mrs. Jeanette Phillips, 33 Glendale Street, Dorchester; Mrs. Jeannette W. Mitchell, 33 Glendale Street, Dorchester; Mrs. Lulu S. Dawson, 4 Franklin Terrace, Hyde Park; Gertrude F. Whitcomb, 86 Ridge Road, Dorchester; Clarence W. Scott, 14 Westland Avenue, Boston; Mrs. Caroline A. Parker, 4 Cushing Avenue, Dorchester; Louis C. Ochs, Haverhill; J. S. Moore, Haverhill; A. M. Estabrook, Haverhill; L. C. Stephens, Boston; A. E. Stephens, Dorchester; Mrs. J. E. True, 15 Castlegate Road, Dorchester; Mrs. Adeline E. Lewis, 27 Wabore Street, Roxbury; Ephraim W. Lewis, 27 Wabore Street, Roxbury; George M. Parker, 4 Post Office Square, Boston; Frederick L. Bauer, 354 Belgrade Avenue, West Roxbury; Miss Rachel Perne Amen, 5 Elm Hill Park, Roxbury; W. H. Armstrong, Dorchester; Emily E. Adams, 6 Elm *Hill Park*, Roxbury; Nellie E. Sherman, 6 Elm Hill Park, Roxbury; Lametta W. Blish, 16 School Street, Dorchester; Caroline W. Davis, 3 Ruthven Street, Roxbury; Miss Edith Preston Foster, 3 Ruthven Street, Roxbury; A. M. Howe, Mattapan; Mrs. Arrington, 57 Peter Parley Road, Jamaica Plain; Esther Boyden, Mattapan; H. C. Ellis, 117 Sherman Street, Springfield; Torrance Parker, Boston; George S. Taber, New Bedford; John T. Champion, New Bedford; Elisha B. Seeley, Roxbury; George H. Cooper, Pittsfield; Frank M. Atkins, Boston; A. E. Vaullstrand, Pittsfield; Frank H. Sprague, Quincy; Fred A. Noyes, Boston; Henry L. Upton, Quincy; George MacFarlane, Dedham; Joseph C. Palmer, manager Hodkins Shoe Store, Lynn; Isaac N. Harrington, Lynn; Albert W. Symonds, Lynn; Elbridge O. Welch, Lynn; Sebina Snow, Lynn; Homer B. Clement, Lynn; George A. Churchill, Lynn; Wallace P. Jeffrey, Lynn; Walter L. Winchester, Lynn; Frank L. Arey, Lynn; J. W. Bonney, Lynn; George A. Beacon, Springfield; O. M. Crocker, Braintree; Simon Adams, Roxbury; Giles M. Smith, Watertown; Guy S. Perkins, Longmeadow; O. D. Greene, president Roxbury Historical Society, Boston; W. G. Corthell, Wollaston; Clarence E. Stone, Dorchester; G. B. Whelden, Brockton; William H. Hawes, Brockton; Thomas B. Fales, Dorchester; George H. Wilkins, Boston; Frank A. Colburn, 19 Ware Street, Cambridge; John E. Sedman, 1010 Massachusetts Avenue, Cambridge; Sherwin L. Cook, Boston; L. C. Sampson, Brockton; S. J. McFaun, Brockton; Ralph R. Robinson, Brockton; C. Chesley French, Brockton; John B. Hutchinson, Riverbank Court, Cambridge; Mrs. Fred D. Annett, Brockton; George A. Stevens, Brockton; W. M. Woodward, Brockton; Erastus G. Stiles, Brockton; Willard Hanson, Brockton; Martin F. Toby, Brockton; George Knox, Brockton; Benjamin F. Bowker, Brockton; Lucy E. Dee, Brockton; Eva Moore, Brockton; C. L. Tobey, Brockton; Levi J. Harper, Brockton; C. N. Bacon, Springfield; George Ferry, Brockton; Reginald Hoyt, Brockton; G. T. Thompson, Brockton; P. Edward Foster, Boston; Ellis C. Johnson, Haverhill; George C. Turner, Somerville; John M. Harrison, Haverhill; Charles E. Brown, Concord; George A. Newhall, Boston; George O. Willis, jr., Dedham; C. F. Harris, Boston; Austin W. St. John, Somerville; G. H. Moore, Boston; Gardner I. Jones, Boston; Arthur P. Gay, 6 Beacon Street, Boston; Fred L. Howard, Boston; F. C. H. Gibbons, Springfield; all in the State of Massachusetts, protesting against the creation of a committee on public health; to the Committee on Rules.

Also, petition of Massachusetts State Board of Trade, protesting against the provision in the sundry civil bill forbidding the use of any part of the appropriation for the enforcement of antitrust laws in the prosecution of special classes; to the Committee on Appropriations.

By Mr. GRAY: Petition of Jesse French & Sons' Piano Co., of Newcastle, Ind., favoring the passage of an amendment to the bankruptcy law to secure more speedy action; to the Committee on the Judiciary.

By Mr. LOBECK: Petition of Thompson, Belden & Co., of Omaha, Nebr., favoring the passage of the 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Miss Stella Taylor, of Blair, Nebr., protesting against the creation of a committee on public health; to the Committee on Rules.

Also, petition of Cozard Commercial Club, favoring the passage of the 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Petition of E. J. Burton and Martin Klein, both of New York, protesting against the passage of House resolution 33, to create a new committee on public health; to the Committee on Ways and Means.

Also, petition of Traffic Club of New York, favoring appropriation for the continuance of the Commerce Court; to the Committee on Appropriations.

By Mr. SCULLY: Petition of the Traffic Club, of New York, N. Y., favoring an appropriation for the continuance of the Commerce Court; to the Committee on Appropriations.

Also, petition of Russian Caviar Co., of New York, N. Y., favoring the passage of legislation making a specific rate of duty on caviar; to the Committee on Ways and Means.

Also, petition of Double Trouble Co., of Toms River, N. J., favoring the passage of House bill 4899, to fix standard barrels for fruits, vegetables, etc.; to the Committee on Ways and Means.

Also, petition of the J. Wilckes Co., of New York, N. Y., protesting against the assessment of a fee for protests against assessments of duty by collectors of customs; to the Committee on Ways and Means.

Also, petition of Alex C. Sopers, of Lakewood, N. J., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of citizens of Washington, Pa., favoring the passage of legislation for the control and regulation of the sale of opium and cocaine except for medicinal uses; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *June 2, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Thursday last was read and approved.

AMENDMENT OF THE RULES.

Mr. CLARKE of Arkansas. Mr. President, some time since I entered a motion to reconsider the vote by which the resolution (S. Res. 64) amending Rule XII was adopted. I desire to call that matter up for consideration at this time. It is in the nature of a privileged motion, I take it.

The VICE PRESIDENT. The Secretary will read the amendment of the rule.

The Secretary read as follows:

Resolved, That Rule XII be amended as follows:

"3. Immediately after and before the result of each roll call is ascertained and announced the Secretary shall call the names of the absentees."

The VICE PRESIDENT. The Senator from Arkansas on the 1st of May entered a motion to reconsider the action of the Senate adopting this amendment to the rules.

Mr. WILLIAMS. Has unanimous consent been yet obtained to consider it?

The VICE PRESIDENT. The Chair so understands.

Mr. WILLIAMS. I merely wish to say, Mr. President, that I was the author of that rule. I had hoped that the purpose which was accomplished in the House by a like rule would be accomplished here, to wit, stopping Senators from coming in after a roll call and calling the attention of the President and having their names called, and then being recorded. In the House, however, immediately after the second roll call no Member of the House can consume the time of the body in stating why he was not present or in having himself recorded.

I find that I merely put in one additional roll call while Senators keep up the old abuse. I think the amendment ought to be reconsidered and defeated.

Mr. SMOOT. Mr. President, when the amendment was offered I called the attention of the Senate to it and stated that I thought it was a mistake; and I remember well saying that I thought it would be reconsidered within the next two months. I think not quite that time has elapsed. I certainly approve of a reconsideration of the rule.

Mr. WILLIAMS. It would have saved time if the vote had been announced immediately after the second roll call, but the clerks always waited to let Senators stray in.

Mr. CLARKE of Arkansas. Mr. President, I have devoted a considerable part of my life to the practice of the law, and one of the things which came to my knowledge that I profited by was never to argue a case after the court had announced a decision in my favor.

In view of the statement of the Senator from Mississippi [Mr. WILLIAMS] I do not think it necessary to advance any reason why the rule should be reconsidered, but I think the occasion is significant in the fact that it demonstrates the futility of attempting to improve upon the present rules of the Senate. They are the result of evolution and experience, and nearly every one has been evoked by sound common sense and the temperate sentiment of the Senate.

With this statement I believe I will desist.

Mr. CLARK of Wyoming. Mr. President, in a matter of this importance I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	O'Gorman	Stephenson
Bacon	Hughes	Overman	Sterling
Borah	Jackson	Penrose	Stone
Brady	James	Perkins	Sutherland
Bristow	Johnson, Me.	Pittman	Swanson
Bryan	Johnston, Ala.	Pomerene	Thomas
Burton	Jones	Ransdell	Thompson
Catron	Kenyon	Root	Thornton
Chamberlain	La Follette	Saulsbury	Tillman
Chilton	Lane	Shafroth	Townsend
Clapp	Lewis	Sheppard	Vardaman
Clark, Wyo.	Lippitt	Sherman	Warren
Clarke, Ark.	Lodge	Shively	Weeks
Crawford	Martin, Va.	Simmons	Williams
Dillingham	Martine, N. J.	Smith, Ariz.	Works
Fletcher	Nelson	Smith, Ga.	
Gronna	Newlands	Smith, S. C.	
Hitchcock	Norris	Smoot	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city on important business. He is paired on all questions with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. A quorum is present. The question now is upon the motion of the Senator from Arkansas to reconsider the vote upon the amendment to the rule, which the Secretary will read.

The SECRETARY. It is moved to reconsider the vote by which paragraph 3 was added to Rule XII. The paragraph reads:

3. Immediately after and before the result of each roll call is ascertained and announced the Secretary shall call the names of the absentees.

Mr. CLARK of Wyoming. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. BRADLEY. I am paired with the Senator from Indiana [Mr. KERN] who is absent. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. DILLINGHAM. I wish to announce that my colleague [Mr. PAGE] is absent on duty of the Senate to-day. He is paired with the Senator from Tennessee [Mr. SHIELDS].

Mr. MARTINE of New Jersey. The Senator from Montana [Mr. WALSH] is absent on duty appertaining to the Senate. He is paired with the Senator from Iowa [Mr. CUMMINS].

Mr. LODGE. I was requested to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Tennessee [Mr. LEA]; that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Delaware [Mr. SAULSBURY]; that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON]; that the Senafrom New Hampshire [Mr. GALLINGER] is paired with the Senator from New York [Mr. O'GORMAN]; that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from Alabama [Mr. BANKHEAD]; that the Senator from North Dakota [Mr. MCCUMBER] is paired with the Senator from Maryland [Mr. SMITH]; and that the Senator from Pennsylvania [Mr. OLIVER] is paired with the Senator from Oregon [Mr. CHAMBERLAIN].

The result was announced—yeas 65, nays 7, as follows:

YEAS—65.

Ashurst	Fletcher	Martine, N. J.	Smith, S. C.
Bacon	Gore	Myers	Smoot
Borah	Gronna	Nelson	Stephenson
Bradley	Hitchcock	O'Gorman	Sterling
Brady	Hollis	Overman	Stone
Bristow	Hughes	Penrose	Sutherland
Bryan	Jackson	Perkins	Swanson
Burton	James	Pomerene	Thompson
Catron	Johnson, Me.	Ransdell	Thornton
Chamberlain	Johnston, Ala.	Root	Tillman
Chilton	Jones	Saulsbury	Townsend
Clapp	Kenyon	Shafroth	Vardaman
Clark, Wyo.	La Follette	Sheppard	Williams
Clarke, Ark.	Lewis	Shively	Works
Crawford	Lodge	Simmons	
Dillingham	McLean	Smith, Ariz.	
Fall	Martin, Va.	Smith, Ga.	

NAYS—7.

Lane	Norris	Thomas	Weeks
Lippitt	Reed	Warren	

NOT VOTING—24.

Bankhead	du Pont	Newlands	Robinson
Brandegee	Gallinger	Oliver	Sherman
Burleigh	Goff	Owen	Shields
Colt	Kern	Page	Smith, Md.
Culberson	Lea	Pittman	Smith, Mich.
Cummins	McCumber	Poindexter	Walsh

So the resolution amending Rule XII was reconsidered.

Mr. CLARKE of Arkansas. I move that the resolution be indefinitely postponed.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

The motion was agreed to.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. OVERMAN. I ask the permission of the Senate that the subcommittee of the Committee on the Judiciary may sit during the sessions of the Senate in making the investigation directed by the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

ADJOURNMENT TO THURSDAY.

Mr. NEWLANDS. I move that when the Senate adjourns to-day it adjourn until Thursday next at 2 o'clock p. m.

The motion was agreed to.

THE TARIFF.

Mr. SMOOT. Mr. President, Senators will find upon their desks Senate Document No. 45. It is a comparison of the rates of duty levied by the tariff act of 1909 and the bill H. R. 3321, as passed by the House of Representatives. It also shows the corresponding rates in the chemical, metal, sugar, cotton, and wool bills of 1912, and the equivalent ad valorems in all those measures, based upon the importations for the fiscal years 1911 and 1912.

In explanation, Mr. President, so that there will be no misunderstanding in Senators' comparisons of rates, I want to call attention to the following facts: The 1912 chemical bill passed the other House, but failed in the Senate; therefore the comparisons are made upon the chemical bill as it passed the House. The comparisons are made upon the metal schedule, the sugar schedule, the cotton schedule, and the wool schedule as those bills passed the Senate. In the metal schedule there were only two amendments made in the Senate. They had reference to pig iron and ferromanganese, so that there would have been very little difference in the comparison either with the House bill or the Senate bill. The sugar bill came from the other House providing for free sugar, but it was changed in the Senate. I have therefore made the comparisons of the rates with the Senate bill. The cotton bill was the same, both in the House and in the Senate.

The wool bill came from the House with certain rates, and the Senate passed the bill changing those rates. The bill went into conference, and different rates than those provided in either the House or Senate bill were agreed upon. The comparison is made upon the bill as it was passed by the Senate.

I wanted to make this explanation, so that when Senators compare the rates they may know exactly what bills the comparisons were based upon.

Mr. President, I have had prepared by Thomas J. Doherty, the special attorney, Customs Division, Department of Justice, notes on tariff revision in 1913, being comments on the meaning and effect of the changes in the phraseology of the tariff law made by the bill H. R. 3321 as it passed the House of Representatives, noting the errors therein, and offering suggestions as to the necessity for amendment thereof. I ask that it be printed as a public document.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. What is it the Senator from Utah desires, Mr. President?

Mr. SMOOT. I will say——

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Utah whether it would not be well to print the explanation he has made of this document as a note upon its first page?

Mr. SMOOT. Mr. President, if the Senator from Nevada suggests that, I can have my explanation printed as a slip and put on the first page of the comparisons. I will gladly do that.

Mr. NEWLANDS. Very well.

Mr. SMOOT. Now, in answer to the Senator from North Carolina [Mr. SIMMONS], I will state that my request was to have printed as a public document notes on the tariff revision of 1913, compiled by Thomas J. Doherty, special attorney, Customs Division, Department of Justice.

Mr. SIMMONS. Do I understand that the matter is prepared by some official in the Department of Justice?

Mr. SMOOT. It is.

Mr. SIMMONS. And that it is a criticism of the House tariff bill?

Mr. SMOOT. Well, it is calling attention to the different phraseology of the House bill as compared with the present law, and what effect such change will have upon the items as enumerated in each of the schedules.

Mr. SIMMONS. In other words, it is an argument made by an official in the Department of Justice?

Mr. SMOOT. There is no argument in the document. It is simply a statement of facts as they exist and showing the difference in the phraseology.

Mr. SIMMONS. I object to its being printed as a document until I can have time to examine it.

Mr. SMOOT. I want to say to the Senator from North Carolina that Mr. Doherty was the gentleman who compiled the notes on the tariff in the year 1909. This is simply following out the work that was done by him in the House of Representatives in 1909, and it will give information to every Senator. I say to the Senator now that it would take Senators hours and days and weeks of time to find the information contained in the document if it is not printed.

Mr. SIMMONS. I do not expect, Mr. President, to examine the whole batch of papers which the Senator from Utah has before him; but I think before this document, prepared by a Government official, with reference to a bill which is pending before the Senate, is printed, the majority members of the Finance Committee should have an opportunity to look at and examine it.

Mr. SMOOT. Mr. President, I have no objection, of course, if the Senator wishes to examine the document.

Mr. SIMMONS. That is the only reason I ask that the request for its printing go over.

Mr. SMOOT. I think that every Senator here ought to have this information in considering the tariff bill.

Mr. SIMMONS. I think it is rather a remarkable performance, Mr. President, that an official of the Government should be preparing notes upon the tariff bill without any knowledge of the majority members of the Finance Committee.

Mr. SMOOT. It is only a glossary.

Mr. SIMMONS. I do not mean to say that there is anything wrong in it, but I do mean to say that I think the majority members of the Committee on Finance should have an opportunity to examine it and to ascertain its character.

Mr. SMOOT. I have not the least objection to that.

Mr. SIMMONS. Mr. President, with reference to the compartive statement of rates of duty prepared by the Senator from Utah [Mr. SMOOT] for the minority members of the committee and laid upon the desks of Senators this morning, I have nothing to say except that I think probably the comparison is somewhat inadequate and does not embrace everything that should be contained in a compilation of this character. The majority members of the committee have prepared a similar comparison, which was printed probably 10 days ago, and which I thought had been distributed among the Members of the Senate, but probably it has not yet been sent out. That comparison, I think, is very much more comprehensive than the statement prepared by the Senator from Utah. I am not at all criticizing the statement prepared by the Senator from Utah. I think in the main it follows the line of the statement that we have prepared, but we have added in our statement some things which I think are not embraced in that prepared by the Senator from Utah, and his statement embraces probably one or two matters not embraced in ours.

I am very glad the Senator from Utah has prepared this compilation, because, after the Senate committee has acted upon the tariff bill, there will have to be a revised print, and I should like at that time, in consultation with the minority members, to prepare a revised comparison, so as to embrace all of the different columns and include all the data that are thought necessary in order to advise Senators as to the material matters in connection with the revision of the tariff.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that in this comparative statement he will notice that I have left three columns blank for the purpose of adding to the comparison as soon as the bill is reported to the Senate with the changes which may be made by the Committee on Finance of the Senate; and then, as soon as that is done, I think the comparison will be complete. Of course, I have no idea as to what errors the Senator refers——

Mr. SIMMONS. I did not mean errors. I have not examined the statement, and I do not know whether there are any errors or not; but I said that the Senator's table was not quite so comprehensive as the one which I had caused to be prepared and which has been ready for distribution for 10 days. I will state to the Senator that the tables which I have caused to be prepared contain, in addition to the imports of various articles, the exports of those articles. I notice that in the Senator's statement the column for exports is left blank.

Mr. SMOOT. No; it is only left blank in places where it was impossible to ascertain what the exact exports were, but wherever——

Mr. SIMMONS. I merely ran through the first and second pages.

Mr. SMOOT. Wherever exports were available from the department, they have been embodied in this comparison.

I wish to say, Mr. President, that there are quite a number of headings in the comparison I have submitted that are not found in the comparison referred to by the Senator, but I think there is no question about the result. I think the Senator and I can arrive at an understanding.

Mr. SIMMONS. In the main the tables run together. In ours the exports have probably been sought out a little more diligently than in the Senator's statement, and we have some statistics in ours with reference to the labor cost of various and sundry items which the Senator leaves out of his tables.

What I meant to say, Mr. President, was that after the bill had been acted upon by the committee, so that we could fill in the columns with reference to the rates fixed by the Senate committee, then, following the usual course in such cases, I shall desire to confer with the minority members, and we will make up a comparative statement so as to embrace in it everything that both sides or either side may desire to have included.

The VICE PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. WEEKS presented a resolution adopted by the Massachusetts Peace Society, favoring the repeal of the clause in the Panama Canal law exempting American coastwise shipping from the payment of tolls, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Southern New England Textile Club, remonstrating against the passage of the pending tariff bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Trade of Beverly, Mass., favoring an appropriation being made for the purchase of suitable homes for American representatives in foreign countries, which was referred to the Committee on Foreign Relations.

Mr. O'GORMAN. I present a letter from the secretary of the Chamber of Commerce of Poughkeepsie, N. Y., transmitting a resolution passed by that body, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the letter and accompanying resolution were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE,
Poughkeepsie, N. Y., May 31, 1913.

Hon. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed please find copy of resolution passed by the Poughkeepsie Chamber of Commerce at the last regular meeting.

Trusting that you can see your way clear to conscientiously support this movement, I beg to remain,

Yours, very truly, HOWARD E. TAYLOR, *Secretary.*

—

CHAMBER OF COMMERCE, *Poughkeepsie, N. Y.*

At the regular meeting of the Chamber of Commerce of Poughkeepsie, N. Y., the following resolution was unanimously passed:

Whereas the United States, contrary to the custom of the leading powers, does not own buildings in foreign countries for its representatives, with the result that our commercial interests suffer in competition with other nations for the expansion of our foreign trade; and

Whereas we believe that no representative of our Government abroad should be called upon to make expenditures from his private fortune or that it should be necessary for him to have one in order to maintain our dignity in foreign countries; and

Whereas we believe that representatives should reside at a permanent home which our Government should supply, to which our citizens could point with pride, and where they may come and go with the same freedom as that existing at the White House at Washington, and believing that it reflects upon our national dignity for one representative to live in a palace and for his successor to live in a flat, and that neglect to provide residences precludes the Nation from obtaining the services of many eminent citizens: Therefore be it

Resolved, That we are heartily in favor of the United States owning buildings that will reflect credit on the Nation; that will combine the office with the residence, and of such size that representatives may maintain them on pay; be it further

Resolved, That a copy of these resolutions be forwarded to our Senators and Representatives in Congress, requesting them to use their best efforts in supporting any bill that may be introduced to carry out the object of this resolution.

REPORTS OF COMMITTEES.

Mr. SMITH of Georgia, from the Committee on Education and Labor, to which was referred the joint resolution (S. J.

Res. 5) providing for the appointment of a commission to consider the need and report a plan for national aid to vocational education, reported it without amendment and submitted a report (No. 54) thereon.

Mr. O'GORMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2254) to amend chapter 1, section 18, of the Judicial Code, reported it without amendment.

STENOGRAPHER TO JOINT COMMITTEE ON PRINTING.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate concurrent resolution 2, authorizing the Joint Committee on Printing to employ a stenographer, submitted by Mr. FLETCHER on the 1st ultimo, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Printing be, and hereby is, authorized to employ a stenographer, compensation at the rate of $75 per month, to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House, until otherwise provided for.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 2406) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration.

By Mr. BURTON:

A bill (S. 2407) granting an increase of pension to Zipporah Lincoln; to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 2408) for the relief of John K. Sullivan and others; to the Committee on Claims.

By Mr. SMITH of Georgia:

A bill (S. 2409) for the relief of the First Baptist Church, of La Fayette, Ga.; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 2410) to amend an act approved January 30, 1897, chapter 109, entitled "An act to prohibit the sale of intoxicating drinks to Indians, etc." (with accompanying papers); to the Committee on the Judiciary.

A bill (S. 2411) granting an honorable discharge to Ustacio B. Davison; to the Committee on Military Affairs.

A bill (S. 2412) granting an increase of pension to Fred L. Bush; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 2413) for the relief of Sheldon T. Eppright (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 2414) granting an increase of pension to W. E. Roach; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2415) relating to the exclusion of traffic from streets and avenues of the city of Washington during parades; to the Committee on the District of Columbia.

A bill (S. 2416) granting an increase of pension to Sarah T. Keller;

A bill (S. 2417) granting an increase of pension to Joanna Dean (with accompanying paper); and

A bill (S. 2418) granting an increase of pension to Sophia M. Pollock (with accompanying paper); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 2419) permitting male minors of the age of 18 years or over to make homestead entry or other entry of the public lands of the United States; to the Committee on Public Lands.

By Mr. O'GORMAN:

A bill (S. 2420) to incorporate the National Committee on Prison Labor, for the purpose of studying the whole problem of prison labor with a view of securing uniform legislation among the States of the Union, to the end that all convicts may be so employed as to promote their own welfare, and, at the same time, to reimburse the State for its expenses in maintaining prisons, while also preventing unfair competition between prison-made goods and the products of free labor, and, if possible, securing to the dependent families of prisoners a fair proportion of their rightful earnings; to the Committee on Education and Labor.

A bill (S. 2421) for the relief of the estate of George McDermott Keegan; to the Committee on Claims.

A bill (S. 2422) granting a pension to Mary Gilchrist; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 2423) for the relief of the heirs or estate of Michel Emonet, deceased; and

A bill (S. 2424) for the relief of the heirs or estate of Joseph Melancon, deceased; to the Committee on Claims.

By Mr. MARTIN of Virginia:

A bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State; to the Committee on Commerce.

By Mr. JACKSON:

A bill (S. 2426) for the relief of John G. Taylor and others; and

A bill (S. 2427) for the relief of the heirs of William S. Shoemaker, deceased; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 2428) for the relief of Norman B. Roberts;

A bill (S. 2429) for the relief of Robert Zink;

A bill (S. 2430) for the relief of Arthur Wood; and

A bill (S. 2431) for the relief of Clark W. Cottrell; to the Committee on Military Affairs.

A bill (S. 2432) granting an increase of pension to Augustus R. Dixon; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 2433) providing for the free importation of articles intended for foreign buildings and exhibits at the Panama-Pacific International Exposition, and for the protection of foreign exhibitors; to the Committee on Finance.

By Mr. CHILTON:

A bill (S. 2434) for the relief of Edward A. Godwin and others (with accompanying paper); to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 2435) granting an increase of pension to Sarah A. Brown (with accompanying paper); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 2436) granting an increase of pension to Fritz Hedlund; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 2437) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. VARDAMAN:

A bill (S. 2438) for the erection of a military post at or near the city of Gulfport, in the State of Mississippi; to the Committee on Military Affairs.

By Mr. ROOT:

A bill (S. 2439) granting an increase of pension to Caroline Helena Frickey; to the Committee on Pensions.

COLLECTION OF CUSTOMS DUES.

Mr. MARTINE of New Jersey. I submit a concurrent resolution, and ask for its immediate consideration.

The concurrent resolution (S. Con. Res. 3) was read, as follows:

Whereas during the last administration President Taft promulgated an order whereby it is proposed on the 1st day of July, 1913, to consolidate the business and transfer the collection of customs dues from the various ports in the State of New Jersey to the cities of New York and Philadelphia; and

Whereas the enforcement of said order would inflict great financial loss and inconvenience to the shippers and other business interests at such ports in that State: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Treasury is hereby directed to withhold all action calculated to carry into effect the provisions and requirements of said order of consolidation until further action by the Senate and House of Representatives.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BURTON. Mr. President, this is a resolution of a very sweeping nature. If we adopt it, similar action should be taken in at least 20 other cases. It seems to me the resolution should go to a committee.

Mr. MARTINE of New Jersey. If the Senator will permit me, I should be quite willing that it might be so amended. I feel, however, that it is of prime importance that this matter should be acted on, and acted on promptly.

The order promulgated by President Taft a few days prior to the expiration of his administration carried this consolidation into effect on July 1. As to my own State, for which I drew the resolution, we would be very seriously affected. The city of Newark, a city of over 400,000 population, to-day a port of entry, a city that has expended large sums of money in wharf enterprises and other facilities for shipping interests, would be sidetracked, and all business of that character would be carried to the city of New York, 15 miles distant.

The great problem in the great city of New York to-day, more, perhaps, than in any other city, is the congestion of wharfage, water facilities, dock transportation, and the like; and it is a

matter of prime necessity that rather than adding to that congestion it should be lessened.

This order has raised a storm of disapprobation in the State. I hold in my hand clippings from prominent papers protesting against the carrying out of the order. I should like very much to have it take in all the ports along the Atlantic coast.

I believe the little matter of economy that has been urged in this regard is too trifling to be considered. You can not measure matters of economy entirely by the saving of a few dollars. There is something more important than that. There is something in the local pride and the enterprise of a community.

Mr. BURTON. Mr. President, I do not wish to enter into any extended discussion of the subject. The order was made by President Taft in pursuance of a legislative provision in the sundry civil act, which originated in the House. It would be a very sudden step to take to annul that order utterly, as proposed by this resolution. I may say, further, that there is a bill pending on the subject, which was referred first, I think, to the Committee on Commerce; and either that bill or another of similar tenor is now pending before the Committee on the Judiciary. The question of validity having been raised, and a request having been made of the Secretary of the Treasury for his opinion on the subject, we certainly should wait for that before we take any action.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey *yield to the Senator* from Minnesota?

Mr. MARTINE of New Jersey. I do.

Mr. NELSON. I wish to say, Mr. President, that a bill has been introduced and referred to the Committee on Commerce to suspend the operation of this order for two years. At the instance of the committee that bill was referred to the Secretary of the Treasury for a report. I think the resolution ought to go to that committee and ought to go to the Secretary of the Treasury for his opinion and report.

I accordingly move that the resolution be referred to the Committee on Commerce.

Mr. MARTINE of New Jersey. I accept the suggestion of the Senator from Minnesota, but I desire that prompt action may be had. I realize that the month will slip around before we know it; and it would be a very serious situation for us, in my little Commonwealth, to be thus placed. However, I submit to the proposal to refer the resolution to the Committee on Commerce.

The VICE PRESIDENT. The concurrent resolution will be referred to the Committee on Commerce.

IMMIGRATION OF ALIENS (S. DOC. NO. 52).

Mr. LODGE. I ask to have printed as a public document a statement, prepared by the retiring Commissioner General of Immigration, in regard to the operation of the present immigration law. It is a short and very valuable statement as to the workings of the present law.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made.

UNITED STATES V. THE CHANDLER DUNBAR WATER POWER CO. (S. DOC. NO. 51).

Mr. BURTON. I ask to have printed as a public document a decision of the Supreme Court recently rendered in the case of the United States against The Chandler Dunbar Water Power Co. and others. The decision has an important bearing on a question discussed at great length in the last Congress.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MIDSHIPMEN AT NAVAL ACADEMY.

Mr. SWANSON. Mr. President, there is a bill on the calendar—Senate bill 2272—which is very urgent, and the early passage of which is very important. Every Senator is interested in it. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the immediate consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

Mr. SMOOT. I shall not object to the consideration of the bill at this time, but I shall object to any further unanimous-consent agreements.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that after June 30, 1913, and until June 30, 1919, there shall be allowed at the Naval Academy 2 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, and 10 appointed each year at large. Midshipmen on graduation shall be commissioned as ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy.

The bill was reported to the Senate without amendment.

Mr. WEEKS. Mr. President, I expect to vote for this bill, but I should like to call the attention of the Committee on Naval Affairs to the condition of the lower grades in the Navy.

There are now 351 lieutenants, 188 junior lieutenants, and 722 ensigns whose ages do not vary more than 7 or 8 years, and there are in the Naval Academy 763 midshipmen. So that, all told, there are nearly 2,000 officers the oldest of whom is not over 37 years of age and the youngest not under 20 years.

Necessarily, unless there is going to be a very large increase of the Navy, that will make a "hump" which will absolutely destroy promotions and the effectiveness of the younger officers in these grades. For instance, a man who is now at the foot of the ensigns' list can not reach the lieutenants' list before he is 40 years of age, in the ordinary course of promotions.

I hope the Committee on Naval Affairs will take time to consider the proper disposition to be made of these younger officers. My own judgment is that some method should be adopted of mustering out a certain proportion of them, so that promotion will be facilitated and the better men will be retained in the service, because the tendency now is for many of these men, seeing the stagnation ahead of them, to retire from the service. I have seen it stated in the public press that the Secretary of the Navy is opposed to allowing men to resign, so that that course, if followed, will absolutely prevent the easy flow of promotions which should obtain in the service.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POSTMASTER AT SALEM, OHIO.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a previous day.

The Secretary read the resolution (S. Res. 94) submitted by Mr. BURTON on May 29, as follows:

Resolved, That the Postmaster General be requested and directed—

1. To transmit to the Senate all papers relating to the appointment of a postmaster at Salem, Ohio.
2. To investigate and inform the Senate whether such postmaster was recommended under an agreement that, if appointed, he would, as a condition of such appointment, publish a Democratic newspaper.
3. To inform the Senate whether it is the policy of the department that postmasters shall devote the whole of their time to the duties of their office; and if so, whether such condition was imposed in the case of this office.

Mr. WILLIAMS. Mr. President, does this resolution come up on motion or on a request for unanimous consent?

The VICE PRESIDENT. It comes over from a previous day.

Mr. SWANSON. Mr. President, the junior Senator from Georgia [Mr. SMITH] interposed an objection to the adoption of the resolution the last day the Senate was in session.

It seems to me the second part of the resolution, directing an investigation by an executive department of the Government, is not a proper subject for action by the Senate. As this confirmation of the Salem postmaster is before the Committee on Post Offices and Post Roads, it seems to me the proper course to pursue in connection with the resolution is to refer it to the Post Office Committee, with instructions to report to the Senate what part of the matter should be investigated and what part should not.

Mr. TOWNSEND. The senior Senator from Ohio [Mr. BURTON], who introduced this resolution, has been called from the Chamber and before the Judiciary Committee, but he requested me to present and have read from the desk, if permitted, a portion of an editorial from the Salem Daily Herald of March 1, 1913. I ask that the part marked in the editorial may be read.

The VICE PRESIDENT. Is there objection?

Mr. WILLIAMS. I should like to ask the Senator from Michigan, first, who is the editor of the paper and, secondly, what are his politics?

Mr. TOWNSEND. The editor of the paper is the man who has been nominated for postmaster and in reference to whom the investigation is proposed.

Mr. WILLIAMS. Then I have no objection to hearing it read.

Mr. TOWNSEND. I take it for granted he is a Democrat, or will be hereafter, according to his statement about to be read.

The VICE PRESIDENT. The Chair hears no objection, and the Secretary will read as requested.

The SECRETARY. Reading from the Salem Daily Herald, Salem, Ohio, Saturday, March 1, 1913——

Mr. TOWNSEND. I wish to state that the first portion of the article which is to be read is a quotation from a letter which the Congressman from the Salem district, who, according to the editorial, entered into this arrangement with the editor of the paper, wrote to that editor, and the latter is the man who is nominated for the Salem post office according to the agreement.

The Secretary read as follows:

WHITACRE'S LETTER.

After considering carefully the Salem post-office appointment, I have arrived at the following conclusions:

The candidates for the appointment of postmaster of Salem have been my friends in past campaigns, and therefore I feel kindly to them. This much, however, is a certainty, while all are entitled to recognition, only one can be favored.

The office is not entirely to be given in return for personal obligations on my part. The Democracy of the county is to be considered, and I am of the opinion that the cause of Democracy can best be promoted through live and energetic newspapers.

Without entering into any discussion, if Mr. Gee, the editor of the Herald, will agree to run a genuinely Democratic newspaper and will help to put the "gangsters" in both parties out of business, I think he should get the post office.

I am sending this letter to the other candidates for the post office, and I shall put the proposition up to Mr. Gee, so that we will have an understanding about the course of the paper. I am not so much interested for myself, for the best thing that could happen to me would be to get out of politics, and unless I change my mind again I will be out—but I am merely stating my feelings at the present time.

My present intention is to name Mr. Gee, providing I get a satisfactory answer with respect to the course of the Herald.

Very truly, yours,

J. J. WHITACRE.

GEE'S REPLY TO WHITACRE.

In reply to the above communication Mr. Gee Saturday sent the following telegram to Congressman WHITACRE:

SALEM, OHIO, *March 1, 1913.*

Hon. J. J. WHITACRE,
House of Representatives, Washington, D. C.

Your communication of the 28th ultimo received, and your proffer of the postmastership in Salem is accepted, together with the conditions imposed. Kindly accept the thanks of not only myself, but also of the host of friends who so stanchly supported me during my campaign. Letter will follow.

GEORGE H. GEE.

Mr. TOWNSEND. Mr. President, I understand the junior Senator from Virginia [Mr. SWANSON] suggests that the second paragraph in the resolution should be eliminated. My attention has been called to the fact that the Postmaster General objected to the word "investigate"; that he was quite willing to proceed to furnish the other things asked for in the resolution, but he did not care to institute an investigation. The senior Senator from Ohio has instructed me to say for him that he has no objection to eliminating the words "investigate and," so that the second paragraph shall read:

To inform the Senate whether such postmaster was recommended under an agreement—

And so on.

I ask the Senator from Virginia if he has any objection with those words eliminated, inasmuch as the Postmaster General has no objection to furnishing the information?

Mr. SMITH of Georgia. The Postmaster General has none. He only objected to the words "to investigate," as he did not consider that the Senate should undertake to direct him to make an investigation. If an investigation is to be made, it should be made by the committee of the Senate itself.

Mr. TOWNSEND. Then, Mr. President, I move to amend the resolution by striking out, in line 5, the words "investigate and," so that the paragraph will read:

2. To inform the Senate whether such postmaster was recommended—

And so forth.

The VICE PRESIDENT. The motion is to strike out the words which will be read.

The SECRETARY. In line 5, before the word "inform," strike out the words "investigate and."

The VICE PRESIDENT. Without objection, the amendment is agreed to. The question is on agreeing to the resolution as amended.

Mr. SMITH of Georgia. Mr. President, I do not know that we should pass this first paragraph. The Postmaster General has no objection at all to it, and in this particular instance there is no objection to it; but as a general rule it would be highly improper to direct that the testimonials with reference to a particular appointment shall be sent to the Senate in open session.

The Committee on Post Offices and Post Roads, of course, has had all these papers within its reach all the time. The Senator from Michigan is a member of that committee, and he will understand that the Postmaster General is at all times willing to furnish for the use of the committee any recommendations or papers in his office with reference to a particular nomination. It, however, belongs to executive business. There are many reasons why testimonials and adverse criticisms should be handled in executive session alone. It would be exceedingly unfortunate to air all the adverse criticisms that are sometimes filed in connection with appointments.

I am not going to object to that paragraph in the present instance, because I understand that in this instance there is nothing among the papers that could do any harm to anyone if it came to the Senate in open session; but I do wish to say that I shall object, so far as post-office matters are concerned, or in behalf of any committee of which I am a member, to having brought into the open Senate papers that may be in the department with reference to a nomination. I believe it is the safer and better plan to let them go to the committee and come to the executive session from the committee.

Mr. TOWNSEND. Mr. President, I agree with the Senator from Georgia, and I can assure him that I shall not ask that anything which seems improper shall be brought to the Senate. But this is a matter which has already been made public in the press. It has challenged the attention of the Senate and a portion of the country. It has already been given wide publicity. The Senate should have full information on the subject. The Postmaster General can furnish information, and I am informed has expressed a willingness to do so. Why not let the country know the facts? Irrespective of the question as to whether a man is to be confirmed as postmaster who had entered into a bargain for it or not, the transaction published by the parties should be considered by the Senate. That is the object which the Senator from Ohio had in view. I agree with the Senator from Georgia that a matter which properly belongs to executive session should not be brought into open session, but this transaction should be discussed with open doors.

Mr. SMITH of Georgia. I wish to say that as far as I am concerned I will be very much better satisfied to vote for his confirmation if he is going to run a straight Democratic paper than if he was going to run any other kind. I think it shows that he is going to render his country a service.

Mr. SMITH of South Carolina. Mr. President, I would just like to ask the Senator from Michigan if he does not think, in spite of the fact that this is a matter which has been made public, that this is establishing even in this instance rather a dangerous precedent? If it is to go abroad that whenever there is any question raised and it gets into the public press, the charges will be investigated in open Senate, we would invite the very thing that we wish to avoid.

Mr. TOWNSEND. Mr. President, I had supposed that up until the present session of Congress, at least, publicity was the thing Democrats were demanding. If there is anything in the charge that this is a species of bribery—and if it is not within the letter it is certainly within the spirit of the prohibitions of the corrupt practices act—no Senator on this floor can afford to withhold all the facts connected with it or to hide them in the secrecy of executive session. If there is anything which can come before the Senate in open session to shed any light on a question of this importance, it ought not to be excluded or suppressed.

Mr. SMITH of South Carolina. If the Senator will permit me, I was not making any plea for the suppression of any of the facts, but my object was simply to expedite the business of the Committee on Post Offices and Post Roads, which is charged with the duty of ascertaining all the facts and not suppressing them. I do not want the intimation to go out here from the members of the Committee on Post Offices and Post Roads or otherwise that I made the suggestion for the purpose of suppressing anything in connection with this matter. It was simply to avoid a precedent from being established that might relieve the Committee on Post Offices and Post Roads from duty and resolve the Senate into a Committee on Post Offices and Post Roads.

Mr. TOWNSEND. I do not think it will have that effect.

Mr. SMITH of South Carolina. It seems to me that this will forestall the Committee on Post Offices and Post Roads and prevent that committee from ascertaining the facts while giving them first to the Senate.

Mr. TOWNSEND. I wish to say to the Senator there will be no expedition secured by withholding the consideration of this resolution to-day.

Mr. SWANSON. Mr. President, it seems to me, if the Senator from Michigan earnestly desired to prevent this confirmation, thus saving the country from the services of this postmaster, he would not advertise something for political effect, but he would have pursued the ordinary course of opposing the confirmation in the Senate. The ordinary course on all confirmations is to have the appointment referred to a committee; and if there

are charges against the appointee, they are then sent to the committee for investigation, and the committee investigates them and takes evidence. Then it is reported to an executive session of the Senate.

What surprises me is that if this is an earnest effort and a patriotic desire to prevent the confirmation of this appointee, the usual course was not pursued. It could have been very easily requested that this information should be sent to the Committee on Post Offices and Post Roads, of which the Senator is a member. The Senator who has charge of the appointments from Ohio could have been notified of these conditions, and he could have requested the committee to summon witnesses, and he could have obtained a statement from the Postmaster General. It is amazing that this case should be isolated from all others if the purpose was one entirely patriotic.

The editorial was read, and it seems to me, from the patriotic purposes first announced by the Senator from Michigan, he has pursued a very unusual course in connection with this appointment. The fact that he did that has created an impression that he desires publicity more than the usual course of fighting appointments of this character sent to the Senate. If the Senator wishes to fight this confirmation, he could very easily have gone to the Senator to whom the Ohio cases are referred; the matter could have been presented to that Senator; and if that Senator had not concluded that it was a proper appointment he would report it adversely, he would refer it back to the entire committee, and the entire committee would have investigated it. The entire committee could have gotten all the papers from the Postmaster General and summoned anyone to come and testify, and the matter would have been brought up in executive session. That is what the Senate for more than a century has determined to be the wise, proper, and just course in considering nominations, and I am surprised that this case should have been isolated from all others.

Mr. TOWNSEND. Mr. President, the Senator from Michigan is the subcommitteeman for the State of Ohio. This nomination was referred to the Senators from Ohio according to the rule. The senior Senator from Ohio introduced the resolution that is now before the Senate. It is his resolution and not mine. I have taken it up in his absence, but on his request. I am sorry he is unavoidably absent. He saw fit to bring this matter before the Senate through this resolution, and he has presented it in due form. He has received the consent of the Senate to consider it. It went over a day for the purpose of giving it consideration. It seemed to him, as it does to me, it is such a serious thing, that justice to all parties requires it should be disclosed in the open session of Congress, not only for the benefit of the Senate but for the edification of the country and for the good of the parties directly involved.

If there is nothing wrong about this contract, if it is not a violation of any law or of moral ethics, it certainly will stand the test of a thorough investigation, or, at least, of a report of the facts by the Postmaster General. This resolution calls only for facts, and you ought not to suppress them.

Mr. SWANSON. Mr. President, it seems to me that the Senator from Ohio could easily have trusted the Senator from Michigan, who is charged with reporting upon this case from the Committee on Post Offices and Post Roads, and it is surprising to me that the Senator from Ohio and the Senator who has charge of the Ohio cases violated the usual procedure in such cases, and without reporting back to the full committee, without making an investigation, comes with this matter in the open session of the Senate.

It seems to me the proper course for the Senator from Michigan to have pursued in this case, as he has charge of the Ohio matters, if both Senators did not consent to the confirmation under the rules adopted, would have been to report back to the full committee the fact of this difference. Then the full committee could have had an investigation of its own, could have summoned witnesses, could have summoned everybody interested, and gotten all the papers. What is surprising to me is that this course was not pursued if the purpose is so patriotic as intimated by the Senator from Michigan.

I think the Senator from Michigan himself should have reported this case back to the full committee and let the usual course be pursued. Is there to be a precedent established that every time anyone wishes to say anything against an appointment sent in here a resolution is to be brought up and is to be discussed in open session of the Senate and not in executive session?

There is no desire to suppress anything. I wish to say that the Postmaster General himself did not object to furnishing this information, but what I desire to protest against is that the Senator from Ohio and the Senator from Michigan should change the entire course of such appointments and not follow the usual procedure. I think it was incumbent to do so if their purpose was to prevent an unfit man from being postmaster.

Mr. TOWNSEND. Mr. President, I can not, of course, state what was in the mind of the Senator from Ohio, but I can readily believe that this is a resolution which should be considered in the Senate without regard to the confirmation of the man named for postmaster at Salem, Ohio. Consideration of confirmation will come after investigation. I know of no reason why the course suggested by the junior Senator from Virginia can not and will not be followed. But this is a matter that has already been made public. It has attained newspaper notoriety. The two parties have written the record; they have furnished such information as we have, and not the Senator from Ohio or the Senator from Michigan.

I repeat, as far as the confirmation of this candidate for the post office at Salem is concerned, that can be handled without regard to this resolution and in executive session, if Senators wish, but the distinguished Senator from Ohio believes, as do I, that the case is bigger than simply the question as to whether a particular man shall be postmaster or not; it may involve legal or moral wrong, and this resolution will disclose the facts.

Mr. WILLIAMS. Mr. President, this resolution is pure political byplay of the peanut variety. Its hypocrisy is sublime, coming from the Republican Party, which for 53 years has been rewarding past, present, and hoped-for political service with post offices.

There is nothing secret here. Here is a man's own newspaper publishing the two letters. Information is not sought, because the information is there. It is, however, sought to make the impression that something remarkably unusual has been done with regard to the Salem post office. It is not even true that the man was to publish a Democratic newspaper. That is not where the gaff struck and hurt. The gaff struck and hurt when the Congressman said that it was to be a genuine Democratic newspaper, devoted to putting the gangsters of both political parties out.

It is a pity you can not put somebody into every post office in the United States with some power and some will to set to the work of putting out the gangsters of both political parties. If the objection to this man is that it is feared that he may devote his newspaper to that purpose, it strikes me that the objection is not well taken. This may be a part of the organized effort on the other side of the Chamber to take up the time of the Senate with all sorts of little things, and to thereby delay the greater things which in the course of time must come. I do not know.

This resolution reads:

> 2. To investigate and inform the Senate whether such postmaster was recommended under an agreement that, if appointed, he would, as a condition of such appointment, publish a Democratic newspaper.

There are two letters showing that the office was offered upon the condition that if the editor would publish a genuine Democratic newspaper, try to get the gangsters of both parties out, and devote himself to the cause of honest politics, the Congressman would name him. There is no secrecy about it; it was published in the paper. The editor was proud of the fact that he gave the assurance, and he had a right to be proud of the fact that he gave the assurance, and we have a right over here on this side of the Chamber to be proud of the fact that a Democratic Congressman was seeking that sort of a man who would do that sort of work.

It is not at all strange that the "galled jade" should wince. I do not suppose there has been a time in the political history of the Senator from Ohio or the Senator from Michigan since they have been here when they ever objected to a man being made postmaster because he had done or said he was going to do political work for the Republican Party. I do not suppose either one of them ever in his life recommended a Democrat for a post office. I rather guess, though I do not know, that both of them at times have recommended editors to be postmasters. Upon that question I await further light upon some other occasion.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Certainly.

Mr. SUTHERLAND. I should like to ask the Senator from Mississippi what sort of a newspaper this man intends to run if he does not get the appointment?

Mr. WILLIAMS. That I can not tell you; but if there is any assurance that he will run this sort of a newspaper, he will perform a great service for the American people. I take it that he was already running a Democratic newspaper, and I take it that, if he was running a genuine Democratic newspaper, he

was already doing good; but it seems that the Congressman wanted further assurance, and he got it.

Mr. SUTHERLAND. The Senator from Mississippi says, if he will permit me——

Mr. WILLIAMS. One minute, and I will.

The whole gravamen of it is that you are hypocritically complaining that a man is appointed to a postmastership because he has done or will do party service, when you have been appointing such men for the past 53 years for those reasons.

Mr. SUTHERLAND and Mr. TOWNSEND addressed the Chair.

Mr. WILLIAMS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, the Senator from Mississippi says, as I understand, that this man has promised, if he receives this appointment as postmaster, that he will hereafter run a genuine Democratic newspaper and put the gangsters out of business. What I should like to know from the Senator from Mississippi is if the man is not appointed postmaster whether he intends to run an anti-Democratic newspaper and keep the gangsters in?

Mr. WILLIAMS. That is the question which I answered before, the question to which I returned the reply; that is certainly a truism that I did not know. I should like to know how I could know. If the Senator from Utah will tell me how I could know, I may go about ascertaining the information he desires; but so long as I see no roadway to travel I can not undertake to tell him what the end of the road is.

Mr. TOWNSEND. Will the Senator from Mississippi yield to me for just a moment?

Mr. WILLIAMS. I will in a second. I want to answer the question propounded by the Senator from Utah [Mr. SUTHERLAND]. The Senator from Utah asked me if this was a promise to carry on that sort of a newspaper. The letter was read, and I suppose the Senator from Utah heard it. I will again quote the language:

> Without entering into any discussion, if Mr. Gee, the editor of the Herald, will agree to run a genuinely Democratic newspaper and will help to put the "gangsters" in both parties out of business, I think he should get the post office.

That is a letter written to somebody else—I do not see to whom—by the Representative; but it was written to somebody else and not to Mr. Gee. Mr. Gee makes this answer:

> Your communication of the 28th—

It seems that the Representative wrote to offer Mr. Gee the office—

> received, and your proffer of the postmastership in Salem is accepted, together with the conditions imposed—

That is, to run a genuine Democratic newspaper, with every possible effort to put the gangsters out. The Senator is just as good a judge as I am of whether or not that is a promise or the acceptance of a condition, or what not.

Mr. SUTHERLAND. I was going to suggest to the Senator from Mississippi that if he does not know about it, and neither do I, and perhaps nobody else here, it might be well to investigate it and see what sort of a newspaper this man has been running in the past.

Mr. WILLIAMS. Investigate what sort of a newspaper he would run if he did not run the sort it was thought he was going to run? If that is what you want the investigation for, it strikes me as rather absurd.

Mr. SUTHERLAND. Yes; it might be well to ascertain what sort of a newspaper he has been running in the past to see how much influence this proposition had upon him.

Mr. WILLIAMS. Mr. President, the Senator reminds me of a story I once heard. A little girl cried to her mother, and her mother was excited. She said to her mother, "Come here quick, mamma." Mamma went, and thought the little girl was hurt. When she got there she said, "My child, what is the matter?" The child said, "Nothing now, mamma; but I thought that chicken was dead." The chicken had been lying on its back cooling off in the hot time of the day. "I thought that chicken was dead, and, mamma, if it had been dead I wonder who killed it." [Laughter.]

I yield to the Senator from Michigan.

Mr. TOWNSEND. Mr. President, has it occurred to the Senator that this is a case where, in order to obtain men who will put the gangsters out, you have to buy them? There is clearly an inference in that article that——

Mr. WILLIAMS. Oh, no; there is not.

Mr. TOWNSEND. That this man must be induced, through the promise of a position, before he will do this good thing. The Senator suggested another thing, namely, that I have been in the habit, or have been in the business, of putting Republicans in office, which is true; and I am not complaining in any single instance because Democrats put Democrats into office where vacancies occur. It is not true, however, that I have never recommended a Democrat for office, because I have done so several times.

Mr. WILLIAMS. I did not say "for office." Did the Senator ever recommend one for a post office?

Mr. TOWNSEND. I have recommended Democrats for post offices.

Mr. WILLIAMS. Where there was a Republican in the precinct of respectable character?

Mr. TOWNSEND. Oh, yes. I live in a Republican State.

Mr. WILLIAMS. Because if you ever did it when there was a Republican in the precinct of respectable character, knowing you and honoring you as I do as a pretty stalwart partisan, the information surprises me.

Mr. TOWNSEND. It is nevertheless true.

Mr. WILLIAMS. Now, Mr. President, I do not think anybody has any doubt about the purpose of this resolution. It is purely political; it is purely for the purpose of trying to arouse distrust and enmity toward the President and his administration, and therefore, believing that, I move to lay resolution No. 94 on the table.

Mr. SMITH of Georgia. I second the motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi to lay the resolution on the table.

Mr. TOWNSEND. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I desire to withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. McCUMBER (when his name was called). Having a general pair with the senior Senator from Maryland [Mr. SMITH] and not observing him in the Chamber, I withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the junior Senator from Connecticut [Mr. McLEAN]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote. I vote "yea."

Mr. O'GORMAN (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. GALLINGER] and therefore withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is absent from the Senate, I withhold my vote.

Mr. DILLINGHAM (when the name of Mr. PAGE was called). I wish to announce that my colleague [Mr. PAGE] is absent from the city on business of the Senate, and that he is paired on this question and all other questions that may come up to-day with the junior Senator from Tennessee [Mr. SHIELDS].

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the Senator from Minnesota [Mr. CLAPP]. If he were present, I should vote "yea." In his absence I withhold my vote.

Mr. STONE (when his name was called). I should like to inquire whether the Senator from Wyoming [Mr. CLARK] has voted?

The VICE PRESIDENT. The Chair is informed that that Senator has not voted.

Mr. STONE. I have a general pair with that Senator, and therefore withhold my vote.

Mr. LEWIS (when the name of Mr. WALSH was called). I am requested by the Senator from Montana [Mr. WALSH] to state that he is engaged in an emergency matter with a subcommittee. If present, the Senator from Montana would vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I inquire if he has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from Pennsylvania has not voted.

Mr. WILLIAMS. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the Senator from Maryland [Mr. SMITH] to the Senator from New Mexico [Mr. CATRON] and will vote. I vote "nay."

Mr. BRADLEY. I am paired with the Senator from Indiana [Mr. KERN]. I transfer that pair to the Senator from Ohio [Mr. BURTON] and will vote. I vote "nay."

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Montana [Mr. WALSH] and will vote. I vote "yea."

The result was announced—yeas 38, nays 23, as follows:

YEAS—38.

Ashurst	Hughes	Myers	Smith, Ga.
Bacon	James	Newlands	Smith, S. C.
Bryan	Johnson, Me.	Pomerene	Swanson
Chamberlain	Johnston, Ala.	Ransdell	Thomas
Chilton	Kenyon	Robinson	Thompson
Clarke, Ark.	La Follette	Saulsbury	Thornton
Fletcher	Lane	Shafroth	Tillman
Gore	Lewis	Sheppard	Vardaman
Hitchcock	Martin, Va.	Shively	
Hollis	Martine, N. J.	Smith, Ariz.	

NAYS—23.

Borah	Dillingham	McCumber	Sutherland
Bradley	Fall	Root	Townsend
Brady	Jackson	Sherman	Warren
Brandegee	Jones	Smoot	Weeks
Bristow	Lippitt	Stephenson	Works
Crawford	Lodge	Sterling	

NOT VOTING—35.

Bankhead	du Pont	O'Gorman	Reed
Burleigh	Gallinger	Oliver	Shields
Burton	Goff	Overman	Simmons
Catron	Gronna	Owen	Smith, Md.
Clapp	Kern	Page	Smith, Mich.
Clark, Wyo.	Lea	Penrose	Stone
Colt	McLean	Perkins	Walsh
Culberson	Nelson	Pittman	Williams
Cummins	Norris	Poindexter	

So the resolution was laid on the table.

ADDITIONAL CLERKS TO SENATORS.

Mr. SMOOT. Mr. President, last Thursday I gave notice that immediately after the disposition of the routine morning business to-day I should move to take up for consideration Senate joint resolution 19. I now move that the Senate proceed to the consideration of Senate resolution 19.

Mr. WILLIAMS. Mr. President, I think it requires unanimous consent to take up a matter out of its order on the calendar.

Mr. SMOOT. As I understand, morning business is closed?

The VICE PRESIDENT. Morning business is closed.

Mr. SMOOT. I therefore do not ask unanimous consent, but I move that the Senate proceed to the consideration of Senate resolution 19.

Mr. WILLIAMS. I understand that; but is not the consideration of bills on the calendar in order?

The VICE PRESIDENT. The Chair thinks the Senator from Utah is in order in making the motion, and leaving it to the Senate to decide whether the resolution shall be taken up or not. The Senator from Utah moves to take up and consider Senate resolution 19.

The question being put, there were, on a division—ayes 21, noes 19.

The VICE PRESIDENT. No quorum is present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Myers	Stephenson
Bacon	Hollis	Newlands	Sterling
Borah	Hughes	O'Gorman	Stone
Bradley	Jackson	Perkins	Sutherland
Brady	James	Pomerene	Swanson
Brandegee	Johnson, Me.	Ransdell	Thomas
Bristow	Johnston, Ala.	Robinson	Thompson
Burton	Jones	Root	Thornton
Chamberlain	Kenyon	Saulsbury	Tillman
Chilton	La Follette	Shafroth	Townsend
Clarke, Ark.	Lane	Sheppard	Warren
Crawford	Lewis	Sherman	Weeks
Dillingham	Lippitt	Shively	Williams
Fall	Lodge	Smith, Ariz.	Works
Fletcher	McCumber	Smith, Ga.	
Gore	Martin, Va.	Smith, S. C.	
Gronna	Martine, N. J.	Smoot	

Mr. BURTON. I was requested to announce that the Senator from Iowa [Mr. CUMMINS] and the Senator from Montana [Mr. WALSH] are with the subcommittee of the Judiciary Committee, but they are paired.

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. SMOOT. Mr. President, I ask for the yeas and nays on my motion.

The VICE PRESIDENT. The Senator from Utah asks for the yeas and nays upon his motion, to take up and consider Senate resolution 19.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER] and therefore withhold my vote.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN] and withhold my vote.

Mr. SAULSBURY (when his name was called). I again announce my pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a standing pair with the senior Senator from Wyoming [Mr. CLARK]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. JOHNSTON of Alabama. I wish to announce that my colleague [Mr. BANKHEAD] is absent by reason of sickness in his family. He is paired with the junior Senator from West Virginia [Mr. GOFF]. This announcement I make for the day.

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. McCUMBER (after having voted in the affirmative). I transfer my pair from the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Nebraska [Mr. NORRIS], and will allow my vote to stand.

Mr. WEEKS. I wish to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired with the senior Senator from Tennessee [Mr. LEA].

Mr. BRADLEY. I transfer my pair from the junior Senator from Indiana [Mr. KERN] to the junior Senator from New Mexico [Mr. CATRON] and will vote. I vote "yea."

Mr. LEWIS. I desire to announce, on behalf of the junior Senator from Montana [Mr. WALSH], the imperative necessity of his absence at this time. I desire that announcement to stand for the remaining roll calls.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If I were at liberty to vote, I should vote "nay."

Mr. LODGE. I desire to announce that the senior Senator from Delaware [Mr. DU PONT] is paired with the senior Senator from Texas [Mr. CULBERSON]; that the junior Senator from Vermont [Mr. PAGE] is paired with the junior Senator from Tennessee [Mr. SHIELDS]; and that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED].

The result was announced—yeas 28, nays 32, as follows:

YEAS—28.

Borah	Dillingham	Lippitt	Stephenson
Bradley	Fall	Lodge	Sterling
Brady	Gronna	McCumber	Sutherland
Brandegee	Jackson	McLean	Townsend
Bristow	Jones	Root	Warren
Burton	Kenyon	Sherman	Weeks
Crawford	La Follette	Smoot	Works

NAYS—32.

Ashurst	Hollis	Newlands	Simmons
Bacon	Hughes	Pomerene	Smith, S. C.
Bryan	James	Ransdell	Swanson
Chilton	Johnson, Me.	Robinson	Thomas
Clarke, Ark.	Johnston, Ala.	Saulsbury	Thompson
Fletcher	Lewis	Shafroth	Thornton
Gore	Martin, Va.	Sheppard	Tillman
Hitchcock	Myers	Shively	Vardaman

NOT VOTING—36.

Bankhead	du Pont	O'Gorman	Reed
Burleigh	Gallinger	Oliver	Shields
Catron	Goff	Overman	Smith, Ariz.
Chamberlain	Kern	Owen	Smith, Ga.
Clapp	Lane	Page	Smith, Md.
Clark, Wyo.	Lea	Penrose	Smith, Mich.
Colt	Martine, N. J.	Perkins	Stone
Culberson	Nelson	Pittman	Walsh
Cummins	Norris	Poindexter	Williams

So the Senate refused to proceed to the consideration of Senate resolution 19.

TARIFF ON SUGAR.

Mr. RANSDELL. Mr. President and Senators, there has been so much agitation recently about the tariff on sugar, so much misconception, and so many erroneous ideas concerning sugar that I feel it my duty to trespass on the time of the Senate this afternoon to explain one or two phases of this very important subject. It is so complicated that I shall not attempt to go into it fully at this time, leaving that for some future occasion.

In view of the recent strictures of the President about lobbies, I beg to say that I know of nothing improper which has been done by friends of the rice and sugar producers of Louisiana, or of any other items in the pending tariff bill, and I am delighted that a Senate committee is conducting a searching inquiry into all kinds of lobbies. If there has been anything corrupt, I sincerely hope the offenders will be discovered

and severely punished. No man has a greater contempt for anyone who tries by illicit means to influence legislation, but, on the other hand, I recognize the sacred right of citizens to petition the lawmaker, to make their views known, and to urge in respectful arguments their ideas of proposed legislation affecting their interests. While I am not aware of anything wrong in the conduct of the sugar producers I strongly suspect that the sugar refiners have done much to mold public opinion favorable to free sugar or a very great reduction in duty in order to greatly increase their selfish profits. Certainly one of the largest refiners has conducted such a campaign at great cost.

To-day I wish to lay down the following propositions, which I shall endeavor to prove:

First. The Sugar Trust and most of the big refiners of sugar were for years criminals of "unparalleled depravity," to quote the language of ex-Attorney General Wickersham. Two of their most prominent officials and a number of their employees were convicted of frauds and sentenced to the penitentiary. Moreover, they have been forced to disgorge and pay to the United States Treasury $4,358,575.88 growing out of these frauds, which they are now seeking to recoup by lowering the duty on their raw material, thus enabling them to make the greater profits.

Second. The supposed or real sentiment in favor of free sugar or a great reduction in the duties thereon is mainly due to the efforts of the refiners of sugar, especially the Federal Sugar Refining Co. and its sales agent, Frank C. Lowry. The people care little about the duty, as sugar is already the cheapest article of human food. (See Appendix A.) The refiners conducted the campaign in order to distract attention from themselves, and to profit by any sugar legislation they might bring about.

Third. The refiners would reap the principal benefit from free sugar or a big reduction in duty. (See Appendix B.) Prices of this article are kept low by active competition of the rapidly growing beet-sugar industry, and also by the cane sugar of Louisiana. If the production of cane in Louisiana be destroyed, as would unquestionably result from free sugar, and the production of beet sugar be very much curtailed, if not entirely ruined, the refiners would get complete control of the market, and after a brief period of three or four years, under free sugar, would raise prices as high or higher than now. The Government would lose $52,000,000 a year in revenue, and the people would get no cheaper sugar, except for the few years necessary to ruin the domestic producers, after which the trust and the other refiners would pocket immense profits.

Fourth. The refiners are a small band of men. There are only seven important refining companies in the Union, three of which do nearly 90 per cent of the business, and all of which give employment to about 10,000 people. The cane-sugar industry of Louisiana supports half a million souls. The beet-sugar industry employs fully 150,000 people, and 500,000 are dependent upon it. In Porto Rico 700,000 people get their living from sugar. In Hawaii nearly the entire population of 200,000 souls depend on sugar. Sugar refining is a mere cleansing or washing process. The entire cost of handling a ton of imported sugar is about $6.75, while the growth of cane and beets is the work of farmers and its manufacture into sugar the labor of American citizens, each ton requiring an outlay to farmers and factory labor of about $75. Thus to refine 2,500,000 tons of imported raw sugar which was produced abroad employs labor and supplies to the extent of less than $17,000,000, while to produce a like amount of sugar at home would distribute $187,000,000 to American citizens. This combined business of the farm and factory maintains in the cultivation of cane and beets and the manufacture thereof into sugar about 2,000,000 people in every walk of life, the vast majority of whom are farmers and laborers engaged in an entirely legitimate business. This large number of citizens—farmers, manufacturers, merchants, lawyers, doctors, artisans, laborers, mechanics of every kind and sort—have no connection with the Sugar Trust or the refining interests. It is true that the trust owns stock in several of the beet-sugar refineries, having purchased it with the idea of controlling the beet industry, and failing therein, is disposing of it as rapidly as possible.

Fifth. If the tariff bill provides free sugar or such a rate as will destroy the domestic competition, the Democratic Party will be playing into the hands of the Sugar Trust and other refiners. Moreover, it will violate the pledge of the Baltimore platform not to destroy a legitimate industry. It is no time to quibble and attempt to evade by specious arguments those words, "We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry," which, according to my information, were written into the platform with especial reference to sugar.

FALSE SENTIMENT FOR FREE SUGAR DUE TO REFINERS.

The fight that is now being waged by the refining interests is, in many respects, analogous to the tactics they used 12 years ago to secure a reciprocity treaty with Cuba.

Prior to the Spanish-American War they were principally concerned with maintaining a high preferential rate of duty between raw and refined sugars, but when the fortunes of war opened up Cuba and other tropical islands for American exploitation the refiners proceeded to acquire immense holdings in these new countries and to scheme for the entry of their raw sugar into the American market. While Cuba did not come under the American flag it was the principal object of their attention, and knowing they could appeal to the generosity of the American people they began to publish the most harrowing tales of distress in Cuba. By means of an immense publicity fund they were enabled to create a sentiment among our people for the islanders which resulted in the ratification of the Cuban reciprocity treaty.

The hand of the refiners did not show until the deed was accomplished, for the literature was put out anonymously, and also under the name of the "American Export Association." They are reputed to have expended something more than a million dollars in this work in one year; but they succeeded, and they not only checked the growth of the domestic cane and beet-sugar industries, but they transferred millions of dollars yearly from Uncle Sam's Treasury to their own.

Meanwhile, the domestic-sugar industry recovered from the shock and again proceeded to forge ahead. This required attention, as every additional ton of sugar produced from American-grown cane and beets means one less ton of foreign sugar to be imported and handled by the seaboard refiners.

Satisfied with their former success, the refiners began to agitate the sugar tariff, and by one of them a literary bureau was organized to educate the people to believe that of all things most needed to reduce the cost of living it was cheaper sugar, the one food product which now sells for less money than it did 15 years ago—sugar, the cheapest article of human food.

The new organization was not called "The Committee of New York Refiners." The reputation of these gentlemen was too malodorous for that. It was known that should the refiners ask for a reduction of duty the public would feel inclined to increase it. So, instead of being called "The Committee of New York Sugar Refiners," it was called "The Committee of Wholesale Grocers, Formed to Assist in Obtaining Cheaper Sugars for Consumers Through the Reduction of Duties on Raw and Refined Sugars." The name adopted obviously was for the reason that it readily would be confused with that of the Wholesale Grocers' Association, than which no organization in the United States stands higher or is more free from bias.

COUNTRY FLOODED WITH FALSE INFORMATION—SAVING TO THE CONSUMER NEGLIGIBLE.

Concealing their identity behind this cloak of eminent respectability, the "committee" proceeded to flood the country with literature and misinform the public. They stated that the duty on sugar was eight times as high as upon diamonds and four times as high as upon automobiles, both of which statements were false. They stated that if the duty were removed from sugar the price would be cheaper by 2 cents per pound, whereas the entire duty on the sugar we import from Cuba, which furnishes practically all our foreign sugar, is but 1½ cents per pound. They stated that if the duty were eliminated the saving to the American people would be $8 per annum per family, whereas with sugar free the total possible net saving could not exceed 72 cents per capita per annum, even if the price of sugar were reduced the full amount of the duty, which experience shows will not be the case.

But assuming the maximum reduction, which is admitted only arguendo, what is the result? The average annual amount of sugar consumed is 80 pounds. Of this, 26 pounds is used in manufactures, such as condensed milk, chewing gum, soda water, and so forth, which will certainly be no cheaper. This leaves 54 pounds for ordinary uses of sugar, which, at 1½ cents, gives the total reduction of 72 cents, or approximately $65,000,000 on our present population of 90,000,000. From this deduct $52,000,000 customs revenue which the people must pay either in this way or some other way, and we have remaining only $13,000,000 annual expense by reason of the sugar duty—not $115,000,000, as has been persistently stated.

Through the press, through circulars, through pamphlets, "the committee" tried to create the impression that free sugar is demanded imperatively, not only by a vast proportion of the American people but by the multitude of firms who use sugar

in their products. They put men on the road to solicit people to sign petitions praying for a reduction of the duty on sugar, and the public, believing the statements of the "Wholesale Grocers" to be true and thinking that free sugar would save each family $8 a year and at the same time injure no one but the refiners, in whom they had no faith, signed and sent in to their Congressmen and Senators little yellow petitions prepared and furnished them gratis by this benevolent committee.

INSIDIOUS CAMPAIGN OF REFINERS.

Concerning this misleading literary bureau much information was drawn from its secretary, Frank C. Lowry, none other than the sales agent of the Federal Sugar Refining Co., while he was on the witness stand July 13, 1911, during the Hardwick hearings, page 1607. (See Appendix B.)

Under cross-questioning this friend of the consuming masses admitted that the so-called "committee" never was appointed by any wholesale grocers, never was organized, never held a meeting of any character or description, never elected an officer, never suggested a move or directed the work, and that no one ever applied for membership. He testified, furthermore, that the wholesale grocers of this country never contributed one cent to carry on the propaganda which has been so energetically and insidiously conducted under their name for the past four years, but that all of the expense of the costly campaign had been defrayed by the Federal Sugar Refining Co. This concern is now being sued by the National Government to recover $119,000 for alleged sugar frauds, and yet it would have the public believe that the money it expended for the alleged *wholesale grocers'* campaign was expended for a pure and altruistic purpose.

Now, who are these refiners who are so anxious to secure a reduction of the duty on raw sugar? One of them, at any rate, openly acknowledged spending money lavishly to accomplish that purpose, and others may be doing the same thing in secret, while leading the public to believe that it is the wholesale grocers of the country and not the seaboard refiners who are working to this end. What are their antecedents? What is their reputation for veracity, for probity, for fair dealing with the Government? Is their record clean? Are they in good repute? Are they to be believed when they tell you that they are public benefactors; that they are working solely in the interest of the American people?

The refining combine consists of a very small, compact, homogeneous body of men who operate from a common center—New York. It consists of but three concerns—the American Sugar Refining Co., commonly known as the Sugar Trust; Arbuckle Bros.; and the Federal Sugar Refining Co., of which Claus A. Spreckels is the head and Frank C. Lowry, of "Wholesale Grocer" fame, is the sales agent. Eighty-eight per cent of all the sugar refined in the United States is refined by these three concerns, which seemingly act in perfect harmony, not only in fixing the price they will pay for raw sugar but the price they will charge the public for refined. They usually sell at the same price or at a variance which is limited to a few cents per hundred pounds. This combine refines 2,500,000 tons of sugar a year, leaving less than 300,000 tons which is refined by the other small refiners. If the refiners could so manipulate the duty on sugar as to pass along a small portion of it to the consumer and retain for themselves a matter of a half a cent a pound, $25,000,000 a year would be added to the net profits of this little group of philanthropists which is urging Congress to place sugar on the free list or make a radical reduction in the duty. This vast sum is represented by the difference between sugar selling at 18 pounds and at 20 pounds for a dollar.

HOW REFINERS ROBBED THE GOVERNMENT.

Let us examine briefly some of the past dealings between the Government and these refiners as disclosed by the official reports of the Attorney General of the United States.

In his report for 1909, page 11, in discussing "Frauds upon the revenue," the Attorney General says:

An investigation was undertaken in 1907 into certain alleged frauds upon the Government in the underweighing of sugars imported into the United States by the American Sugar Refining Co. and its predecessors, Messrs. Havemeyer & Elder. This investigation resulted, among other things, in a suit by the United States against the American Sugar Refining Co. and the recovery of a judgment against it in the District Court for the Southern District of New York in the sum of $134,411.03, based upon proof of systematic frauds practiced in the weighing of sugars on the docks of the Havemeyer & Elder refineries in Brooklyn, N. Y., between the years 1901 and 1907.

The evidence in the suit above referred to revealed a long-continued system of defrauding the Government of unparalleled depravity. Following the judgment above mentioned the defendant opened negotiations which resulted, in the latter part of April, 1909, in the making of a compromise whereby the company paid to the Government the amount of the above-mentioned judgment of $134,411.03 and in addition the sum of $2,000,000 on account of duties fraudulently withheld by it from the Government on account of short weighing of sugar. * * * I believe it is the largest individual recovery ever secured by the Government on a claim of this nature.

In his report for the year following, 1910, the Attorney General says (p. 12):

Since the date of my (last) report, investigation into the books of the five large sugar-refining companies engaged in business in the port of New York, viz, the American Sugar Refining Co., Messrs. Arbuckle Bros. (a partnership), the National Sugar Refining Co., the Federal Sugar Refining Co., and the Warner Sugar Refining Co., has been continued and completed, and the following amounts have been collected in addition to those paid by the American Sugar Refining Co.; Arbuckle Bros., back duties repaid December 4, 1909, without prejudice to right to criminal prosecution, $695,573.19; National Sugar Refining Co., back duties repaid February 7, 1910, without prejudice to right to criminal prosecution, $604,304.37; making, with the amounts collected from the American Sugar Refining Co. as above, $3,135,363.88.

Investigation into importations by the Federal Sugar Refining Co. is still pending. No fraud was discovered on the part of the Warner Sugar Refining Co.

In his report for the year following, 1911, the Attorney General says (p. 20):

The vigorous enforcement of the customs laws has been continued throughout the year in cooperation with the Treasury Department. The history of the frauds in the underweighing of sugar importations was carried in my last annual report up to the conviction of the highest guilty officers of the American Sugar Refining Co.—Heike, the secretary and treasurer, and Gerbach, the general manager of the Brooklyn refinery. * * * During the weighing investigation illegalities were discovered in the drawbacks of the American Sugar Refining Co., by which the company had for many years claimed and received drawbacks on exported sirups which, in fact, had been manufactured in whole or in part out of free and not dutiable sugars. A test case was brought claiming $350,000 on account of such drawbacks, but it was settled by the payment of the sum of $700,000, covering the claims made in the suit as well as other similar claims asserted by the Government.

In his last annual report, covering the operations of the Department of Justice for the year 1912, the Attorney General again finds it necessary to recount the steps taken by the Government during the preceding year to punish these habitual criminals. On page 36 he says:

A thorough investigation which I have conducted into the importations of sugar at the port of Philadelphia, covering the period of 17 years subsequent to the reimposition of the duty on raw sugar by the Wilson Act of August, 1894, has disclosed short weighings and illegal collections of drawbacks. In settlement of these claims the Government has collected nearly a quarter of a million dollars, made up of $100,000 from the W. J. McCahan Sugar Refining Co. and $124,386.29 from the Franklin Sugar Refining Co., on behalf of itself and the Spreckels Sugar Refining Co. * * * The only cases remaining pending undetermined based on frauds resulting from fraudulent weighing or sampling of imported merchandise are:

1. A claim against the American Sugar Refining Co. for fraudulent sampling at the port of New Orleans. In this case the entries involved are now being reliquidated by the collector of the port, but have not yet been transmitted by him to the United States attorney for collection.

2. A claim against the Federal Sugar Refining Co. at New York for underweighing imported sugars. These entries have been reliquidated by the collector, payment demanded of the company and refused, and a suit to enforce collection of $119,080.98 as unpaid duties has been recently brought in the District Court, Southern District of New York.

The Franklin, McCahan, and National Refineries are subsidiaries of the trust.

In addition to the civil recoveries, a number of criminal prosecutions were conducted. Heike and Gerbach, two of the highest officials of the American Sugar Trust, were convicted and sentenced to the penitentiary, and eight employees, who manipulated the secret devices by which the frauds were accomplished, acting directly under instructions from their superiors, were also convicted and sentenced to the Federal penitentiary.

These investigations and prosecutions disclosed one of the saddest and vilest stories of crime in the annals of our Republic.

So much for the malodorous reputation of these men, as shown by the official records of the Department of Justice.

MILLIONS THE PRIZE.

Now, let us try to fathom their motives for their tariff campaign. We will begin with the firm of Arbuckle Bros., which perhaps has made the strongest claims of any of them to being a philanthropist and a public benefactor. Some years ago Arbuckle's philanthropic instincts led him to advocate "free coffee" for the poor man's breakfast table, and Congress finally was induced to place coffee on the free list. A few years ago Arbuckle became the prime mover in forming a coffee trust, which included the Brazilian exporters, and the price of coffee, instead of declining, went soaring, thanks to the philanthropy of Mr. Arbuckle.

I took occasion to discuss the effect of free trade upon the price of coffee when the sugar schedule was under consideration in the House March 15 last year, when I pointed out that from 1865 to 1870 coffee paid a duty of 5 cents per pound, when it was reduced to 3 cents, and in May, 1872, it was placed on the free list, where it has since remained. The wholesale prices of coffee on the New York market have been as follows: For the seven years, 1865 to 1871, inclusive, 19.33, 17.19, 16.14, 10.62, 9.31, 10, and 12.81 cents per pound, respectively, an average price of 13.34 cents. During the first five years of this period the duty was 5 cents a pound and for the other two it was 3 cents. There were big promises of a cheap breakfast table when the act of 1872 placing coffee on the free list was passed,

but we find, on the contrary, the following range of prices for coffee for the next seven years—1873 to 1879, inclusive—18.37, 21.25, 18.06, 17.38, 19.44, 16.38, and 14.31, respectively, being an average for the first seven years under free coffee of 17.88 cents per pound as compared with 13.34 cents during the preceding period, or 4.54 cents per pound higher under free trade than before the duty was removed. During the 10 years 1887 to 1896 the price of coffee was 17.85 cents—not much cheap breakfast table in that. So much for the house of Arbuckle.

The other philanthropists who are urging free sugar "for the people," or a great reduction in duty, have no record in the coffee world worth mentioning, but, including Arbuckle, as I have already pointed out, all of them except the Warner Co. have the sugar record which the Department of Justice deemed worthy of close attention.

These are the interests that are principally responsible for the cry that has been set up for free sugar.

REFINERS DROP MASK.

Their hand was plainly shown when hearings on the sugar schedule of the pending bill were had before the Ways and Means Committee on January 15 last. Twenty-one witnesses were heard on that occasion, and of these 15 were sugar farmers, representatives of commercial organizations, and others who protested against a reduction being made in the rate of duty.

And whose testimony will you find asking for a reduction of the duty on sugar "in the interest of the people"? One was a representative of a canning concern, who desired cheaper raw material, but extended no assurance that his product would be sold any cheaper if he got it.

And who were the other four? No less personages than the representatives of the three great New York refining interests who have been caught red-handed in their unsavory dealings with the Government and have been made to disgorge a portion, at least, of the amounts they wrongfully extracted from its coffers. No one else appearing to advocate their cause, they had to throw off the cloak and plead their own case or allow it to go by default.

Edwin F. Atkins, vice president of the American Sugar Refining Co., otherwise known as the Sugar Trust, which handed back approximately $3,000,000 in order to induce the United States Government to withdraw its suit for moneys wrongfully taken from the Government, did not plead for as severe a castigation as did some of the rest of the philanthropists. He did not ask for absolutely free sugar, for that would destroy the preferential with Cuba and perhaps result in the New York refiners having to pay the world price for their raw material. Mr. Atkins would be satisfied if enough of the duty were eliminated to prevent the expansion of the domestic cane and beet sugar industry.

His testimony elucidated the reason why the Sugar Trust expended such enormous amounts in its successful efforts to bring about Cuban reciprocity 10 years ago. He said:

> The interest of the sugar refiners in this country and the producers in Cuba are identical. The sugar refiners can buy their sugar in Cuba as long as the sugar gets the preferential.

In previous testimony Mr. Atkins had admitted that the New York refiners and not the Cuban producers absorbed this 34.8 cents tariff reduction on Cuban sugar.

Harking back to the days of Cuban reciprocity agitation, it will be remembered that at that time Mr. Atkins appeared as a Cuban planter, the owner of the Trinidad sugar estate. He was connected with the Sugar Trust at the time, but minimized his interest in it. Asked if Mr. Havemeyer did not own a large interest in the Trinidad estate which he, Atkins, professed to own, he replied:

> It is a very moderate interest, and not sufficient to exercise control over that one property.

On May 1 of the same year Mr. Havemeyer was before the Senate Committee on Relations with Cuba, and, being asked about his ownership in Mr. Atkins's Trinidad estate, he frankly stated that he owned 40 per cent of it; that his lifelong partner, Mr. C. H. Senff, vice president of the Sugar Trust, owned 40 per cent, and that Atkins owned the remaining 20 per cent. (See hearings, p. 11.) Mr. Atkins appears to be a somewhat forgetful witness.

Following Mr. Atkins in pleading for cheaper sugar before the Ways and Means Committee came Mr. James H. Post, president of the National Sugar Refining Co., owned by the trust, which handed over its check to the Government for $604,304 to avoid prosecution.

Then came Mr. William A. Jamison, head of the philanthropic house of Arbuckle Bros., which settled with the Government by handing over $695,573, pleading for free sugar for the benefit of the dear consumer. This is the branch of the refiners' combine which so dearly loves the consumer that in September, 1911, while paying no more for raw sugar, ran the wholesale price of refined up to 7½ cents a pound, or one-quarter of a cent a pound higher than did the other refiners and a cent a pound higher than domestic beet sugar was selling for at the same time. At the hearings, however, Mr. Jamison was very solicitous for the consumer and favored free trade in sugar, just as there is in coffee.

Then came Mr. Frank C. Lowry, secretary of the mythical "Wholesale Grocers" and sales agent of the Federal Sugar Refining Co., against which the Federal Government brought suit for $119,080 for money alleged to have been taken unlawfully from Uncle Sam by means of false methods of weighing, which are stated by the United States district attorney to have been in vogue from the opening of the refinery in 1902 until 1909, when secret-service men made their investigation and discovered the fraud. Mr. Lowry urged the committee, if it was unable to place sugar on the free list, that it adopt the rates he had previously urged on the Finance Committee of 62 cents per 100 pounds on refined sugar and 60 cents on raw sugar testing 96°.

Lowry would have the public believe he is urging free sugar in order to "hit the trust," but it is significant that although the head of the trust and the head of Arbuckle Bros. were in the committee room, the allotment of the time before the committee was accorded to their publicity manager, Lowry; the trust officials and Arbuckle were satisfied to file or make brief statements and to have Lowry plead their case for several hours.

Is it to be believed that the head of a $90,000,000 corporation and the head of the second largest refining interest would sit surrounded by minor officers and meekly allow a real competitor to monopolize all their time and to misrepresent them, to misstate their position before the great committee which had the fate of their industry in its hands?

It should be plain that the refiners want the duty eliminated in order that thereby they will be given the power to crush the home cane and beet sugar industry, their only competitor. Having done that, and thereby having gained a complete monopoly of a necessity for which the American people expend $400,000,000 a year, would their natural tendency be to lower or to raise the price of sugar? If their purpose is to lower the price after they have complete mastery of the field, then we all have been mistaken concerning the object and purpose of monopoly.

HAVING TRICKED REPUBLICANS, REFINERS WOULD NOW TRICK DEMOCRATS.

Ten years ago the refiners tricked the people and the Republican Party on Cuban reciprocity, through the enactment of which measure tens of millions of dollars have been transferred from the Treasury of the United States to the treasuries of the refiners. Not satisfied with this legalized trickery and the resultant millions, they defrauded the people for years with false weights and in an illegal manner took from them other millions, a portion of which they have been compelled to return. They are now trying to trick the Democratic Party into giving them free sugar. It seems significant that no sooner had the Government discovered and halted their false weighing methods than was organized the "Wholesale Grocers'" literary bureau, which inaugurated at great cost, under a name intended to deceive the public, a campaign for free sugar. It looks as though finding themselves cut off from one source of income they decided to recoup themselves in another way, less dangerous but equally effective. This time they would deceive the people and the Democratic Party, deplete the people's Treasury of $52,000,000 a year revenue derived from the sugar duty, absorb a portion or all of it, and at the same time ruin domestic competition, which, when fully developed, will contribute more wealth to the Nation in one year than would the refiners in a century.

WHAT HAPPENED BEFORE UNDER FREE SUGAR?

Let us learn a lesson from history as to what may happen under free sugar or a low duty. In October, 1890, sugar was placed on the free list; in August, 1894, it was restored to the dutiable list at the rate of 40 per cent ad valorem; and finally in August, 1897, was again given protection. During this seven-year period of free and 40 per cent ad valorem duty, our refiners melted approximately 15,000,000 tons of sugar. The difference which they maintained in 1890 between the price of raw and the price of refined was 70 cents per 100 pounds, but immediately sugar was placed on the free list this difference began to increase, finally reaching the maximum of $1.15 per hundred in 1893, the last full year of free sugar. The average difference maintained during the seven years of free sugar and 40 per cent ad valorem was 93 cents per 100 pounds, or 23 cents per 100 pounds in excess of what it was in 1890. In other words, 23 cents per 100 pounds of the remission of duty was pocketed by the refiners. On their meltings of 16,000,000 tons,

this 23 cents per 100 pounds amounted to $73,000,000, which represents the portion of the tariff reduction which was absorbed by the refiners instead of being passed along to the people. To-day the three great refining interests, which are working for a reduced duty on or for free sugar, refine 2,250,000 tons of sugar annually, and if, through a reduction of the tariff, they again secure the ability to increase their margin between raw and refined sugar 23 cents per 100 pounds, it will mean an added net profit of $11,500,000 a year.

HOW LOUISIANA IS AFFECTED.

I am especially interested in the cane-sugar producers of Louisiana, who have suffered no less from the oppression of these refining interests than the Federal Treasury has suffered from their frauds.

Through their hypocritical campaign for free sugar they have induced many people to believe that the Louisiana sugar producers are in league with the refiners. Testimony, however, was introduced in the suit of the Government against the American Sugar Refining Co., during the trial in New Orleans last December, which should forever put at rest the false impression existing in many quarters that the Louisiana sugar planters are in any manner allied with the trust. It was established that two well organized and directed efforts of the planters to establish a refinery of their own in New Orleans were defeated through the misrepresentations and treachery of the tools of the American Sugar Refining Co.

The feeling these refiners entertain toward my people is told in their own language in letters found by the Government when it took over the files of the Sugar Trust at the time suit was instituted to dissolve that corporation under the Sherman anti-trust law.

For example, here is an extract from the letter of J. T. Witherspoon, manager of the New Orleans plant of the American Sugar Refining Co., to H. C. Mott, the buyer of raw sugar for that company:

NEW ORLEANS, *October 27, 1904.*

Mr. H. C. MOTT, *No. 117 Wall Street, New York.*

DEAR SIR:

* * * * * * *

Commencing with the latter part of next week the daily arrivals here on account of contracts already made will be large. These contracts, as you know, will be settled at a differential under the New York price day of arrival. Hence it behooves you to depress the New York markets as much as possible, for the lower the New York quotation is the less these sugars will cost us.

Yours, very truly, J. T. WITHERSPOON.

Here is another extract from a letter of Witherspoon to President Thomas, of the trust, which was introduced by the Government in the suit last December:

NEW ORLEANS, *October 28, 1908.*

Mr. W. B. THOMAS,
President the American Sugar Refining Co., New York, N. Y.

MY DEAR MR. THOMAS: I want to bring to your attention the competition in the way of refined sugars that we will have in New Orleans during the coming winter.

* * * * * * *

What I particularly desire to call your attention to is that the higher we hold our prices for granulated sugar here during the next three months, naturally the more profit these plantations will make on their product, and if the information once gets abroad that it is more profitable for the different plantations to produce granulated sugar than to turn out raws or clarified, I am afraid next season many others will commence doing likewise; consequently, it might be well for you to consider the proposition of permitting New Orleans, during the next three months, to maintain a difference in price below New York of at least 10 cents, and at periods of extreme dullness, when these outsiders here are quoting low prices and selling their product, of even 20 cents per hundred pounds.

What I am particularly interested in is seeing the little outside competition develop as little as possible.

Yours, very truly, J. T. WITHERSPOON.

These letters should be conclusive evidence to any fair-minded person that the Louisiana industry is battling for its very existence against the refiners and repudiate as an infamous slander and falsehood the suggestion that we are making common cause with them.

BITTER ANTAGONISM BETWEEN LOUISIANA CANE GROWERS AND REFINERS.

The antagonism between the refiners and the Louisiana producers never was so bitter as it is to-day. The Louisiana crop, however, was absolutely controlled by the refiners previous to the passage of the recent act of Congress prohibiting railroads from granting secret rebates.

It was their custom to absorb between 70 and 85 per cent of the sugar output of the State, and so completely were they the masters of the situation that as late as November, 1908, their buyers were offering on the floor of the New Orleans Sugar Exchange three-sixteenths of a cent per pound less than the prices quoted for Cuban sugars of the same grade, arrogantly adding that the domestic producer could accept that price or nothing.

Previous to the enactment of the law punishing rebates the planters were afraid to compete with the refiners. Repeated attempts were made to organize cooperative refineries, but these efforts only ended in failure, for the planters realized that wherever they attempted to market their finished sugars the trust would undersell them from 5 to 10 points at a cut.

With only 28 points to work on between raw and refined, and with the secret preferential freight rates enjoyed by the trust known to all the trade, men who would otherwise have preferred to refine their own sugars felt that it would be suicidal to engage in such an unequal battle with the trust.

But the act prohibiting secret railroad rebating gave the planters new hope, and when this was followed by the tariff act reestablishing the present duty of 1⅛ cents a pound, they felt for the first time since the introduction of modern cultural and manufacturing methods that their industry was at last on a secure basis. Large sums of money were expended in improvements and some of the Louisiana plantations are now producing perfectly white high-grade table sugars in competition with the refiners.

To illustrate: The factory at Reserve, La., operated by the Godchaux interests is turning out a white granulated sugar that successfully copes with the product of the American Sugar Refining Co. in the open markets.

The Adeline Refinery, owned by the Oxnard Bros., and which began operations during the past season, turns out a quality of refined white sugar equal to the product of the trust.

There are other plantations in Louisiana now turning out pure white sugars, and if the industry is permitted to live, the entire product of the State will in a short time be finished on the plantations and marketed in competition with the product of the trust.

There is no longer any basis for the statement that the refiners are compelled to finish the Louisiana product before it is fit for human consumption, and since they can no longer stifle competition by means of secret rebates they look with dismay on the increasing output of high-grade white sugars produced on the Louisiana plantations.

It is an open secret in the sugar industry that certain far-reaching improvements are on the eve of introduction which will seriously threaten the very existence of these heavily watered and overcapitalized refining companies. These improvements involve the establishment of a method of manufacture whereby granulated sugar can be made directly from cane juices at practically the same cost as raw sugar.

This would probably be accomplished in Louisiana in three years if there was any future to look forward to after that time, and it is because this economic development threatens their very existence that the refiners are attempting to destroy the American sugar-producing industries.

THE BROAD ECONOMIC PRINCIPLES INVOLVED.

Let us now examine the question from a broad economic standpoint and as between these antagonistic forces—the producers and the refiners—ascertain on which side the interest of the American people lies.

I contend that the refining industry exists in only a few seaboard cities for the purpose of laundering or bleaching tropical sugars, and that it adds nothing to the natural wealth of the country. It gives employment, comparatively speaking, to only an infinitesimal number of American workingmen—about 10,000—and in support of this statement I submit the following figures covering the industry, taken from the last census:

The number of persons actually employed December 15, 1909, was 9,399. In addition, there were 965 male clerks and 52 female clerks and 193 salaried officers, superintendents, and managers. There were 19 sugar refineries, as follows: 5 in Louisiana and 14 in other States—California 2, Massachusetts 2, New Jersey 2, New York 5, Pennsylvania 2, and Texas 1.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. RANSDELL. I do.

Mr. SMOOT. I wish to call the Senator's attention to one statement he made which I think ought to be corrected, and I believe he will allow the correction here. He states that something less than 10,000 American citizens are employed in the sugar-refining industry. The fact is that out of the 9,000 people the Senator speaks of as being employed a great majority of them are not American citizens.

Mr. RANSDELL. I thank the Senator for the correction. I meant to say that there are about 10,000 workingmen employed.

Mr. SMOOT. As I said, the great majority of those are foreign laborers and will never become citizens of the United States.

Mr. RANSDELL. I thank the Senator.

On the other hand, the sugar producers represent both an agricultural and a manufacturing industry that flourishes in 20 States and in our insular possessions, Hawaii, Porto Rico, and the Philippines. Hundreds of thousands of our citizens are engaged in it, fully 2,000,000 souls are dependent upon it, and relying upon the good faith of the Government hundreds of millions of dollars have been invested in it. In my own State the last agricultural census bulletin for Louisiana (p. 160) shows the number of farms growing sugar cane is 34,487, representing 28.6 of all the farms in the State.

The Domestic Sugar Bulletin summarizes the investment in the sugar industry in the States as follows:

Lands, 650,000 acres, with buildings and field improvements	$50,000,000
Sugar factories	35,000,000
Mules	10,000,000
Implements	2,500,000
Plantation railroads and equipment	2,500,000
Total permanent investment	100,000,000

Over $25,000,000 is expended annually in cultivating and harvesting the crop and more than half a million souls are dependent on its preservation in the city of New Orleans and throughout the State.

In the States of the West more than 61,000 farmers are engaged in the production of sugar beets, and in harvesting season more than 120,000 laborers are employed in the fields and 31,000 in the factories. There are more than $85,000,000 invested in beet-sugar factories, and the annual expenditures of the industry exceeds $62,000,000. In the Hawaiian Islands practically the entire population, or 190,000 people, and an investment of over $164,000,000 is entirely dependent upon the sugar industry. In Porto Rico, with a population of 1,108,012 inhabitants, more than 700,000 of the population is dependent on the sugar industry.

Thus we find that an industry upon which approximately 2,000,000 American citizens are dependent for a living and in which over $425,000,000 of capital are invested, an industry developed to its present proportions by reason of a revenue policy which has been consistently followed by the Government from its foundation down to the present time, is suddenly threatened with destruction because of a false sentiment which has been built up for free sugar by reason of the hypocritical campaign of the refiners.

SUGAR ASKS FAIR PLAY, NOT PRIVILEGE—FREE SUGAR UNDEMOCRATIC.

I am a Democrat and am anxious to cooperate with my party in revising the present iniquitous tariff law, but I am first of all a Louisianian, and as the representative of my people I do not propose to see the leading industry of my State made a sacrificial offering on the altar of free trade. All I ask for sugar is fair play and the same treatment that is accorded to other articles. The average reduction in duty on the various schedules in the Underwood bill is about 26 per cent. Why not give sugar that cut of 26 per cent instead of a cut of 100 per cent at the end of the three years? If a duty on sugar can not be defended from a Democratic standpoint as a revenue producer, then every other duty carried in the pending tariff bill is absolutely indefensible.

DEMOCRATIC SENATORS TOOK PRONOUNCED STAND AGAINST FREE SUGAR AFTER BALTIMORE CONVENTION.

The Democratic members of the Finance Committee, Senators Bailey, SIMMONS, STONE, WILLIAMS, KERN, and JOHNSON, in submitting the minority report July 27, 1912 (see Appendix D), on the substitute for the House free-sugar bill, which was subsequent to the Baltimore convention, used these pertinent words:

> The tariff on sugar is peculiarly a revenue tariff. Very much the major part of the tax levied upon the consumer of sugars and sweets goes actually into the United States Treasury for the use and behoof and benefit of the American people. A minor part of the tax goes into the pockets of the producers. Upon numberless articles in the Payne-Aldrich tariff bill the duties are either prohibitive, or very nearly prohibitive, or highly exploitive, and in all these cases very much the major part of the tax levied upon the consumer goes into the pockets of the American producers, a special and favored class, and very scantily, and sometimes not at all, reaches the Treasury. In the next place the majority of the tariff schedules which have been adopted by the House and sent over to the Senate during this Congress make a reduction of about one-third. In the face of its record in connection with other bills the House reduced the duties upon sugars and the products of cane and sugar beets 100 per cent; in other words, entirely canceled the existing duties. It seemed to us that this was not in keeping with the promise of Democratic platforms to reduce present protective duties "gradually" toward and finally to a revenue basis. We have seen no reason why sugar should have been excepted from the general policy advocated by the Democratic Party and believed by us to be right.
>
> Again, in levying an import duty upon sugar for revenue purposes, we are imitating the time-honored and time-justified precedents.

As is said, sugar has been regarded as the ideal revenue producer from the beginning of the Government down to date, with the exception of a brief interval when the McKinley tariff law was placed upon the statute books by the Republican Party, and a duty upon sugar has always had the indorsement of the Democratic Party leaders.

DEMOCRATIC PARTY ALWAYS FAVORED A SUGAR DUTY.

The first radical Democratic revision of the tariff occurred in 1816, when the duty on sugar was placed at from 4 to 12 cents a pound. John C. Calhoun advocated a duty on sugar in order that the domestic industry might be encouraged, and a host of other distinguished party leaders from that day to this have favored this tax as the ideal one from a Democratic point of view.

The last time the Democratic Party was in control of the Government and sought to readjust the tariff inequalities, during the storm and stress of the conference between the House and Senate President Cleveland addressed a letter to Mr. William L. Wilson, a distinguished educator and political economist, who had long studied the intricacies of the tariff in the shades of the academy, and who, as chairman of the Committee on Ways and Means, was finally enabled to put many of his theories into practice.

In the course of his letter the last Democratic President said:

> Under our party platform and in accordance with our declared party purposes sugar is a legitimate and logical article of revenue taxation. * * * I do not believe that we should do evil that good may come, but it seems to me that our aim is the completion of a tariff bill and that in taxing sugar for proper purposes and within reasonable bounds, whatever else may be said of our action, we are in no danger of running counter to Democratic principles. With all there is at stake, there must be in the treatment of this article some ground upon which we are willing to stand, where toleration and conciliation may be allowed to solve the problem without demanding the entire surrender of fixed and conscientious convictions.

Those words, uttered nearly 20 years ago, appear in the light of conditions that now confront us to be almost prophetic. Let us hope that the toleration and conciliation counseled by that great Democrat, now gathered to his fathers, may be followed in the consideration of this bill. Let us hope that the same fair treatment will be accorded the American sugar producer as is shown every other industry affected by its provisions and that a rate will be recommended by this Democratic Senate which will enable the Louisiana Senators, while discharging their duty to their people, whose very existence is bound up in the preservation of this industry, at the same time to cast their votes with the party they cherish and for the glory of which they have given a lifelong labor of love.

APPENDIX A.

The wholesale price of sugar dropped from 6.27 cents in 1890 to 4.97 cents in 1910, or more than 20 per cent in 20 years. Since the average wholesale price to-day is about 4.20, there has been an additional drop of 15 per cent in the last three years.

On the other hand, as shown in the following table, there has been a very decided increase in the price of many essential foodstuffs during the decade ending in 1910:

	Per cent.
Potatoes	14.4
Beans	14.4
Prunes	19.7
Codfish	21.4
Onions	22.1
Bread	25.0
Sugar beets	26.8
Fresh beets	27.7
Rye flour	29.1
Milk	34.3
Cattle and sheep	34.4
Evaporated apples	35.9
Butter	36.7
Cheese	39.4
Wheat flour	43.0
Herring	43.9
Timothy hay	49.3
Barley	49.5
Salt beef	49.7
Rye	50.2
Mutton	51.9
Corn meal	52.4
Corn	52.5
Wheat	55.9
Cotton	57.3
Hams	60.4
Eggs	64.8
Oats	69.8
Hogs	76.0
Bacon	77.1
Lard	81.6
Salt pork	89.8
Average of all	37.7

These figures are taken from chart No. 19 of Senate Document 890, Sixty-second Congress, entitled "Sugar at a Glance," and were compiled from figures issued by the Department of Commerce and Labor.

The following is a compilation of comparative wholesale prices of sugar from the daily press of England, France, Germany, Canada, and the United States:

WHOLESALE SUGAR PRICES.

[Refined granulated.]

	Cents per pound.
United States:	
New York—Fine granulated (Willett & Gray's Weekly, Apr. 10, 1913.)	4.06
Great Britain:	
London—	
Tate's cubes, No. 1, 18s. 9d	4.10
Lyle's granulated No. 1, 16s. 10½d (London Morning Post, Apr. 5, 1913.)	3.70
Canada:	
Toronto—Extra granulated in bags (Toronto World, Apr. 11, 1913.)	4.45
Austria:	
Vienna—Moravian refined, 22.90 kr. per 50 kg (Wochenschrift des Zentralvereines für die Rübenzucker-Industrie, Apr. 2, 1913.)	4.20
Germany:	
Magdeburg—Crystal No. 1, 20 m. per 50 kg (Wöchentlicher Marktbericht für die Deutsche Zuckerindustrie, Apr. 4, 1913.)	4.35
France:	
Paris—Raffiné de bel sort, 64 fr. per 100 kg (Journal des Fabricants de Sucre, Apr. 10, 1913.)	5.60
Russia:	
Moscow—Refined, 5 h. 30 k. per pood (Viestnik Sacheroi Promishlennosthy, Mar. 23, 1913.)	7.50
Odessa, 5 r. 35 k	7.44
Tiflis, 5 r. 50 k	7.64
Baku, 5 r. 70 k	7.91
St. Petersburg, 5 r. 80 k	8.05
Omsk, 6 r. 15 k	8.55
Irkutsk, 6 r. 60 k	9.16

RETAIL PRICES.

[Fine granulated.]

United States (Advertisments in daily papers.)	3.8–4.5
Great Britain (C. Czarnikow cablegram, Apr. 18, 1913.)	4.03
Germany (H. Hackfeld & Co., Bremen, cablegram, Apr. 18, 1913.)	5.40

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APPENDIX B.

Sugar-tariff reduction—Who wants it and why.

A brief digest of testimony embodied in the hearings held before the Hardwick special committee on the investigation of the American Sugar Refining Co. and others—June to December, 1911.

(Compiled by Truman G. Palmer.)

CHAPTER I.—Shows that the refiners of foreign raw sugar are a unit in desiring the duty on foreign raw sugar reduced or removed.

CHAPTER II.—Shows that the refiners are striving to have the duty reduced on foreign raw sugar in order that they may destroy the increasing competition of the home sugar industry which already forces them to lower prices while the home product is on the market.

CHAPTER III.—Shows that the alleged "Committee of Wholesale Grocers" is Spreckels, the New York sugar refiner, who uses the grocers as a cloak to conceal his identity.

CHAPTER IV.—Shows that when in September, 1911, the sugar refiners marked the price of imported sugar up to 7¼ cents per pound, domestic sugar was not on the market.

CHAPTER V.—Shows that when domestic sugar came onto the market, in October, it was that, and that alone, which brought the refiners' price down to 6.11 cents in November and 5.63 cents in December.

CHAPTER VI.—Shows that the most effective manner in which to lower the price of sugar permanently is to increase the home production.

CHAPTER I.—WHO WANTS THE DUTY REDUCED ON FOREIGN RAW SUGARS?

CLAUS A. SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO.

Mr. HINDS. In other words, perhaps, you would take it [the tariff] all off, would you not, and have free trade?

Mr. SPRECKELS. I would have free trade. (Part 27, p. 2277 of hearings.)

Mr. HINDS. You would have free trade in sugar?

Mr. SPRECKELS. Absolutely. (Part 27, p. 2278 of hearings.)

CHARLES R. HEIKE, SECRETARY AMERICAN SUGAR REFINING CO. FROM 1887 TO 1910.

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar could we produce either cane or beets in this country?

Mr. HEIKE. I doubt it very much.

Mr. FORDNEY. Then that would destroy the industry absolutely in this country?

Mr. HEIKE. Yes.

Mr. FORDNEY. And you would approve of that?

Mr. HEIKE. Yes. (Part 4, p. 292 of hearings.)

WILLIAM G. GILMORE, PARTNER ARBUCKLE BROS., SUGAR REFINERS.

Mr. MADISON. In other words, you think the thing to do is to take off the duty, and that it would be to your advantage to take it off as a refiner of cane sugar?

Mr. GILMORE. Yes, sir.

Mr. MADISON. And you would advocate the taking off of the duty?

Mr. GILMORE. I would personally. I am only speaking now personally. (Part 14, p. 1169 of hearings.)

JAMES H. POST, PRESIDENT NATIONAL SUGAR REFINING CO.

Mr. POST. If Congress did not need the revenue from sugar. That is a different propcsition. But they have to have it from something, and sugar seems to be the thing that has paid a part of it for a great many years. As far as I personally am concerned, I would like to see free sugar. As we look at the country at large, however, I think it would be a very unfair proposition. (Part 6, p. 527 of hearings.)

WILLIAM A. J. JAMISON, PARTNER, ARBUCKLE BROS.

Mr. RAKER. How would it affect you if there was no tax on the importation of sugar—raw sugar?

Mr. JAMISON. I think it would enable us to run more constantly.

Mr. RAKER. What do you mean by that, now?

Mr. JAMISON. To keep up the capacity.

Mr. RAKER. Will you explain it?

Mr. JAMISON. I mean we would be able to sell more sugar.

Mr. RAKER. Do you not have a supply all the time?

Mr. JAMISON. Well, we are not able to run full at all times.

Mr. RAKER. Because of the way raw sugar is shipped into the United States?

Mr. JAMISON. Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. If the duty was removed, I mean to say. * * *

Mr. RAKER. * * * What would you think would be a fair compensation? [Reduction.]

Mr. JAMISON. I think there should be a cent a pound taken off at the present time at least; and later——

Mr. RAKER. A little more?

Mr. JAMISON. Yes; until it is entirely removed. (Part 14, pp. 1195–1196 of hearings.)

EDWIN F. ATKINS, VICE PRESIDENT AND ACTING PRESIDENT AMERICAN SUGAR REFINING CO.

Mr. HINDS. So that a reduction of the tariff passing beyond a moderate amount would tend to the prosperity of the refiners and to the detriment of the beet-sugar people?

Mr. ATKINS. Take the independent refiners, outside of our concern at all, that represent more than half the supply of the United States. They say, and I think they say truly, that it is for the refiners' interest to have a low rate of duty rather than a high rate of duty, and reduce the basis of value upon which they can sell. The lower the price of the refined sugar the greater is the consumption. I think their position is well taken. (Part 2, p. 174 of hearings.)

CHAPTER II.—WHY THE REFINERS WANT THE DUTY REDUCED ON FOREIGN RAW SUGAR.

EDWIN F. ATKINS, VICE PRESIDENT AND ACTING PRESIDENT AMERICAN SUGAR REFINING CO.

The CHAIRMAN. Is it really on account of the competition, Mr. Atkins? * * *

Mr. ATKINS. I think so. * * * There is very much larger capacity than is required, and the beet sugars are taking away the trade of the refiners year by year. (Part 1, p. 48 of hearings.)

* * * * * * *

Mr. MADISON. So you can hardly ascribe it to the fierce competition by the beet-sugar people?

Mr. ATKINS. Certainly. All that beet sugar comes on the market at a certain season of the year. It is all produced in about three months' time. They all want to market it just as rapidly as possible, and in order to do that they come to the eastern points. California sugar comes into Chicago and the Michigan sugar into Buffalo and Pittsburgh, and eastern refineries, not only the American Sugar Refining Co. but the others, have to reduce or close down until the beet sugars are out of the way. Any refining that is done between the 1st of October and the 1st of January is done without any profit and very often at a loss.

Mr. MADISON. Then, as a matter of fact, your competition with the beet-sugar people exists only during a few months of the year?

Mr. ATKINS. Three months, and that is 25 per cent of the whole time. (Part 1, p. 49 of hearings.)

[Query: If the production and marketing of 600,000 tons of domestic beet sugar gives the consumer cheaper sugar for 3 months out of 12, how many months would 1,200,000 tons make it cheaper, and what would be the effect if the production were 2,400,000 tons?]

* * * * * * *

Mr. MADISON. You stated a moment ago, Mr. Atkins, or this morning, that you decidedly opposed going into the beet-sugar business. What was the reason of that? * * *

Mr. ATKINS. The beet-sugar business was a competitive business. It was produced in the western territories, where out market lay. That is, I say "our market"—I mean the market of the refiners, the various refiners. As that industry grew—and I foresaw that it would grow rapidly—I believed that it would reduce the volume of business, not only of the American Sugar Refining Co. but of all the refiners on the Atlantic coast; and although we had millions of dollars invested in the business there we were building up a competitive business, one that would compete with ourselves and one which was bound to get away from us; we could not control it in the end. I say "we"—I had no connection whatever with it; that was simply a business man's opinion. (Part 1, pp. 85–86 of hearings.)

* * * * * * *

Mr. GARRETT. Do you know whether last year, at the time the beet-sugar manufactories began operations, any of the refining plants belonging to the American Sugar Refining Co. received instructions to, or did without instructions, withdraw from the territory usually covered by the beet-sugar trade?

Mr. ATKINS. No; not through any instructions. They were forced to withdraw from the territory, owing to the cutting of prices. * * * (Part 1, p. 94 of hearings.)

* * * * * * *

Mr. RAKER. How far west do you ship?

Mr. ATKINS. We ship, when we are able to do so, out to Omaha and Kansas City.

Mr. RAKER. You ship no farther than those points?

Mr. ATKINS. We would if we could, but we can not get in there, owing to the competition of the beet factories. * * * (Part 1, p. 99 of hearings.)

* * * * * * *

CLAUS A. SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO.

Mr. HINDS. Can you tell me how far in the East the beet-sugar people are able to market their sugar?

Mr. SPRECKELS. There is the dividing line on the Missouri River. They sometimes come as far as Pittsburgh. I think the American Beet Sugar Co. has come once as far as New York City.

Mr. HINDS. Have they not come into New England, Mr. Spreckels?

Mr. SPRECKELS. They have come into the State of New York.

Mr. HINDS. Have they not also come into New England some?

Mr. SPRECKELS. I think so.

Mr. HINDS. One member of the firm of Arbuckles testified that they had come into New England.
Mr. SPRECKELS. Yes, sir.
Mr. HINDS. Are they showing a tendency to come farther east all the time?
Mr. SPRECKELS. They are.
Mr. HINDS. And they make the competition severer, if it is competition?
Mr. SPRECKELS. Yes.
Mr. HINDS. Continually?
Mr. SPRECKELS. Yes, sir. They have frequently come as far as Pittsburgh. (Part 27, p. 2269 of hearings.)

* * * * * * *

Mr. HINDS. Mr. Spreckels, you have been carrying on a campaign to reduce the tariff as beneficial to the cane-sugar refiners?
Mr. SPRECKELS. I have.
Mr. HINDS. Of course that will be damaging to the beet-sugar refiners?
Mr. SPRECKELS. To some extent it will. (Part 27, p. 2275 of hearings.)

* * * * * * *

Mr. HINDS. In other words, perhaps you would take it (the tariff) all off, would you not, and have free trade
Mr. SPRECKELS. I would have free trade. (Part 27, p. 2277 of hearings.)
Mr. HINDS. You would have free trade in sugar?
Mr. SPRECKELS. Absolutely. (Part 27, p. 2278 of hearings.)

* * * * * * *

WILLIAM G. GILMORE, PARTNER, ARBUCKLE BROS., SUGAR REFINERS.

Mr. RAKER. The beet-sugar people got in Pittsburgh, Pa.?
Mr. GILMORE. Yes.
Mr. RAKER. From where?
Mr. GILMORE. I do not know where from. I do not know what the brand was or anything about it. I know the fact.
Mr. RAKER. What time of the year was it?
Mr. GILMORE. I know that it was so much so that a house owned by Arbuckle Bros. there was compelled to take the beet-sugar business in and buy it and sell it in competition. That is bringing coals home to Newcastle. (Part 14, p. 1159 of hearings.)

* * * * * * *

Mr. GILMORE. The home beet-sugar industry of course is curtailing the sale of the cane-sugar products. You can not sell it twice.
Mr. MADISON. In other words, if they were out of the way, you would make more money?
Mr. GILMORE. We would have more employment, I suppose, for our output, for our capacity—our refining capacity.
Mr. MADISON. And the ultimate conclusion is you would make more money?
Mr. GILMORE. I think we would.

* * * * * * *

Mr. MADISON. Suppose as a matter of fact they get to a point where, instead of producing about 600,000 tons of sugar a year, they actually produce a million and a half tons of sugar, what effect would that have?
Mr. GILMORE. It would shut down most of the eastern refineries for a part of the season.
Mr. MADISON. You would have to quit the business?
Mr. GILMORE. Yes.

* * * * * * *

Mr. MADISON. It would be beneficial (removing the duty from sugar) inasmuch as it would destroy the beet-sugar people?
Mr. GILMORE. It would keep them at home.
Mr. MADISON. Keep them in a limited locality?
Mr. GILMORE. Yes.
Mr. MADISON. And leave the field to you people that is naturally yours, as you feel?
Mr. GILMORE. Our natural field. Yes.
Mr. MADISON. In other words, you feel that all east of the Mississippi River * * * is the natural field of the cane-sugar refiners, while the Plains and Mountain States, where conditions are favorable to the production of beet sugar, is the natural field for the beet-sugar people?
Mr. GILMORE. Yes; I think so. (Part 14, p. 1168 of hearings.)

* * * * * * *

WILLIAM A. J. JAMISON, PARTNER, ARBUCKLE BROS.

Mr. RAKER. Michigan sugar, you say, competes with yours in New York?
Mr. JAMISON. Yes; the Michigan sugar has been down to New York State and all through there. It has interfered with us very largely in sales in Ohio and Pennsylvania.
Mr. RAKER. And West Virginia?
Mr. JAMISON. Yes.

* * * * * * *

Mr. RAKER. Do you not have a supply all the time?
Mr. JAMISON. Well, we are not able to run full at all times.
Mr. RAKER. Because of the way raw sugar is shipped into the United States?
Mr. JAMISON. Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. If the duty was removed, I mean to say. (Part 14, p. 1195 of hearings.)

WASHINGTON B. THOMAS, CHAIRMAN OF THE BOARD OF DIRECTORS, AMERICAN SUGAR REFINING CO.

Mr. MALBY. You have to-day competition among the beet-sugar industries of the United States, have you not?
Mr. THOMAS. We have.
Mr. MALBY. And good, sharp competition, say, with the Michigan Sugar Refining Co.?
Mr. THOMAS. We have. (Part 24, p. 2013 of hearings.)

* * * * * * *

Mr. MALBY. So that, reverting to the question once more, if the beet-sugar industry was wholly destroyed, then you would get in there, would you not?
Mr. THOMAS. We would extend our sales, undoubtedly.
Mr. MALBY. Let us be frank about it. You would extend your sales to every single household where beet sugar is now sold, which would pay the price, would you not?
Mr. THOMAS. Oh, yes. It would take the place of beet sugar. (Part 24, p. 2014 of hearings.)

ROBERT M. PARKER, PRESIDENT OF THE BROOKLYN COOPERAGE CO., OWNED BY THE AMERICAN SUGAR REFINING CO.

Mr. MALBY. Does the American Sugar Refining Co. at the present time ship any granulated sugar to the various States in the Mississippi Valley and in the Missouri region?
Mr. PARKER. Yes, sir; a very great deal.
Mr. MALBY. And at all times of the year?
Mr. PARKER. Yes, sir; until the price is so low that it is impossible to ship it at a profit.
Mr. MALBY. Who makes the prices low, or creates the condition to which you refer?
Mr. PARKER. The San Francisco cane, and the beet sugars from Colorado and Utah and Michigan. (Part 17, p. 1463 of hearings.)

CHAPTER III.—HOW THE REFINERS ARE WORKING TO SECURE LOWER DUTIES ON FOREIGN RAW SUGAR.

Following is a copy of the heading of circulars which are being distributed broadcast, praying that the duty on foreign raw sugar be reduced:

"Committee of Wholesale Grocers.—Formed to assist in obtaining cheaper sugar for consumers through reduction of duties on raw and refined sugars.

"F. J. Dessoir, chairman; F. C. Lowry, secretary and treasurer. 138 Front Street, New York, N. Y.

[NOTE.—138 Front Street is the office of the Federal Sugar Refining Co.]

FRANK C. LOWRY, SALES AGENT FEDERAL SUGAR REFINING CO., "SECRETARY" AND "TREASURER" THE "COMMITTEE OF WHOLESALE GROCERS."

Mr. FORDNEY. Mr. Lowry, I notice by a paper here that you are secretary, and the paper says secretary and treasurer, of the grocerymen's committee.
Mr. LOWRY. That is correct.

* * * * * * *

Mr. FORDNEY. Who was instrumental, Mr. Lowry, in organizing that committee?
Mr. LOWRY. I was.

* * * * * * *

Mr. FORDNEY. You alone, then, organized the committee, did you?
Mr. LOWRY. I did.
Mr. FORDNEY. When and where, Mr. Lowry, was the meeting held at which it was formed, and who was present?
Mr. LOWRY. There have been no regular meetings by calling these people together from all over the country. * * *
Mr. FORDNEY. You have never had a meeting of any of the members mentioned in this pamphlet?
Mr. LOWRY. I never have called them together. * * *
Mr. FORDNEY. So there never has been a meeting of the committee since it has been organized?
Mr. LOWRY. Not as a whole; no.
Mr. FORDNEY. Have you ever had any of the members of the committee together, except as a personal interview by you?
Mr. LOWRY. No.
Mr. FORDNEY. You never have had?
Mr. LOWRY. No.
Mr. FORDNEY. What are the dues of the members, please?
Mr. LOWRY. There are none.
Mr. FORDNEY. There are none at all?
Mr. LOWRY. It is just an informal committee.
Mr. FORDNEY. How much money has been spent in distributing literature by that committee?
Mr. LOWRY. Somewhere in the neighborhood of $12,000.
Mr. FORDNEY. Who paid that money?
Mr. LOWRY. * * * the only one that subscribed was the Federal Sugar Refining Co.
Mr. FORDNEY. So that the Federal Sugar Refining Co. have paid in this $12,000 for the distribution of the literature?
Mr. LOWRY. Yes.
Mr. FORDNEY. And no other concern has paid in any sums of money?
Mr. LOWRY. No other concern; no. (Part 19, pp. 1607–1608, of hearings.)

[Later Mr. Lowry testified before the Finance Committee of the Senate, on Tuesday, Apr. 9, 1912, as follows (p. 280):

Mr. SMOOT How much have you expended in this organization (Wholesale Grocers' Committee)?
Mr. LOWRY. From 1909 up until last spring we had spent about $12,000. Since then we have spent, perhaps, $4,000 or $5,000. That would make about $16,000 in three years, all of which money has come from the Federal Sugar Refining Co.]

* * * * * * *

Mr. FORDNEY. The Federal Sugar Refining Co. has paid, then, for the distribution of all this literature?
Mr. LOWRY. Yes; so far they have. (Part 19, p. 1609 of hearings, July 13, 1911.)

* * * * * * *

Mr. FORDNEY. You are still secretary of this committee of the wholesale grocers' organization?
Mr. LOWRY. So far; yes, sir.
Mr. FORDNEY. You testified here last spring that you were "it"—the whole thing?
Mr. LOWRY. No; I did not mean for you to construe it that way. I do not construe it that way.
Mr. FORDNEY. Well, have conditions changed as to finances and initiation fees and dues and all those things since the time when you were here last spring?
Mr. LOWRY. No.
Mr. FORDNEY. Does Mr. Spreckels donate all the expenses, pay all the expenses of sending out this literature? That is what you told us before.
Mr. LOWRY. He has been the only subscriber so far. (Part 41, p. 3379 of hearings, Dec. 9, 1911.)

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CLAUS A. SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO.

Mr. HINDS. Mr. Spreckels, you have been carrying on a campaign to reduce the tariff as beneficial to the cane-sugar refiners?
Mr. SPRECKELS. I have.
Mr. HINDS. Of course, that will be damaging to the beet-sugar refiners?
Mr. SPRECKELS. To some extent, it will. (Part 27, p. 2275 of hearings.)

* * * * * * *

Mr. HINDS. Now, Mr. Spreckels, it was testified in Washington that in the movement for lowering the tariff on sugar, the movement which is going on now and in which you were interested, that your company had expended $12,000 for literature, etc.

Mr. SPRECKELS. Possibly. I do not know what the amount is. I dare say we have. (Part 27, p. 2276 of hearings.)

CHAPTER IV.—WHY THE PRICE OF SUGAR WENT UP IN 1911.

WALLACE P. WILLETT, OF WILLETT & GRAY, PUBLISHERS WEEKLY STATISTICAL SUGAR TRADE JOURNAL.

(Because of his long experience in sugar statistical work Mr. Willett was engaged by the Hardwick committee as a sugar expert.)

The CHAIRMAN. Your business?

Mr. WILLETT. Principally a wire-service news bureau covering the United States and a cable service covering every sugar country in the world, virtually, and also the publishing of a daily and weekly sugar-trade journal, and brokers in raw and refined sugars to a moderate extent. (Part 37, p. 3063 of hearings.)

* * * * * * *

The CHAIRMAN. Now, Mr. Willett, for the last 40 or 50 years you have been a close observer of sugar conditions throughout the world?

Mr. WILLETT. Yes, sir; I have been in the trade constantly.

The CHAIRMAN. Does that include prices in various foreign countries from year to year?

Mr. WILLETT. Yes, sir.

The CHAIRMAN. It includes, of course, American prices?

Mr. WILLETT. Yes, sir.

The CHAIRMAN. In every section of the country?

Mr. WILLETT. Yes, sir.

The CHAIRMAN. Wholesale and retail?

Mr. WILLETT. Yes, sir.

The CHAIRMAN. Mr. Willett, there was quite a sudden rise in the price of sugar early in the fall. I think it probably began in September, did it not, or possibly a little earlier than that?

Mr. WILLETT. You refer to 1911?

The CHAIRMAN. Yes; there was a sharp advance in price.

Mr. WILLETT. The rise dates back to June or July.

The CHAIRMAN. The movement really started in June or July, 1911?

Mr. WILLETT. Yes.

The CHAIRMAN. But it did not get very much accentuated until the early fall, did it?

Mr. WILLETT. No, sir.

The CHAIRMAN. And then it jumped very suddenly, almost 2 cents a pound, did it not?

Mr. WILLETT. Yes, sir. (Part 37, p. 3065 of hearings.)

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The CHAIRMAN. * * * You started to explain why sugar went up so suddenly and so sharply this fall.

Mr. WILLETT. Along in March of this year [1911] it began to develop by the statistical figures that the 800,000 tons supposed surplus had rapidly disappeared. Nobody knew where, but it was disappearing or had disappeared.

The CHAIRMAN. How could it disappear—by people buying it up in advance to fill advance contracts?

Mr. WILLETT. We can only have a theory on that subject.

The CHAIRMAN. I understand that. Suppose you give us your theory on that subject.

Mr. WILLETT. My theory is that there was a mistake in the crop estimate.

The CHAIRMAN. In other words, that the surplus was not really there?

Mr. WILLETT. Yes.

The CHAIRMAN. It had been reported, but did not exist?

Mr. WILLETT. Yes; and speculators in Europe, who are always looking out for points, began then to make their movement, and as it followed soon after that that bad crop reports for the campaign of the present season—1911—began to be made, prices began to rise on the speculative sugar exchanges of Europe, and the crop reports going from bad to worse was the immediate cause of the rapid rise which you have called attention to.

The CHAIRMAN. Where were those crop reports from which affected most the sugar market?

Mr. WILLETT. From Germany. Germany produced in 1910, for instance, 2,200,000 tons of sugar. As the reports of damage to the country grew stronger and stronger, the estimate for Germany for this season fell to about 1,200,000 tons.

The CHAIRMAN. In other words, a million tons shortage in Germany?

Mr. WILLETT. One million tons short.

The CHAIRMAN. Can you give us in round figures what the shortage was estimated to be throughout the beet-sugar section of Europe?

Mr. WILLETT. Two million tons.

The CHAIRMAN. A shortage of 2,000,000 in European beet sugar?

Mr. WILLETT. Yes; and Germany was the principal one. Germany above her own consumption sends 774,000 tons to the United Kingdom, and in all her exports sends over a million tons out of the country, while it appears from present estimates that she will have only about 27,000 tons to send out of the country beyond her own requirements for consumption. That leaves the United Kingdom to secure 700,000 tons from other sources during the present campaign, and that is the basis for present prices for sugars in the United Kingdom, and the reason why the British Government is trying to obtain larger concessions on the exportation from Russia this year. (Part 37, p. 3067 of hearings.)

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The CHAIRMAN. * * * Was there any shortage in the Cuban crop?

Mr. WILLETT. The Cuban crop at the beginning of the season was estimated to reach 1,800,000 tons. As a matter of fact, it reached 1,468,000 tons, a shortage of three or four hundred thousand tons.

The CHAIRMAN. How about the Java crop?

Mr. WILLETT. The Java crop was larger. (Part 37, p. 3068 of hearings.)

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The CHAIRMAN. Well, what was the total shortage under the estimates?

Mr. WILLETT. Both cane and beet?

The CHAIRMAN. Yes.

Mr. WILLETT. Two million tons. (Part 37, p. 3068 of hearings.)

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FRANK C. LOWRY, SALES AGENT FEDERAL SUGAR REFINING CO.

Mr. FORDNEY. * * * I want to know what the Federal Sugar Refining Co. sold sugars for.

Mr. LOWRY. The Federal Sugar Refining Co. and other refineries on July 6 advanced their price from 5 to 5.1. Shortly after that the market advanced rapidly because of the drought in Europe doing serious injury to the beet crop. The market advanced 10 points, 15 points, and so on, and about the 1st of August it reached 5.75.

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Mr. LOWRY. * * * Now, the market advanced right on up to 6.75, and the trade kept buying on each successive advance. When the market reached 6.75——

Mr. FORDNEY. When was that?

Mr. LOWRY. In the latter part of September—somewhere around the 25th of September, I think.

Mr. LOWRY. * * * The demand came on to us so fast we could not take care of it, and we went to 7 cents. Arbuckle & Co. were delivering promptly, and they went to 7 cents. We were about 10 days oversold at the time, and Arbuckle was the only refiner prepared to give immediate delivery, and he jumped his price to 7.5 cents. We had, as I remember it, somewhere in the neighborhood of enough raw sugar on hand to make 60,000 or 75,000 barrels of sugar, and the trade was coming to us so fast that it soon cleaned us up. We did not want to be cleaned out. We wanted to keep in the market and supply our customers right along, and we put the price at 7.25, and at 7.25 the market stopped, and from that time on, whether we talk about beet sugars or cane sugars, the market became absolutely a jobber's market. The beet-sugar price was 6.5 cents. (Part 41, pp. 3362–3363 of hearings.)

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Mr. FORDNEY. What are you selling for now?

Mr. LOWRY. We have been cutting the market this last week and got down to 5.65.

Mr. FORDNEY. 5.65. Now, why?

Mr. LOWRY. The same price made by the Michigan beet-sugar companies. (Part 41, p. 3364 of hearings.)

CHAPTER V.—WHY THE PRICE OF SUGAR, AFTER GOING UP IN 1911, CAME DOWN AGAIN.

WALLACE P. WILLETT, OF WILLETT & GRAY, PUBLISHERS WEEKLY STATISTICAL SUGAR TRADE JOURNAL.

Mr. SULZER. Would not the elimination of import duties on sugar materially reduce the cost to the manufacturers of sugar and the consumers in the United States?

Mr. WILLETT. At times it would, but at other times it would not.

Mr. SULZER. At what times would it not reduce it?

Mr. WILLETT. This year.

Mr. SULZER. Why not this year?

Mr. WILLETT. Well, because we had a very present example that the moment our American beet-sugar production became available on the market the rise stopped and, owing entirely and totally to this American production, refined sugars were a cent and a half lower than they were at the highest point. But for that American production we to-day would be buying sugar at the world's prices. We can not get rid of it. There is no other source from which we could get sugar. (Part 37, p. 3084 of hearings.)

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Mr. HINDS. Then there were two advantages from the beet-sugar crop this year, so far as the public were concerned—the advantage of a slightly lower price because they did not foresee the rise, and the other advantage of having that store of sugar in the country, I suppose?

Mr. WILLETT. Yes.

Mr. HINDS. What would be the other advantage?

Mr. WILLETT. To supply the country during the intermediate period between crops.

Mr. HINDS. If we had not had that store of sugar in this country, we would have had to do as Europe did, and import sugar?

Mr. WILLETT. We would have had to do as Europe did—import sugar, from Java, principally.

Mr. HINDS. Would that have resulted in slightly further raising the sugar price?

Mr. WILLETT. Undoubtedly; in addition to the demand of Europe, the demand of America would have made the price higher than any other price we have seen. (Part 37, p. 3094 of hearings.)

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Mr. WILLETT. In the business world it would be. As a matter of fact, right there, the Colorado beet-sugar factories did concede to the citizens of their own State, and the factories of Utah also did concede, and had the prices remained high those citizens of those countries where the beet-sugar factories were would have continued to benefit by a reduced price given them locally. The manufacturers of Colorado refused to sell their sugars over the Colorado line at the same price that they would sell them for in the State of Colorado. That shows the benefit of the beet-sugar industry, for instance, in the State of Colorado under an abnormal year like 1911. (Part 37, p. 3110, of hearings.)

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Mr. WILLETT. The beet-sugar men this year sold their crop largely in anticipation of deliveries along in September.

Mr. MALBY. So that they did not realize large prices?

Mr. WILLETT. I understand they realized about an average of 5¼ cents for their crop.

Mr. MALBY. Which would be much less than the market price at the time of delivery?

Mr. WILLETT. Yes, sir.

Mr. MALBY. Of course the beet sugar coming upon the market at that time undoubtedly did have an effect upon the whole market price of sugar, did it not?

Mr. WILLETT. Yes, sir. (Part 37, p. 3112, of hearings.)

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Mr. FORDNEY. The domestic beet-sugar industry has certainly had a beneficial influence upon the price of sugar.

Mr. WILLETT. Yes; an enormous influence. If it were not for the domestic sugar industry, sugars in this country would be to-day very considerably higher. I can not say how much higher, because I can not tell what influence they have had upon the European market, but the refiners would be compelled to purchase a quantity of sugar in foreign ports equal to the production of beet sugar coming into the market from this country. I would not be surprised if it would not be a cent a pound more but for the beet and cane sugar produced in this country. (Part 38, pp. 3153–3154, of hearings.)

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The CHAIRMAN. My idea in having this matter repeated, if it is repetition, was to understand, Mr. Willett, who is probably the greatest

living American authority on sugar prices, whether or not in point of fact the market and trade reports seemed to indicate that the beet-sugar people were sold ahead or not. You say they were sold ahead?

Mr. WILLETT. They were sold ahead. (Part 43, p. 3579 of hearings.)

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Mr. BAKER. If that is a fact, can not Mr. Willett give us his view, from his thorough examination and knowledge of the matter, what was the prime inducement that brought down the price of sugar?

Mr. WILLETT. It was the coming on the market of the American beet-sugar crop; but not put on the market by the refiners but by the jobbers who had bought it at the lower refined price and sold it at the market price. The jobbers made the money and the beet-sugar men did not. (Part 43, p. 3579 of hearings.)

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Mr. WILLETT. There is no question whatever, Mr. Chairman, that the coming onto the market in October of the Michigan sugars and other domestic sugars dropped the price from 6.57 in October down to 6.11 in November, and December 5.63. (Part 43, p. 3581 of hearings.)

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Mr. FORDNEY. But, Mr. Willett, immediately after beet sugar came onto the market in October down went the price of sugar to about 5.75.

Mr. WILLETT. That was because of the coming on of the beet crop, filling up the gap of known supply. (Part 43, p. 3584 of hearings.)

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CHAPTER VI.—HOW TO LOWER THE PRICE OF SUGAR PERMANENTLY.

WALLACE P. WILLETT, OF WILLETT & GRAY, PUBLISHERS WEEKLY STATISTICAL SUGAR TRADE JOURNAL.

Mr. SULZER. What, in your judgment as an expert, would bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?

Mr. WILLETT. By increasing the amount of domestic production and in Porto Rico and Hawaii; that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices. Last year we bought only 77,000 tons at the world price. We were as near as that to that condition in 1910. We did come within 77,000 tons of being entirely free and independent of the world's prices, whereas a few years before we had been importing 6,700,000 tons. [Misprint; should be 670,000.]

Mr. SULZER. In other words, you think it advisable for the Government of the United States to do everything within its legitimate scope to encourage the growth of cane and beet sugar in the United States?

Mr. WILLETT. Yes, sir.

Mr. SULZER. And in our insular possessions?

Mr. WILLETT. Yes, sir; in our insular possessions.

Mr. SULZER. And you also would recommend the abolition of all tariff taxes upon the importation of sugar?

Mr. WILLETT. No, sir. Do you mean import duties?

Mr. SULZER. Yes, sir.

Mr. WILLETT. No, sir.

Mr. SULZER. Would not the elimination of import duties on sugar materially reduce the cost to the manufacturers of sugar and the consumers in the United States?

Mr. WILLETT. At times it would, but at other times it would not.

Mr. SULZER. At what times would it not reduce it?

Mr. WILLETT. This year.

Mr. SULZER. Why not this year?

Mr. WILLETT. Well, because we had a very present example that the moment our American beet-sugar production became available on the market the rise stopped, and, owing entirely and totally to this American production, refined sugars were a cent and a half lower than they were at the highest point. But for that American production we to-day would be buying sugar at the world's prices. We can not get rid of it. There is no other source from which we could get sugar.

Mr. SULZER. But you fail to grasp the point I was suggesting. If the manufacturers of sugar in the United States could get raw sugar free, they would be able to sell the manufactured sugar cheaper to the American consumer just now?

Mr. WILLETT. Yes, sir.

Mr. SULZER. Hence, the elimination of the tariff tax upon importations of sugar would cheapen the price of sugar to the people of the United States?

Mr. WILLETT. Yes, sir; and to the manufacturer.

Mr. SULZER. And that is one way to get cheaper sugar for the people?

Mr. WILLETT. Yes, sir.

Mr. SULZER. And another way to get cheaper sugar for the people of the United States would be to encourage the production of beet and cane sugar in the United States and in her insular possessions?

Mr. WILLETT. Yes, sir.

Mr. SULZER. And these are the only two ways by which sugar can be sold to the consumer more cheaply?

Mr. WILLETT. Yes, sir; and in one of these ways the price of sugar would be dependent on the f. o. b. Hamburg market, but in the other case the price would be entirely independent of the f. o. b. Hamburg market. (Part 37, pp. 3083–3084 of hearings.)

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Mr. HINDS. How much beet sugar did they produce in this country this year?

Mr. WILLETT. Five hundred and fifty thousand tons.

Mr. HINDS. How much do you think that they ought to produce in order to maintain a proper equilibrium of prices here?

Mr. WILLETT. Well, just double that amount will do it. I believe that amount, a million tons, would carry us well below any excess in the world's prices.

Mr. HINDS. And would be a great advantage in giving us independence of Europe?

Mr. WILLETT. Yes, sir; and that is a tremendous advantage. (Part 37, p. 3086 of hearings.)

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Mr. SULZER. If we could produce all the sugar we need for our own consumption, we would be absolutely independent of the world's market, would we not?

Mr. WILLETT. Yes.

Mr. SULZER. And the fixing of prices in Hamburg and other places would have absolutely no effect on the consumers of the United States so far as the price is concerned?

Mr. WILLETT. Not the slightest.

Mr. SULZER. Quite true. Then it is your opinion that it would be a good thing for the Government to encourage the agricultural people of the United States to engage in the production of beet sugar wherever they can do so profitably?

Mr. WILLETT. Decidedly so.

Mr. SULZER. We have vast areas of this country now, have we not, that are peculiarly susceptible to the growth of sugar beets if they were irrigated and properly cultivated?

Mr. WILLETT. Yes.

Mr. SULZER. And with very little effort on the part of the agencies of Government which are now in vogue these vast areas could be brought into production?

Mr. WILLETT. Yes.

Mr. SULZER. And a great increase of beet-sugar production could be brought about?

Mr. WILLETT. Yes. (Part 37, p. 3090 of hearings.)

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Mr. HINDS. You speak of our being independent of Europe?

Mr. WILLETT. Yes.

Mr. HINDS. Even, although we produced enough to, as you might say, supply ourselves, nevertheless that would not give us sugar any cheaper than they would get it in Europe on that specific year, would it?

Mr. WILLETT. It would give us sugar always cheaper than they would get it in Europe in any year, if I understand your question right.

Mr. HINDS. Yes. You think, then, it would be possible for us to get sugar, by reason of our greater production——

Mr. WILLETT. At all times——

Mr. HINDS (continuing). Under the world's price?

Mr. WILLETT. At all times under the world's price. We get it now at all times except for two or three months in the year. (Part 37, p. 3095 of hearings.)

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Mr. WILLETT. * * * This promotion of our industry is a much more vital point (from the consumers' standpoint included) than is a reduction of tariff to a point that lets in foreign sugar and thereby diminishes the home production. Whenever we reach the condition indicated, competition between our free and partially free duty producers will begin and the consumers will benefit thereby and the United States will be entirely free from the speculative and other influences which control the world's price, and it is not unreasonable to expect that under the conditions indicated the United States will become a considerable exporter of its surplus production to the foreign countries which may be short of supplies as under present conditions abroad.

As showing the ultimate effect of home production equal to or surpassing home consumption, I call attention specially for earnest consideration to the fact that in 1910 we reached this desired consummation within 74,000 tons, and as a result we were almost independent of Europe, so much so, in fact, that we got our supplies from Cuba at over one-half cent per pound under the world's prices, during which time one man (Santa Maria) was carrying on a big bull speculation in Europe in which we would certainly have been involved but for this limited amount we required that year. In 1911 the Cuban crop fell short of 1910 by 320,898 tons, and we required 212,182 tons from abroad to complete our supplies; hence we were involved in the world's prices in 1911, and the result was a hue and cry against the high prices of sugar. I am not making an argument, but am simply pointing to the facts that appear to me to make the consideration of the increase in our local supplies of greater importance in legislation than a reduction of duties beyond certain limits, those limits to be such as will positively exclude all sugars outside those of our States and dependencies. (Part 43, pp. 3556–3557 of hearings.)

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In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible. (Part 48, p. 3978 of hearings, the concluding paragraph of Mr. Willett's testimony.)

DR. HARVEY W. WILEY, CHIEF OF THE BUREAU OF CHEMISTRY, DEPARTMENT OF AGRICULTURE.

The CHAIRMAN. And if the Dutch standard could be wiped out it could all come in?

Dr. WILEY. Yes; if we could import as much refined sugar as raw sugar; but it wouldn't do any good in the world and would hurt the beet-sugar industry, and I have been encouraging it. I believe it to be one of the best things for the agriculture of this country that could possibly exist, because if one raises beets he must use scientific methods. Every beet-sugar field is practically an experimental station which teaches every farmer in the neighborhood. I am in favor of protecting the sugar crop in Louisiana and all along the coast. I am not making a plea for taking the tariff off of sugar at all; I am only trying to tell you what the Dutch standard does.

The CHAIRMAN. You say you are in favor of protecting sugar. Do you believe there will ever be any chance for our competing with the world without protection?

Dr. WILEY. Maybe so in the future.

The CHAIRMAN. Although you see reasonable prospects of that I ask do you see any chance of it?

Dr. WILEY. I would protect them even if I thought there would never be any chance of it. I want to purchase our own sugar at home. (Part 42, p. 3445 of hearings.)

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Dr. WILEY. I look at this matter as I do everything else in which the farmers are interested: I want the farmers to have a fair chance in the markets, governed by supply and demand as to rise and fall, and not have everything they grow and everything they buy manipulated as to price by somebody that has nobody's interests at heart but their own. I can not sell a steer to-day, or a bushel of wheat, or a bushel of corn at a price governed by supply and demand, nor can you. The price of a steer, or of a bushel of wheat, or of a bushel of corn is set by a set of gamblers in Chicago or elsewhere. (Part 42, p. 3447 of hearings.)

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Dr. WILEY. But the point I am giving is this, that under the present system we are absolutely dependent upon the refiners of this country for our sugar. They have taught us to use white sugar, and we will not take any other kind; and therefore they can fix any price thereon they please. I will say, on the question of price, that I think they are very reasonable about it and do not try to squeeze us very much. At the same time, whenever the Louisiana sugar comes in the price of sugar drops, and whenever the crop of beet sugar comes in

the price of sugar drops. Again, as soon as the Louisiana and beet sugar men sell all they have to sell the price of sugar goes up again.

Mr. FORDNEY. That is true of last summer, I believe.

Dr. WILEY. Yes; and when the price of sugar went up to 7 cents retail I said, "Watch out; when the sugar crop comes in it will go down," and it did, and there was no sugar in the country even then. (Part 42, p. 3446 of hearings.)

Mr. FORDNEY. The fact is that the refiner in New York does not control the market while our domestic sugar crop is on the market?

Dr. WILEY. As soon as the domestic sugar crop comes on they let the price drop, for they are then buyers themselves. They buy the most of the domestic crop except the beet sugar—buy almost all of the Louisiana crop.

Mr. FORDNEY. That is because it is raw sugar?

Dr. WILEY. Yes. They then want to buy and put the price down.

Mr. FORDNEY. And as soon as the crop is purchased they increase the price, do you mean?

Dr. WILEY. Yes; as high as they think the people will stand for. They do not put the price out of sight, because that would not be good business. (Part 42, p. 3448 of hearings.)

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Dr. WILEY. * * * When I consider the beneficial effect of this sugar industry on other agricultural industries I would go as far as it would be profitable to the farmers of the United States to maintain that industry.

The CHAIRMAN. No matter how much it cost the people who consumed that sugar?

Dr. WILEY. Yes; no matter how much it cost. If it were a benefit to the agricultural interests of this country as a whole, then I am for it. If I looked at it simply from the standpoint of the interest of the man making the sugar, as I stated before, I would not want to tax myself as a consumer too much, but if I see that by paying a little more for my sugar the great agricultural industry in this country is benefited, I am willing to pay it. I would go just that far. (Part 42, p. 3455 of hearings.)

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APPENDIX C.

We consume in the United States about 3,984,567 tons of sugar of 2,000 pounds per ton. In the crop year 1911–12 Louisiana and Texas produced 361,920 tons, of which about one-fourth was refined and the remainder was raw or unclarified.

During the same period there were 599,000 tons of refined beet sugar made in the Western States—thus giving a total domestic production that year of 960,000 tons.

We imported—

	Tons.
From Hawaii	602,733
From Porto Rico	367,145
From the Philippines	217,785
From Cuba	1,593,315
From all other countries	241,209

All of which was raw sugar. That from Hawaii, Porto Rico, and the Philippines came in free of duty. That from Cuba paid a duty of 1½ cents a pound, and that from other countries 1.68 cents.

All of this sugar, except the 599,000 tons of beet sugar, which left the factories a finished product ready for consumption, and about 85,000 tons of refined Louisiana sugar (total 684,000 tons), is refined by the trust and other refiners before going on the market.

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APPENDIX D.

[Senate Report No. 763, part 2, Sixty-second Congress, second session.]

DUTIES ON SUGAR.

(July 27, 1912.—Ordered to be printed.)

Mr. WILLIAMS, from the Committee on Finance, submitted the following views of the minority (to accompany H. R. 21213):

The undersigned minority members of the Finance Committee, to which was referred H. R. 21213, beg leave to report a substitute for the same, and in explanation of the character of the bill and in declaration of their salient reasons for preferring it to the House bill, to which it is offered as an amendment in the nature of a substitute, submit the following brief statement:

The substitute which we propose differs from existing law (Schedule E of the Payne-Aldrich bill, approved Aug. 5, 1909) in the following respects:

First. The substitute abolishes the so-called differential.

Second. It abolishes the No. 16 Dutch standard color test and it substitutes for it no other legislative joker, as it is charged that the substitute proposed by the majority members of the Finance Committee does.

Third. In rates of duty the existing law levies ninety-five one-hundredths of 1 cent per pound on sugars, tank bottoms, sirups, melada, concentrated melada, concrete and concentrated molasses testing by the polariscope not above 75°. The substitute levies a tax of sixty-three one-hundredths of 1 cent per pound upon the same articles. Under the existing law, for every additional degree shown by the polariscopic test there is levied an additional tax of thirty-five one-thousandths of 1 cent per pound, and fractions of a degree in proportion. The substitute, for every additional degree shown by the polariscopic test, levies a tax of twenty-four one-thousandths of 1 cent per pound, instead of thirty-five one-thousandths, and it continues this duty of twenty-four one-thousandths of 1 cent per pound for every additional degree per polariscopic test. The existing law increases the polariscopic degree tax on all sugars above 16 Dutch standard in color and on all sugars which have gone through a process of refining to 1.90 of 1 cent per pound, this being virtually the tax upon sugars which really enter into consumption. Our substitute does not make this jump in favor of the refiner, but continues the uniform additional tax of twenty-four one-thousandths of 1 cent per pound additional and fractions of a degree in proportion for each additional degree per polariscopic test.

The existing law fixes a duty upon molasses, testing not above 40° of 20 per cent ad valorem. The substitute is 12 per cent ad valorem. The existing law upon molasses testing above 40° and not above 56° fixes a tax of 3 cents per gallon. Under our substitute the same quality of molasses would bear a duty of 1.8 cents per gallon. Upon molasses testing above 56° the existing law fixes a duty of 6 cents per gallon. The substitute fixes a tax of 3.6 cents per gallon.

Under the Payne-Aldrich bill maple sugar and maple sirup bear a tax of 4 cents per pound. In the substitute we propose a tax of 2.6 cents per pound.

Under the Payne-Aldrich bill glucose or grape sugar bear a tax of 1½ cents per pound. In the substitute the tax is 1 cent per pound.

Under the Payne-Aldrich bill sugar cane in its natural state, or unmanufactured, bears a tax of 20 per cent ad valorem. In the proposed substitute the duty is 17 per cent ad valorem.

Under the Payne-Aldrich bill sugar candy and all confectionery not otherwise specially provided for, valued at 15 cents per pound or less, and sugars after being refined, when tinctured, colored, or in any way adulterated, bear a tax of 4 cents per pound and 15 per cent ad valorem. In the bill offered by us we substitute for these rates 2.6 cents per pound and 10 per cent ad valorem. Under the Payne-Aldrich bill the same articles, valued at more than 15 cents per pound, bear a duty of 50 per cent ad valorem. We propose instead thereof a duty of 33⅓ per cent ad valorem.

Our reasons for preferring the substitute which we offer to the existing law are evident from the statement which we have made and, if our substitute shall become a law, will make it self-evident to every housekeeper and consumer of sugar in America.

Our reasons for preferring the substitute to H. R. 21213 are briefly as follows:

The tariff on sugar is peculiarly a revenue tariff. Very much the major part of the tax levied upon the consumer of sugars and sweets goes actually into the United States Treasury for the use and behoof and benefit of the American people. A minor part of the tax goes into the pockets of the producers. Upon numberless articles in the Payne-Aldrich tariff bill the duties are either prohibitive, or very nearly prohibitive, or highly exploitive, and in all these cases very much the major part of the tax levied upon the consumer goes into the pockets of the American producers, a special and favored class, and very scantily, and sometimes not at all, reaches the Treasury. In the next place the majority of the tariff schedules which have been adopted by the House and sent over to the Senate during this Congress make a reduction of about one-third. In the face of its record in connection with other bills the House reduced the duties upon sugars and the products of cane and sugar beets 100 per cent; in other words, entirely canceled the existing duties. It seemed to us that this was not in keeping with the promise of Democratic platforms to reduce present protective duties "gradually" toward and finally to a revenue basis. We have seen no reason why sugar should have been excepted from the general policy advocated by the Democratic Party and believed by us to be right.

Again, in levying an import duty upon sugar for revenue purposes, we are imitating the time-honored and time-justified precedents.

The abolition of the Dutch standard and of the differential, together with the reduction of duties upon refined sugar, will strike a serious blow against one of the great American trusts, which has not been scrupulous either in its dealings with the Government or with the people. We do not believe that the reduction of duties which we propose will seriously disturb any legitimate or fair business. We think the only effect will be to reduce excessive and undue profits made by sugar-beet factories, some of which have been enormous, while cheapening the product to the household.

With regard to cane sugar, the cost of the production of sugar from which is greater than the cost of the production of beet sugar, owing to the fact that the labor engaged in the production of beet sugar is intelligent, efficient white labor, and the labor engaged in the production of cane sugar is for the most part unintelligent and inefficient, there may accrue some disturbance to businesses not well equipped and not well managed, but none to any business well equipped and well managed.

That the reduction which we propose is a sufficient reduction our political antagonists confess by the fact that one faction of them does not propose any reduction at all and the other faction proposes a reduction much smaller than the substitute which we advocate makes.

We have not felt that it was wise to surrender fifty millions of public revenue at one swoop by putting sugar and sugar-cane and sugar-beet products upon the free list, especially in view of the fact that there exist numberless other import duties prohibitive in their character from which the people's Treasury does not procure any money at all, or else a negligible revenue, the practical operation of such taxes being to take money from the pockets of the consumer and put it into the pockets of the producers.

We feel confident that within a few years the duty which we propose will bring as much money into the Treasury as the duty now existing under the Payne-Aldrich tariff brings, owing to the cheapening of the product, the encouragement of its use, and the increase of the demand, and the increase of the importations to meet the demand.

We beg leave in this connection to make the report of the Ways and Means Committee of the House of Representatives to accompany H. R. 21213, in so far as the statistics and figures therein recited go, a part of this report and to have it published as Exhibit A herewith.

JOS. W. BAILEY.
F. M. SIMMONS.
W. J. STONE.
JOHN SHARP WILLIAMS.
JOHN W. KERN.
CHARLES F. JOHNSON.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

Mr. JONES. Mr. President, we certainly should have a quorum in order to do that. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Martine, N. J.	Smith, S. C.
Bacon	Hughes	Newlands	Smoot
Bradley	Jackson	Owen	Stephenson
Bristow	Johnson, Me.	Ransdell	Sterling
Bryan	Johnston, Ala.	Robinson	Stone
Burton	Jones	Saulsbury	Swanson
Catron	La Follette	Shafroth	Thomas
Chilton	Lane	Sheppard	Thompson
Gore	Lewis	Sherman	Thornton
Gronna	Lippitt	Simmons	Works
Hitchcock	Martin, Va.	Smith, Ga.	

Mr. LANE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is before the "smelling committee," and can not be here.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum of the Senate present.

Mr. SIMMONS. Mr. President, I suggest that the Secretary call the roll of absentees.

The VICE PRESIDENT. The Secretary will call the roll of absent Senators.

The Secretary called the roll of absent Senators, and Mr. KENYON and Mr. POMERENE answered to their names.

The VICE PRESIDENT. Forty-five Senators have answered to their names. There is not a quorum present.

Mr. MARTIN of Virginia. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. FALL, Mr. TILLMAN, Mr. VARDAMAN, and Mr. BRANDEGEE entered the Chamber and responded to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. MARTIN of Virginia. I ask that the order instructing the Sergeant at Arms to request the attendance of absent Senators be rescinded.

The VICE PRESIDENT. In the absence of objection, the order will be rescinded.

Mr. BACON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE GEORGE KONIG, OF MARYLAND.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. GEORGE KONIG, late a Representative from the State of Maryland, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed as a committee on the part of the House Mr. COVINGTON, Mr. TALBOTT of Maryland, Mr. LINTHICUM, Mr. SMITH of Maryland, Mr. LEWIS of Maryland, Mr. MCDERMOTT, Mr. BARKLEY, Mr. SABATH, Mr. BAKER, Mr. HAYES, Mr. BARTHOLDT, Mr. BARTON, Mr. WOODS, and Mr. GARDNER.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
June 2, 1913.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE KONIG, a Representative from the State of Maryland.

Resolved, That a committee of 14 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. JACKSON. I offer the resolutions which I send to the desk, and ask unanimous consent for their present consideration.

The resolution (S. Res. 99) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. GEORGE KONIG, late a Representative from the State of Maryland.

Resolved, That a committee of eight Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. KONIG at Baltimore, Md.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

The VICE PRESIDENT appointed, under the second resolution, Mr. MARTIN of Virginia, Mr. CHILTON, Mr. SAULSBURY, Mr. JOHNSTON of Alabama, Mr. JONES, Mr. DILLINGHAM, Mr. SMITH of Maryland, and Mr. JACKSON as the committee on the part of the Senate.

Mr. JACKSON. I move, as a further mark of respect to the memory of the deceased, that the Senate adjourn.

The motion was unanimously agreed to, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until Thursday, June 5, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 2, 1913.

MINISTER.

Thaddeus Austin Thomson, of Texas, to be envoy extraordinary and minister plenipotentiary of the United States of America to Colombia, vice James T. Du Bois, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. Oren B. Meyer, Cavalry, unassigned, to be major from May 28, 1913, vice Maj. Edwin M. Suplee, Fourteenth Cavalry, retired from active service May 27, 1913.

First Lieut. William A. Austin, Tenth Cavalry, to be captain from May 28, 1913, vice Capt. Oren B. Meyer, unassigned, promoted.

Second Lieut. Charles L. Stevenson, Fifteenth Cavalry, to be first lieutenant from May 28, 1913, vice First Lieut. William A. Austin, Tenth Cavalry, promoted.

MEDICAL CORPS.

The following-named first lieutenants of the Medical Reserve Corps for appointment as first lieutenants in the Medical Corps of the Army of the United States, with rank in each case from the date specified after the officer's name:

Benjamin Beckham Warriner, from May 8, 1913, to fill an original vacancy.

William Dey Herbert, from May 9, 1913, to fill an original vacancy.

Stephen Harrison Smith, from May 10, 1913, to fill an original vacancy.

George Fairless Lull, from May 11, 1913, to fill an original vacancy.

Charles Clark Hillman, from May 12, 1913, to fill an original vacancy.

Sidney Lovett Chappell, from May 13, 1913, to fill an original vacancy.

Fletcher Olin McFarland, from May 14, 1913, to fill an original vacancy.

Harry Louis Dale, from May 15, 1913, to fill an original vacancy.

Alvin Willis Schoenleber, from May 16, 1913, to fill an original vacancy.

Ernest Chester McCulloch, from May 17, 1913, to fill an original vacancy.

George Russell Callender, from May 18, 1913, to fill an original vacancy.

Edward Thomas Breinig Weidner, from May 19, 1913, to fill an original vacancy.

Raymond Whitcomb Bliss, from May 20, 1913, to fill an original vacancy.

Raymond Cooley Bull, from May 21, 1913, to fill an original vacancy.

Norman Thomas Kirk, from May 22, 1913, to fill an original vacancy.

William Benjamin Borden, from May 23, 1913, vice Capt. Herbert M. Smith, honorably discharged January 5, 1911.

Royal Edwin Cummings, from May 24, 1913, vice Capt. Park Howell, honorably discharged January 20, 1911.

Clarence Ralph Bell, from May 25, 1913, vice Capt. William P. Woodhall, honorably discharged February 16, 1911.

Robert Henry Duenner, from May 26, 1913, vice Capt. Lloyd Le R. Krebs, honorably discharged March 7, 1911.

Bertram Foster Duckwall, from May 27, 1913, vice First Lieut. Howard A. Knox, resigned April 26, 1911.

John Seymour Cromwell Fielden, jr., from May 28, 1913, vice Capt. Wilson T. Davidson, promoted May 1, 1911.

Halbert Porter Harris, from May 29, 1913, vice Capt. Cosam J. Bartlett, promoted June 7, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 2, 1913.

COLLECTOR OF CUSTOMS.

Franklin P. Colcock to be collector of customs at Beaufort, S. C.

COLLECTOR OF INTERNAL REVENUE.

Mark A. Skinner to be collector of internal revenue for the district of Colorado.

COMMISSIONER OF INDIAN AFFAIRS.

Cato Sells to be Commissioner of Indian Affairs.

SOLICITOR FOR THE DEPARTMENT OF LABOR.

John B. Densmore to be Solicitor of the Department of Justice for the Department of Labor.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Moreton Homer Axline.
Frederick Binder.
William Alexander Boyd.
Frank Emory Bunts.
William McEwen Edwards.
Alonzo Graves.
Daniel Joseph Hayes.
Chevalier Jackson.
Daniel Ralph Lucas.
Arthur Hugh Mays.
Edward Campbell Morton.
Charles Howard Peck.
William Martin Perkins.
Henry Stanley Plummer.
Victor Eugene Putnam.
Harry Leach Schurmeier.
George Reese Satterlee.
Harry Gardner Wood.

COAST ARTILLERY CORPS.

Walter Owen Rawls, late midshipman, United States Navy, to be second lieutenant.

REGISTER OF THE LAND OFFICE.

James F. Burgess to be register of the land office at Lakeview, Oreg.

POSTMASTERS.

IOWA.

George W. Bensler, Delta.
Fred Biermann, Decorah.
E. F. Gauthier, Corning.
Arthur Goshorn, Winterset.
Christian Konrad, Lacona.
H. G. Kruse, Vinton.

MASSACHUSETTS.

Walter E. Clarkin, Foxboro.

MISSISSIPPI.

Fred J. McDonnell, jr., Okolona.

NEVADA.

Mason E. McLeod, Yerington.
J. M. Slopansky, Ruth.
Philip S. Triplett, Wells.

OKLAHOMA.

Samuel C. Campbell, Enid.

PENNSYLVANIA.

Leroy Alexander, West Alexander.
Edward J. Bernhardt, Northampton.
Frank P. Craig, Mercer.
Thomas A. Frazier, Butler.
W. A. Furlong, Roscoe.
H. E. Petrie, Greencastle.
Frank C. Sites, Harrisburg.

TEXAS.

B. T. Gardner, Rogers.

VERMONT.

Alton G. Baird, Orleans.
Allan T. Calhoun, Middlebury.
Robert J. Orvis, Manchester.
Patrick H. Thompson, Arlington.

VIRGINIA.

Benjamin F. Foley, Berryville.
Ellis F. Harris, Crozet.
R. H. Latane, Buchanan.

WEST VIRGINIA.

Robert E. Wood, Charleston.

WISCONSIN.

A. C. Bishop, Bloomington.
William E. Cavanaugh, Berlin.
Albert J. Hemmy, Hartford.
John Henninger, Markesan.
Robert Nash, Grand Rapids.
J. H. Paustenbach, Abbottsford.
E. R. Peck, Bangor.
Fred A. Russell, Superior.
Richard B. Runke, Merrill.
Harvey G. Smith, Maiden Rock.
William R. Stephan, Sawyer.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 2, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we wait on Thee for Thy blessing, that we may be wise in our conceptions, pure in our motives, strong in our devotion to Thee and in the things which make for good in the relationships of life; in our homes that they may be sacred; in our country, which safeguards our homes, protects our inherent rights; in our religion, which holds us close to Thee in life and in death.

Again our hearts are touched by the removal of another Member of this body; he has answered the call which waits on us all—a typical American citizen who dignified labor by faithful service and was called by those who knew him best to serve them in the affairs of State and Nation. Make us faithful to the obligations resting upon us, that we may be prepared to go forward to the larger life without fear or doubting, and comfort those who knew and loved him, especially his wife and children, with bright hopes and anticipations for the continuance of his existence in another of the Father's many mansions, where they shall join him. And Thine be the praise forever. In the name of Him who taught us the immortality of the soul. Amen.

The Journal of the proceedings of Thursday, May 29, 1913, was read and approved.

WITHDRAWAL OF PAPERS—MARY BASYE.

By unanimous consent, leave was granted to Mr. DAVIS of Minnesota to withdraw from the files of the House, without leaving copies, the papers in the case of Mary Basye (H. R. 19651, 62d Cong., 3d sess.), no adverse report having been made thereon.

GOVERNMENT OF PORTO RICO.

The SPEAKER laid before the House the following communication:

THE WHITE HOUSE,
Washington, May 27, 1913.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: As required by section 19 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I have the honor to advise that a copy of the journal of the Executive Council of Porto Rico for the regular session of 1913 has been transmitted to you under separate cover.

Very respectfully, WOODROW WILSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. FORREST GOODWIN, late a Representative from the State of Maine.

Resolved, That a committee of five Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. GOODWIN at Skowhegan, Me.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And in compliance with the foregoing resolutions the Vice President had appointed as said committee Mr. JOHNSON of Maine, Mr. GALLINGER, Mr. HOLLIS, Mr. CRAWFORD, and Mr. DILLINGHAM.

COMMITTEE ON ROADS.

Mr. HENRY. Mr. Speaker, I offer the privileged resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 104 (H. Rept. 18).

Resolved, That Rule X of the Rules of the House of Representatives be, and the same is hereby, amended by adding immediately after paragraph 55 in section 1 thereof the following new paragraph, to wit:

"56. On roads, to consist of 21 members."

SEC. 2. That Rule XI of the Rules of the House of Representatives be, and the same is hereby, amended by adding immediately after paragraph 54 thereof the following new paragraph, to wit:

"54a. To matters relating to the construction or maintenance of roads, other than appropriations therefor; to the committee on roads: *Provided*, That it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road."

Mr. HENRY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. HENRY. Mr. Speaker, the resolution speaks for itself. It provides for amending the rules so as to create a committee on roads consisting of 21 members. This committee is necessary on account of the growing importance of this subject. There are numerous bills that have been introduced in the House upon the subject of good roads, post roads, highways, etc. They have been referred to a half dozen or more different committees. It seemed to the Committee on Rules that the time had arrived when a committee should be created to be called the Committee on Roads, in order that all of these bills might be referred to that committee, where they can be deliberately and well considered. Therefore the resolution is reported to this House. We believe that it should be adopted and that the rules should be amended and that this important subject should have consideration at the hands of the House of Representatives.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Certainly.

Mr. MURDOCK. Will the gentleman explain the exceptions which are noted in the resolution as regards what is germane in a good roads bill?

Mr. HENRY. Mr. Speaker, the resolution simply provides that the House may consider the proposition of good roads under a general system or scheme, and that no particular roadway shall be considered by the committee or by the House of Representatives.

Mr. MURDOCK. It seems to me that the resolution provided that no amendment should be offered as to a particular road on any general proposition. Is that true? Under the rules of the House that would not be in order, but does not the resolution itself so provide?

Mr. HENRY. The resolution does not provide that. Mr. Speaker, I reserve the balance of my time.

Mr. MANN rose.

Mr. FOWLER. Mr. Speaker, before the gentleman from Texas takes his seat, I will ask him if he will yield?

Mr. HENRY. Certainly.

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman from Texas if this committee will in any way interfere with the duties of the Committee on the Post Office and Post Roads?

Mr. HENRY. I do not think that it will interfere with their duties. It may relieve them of some burdens that they do not care to undertake at this time. The resolution speaks for itself.

Mr. FOWLER. It is not intended in any way to take away from the Committee on the Post Office and Post Roads their jurisdiction over post roads?

Mr. HENRY. I do not think there is any such intention as that. Mr. Speaker, I now yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. The rule provides that all matters relating to the maintenance or construction of roads other than appropriations therefor shall be referred to the Committee on Roads. Suppose a bill is introduced in reference to the construction or maintenance of a road in one of the national parks, does that go to this committee?

Mr. HENRY. I could not hear the gentleman on account of the conversation surrounding me.

Mr. MANN. Suppose a bill is introduced in regard to the construction or maintenance of a road in one of the national parks, would that go to this committee?

Mr. HENRY. I hardly think it is intended it should take jurisdiction away from it. Of course that would be a matter of construction by the Speaker.

Mr. MANN. I understand, but I wanted to get the gentleman's idea as to what the intention of the committee was. I take it it would not relate to the construction or maintenance of a road in the District of Columbia outside of the city of Washington where we provide for roads in the District.

Mr. HENRY. That would be a matter of construction, but still if it did, I do not see that it would make any material difference.

Mr. MANN. Well, it is a matter of construction, but sometimes in enacting legislation or adopting rules it is desirable to know in advance what the purpose is so there will not be any controversy hereafter.

Mr. HENRY. It is not intended for that purpose at all.

Mr. MANN. With reference to the exception, which is that no bill in reference to a specific road shall embrace a provision in reference to any other specific road, does that apply to a case where a bill is introduced for half a dozen specific roads? Would it be possible to introduce a bill or have a bill reported that related to more than one specific road in one bill?

Mr. HENRY. The idea is to provide for a general scheme of legislation, if we have any legislation at all, in regard to roads.

Mr. MANN. Well, I understand the theory of it, but here is a provision——

Mr. HENRY. Now, Mr. Speaker, the gentleman will have 20 minutes' time on that side and there are several gentlemen to whom I have promised time and I desire to yield time——

Mr. MANN. I did not know that.

Mr. HENRY. Therefore I reserve the balance of my time.

The SPEAKER. The gentleman reserves 13 minutes.

Mr. CAMPBELL. Mr. Speaker, before taking time myself I am ready to yield a little time to any gentleman in the House who is still a believer in the old doctrine of State rights and State sovereignty; who believes in that simple government which was advocated by the father of the Democratic Party, Thomas Jefferson, that the people in the townships were better judges of a road that should be built in a township than a bureau with its headquarters in Washington.

Mr. SHACKLEFORD. Mr. Speaker, will the gentleman yield me five minutes? I entertain that view. [Laughter and applause.]

Mr. CAMPBELL. I understand the gentleman from Missouri [Mr. SHACKLEFORD] is still a believer that the people of a township are better able to take care of their own roads on their own initiative?

Mr. SHACKLEFORD. I emphatically believe in that, and I would like to have five minutes to explain it. [Laughter and applause.]

Mr. CAMPBELL. I understand—yet I do not desire to spring anything on the House—I understand that the gentleman from Missouri is slated for the chairmanship of this new committee which Thomas Jefferson never dreamed would be created during the history of the Republic of which he was one of the founders.

Mr. SHACKLEFORD. I want to say to the gentleman that I concur very thoroughly in the view that he has expressed. The gentleman stated he wanted to yield some time to people who believed that way. When he has finished his own remarks I will be glad if he will yield me five minutes.

Mr. CAMPBELL. Well, I will say I have some doubt about the genuineness of the gentleman from Missouri believing in that old doctrine and the——

The SPEAKER. Does the gentleman yield five minutes to the gentleman from Missouri?

Mr. CAMPBELL. Not just now.

The SPEAKER. Does the gentleman yield to his colleague [Mr. MURDOCK]?

Mr. CAMPBELL. For a question.

Mr. MURDOCK. Along the line that the gentleman has been pursuing, would the gentleman oppose a proposition that the people of a given county determine by vote what road should be improved first by Government aid?

Mr. CAMPBELL. On the contrary, I favor just that sort of thing.

Mr. MURDOCK. I thought not, judging from the query which my colleague put to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. CAMPBELL. Oh, no. I stated that if there was anybody left in the House on the Democratic side who still believed that the people in the townships were better judges of the roads that should be improved and the manner in which they should be improved than a bureau in Washington I was ready to yield him some time to advocate that policy.

Mr. MURDOCK. And, as I understand the gentleman, he would favor the proposition of the people of a given county determining what roads should be improved first?

Mr. CAMPBELL. Undoubtedly; although I have always subscribed myself as a political follower of Alexander Hamilton rather than of Thomas Jefferson. Alexander Hamilton believed in a government from Washington, while Thomas Jefferson believed that they could be better governed from Walnut Grove Township than from Washington. But as the years have come and gone the country is veering toward Hamilton's view of government, and one condition of life after another is being turned over to the bureaus in Washington rather than being left in the hands of the people themselves. Just now——

Mr. MOORE. Mr. Speaker——

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Pennsylvania?

Mr. CAMPBELL. Just now we are embarking on other propositions hitherto left with the local governments. I will yield for a question.

Mr. MOORE. We are about to spend $50,000,000 on good roads in Pennsylvania, raised from the taxpayers of that State. Does the gentleman think the appointment of this new committee would make it fair for us to distribute that $50,000,000 amongst the other States of the Union who desire to have good roads?

Mr. CAMPBELL. Well, I presume that this committee, of which the gentleman from Missouri [Mr. SHACKLEFORD] is to be chairman, will designate when they report in a bill or proposed law the manner in which the funds raised in Pennsylvania shall be applied, and I hope that they will use some of it in Walnut Grove Township, in Neosho County, Kans. [Laughter.]

Mr. MOORE. Well, New York State also has raised $50,000,000 for good roads to be constructed in that State. Does the gentleman think it would be wise to refer to this committee the distribution of the money raised by New York for the construction of roads among other States which do not have so much money and where there are many more roads to be improved?

Mr. CAMPBELL. I am not opposed to the inauguration of this new method of constructing roads. I still say that I believe in the old doctrine of Hamilton, but I would not take off the speed limit. I would not go to the length that it is proposed to go in this resolution. It is proposed by this resolution to create a committee that will say exactly what roads shall be built, and you can not amend their bills on the floor of the House. The roads may be built in Pennsylvania, or in New York, where the gentleman from Pennsylvania [Mr. MOORE] says the money is to be raised with which the roads are to be built. But, on the other hand, the roads may be provided by the bill for Kansas and Missouri, and in that event there may be some benefit accruing to Kansas and Missouri.

Mr. MOORE. But is not the proposition now before us in regard to postal roads that we shall improve the postal roads throughout the country at public expense, whereas, so far as any postal roads within the limits of any of the large municipalities are concerned, they shall receive no national consideration at all?

Mr. CAMPBELL. Undoubtedly; but this proposition goes far beyond that. It does not limit the construction of roads to roads for postal and military purposes. This simply says that the bars are down, and from this time on roads shall be constructed in every township in the United States at the expense of the Federal Treasury, whether they are to be used for military or postal purposes or not. The time is past when roads are to be built only for post roads and military roads.

Mr. PAYNE. Will the gentleman yield to me?

Mr. CAMPBELL. I will yield to the gentleman from New York.

Mr. PAYNE. Would it not be an improvement on this resolution to refer the whole matter to the promoters of this business—the builders of automobiles throughout the United States—who are the pioneers of this movement and its practical promoters? Would not that be a better plan than to have a committee appointed from the membership of the House?

Mr. CAMPBELL. This resolution has already been favorably reported.

Mr. PAYNE. I understand that there has been an expression from the Committee on Rules, who, of course, have investigated this subject. As far as I am concerned, I would not appoint any committee. I would not have the Government go into the business of building the roads. Why, even in our State of New York, under a good Democratic administration, it is impossible to keep corruption out of the building of State roads on the scale of $100,000,000. Now, when we get to spending billions of dollars in the United States for roads all over the country, I think that corruption might grow. I say there has been corruption in our State, because, without a change of politics or administration, but simply a change in officers, it is flatly charged and does not seem to be denied. I am against the whole scheme. I think that the United States have enough business to attend to, and that the roads should be built by the States, in localities determined by the localities, and looked after by local superintendence and afterwards repaired by local superintendence. Up to the time of two and a half years ago we made very satisfactory progress in the State of New York in building roads. The work was progressive then.

Mr. POU. Mr. Speaker——

The SPEAKER. Does the gentleman from Kansas [Mr. CAMPBELL] yield to the gentleman from North Carolina [Mr. POU]?

Mr. CAMPBELL. I yield for a question.

Mr. POU. I was going to ask the gentleman if he did not think, inasmuch as up to this time we have spent $620,000,000 in digging out rivers and harbors, and have dumped a good many millions of money into New York Harbor and Philadelphia Harbor, that it is time we were doing something for roads out in Walnut Grove Township?

Mr. CAMPBELL. I think so. I am heartily in favor of it; but I want to call attention to this further fact, that while we have severed our relations with the doctrine of State sovereignty on the Democratic side of the House this resolution has ignored another fact. As soon as the Democratic Party came in we were going to economize; we were going to save money for the people in the administration of the Government.

Mr. MOORE. Mr. Speaker——

Mr. CAMPBELL. I can not yield for a moment. Does any gentleman on the Democratic side of the House who participates in the responsibility for raising the revenue and for disbursing it have any idea of the amount of money that will be called for out of the Treasury of the United States by this resolution? Why, billion-dollar Congresses will come and go, and we will be going into the billion and a half. And we are here inaugurating one of the most expensive policies that the Government has ever undertaken, and that within three months after the inauguration of a Democratic administration that was pledged to economy in government.

Mr. POU. Is not the gentleman in favor of it, as he has just said?

Mr. CAMPBELL. Oh, certainly. I have never posed in opposition to the Federal authority, and I have never posed in opposition to appropriations out of the Treasury of the United States, because I have always been in favor of a policy that in time of peace would raise enough revenue to defray all the expenses of the Government, including the improvement of rivers and harbors and such improvements as we might want to make in roads; but gentlemen on that side are not in favor of policies which will produce revenue, while they seem to be in favor of policies that will exhaust more revenue than we will be able to supply the Treasury with.

Mr. MURDOCK. Mr. Speaker, before the gentleman takes his seat I will ask him, When was this resolution considered in committee?

Mr. CAMPBELL. Finally this morning.

Mr. MURDOCK. Will the gentleman explain what was the origin of the proviso in the amendment to Rule XI? The proviso is as follows:

Provided, That it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

What is the basis for that sort of exception?

Mr. CAMPBELL. I will have to remind my colleague that I am a minority member of the Committee on Rules, and I will refer him to the gentleman from Texas [Mr. HENRY] or to some of his Democratic colleagues who are responsible for this resolution.

Mr. MURDOCK. The gentleman was present during the consideration of this resolution?

Mr. CAMPBELL. Oh, yes; but I am not responsible for the inspiration of the resolution.

Mr. MURDOCK. I thought that perhaps the gentleman from Kansas had elicited some information while sitting as a member of that committee. Evidently, as a matter of fact, he did not.

Mr. CAMPBELL. I did not get that information. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes.

Mr. CAMPBELL. I will reserve the remainder of my time.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Speaker, the gentleman from Kansas [Mr. MURDOCK] has asked why some of these exceptions were placed in this bill. I was in favor of having these exceptions placed there because I had not in mind doing anything that they are intended to cut off. We have had an example before us of a pork-barrel bill in the shape of a public-building bill, and it was intended here to cut off any such legislation as that in relation to roads. It was intended that if a bill was brought in containing general provisions for the construction and maintenance of roads that Members would not be permitted to load it down with specific roads. We all know the vice of omnibus-bill legislation, and the purpose of these two exceptions to which the gentleman from Kansas has called attention is to make it impossible to have any logrolling or an omnibus bill.

Mr. MANN. Will the gentleman yield?

Mr. SHACKLEFORD. I will yield to the gentleman.

Mr. MANN. I understand this rule would permit reporting of a bill similar to the road provision that was put in the Post Office bill last winter—general legislation—but it does not and would not permit the coupling of two specific road propositions in any one bill.

Mr. SHACKLEFORD. That is the idea—to prevent logrolling by an omnibus bill.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SHACKLEFORD. I will.

Mr. FITZGERALD. I desire to suggest an amendment. After the word "roads," in line 12, insert "except roads in military reservations, forest reserves, national parks, and in the District of Columbia." Roads of the character indicated are not contemplated by this rule, and yet, unless there be some definite statement as to what the purpose is, it may result in controversy hereafter. In the District of Columbia at present the roads and the streets in the outlying district are authorized by the District Committee as a part of the municipal development, and the payment is half and half.

Mr. SHACKLEFORD. This rule was not intended to include that in the bill.

Mr. FITZGERALD. I have not in mind a bill proposing a highway between two points which would run through a reservation. Perhaps the word "wholly" should go in, so that it would read "except roads wholly within the national parks," and so forth, because roads are being built continually within these reservations that are clearly a part of the internal development and essential features of them, and would not at all interfere with the general plan contemplated in this rule.

Mr. SHACKLEFORD. It could not do that. Mr. Speaker, there are three kinds of roads Congress may build, and it was intended to get them all before one committee. Congress has the power to build military roads, post roads, and a great many contend that it would have power to build roads in order to aid the regulation of interstate commerce. Now, in order that there might be no wild schemes, for there are bills in which they might start out in some other committee to build military roads——

Mr. FITZGERALD. I suggest to the gentleman that I would add to my amendment the words "wholly within the reservation."

Mr. SHACKLEFORD. This will not interfere with that for another reason.

Mr. FITZGERALD. If the gentleman believes that the wording of the rule is so couched as not to interfere with such roads and makes that statement, I think it will be sufficient.

Mr. SHACKLEFORD. It is not intended that the wording here should cover what the gentleman suggested. The bill, as far as I am concerned, has in mind general legislation in a very modest form.

Mr. FITZGERALD. I would like to suggest another amendment, if the gentleman will permit, by striking out the period and inserting a comma and the following language——

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HENRY. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I desire to suggest this amendment: Strike out the period at the end of the rule, insert a comma, and add the following language:

Nor shall the Speaker entertain a motion to suspend the rules for the consideration of such a bill, nor shall the Committee on Rules report a rule making such a motion in order or providing for the consideration of such a bill.

Unless these two provisions are contained in the rule, the experience of the House is that it will not be possible, though perhaps it may be in the immediate future, to prevent omnibus bills. The omnibus bill, which is the worst character of legislation, is usually made up in such a way as to insure the support of two-thirds of the House.

Pressure is brought to bear upon the Speaker to give recognition for a motion to suspend the rules, and a petition is usually presented to him containing the names of two-thirds of the Members of the House. The only effective way to prevent the omnibus bill is to include in the rule a prohibition against entertaining such a motion, as well as a limitation upon the Rules Committee either to make such a motion in order or to make possible the consideration of an omnibus bill.

The SPEAKER. The time of the gentleman from New York has again expired. The Chair would like to ask the gentleman from New York a question, for information. Was the gentleman offering this as an amendment or just talking about offering it?

Mr. FITZGERALD. I am talking about it in the hope that I may be given permission to offer it as an amendment.

The SPEAKER. The gentleman can not do that except by unanimous consent.

Mr. FITZGERALD. I will ask unanimous consent for that privilege, Mr. Speaker.

Mr. HENRY. Mr. Speaker, I shall have to object to that.

Mr. FITZGERALD. Let me put the request. I ask unanimous consent to offer the amendment which I have just read.

Mr. HENRY. Mr. Speaker, I shall have to object to that.

The SPEAKER. The gentleman from Texas objects. The gentleman from Texas has seven minutes remaining.

Mr. HENRY. Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, do I understand that the gentleman from Texas purposes asking unanimous consent to extend the time five minutes on each side?

Mr. HENRY. Mr. Speaker, I will yield the gentleman from Illinois two minutes of my time.

Mr. MANN. I may yield back part of my time.

Mr. HENRY. If the gentleman finds that he needs more time, I think I can spare it to him.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I would like to be recognized for three minutes, and yield back two minutes of my time to the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from Illinois is recognized for three minutes.

Mr. MANN. Mr. Speaker, after all, as we move along in civilization, it becomes necessary for statesmen to take into consideration new conditions and the ability of the people to make improvements. Every great nation must at all times be engaged in the construction of some great public works. We have constructed harbors, deepened rivers, put up defenses, built forts, great public buildings, and in almost every direction the Government has been engaged in carrying on some great public work. I believe the time has come when the Government of the United States has both the money and the ability, as well as the desire, to see that public roads throughout the country shall be better improved than they have been in the past [applause], and I welcome a rule which undertakes to commit the Government not to an extravagant system of road building, not to wild-eyed ideas of governmental interference with local affairs, but which undertakes to commit the Government through supervision and aid to the construction of permanent good roads throughout the country where they may be most necessary.

I am glad that the gentleman from Missouri [Mr. SHACKLEFORD], who had much to do undoubtedly with the drafting of this rule, has succeeded in having the rule reported to the House. I do not anticipate that my own constituency or the roads in my district will ever receive much, if any, direct benefit from the construction of these new roads, but I believe that the people in the great cities are willing to give their aid and money and their wisdom, such as they have, to the construction of permanent good roads throughout the Union, so that the people may be better able to travel and carry their produce to market. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker, I only want time to call attention to what seems to me to be an utter inconsistency in the present attitude of the two old parties represented in this body. We have had during the history of the Democratic Party adherence to a fundamental principle opposing any action by the Nation in so far as concerned matters which by the broadest use of the imagination might be termed State and local affairs. Madison and Monroe, when Democratic Presidents, vetoed bills which would be covered under this resolution as proposed. Jefferson opposed vigorously internal improvements by the Government, and yet we have to-day a Democratic House supporting and favoring a resolution which means that the Nation shall take charge of these things which have hitherto been considered local.

More than that, we have had on the other side of this House one distinguished gentleman, the gentleman from New York, who is opposed fundamentally, as he says, to any aid of this kind on the part of the Nation for roads throughout the States. We have had another distinguished leader of the Republican Party expressing himself in favor of national aid—showing the chaotic conditions in the leadership of that party. I want to read just a line or two from the Republican platform of 1908, where it goes on record in favor of this proposition:

The Republican Party during the last 12 years has accomplished extraordinary work in bringing the resources of the National Government to the aid of the farmer, not only in advancing agriculture itself but in increasing the conveniences of rural life. We recognize

the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting property owner. In this work we commend the growing practice of State aid, and we approve the efforts of the National Agricultural Department by experiment and otherwise to make clear to the public the best methods of road construction.

The original distinction between the two parties is reversed to-day on the floor of this House. I just want to suggest the point that we have come to a time in the history of this Nation where there should be a dividing line based on principles instead of interests.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. KELLY of Pennsylvania. In just a moment. I would like to say there is a party in existence which bases its policies on a fundamental issue, on the issue that the Nation is an entity, that it is not a combination of 48 sovereign Commonwealths, but is a Nation whose full powers may justly be used and must be used for the advancement of the common welfare.

The situation here to-day is an instance of the absurdities which have for years followed politics based on selfish interests and not on fundamental principles.

The two old parties have become organizations with meaningless names, for under their rival banners are leaders who catch at passing pretexts to obtain power and make no attempt to base a program on broad and essential principles.

The individualistic State rights idea of the Democratic Party originally, which considered government as an evil and its only duty that of punishing crime and keeping order, has completely broken down. This resolution proves that fact, if any further proof had been needed. But still there are many members of the party in this body who will support this resolution, but will not accept the principle involved. They will vote in the future against measures having exactly the same purpose as this one, putting national questions in the hands of the National Government.

The progressive movement in this country to-day does not fear a centralized government when the people control it. It considers national legislation for the good of all not paternalistic measures, but simply instances of the principle of self-help, the imposition of laws upon the people by the people themselves.

The Progressives favor this good-roads proposal, not as an unrelated issue, forced by public sentiment, but as a part of a logical, consistent program, based on the principle that the only end of a just government is the public good and that the National Government is the proper authority to deal with questions which concern all the people of the Nation.

I congratulate the Democratic Party on its stand in this matter and hope that the majority which intends to pass this resolution will stand true on their principle of to-day when other measures come up by which the common welfare may be advanced by the action of the National Government.

The SPEAKER. The time of the gentleman has expired. The gentleman from Kansas has two minutes remaining and the gentleman from Texas has five.

Mr. HENRY. I yield two minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I just want to answer the observation of the last gentleman who addressed the House, the gentleman from Pennsylvania [Mr. KELLY]. The gentleman evidently is not acquainted with Democratic principles and its party platforms or he would not have made the statement which he has made this morning. For instance, in the Democratic platform of 1912 we find this language:

> We favor national aid to State and local authorities in the construction and maintenance of post roads.

Mr. KELLY of Pennsylvania. Will the gentleman yield for a question?

Mr. HARDWICK. Certainly.

Mr. KELLY of Pennsylvania. I have that right in my hand and——

Mr. HARDWICK. I thought from the gentleman's remarks he had not read it.

Mr. KELLY of Pennsylvania. But is it not a fact that the plank is a fundamental contradiction of Democratic theory?

Mr. HARDWICK. Not at all. There has never been a Democratic administration and I think there has never been a Democratic President who did not favor——

Mr. KELLY of Pennsylvania. But Madison and Monroe both vetoed——

Mr. HARDWICK. So far as Government aid to post roads is concerned, there has never been any Democratic objection; but, to the contrary, I want to state to the gentleman in 1912, and in 1908 for that matter, although it is not important in 1908, the Democratic Party has consistently stood for Government aid for the post roads of the country, and if the gentleman will study the Democratic platforms he will find that there is no need whatever for the Progressive Party in order for the people to get good roads. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired. The gentleman from Kansas has two minutes remaining.

Mr. CAMPBELL. Will the gentleman from Texas yield me a couple of minutes?

Mr. HENRY. How much time have I remaining?

The SPEAKER. The gentleman has three minutes.

Mr. HENRY. I yield the gentleman three minutes.

Mr. CAMPBELL. I yield four minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, in the midst of all the enthusiasm over this extension of Federalism it is not a pleasant office to be the one to voice opposition to it. But I do want, in the very brief time I have, to insist that the gentleman from Kansas [Mr. CAMPBELL] shall not burden the memory of Alexander Hamilton or any doctrine taught by him with responsibility for legislation of this character. It is possible, though I have not been fully convinced of it from a reading of his works, that Hamilton did not have that trust of the people which he ought to have had and which we have in these days. That he did believe profoundly in our system of government, with its sovereign States, in which the people care for local matters, is true beyond all question.

This is a wonderful illustration of the compelling power of an appropriation. In the years that I have been a Member of this body I have noticed our Democratic friends rising in their places whenever opportunity offered to declare their undying allegiance to the doctrine of State rights, always to desert that position in the face of an appropriation, present or prospective.

Mr. Chairman, I am opposed to this legislation because I am of the opinion—and I voice that opinion as something of a Federalist and something of a Hamiltonian, if you please—that it is impossible for the Federal Government to embark upon a broad policy of national road building and to carry out that policy in a fair, just, and equitable manner. I believe it is another and a questionable step in the direction of breaking down the very proper line established by the fathers between the powers and responsibilities and duties of the Federal Government and the sovereignty of the people within the States.

I believe in good roads as profoundly as any man that lives, but I believe those roads should be built by the people locally, with State aid, and that they should always remain under their control. I shall regret the day, which is sure to come with the passage of this legislation, when Federal authority shall be established within the States over public highways. But it is inevitable, it is said, possibly as the gentleman from Illinois [Mr. MANN] suggests—and I realize how carefully he has studied the matter—this is a movement that the people are insistent upon and demand; and therefore is inevitable. But in that event I can not but feel that it is regrettable, because with an expenditure of Federal money there must necessarily follow Federal control over the highways within the States, the extension of Federal police power, and the extension of the control of Federal authorities over many matters that should remain in the control of the people locally.

I hope, Mr. Speaker, as I realize the resolution will pass, that we shall, at least, be reasonable and sensible in our legislation under it. I really feel that we shall be best off the less the new committee shall do beyond that encouragement which the National Government may very properly give to expenditures by State and local authorities.

The SPEAKER. The time of the gentleman from Wyoming has expired. The gentleman from Texas [Mr. HENRY] has one minute.

Mr. HENRY. Mr. Speaker, Congress has the power to extend national aid to good roads under the interstate-commerce clause of the Constitution, and the authority to build military highways and to establish post roads. Jefferson thought so, Madison thought so, and so did Calhoun. There is no question about the power of Congress in the premises. The Democratic Party has inserted a provision in its platform favoring it and proposes to keep faith with the American people, not only on this pledge, but also all other pledges we have made. Therefore I hope this resolution will be promptly adopted.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. EDWARDS, by unanimous consent, was granted leave of absence, indefinitely, on account of death in his family.

RESIGNATION FROM A COMMITTEE.

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

To the Hon. CHAMP CLARK,
Speaker of the House.

SIR: I hereby tender my resignation as a member of the Ways and Means Committee.

Respectfully, DORSEY W. SHACKLEFORD.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing the eloquent and patriotic speech that was delivered on Decoration Day by the Hon. J. THOMAS HEFLIN, of Alabama, at Gettysburg.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The address is as follows:

TEN THOUSAND HEAR ELOQUENT ADDRESS OF J. THOMAS HEFLIN—ORATION BY ALABAMA CONGRESSMAN FEATURES MEMORIAL DAY CELEBRATION—VETERANS OF TWO WARS IN PARADE—ELOQUENT SOUTHERNER STIRS AUDIENCE BY PATRIOTIC ADDRESS.

GETTYSBURG, *May 30, 1913.*

Ten thousand people gathered at Gettysburg to-day for the annual Memorial Day observance.

Standing on historic Gettysburg battle field and bringing "a message of a reunited country," Representative J. THOMAS HEFLIN, of Alabama, to-day paid eloquent tribute to the heroism of the men who wore the blue and the gray. His was the first address ever delivered by a southerner at Gettysburg Memorial Day exercises.

Mr. HEFLIN spoke as follows:

"My countrymen, it was an important day when our fathers, for conscience sake, determined to leave the mother country. It was a kindly light that led them from the persecution and tyranny of the Old World into the pleasing possibilities of the new. Their dogged determination to better their condition, their love of religious liberty, and their willingness to do and dare for the right was splendid material with which to build a republic. They seemed to hear the voice of one crying in this wilderness of the west saying, 'This is the land and here the opportunity for building a genuine republic; prepare ye the way.' The hardships and suffering that they endured, their heroic deeds and daring exploits, testify how well and how faithfully they prepared the way. When we look back over the path that our liberty has come we do not see her winding through labyrinthian shades of ease and luxury, but we behold her coming up through human sacrifice and heroic suffering, through death to life. King rule died in the thirteen Colonies, and this Republic of the west was born. The first sound that fell upon its infant ears was that of the soldiers' tread, the roar of musketry, and the thunder of artillery. Our colonial fathers from North and South and East and West fought together when they brought this Republic into being. They defended it together in the War of 1812; they triumphed together when they carried the Stars and Stripes into the heritage of the Montezumas.

ANOTHER GREAT BATTLE.

"But, my friends, there was another great battle to be fought before the unmistakable status of the Union was finally fixed. It was the conflict of internal ideas and forces—the final and crucial test of the Republic's strength and durability. The combat took place on the field of battle in the War between the States. The right of the State to secede and the right of the Union to prevent it; the status of rights and relationship between State and Federal Government had to be settled once and for all time. This question could not be determined in the councils of peace; it had to be settled by the arbitrament of the sword. Dr. Ellis, a northern man, in his history of our country, says truly that the question of secession was never authoritatively settled until the war settled it.

"Hope's precious pearl in sorrow's cup
Unmelted at the bottom lay,
To shine again when all drunk up
And the bitterness should pass away.

"So the Republic, once abounding with conflicting opinions as to rights and powers belonging to State and Federal Government, is to-day the harmonious household of sovereign States—the home of a brave and happy people. Here we bow with solemn reverence in honor of our Nation's dead; here we pay to their blessed memory the tribute of our united love. Heroism never had truer representatives than those who made this battlefield immortal. Here the soldier in blue and the soldier in gray read in each other's eyes courage born of convictions—devotion to principle—and a willingness to do and to die for what they believed to be right. Here the soldier in gray met a foeman worthy of his steel, and here the soldier in blue met as brave a warrior as ever shouldered a gun or drew a battle blade. Here Union and Confederate soldiers by their daring sacrifices and heroism, challenged the admiration of the world. Here northern valor drew up in battle line the bravest of her brave, the noblest specimens of her patriotic manhood, and here southern chivalry marshaled the flower of her army, the noblest types of her splendid citizenship.

CHECKED THE MARCH.

"Here the brave Union soldier checked the march of the hitherto irresistible Confederate soldier; here the tide of the war was turned; and here, many contend, the decisive battle was fought. Here fought and fell the heroic representatives of the two bravest armies that ever crossed the fields of carnage or battled for what they believed to be right. Here both armies fought for the right as God gave them power to see it. Here in the red glare of destructive battle fire two mighty lessons were taught, one that the Union should be preserved, and the other that the Union should be ever mindful and considerate of the rights of the States. Here the Union soldier died that the Union might live, and here the Confederate soldier in his death put a stress and emphasis on constitutional powers and limitations that will live while the Republic lasts and human liberty endures. So, my friends, the soldiers of the two armies who baptized this soil with their blood did not die in vain. Here with their blood they started the work of cementing the bonds of an everlasting union, for it seems that the fates decreed after this battle that the bonds thus cemented with the mingled blood of brothers North and South should never be torn asunder. Fifty years have come and gone since Gettysburg received her baptism of blood. Here death claimed a fearful toll from the ranks of both armies; here mother earth drank alike the blood of the victor and the vanquished; and here in this hallowed battle-ground sleep the knightly warriors of the blue and the gray while above their dreamless dust floats the Stars and Stripes—the loved flag of a reunited people. No fair-minded American can listen to the story of the Battle of Gettysburg without a deep feeling of reverence and admiration for the heroes of both armies who fought or died in battle here.

MESSAGE OF GOOD WILL.

"I bring to you a message of good will and fellowship from the people of the South. We honor the memory of the soldier who wore the gray and we honor with you the memory of the soldier who wore the blue.

"As an evidence of our recognition and appreciation of the valor and heroism of both Union and Confederate soldiers and as a token of the spirit of fraternal love now permeating the hearts of our people, I bring these floral offerings from the flower gardens of Dixie, one for the grave of the soldier in blue and the other for the grave of the soldier in gray.

"When I recall the deeds of daring done here—the acts of undaunted courage and heroism—I declare to you that the sublime valor of the heroes of both armies is the priceless heritage of all. In the month of July the survivors of the two armies who battled at Gettysburg will meet in friendly reunion here. A half hundred years have gone since they looked into each other's faces. The bugle has long since sung truce to them. Together they behold the bow of peace in the bended heavens, and together they look upon the flag of our Union as it blossoms with the stars of reunited States. These war-tested veterans are no more divided into hostile camps, no longer arrayed on opposing sides. Their guns have been beaten into the implements of peace, and against each other they shall know war no more. My friends, what a glorious reunion that will be. The angels will smile upon that gathering, and the God of our fathers will bless and approve it.

THE FINAL DECREE.

"The South accepted in good faith the final decree of the sword. When the brave remnant of Lee's army stacked their guns at Appomattox Gen. Lee plighted to the Union not only his faith, but the faith of every Confederate soldier and his son, their children and their children's children, through all the years and generations to come. When bleeding Cuba was smitten sore with the rod of Spanish tyranny and lifted her pitiful pleading eyes in hope to the Stars and Stripes, I saw the old soldier of the blue and the old soldier of the gray and their sons bivouacked around the same camp fire and marshaled beneath the same flag. I saw Fighting Joe Wheeler, of Confederate fame, and Gen. Shafter, of the Union Army; Fitzhugh Lee, the nephew of Robert E. Lee, and Frederick Grant, the son of the Union general to whom Gen. Lee surrendered at Appomattox, all grouped beneath Old Glory's sacred folds in the War with Spain; and I said in my heart, 'Land of our fathers, through

thy length and breadth a tremor passes; look, the dark is done, and on thy proud form shines the splendor of the sun; thine own children with heads erect and light on all their faces are happy in the blessings and benefits of a reunited country.' With love for our living and tears for our dead, we put behind us the things that divided us once and glory in the beauty and strength of the Union ties that bind us together now. This, thank God, is our country, ours to love and cherish, ours to guard against evils from within, and ours to defend against dangers from without. Let the heroic dead of the War between the States—the blue and the gray—sleep each in the mellow moonlight of his own proud memories. Let the living join hands and hearts about a common center for the good of the Republic. Let North and South and East and West all work together for the good of each and each for the good of all.

"Rich in the heritage of history, proud of her splendid present, and happy in the rosy promise of a glorious future, the South consecrated in the loves, traditions, and incidents of a chivalrous people reconsecrates her heart, her strength, and her all to the highest and best interest of our common country. She will guard with intrepid vigilance the civic life and honor of the State and follow faithfully wherever Old Glory bares her beauty to the breeze. America, incarnated spirit of liberty! Our hearts and our hopes are all with thee. Here as the dove of peace bearing the olive branch of love and loyalty circles above the living and the dead, let us pray the God of our fathers to sanctify this feeling of fraternal love and fellowship to the everlasting good and glory of the Republic. Here on this battle field; incarnadined with the blood of patriots North and patriots South, let us in the language spoken by the immortal Lincoln at Gettysburg 50 years ago resolve that this Government of the people, by the people, and for the people shall not perish from the earth. Let us here declare anew that the welfare of the citizen is the highest end and aim of constitutional government. Let us strive to make our Government so good and pure and just that every heart will love it and every hand defend it. Let me, in conclusion, employ the language of the loved and lamented Grady, of Georgia, 'Let us resolve to crown the miracles of our past with the spectacle of a Republic compact, united, indissoluble in the bonds of love—loving, from the Lakes to the Gulf, the wounds of war healed in every heart as on every hill, serene and resplendent at the summit of human achievement and earthly glory, blazing out the path and making clear the way up which all the nations of the earth must come in God's appointed time.'"

HETCH HETCHY.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to have printed in the RECORD certain resolutions which I have received from five different chambers of commerce in the San Joaquin Valley, in the State of California, protesting against a certain bill that is pending by which it is sought to divert the waters of Hetch Hetchy and Lake Eleanor to San Francisco for domestic purposes, the resolutions claiming that the water should be used for irrigation purposes on the plains below.

The SPEAKER. The gentleman from California [Mr. CHURCH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE RULES.

The SPEAKER. The Chair wishes to call the attention of the chairman of the Committee on Rules [Mr. HENRY] to the fact that the resolution adopted this morning increases the number of subsections and disarranges the order of the numbering, and authority ought to be given to renumber them.

Mr. HENRY. I was going to ask unanimous consent, and I now ask unanimous consent, that the rules be so renumbered as to conform to this change.

The SPEAKER. The gentleman from Texas asks unanimous consent that the subsections of Rule XI be so renumbered as to conform to the change which has been made. Is there objection?

Mr. HARDWICK. I reserve the right to object.

Mr. UNDERWOOD. I want to suggest to the gentleman from Texas that there were some changes made the other day, and if he is going to change the numbering he ought to change it so as to conform to all the changes.

Mr. HENRY. That is what I intend—to change all those numbers.

The SPEAKER. The gentleman from Texas asks unanimous consent that because of the changes made the other day and the change made to-day the subsections be renumbered in conformity with those changes. Is there objection?

There was no objection.

ROADS.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that a number of bills have been introduced which ought to go to the newly created Committee on Roads.

Mr. MANN. Let us dispose of that after the committees are appointed.

Mr. GARRETT of Tennessee. There are quite a number of bills that ought to be referred to this committee.

Mr. MANN. Let us not take that up this morning. We have not the time.

Mr. GARRETT of Tennessee. The gentleman from Illinois suggests that the matter be disposed of after the committees are appointed.

Mr. MANN. I say we have not time this morning. There is a Democratic caucus at 2 o'clock, and the gentleman from Washing [Mr. HUMPHREY] is to have an hour.

The SPEAKER. That can be disposed of in the next morning hour.

THE FOREST SERVICE.

The SPEAKER. Under a special order heretofore adopted, the gentleman from Washington [Mr. HUMPHREY] is recognized for one hour.

Mr. HUMPHREY of Washington. Mr. Speaker, on last Thursday I introduced a resolution calling for an investigation of the Forest Service, and it is upon that resolution that I wish to speak to-day.

I want to make the statement in the beginning that it is not my purpose to criticize the men who are now connected with the Forest Service or any of the men who have been connected with the Forest Service in the past. I think they have acted in about the way that the ordinary man would have acted under the circumstances, and I am not impugning their motives. What I want to talk about to-day is the system.

I was one man from the far West that favored the creation of the forest reserves. It is with sincere regret that I have been forced to the conclusion that their creation and administration have been the greatest public wrong ever permitted in the history of this country. I believed, when I favored this policy, that the purpose of a forest reserve was to protect and increase the timber supply of the United States for the benefit of the public. Like most people, I was ignorant enough to suppose that a forest reserve would have timber upon it. What are the facts?

One-third of the entire area of the 160 forest reserves has no forest upon it, never has, and never will have. Millions of acres of the so-called forest reserves are sheep and cattle pastures of little value. Millions of acres are barren sand dunes, treeless deserts, and sagebrush plains, absolutely worthless for any purpose. But if the only thing to criticize was that the forest reserves had no forests upon them, that we are paying several millions dollars a year to care for these worthless lands, and that it has cost the United States two dollars for every dollar's worth of timber that has been sold off of these forest reserves, then I would not now take the time of the House to speak of it.

Mr. MONDELL. Will the gentleman yield right there?

Mr. HUMPHREY of Washington. I will ask the gentleman if he will not wait until a later time, when I will have no objection to yielding for a question.

Mr. MONDELL. Right at that point I want to ask one brief question. The gentleman stated the amount of treeless forest reserves. I assume that his statement does not apply to his own State, but that he is speaking generally.

Mr. HUMPHREY of Washington. I am speaking generally, of the forest reserves in the whole country.

Mr. MONDELL. As I understand it, the reserves in the gentleman's State are mostly forested country.

Mr. HUMPHREY of Washington. Most of them are, although some of them are not.

We were told, and I think that most of us believed, that the purpose of the establishment of the national forests was, first, to save to all the people the forests that remained upon the public domain; second, to prevent a monopoly of the timber supply by powerful private interests; third, to give to the people of the United States cheap forest products. What has been the result, and in how far has this promise been kept?

I assert the following: First, the Forest Service has been largely responsible for the great timber monopoly in the West. Second, it has always worked from the very beginning, and is still working, in the interests of the railroads by permitting them to acquire large tracts of the public domain and by vastly increasing their holdings. Third, it has given to the railroads directly, without money and without price, millions of acres of the best timbered lands in the United States. Fourth, it is to-day more largely responsible for the high cost of forest products than any other one cause. Fifth, in the name of conserva-

tion it annually keeps millions of dollars' worth of timber off the market and permits it to rot in the forests.

DISTRIBUTION OF TIMBER.

Speaking in general terms, one-half of all the standing timber in the United States is in California, Oregon, and Washington. One-fourth of this amount is in forest reserves; one-fourth is owned by the railroads and the Weyerhaeuser syndicate; the rest by smaller private owners. How did these people get their vast holdings? It is a most interesting story, in which the Forest Service has played the leading part. The Weyerhaeuser syndicate secured most of its timber from the railroads. How did the railroads get theirs? In two ways. First, a part of the railroad lands came by Government land grants given for the building of these roads. Whether the vast domain that was given for this purpose was wisely given it is now too late to discuss. Many of the leading men thought so at that time and many believe so to-day. In any event, there was some consideration for giving this land to the railroads. Second, a mighty empire, consisting of millions of acres of land, has been given to the railroads practically for no consideration by the Forest Service, in the name of conservation, by what is known as the lieu-land system. It is this last proposition that I wish to discuss, and I hope that, as there are many Members of this body who believe as I once believed, that these forest reserves have been established and conducted in the interests of the public, and that they have not been run as private enterprises to glorify certain bureaus and departments and for the benefit of the railroads, they will for a few moments listen to the facts that I am going to present.

I reiterate that millions of acres of the most valuable of all our public domain has been given to the railroads in the name of "conservation." How was this done? The story is written in the records of the Government and there can be no dispute as to the facts. Why these facts have not been exploited it is not hard to understand.

In an evil hour Congress passed what is known as the lieu-land law as applied to forest reserves. Congress gave to the President the power to create forest reserves. Congress gave to the Secretary of the Interior the power to exchange land in forest reserves, acre for acre, for any unappropriated land in the United States. Congress supposed that this law would be used in behalf of the public. The cry of those who were clamoring for forest reserves was that the timber supply of the United States must be saved from monopoly. It was with this motto that they commenced to administer the lieu-land law and create forest reserves. What did they do under the pretense of acting in the interest of the people under this law which Congress had so unwisely placed upon the statute books? It is the most amazing story in the Nation's life. The facts that I shall use are taken from public documents, except where I indicate that they are taken from other sources.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. If the gentleman will wait until I have finished this particular subject.

Mr. MONDELL. It is in line of the lieu-land proposition that I desire to address my question.

Mr. HUMPHREY of Washington. If the gentleman will withhold his question for a little while, I will be obliged.

By Executive order vast forest reserves were created in Arizona. Of course, we know now that these forest reserves were almost entirely treeless and some of them completely so. At first these reserves did not include much railroad land. But the Forest Service was dissatisfied with this condition, and again by Executive order about 1,200,000 acres of land belonging to the Santa Fe Railroad were included in these treeless forest reserves. Immediately thereafter great agitation was commenced by the railroads and the Forest Service for an exchange of these lands for other lands outside of the reserve. The Secretary of the Interior suggested, first, that the railroads should take an equal area of public lands within these reserves, and this would give both the railroad and the Government their lands in solid bodies. This the railroad refused.

The Secretary then offered to exchange outside lands of equal value anywhere in the United States. This proposition the railroad again promptly rejected. It may be well to recall that at this opportune and critical time Mr. Paul Morton was one of the great powers in the Santa Fe Railroad; that he had great influence in "conservation" circles. He was himself a great "conservationist." In one of these reserves, called the San Francisco Mountain Reserve, there were included 935,000 acres of land belonging to the Santa Fe Railroad. This land was practically useless for any purpose, most of it being unfit even for sheep pasture. It was barren deserts and sand dunes, containing only sagebrush and cactus, inhabited only by coyotes and jack rabbits, centipedes and tarantulas, rattlesnakes and lizards. Eight hundred thousand acres of this land were valued by the railroads themselves at from 5 to 15 cents per acre. The railroads insisted that they be permitted to trade this land, acre for acre, for the best land that still remained in all the public domain. They made this offer, and in spite of the protest of the Commissioner of the General Land Office and in spite of the fact that the Secretary of the Interior had twice recommended against the proposition it was accepted, with the single restriction that 180,000 acres of the 935,000 should be located south of the thirty-seventh standard parallel of latitude and south of the Tehichipa Range of mountains; and under this contract, urged by the Forest Service, consummated in the name of conservation, for this vast, worthless, treeless waste, the Santa Fe Railroad selected 750,000 acres of the very best of all the public lands in the Republic. These selections were made with great care in 22 different States. The very cream of the public domain everywhere was secured. I have traced 53,000 acres of this selection to the State of Washington, although the Santa Fe Railroad does not own and never has owned a rail within 800 miles of that State. In the 53,000 acres in the State of Washington is found to-day some of the finest timbered land upon this globe. The Bureau of Corporations, in its recent report, says that some of this land thus received for nothing by the Santa Fe Railroad is worth from $100 to $200 per acre for the timber alone. The 53,000 acres secured in the State of Washington alone are worth many times what the entire 935,000 acres originally owned by the railroad is worth. The history of this Nation up to that hour contains no transaction that compares in disregard of all rights of the public with this transaction in making this princely gift to the Santa Fe Railroad.

At the instigation of Mr. Morton and the other officers of the Santa Fe Railroad, they were permitted to select for those 935,000 acres, absolutely worthless, 935,000 acres of the best public land beneath the flag. That is true. That is taken from the records, and I challenge any man to dispute it.

Mr. MURDOCK. Mr. Speaker, does the gentleman deny in that connection that after that transaction was made a bill passed through this Congress, in the last days of Congress, on March 3, 1905, validating that arrangement upon the part of Secretary of the Interior, and that the gentleman permitted it to pass without any objection at that time upon his part?

Mr. HUMPHREY of Washington. I do not know whether that occurred or not.

Mr. MURDOCK. The RECORD shows that.

Mr. HUMPHREY of Washington. Whether that is true or not, why did not the gentleman from Kansas raise his voice? He was here. Whether I voted for it or whether I voted against it does not change the facts. If I voted for it, I did exactly what the gentleman from Kansas did. I did not know what I was voting for, and I want to know whether the gentleman from Kansas will have the courage to denounce it now, as I do after I have discovered the truth?

Mr. MURDOCK. I certainly do denounce it.

Mr. MONDELL. Mr. Speaker, will the gentleman yield at that point for a question?

Mr. HUMPHREY of Washington. I yield for a question.

Mr. MONDELL. I am the author of the bill repealing the lieu-land law.

Mr. HUMPHREY of Washington. I am going to discuss that further on.

Mr. MONDELL. My recollection is that after the bill passed the House repealing the lieu-land law in toto it was nearly nine months before it passed the Senate, and it became necessary to either have the lieu-land law remain on the statute books, so that exchanges could be made everywhere, or accept Secretary Hitchcock's agreement.

Mr. MURDOCK. And the gentleman will remember that the proviso was added by the managers of the House in conference.

Mr. MONDELL. It was not added by the managers of the House at all.

Mr. HUMPHREY of Washington. Mr. Speaker, I decline to yield any further at this time.

The SPEAKER pro tempore (Mr. HEFLIN). The gentleman from Washington declines to yield further.

Mr. HUMPHREY of Washington. The Grand Canyon Forest Reserve was created in Arizona. This reserve contained 375,000 acres of Santa Fe land also. These 375,000 acres were also mostly worthless. But in the name of conservation, and with the active assistance of the Forest Service, for these 375,000 acres of worthless land the Santa Fe Railroad was permitted to select 380,000 acres of the best of the public lands that yet remained. It was afterwards discovered that through some mistake they had been allowed to take 5,000 acres too much, but so far as I have been able to discover this little insignificant

error was never corrected. Thus, more than a million and a quarter acres of our best public lands were given in the name of conservation to the Santa Fe Railroad for practically no consideration whatever. Is it any wonder that the officials of the Santa Fe Railroad were great conservationists?

Although the Commissioner of Public Lands was constantly protesting that the public was being robbed by these transactions, and that the Department of the Interior had no legal right to permit such agreements to be consummated, the conservationists were not to be deterred. They did not, however, restrict their favors entirely to the railroads. They were exceedingly generous in these gifts of the public lands to private corporations.

A company owned 48,000 acres in California. The city of Santa Barbara, Cal., said it would be a splendid thing to have this strip included in a forest reserve, in order to protect their water supply. The Commissioner of Public Lands said that if the city would buy this strip he would be glad to recommend that it be included in the forest reserve, and stated, as shown by the records in the case, that such land was worth only about 40 cents an acre, and that for the Government to include it in a forest reserve and give lieu-land scrip therefor would be a great injustice to the Government. But those who were interested in the transaction, ably assisted by the Forest Service, objected, and the transaction, in spite of the protests of the Commissioner of Public Lands, was consummated, and this private corporation was permitted to give this 48,000 acres of 40-cent land to the United States and to select therefor 48,000 acres of the best nontimbered public land in all the public domain. And that, of course, was done in the name of the people and "conservation."

But the Forest Service and the railroads, having so successfully "conserved" the resources of the Southwest, having permitted the Santa Fe Railroad to trade the great rattlesnake playground of the Nation for the best public lands beneath the flag, were anxious, like Alexander of old, for more land to conquer and more forests to "conserve." These friends of the people discovered that there were other railroads that had worthless lands and that there were still parts of the public domain that contained forest lands of great value. The clamor of "Save the forests for the people" was growing louder. More railroads were becoming interested. More railroad money was being put into the propaganda. The great captains of the Northwest were encouraged by the success of the great captains of the Southwest. The railroads and the Forest Service turned their patriotic eyes toward the great Pacific Northwest. Here millions of acres of virgin forest, some of the most valuable of all this earth, still remained the property of the Nation. Mingled with this public land were many acres of fine timberland belonging to the Northern Pacific Railway, that it had received under the land grant from Congress. But here, also, the Northern Pacific owned some barren, rocky mountain tops, utterly worthless except for scenery. Of course, these facts did not escape the attention of the "conservationists." The railroad men of the Northwest, as well as the railroad men of the Southwest, were active and influential in the "conservation" movement. They contributed the sinews of war that added strength to the chorus that "the forests should be preserved." They demanded that the Government should create forest reserves in the Northwest where there was timber, as they had created them in the Southwest where there was none. These railroad men, joined by Weyerhaeuser and other great "conservationists," were so patriotic that they were not only ready and willing to raise their voices but the cash to save the forests for the people.

The Mount Rainier National Park was created, and for this act, aiding and abetting the "conservationists," Congress is directly responsible. Then by Executive order the Pacific Forest Reserve was created. In these two creations, mostly in the Pacific Forest Reserve, were included 450,000 acres of barren and practically worthless land belonging to the Northern Pacific Railway. This land was largely the crests of high mountain ranges above timber line, much of it covered by glaciers and eternal snows, none of it of much value. Then the old, familiar transaction took place. For these worthless acres, with the consent and the assistance of the Forest Service, the Northern Pacific was permitted to select 450,000 acres of the best timbered land in America, worth to-day at the least calculation $10,000,000. According to the estimate of the Bureau of Corporations, it would be worth $50,000,000. This vast tract belonging to the people of the United States was taken from them and, in the name of conservation, given to the Northern Pacific Railway. Having received this great gift for nothing, the Northern Pacific Railway in turn sold most of it to the Weyerhaeuser syndicate.

Mr. SHARP. Is that the fine scenery which the Northern Pacific Railway is now advertising along its route?

Mr. HUMPHREY of Washington. Some of it.

Mr. MURDOCK. Will the gentleman yield to me for a question?

Mr. HUMPHREY of Washington. If the gentleman will wait just a minute.

Mr. MURDOCK. Just on this point.

Mr. HUMPHREY of Washington. If the gentleman will wait until I get through this, I will. I have no desire to cut the gentleman off.

The national forests in the Northwest had been established; the people's rights had been made secure; the unselfish patriotism of Weyerhaeuser and the railroads vindicated, and the great timber monopoly of the Northwest placed upon a secure and enduring foundation.

By the time these transactions which I have enumerated were completed, and many others of a similar character, Congress began to realize that the railroads and not the people were the real beneficiaries of this policy of creating national forests. A bill was introduced and passed through the House repealing this lieu-land law, but the friends of "conservation" blocked its prompt passage in the Senate. There was a reason. The Northern Pacific still owned some worthless land and some fine forests still stood on the public domain. According to the best information I can obtain, while this bill was pending in the Senate, by Executive order 240,000 acres of barren and comparatively worthless land belonging to the Northern Pacific Railway in the State of Montana was included in a forest reserve. Scrip for it was hurriedly issued. The creation of further forest reserves in the Pacific Northwest was considerately suspended until the railroads were given time to use this scrip. Thus, again, the Northern Pacific received as a gift 240,000 acres of the best timbered land in the Northwest, worth to-day at least $5,000,000. This done, other reserves were hurriedly created, and the bill was passed, became law, and this most astounding and most reprehensible practice in the history of this Nation of giving the railways the best public lands for nothing was ended. Congress also prohibited the further creation of national forests by Executive order in the Pacific Coast States.

Mr. MURDOCK. Now, before the gentleman goes into that——

Mr. HUMPHREY of Washington. I will yield to the gentleman in a minute.

I have not given all the transactions where the public lands were given to railroads and to other private interests practically for nothing. The exact facts are hard to obtain, but I hope I have found at least some of the worst and most flagrant cases, and certainly I have found all that is necessary to show the methods followed. These transactions that I have related demonstrate more strikingly than any other chapter in the history of this Nation the danger and the evil of Congress giving the power to departments and bureaus. This mistake on the part of Congress is directly responsible for the people of this Nation being robbed of many millions of acres of the public domain solely for the benefit of the railroad and other private interests. No sane man will for a moment contend that any one of these transactions, whereby the people were robbed of their national inheritance, would ever have been consummated if it had required legislative action. Not one of these transactions could for a moment have stood the publicity of discussion. In future years these transactions, giving millions of acres of the best of the public domain to the railroads in exchange for barren and worthless lands, transactions that were urged and engineered by the great railroads without objection from the Forest Service, will be recognized as the greatest crime against the American people perpetrated in this generation.

Mr. MURDOCK. Now, the gentleman speaks of exchange of lands, or rocks, rather, upon the slopes of Mount Rainier for timbered sections of land elsewhere for the benefit of the Northern Pacific Railroad, and attempts to put that at the door of Mr. Pinchot and the Forest Service. Does the gentleman realize that that exchange was made possible by a law passed by Congress on March 2, 1899?

Mr. HUMPHREY of Washington. Did I not say so?

Mr. MURDOCK. I do not think the gentleman did. As a matter of fact, Congress gave that permission by law, a law passed on that date, and I have no doubt in my mind that the law itself originated in the gentleman's country and was drawn and prepared by a gentleman from the gentleman's own State.

Mr. HUMPHREY of Washington. Name him.

Mr. MURDOCK. I can not name him; but I do know that this law was passed on March 2, 1899, and that it permitted

the exchange of these valueless mountain lands in the State for scrip which could be used for good Government lands. Why does not the gentleman state that fact? Why does the gentleman try to put it at the door of the Forest Service?

Mr. HUMPHREY of Washington. I did not yield to the gentleman for a speech. I merely yielded for a question from the gentleman.

Mr. MURDOCK. Why does not the gentleman put this at the door of Congress instead of putting it at the door of the Forest Service?

Mr. HUMPHREY of Washington. Mr. Speaker, I will not consent to be interrupted again until I have finished. I already stated to the gentleman that that was true. I stated that Congress was to blame for the laws that had been passed, and only a moment ago I attempted to point out to the gentleman that the foundation of the evil was with Congress for giving such great power to the Forest Service. But the foresters were supposed to be experts, and they were supposed to be working in the interest of the people, and yet every one of those transactions was not only favored but urged by the Forest Service.

Mr. MURDOCK. But the gentleman will remember that that was a matter of scrip, which the Northern Pacific Railroad could plaster all over the country if it wanted to, and it was not the fault of the Forest Service, but the fault of Congress. And I think the gentleman so concedes and so confesses, does he not?

Mr. HUMPHREY of Washington. No; I do not; and I hope the gentleman will not interject a concession or admission into a speech of mine. I shall not yield to the gentleman if he attempts to do that any more.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Wyoming?

Mr. HUMPHREY of Washington. Yes.

Mr. MONDELL. Is it not true that when Congress passed the lieu-land law the department held for a considerable time that it did not apply to railroad lands? And is it not true that the officials of the General Land Office constantly held that until they were overturned by Mr. Hitchcock, who said that the law did apply to the railroad lands?

Mr. HUMPHREY of Washington. That is true; and it is shown that they contended so repeatedly. The Commissioner of the General Land Office contended all the time that this was illegal, notably in that particular case where the 48,000 acres belonged to the company near Santa Barbara, in California. In that case the Commissioner of the Land Office said that such exchange was against the law; that it would be cheating the Government to trade good lands for lands of no value. But notwithstanding that fact the Forest Service kept insisting on it until this trade was made.

Mr. MONDELL. Mr. Speaker, will the gentleman yield for one more question?

The SPEAKER pro tempore. Does the gentleman again yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MONDELL. Is it not also true that when the General Land Office recommended the creation of the forest reserve in California it consisted, when created, of only exchanged lands in checkerboard form and did not include railroad lands until they were included by the order of the Secretary of the Interior?

Mr. HUMPHREY of Washington. Yes. That is what I managed to cull out of the voluminous reports.

Mr. MONDELL. It was two years after the checkerboard-form sections were included that the railroad lands were finally added?

Mr. HUMPHREY of Washington. Yes.

Mr. KEATING. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Washington yield to the gentleman from Colorado?

Mr. HUMPHREY of Washington. Yes.

Mr. KEATING. Will the gentleman give us the name of the man who was then President? During the course of the gentleman's remarks he constantly referred to "the President." At the suggestion of several gentlemen around me, I ask the gentleman his name.

Mr. HUMPHREY of Washington. If the gentleman will look at the records he will probably find the name.

Mr. KEATING. His name was Theodore Roosevelt.

Mr. MURDOCK. Mr. Speaker, along that line——

Mr. HUMPHREY of Washington. I shall not yield.

Mr. MURDOCK. Will not the gentleman do me the courtesy of yielding for a moment?

Mr. HUMPHREY of Washington. If it is for a question.

Mr. MURDOCK. No; it is for a mere suggestion, which I think will be agreeable to the gentleman. That is in reference to public officials. I think the gentleman ought to say that the President at that time was Theodore Roosevelt and give the name of the Commissioner of the General Land Office, who was Binger Hermann.

Mr. HUMPHREY of Washington. I have no objection, but I have supposed that most of the gentlemen here knew who was President at a certain specific time; if the gentleman thinks not, I will insert it in the RECORD.

Mr. MURDOCK. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Gentlemen will occupy all my time, and I will not be able to finish.

Mr. MURDOCK. I realize that we are not going to get in to-day. I thought we would.

Mr. HUMPHREY of Washington. The gentleman ought not, for that reason, to take all my time.

Mr. MURDOCK. The gentleman knows——

The SPEAKER. Does the gentleman from Washington yield?

Mr. HUMPHREY of Washington. I will yield for a question, and then I am not going to yield any more until I indicate that I am ready to yield.

Mr. MURDOCK. I thank the gentleman for yielding this once. Does the gentleman realize that Secretary Hitchcock, when this matter of the San Francisco mountain reserve came to his notice, did not enter into a contract, and that thereafter Congress validated his transactions, calling them contracts, when, as a matter of fact, they were not? And, in view of that fact, does not the gentleman put this matter at the door of Congress rather than at the door of the Forestry Bureau?

Mr. HUMPHREY of Washington. I know this much: That the Secretary of the Interior on two occasions refused to approve these exchanges, and I know that after that the Forest Service urged it, and I know that Mr. Loeb wrote a letter to the Secretary of the Interior, wanting to know what he was doing about it. That is what the record shows.

Mr. MURDOCK. Does not the record also show that Congress validated these exchanges?

Mr. HUMPHREY of Washington. I do not know whether it does or not.

Mr. MONDELL. Just one question right there. Is it not also of record——

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Wyoming?

Mr. HUMPHREY of Washington. I will yield for one question.

Mr. MONDELL. Is it not also of record that while the bill was pending before the Senate the Secretary of the Interior insisted, not once only but several times, that his agreement or contract or whatever you call it, was recognized?

Mr. HUMPHREY of Washington. I am going to ask you gentlemen, now, not to interrupt me until I get through. I have been talking about things that are of the past. I want to talk about the present now.

I want to call your attention to this map of the State of Washington, to give you some idea of how we are conserved in the West. This brown portion of the map represents the forest reserves. Here is Mount Rainier Park. The red-colored portion represents the Indian reservation. In other words, speaking in round numbers, there are 25,000 square miles in the State of Washington withdrawn from settlement, withdrawn from taxation, blocking the development of that State.

ADMINISTRATION OF FOREST RESERVES.

But giving them for worthless lands the best public lands the Nation possessed was not the only way the Forest Service has benefited the railroads. Their present methods are illustrated by what they have done in the State of Washington. Their policy is the same everywhere. In the State of Washington they have practically withdrawn from the market more than one-fourth of all the timberlands in the State. This has resulted, as every intelligent man knew it must result, in a tremendous increase in the holdings of the railroads and the Weyerhaeuser syndicate. The Forest Service is, as it always has been, working in perfect accord and in the interests of the great private timber ownership to produce a monopoly of the timber supply and to increase the price of forest products. They are following the very effective method of increasing the price by limiting the supply, a method that of recent years has gotten some estimable men not representing the Government into the penitentiary.

Here are some figures taken from the last annual report of the Forester. He estimates that 5,700,000,000 feet of timber can annually be cut from the national forest reserves without decreasing their value. In other words, that is what he estimates to be the crop that ripens each year for the harvesting, and if

not cut, like any other crop, is forever lost. The amount of this crop harvested for the benefit of the people, for those who are to-day protesting against the high price of timber products, is only 7 per cent of the whole. In other words, 7 per cent of the people's crop of timber is used and 93 per cent rots in the forest. And this is called "conservation." And also remember that the million dollars' worth that the people were permitted to use cost them more than $2,000,000. The Forest Service not only fails to cut but 7 per cent of their own crop, but in the State of Washington they have included in the reserves 666,000 acres of timberland that belongs to the State and so hedged it about that the State can not cut any portion of it, taking this vast amount absolutely from the market; and on all these thousands and hundreds of thousands and millions of acres the timber rots and decays for the benefit of the people and to the glory of "conservation."

If the Government should acquire one-fourth of all the wheat growing in the country, and then when it had ripened to the harvest, while the people were clamoring for bread, permit only 7 per cent of it to be harvested, while the 93 per cent rotted in the field, it would be pursuing exactly the policy that the Forest Service is doing to-day in regard to the great timber crops of the Nation. The Forest Service claims that they can not cut more than what they are cutting from the national forests and sell it for a reasonable price. This is probably true, for they demand the same price that is demanded by the great timber barons of the West. But certainly the purpose of the Forest Service is not to get a high price for timber, but to permit the public, the American people, to use what otherwise will be wasted. But this is not and never has been the result of conservation as practiced in relation to the national forests. Their idea of conservation as practiced is not to use the timber products of the United States, but to waste it and compel the people of the United States to pay for 7 per cent of that crop what they should pay for the entire 100 per cent. Much of the timber that the Forest Service does sell is sold upon long-term contracts, giving the purchaser many years in which to remove the timber. This, again, leads to monopoly, and to keeping it off the market. It leads to speculation, especially as the purchaser can hold the timber so purchased through all of these years without the payment of taxes, a privilege that, so far as I know, is not extended to any other class of property. But all these transactions, of course, tremendously increase the value of the timber that is privately owned, and consequently strengthens the monopoly that owns the timber lands on the Pacific coast. It is a conservative estimate to say that the system of national forests as it has been practiced since its establishment has given to the railroads and to the Weyerhaeuser syndicate, in the State of Washington alone, not less than $50,000,000, and that the same system has given to the railroads and the Weyerhaeuser syndicate in the Pacific Coast States of Washington, California, Oregon, and Idaho not less than the vast and incomprehensible sum of $200,000,000. This vast sum that belonged to the people has been given to these great private interests in the name of "conservation." Not only have these vast sums been given to these private interests, but the Forest Service, by its policy of taking one-fourth of all the timbered lands of the Pacific coast, or one-eighth of the lands in the United States off the market, is constantly increasing the price of every foot of timber that is sold in the United States.

According to the annual report of the Forest Service, they give to the American people $1,000,000 worth of forest products from the great national reserves each year and permit $15,000,000 worth to rot in the woods. Is it any wonder since the establishment of the forest reserves in the Pacific Northwest that the price of timber products has constantly increased?

Mr. MURDOCK. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will yield to the gentleman briefly for a question.

Mr. MURDOCK. The gentleman realizes that 75 per cent of the Government timber is inaccessible?

Mr. HUMPHREY of Washington. I do not realize anything of the kind. I think the statement of the gentleman is perfectly absurd. Why do not they sell the timber that is accessible; why do they keep it off the market? They do it because they require the prices fixed by the Weyerhaeuser syndicate. They practically state that it is as much benefit to them to let the timber rot as it is to put it on the market, because they can get as much for a part of it as they would for the whole, owing to the increase in price.

THE SOURCE OF "CONSERVATION."

It is interesting to trace the history of the conservation movement in this country. It received its first impetus from what is known as the American Forestry Association. A roll call of the officers, directors, and sustainers of that organization is like calling the sinister roll of the great vested "interests" of the Nation. Railroad presidents, railroad attorneys, railroad directors, timber barons, wood-pulp and paper kings, and millionaire manufacturers are especially prominent. Almost every railroad in the United States has been prominently represented in this movement and has largely directed and financed it. Here are some of the men that have been active in the movement: Frederick Weyerhaeuser, the timber king of the world; James J. Hill; Austin Corwin; W. W. Finley, railroad presidents; Edward D. Adams, railroad president and great water-power magnate; Gen. Thomas H. Hubbard; Cyrus H. McCormick; Henry Phipps; George W. Vanderbilt; Hugh J. Chisholm, wood-pulp king and railroad president; and many other multimillionaires, representing every corporate interest in the United States that has since directly profited by this policy, have been active in this propaganda. They not only gave their influence and their voice, but they gave their cash, to advance this conservation idea in the name of the people.

For several years I could not understand the interest or the motive of these men in this conservation movement. I saw "as through a glass, darkly." But since I have come face to face with the facts I see clearly, as I trace the transfer of millions of acres of the public domain from the people to the interests represented in this great "conservation" movement. If you look upon the map of the United States to-day and trace the vast regions that belonged to the Government, to the people, but a few years ago, and which, under the conservation movement, have been turned over to these interests, the splendid patriotism of these disinterested gentlemen stands forth in all its sublime unselfishness. The railroad interests and those interested in the forest products of this country have furnished the brains and the money, except what money has been taken from the United States Treasury by the Forest Service, that have made conservation what it is in the Pacific Northwest to-day, and these gentlemen have reaped their reward. Associated with these men were the dreamers and the impractical and the unintelligent educated theorists. And many others, without giving it much attention, joined the movement, believing that it was right and in the interests of the people. Added to these were many political demagogues, who used it to personal advantage. But all the other classes were the dupes and tools of the strong men that represented the great interests that have so tremendously profited through its workings. This strong class of men knew what they were in the movement for. I shall not denounce them. They were men of brains, of influence, of tremendous resource, of much wealth, and of great audacity. An empire was at stake. They were inspired by a dream as bold as that which seized the brain of Balboa, when for the first time he stood upon the backbone of the Western World and gazed for the first time upon the boundless Pacific. As daring as that which filled the matchless mind of the imperial Cæsar as he led his invincible legions across the Alps toward Gaul. These men played the game well, and they won, and the prize is a princely domain, greater in resources, greater in potential wealth, than half the kingdoms of the earth.

COST OF ADMINISTRATION.

It is estimated by the Forest Service that the standing timber in the national forest reserves is worth $1,045,000,000. Mr. Pinchot estimates it at more than $2,000,000,000. But I will use the more conservative figures. What are we receiving from this mighty national resource? What are the people receiving from this more than princely heritage? We are receiving the pitiful sum of $1,000,000 a year—less than one-tenth of 1 per cent. Is that a reasonable return on this great wealth? And let it not be forgotten that we pay two dollars for every one we receive; or, in other words, this vast property, instead of being self-sustaining under the present and past policy of the Forest Service, is losing the American people a million dollars each year, to say nothing of waste and decay. Instead of receiving a million dollars a year gross returns from the sale of timber we should receive at least sixty-five million. This would only be 40 cents per acre. The Forest service could sell annually $30,000,000 worth of timber products from the national reserves in the Pacific Coast States alone, without in any way depleting the supply or reducing the value. It is the proud boast of the Forest Service that some time it will be self-supporting. We heard this promise for many years, but it makes practically no progress in that direction. Under the present national-forest system how much shall it profit the people if it takes a billion dollars' worth of property and a million dollars in cash each year to feed the parasites that control it? Where do the people's interests come in? What would be thought of a guardian or an administrator that would take a billion dollars' worth of standing timber and could not manage it in these times of high

prices so that it would be self-sustaining lacking a million dollars each year? Not only are these vast forests withdrawn from public use while the people are taxed a million dollars each year to pay the so-called foresters to care for them, although what these gentlemen do no man yet has ever been able to discover, but these vast tracts that are unused by the Government are also withdrawn from State taxation. By this action the States of the West are robbed of that equality guaranteed to them under the Constitution. This is a monstrous injustice for which there is no justification except only that the Government has the power to do it. In the beginning the Western States were promised—and we believed that promise—that the States in which these national forests were located, in lieu of taxes, would receive a sum from the sale of the timber that would approximately equal that loss. That promise is still being repeated, as is the old, old promise that some day the Forest Service will be self-supporting. We no longer have faith in any such promise; in fact, we now know that it never will be kept.

Mr. Gifford Pinchot is probably the leading exponent in America of this national forest policy. He is my friend, and a most pleasing personality. In a recent issue of Pearson's Magazine he discusses this identical proposition. In one portion of the article he did what a conservationist seldom does and what they should never do. It was a fatal mistake. He uses figures instead of adjectives. These figures given by him is the most scathing denunciation of the Forest Service ever uttered. If they did not come from highest authority I would hesitate to use them. They demonstrate not only the utter worthlessness of the Forest Service but they further demonstrate that through the incompetency and negligence of this service millions of dollars' worth of timber on the public domain in the State of Washington each year have been wasted. Let me read to you:

The facts are that in the eight years, 1905 to 1912, inclusive, during which the Forest Service has had charge of the national forests, 415,512,900 feet of timber has been sold from the national forests of the State of Washington. The average cut during that period was not seven but seventeen and a half million feet annually. For the last three years the cut has averaged a little over 30,000,000 feet, and during the last year it reached 37,000,000 feet. (Pearson's Magazine, May, 1913, p. 623.)

No enemy could have so convicted the Forest Service of criminal waste and stupidity as do these figures here given. What do these figures mean? They mean that in the most densely forested regions of the world, where 150,000 feet are frequently cut from a single acre, the Forest Service annually is cutting from each acre less than a foot and a half. They mean that in that boasted year of 1912, when the service was forced to sell some fire-killed timber, they actually cut from the forest reserves in the State of Washington at the rate of one plank for each acre, 3 feet 1 inch long, 12 inches wide, and 1 inch thick. They mean that on an empire containing 23,000 square miles—a region greater than Rhode Island, greater than Delaware, greater than Connecticut, greater than New Jersey, greater than Massachusetts, greater than all these States combined—the Forest Service in the name of conservation is annually cutting 350 acres of timber. They mean that a single mill in the State of Washington will cut the entire output from the national forest reserves in that State running less than three months each year. In the State of Washington the forests fully reproduce themselves in from 30 to 50 years. For the purpose of wood pulp used for making paper they fully reproduce themselves in 16 to 20 years. How long at the present rate of cutting that has been practiced by the Forest Service for the last eight years, as pointed out by Mr. Pinchot, will it take to cut over once the national forests in the State of Washington? Only 35,000 years. That is all. Here in these figures proudly furnished by the chief prophet of the policy is demonstrated the supreme essence of "conservation" as it is practiced in all its sublime idiocy.

AMOUNT RECEIVED BY STATES IN LIEU OF TAXES.

Mr. Pinchot answers the complaint made by the States, and especially the State of Washington, that they are not receiving adequate sums in lieu of the taxes that they lose by these national forest reserves, in the following language:

The Western States now receive for their schools and roads, in lieu of taxes, 25 per cent of the gross revenue from the national forests. Up to January 30, 1912, they have thus received $2,606,400, of which $115,205 went to the State of Washington. The present Congress has set aside an additional 10 per cent for building roads, and over $200,000 has already been made available. In some places the proceeds from this 35 per cent of the gross revenue already exceeds what would be produced by taxation under private ownership. In others it still falls short. In the end it will surely exceed it everywhere. (Pearson's Magazine, May, 1913, p. 623.)

Let us analyze these figures and see how they harmonize with his statement that the States are practically reimbursed for taxes thus lost. He says the State of Washington in the eight years has received from 12,000,000 acres of land $115,000, or $14,400 annually, or 1¼ cents per acre—a magnificent return surely on some of the finest timber land in the world, estimated by the Bureau of Corporations that much of it is worth from $100 to $200 per acre. The "conservationists" think that this $14,400 should satisfy the State of Washington. Mr. Pinchot says that in some places it—referring to the payment made by the Forest Service—already exceeds what the taxes would be. He significantly does not name the places. How is it in the State of Washington? I think that the valuation fixed by the Bureau of Corporations at from $100 to $200 per acre is entirely too high. Place it at one-fifth of their lowest figure—$20 per acre. It would certainly sell to-day for more than that. At the rate of taxation imposed in our State upon private timber holdings the State would receive, not the pitiful sum of $14,400 per year, but $7,593,500 annually. Or, in other words, if this timber was permitted to be taxed in the State of Washington as we tax private timber, we would get as much money for it every year as the Forest Service would pay us in 528 years. This timber is fully worth that much to the State of Washington. Can any human being see why it is not worth equally as much to the Nation? Will any man dispute that from the forest reserves of the State of Washington alone this Nation is annually losing more than $7,500,000? The magnificent forests of the State of Washington, as valuable as any beneath the sun, the way they are now administered are worth just 3.8 cents per acre. The State of Washington, according to the figures given by Mr. Pinchot himself, has already lost in the past eight years more than $60,000,000. And this vast sum has been absolutely wasted, benefiting no one beneath the stars, except that it has added to the wealth of the railroads and the Weyerhaeuser syndicate and other private timber owners, and the few inexperienced youths, called in forest language "silviculturists," whatever that may mean, have received a salary from the Government for their wonderful achievements.

FOREST REPRODUCTION.

There is another practice of the Forest Service that ought to be ended, if their own figures given in the Forester's annual report are correct, and that is the farce of planting trees. The forest reserves as administered to-day are worth to the Government 6 per cent at the rate of 17½ cents per acre. Certainly a magnificent return. It takes, I suppose, the average forest throughout the United States 50 years to mature to a point where as much timber could be cut from it as the original crop furnished. The Forest Service tells us that they have reduced the cost of planting, so that an acre can now be planted for $11.05. But only one acre in two survives; or, in other words, the Forest Service to produce an acre of trees expends $22.10, and if nothing happens to that acre in 50 years it will pay 6 per cent on the valuation of 17½ cents; or, under this magnificent plan of reforestation the Government by an expenditure of $98.40 can get an acre of timber worth 17½ cents in 50 years. And then, if the Forest Service follows its present policy, they will let 16 cents of the 17½ cents rot in the forest. Certainly this is a striking illustration of the great value of conservation and of the great effort that is being made in that holy name to protect the rights of the people.

REMEDY.

What is the remedy? The first thing is to ascertain the facts. No intelligent information can be received to-day about many of the transactions and practices followed in relation to the national forests from the Forest Service.

It is now probably too late to ever take from the railroads the millions of acres that they have been given of the most valuable part of the public domain in exchange for worthless lands in forest reserves. But the truth in regard to these transactions in all of its details should be known and published to the world.

Undoubtedly many millions of acres now included in forest reserves that contain no timber, and never will, should be eliminated.

The forest reserves of Alaska should be abandoned. There was never any reason for their establishment, and their continuance is wholly a useless and indefensible expense. There would be just as much sense in establishing a game preserve around the North Pole as there would be to continue these forest reserves in Alaska.

Some method should be found to market the timber that annually ripens, instead of permitting it to decay in the forest.

These national forests should not only pay the cost of administration, but they should and would, if properly handled, pay to the National Government not less than $65,000,000 annually. These reserves should be taken from the control of theorists and students and given into the control of business men and practical lumbermen.

State control is savagely assailed by every so-called "conservationist," and their criticism has in many respects been justified. The States have not always administered their timber in a way that is above criticism. But the State of Washington has so administered its 2,000,000 acres, notwithstanding that 666,000 are absolutely locked up in the national forests, as to produce a surplus of $12,000,000, while the National Forest Service has so administered its 12,000,000 acres in that State that it has not even paid half the cost of administration. Certainly it does not lie in the mouth of the Forest Service, in view of its own record, to criticize State control.

It is now the imperative duty of Congress to enact such legislation as will cause this great national resource of measureless wealth to be used for the general good, instead of being wasted for the glory of "conservation" and the further enrichment of the great lumber barons of the Nation.

The truth is that while the clamor of the "conservationists" is constantly increasing the price of timber is constantly advancing and the great timber barons are constantly increasing their holdings.

The truth is that $65,000,000 worth of timber, through the stupidity of the Forest Service, annually rots unharvested in the forest, while the price of lumber constantly increases.

The truth is that the Forest Service has, knowingly or unknowingly, always worked in the interest of the Weyerhaeuser Syndicate, the railroads, and other great private timber owners and against the consumer of forest products.

The truth is that the national forest, with more than a billion dollars' worth of timber, a kingdom in extent five times greater than Scotland, more than three times greater than England and Wales, more than one-third larger than the German Empire or the Republic of France, is largely the plaything of a bunch of theorists and inexperienced schoolboys. [Applause.]

EXHIBIT A.

What the national forests have cost the Nation and what has been received from them during the past 6 years.

Fiscal year.	Total cost.	Per acre.	Total revenue.	Per acre.
1907	$1,538,419.31	$0.01015	$1,571,059.44	$0.01041
1908	3,118,267.21	.01856	1,842,281.87	.01096
1909	3,547,624.10	.01819	1,807,270.66	.00931
1910	4,351,152.55	.02204	2,090,143.08	.01064
1911	5,609,521.30	.02908	2,026,906.15	.01065
1912	5,217,847.51	.02784	2,157,356.57	.01151
Total	23,382,832.07	.....	11,495,022.77	.....

DEATH OF REPRESENTATIVE KONIG.

Mr. LINTHICUM. Mr. Speaker, it is my painful duty to announce to this House the death of my colleague, Hon. GEORGE KONIG, of the third Maryland district, which occurred on Saturday evening last. Mr. KONIG entered upon the activities of this life as an errand boy. He was what we call a "self-made man." He educated himself. His opportunities for acquiring an education while young were so meager that along with his other heavy tasks he undertook and acquired an education while in his twenties. He was energetic and persevering, and through this and through the many friendships which he laid up during life he was able to win the congressional nomination of the Democratic Party, and was elected to the Sixty-second Congress from a district which had long been in the possession of the opposing party. During his membership in this House he followed out the principles and precepts of his party at all times and under all circumstances. He looked upon the platform of his party as a contract entered into with the people and carried out that contract to the letter. He was a loving husband and father, and one of Baltimore's good citizens. At a later date I shall ask the House to set apart a time for pronouncing eulogies upon his character and public services. At this time I present the following resolutions.

The Clerk read as follows:

House resolution 120.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE KONIG, a Representative from the State of Maryland.

Resolved, That a committee of 14 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

Under the resolution the Speaker appointed the following committee: Mr. COVINGTON, Mr. TALBOTT of Maryland, Mr. LINTHICUM, Mr. SMITH of Maryland, Mr. LEWIS of Maryland, Mr. MCDERMOTT, Mr. BARKLEY, Mr. SABATH, Mr. BAKER, Mr. HAYES, Mr. BARTHOLDT, Mr. BARTON, Mr. WOODS, and Mr. GARDNER.

ADJOURNMENT.

The SPEAKER. The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to; accordingly (at 2 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 3, 1913, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. YOUNG of North Dakota: A bill (H. R. 5816) providing for a commission to settle certain claims between the United States Government and the Sisseton and Wahpeton Indians and the Sioux of the Medawakanton and Wahpakoota Bands; to the Committee on Indian Affairs.

By Mr. MONDELL: A bill (H. R. 5817) to provide for appeals from decisions of the Secretary of the Interior to the Court of Appeals of the District of Columbia, and for other purposes; to the Committee on the Public Lands.

By Mr. DAVIS of Minnesota: A bill (H. R. 5818) for the construction of new lookouts in the post office at Red Wing, Minn.; to the Committee on Appropriations.

By Mr. MURDOCK: A bill (H. R. 5819) to create a commission on naturalization; to the Committee on Immigration and Naturalization.

By Mr. GOODWIN of Arkansas: A bill (H. R. 5820) to encourage American commerce with foreign nations; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTON: Resolution (H. Res. 115) authorizing the election of a special committee to report a bill providing for the establishment by the United States Government of such manufacturing plants as may be necessary for the production of all armor plate to be used by the Government; to the Committee on Rules.

By Mr. HINEBAUGH: Resolution (H. Res. 116) instructing the Interstate Commerce Commission to investigate fully all facts concerning the receivership and also the management of the St. Louis & San Francisco Railroad system; to the Committee on Interstate and Foreign Commerce.

By Mr. RIORDAN: Resolution (H. Res. 117) to provide for the printing and distribution of Washington's Farewell Address; to the Committee on Printing.

By Mr. CLAYTON: Resolution (H. Res. 118) authorizing the chairman of the Committee on the Judiciary to appoint an additional assistant clerk for said committee; to the Committee on Accounts.

By Mr. SHACKLEFORD: Resolution (H. Res. 119) authorizing the chairman of the Committee on Roads to appoint a clerk and a janitor for said committee; to the Committee on Accounts.

By Mr. GILLETT: Joint resolution (H. J. Res. 91) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MCKELLAR: Joint resolution (H. J. Res. 92) suspending Executive order of October 15, 1912, placing fourth-class postmasters under civil service, and for other purposes; to the Committee on Reform in the Civil Service.

By the SPEAKER (by request): Memorial of the Legislature of the Territory of Hawaii, asking that the Congress of the United States refuse to enact any measures prohibiting or regulating traffic in liquors in Hawaii; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 5821) granting a pension to Mary A. Guild; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5822) granting a pension to Henry Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5823) granting an increase of pension to Benjamin W. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5824) granting a pension to Mary E. Brock; to the Committee on Invalid Pensions.

By Mr. BREMNER: A bill (H. R. 5825) for the relief of John McKeon; to the Committee on Military Affairs.

Also, a bill (H. R. 5826) granting a pension to William R. Claxton; to the Committee on Pensions.

By Mr. BRODBECK: A bill (H. R. 5827) granting a pension to Rosana Wavell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5828) granting a pension to Mary E. Lindsay; to the Committee on Invalid Pensions.

By Mr. BROWN of New York: A bill (H. R. 5829) granting an increase of pension to William Lendemann; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 5830) granting a pension to Ernest E. Gill; to the Committee on Pensions.

By Mr. HAMILL: A bill (H. R. 5831) to correct the military record of Patrick Moran; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 5832) for the relief of Edward William Bailey; to the Committee on Claims.

Also, a bill (H. R. 5833) for the relief of William R. Cherry; to the Committee on War Claims.

Also, a bill (H. R. 5834) for the relief of Washington Allman and others; to the Committee on Claims.

By Mr. KIESS of Pennsylvania: A bill (H. R. 5835) for the relief of Bernhard Steuber; to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 5836) granting a pension to Mrs. L. V. Postelwait; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 5837) granting a pension to Andrew J. Haslam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5838) granting a pension to Rose McDermott; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 5839) granting an increase of pension to Charles E. Burr; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 5840) for the relief of the estate of Thomas Daly; to the Committee on War Claims.

Also, a bill (H. R. 5841) granting a homestead patent to Joyce Ann Skidmore; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Central Federated Union, New York, N. Y., relative to the actions of the Director of the Bureau of Engraving and Printing regarding the workman's compensation act; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Peter & Zimmerman and 12 other merchants of Orrville, Ohio, favoring change in the interstate-commerce laws; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of sundry citizens of South Dakota, favoring change in the interstate-commerce laws compelling merchants selling goods direct to consumers to contribute their share of funds to the development of the local community; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of Cigar Makers' Union, No. 248, of Jacksonville, Fla., protesting against admitting Philippine cigars free of duty; to the Committee on Ways and Means

By Mr. DALE: Petition of W. E. Powers, of Brooklyn, N. Y., protesting against House resolution 33, relative to establishing a committee on public health in the House of Representatives; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Medical Society of the State of New York, favoring the passage of House resolution 33, for a committee on public health in the House of Representatives; to the Committee on Rules.

Also, petition of the Southern New England Textile Club, against reduction of the duty on cotton goods; to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition of the city council of the city of Minneapolis, favoring Government ownership of telegraph and telephone systems; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of mill corporations of New Bedford, protesting against the reductions in rates on cotton cloth, etc.; to the Committee on Ways and Means.

Also, petition of the Medical Society of the State of New York, favoring taking the duty off surgical instruments; to the Committee on Ways and Means.

Also, petition of members of the Provision Trade of the New York Produce Exchange and the New York and New Jersey Live Stock Exchange, protesting against placing any duty on live stock; to the Committee on Ways and Means.

By Mr. GARNER: Petition of the Texas Bankers' Association, favoring Government control of waters as outlined in the Newlands bill; to the Committee on Rivers and Harbors.

By Mr. KAHN: Petition of the commanderies of the Loyal Legion, favoring passage of House bill 1851, to create in the War and Navy Departments a roll to be designated as the Civil War volunteer officers' retired list, etc.; to the Committee on Military Affairs.

By Mr. ROGERS: Petition of the National Association of Woolen and Worsted Overseers, protesting against the provisions in the tariff bill affecting the manufacturing of textile goods in the United States; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of the Warner Chemical Co., of New York, against further reduction of the duty on carbon terra chloride; to the Committee on Ways and Means.

Also, petition of the Southern New England Textile Club, of Providence, R. I., against reduction of the duty on cotton cloths, etc.; to the Committee on Ways and Means.

Also, petition of the National Broom Manufacturers' Association, of Davenport, Iowa, against reduction of the duty on brooms; to the Committee on Ways and Means.

Also, petition of the Board of Trade of New Brunswick, N. J., favoring an amendment to the tariff bill, providing a refund of duty paid on all raw material on hand at the time of the passage of the bill; to the Committee on Ways and Means.

By Mr. STEDMAN: Petition of the Southern Agricultural Advertising Bureau, Winston-Salem, N. C., favoring an appropriation for the building of an exhibit hall, permanent exhibit, to be opened at the exhibition at San Francisco; to the Committee on Industrial Arts and Expositions.

Also, petition of the Southern Agricultural Advertising Bureau, of Winston-Salem, N. C., favoring the selection of a common point from which goods and wares may be exploited and providing a hall for the same; to the Committee on Interstate and Foreign Commerce.

By Mr. TAVENNER: Petition of George F. Roth, of Rock Island, Ill., protesting against the appointment of a new committee on health; to the Committee on Rules.

Also, petition of Charles M. Young and Richard Lee, of Monmouth, Ill., protesting against the proposed income tax on life insurance policies; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Medical Society of the State of New York, favoring the passage of House resolution 33, to establish a committee on public health in the House of Representatives; to the Committee on Rules.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 3, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that the aggregate amount of good in the world exceeds the aggregate amount of evil; that the good is ever increasing while evil is diminishing; that the sum of human happiness, therefore, exceeds the sum of human misery, because Thou dost live and reign in the hearts of men.

Faith is stronger than doubt, hope than despair, love than hate. Incline our hearts to do Thy will, that we may be the instruments in Thy hands for the furtherance of good, that Thy kingdom may indeed come and Thy will be done in all hearts through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE OF CERTAIN BILLS.

By unanimous consent reference of the bill H. R. 4762, to amend the general pension act of May 11, 1912, as amended by the act of March 4, 1913, was changed from the Committee on Pensions to the Committee on Invalid Pensions.

The SPEAKER. The bill H. R. 2944, to provide a system of compensation for injuries resulting in disability or death to employees of common carriers subject to the regulative power of Congress, to civil employees of the United States Government, and for other purposes, introduced by the gentleman from Illinois [Mr. SABATH], was referred to the Committee on Interstate and Foreign Commerce. Heretofore such bills have been referred to the Committee on the Judiciary.

Mr. ADAMSON. Mr. Speaker, I do not care to enter into any contest as to the jurisdiction of the bill. I have always been willing to trust the Speaker as to the proper reference of these bills. The gentleman from Illinois [Mr. SABATH] is the

father of that subject in this House, and has introduced that bill for three or four Congresses, and on every occasion it has been referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. It seems to the Chair that it ought to go to the Committee on Interstate and Foreign Commerce, but all of those bills heretofore have gone to the Committee on the Judiciary. At least that is the recollection of the Chair.

Mr. MANN. Mr. Speaker, my colleague from Illinois [Mr. SABATH] in the Congress before last introduced, I think, a bill upon this subject which was referred to the Committee on the Judiciary. The Committee on the Judiciary afterwards reported a resolution, as I recall it, creating a commission. That commission reported a bill. That bill was referred to the Committee on the Judiciary. I do not recall—though I take the word of the gentleman from Georgia [Mr. ADAMSON] upon this, as I do upon everything else—that the Sabath bill, so-called, which was reintroduced, went to the Committee on Interstate and Foreign Commerce. However, the subject matter has invariably gone to the Committee on the Judiciary for several years.

Mr. ADAMSON. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. ADAMSON. Mr. Speaker, a subcommittee had charge of the Sabath bill during the last Congress and considered it thoroughly. There were hearings upon it, and I think that subcommittee prepared a report. For some reason that report was not made to the House, probably out of courtesy to the preceding report of the Committee on the Judiciary, which came in ahead of it. It is probable that for that reason the Sabath bill was not reported by our committee. It was, however, investigated and a subcommittee of our committee gave it a thorough study.

Mr. CARLIN. Mr. Speaker, all bills of this character which have ever been considered by the House have come from the Judiciary Committee. At the last session of Congress that committee reported a workmen's compensation act, and prior to that the committee had reported a compensation act for Government employees, and prior to that they had reported and it was enacted into a statute a partial compensation act for Government employees. The whole subject matter has been before the Committee on the Judiciary for five or six years, and not less than three bills have been reported, one of which is on the statute books.

Mr. MANN. Mr. Speaker, the liability bill, so called, went through the Committee on the Judiciary. It is undoubtedly true that the Committee on Interstate and Foreign Commerce, which is the greatest committee in the House, in my opinion, has a scope of jurisdiction under the commerce clause of the Constitution that is almost coextensive with the powers of government, but that committee has not always claimed the jurisdiction of bills, because it has always had plenty to do with important legislation and sometimes has been compelled to relegate some of these matters to a minor committee. [Laughter.]

Mr. COVINGTON. Mr. Speaker, I simply desire to say that the subject of workingmen's compensation belongs to the Committee on Interstate and Foreign Commerce. As the Speaker well knows, there is an inevitable overlapping of the jurisdiction of the Committee on the Judiciary and the Committee on Interstate and Foreign Commerce. The first time in a matter of great legislation there happened to be a change from the ordinary course of reference, which the Chair and many of the older Members of the House will recall, was during Mr. Hepburn's incumbency of the chairmanship of the Committee on Interstate and Foreign Commerce. The interstate shipment of liquor bills, which primarily dealt with legislation which was dependent for its validity upon the commerce clause of the Constitution, were by a general consent of this House referred by Mr. Speaker Cannon to the Committee on the Judiciary. It is now well known that questions other than those of a legal character were involved, and the members of the Committee on Interstate and Foreign Commerce acquiesced in the reference. But the subject of employers' liability and workingmen's compensation is one that is so linked with railroad regulation that it should emanate from the Committee on Interstate and Foreign Commerce. The authority of Congress to deal with it exists alone by reason of the commerce clause of the Constituence. But the subject of employers' liability and workingmen's to rates and as to the safety of their operation, is reported by the Committee on Interstate and Foreign Commerce, and while it is true that the Committee on the Judiciary was permitted late in the last session to report the bill prepared by the joint commission on workingmen's compensation I urge that the Speaker preserve the balance and jurisdiction of the committees of this House by sustaining the original reference of the bill of Mr. SABATH to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair thinks he will hold this matter in abeyance until he can look into it.

Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois [Mr. SABATH] has come in, and I think he would like to make a statement to the Chair on the subject.

The SPEAKER. The Chair will hear the gentleman.

Mr. SABATH. Mr. Speaker, if I am not mistaken, the same bill has been referred by a former Speaker to the Committee on Interstate and Foreign Commerce. That committee has investigated my bill and has held some hearings and has devoted a good deal of time to the subject matter, and if it was proper in the last session to refer the bill to that committee I believe it is proper now. I believe and my opinion is that it properly belongs to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair will hold this matter until he can investigate the whole subject. There is no subject that Congress has anything to do with which is in practice in as bad a mix up as the jurisdiction of committees over bills. In the first place, not infrequently there is a bill you can refer to either one of two committees with propriety and in fewer cases to any one of three committees.

Now, if there is any sort of bill on earth that looks like it ought to go to the Committee on Ways and Means it is an oleomargarine bill, because the only excuse Congress ever had for legislating on that subject was the pretext of raising revenue, and yet it was firmly settled by the practice of the House that such a bill should go to the Committee on Agriculture, and no Speaker would like very well to upset that line of reference. It all came about because the chairman of the Committee on Agriculture at the time was a man of great force and character and a fighter, and he determined that the Committee on Agriculture should have something to do. That man was the late Col. William H. Hatch, of Missouri.

Mr. PAYNE. Mr. Speaker, if the Chair will allow me an observation in regard to the oleomargarine bill being referred to the Committee on Agriculture. That was in the Congress where Mr. Carlisle was Speaker, and the bill was introduced, was sent to the Committee on Ways and Means; but that committee was hostile to the legislation, and by vote of the House, on motion of Mr. Hatch, of Missouri, chairman of the Committee on Agriculture, the House referred it to the Committee on Agriculture.

The SPEAKER. The way it got before the Committee on Agriculture was because of the force of character and the fighting qualities of Mr. Hatch, of Missouri.

Mr. SABATH. Mr. Speaker, if the same principle would be applied to this bill as is applied to the oleomargarine bill I think this bill does belong to the Committee on Interstate and Foreign Commerce because it deals with that subject and with nothing else.

The SPEAKER. The Chair will investigate the whole subject and see if we can not get that jurisdiction straightened out.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following resignation:

JUNE 3, 1913.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR SIR: I hereby tender my resignation as a member of the Committee on Accounts, and respectfully request the acceptance of the same, to take effect immediately.

Respectfully, WM. SCHLEY HOWARD.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. GEORGE KONIG, late a Representative from the State of Maryland.

Resolved, That a committee of eight Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. KONIG at Baltimore, Md.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased that the Senate do adjourn.

And in compliance with the foregoing resolutions the Vice President had appointed Mr. MARTIN of Virginia, Mr. CHILTON, Mr. SAULSBURY, Mr. JOHNSTON of Alabama, Mr. JONES, Mr. DILLINGHAM, Mr. SMITH of Maryland, and Mr. JACKSON as the Committee on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2272. An act providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 2.

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Printing be, and hereby is, authorized to employ a stenographer, compensation at the rate of $75 per month, to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House, until otherwise provided for.

ELECTION OF COMMITTEES OF THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, I move the election of the committees which I send to the Clerk's desk. Mr. Speaker, before the Clerk reads the list of committees I wish to say that the Democrats on this list of committees are proposed to the House by the Democratic caucus. I make the nominations for the Republican members of the committees at the request of the gentleman from Illinois [Mr. MANN], the leader of the Republican Party, and of the Progressive members on these committees at the request of the gentleman from Kansas [Mr. MURDOCK], the leader of the Progressive Party.

Mr. MANN. Mr. Speaker, will the gentleman submit to an inquiry?

Mr. UNDERWOOD. Yes.

Mr. MANN. What was done about the Committee on Territories?

Mr. UNDERWOOD. Why, the gentleman's list is in this list here. I overlooked the fact, and if he desires to submit a request for an additional place I will have no objection.

Mr. MANN. Mr. Speaker, in the last House the Committee on Territories consisted, as I believe, of 15 or 16 members, and the Republicans had, I think, six members on the committee. There was an error in the printing of the committee list, both in the ordinary list and in the Directory, whereby the Republicans were given seven places, some of them being vacancies; but when the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Kansas [Mr. MURDOCK] and myself were together in reference to the number of places upon committees there were marked down for the Republicans on that committee six, and for the Progressives one, leaving, as I supposed, for the Democrats the ordinary number. It turns out that, while those places were filled, the six places filled by me would involve an extra place, and I therefore ask unanimous consent that for this Congress the number of members on the Committee on Territories may be increased by one, without changing the general rule.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that for this Congress the number of members on the Committee on Territories shall be increased by one, without changing the general rule. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will announce the committees.

Mr. MURDOCK. Mr. Speaker, one moment. Will the gentleman from Alabama [Mr. UNDERWOOD] yield for a moment?

Mr. UNDERWOOD. I will.

Mr. MURDOCK. I want to say to the gentleman that in making his statement about the manner of the selection of committees he omitted to state a fact which I think should go into the RECORD, namely, that the Progressives selected their committees in open caucus—an entirely new method—and we found it practicable and satisfactory.

Mr. MANN. I suppose after they had been previously selected by a secret conference, before the open caucus was held. [Laughter.]

Mr. MURDOCK. It was an open caucus, and changes could have been made if desired.

The SPEAKER. The Clerk will report the list.

The Clerk read as follows:

Standing and select committees of the House of Representatives of the United States, Sixty-third Congress, first session.

Elections No. 1.—Messrs. Post (chairman), Stephens of Mississippi, Crisp, McClellan, Borchers, Elder, French, Frear, and Chandler.

Elections No. 2.—Messrs. Hamill (chairman), Broussard, Russell, Taylor of Arkansas, Bowdle, Oglesby, Stafford, Rogers, and Lewis of Pennsylvania.

Elections No. 3.—Messrs. Goldfogle (chairman), Whitacre, Morgan of Louisiana, Smith of Texas, Kennedy of Connecticut, Watson, McKenzie, Shreve, and Rupley.

Ways and Means.—Mr. Dickinson. (Other members of committee previously elected.)

Appropriations.—Messrs. Fitzgerald (chairman), Sherley, Bartlett, Johnson of South Carolina, Page, Rauch, Byrns of Tennessee, Sisson, Kinkead of New Jersey, Borland, White, McAndrews, Mahan, Carr, Gillett, Good, Mondell, Davis of Minnesota, Calder, Vare, and Hinebaugh.

Judiciary.—Messrs. Clayton (chairman), Webb, Carlin, Floyd of Arkansas, Thomas, Dupré, McCoy, Davis of West Virginia, McGillicuddy, Beall of Texas, Taggart, FitzHenry, Carew, Peterson, Volstead, Nelson, Morgan of Oklahoma, Danforth, Dyer, Graham of Pennsylvania, and Chandler of New York.

Banking and Currency.—Messrs. Glass (chairman), Korbly, Brown of West Virginia, Bulkley, Neeley, Patten of New York, Stone, Phelan, Eagle, Wingo, Seldomridge, Wilson of Florida, Weaver, Ragsdale, Hayes, Guernsey, Burke of Pennsylvania, Woods, Platt, Smith of Minnesota, and Lindbergh.

Coinage, Weights, and Measures.—Messrs. Hardwick (chairman), Ashbrook, Slayden, Sullivan, Donovan, Lazaro, Brockson, Abercrombie, Kirkpatrick, Murray of Oklahoma, Mott, Scott, Roberts of Nevada, Keister, Dillon, Cramton, Winslow, Lewis of Pennsylvania, and Kalanianaole.

Interstate and Foreign Commerce.—Messrs. Adamson (chairman), Sims, Covington, Cullop, Doremus, Gocke, O'Shaunessy, Talcott of New York, Stephens of Nebraska, Stevens of New Hampshire, Barkley, Rayburn, Montague, Stevens of Minnesota, Esch, J. R. Knowland, Hamilton of Michigan, Martin, Willis, and Lafferty.

Rivers and Harbors.—Messrs. Sparkman (chairman), Burgess, Humphreys of Mississippi, Taylor of Alabama, Edwards, Small, Booher, Gallagher, Driscoll, Donohoe, Scully, Murray of Massachusetts, Lieb, Kettner, Humphrey of Washington, Kennedy of Iowa, Barchfeld, Hughes of West Virginia, Switzer, Powers, and Treadway.

Merchant Marine and Fisheries.—Messrs. Alexander (chairman), Hardy, Burke of Wisconsin, Faison, Saunders, Gray, Thacher, Bowdle, Dooling, Whaley, Smith of Maryland, Bruckner, Lazaro, Brodbeck, Greene of Massachusetts, Hinds, Curry, Manahan, Edmonds, Parker, and Bryan.

Agriculture.—Messrs. Lever (chairman), Lee of Georgia, Candler of Mississippi, Heflin, McDermott, Maguire of Nebraska, Rubey, Young of Texas, Jacoway, Moss of Indiana, Lesher, Reilly of Wisconsin, Taylor of New York, Doolittle, Haugen, McLaughlin, Hawley, Howell, Sloan, Helgesen, Patton of Pennsylvania, and Kalanianaole.

Foreign Affairs.—Flood of Virginia (chairman), Sharp, Cline, Levy, Curley, Linthicum, Difenderfer, Goodwin of Arkansas, Stedman, Townsend, Harrison of Mississippi, Smith of New York, Walker, Vaughan, Cooper, Bartholdt, Fairchild, Porter, Ainey, Rogers, and Temple.

Military Affairs.—Hay (chairman), Dent, Fields, McKellar, Howard, Griffin, Gittins, Gard, O'Hair, Deitrick, Quin, Garrett of Texas, Connolly of Iowa, Gordon, Kahn, Anthony, McKenzie, Greene of Vermont, Morin, Avis, Hulings, and Wickersham.

Naval Affairs.—Messrs. Padgett (chairman), Talbott of Maryland, Hobson, Estopinal, Riordan, Tribble, Witherspoon, Hensley, Buchanan of Illinois, Bathrick, Lee of Pennsylvania, Williams, Mitchell, Gerry, Butler, Roberts of Massachusetts, Browning, Farr, Britten, Kelley of Michigan, and Stephens of California.

Post Office and Post Roads.—Messrs. Moon (chairman), Finley, Bell of Georgia, Cox, Wilson of New York, Tuttle, Rouse, Fowler, Blackmon, Allen, Reilly of Connecticut, Holland, Beakes, Buchanan of Texas, Samuel W. Smith, Steenerson, Madden, Stafford, Griest, Kennedy of Rhode Island, Copley, and Kalanianaole.

Public Lands.—Messrs. Ferris (chairman), Graham of Illinois, Taylor of Colorado, Raker, Claypool, Fergusson, Hayden, Taylor of Arkansas, Brown of New York, Stout, Decker, Brodbeck, Church, Lenroot, French, La Follette, Kent, Sinnott, Johnson of Utah, Thomson of Illinois, and Wickersham.

Indian Affairs.—Messrs. Stephens of Texas (chairman), Carter, Gudger, Konop, Post, Hayden, Morgan of Louisiana, Shackleford, Hill, Walsh, Clancy, Evans, Murray of Oklahoma, Church, Burke of South Dakota, Campbell, McGuire of Oklahoma, Miller, Hamilton of New York, Norton, Rupley, and Wickersham.

Territories.—Messrs. Houston (chairman), Davenport, Watkins, Ferris, Lonergan, O'Brien, Hoxworth, Oglesby, Watson, Brumbaugh, Guernsey, Langham, McGuire of Oklahoma, Johnson of Washington, Curry, Hamilton of New York, Falconer, Kalanianaole, and Wickersham.

Insular Affairs.—Messrs. Jones (chairman), Garrett of Tennessee, Helm, Morrison, Davenport, Callaway, Goldfogle, Goulden, Russell, Bailey, Stringer, Brumbaugh, Elder, Baker,

Towner, Miller, Fess, Frear, Young of North Dakota, and Falconer.

Railways and Canals.—Messrs. Dies (chairman), Sullivan, Baker, Bruckner, Eagan, Baltz, Kennedy of Connecticut, La Follette, Lindquist, Morin, Moss of West Virginia, Wallin, and Norton.

Mines and Mining.—Messrs. Foster (chairman), Taylor of Colorado, Hamlin, Byrnes of South Carolina, Taylor of Arkansas, Decker, Evans, Dooling, Casey, Howell, Switzer, Austin, Roberts of Nevada, Sutherland, and Wickersham.

Public Buildings and Grounds.—Messrs. Clark of Florida (chairman), Burnett, Cantrill, Roddenbery, Ashbrook, Gudger, Logue, Sumners, Lonergan, McClellan, Eagan, Gilmore, Austin, Langley, J. M. C. Smith, Dunn, Barton, Kreider, and Bell of California.

Education.—Messrs. Hughes of Georgia (chairman), Rucker, Doughton, Abercrombie, Baker, Clancy, Thacher, Hoxworth, Burke of Pennsylvania, Powers, Towner, Platt, Treadway, Fess, and Rupley.

Labor.—Messrs. Lewis of Maryland (chairman), Maher, Gray, Casey, Baltz, Watson, Keating, Walsh, J. M. C. Smith, Hawley, Browne of Wisconsin, and J. I. Nolan.

Patents.—Messrs. Oldfield (chairman), Morrison, Clark of Florida, Alexander, Callaway, Metz, Hill, Oglesby, Kennedy of Connecticut, Wilder, Moss of West Virginia, Kreider, Lindquist, and J. I. Nolan.

Invalid Pensions.—Messrs. Sherwood (chairman), Adair, Russell, Burke of Wisconsin, Stephens of Texas, Saunders, Helvering, Whaley, Borchers, Langham, Langley, Kinkaid of Nebraska, Cramton, Parker, and Moss of West Virginia.

Pensions.—Messrs. Richardson (chairman), Crisp, Key of Ohio, Murray of Oklahoma, Dale, Keating, Kirkpatrick, Smith of Maryland, Dershem, Sells, Greene of Vermont, Kiess of Pennsylvania, Avis, and Walters.

Claims.—Messrs. Pou (chairman), Dies, Stephens of Mississippi, Hughes of Georgia, McClellan, Metz, Evans, Hill, Mott, Scott, Edmonds, Dillon, Lindquist, and Young of North Dakota.

War Claims.—Messrs. Gregg (chairman), Byrnes of South Carolina, Pepper, Houston, Lobeck, Lewis of Maryland, Underhill, Elder, Gilmore, Plumley, Sells, Slemp, Barton, Johnson of Washington, and Bell of California.

District of Columbia.—Messrs. Johnson of Kentucky (chairman), Aiken, George, Igoe, Caraway, Gorman, O'Leary, Reed, Bremner, L'Engle, Thompson of Oklahoma, Crosser, Kindel, Cary, Prouty, Wallin, Winslow, Keister, Mapes, and Walters.

Revision of the Laws.—Messrs. Watkins (chairman), Morrison, Francis, Henry, Lloyd, Roddenbery, Logue, Merritt, Plumley, Wilder, Dillon, and Hulings.

Reform in the Civil Service.—Messrs. Godwin of North Carolina (chairman), Carter, Dies, Lobeck, Morgan of Louisiana, Hoxworth, Church, Brown of New York, Scott, Madden, Manahan, Barton, and Bryan.

Election of President, Vice President, and Representatives in Congress.—Messrs. Rucker (chairman), Conry, Claypool, Broussard, Gregg, Crisp, Helvering, Brockson, Ainey, Plumley, Mapes, Winslow, and Lewis of Pennsylvania.

Alcoholic Liquor Traffic.—Messrs. Sabath (chairman), Francis, Burnett, Clark of Florida, Godwin of North Carolina, Logue, O'Brien, Barchfeld, Smith of Idaho, and Kelly of Pennsylvania.

Irrigation of Arid Lands.—Messrs. Smith of Texas (chairman), Taylor of Colorado, Raker, Hayden, Rucker, Fergusson, Stout, Bowdle, Connelly of Kansas, Kinkaid of Nebraska, Greene of Massachusetts, Roberts of Nevada, Smith of Idaho, Johnson of Utah, and Sinnott.

Immigration and Naturalization.—Messrs. Burnett (chairman), Sabath, Adair, Goldfogle, Slayden, Oldfield, Raker, Key of Ohio, Brockson, Gardner, Hayes, Moore, Merritt, Manahan, and Johnson of Washington.

Expenditures in the State Department.—Messrs. Hamlin (chairman), Roddenbery, Brumbaugh, Brown of New York, Borchers, Hawley, and Bryan.

Expenditures in the Treasury Department.—Messrs. Lobeck, (chairman), Carter, Claypool, Burke of Wisconsin, Connelly of Kansas, Morgan of Oklahoma, and Temple.

Expenditures in the War Department.—Messrs. Adair (chairman), Godwin of North Carolina, Eagan, Dooling, Dershem, and Roberts of Massachusetts.

Expenditures in the Navy Department.—Messrs. Hardy (chairman), Faison, Metz, Lonergan, Key of Ohio, Langley, and Thomson of Illinois.

Expenditures in the Post Office Department.—Messrs. Pepper (chairman), Gudger, Smith of Maryland, O'Brien, Brodbeck, Anthony, and Helgesen.

Expenditures in the Interior Department.—Messrs. Graham of Illinois (chairman), Callaway, Goulden, Hughes of Georgia, Stout, Mondell, and Burke of South Dakota.

Expenditures in the Department of Justice.—Messrs. Broussard (chairman), Fergusson, Bailey, Ten Eyck, Tavenner, Porter, and Cramton.

Expenditures in the Department of Agriculture.—Messrs. Doughton (chairman), Decker, Aswell, Clancy, Helvering, Sloan, and J. M. C. Smith.

Expenditures in the Department of Commerce.—Messrs. Rothermel (chairman), Stephens of Texas, Pou, Watkins, Bruckner, McGuire of Oklahoma, and Patton of Pennsylvania.

Expenditures in the Department of Labor.—Messrs. Maher (chairman), Hamill, Ferris, Lewis of Maryland, Casey, Steenerson, and Falconer.

Expenditures on Public Buildings.—Messrs. Konop (chairman), Garrett of Tennessee, Sabath, Donovan, Dale, Esch, and McLaughlin.

Accounts.—Mr. Francis. (Other members of committee previously elected.)

Census.—Messrs. Helm (chairman), Houston, Faison, Rothermel, Donovan, Dale, Sumners, Gilmore, Aswell, Baltz, Hinds, Wilder, Sells, Mott, Smith of Minnesota, and Edmonds.

Library.—Messrs. Slayden (chairman), Thacher, Ten Eyck, Bartholdt, and Burke of Pennsylvania.

Printing.—Messrs. Barnhart (chairman), Tavenner, and Kiess of Pennsylvania.

Enrolled Bills.—Mr. Browning. (Other members of committee previously elected.)

Industrial Arts and Expositions.—Messrs. Underhill (chairman), Cantrill, Jones, Hamlin, Goulden, Pepper, Konop, Francis, Stringer, Whaley, Woods, Kahn, Kent, Smith of Idaho, and Copley.

Roads.—Messrs. Shackleford (chairman), Saunders, Barnhart, Davenport, Byrnes of South Carolina, Stephens of Mississippi, Whitacre, Doughton, Connelly of Kansas, Keating, Tavenner, Ten Eyck, Aswell, Dershem, Slemp, Prouty, Dunn, Sutherland, Shreve, Browne of Wisconsin, and Woodruff.

During the reading of the foregoing the following occurred:

Mr. SISSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SISSON. At this time would it be in order to ask unanimous consent that the reading of the list of committees be dispensed with? I suppose that every Member of the House knows the committee he is assigned to, and the reading, therefore, would be merely formal.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent to dispense with the reading of this list of committees.

Mr. MANN. Reserving the right to object, Mr. Speaker, the rules provide for a reform—the election of committees of the House by the House itself. Now, we have absolutely departed from the spirit of the rule already. Why not at least comply with the terms of the rule by having committees elected by the House? I think that in compliance with the form of the rule we at least ought to have the names read as agreed upon by the different parties in advance.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Mr. Speaker, I will withdraw my request.

Mr. MURDOCK. I would like to ask the gentleman from Illinois [Mr. MANN] a question.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] withdraws his request for unanimous consent.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Upon the reading of the list of names under our new system of electing committees, it is in order for a Member to move to strike out a name and substitute another name, is it not?

The SPEAKER. Of course it is. That is the question that the Chair puts when this list is read. After the Clerk has read the list the Chair asks if there are any other names to be placed in nomination. The Clerk will read.

The Clerk proceeded with the reading of the list.

Mr. UNDERWOOD. Mr. Speaker, I will ask the Clerk to read the Ways and Means Committee members. There is only one name changed there, that of the gentleman from Missouri [Mr. DICKINSON].

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I notice that a moment ago I did not hear the resignation of any Democratic member of that committee submitted to the House.

Mr. UNDERWOOD. It was already acted upon yesterday.

Mr. MANN. I did not notice it.

The SPEAKER. The Clerk will read.

The Clerk resumed and concluded the reading of the list.

The SPEAKER. Are there any other nominations for any place on any committee?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. As it will not produce any trouble to have a ruling, if the Speaker will make one, I will ask, would it be in order now for the gentleman from Alabama [Mr. UNDERWOOD], in making his motion, to move the previous question on it, and thereby cut out further nominations, or is this a nomination on which no one can move the previous question?

The SPEAKER. The Chair would hold——

Mr. UNDERWOOD. Mr. Speaker, if the Chair will allow me a moment, I think under the rules it would have been entirely in order for myself or any other Member of the House to have offered a resolution—"*Resolved*, That the following committees of the House be elected"—and at the end of the reading of the names proposed for membership of the committees it would have been in order for me to move the previous question on the resolution—but——

Mr. MANN. But the gentleman did move the election of the committees.

Mr. UNDERWOOD. I did.

Mr. MANN. A moment ago the Speaker stated, in answer to a parliamentary inquiry, that any one would have the right to offer further nominations. I do not know what the Speaker's view about it is, but my own inclination is to think that the gentleman from Alabama has the right, after he makes his motion and it is submitted to the House, to move the previous question. But under the statement made by the Speaker, if there are more nominations, of course the man who nominates can not move the previous question on his nomination.

Mr. UNDERWOOD. Mr. Speaker, I agree with the gentleman from Illinois. I do not think there is any question that I would have the right to move the previous question on this motion, as on every other motion in the House, and then a majority of the House would have the right to adopt the previous question or not, as they saw fit. And that is necessarily so, Mr. Speaker, because a majority of the House must exercise the right to control the business before the House. But I have not moved the previous question.

Mr. MANN. No; I understand. I submitted the parliamentary inquiry, because there was no controversy at this time, to see whether the Speaker was prepared to make a ruling; because the matter might come up at some time when it would be a partisan proposition, or so considered.

Mr. UNDERWOOD. I think it is nothing but proper that the majority should have a right to control the time, but they ought to be reasonable and just and fair about it. But I think the majority must control.

Mr. MANN. Of course, if under the rules these are mere nominations, and anyone who obtains the floor has a right to submit other nominations, it would be very easy for a small minority of the House to keep the House in session for weeks listening to nominations.

Mr. UNDERWOOD. Undoubtedly.

Mr. MANN. Of course there could be a scheme made up between 435 Members, by transfers each day, which it would take weeks to read.

Mr. UNDERWOOD. I think the gentleman is right about that, Mr. Speaker, and I think that it would be necessary under some circumstances, possibly to prevent a filibuster, to move the previous question on the election of the committees. But that condition does not exist to-day.

Mr. MANN. Oh, I understand.

Mr. UNDERWOOD. So there is no occasion for doing it.

Mr. MANN. I submitted my parliamentary inquiry because of a statement made by the Speaker a moment ago, to see whether he had definite views on the subject as to whether these were mere nominations or whether this was a motion upon which the previous question might be moved.

The SPEAKER. What else can there be except nominations?

Mr. MANN. My recollection of parliamentary law is that a man can not make a nomination where nominations are required and then move the previous question. But he can move the previous question on a motion.

The SPEAKER. The House is just now sitting as a sort of convention, and the practice in conventions is that whenever anybody gets tired of nominations being made, he moves that the nominations be closed.

Mr. MURDOCK. Mr. Speaker, here are over 400 nominations, and each one of them is a separate nomination. Now, would it not be possible, after the previous question, to demand a division of the nominations and a separate vote?

Mr. UNDERWOOD. Mr. Speaker, if the Chair will allow me a moment, I think the practice of the House is very well settled that there are two ways in which you can elect the officers of this House, and now that the committees are elected by the House they become officers of the House. One way is to nominate and elect an officer as we do the Speaker. Every time that a new Congress assembles we nominate a Speaker, and elect him after the nominations are made.

On the other hand, in every Congress that I have served I think the other officers of the House have been elected by resolution, and a substitute has been offered for it, showing that the House exercises two ways of electing these officers; one being the ordinary course of nominating them and electing them like you would in a convention or a public assembly, and the other by resolution as we nominate or elect the Clerk, the Doorkeeper, and the Sergeant at Arms. The gentleman from Illinois offered a substitute to that resolution. So I think it is very clear that you can offer it either way.

Mr. MURDOCK. Does the gentleman hold that it would not be in order to ask for a division?

Mr. MANN. We had a division on the resolution offered by the Democratic side of the House for the election of officers of the House.

Mr. UNDERWOOD. I have merely nominated them, and in the way I have made the motion I think the gentleman could ask for a division, but I think it would be strictly within the rules and practice of the House for me to have written above the list "*Resolved*, That the following Members be elected members of the committees."

The SPEAKER. That is practically what the gentleman did do.

Mr. MANN. Well, Mr. Speaker, I do not ask the Speaker to rule upon this question if he has not fully made up his mind.

The SPEAKER. The Chair will take time to investigate it. The question is on the motion of the gentleman from Alabama that the list of Members who have been nominated for the committees be elected.

The question was taken, and the motion was agreed to.

ASSIGNMENT OF ROOMS TO THE COMMITTEE ON ROADS.

Mr. PALMER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the following assignment of rooms in the House Office Building be, and the same is hereby, made:

To the Committee on Roads, rooms 153 and 154 in the House Office Building.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution.

Mr. MANN and Mr. FITZGERALD reserved the right to object.

Mr. FITZGERALD. Mr. Speaker, I hope the gentleman from Pennsylvania will not press that at this time. The House Office Commission, which has jurisdiction of this building, has determined that it will exercise its powers in connection with the assignment of rooms in that building. It is very important, because we are about to add some rooms in the building. If the gentleman does not withdraw the resolution at this time I shall be compelled to object.

Mr. PALMER. If the gentleman from New York objects, that will be the end of the present request; but I shall move the adoption of the resolution, because the House has uniformly exercised the power of assigning rooms for committees. It has been done by resolution, and under the precedents that is the proper way to do it. I would like to say to the gentleman from New York what has probably escaped his attention, that when the original resolution was passed by the House in reference to the assignment of rooms in the House Office Building, these two rooms now numbered 153 and 154 were expressly reserved for the use of committees to be hereafter created or for special committees. Members are occupying the rooms now, however, because there were no committees then in existence which required this space. Room 154 is occupied by the gentleman from Florida [Mr. CLARK], who becomes the chairman of the Committee on Public Buildings and Grounds, and therefore moves out. The other room is temporarily occupied, in spite of the resolution passed by the House, by a gentleman from Pennsylvania, who will, of course, get a room elsewhere.

In offering this resolution all that is being done is to ask that these two rooms be assigned which were reserved under the resolution prepared by the House Office Commission for the express purpose of having them assigned to a committee at a later date.

Mr. HARDWICK. Will the gentleman yield?

Mr. PALMER. Yes.

Mr. HARDWICK. What committee has jurisdiction of this matter under the rules?

Mr. PALMER. There is no committee of the House that has jurisdiction under the rules.

Mr. HARDWICK. Does any committee assume jurisdiction?

Mr. PALMER. No committee assumes jurisdiction so far as I know.

Mr. HARDWICK. I have understood that it did.

Mr. PALMER. Now I want to answer the intimation which appears in the question——

Mr. HARDWICK. There is no intimation; but I understood that a certain committee did assume it.

Mr. PALMER. That is a mistake. I would be glad to tell the House how the matter originated and why I introduced this resolution. Ever since the building of the House Office Building, and the creation of the House Office Commission, members of committees and chairmen of committees desiring to have changes made in their committee assignments have been in the habit of going to a member of that commission to have a resolution introduced in the House. Ever since the construction of the House Office Building they have gone to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, will the gentleman pardon me for an interruption there, because he is in error?

Mr. PALMER. I take this——

Mr. MANN. Very well, if the gentleman does not desire to be corrected.

Mr. PALMER. Oh, I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the House Office Building Commission never had anything to do with it, but gentlemen did not go to the House Office Building Commission.

Mr. PALMER. They went to the gentleman from Illinois, and I thought it was for that reason.

Mr. MANN. I had been the chairman of the committee distributing rooms in the House Office Building, but was not then a member of the commission.

Mr. PALMER. Be that as it may, the chairmen of committees had gone to the gentleman from Illinois [Mr. MANN] with a request that he work out this problem about making changes in committee rooms, and at the beginning of the Sixty-second Congress the chairmen of committees who desired to have changes in their rooms again went to the gentleman from Illinois [Mr. MANN] and asked him to introduce resolutions into the House to work out these changes. The gentleman from Illinois very courteously replied to them that inasmuch as the Democrats had come into power in the House he thought the matter ought to be taken up on the Democratic side, and he referred them to the logical Member for that purpose, the gentleman from Alabama [Mr. UNDERWOOD]. These gentlemen then pursued Mr. UNDERWOOD with requests that he would introduce resolutions providing for the changes for committee space. Mr. UNDERWOOD was at the time very busily engaged in other work which was of more importance, and he asked me if I would take up the work of trying to satisfy these various committee chairmen and introduce a resolution in the House. He had no jurisdiction over the matter; no committee had jurisdiction over the matter; and any individual could offer the resolution. I went to work upon it and spent two or three days in an effort to get all parties satisfied, and at Mr. UNDERWOOD's request introduced a resolution into the House making changes at the beginning of the Sixty-second Congress. Now, just because I did that, and for no other reason, gentlemen throughout the House have been coming to me much as they came to the gentleman from Illinois [Mr. MANN] before the Sixty-second Congress came into being. It is only to accommodate them, and because somebody has to look after this thing, that I agreed to introduce the resolution to-day to give these rooms to the Committee on Roads. A Committee on Roads has been created, and it is entitled to committee-room space, and these rooms are available for the purpose. I can not see why anybody should have any objection to allowing the committee to have those rooms.

Mr. SIMS. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Yes.

Mr. SIMS. Mr. Speaker, the gentleman knows that a number of us who were chairmen of committees and who had committee rooms now cease to be chairmen. I am one of those. We have to have rooms somewhere. I do not want to leave the Office Building, with all of my luggage there, and pack it off to the Senate annex. Of course, if the gentleman takes the rooms there now and gives them to committees, he is going to put men out of the Office Building who have been there ever since the building was constructed.

Mr. PALMER. Certainly this committee is entitled to space.

Mr. SIMS. And I thought individuals were entitled to space also.

Mr. PALMER. They are. Under the statute they leave their committee rooms, but in every case some individual who before did not have a committee room becomes the chairman of a committee.

Mr. SIMS. I understand that.

Mr. PALMER. And the chairmen of committees will find themselves in possession of the offices now occupied by gentlemen who have been promoted to committee chairmanships.

Mr. SIMS. But the gentleman will remember they are all occupied now, and the gentleman's statement on the floor shows that he is going to take two of them out of rooms now occupied, and therefore two gentlemen who have offices there will have to get out of the building.

Mr. PALMER. But they are occupied by gentlemen who become committee chairmen.

Mr. SIMS. I know; but that does not increase the number of rooms.

Mr. PALMER. It does not increase the number of rooms, but it provides for everybody.

Mr. SIMS. How does it do that if it takes two away from those who now use them?

Mr. PALMER. Has not the gentleman now filed on a particular room?

Mr. SIMS. I have been doing the best I could to find a room on which I might file, not previously filed on by some other Member.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I believe the gentleman from Pennsylvania has accurately stated the manner in which he has been presenting these resolutions to the House. I do not believe anybody can fairly criticize him or impute to him any attempt to assume power or to arrogate to himself or to the Committee on Ways and Means any jurisdiction that does not belong to them. He has stated what I have always understood, and I think properly, has been the practice in the past. I believe, Mr. Speaker, however, that the commission in charge of the House Office Building has certain powers in the premises. For the first time since the House Office Building has been open a controversy arose during the present session of this Congress between several Members about the assignment of rooms, which necessitated the commission to act and determine the controversy. It has been very fortunate that there have not been numerous controversies. The commission in investigating this case appreciated more than at any other time the possibility of very serious personal differences arising from the assignment of rooms in the House Office Building.

The sundry civil bill carries an appropriation for the enlargement of the House Office Building, and the commission at that meeting agreed that hereafter it would assume and exercise the power that the statute seems to have granted and prevent criticism that might arise from the assignment of rooms to one person and another by making recommendations to the House.

Mr. HARDWICK. Will the gentleman permit me to ask who has charge of the rooms in the Capitol Building itself?

Mr. FITZGERALD. Under the rules of the House, the Speaker has the disposition of unassigned space which is in the portion allotted to the House of Representatives. The House of Representatives itself has control of the occupied space. That has been pretty definitely determined. It seems to me, in view of the fact there is apt to be some controversy arising from the substitution of rooms of men who are now chairmen of committees and who must go out, it would perhaps facilitate matters if the gentleman will withdraw his motion——

Mr. HARDWICK. I would like to ask one or the other of the gentlemen, do all these rooms in the Capitol Building become unassigned rooms at the beginning of each Congress?

Mr. FITZGERALD. No; they do not.

Mr. HARDWICK. They do not hold over from time to time?

Mr. FITZGERALD. They do, under the precedents and practices of the House.

Mr. HARDWICK. But there is no rule to govern.

Mr. MANN. But the committees hold over their rooms.

Mr. FITZGERALD. Mr. Speaker, there are hundreds of practices and customs in the House for which no specific rule can be found and which are founded on the unbroken action of the House. If it were not for the recognition of those unwritten rules and customs, the House could not do business at all. The rooms assigned by resolution of the House to a committee remain assigned to the committee from one Congress to another until the House by resolution assigns them in some other way. If rooms are vacated—and my recollection is, if space be unoccupied—the rules specifically give to the Speaker the power of the assignment of such rooms.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make a little contribution to this subject, if I may be permitted. When the House Office Building was approaching completion and the matter came up as to how the

rooms should be assigned, which was quite a proposition, I undertook, at the request of various gentlemen of the House, to prepare a resolution for the appointment of a committee, and, rather to my chagrin, was made the chairman of that committee and had charge of the distribution of rooms of the House Office Building. Those who were here at the time will remember that after we had the rooms distributed there was no complaint. The matter had gone along successfully, and I think everybody in the House was satisfied at the time, although the Committee on Ways and Means was not entirely satisfied with what was proposed to be done. As a result of having been the chairman of that committee, I was asked to retain the chairmanship until the end of the Congress, though there was some doubt whether the committee continued to exist; and after the Congress expired gentlemen came to me, the Superintendent of the Capitol, the man who is in charge of the building over there, and constantly Members of the House came to me asking me to offer various resolutions in the House and ask unanimous consent for their consideration. At the beginning of the last Congress, the Democrats being in control of the House, various gentlemen came to me, as they had hitherto, about committee assignments or personal assignments, and I said I did not think it was proper for anybody from the Republican or minority side of the House to offer resolutions in reference to the assignment of rooms, and I asked the gentlemen to see the gentleman from Alabama; and afterwards, when I understood the matter had been turned over to the gentleman from Pennsylvania, I constantly referred Members of the House with reference to assignments over there which would require a resolution to the gentleman from Pennsylvania [Mr. PALMER], and I wish to commend him for the work he has done in this regard. Some gentlemen have intimated that he might have assumed authority. Well, it was necessary for somebody to assume authority to do something, because there was no one charged with the work of preparing a proposition for the House.

Now, if the gentleman will permit me, there is a House Office Commission, and I will say that all of these resolutions which were presented by me heretofore were never referred to the House Office Commission. Possibly they ought to have been. But there is now a House Office Commission, consisting of the Speaker, the gentleman from New York [Mr. FITZGERALD], and myself, I having been recently appointed. Possibly my views have changed, although I hope not, on that account. Now, the gentleman offers a resolution in reference to the Roads Committee. The Roads Committee must have a committee room. From information I received yesterday I was inclined to think possibly they might be supplied with a committee room in the Capitol, more convenient and better than the two rooms over there which the gentleman has referred to. Those two rooms are on the east side and, I believe, were reserved from assignment at the beginning because we had a superfluity of rooms at that time and deliberately set aside some rooms for special committees or for future committees that might be created. Now, in the last House you abolished six committees, and you absorbed their rooms at once. The gentleman from Pennsylvania [Mr. PALMER] was not quite as stingy about rooms as I had been, or else more people were more persistent with him than they were with me and got them away from him in some way.

Mr. PALMER. I will say, in response to what the gentleman has said, that some of the committees that were abolished were small and unimportant committees and occupied inside rooms in the Capitol which really were unhabitable.

Mr. MANN. Very few of those committees occupied inside rooms. Most of them had very nice rooms in the Capitol or at the other building. There was no committee left in the House with a poor committee room, unless it was the Committee on Patents over here, which at one time had a poor room, which the committee deliberately elected to keep.

Now, it seems to me that in the assignment of rooms, if we are going to take care of everybody, the House Office Commission ought to make recommendations and take into consideration those matters, because a bill can not be referred to them, or a resolution can not be referred to them, and they can not report a resolution. I think the gentleman had better let this go over and let the House Office Commission or the Speaker see if they or he can not work out this thing so as to provide rooms for the Roads Committee without trenching on anybody else.

Mr. SIMS. Mr. Speaker, I started out to ask a question of the gentleman, but was prevented. I shall not delay the House but a moment. There are only 10 Members of the House who have had longer service than I have had here. I knew, of course, that under the rule I had a right to go and file upon a room according to the length of my service. I knew that I could go and file upon the room recently occupied by the gentleman from Missouri [Mr. SHACKLEFORD], who is chairman of the Roads Committee, but when I looked into the matter I found that the gentleman from Indiana [Mr. DIXON] had already filed on it, and he is a younger Member in point of service than I. I did not want to file on any room upon which a Member had already filed.

Mr. PALMER. But the gentleman must file in order to get his room.

Mr. SIMS. I know; but I do not think one should file on a room upon which another has filed or file upon a room regardless of the length of service the Member has had.

Mr. PALMER. That is not considered as a ground of offense, I will say to the gentleman.

Mr. SIMS. I know; but I would not like, for instance, to move the gentleman from Pennsylvania [Mr. PALMER] out of his room, unless he consented, by filing on same.

Mr. PALMER. I will say to the gentleman that he could not move me out unless I consented. [Laughter.]

Mr. DIXON. Mr. Speaker, the gentleman from Tennessee [Mr. SIMS] is mistaken about the room he speaks of having been filed upon by me.

Mr. SIMS. I may have made a mistake. I thought I was doing the gentleman from Indiana a courtesy, as I had heard he had filed on the room referred to.

Mr. DIXON. The gentleman probably meant my colleague from Indiana, Mr. Cox.

Mr. SIMS. I meant whoever had filed on Judge SHACKLEFORD'S room, and heard he was Mr. DIXON, but it means the same thing—that some one else had filed on it, and I would not take his place.

Mr. UNDERWOOD. Mr. Speaker, no one has jurisdiction of the assignment of committee rooms, as I understand the rules of the House. When a committee is assigned to a room, that room belongs to it, and nobody can move it out of the room except this House, by resolution passed by this House.

Mr. HARDWICK. Mr. Speaker, just a moment, if the gentleman will yield to me.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. UNDERWOOD. I do.

Mr. HARDWICK. Does that go on from Congress to Congress?

Mr. UNDERWOOD. Yes.

Mr. HARDWICK. It is not a matter of law, but a matter of practice?

Mr. UNDERWOOD. Yes.

Mr. HARDWICK. The committees can not be assigned to rooms two or three Congresses ahead?

Mr. UNDERWOOD. No; but I do not think the gentleman understood what I said. I said that when a committee was assigned a room by Congress the committee occupied the room and held it until otherwise ordered by the House.

Mr. HARDWICK. It just holds on?

Mr. UNDERWOOD. The committee files are there, and the clerks are there, and there is no question about it. Now, this House can undoubtedly, by resolution, move any committee in the House out of its present room.

Mr. Speaker, the building of the House Office Building has brought a conflict of jurisdiction about unoccupied space. Under the rules and precedents of this House there is no question that the Speaker has the right to make assignments of the unoccupied space in this portion of the Capitol Building itself, as he elects to do. I am inclined to think that the unoccupied space in the House Office Building can be controlled by the commission that controls that building. But so far as committees are concerned I do not think anybody has jurisdiction over moving a committee, or ought to have such jurisdiction, except this House itself.

Now, this is merely a question of the assignment of a committee, and some one has to move in the matter. No committee has jurisdiction. The Ways and Means Committee has never attempted to assume jurisdiction. The gentleman from Pennsylvania has explained the situation. I having been selected floor leader of my party two years ago, the gentleman from Pennsylvania [Mr. PALMER] came to me then, requesting that I bring before the House the matter of the assignments of committee rooms. I did not have the time. My time was occupied otherwise, and I asked the gentleman from Pennsylvania [Mr. PALMER] to act for me. Neither of us had jurisdiction, or has it now, but I think that this proposition does not require unanimous consent. It is one of the privileges of the House——

Mr. MANN. Oh, well, Mr. Speaker, the gentleman would not claim that a resolution introduced in the House does not require to be referred to a committee.

Mr. UNDERWOOD. I do claim that when there is no committee to which it can be referred.

Mr. MANN. But there is. There must be a committee.

Mr. UNDERWOOD. No; there is not.

Mr. PALMER. Mr. Speaker, at the only time when that question ever was raised the Chair decided that a resolution precisely like this was a privileged resolution.

Mr. MANN. When was it raised?

Mr. PALMER. It was raised by Mr. Garfield, of Ohio, in this House more than 30 years ago, and that was the only time there ever was a decision on the question.

Mr. MANN. That was before there was a House Office Building, and the law provides in reference to the House Office Building.

Mr. PALMER. Two years ago, when I introduced a similar resolution, I offered it as a privileged resolution, and under the decision which I cited to the gentleman from Illinois [Mr. MANN] at that time he said it might be that it was privileged, but suggested that I ask unanimous consent, saying that no objection would be made, and I have pursued that policy since.

Mr. MANN. If the gentleman from Pennsylvania will pardon me, when the matter was up before, a gentleman now occupying a seat on this floor, who was then the parliamentarian of the House, the gentleman from Maine [Mr. HINDS], went into the matter very exhaustively, and the committee of which I was chairman was authorized in the resolution which I drafted to report at any time, making its report privileged. That was the only way it could be privileged at that time. That was the ruling then, and has been the ruling ever since.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will pardon me a moment—as I was cut off from finishing my sentence—I do not think there can be any question that this is a privileged resolution. A resolution that relates directly to the membership of this House, a resolution relating to the action of the committees as committees, as a part of the organization of this House, is privileged. A committee can not work, can not perform its functions, unless it has a place in which to perform them. There is unquestionably no committee given jurisdiction of the consideration of this matter. Here is a new committee, created by the House. It has no place in which to do business. Is it subject to any gentleman's will or whim on the floor of this House to say that a committee that has been organized and elected by this House can be prevented from having a place in which it can meet to do business because, forsooth, some gentleman says, "I object"?

Mr. FITZGERALD. Is anybody attempting to do that?

Mr. UNDERWOOD. I am not saying that anyone is attempting to do it, but I do say that it demonstrates that it is a matter of privilege for this House to determine where the committees of this House shall meet; and I think the resolution of the gentleman from Pennsylvania [Mr. PALMER] is clearly in order as a matter of privilege.

Mr. FITZGERALD. Mr. Speaker, I think the statement of the gentleman from Pennsylvania [Mr. PALMER] shows that the resolution is not in order at this time. He states that these two rooms are reserved for committee assignments and that they are temporarily occupied. The law provides that unoccupied space in the Office Building—

> Shall be assigned by the Superintendent of the Capitol Building and Grounds, under the direction of the commission, and subject to the control of the House of Representatives.

I stated at the outset that, due to a controversy that had arisen during this session of Congress between several Members, the House Office Building Commission was compelled to determine a very difficult, delicate, and unpleasant question, a question arising between two Members as to which of them should be entitled to particular rooms. Realizing from the investigation that was necessary at that time, from the hearing that was given, after examining the law carefully, that it was a delicate and difficult question, the commission decided that it would facilitate the disposition of space in the House Office Building if the commission exercised the power given to it under the law, and submitted formal recommendations to the House in the future, so as to avoid these controversies.

It was for that reason that I suggested to the gentleman from Pennsylvania that he withdraw the resolution for the present; not that I have any desire to prevent the assignment being made to the Committee on Good Roads, not that I desire that the rooms be assigned to some individual or some other person, but because I know that this condition to which the gentleman from Tennessee has called attention is bound to result in a controversy over assignment of rooms to men who have given up the position of committee chairmen. Why should these gentlemen be so persistent at this time in endeavoring to force this resolution? The only request made is that opportunity be given for an investigation by those upon whom the law places some responsibility and power. I can not understand the persistency of the gentleman from Pennsylvania and the gentleman from Alabama.

Mr. UNDERWOOD. I will say that, so far as I am concerned, I have not even been consulted about the matter. The chairman of the committee and the gentleman from Pennsylvania did not consult me, and I am only saying that it is a matter of privilege because I think this House must exercise the right and power of places where its committees must meet.

Mr. SHACKLEFORD. May I interrupt the gentleman? I want to call his attention to the situation.

Mr. FITZGERALD. Let me make this statement first. I have no feeling about the matter nor desire to raise any controversy. I stated at the outset that the gentleman from Pennsylvania had accurately stated the manner in which he had taken up this unpleasant task of attempting to reconcile conflicting demands for rooms. I simply suggest that for the purpose of avoiding a more difficult controversy that is likely to come up in the near future this resolution be postponed, as by the time Congress meets at the next session there will be 40 additional rooms to be assigned to members or committees. Unless the House Office Building Commission exercises now the responsibility and power that seems to be imposed upon it and makes the recommendations to the House, at the regular session of Congress there will be a controversy arise over additional rooms that will be unfortunate. It so happens that the Speaker of the House and the gentleman from Illinois and myself are located in this building, away from the controversies that may arise about these rooms. I am suggesting that the gentleman from Pennsylvania withhold the resolution for the present, so as to avoid what I know is likely to be an unfortunate situation.

Mr. SHACKLEFORD. Mr. Speaker, I am sorry to have been the cause of this controversy.

Mr. FITZGERALD. I do not think the gentleman is.

Mr. SHACKLEFORD. I am. After the Committee on Roads was created I went to the Speaker and suggested to him that I would like to have some rooms. He said he was not quite certain how rooms are assigned; that after the House was organized he thought the Capitol Commission had something to do with it; but that on some occasions at the beginning of a session resolutions assigning rooms had been adopted. I went to different Members of the House and asked how I should make application for rooms in which my committee should meet, and among others I went to the gentleman from Pennsylvania [Mr. PALMER], and he, at my instance, offered this resolution in the House to accommodate me and the committee of which I have been elected chairman. I did not know that there would be any controversy about who should introduce it, nor did I know that it would raise any conflict about jurisdiction. I see the situation in which I have put my friend from Pennsylvania. He did this to accommodate me and to accommodate a situation, without any supposition or intimation that there would be any conflict of authority or any question of getting on some one else's preserves. The Ways and Means Committee did not take the matter up; the Ways and Means Committee did not consider it; but the gentleman from Pennsylvania, endeavoring to help me solve a proposition that was presented and needing immediate solution, introduced the resolution which seems to have involved him in this unhappy controversy.

What are the rooms? They are two rooms marked in red on the plat of the first floor.

Mr. COX. What is their number?

Mr. SHACKLEFORD. Their numbers are at present 153 and 154, but originally they were No. 152 and an unnumbered room on the corner next to the corridor. Here is the resolution that was adopted when we first began to assign rooms, and I will ask the attention of the gentleman from New York [Mr. FITZGERALD] while I read it. If we have blundered, he will see that there was no design in it. I read now from the resolution which made these rooms subject to assignment:

> The rooms indicated in red on the plats accompanying this resolution are reserved from allotments herein provided for to individual Members, including the rooms, to wit.

Then follows the numbers of the rooms, and among them are these two rooms. This resolution expressly provides that they are not subject to assignment to any Member, and the commission of which the gentleman is a member would have no authority to put anybody in them and has no control of it for any other purpose than to assign the rooms to committees. I understand that these rooms have been temporarily occupied by certain gentlemen as tenants at will. They have gone in there stating they knew they were not subject to individual assignment and that they took them with full knowledge that they must give them up whenever they were called upon to do so. The resolution from which I have just read expressly says that

the commission has no authority to award these rooms to any individual Member. They are reserved for a committee. Reading that, talking with different people, I began to see if I could find a way to get possession of those rooms for public use, not intending to trench upon the privileges of my friend from Illinois [Mr. MANN], nor of my friend from New York [Mr. FITZGERALD], nor of the Speaker. I simply wanted a roof; I wanted a place where my boys on my committee could come in out of the rain, and I found an unoccupied piece of territory, and the first gentleman who lent me a willing ear was my friend from Pennsylvania [Mr. PALMER]. He seems now to be having a great deal of trouble for showing an accommodating disposition to me. I assure gentlemen that there was no scheme in it, no committee back of it, nothing but my disposition to get some rooms that looked good that were unoccupied which would be serviceable for my committee. That is how it all happened. If there is anybody to blame, lay it on my unhappy head, for I am the man that is solely responsible for getting the gentleman from Pennsylvania into this trouble.

Mr. FITZGERALD. Mr. Speaker, I do not think there is anything improper about it. I made a suggestion that I thought would save considerable trouble. If it has stirred up trouble here, that can not be helped.

Mr. MANN. Mr. Speaker, the gentleman from Missouri [Mr. SHACKLEFORD] talks about an unhappy condition. I do not see anything out of the way about having a matter of this sort considered at this time so that Members may better understand the rights of Members in reference to rooms. There is nothing unhappy about the fact that the gentleman has been made the chairman of a great committee and wants a room; there is nothing unhappy in the fact that we have the right to consider how the rooms shall be granted.

Mr. SHACKLEFORD. Mr. Speaker, may I interrupt the gentleman?

Mr. MANN. Always.

Mr. SHACKLEFORD. I interpreted some of the words that have been uttered here this morning as a reflection on my friend from Pennsylvania for having taken a hand in this proposition.

Mr. MANN. Well, the gentleman from Pennsylvania [Mr. PALMER] has received more encomiums upon his work in this regard than I have received in many months [laughter and applause], and more than the gentleman from Missouri will ever receive while he is chairman of the Committee on Roads.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object—now, the gentleman from Missouri called attention to a resolution which was adopted by the House before the assignment of rooms was made at all. That is the resolution which I drew and submitted to the House for the purpose of reserving certain rooms from assignment to individual Members. That included the committee rooms which are in the House and a number of other rooms; but long ago that resolution expired, and its efficacy expired because the law that was passed subsequently to that time provides—it went through the House and Senate and was signed by the President of the United States:

> Unoccupied space in said building shall be assigned by the Superintendent of the Capitol Building and Grounds under the direction of the commission and subject to the control of the House of Representatives.

And to say that gentlemen who are occupying space over there which was reserved by the original resolution are occupying it in defiance of such legislation is a draft upon the imagination. The House Office Commission and the Superintendent of the Capitol Building and Grounds had the authority to assign any unoccupied space in the House Office Building. If this space has been assigned, and it was temporarily assigned, I am not sure but the gentlemen went in with the statement that they could only occupy it temporarily. Now, a word, Mr. Speaker, as to whether this resolution is privileged. We have not had very much filibustering in the House of Representatives for many years; but in those days when there was no effort to count a quorum and when the minority intended to prevent business by breaking a quorum while sitting in their seats, the question of what was a privileged resolution was highly important, and the importance of the question has not yet ceased. If the Speaker shall hold that the resolution offered from the floor of the House changing the assignment of rooms is privileged, we can have 50 privileged resolutions here any time when the minority of the House desire to prevent the transaction of business, and on each one of them you can have the previous question and a roll call. From the old days of filibustering privileged resolutions have been cut short. The right to offer a resolution from the floor and have it disposed of without reference to a committee has been invariably denied, except in matters of the highest privilege. I do not believe that the House ought to make a precedent now of saying that a resolution concerning the assignment of committee rooms is privileged, offered from the floor, so that it must be disposed of at the time, giving the minority complete control of the business of the House.

The SPEAKER. Is there objection?

Mr. PALMER. Mr. Speaker——

Mr. MANN. Mr. Speaker, I object.

Mr. PALMER. Mr. Speaker, I ask the gentleman to withhold his objection for a moment——

Mr. MANN. Certainly.

Mr. PALMER. While I make this statement. In view of the fact I have offered the resolution and various gentlemen have passed some remarks upon the manner in which it was submitted, I want to say just this: The resolution which was offered in the House in 1907, prepared by the committee of which the gentleman from Illinois was chairman, distinctly provided that certain rooms should be excepted from the allotments then made. Included in those excepted rooms were those two rooms now covered by the present resolution. Now, the statute provides, as the gentleman from Illinois declares, that unoccupied space in the House Office Building shall be assigned by the Superintendent of the Capitol Building and Grounds and by the commission having direction of the House Office Building——

Mr. MANN. By the Superintendent of Capitol Building and Grounds under the direction of the House Office Building Commission.

Mr. PALMER. Now, under the act this portion of the unoccupied space in the House Office Building was assigned to Members of the House for their offices——

Mr. MANN. If the gentleman will pardon me.

Mr. PALMER. Just a moment; I am stating the facts.

Mr. MANN. Well, I think that is incorrect.

Mr. PALMER. Well, those gentlemen who now occupy these offices got them because the representative of the Superintendent of the Capitol Building and Grounds in the House Office Building, Mr. Wooley, allowed them to file upon them, and therefore assigned them that space. Those rooms having been thus occupied are no longer occupied space within the control of the Superintendent of the Capitol Building and Grounds. It is absolutely intolerable to think that Members of the House who secured their rooms in that fashion could be turned out and committees put in their place except by a resolution of the House, and that is the legal justification for this resolution.

Now, just one minute more. The gentleman from New York [Mr. FITZGERALD] says that he can not understand my persistency in pressing this resolution. The gentleman from Missouri [Mr. SHACKLEFORD] has stated the history of the resolution. I am not unduly persistent. I offered the resolution, asked unanimous consent for it, and supposed that it would go through after the purpose of it had been explained and the necessity explained, as similar resolutions always went through during the Sixty-second Congress. I have absolutely no interest in it, directly or indirecty. I do not care "two raps and a hurrah" whether the Committee on Roads ever gets a committee room or not. [Applause.] It does not make any difference to me, but I think that Members generally expect that they shall have a habitation and a home, and in order to provide for that desire of Members I introduced this resolution.

Now, Mr. Speaker, I do not want this authority which gentlemen think I have assumed of seeing various people in the House and thrashing out this question generally. I shall be most happy if it shall be assumed by the House Office Commission, whose members upon the floor are making such a strong bid for the authority. I shall be pleased if in future all such resolutions assigning committees to rooms or changing committee-room assignments shall be made upon the motion of the gentleman from New York [Mr. FITZGERALD] or of the gentleman from Illinois [Mr. MANN], who are members of the House Office Commission, along with the Speaker, and I shall not, therefore, introduce any more of these resolutions.

But permit me to suggest to the gentlemen who are members of this important commission that is about to be clothed with this additional important authority and power that when they come to examine this question and study it as carefully as I have done, I am satisfied that they will put the Committee on Roads or suggest that that committee be put in these two rooms—Nos. 153 and 154; and I would like to suggest that you let this resolution go through. You can not give it much more investigation than has been given to it now upon the floor of the House. Members can not become much better acquainted with it than they now are. Let the Committee on Roads move into these two rooms, and in future the Office Building Commission may take this job and welcome.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and that is the end of it.

Mr. MANN. Mr. Speaker, I reserved the right of objection for a moment. I attempted to be very courteous to the gentleman from Pennsylvania [Mr. PALMER]. I commended him for what he had done in reference to this matter.

Mr. PALMER. Mr. Speaker, I hope that the gentleman has not misunderstood me as intimating that I thought otherwise.

Mr. MANN. But it was evidently lost upon the gentleman. He has endeavored to reflect upon the gentleman from New York [Mr. FITZGERALD] and myself for our action in the House to-day. In the heat of debate he has said what he ought not to have said, and in a moment of childishness he said, "I will not introduce another resolution; I will not play in your backyard if I can not have my way." [Laughter.]

Mr. PALMER. Oh, no.

Mr. MANN. That is the gentleman's tone to the House.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Not just now. Reserving the right to object, I would like to suggest to the gentleman from Pennsylvania that he had better take back what he said about not offering another resolution in the House.

Mr. PALMER. Mr. Speaker, if the gentleman makes suggestions about what I ought to do and refuses to yield to me, it is not fair. I might be going to do it. [Laughter.]

Mr. MANN. I say, the gentleman has performed a useful service in this regard, and I say that, notwithstanding the attitude which the gentleman assumes toward the gentleman from New York [Mr. FITZGERALD] and myself, as though we were interested in this matter personally, which is not the case at all. The House Office Commission has some responsibility concerning the House. We have disputes to settle once in a while concerning rooms and a good many other things. In all courtesy to the House Office Commission, which has these matters in charge, these resolutions should be submitted to the House Office Commission before they are presented to the House, to see whether those gentlemen representing the House, in charge of the House Office Building, have objections to a proposition and can give valid reasons why the proposition ought not to go through.

I have no objection to the gentleman from Pennsylvania [Mr. PALMER] offering a resolution. Quite the contrary. I hope he will keep it up and take charge of the matter. But when he does so, I hope, before he submits it to the House, he will submit it to those who have authority over the building, to see what they would suggest in regard to it, instead of submitting a resolution here at the request of any gentleman or Member who asks him to do it.

The SPEAKER. Is there objection?

Mr. PALMER. Will the gentleman yield?

Mr. MANN. Certainly. I always yield to the gentleman.

Mr. PALMER. I had no intention of being discourteous to the gentleman from Illinois, for whom, as he knows, I have the very highest respect; and if I said anything which could be considered as a discourtesy, either to him or to the gentleman from New York [Mr. FITZGERALD], I gladly withdraw it. But I meant exactly what I said [laughter]—I meant what I said when I said I would not introduce any other resolution of this character. I think it is a thankless job, and no Member ought to be put in the position of being criticized for performing a function in which he has no interest and concerning which no duty devolves upon him. The gentleman suggests that I should continue to do all the work and get up these resolutions, smooth out the difficulties, get the committees together and everybody pleased, and then come and get the O. K. of the gentleman from New York and the gentleman from Illinois. I prefer to let them do the work, and they can come to the House and get our O. K.

Mr. MANN. The truth is we do the work now. All you did was to present in the House without examination a resolution prepared for you. We are doing the work now.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it.

COMMITTEE ON APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER pro tempore (Mr. HAY). The gentleman from New York [Mr. FITZGERALD] asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

House resolution 128.

Resolved, That the Committee on Appropriations, or such subcommittees as they may designate, shall have leave to sit during the sessions of the House during the Sixty-third Congress and during the recesses of that Congress, and authority is granted to do all printing and binding for said committee deemed necessary in connection with the subjects considered by it during the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

ADDITIONAL JUDGE, DISTRICT OF PENNSYLVANIA.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 32, and to disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to take from the Speaker's table House bill 32, disagree to the Senate amendments, and ask for a conference.

Mr. BARTLETT. Reserving the right to object, let us hear what the bill is.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the district of Pennsylvania.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, if the gentleman will make his request to take this bill from the Speaker's table and consider it in the House at this time, I shall not object. Perhaps we can dispose of the amendments.

Mr. HARDWICK. Does the gentleman know what the amendments are?

Mr. MANN. I do.

Mr. HARDWICK. I want to say that I shall be obliged to object, unless the bill first goes to the committee, so there will not be any need to do that.

The SPEAKER pro tempore. The gentleman from Georgia objects.

Mr. CARLIN. Mr. Speaker, I move——

Mr. HARDWICK. I make the point of order on the gentleman's motion——

The SPEAKER pro tempore. The gentleman has not made his motion yet.

Mr. CARLIN. I move that the bill be taken from the Speaker's table, and that the Senate amendments be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. CARLIN] moves to take House bill 32 with Senate amendments from the Speaker's table and to consider the bill and amendments in the House as in Committee of the Whole.

Mr. HARDWICK. On that motion I make the point of order that under the rule, when a Senate amendment has to be considered in Committee of the Whole House on the state of the Union, the bill goes automatically to the committee in charge of the subject matter.

The SPEAKER pro tempore. The Chair will hear the gentleman from Virginia on the point of order.

Mr. CARLIN. Mr. Speaker, there could be no doubt on this question if the bill had been reported from the committee in the first place.

Mr. MANN. This is a House bill, not a Senate bill.

Mr. CARLIN. I understand; but it was considered under a special rule and not reported from a committee.

Mr. MANN. But the gentleman does not claim that that abrogates the rule now that the committees have been appointed.

The SPEAKER pro tempore. If the gentleman from Virginia will indulge the Chair a moment, the Chair will call his attention to paragraph 2 of Rule XXIV, which states that:

House bills with Senate amendments which do not require consideration in Committee of the Whole may be at once disposed of as the House may determine.

Now, as this bill creates an office, it does require consideration in Committee of the Whole; and therefore unless the gentleman has some authority of which the Chair is not informed the Chair will be compelled to sustain the point of order of the gentleman from Georgia.

Mr. PALMER. Mr. Speaker, a parliamentary inquiry. That being the rule, would it not be in order that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to this bill?

The SPEAKER pro tempore. No; it would not; because the rule provides that bills of this character shall automatically be referred to the appropriate committees.

Mr. PALMER. The Speaker has just read the rule, which provides that the bill shall go to the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The Chair will read the whole rule, if the gentleman desires it:

Reports and communications from heads of departments and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine.

This is a bill which does require consideration in Committee of the Whole.

Mr. PALMER. But there is nothing in the rule which says that a House bill with committee amendments when it comes back from the Senate must first go to the committee. It must go to the Committee of the Whole House on the state of the Union, and therefore I submit that a motion to go into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments would be in order.

The SPEAKER pro tempore. The Chair differs with the gentleman, and sustains the point of order.

Mr. MANN. If the Chair will pardon me, I will call his attention to a part of the rule which I think he did not read.

The SPEAKER pro tempore. The Chair did not read it because it did not seem to be necessary.

Mr. MANN. It is as follows:

Reports and communications from heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members.

Mr. PALMER. This is not a bill from the Senate. This is a House bill with Senate amendments.

Mr. MANN. This is a bill from the Senate. The gentleman is mistaken. This is not a Senate bill, but it is a House bill with a message from the Senate.

Mr. FITZGERALD. Mr. Speaker, so that there may be no question about the practice, in section 861 the following authority is given:

A House bill returned with Senate amendments involving a new matter of appropriation, whether with or without a request for a conference, is referred directly to a standing committee, and on being reported therefrom is referred directly to the Committee of the Whole.

There are cited several authorities taken from volume 4, Hinds' Precedents.

The SPEAKER pro tempore. The Chair has no doubt that the Chair is correct in his ruling, and sustains the point of order.

PRINTING AND BINDING FOR DIFFERENT COMMITTEES.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 124.

Resolved, That the Committee on Interstate and Foreign Commerce shall be, and is hereby, authorized during the Sixty-third Congress to have such printing and binding done as may be required for the transaction of its business.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 127.

Resolved, That the Committee on Military Affairs of the House of Representatives of the Sixty-third Congress is authorized to have such printing and binding done for the use of the committee as may be necessary for the transaction of its business.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 126.

Resolved, That the Committee on Naval Affairs be authorized to have such printing and binding done as may be required in the transaction of its business; that the Committee on Naval Affairs and the subcommittees thereof have authority to sit during the sessions of the House and during the recesses of the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

MOTIONS TO DISCHARGE COMMITTEES.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 125.

Resolved, That for and during the remainder of the first session of the Sixty-third Congress the operation of clause 4 of Rule XXVII of the House of Representatives shall be suspended.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand, this resolution is to prevent the operation of the committee discharge rule.

Mr. HARDWICK. During the remainder of the present session.

Mr. MANN. During the remainder of the present session.

Mr. UNDERWOOD. I will say to the gentleman from Illinois, if he will allow me and the gentleman from Georgia will yield——

Mr. HARDWICK. I will yield to the gentleman.

Mr. UNDERWOOD. That a resolution was passed through the Democratic caucus yesterday providing the program for this side of the House for the present and possibly for the session. That program provided that none of the standing committees shall report bills or resolutions back to the calendar except the Committee on Ways and Means, the Committee on Elections, the Committee on Appropriations, the Committee on Banking and Currency, the Committee on Rules, and the Committee on Accounts, in order that this session might be confined, as far as practicable, to the consideration of the tariff bill and possibly to the consideration of a currency bill if the Committee on Banking and Currency sees proper to report one. I understand that it will be necessary for the Committee on Appropriations to bring in a deficiency bill before the end of the session. Now, that being the case, this side of the House has taken the responsibility of saying to the country that it confines the legislation of the House to the subject matters coming from those committees. There is a Discharge Calendar. Of course, bills could be referred to the committees, and if they were not reported at the proper time a motion could be made to discharge the committee under the Discharge Calendar proposition.

Now, two years ago we were in this condition when we concluded to limit the work of the extra session largely to tariff matters, but we avoided the Discharge Calendar by adjournment over. I think this is simpler and easier and more satisfactory. We do not propose to allow motions to discharge committees that have been prohibited from reporting to be made, and therefore we desire to pass a resolution suspending the operation of the Discharge Calendar for this session—not permanently, but for this session. Of course, I recognize the fact——

Mr. MANN. Was this referred to the Committee on Rules?

Mr. HARDWICK. It was not referred to the Committee on Rules, simply because it was the caucus action, and it was mere formality to refer it. If anybody objects, that committee will take it up.

Mr. UNDERWOOD. Of course, it could be carried to the Committee on Rules. It has been approved by the Democratic caucus, and we have enough votes to put it through if the gentleman from Illinois prefers to do it that way. But if we can get this resolution through at this time, I would like to see if I can enter into a compact with the gentleman from Illinois about adjournment for some weeks.

Mr. GARDNER. Mr. Speaker, I ask to have the resolution again reported.

The resolution was again reported.

Mr. GARDNER. Will the gentleman from Alabama yield for a question?

Mr. UNDERWOOD. Yes.

Mr. GARDNER. Now, we suspend the operation of the whole rule——

Mr. UNDERWOOD. No——

Mr. GARDNER. Allow me to state my question. What I want to get at is this: Whether we will be permitted two weeks from to-day to file motions to discharge and have them pending, or whether we can not file those motions to discharge until the next session? That is very important.

Mr. HARDWICK. The entire fourth clause of the rule is suspended. We did not see any need of letting in a lot of these motions when they could not be taken up, and we have just suspended that part of the rule that relates to the Discharge Calendar.

Mr. GARDNER. I quite agree that the gentleman is right in prohibiting the filing of these motions; but has the gentleman considered whether these motions can be filed the first day of the next session, or must we wait 14 days in the next session before it makes provision for their filing?

Mr. HARDWICK. Clause I provides for during the remainder of the present session. It says so in so many words.

Mr. MANN. The rule is:

> Any Member may present to the Clerk a motion in writing to discharge a committee from further consideration of any public bill or joint resolution which may have been referred to such committee 15 days prior thereto.

Mr. HARDWICK. Exactly. Now, we have suspended that——

Mr. GARDNER. Yes; but could you put it in operation on the first day of the next session, or would it go to those bills which have been before the committees at this session more than 15 days?

Mr. HARDWICK. That is the idea.

Mr. MANN. Now, if the gentleman will permit, I recognize the fact that the Democratic side of the House is in a majority and has the right to determine whether or not they will transact any business except certain special business at a special session of Congress; and of course if they make that determination and both sides of the House agree in reference to what business shall be transacted as the weeks go along, so that Members have greater liberty about being present, it would be perfectly fair in connection with that to make a further agreement or have a rule so that the minority could not embarrass the majority about this Committee Discharge Calendar. I think that would be perfectly fair. But what is the gentleman's intention now with reference to future meetings of the House?

Mr. UNDERWOOD. Well, I will suggest to the gentleman from Illinois [Mr. MANN] and to the gentleman from Kansas [Mr. MURDOCK], if he is present——

Mr. MANN. He is here.

Mr. UNDERWOOD. That they enter into an agreement that after to-day no business shall be transacted in the House except what can be done by unanimous consent—ordinary orders, and things of that kind—and that we adjourn for three days at a time until Monday, the 23d day of June.

Mr. MANN. Let us have that agreement, coupled with the unanimous consent.

Mr. MURDOCK. And 45 minutes to-day.

Mr. UNDERWOOD. There would be no question about gentlemen making speeches. That could be done by unanimous consent.

Mr. MANN. Of course we know you have the power to do this. But the power to do a thing is one thing and unanimous consent is quite another. I have seen occasions when, out of courtesy to that side of the House, I permitted a resolution to be considered by unanimous consent, only to be reviled a few minutes thereafter by some Member on that side of the House because it had gone through by unanimous consent, although the minority had allowed it, per force, on account of force or numbers. But suppose hereafter, after the 23d day of June, and along about the 23d day of September we commence to transact all kinds of business. Would the gentleman then be willing to have the committee-discharge rule put in force again?

Mr. UNDERWOOD. Well, if we were doing general business and the blanket was lifted so that committees could report their bills to the House, I think it would be proper to lift the practice, but so long as we are prohibited from reporting bills from committees to the House by caucus resolution, I think it is the duty of the Members on this side to protect those committees.

Mr. MANN. I agree with the leader of the majority in reference to that. I do not think it would be fair to their side of the House to permit their committees to be annoyed by motions discharging committees from the consideration of bills which they could not report.

Of course the committee-discharge rule always was buncombe. [Laughter on the Republican side.] No committee ever was discharged under it. No vote ever was taken under it, I believe, except once, when I caught them without a quorum and got the Speaker to rule—erroneously—that we had a right to have a roll call. [Laughter.]

Mr. GARNER. The gentleman speaks in his characteristic way.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution offered by the gentleman from Georgia [Mr. HARDWICK]? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I desire, before we go further, to see if we can enter into a compact which will not interfere with the gentleman's unanimous-consent resolution, because it is not expected that it shall interfere with unanimous consent. I assume that either the gentleman from Illinois [Mr. MANN] or his representative, or the gentleman from Kansas [Mr. MURDOCK] or one of his representatives, will be on the floor at every session between now and the 23d of June to object to anything coming up except ordinary orders that are necessary to take, and therefore I ask unanimous consent—no; I will not make it unanimous consent—I will ask, without unanimous consent, if I can have an understanding with the gentleman from Illinois and the gentleman from Kansas such as we entered into a few weeks ago?

Mr. MANN. What business is it that the gentleman expects would come up?

Mr. UNDERWOOD. I do not expect any business to come up.

Mr. MANN. Of course, there is the sundry civil bill, which is in conference, and the Indian appropriation bill, which is in the Senate, and an emergency or urgent deficiency bill, which will probably be reported. The gentleman did not mention a report from the Committee on Interstate and Foreign Commerce; but something must be done in reference to the Commerce Court, either by legislation or an appropriation.

Mr. UNDERWOOD. I take it that question could not come up within these three weeks.

Mr. MANN. It may have to come up within the three weeks.

Mr. BARTLETT. There is no money to pay for the running of the court after the 1st of July.

Mr. MANN. There is no money to run the court, and no other court has jurisdiction of the questions which the Commerce Court was created to consider.

Mr. UNDERWOOD. That would come from the Appropriations Committee.

Mr. MANN. It would unless the court was abolished.

Mr. UNDERWOOD. Yes.

Mr. MANN. I think under the circumstances, while this side of the House are not many of them in favor of abolishing the court, yet if it is the determination of that side of the House to abolish the court, probably the point of no quorum would not be raised. I should not raise it.

Mr. MURDOCK. I should like to ask the gentleman from Alabama about the MacDonald election case.

Mr. UNDERWOOD. I assume that it will take at least three weeks for the Election Committees to prepare, hear, and thrash out these election cases. If the MacDonald election case was reported within these three weeks and unanimous consent was given for its consideration, why then it would be proper to consider it. But if it was not, I think it would have to go over until after the 23d day of June.

Mr. MANN. May I ask the gentleman from Kansas if he knows whether the testimony in the MacDonald election case has been printed or not?

Mr. MURDOCK. I do not. I understand it is completed.

Mr. MANN. Some time ago I suggested to the Speaker that he order that testimony printed, so that it might expedite the hearing of the case. Of course under the law the Clerk of the House calls in the parties and determines what is to be printed. I do not know whether that has been done, but somebody who is interested in the case ought to see that it is done, and done speedily.

Mr. MURDOCK. I understand that is the duty of the Clerk.

Mr. MANN. It is the duty of the Clerk to print it, and I suggested to the Speaker some time ago that he suggest to the Clerk that it be printed.

Mr. MURDOCK. I will ask the gentleman from Alabama if it is not his purpose to have that case concluded as soon as possible?

Mr. UNDERWOOD. I personally have no purpose in the matter, but I understand it is the purpose of this side of the House to see that a speedy and early hearing of that case is had, so that it may be disposed of. If there is a contest about it, it is apparent that it could not come up between now and the 23d of June, because there will not be a quorum here; but if there is no contest about it, then I see no objection to taking it up.

Mr. MURDOCK. Then there is no objection to considering it immediately after the reconvening on June 23?

Mr. UNDERWOOD. No; and if the committee are ready to make their report, it can be considered before that time if nobody objects.

Mr. MANN. Then, as I understand it, we have a gentlemen's understanding that there will be no business except emergency business transacted between now and the 23d of June, except possibly such ordinary business as may come up by unanimous consent?

Mr. UNDERWOOD. Yes.

Mr. MURDOCK. How about the bill for the additional judgeship in Pennsylvania, which went to the Judiciary Committee this morning?

Mr. UNDERWOOD. The committee are prohibited from reporting that bill without caucus action.

Mr. MANN. It has not been sent to the committee yet probably.

Mr. UNDERWOOD. It will have to come up by unanimous consent in the House, and I take it that the committee would not attempt to go to the Democratic caucus and ask unanimous consent to report that bill; but I will say, speaking for my side of the House, that if that was done, this rule would not be violated by its being brought up from the committee before the 23d.

Mr. MURDOCK. Then I understand that in addition there is a measure in the Senate having to do with midshipmen, which bill has recently passed the Senate or is about to pass it.

Mr. BARTLETT. It is here now in the House.

Mr. MANN. Is the gentleman specially concerned about that bill?

Mr. MURDOCK. Not at all, but I have been asked about it.

Mr. MANN. The gentleman has named the 23d of June.

Mr. MURDOCK. Mr. Speaker, I would like to ask the gentleman about that bill.

Mr. UNDERWOOD. It certainly would not come up before the 23d of June.

Mr. MANN. It might be taken up by unanimous consent.

Mr. MURDOCK. It comes within the range of unanimous consent.

Mr. UNDERWOOD. If it comes in here with a request for unanimous consent I expect that the gentleman from Kansas, if he is opposed to it, will have a representative here to object, or the gentleman from Illinois, in case he is opposed to it.

Mr. MURDOCK. I do not know that I am opposed to it, but it comes within the range of unanimous consent.

Mr. UNDERWOOD. Certainly.

Mr. MANN. Mr. Speaker, the gentleman spoke of the 23d day of June. That comes at about the date when the sweet girl graduates are coming out. There is a great deal of incentive to be present at college presentments, both of girls and boys. Would it be practical to make the date a little later than the 23d day of June, so that it would not interfere with that delightful occupation?

Mr. UNDERWOOD. Mr. Speaker, I will state why I fixed that date. I do not know at present how much progress is being made on the tariff bill in the Senate, or how much will be made. In the next place, I do not know what action the Banking and Currency Committee may want to take. That gives us a week in between the 23d day of June and the 4th day of July. I understand that there is a celebration at Gettysburg, and that a great many Members of the House would like to attend that celebration. I think by our coming back here and starting afresh on the 23d of June we could then determine whether we would have to stay here and do business or whether we can go over the 4th of July and these celebrations.

Mr. MANN. Of course we will not have a quorum until after the 4th of July unless there is some emergency. Is it understood that the President will send in a message on banking and currency very soon?

Mr. UNDERWOOD. Mr. Speaker, I can not speak with any authority, but that is my understanding.

Mr. MANN. And it will then be referred to the Committee on Banking and Currency?

Mr. UNDERWOOD. Yes.

PRINTING AND BINDING FOR CERTAIN COMMITTEES.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 131.

Resolved, That the Committee on the Revision of the Laws be, and is hereby, authorized to have such printing and binding done as may be necessary for the transaction of its business.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 123.

Resolved, That the Committee on Territories is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 129.

Resolved, That the Committee on Claims be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 139.

Resolved, That the Committee on the Public Lands of the House of Representatives of the Sixty-third Congress is authorized to have such printing and binding done for the use of the committee as may be necessary for the transaction of its business; also, to sit during the sessions of the House and during the recesses of the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 137.

Resolved, That the Committee on Coinage, Weights, and Measures be authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 132.

Resolved, That the Committee on Elections No. 3 be, and it hereby is, authorized to have such printing and binding done during the Sixty-third Congress as may be required for the transaction of its business.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 134.

Resolved, That the Committee on the Judiciary be authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Who offers this resolution?

Mr. CARLIN. I do; acting for the chairman of the committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. POST. Mr. Speaker, I desire to offer the following resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 133.

Resolved, That the Committee on Elections No. 1 be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio if he contemplates taking up the contested-election case of MacDonald immediately?

Mr. POST. Yes, sir; at once.

Mr. MANN. How can that be done; it has not been referred?

Mr. MURDOCK. It goes to that committee.

Mr. MANN. But how can the chairman of the committee say he will take it up immediately when it has not been referred?

Mr. MURDOCK. But when it is referred.

Mr. MANN. But the election case has not been referred.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

Mr. BURNETT. Mr. Speaker, I ask the immediate consideration of the following resolution.

The Clerk read as follows:

House resolution 136.

Resolved, That the Committee on Immigration and Naturalization be authorized to have such printing and binding done as is necessary in the transaction of its business in the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

Mr. UNDERHILL. Mr. Speaker, I desire to offer the following resolution.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

House resolution 130.

Resolved, That the Committee on Industrial Arts and Expositions be authorized to have such printing and binding done as may be necessary in the transaction of its business during the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

Mr. SPARKMAN. Mr. Speaker, I desire to offer the following resolution.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

House resolution 135.

Resolved, That the Committee on Rivers and Harbors be authorized to have such printing and binding done as is necessary in the transaction of its business during the Sixty-third Congress.

Mr. MANN. What committee is this?

Mr. SPARKMAN. The Committee on Rivers and Harbors.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

Mr. BELL of Georgia. Mr. Speaker, I desire to offer the following resolution.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

House resolution 138.

Resolved, That the Committee on the Post Office and Post Roads be authorized to have such printing and binding done as may be necessary for its business during the Sixty-third Congress.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I present the following resolution and ask its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 140.

Resolved, That the Committee on Indian Affairs is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business during this Congress.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, that should be "during the Sixty-third Congress."

Mr. STEPHENS of Texas. "During this Congress" is the language.

Mr. MANN. Then that is all right.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter written by Mr. W. B. Thompson, commissioner of public utilities in New Orleans, on the subject of the improvement of the Mississippi River.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

The article is as follows:

LET GOVERNMENT FIRST ASSUME RIVER CONTROL—W. B. THOMPSON, COMMISSIONER OF PUBLIC UTILITIES, THINKS THE CAREFULLY ORGANIZED DEMONSTRATION IN FAVOR OF NEWLANDS BILL SHOULD BE REGRETTED—SAYS THAT HOPES AND FEARS OF DISTRESSED PEOPLE OF MISSISSIPPI VALLEY SHOULD NOT BE CAPITALIZED.

Relative to the mass meeting of last Thursday night, where the Newlands river regulation bill was indorsed, W. B. Thompson, commissioner of public utilities, Monday gave out a statement as follows:

"The carefully organized demonstration in favor of the Newlands bill enacted in this city on last Thursday night should be regretted. It is particularly unfortunate, just at the time when the moral sense of the Nation is beginning to recognize that the menace of the Mississippi River is a national problem, and to appreciate that the curbing of this destructive force is a national obligation, that the beneficiaries of governmental support should be found squabbling among themselves as to the particular ways and means whereby salvation shall be administered. And it is not only unfortunate, but wholly inexcusable, that the hopes and fears of the distressed people of the Mississippi Valley should be capitalized for the furtherance of any particular legislative scheme, however comprehensive such scheme may be in its scope or however meritorious it may be in some of its particular provisions.

"As a citizen of Louisiana I am deeply interested in the problem of flood prevention, and as a private individual my fortunes depend upon the protection of our lands from overflow. I am fully aware that the protective system as presently developed is inadequate. Something more must be done than has been done, and whatever is attempted must be better done. I am fully convinced that the desired consummation can not be attained except through the application of special knowledge under the administration of centralized authority and provided with ample means, and I believe, with the utmost confidence, that no agency other than the Federal Government can ever cope with the tremendous natural difficulties of the situation or realize the maxims of benefit derivable from human effort. But, having reached the conclusion that the General Government can and must supply the needed protection, I do not undertake to dogmatize as to the technical means whereby the protective measures shall be applied. My general knowledge of the situation leads me to believe that if the river channel is kept open and the flow therein persistent, if the banks are reenforced and strengthened, if the levees are built to a designated height and specification, and if the natural avenues of relief are utilized and improved, then we may expect such immunity as the Almighty intended that we should have.

THEORIES MENTIONED.

"Whether the 'levees only' theory, or the 'outlet' theory, or the 'reservoir' theory, or the 'reforestation and denudation' theory, or any other theory or any other combination of theories is the best, I am unable to determine. And I consider that I, or any other average layman who undertakes to theorize and dogmatize as to these particulars, not only wastes time which might be employed to better purpose, but interferes with the efficiency of the efforts of those who know what they are doing. If we can induce the United States Government to take over the river problem and administer the system of protection, with such material assistance as we who are directly affected may contribute, I shall be wholly satisfied to leave the theory of the system, as well as the details of operation, to the judgment and skill of the experts appointed to handle the same. And furthermore, in the primary issue of inducing the Government to assume charge of the system, or in the interim to render the maximum of aid, I am distinctly in favor of being guided by the judgment of our Representatives in Congress, who are in intimate touch with the legislative situation and fully qualified to gauge the same, rather than to hamper and embarrass these Representatives by demonstrations garnished by raw-meat-and-bloody-bones oratory and stereopticon melodramas.

"The inveterate disposition of the average man to meddle with details about which he is ignorant, to express his opinion upon subjects concerning which he has a sensation as contradistinguished from a thought, and to become a noisy claquer to issues which he does not personally understand, is perhaps the most serious drawback to popular government, and is without doubt the soil in which most specious legislative projects are propagated. The mass meeting of Thursday night was called for the ostensible purpose of strengthening by popular support the broad movement for Federal jurisdiction of the river problem. To such a summons every man and woman in the Mississippi Valley could enthusiastically respond. But when the crowd had been assembled and duly impressed with the importance and necessity of Federal aid and control the real purpose of the meeting developed, to wit, the indorsement of one of the most extraordinary legislative nostrums of modern times or of any time. The Newlands bill, a measure industriously promoted hereabouts, was the honoree of the occasion. A measure frankly demagogic in its construction and appeal and visionary, utopian, and futile in its promise was, over the respectful protest and earnest request for a hearing on the part of our two United States Senators, summarily indorsed.

DEMONSTRATION INEFFECTIVE.

"Such a demonstration can have no effect in so far as the ultimate fortunes of the Newlands bill are concerned, but by embarrassing our Representatives in Washington and creating the specious impression that their efforts are repudiated by the people of this section, such a demonstration can, and no doubt will, work incalculable injury to the general movement for Federal protection upon which we are all united. And the sentiment of these set demonstrations is notoriously fickle. If our Representatives should allow themselves to be deflected from their well considered course in endeavoring to secure $60,000,000 for river protection through the regular channels of legislation and run after this new thing under the sun promising (if adopted) one hundred million, there is no assurance but that another mass meeting would result in different and contrary instructions. Even one of the leaders in the present pro-Newlands movement has changed his opinion as to river protection within the past eight months. Only so long ago as September, 1912, he declared that out of the ripeness of his experience and the abundance of his knowledge he had reached an absolute faith and confidence in the efficacy of the levee system as the best, the surest, and the only protection against the recurring overflows of the lower river. And yet in May, 1913, we find this same leader threatening our Senators and Representatives with political excommunication if they do not abandon the policy which in September he had declared to be the only way, and if they do not at once join in the heroic effort to force into Uncle Sam's fiscal system the compound cathartic pill concocted by a devoted band of claimers, reclaimers, conservators, and constructionists. If our leaders are thus variable, what may we expect of the unthinking hoi polloi? If our bedeviled Representatives should hearken unto this fierce command, could they not reasonably fear that another popular assembly might shortly order the Newlands bill to the scrap heap and declare for some newer and still more progressive, constructive, and promising measure which would undertake to regulate the solar system and utilize hydraulic pressure for the painless removal of the vermiform appendix?

FOR THOSE CURIOUS.

"If happily this communication should reach the attention of any of the constituents of the said mass meeting and should awaken in such some slight movement of curiosity as to what, perchance, the Newlands bill might really comprehend, perhaps the perusal of the following extract from the measure, setting out the objects and pur-

poses of the same and specifying what the board created thereby will do, may be of interest:

"'That the board will develop, formulate, prepare, consider, and determine upon comprehensive plans for the conservation, use, and development of the water and forest resources of the United States in such manner as will best regulate the flow of source streams and navigable rivers, and embracing with that object flood protection, drainage, and the reclamation of swamp and overflow lands; water storage in natural and artificial reservoirs; the beneficial use of waters for irrigation and for all domestic, municipal, and industrial purposes; the maintenance and development of underground water supplies and the storage of waters in the ground and in irrigated lands and underground reservoirs; the enlargement of the areas and raising of the levels of the ground waters; the construction of flood-water canals, bypasses and restraining dams; the control and regulation of drainage and the replenishment of streams by return seepage; the perpetuation of forests and maintenance of woodland cover as sources of stream flow; the prevention of denudation and erosion; the protection of river channels from eroded soil materials; the clarification of streams; the utilization of water power; the prevention of the pollution of streams and rivers; the sanitary disposal of sewage and purification of water supplies; the best distribution of forests, woodlands, and other growth and of cultivated and irrigated areas in their relation to river flow; the protection of forested and woodland areas from destruction by fire or insects; the reforestation of denuded areas; the planting of forests and establishment of forest plantations; the preservation and planting of woodlands and any other growth and protective cover on watersheds; the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall; the making and furnishing of plans for flood-water storage and other works of irrigation, and power for farms, towns, and villages; the acquisition, subdivision, and settlement in small, intensively cultivated farms of lands for water storage by irrigation; the building of the irrigation systems for such lands, including reservoirs, dams, canals, ditches, and all necessary works; the protection of farms, villages, towns, and municipalities from damage by freshets and overflow; the impounding of flood waters in artificial lakes and storage reservoirs to prevent floods and overflows, erosion, and low-water periods, the ultimate object of all such work being to regulate and, so far as possible, standardize the flow of navigable rivers and source streams, and in the accomplishment of that object to induce and secure the cooperation of States, municipalities, districts, counties, towns, and other agencies and organizations.'"

PROGRAM NOT SIMPLE.

"Here we have a symposium indeed. The program proposed for the Newlands board is not nearly so simple as the formation of an empire or the organization of a republic. Compared with the possibilities of this prospectus John Law's Mississippi company was a mere adventure with a peanut stand. The board would require an army of employees, and each one of the items of activity would call for a subboard, and in many cases the number of boards would be multiplied by the number of operation units in the vast area covered. Take, for instance, the modest and inconspicuous item, 'the utilization of the water power.' This means nothing or else it means an undertaking so stupendous that the practical mind is staggered in the attempt to comprehend it. A board to utilize the water power of the United States! How? 'For beneficial use in all domestic, municipal, and industrial purposes.' Every town, city, and locality in the United States susceptible to the beneficial utilization of water power would be within the purview of this board or of one of its subdivisions, and all the inhabitants of each would have a warrant under the promise of the bill to clamor for governmental aid in the development of water power for their particular domestic, municipal, or industrial profit. This function alone, if effected, would involve an organization more complex than any of the present departments of the Federal Government and would require for its maintenance and support the resources of a Monte Cristo. But it may be said that, of course, this provision is not to be taken literally or logically. Then, I answer that it means nothing, and is the mere ebullition of a surcharged vocabulary or else is a plank in the platform to attract the favorable attention of localities partial to expenditure of money by the Government for 'constructive' purposes.

"The foregoing is but one of the minor objects or incidents of the bill. All the rivers and waterways on the continent are to be controlled from source to mouth, and instead of shrinking from the roaring torrents of destruction which have hitherto washed our valleys, the people shall hear only the hushed murmurs of hydrostatic equilibrium and repose. Lakes of pure microbeless fluid shall be provided in appropriate situations for the delectation, comfort, and financial gain of the happy beneficiaries of this bill. Subterranean storage basins, channels, and labyrinths are to be provided, into which the overplus of surface moisture shall be condensed and sluiced under thirsty fields.

SANDS OF THE DESERT.

"The sands of the desert shall be by the alchemy of legislation converted into fecund alluvia. Forests shall spring from hitherto denuded areas, jungles shall hear the farmer's joyful salutation, woodlands shall skip from hill to dale and from dale to hill, and the sophisticated citizen shall view with composure the phenomenon which so affrighted the Thane of Cawdor when Birnam wood came marching on to Dunsinane. And not content with these more obvious works of improvement our legislative benefactors would charge the board with the duty of increasing the porosity of the soil, lest old Mother Earth, through abstraction or neglect, should permit her capillaries to become clogged to the detriment of the complete harmony of the occasion. We have here a formula which makes the nebular hypothesis look like a sum in simple addition. It is the new genesis. As nearly as I can judge, it takes care of all the imminent ills except the boll weevil, votes for women, and infant damnation, and I am not sure but that under the doctrine of contemporaneous construction even these burning problems may be included with its purview and dissolved.

"When I have made inquiry of local advocates of the measure in question, as to the reason for the omnibus scope of its provisions; as to why so great a variety of objects and purposes should be enumerated; so many diverse interests considered, so extended a territory provided for, and the door of opportunity thrown open to so many different claimants, all in one mastodonic draft upon the Treasury, I have been informed by way of answer that it was deemed necessary to enlist the sympathy of practically the entire country in order that the huge appropriation might be voted by Congress. I have been told, furthermore, that perhaps the bill was not perfect, perhaps it would have to be pruned down or shaped up, but in any event, I have been advised, I should not interest myself in extraneous features so long as we of the Mississippi Valley were provided for in a generous appropriation for river protection.

MOTIVES NOT QUESTIONED.

"While I do not question the motives of any of these advocates, and while I accord to them the same sincerity of purpose, motive, and conviction that I claim for myself, still I am compelled to declare that in my humble judgment this is not the proper basis for demands upon the Public Treasury. The standard of such legislation is at best the standard of mere opportunism. I am very far from wishing to deprive the citizens of other sections of the United States of the governmental protection and support to which their situation and needs entitle them, and if I had a vote I would unhesitatingly and eagerly give it to any meritorious and proper application, no matter from what section or interest it might proceed. I will go further and say that, in my opinion, the General Government fails to discharge its full obligation to other sections and to other public interests, as well as to our own. But when it comes to taking money from the Treasury for such purposes I am very much afraid that an appropriation bill, constructed upon the vote-getting principle stated, with its provisions and scope of sufficient variety and elasticity to invest it with the quality of universal appeal, will inevitably include within the objects of disbursement causes which, upon their own merits, would utterly fail to secure recognition. In other words, if in a bill carrying gigantic appropriations we attach to the several main issues an indefinite variety of adjuncts, and then jumble the whole matter together into one mass and attach thereto a common tail which sweeps the continent and embraces all the ramifications of natural science from pork barreling to porosity, we are almost sure to admit a quota of undesirable customers or at least to invite the assiduous attention of the horde of anxious inquirers.

"An appropriation bill should be definite in its objects and specific in its provisions, leaving little to construction and nothing to cupidity. A bill appropriating a sum of money to be used for the purpose of investigating certain specific problems and formulating specific recommendations and appropriate plans is a perfectly proper act of legislation; and after such investigation has been made and a report submitted advising the amount of expenditure necessary to carry out the specific purpose in view, it is entirely in order for the legislature to approve the plans and make the specific appropriation of funds necessary to give the project effect; but it is neither logical nor wise nor right to appoint a commission for the purpose of considering a variety of problems related to national and local welfare and by the same act to appropriate a collossal fund of the people's money to be expended upon plans not yet developed and in ways not yet determined.

POINT ILLUSTRATED.

"An educational bill, for instance, carrying an appropriation for its logical purpose, is of course eminently proper; and so is a bill appointing a commission to examine into the habitat and habits of parasitic insects, and carrying an appropriation necessary for the purpose thereof; but we would look with entire disfavor and with some suspicion upon an attempt to provide for such commission in an educational bill and to include in the appropriation carried by the bill a sum adequate to make effective such plans as said insect commission might hereafter formulate to prevent red bugs and other pests from biting, chewing, and otherwise harrassing the school children of the Nation in their quest for knowledge. Unless I am mistaken and misinformed, the Newlands bill, recognizing the urgent necessity and popular demand for flood prevention, appropriates $300,000,000 for this specific purpose, which includes for the Mississippi River, from St. Louis to the Gulf, one hundred million to be expended for levees, reservoirs, dams, lakes, source regulation, etc. But in the same bill two hundred million additional is appropriated. Of this amount fifty million is specifically apportioned for the purchase of additional forest lands, leaving one hundred and fifty millions indiscriminately applicable, in manner, form, and terms not specified to the purposes of investigation and research and to projects of reclamation, irrigation, power supply, purification, land purchases, insect destruction, porosity, and other several items and causes enumerated.

"We have no means of knowing how soon, if ever, the Newlands bill will become a law. Its passage in the near future, however, is by no means assured. In the meantime I am convinced that for those of us with whom flood prevention is the primary and paramount issue, it is best that we stand solidly behind our Senators and Representatives in their direct and specific effort to secure the appropriation of $60,000,000 for the work in hand, and that we, in concert with all the inhabitants of the flood-menaced sections, make common cause to hasten the inevitable day when the United States Government shall perceive its duty and recognize its obligation to take charge of the problem and assume responsibility therefor.

BARTER NOT NECESSARY.

"Reclamation is important, and so is irrigation, and so, I presume, is porosity, but flood protection is imperative. The one class of subjects represents future profit, the other present necessity—the one stands for development, the other for salvation. I do not believe that barter is necessary in order to secure the acquiescence of the Members of the Congress of the United States to the requests of the inhabitants of our stricken valleys for protection against the local culmination of Nation-wide conditions. I do believe that the merit of our cause will secure an adequate, vigorous, and effective response. At any rate, I prefer to take passage on a regular vessel, manned by the regular crew, and bound for a known and designated port, rather than to embark in an excursion whaleback, advertised to sail for some misty El Dorado off somewhere in the unchartered summer seas, and loaded to the guards with enthusiastic prospectors, who will in all likelihood by their own numbers and weight and activity scuttle the ship before it leaves its moorings.

"W. B. THOMPSON.

"MAY 19, 1913."

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the thanks of the Members of the House of Representatives be extended to the Speaker, the Hon. CHAMP CLARK, for the following statement made in a speech delivered last night to the Woman's National Democratic League, namely, "I know the other 434 Representatives in Congress like a book, and I do not believe there is a single man in the House whose vote can be influenced or changed by the use of money—not one."

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. UNDERWOOD. Mr. Speaker, I just wish to say I agree thoroughly with what the Speaker said about the mem-

bership of this House, but I do not think this would be a proper resolution and therefore I object.

The SPEAKER pro tempore. The gentleman from Alabama objects.

PRINTING AND BINDING FOR COMMITTEE ON LABOR.

Mr. LEWIS of Maryland. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Labor is hereby authorized to have such printing and binding done as may be necessary during the Sixty-third Congress for the transaction of its business.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, may I ask whether this committee has had this privilege before?

Mr. LEWIS of Maryland. I am unable to inform the gentleman. I am too new in the situation to do that.

Mr. MANN. Well, I think it would be just as well for the gentleman to withdraw his resolution until he finds out. I think that is a matter that a new chairman ought to find out about.

Mr. LEWIS of Maryland. I understand that is the usual practice, but I submit that there should be no reason for discriminating between the Committee on Labor and the Committee on Indian Affairs, to which this privilege has been granted in the last few minutes.

Mr. MANN. Well, the gentleman may look at it in that way if he pleases. The House heretofore has been in the habit of discriminating; otherwise it would provide by a general rule that all committees shall have this privilege. So long as we have a general rule that does not extend the privilege to all committees, it is not customary to extend it to a committee that has not had it before, unless there is a reason for it.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object for the present.

The SPEAKER pro tempore. Objection is made.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to the Committee on Accounts:

S. Con. Res. 2. Concurrent resolution authorizing the Joint Committee on Printing to employ a stenographer.

ADJOURNMENT OVER UNTIL FRIDAY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks upon the subject upon which I spoke yesterday.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MURDOCK. The gentleman means, of course, to revise and correct and extend?

Mr. HUMPHREY of Washington. Yes.

Mr. MANN. He means to extend, and not to revise.

The SPEAKER pro tempore. The Chair did not catch what the gentleman from Kansas [Mr. MURDOCK] said.

Mr. MURDOCK. I was trying to determine from the gentleman from Washington [Mr. HUMPHREY] what his request was.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asked unanimous consent to extend his remarks in the RECORD upon the subject upon which he spoke yesterday.

Mr. HUMPHREY of Washington. Mr. Speaker, to make it more clear to the gentleman, I will ask leave to revise and extend the remarks I made yesterday.

Mr. MANN. Reserving the right to object, Mr. Speaker, what does the gentleman mean by "revising" his remarks? I have never been willing to set a precedent in the House of permitting gentlemen making speeches on the floor to eliminate what they have said or to change what they have said. Of course, that is not the intention of the gentleman from Washington. But for a long time objection was made to requests for the revision of remarks. No Member has the right to make a speech on the floor of the House and say one thing and then change it, as sometimes gentlemen are overpersuaded to do when it appears in the RECORD thereafter.

Mr. MURDOCK. Well, as I understand the gentleman from Washington, who made quite an extended speech here yesterday, his present request is to extend; that is, add to the speech he made yesterday.

Mr. HUMPHREY of Washington. I will say to the gentleman that I am not going to change anything that I said yesterday except to change in a minor way the language and forms of expression, and in cases where a Member interrupted me I shall not make any changes at all.

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I want to say to the gentleman from Washington that the usual formula here is "to revise and extend."

Mr. MANN. I beg the gentleman's pardon.

Mr. MURDOCK. That is the usual form. Whether it is technically so or not I am not prepared to say.

Mr. MANN. That is not the usual formula. It has been the usual formula at this Congress, and I have objected to it several times. The usual formula heretofore has been to ask for leave "to extend," not "to revise and extend," although certain gentlemen have been in the habit of saying "revise and extend."

Mr. FERRIS. Mr. Speaker, I want right there to make an inquiry for my own personal information. Has it not been the practice, when we ask leave to extend remarks, to make such modifications as we deem desirable, and also extend? If that is not the proper interpretation, I have been misled in the matter myself.

Mr. MANN. Leave to extend, of course, permits you to add what you please. The leave to extend does not permit a Member who makes an address on the floor of the House to cut it out or to say directly the reverse of what he did say.

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK. I have no objection.

The SPEAKER pro tempore. Without objection, the request of the gentleman from Washington [Mr. HUMPHREY] will be granted.

There was no objection.

THE FOREST SERVICE.

Mr. MURDOCK. Now, Mr. Speaker, I ask unanimous consent that 45 minutes be allotted to me in which to address the House, either to use as much of the time as I desire or to yield the remainder of the 45 minutes to the gentleman from Washington [Mr. BRYAN]. I ask unanimous consent to address the House for 45 minutes.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. MURDOCK] asks unanimous consent to address the House for 45 minutes.

Mr. MANN. The gentleman does not want to address the House, does he?

The SPEAKER pro tempore. And to yield such time as he does not use to the gentleman from Washington [Mr. BRYAN]. Is there objection?

Mr. DONOVAN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Kansas is this for the purpose of an intellectual entertainment between the gentleman from Washington [Mr. BRYAN] and the gentleman from Kansas [Mr. MURDOCK]? What is the object of it?

Mr. MURDOCK. I will say to the gentleman from Connecticut that I for myself do not aspire to the level of an intellectual entertainment; but I do want to make a reply to certain assertions made by the gentleman from Washington [Mr. HUMPHREY] yesterday in a speech here. The gentleman from Connecticut did not object to his request for unanimous consent to address the House.

Mr. DONOVAN. No; I will say to the gentleman from Kansas that there are many things that I have not objected to. I did not object to the proceeding this morning, a most unholy one, and one that would do credit to Joe Cannon. I did not object to that. I do not object to many things that are done here which, if they were done under the cover of darkness, would put people in the penitentiary. [Laughter.] No; I did not object to that, but I say when we have intellectual contests here for hour after hour, with no result except to listen to their eloquence, it is almost the limit. Of what advantage is it to the United States to hear the gentleman from Washington or the gentleman from Kansas, or perhaps the gentleman from Alabama, when he orates on the welfare of the people of his country, and then when he gets behind the closed door of his room he enacts some peculiar conduct of the character of the heathen Chinee. I withdraw my objection.

The SPEAKER pro tempore. The Chair hears no objection, and the gentleman from Kansas [Mr. MURDOCK] is recognized for 45 minutes.

Mr. MURDOCK. Mr. Speaker, on yesterday the gentleman from Washington [Mr. HUMPHREY] made a sensational speech here, in which he criticized the Bureau of Forestry. He went to the extent virtually of advocating the abandonment of the policy of national conservation. Now, before I am through I desire to refute each of the absurd and unfounded charges which he made against the Bureau of Forestry. But before I go into that field, which I shall do with some detail, I want to say this about the gentleman from Washington [Mr. HUMPHREY]: I listened with great attention to everything that he said. In my interruptions of him I was actuated solely by a desire to piece out information which I had in part. I will say to the gentleman from Connecticut [Mr. DONOVAN] that the gentleman from Washington has added this to the situation: The gentleman from Washington yesterday advocated openly what the Republican leaders in this House, in my opinion, have nursed secretly for years in regard to this subject. The gentleman from Washington came out in the open and gave us his real thought upon the proposition of conservation, and I believe that the expression he made yesterday is the belief and desire of the men who control the Republican Party here and in the other body.

Mr. GARDNER. Will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. GARDNER. The gentleman will take notice that the leader of the Republican side [Mr. MANN] is not present, and that he is addressing empty benches when he makes that statement.

Mr. MURDOCK. I will take it for granted that the gentleman from Massachusetts [Mr. GARDNER] is a leader in the Republican Party.

Mr. GARDNER. Then, let me at once deny your statement.

Mr. MURDOCK. If the gentleman denies it, I will accept his denial; but I supposed he was, and I also suppose that the gentleman from Illinois [Mr. MANN] will be able to take care of himself.

Now, to go back to the proposition. When I first came to Congress I saw what I believed then—and believe now—was the beginning of one of the greatest national achievements that we have ever seen—certainly one of the greatest achievements of our generation. I saw Mr. Gifford Pinchot inaugurate a policy which made for a practice of national frugality, so far as our great storehouses of natural wealth are concerned; and, along with that inauguration of a new policy which made for national frugality, I saw Mr. Pinchot, together with Theodore Roosevelt, call a halt on a high carnival of fraud, deception, plunder, and wicked waste in the Nation's resources. I believed then—and I believe now—that in the establishment of a great policy of conservation in this land neither Mr. Pinchot nor Theodore Roosevelt had any appreciable sympathy from the leaders in the Republican Party.

Mr. MONDELL rose.

Mr. MURDOCK. The gentleman from Wyoming [Mr. MONDELL] will undoubtedly interrupt me at greater length further on, and I will ask him to let me lay the basis of what I wish to say.

Mr. MONDELL. Mr. Speaker, I do not know that I shall interrupt the gentleman at all. I do not intend to interrupt him now unless he is perfectly willing that I should ask him just a single question.

Mr. MURDOCK. I yield to the gentleman.

Mr. MONDELL. The gentleman uses the word "conservation." Is it the gentleman's purpose to define what he means by conservation in order that we may understand what it is that he is discussing?

Mr. MURDOCK. Mr. Speaker, I will say that I intend to deal with the forestry proposition.

Mr. MONDELL. I may not disagree with the gentleman on any proposition that he lays down.

Mr. MURDOCK. I do not think the gentleman will. I will say to the gentleman that I intend to go into the forestry proposition.

Mr. Speaker, even while the then President of the United States and Mr. Pinchot were inaugurating this new system of conservation in the country there was evidence from time to time that they had little sympathy in the Interior Department and in the General Land Office, where in the beginning a good deal of the policy of conservation in the matter of forest reservations was administered, even though some of the men there were appointed by President Roosevelt himself. A notable appointment of President Roosevelt in those days to the General Land Office was that of Mr. Ballinger. I do not believe that Mr. Ballinger had sympathy with the conservation policy at that time, and I do not think that he is in sympathy with it now.

Later Mr. Ballinger left the Land Office and returned to the practice of law in Seattle, Wash. While he was practicing law in Seattle he took up all manner of land claims. He interested himself, by the way, in the Cunningham claims in Alaska. He made a trip to Ohio to see the then Secretary of the Interior in regard to the Cunningham claims, and talked about jarring the department loose here and forwarding the clear listing of the Cunningham claims. Now, what were the Cunningham claims and how important were they? I know there is a disposition upon the part of a considerable number of Members of this House from the East to believe that there is a very great exaggeration in the West about the necessity of conservation. The statement, for instance, that a prospector traveling through Alaska found 33 locations which he afterwards persuaded friends in the States to father does not seem to be a thing of much magnitude, stated simply; but now I want to outline to the membership of this House precisely what that sort of statement can mean when taken in connection with the great natural resources which we have in the new country. I want to read a statement from the finding of the late Edmund Madison in the Ballinger case, which will explain briefly what the Cunningham claims were in fact, and how far-reaching they were, and how from the discoveries of a chance prospector traveling through the wilds of Alaska there could grow in a very few years a business proposition with a capitalization of $5,000,000 and covering coal deposits of 90,000,000 tons. Here is the statement by Mr. Madison, which illustrates how resources have been exploited in the West:

> The whole line of conduct of the Cunningham claimants from the first indicates a well-understood arrangement to operate their properties in common. Cunningham was the promoter. He was the carrier of glowing accounts of the richness of the fields to his associates, and it is a severe tax on human credulity to believe that he induced any one of the men who associated themselves with him, many of whom were hard-headed business men, to make a claim and invest several thousand dollars in it unless at the time he pointed out to them how the venture would be profitable; and the only way he could do that was to combine them together into an agreement to operate the properties in common by means of a corporation or association.
>
> A. D. Campbell, Horace Henry, C. J. Smith, and Miles C. Moore, all of whom are Cunningham claimants, are men of affairs, of wealth, and business acumen. They are not the kind of men who would invest thousands in an enterprise at the suggestion of a promoter unless his prospectus showed a feasible plan from start to finish, and one in this case that omitted a community of interest would never pass their inspection. Cunningham has repeatedly admitted in substance that such was his scheme.
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> It is a remarkable coincidence that this same hope—the hope of the several persons that an arrangement might be effected after entry for the joint working of the land—sprang at once into the breasts of each one of these claimants, and continued to exist until its culmination in an agreement with the Guggenheims to organize a $5,000,000 corporation in which the Guggenheims should own one-half of the stock.

Mr. Speaker, Mr. Ballinger, who had been formerly in the Interior Department under President Roosevelt, was appointed Secretary of the Interior under President Taft, and his subordinates, knowing his desire and his wishes in this matter of the Cunningham claims, pushed the Cunningham claims forward to patent.

Patent, however, was defeated by the protests of a field agent and the whole matter finally came up for investigation by Congress, not only the case of the Cunningham claims, but also other matters. There was investigated besides the matter of Secretary Ballinger's restoring to the public domain certain withdrawals of water-power sites which his predecessor, Mr. Garfield, had made. Mr. Ballinger put those very valuable water-power sites back into the public domain on the ground that Mr. Garfield had no legal right to withdraw them. Thereafter, when criticism became strong against him, Mr. Ballinger rewithdrew the water-power sites. Another matter of investigation by the same commission was the Bureau of Forestry, which the gentleman from Washington yesterday attacked. After the Ballinger investigation, in which the situation as it pertained to Alaska was thoroughly illuminated to the satisfaction of all the people of the United States and to an extent which made Mr. Ballinger's office politically too hot for him to hold, the committee made three reports. The first report was signed by all the Republican members save one, Mr. Madison. Those members were KNUTE NELSON, Frank P. Flint, GEORGE SUTHERLAND, ELIHU ROOT, Samuel W. McCall, Marlin E. Olmsted, and Edwin Denby. Their report was a whitewash. It exonerated Mr. Ballinger. It made no charges against the Bureau of Forestry; it offered nothing at all on Mr. Pinchot personally or officially. The Democratic members of the committee made a report. They found against Mr. Ballinger; they decided that he was not deserving of public confidence and that

he should resign. They also found something in regard to the Bureau of Forestry and Mr. Pinchot. Here is their finding:

Third. That Gifford Pinchot and L. W. Glavis were faithful and efficient agents of the Government and the people, devoted to their work, and conscientious in the discharge of their onerous duties and in the rendition of their valuable services; that their protests and actions restrained the officers of the Interior Department and prevented the consummation of a great public wrong; and that their conduct throughout was wholly in the interest of the people.

That was signed by DUNCAN U. FLETCHER, William Purcell, OLLIE M. JAMES, and JAMES M. GRAHAM. A third report was made by Edwin H. Madison, a Republican, and he found against Ballinger and for Mr. Pinchot, Mr. Pinchot having made one of the charges against Mr. Ballinger. I submit that running all the way through this is evidence of the fact that the Republican leadership in Congress, as nearly as you can define it as such, has not been in sympathy with the policy of conservation so far as it pertains to the Bureau of Forestry, and that it was in sympathy with the enemies of conservation. Now, yesterday the gentleman from Washington [Mr. HUMPHREY], who I think largely voices the present sentiment of the leaders of his party, of whom I think he is justly entitled to be called one——

Mr. BRYAN. Except Mr. GARDNER.

Mr. MURDOCK. I except Mr. GARDNER, of course, at his request. In the resolution which the gentleman from Washington introduced, which, by the way, is much more specific than his speech, he makes inferentially five charges. Let me take up some of the less important ones first, so I may handle the others at greater length. One of his inquiries is as to the reason for the creation and maintenance of a forestry service in Alaska. He said yesterday in his speech that all forest reserves in Alaska should be abandoned. Do I understand the gentleman correctly? I do not want to do him an injustice.

Mr. HUMPHREY of Washington. That is correct.

Mr. MURDOCK. He said all forest reserves in Alaska should be abandoned. There are twenty-six to twenty-seven million acres of lands in forest reserves in Alaska. In the Bureau of Forestry they say that from 16,000,000 to 17,000,000 acres of that land is forest bearing. If that is true, and they say these forests up there are of commercial value, then I submit they ought not to be abandoned to be privately used for the few, but they ought to be retained by the United States because they are a national asset, and they are of future importance not only to Alaska but to all the Pacific coast.

Now, the gentleman says again, in making his inquiry, that there are in forest reserves many millions of acres of nontimbered land, and asks why many million acres of such land are included in these reserves. Now, not all the areas of forest reserves are timbered, and there are various reasons why a portion of the reserves are not timbered. First of all, all the burned-off areas in forest reserves are nontimbered, and there is a chance there for a restoration and reforestation. There are in all these great reserves, as I understand, small natural parks, located at intervals among these areas. There are, in addition to these, tracts held as protected watersheds, and also considerable tracts of territory above the timber line, and there are, in addition to these, other tracts of nontimbered lands which were taken in by the very early surveys of the exterior boundaries of these reserves.

Gentlemen should remember that at the time the conservation policy was adopted and the lines of these forest reservations were run, this country was up against a riot of marauders who were seizing public lands through the use of dummy entrymen, and it was necessary to act at once, and to act with decision, and in many cases the boundary lines were run around the reservations which took in lands which were not timbered.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman allow me an interruption right there?

Mr. MURDOCK. Certainly. Go ahead.

Mr. HUMPHREY of Washington. I was going to suggest to the gentleman that inasmuch as he insisted yesterday that I ought to name the names of men I referred to, I hope he will give us the names of those gentlemen who were stealing this land.

Mr. MURDOCK. Well, if the gentleman will look in the court records out in his country about five or six or seven years ago he will find some of them, I think.

Mr. HUMPHREY of Washington. I think the gentleman is not justified in making his insinuations, and if he makes that insinuation——

Mr. MURDOCK. I do not make any insinuations against the gentleman, but I do say that if the gentleman will investigate the court records of his country he will find that there were indictments and convictions. Does the gentleman deny it?

Mr. HUMPHREY of Washington. I do deny it, and I challenge the gentleman to state them.

Mr. MURDOCK. I will not mention the names. As a matter of fact, the indictments not only reached down into the gentleman's country but some of them got into Congress, and some of them got into other public offices, if I am not mistaken. I have a distinct recollection of reading the evidence in a trial which showed clearly to my mind that records had been burned in public offices right here in Washington. Does the gentleman deny that?

Mr. HUMPHREY of Washington. I am not keeping the records here, but yesterday the gentleman from Kansas was insistent upon my naming the names, and I did not yesterday in my remarks make any accusation of a criminal character against any gentleman.

Mr. MURDOCK. Oh, as a matter of fact, the gentleman cast all sorts of reflections upon a former President of the United States and exalted to the skies a former Commissioner of the General Land Office, Mr. Binger Hermann.

Mr. HUMPHREY of Washington. In contravention of that remark, if the gentleman will read my speech in the RECORD to-morrow, he will find his accusation is not justified.

Mr. MURDOCK. I hope my remarks are not justified, but the gentleman yesterday made an attack upon the policy of Theodore Roosevelt, and it seemed to me that when the gentleman was handling the Arizona case and the San Francisco Mountain case he reflected upon the President very seriously.

Mr. HUMPHREY of Washington. Does the gentleman deny it?

Mr. MURDOCK. I will handle that case unreservedly.

Mr. HUMPHREY of Washington. If the gentleman refuses to yield to me time, I can not help it, but yesterday the gentleman took up about one-third of my time when I was making my address and now he declines to be interrupted.

Mr. MURDOCK. The gentleman is at liberty to interrupt me. I will yield to the gentleman if he wants to ask a question.

Mr. HUMPHREY of Washington. I will speak in my own time later, if the gentleman declines to be interrupted.

Mr. MURDOCK. I will allow the gentleman to interrupt me, and he can also speak in his own time.

Now, there are many places where nontimbered lands are found in forest reserves. One of the reasons for that is that there were at one time hasty surveys. Since that time reserves have been resurveyed, and a portion of the forest reserve has been released, and that is being done as rapidly as possible. Those nontimbered areas that were placed within the boundaries of the reserves in the first instance are being released.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. HUMPHREY of Washington. How many acres of timbered land are contained in the forest reserves in Arizona that were created at the time I referred to, and how many in the California Mountain Reserve and the Grand Canyon Reserve, and in that Santa Barbara case, where they exchanged that tract of 48,000 acres?

Mr. MURDOCK. I will say to the gentleman that I suppose I could go to the books which I have here and answer him verbatim et literatim on that proposition, but I do not intend to answer that sort of a question.

Mr. HUMPHREY of Washington. Mr. Speaker——

Mr. MURDOCK. Now, if the gentleman will let me go ahead, if that is the manner of his question——

Mr. HUMPHREY of Washington. Are there any?

Mr. MURDOCK. Are there any what?

Mr. HUMPHREY of Washington. Are there any trees upon those reserves? Is there any merchantable timber upon those reserves?

Mr. MURDOCK. The gentleman's complaint yesterday was that there was an exchange of nontimbered land for timbered land, and there certainly is timbered land on the San Francisco Reserve.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MURDOCK. No; I will not.

Mr. HUMPHREY of Washington. Will the gentleman permit me——

Mr. MURDOCK. No; I will not. I will as soon as I get through with the five charges that the gentleman made.

Mr. HUMPHREY of Washington. Will you let me ask you this——

Mr. MURDOCK. I will not.

Mr. HUMPHREY of Washington. Then, will you permit me——

Mr. MURDOCK. I will not. I refuse to yield.

Mr. HUMPHREY of Washington. Does the gentleman object to being interrupted?

Mr. MURDOCK. I do not; but I expect questions that lead somewhere when I submit to an interruption. Now, I decline to yield.

Mr. HUMPHREY of Washington. I want to read to you a sentence from Gifford Pinchot.

Mr. MURDOCK. I ask to be protected from the interruptions of the gentleman.

Mr. HUMPHREY of Washington. Will you let me read one sentence from Gifford Pinchot?

Mr. MURDOCK. I refuse to yield to the gentleman.

The SPEAKER pro tempore (Mr. FERRIS). The gentleman declines to yield.

Mr. MURDOCK. I refuse to yield to the gentleman; and because he has been so discourteous as to insist on interrupting when I said plainly that I would not be interrupted further I shall not yield to him further.

Mr. HUMPHREY of Washington. All right.

Mr. MURDOCK. I will not yield to the gentleman further.

Mr. HUMPHREY of Washington. The gentleman refuses to yield, does he?

Mr. MURDOCK. I certainly refuse to yield, Mr. Speaker; and I ask that the gentleman take his seat. Now, the gentleman says——

Mr. TOWNER. Will the gentleman permit me?

Mr. MURDOCK. I beg the gentleman's pardon. I want to get through with the five charges made by the gentleman from Washington [Mr. HUMPHREY], and I decline to yield.

Mr. TOWNER. My inquiry is entirely——

Mr. MURDOCK. I decline to yield to the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MURDOCK. In his resolution the gentleman from Washington further says:

1. That the committee shall inquire into the giving to the Santa Fe Railroad and the Northern Pacific Railroad and other private corporations more than 2,000,000 acres of valuable public land, most of it timbered, in exchange for an equal number of acres of barren, treeless, and practically worthless lands included in forest reserves.

Now, the gentleman yesterday stated somewhat in detail the matter of the San Francisco Mountain Reserve in Arizona. It is true that the Government exchanged for nontimbered lands in that reservation timbered lands elsewhere. I would not commend that trade to-day. I did not commend it then. I do not think anyone would, although there is this view to be taken of it, that naturally we take the temporary view of it to-day. Twenty or thirty years hence the trade and the perfecting of this great forest reservation down there may prove to be for the Nation a very profitable thing.

Mr. JOHNSON of Washington. Will the gentleman yield for one moment?

Mr. MURDOCK. No; I will not yield.

Mr. JOHNSON of Washington. Who will pay the taxes in the State of Washington?

Mr. MURDOCK. I will not yield to the gentleman from Washington. Now, Mr. Speaker, until I conclude dealing with the rest of these charges I ask that I be not interrupted.

That exchange by the Government was made possible by what is known as the lieu-land law. In 1897 Congress passed the lieu-land law. At whose request? I think the best witness upon that proposition is Maj. Lacey, then a Member of Congress from Iowa. He said, on March 3, 1905:

I think I ought to say in this connection that the proposition was originally put into an appropriation bill at the request of homesteaders, men who feared that they would be shut off from schools and injured. The original law was passed at their request.

That law passed Congress. Under it the great special interests in the West began at once to take advantage, to seek to exchange land which they had in forest reserves for better land outside of forest reserves. When the exchange was made in this country it was made on three propositions. The gentleman from Washington [Mr. HUMPHREY] mentioned two of them yesterday. The third proposition, which he did not mention and which I think is a great deal more blameworthy than the other two that he did mention, is that in regard to extension of timber-cutting leases. In making the exchange the railroads were restricted, first, to a certain area in a given locality as to a certain number of acres, and, second, as to the selection of a certain number of other acres in lieu of lands surrendered they were not restricted. The third proposition carried in the agreement extended the right of the lessees to cut timber, which I do not think the gentleman from Washington commends, and I do not think anyone would if he fully understood it. After this agreement was made, I think the following year, after the trade had been made which the gentleman from Washington complains of, Congress repealed the lieu-land act. If I am correct, the original lieu-land act repeal was introduced by the gentleman from Wyoming [Mr. MONDELL]. I think that nearly everyone was in favor of its repeal. I remember that Mr. Pinchot was in favor of the repeal of the lieu-land act, and I think we all were as far as I can recollect.

The repealing act was passed here in the House in April of one year; went to the Senate and remained in the Senate some months, as the gentleman from Wyoming yesterday stated; and then it came back to the House, reaching here in the closing hours of Congress, on the night of March 3, 1905. At that time there was offered an amendment by the conferees. I am going to read the amendment and put it into the RECORD:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: At the end of the Senate amendment add the following: "*Provided*, That selections heretofore made in lieu of lands relinquished to the United States may be perfected and patents issue therefor the same as though this act had not been passed, and if for any reason not the fault of the party making the same any pending selection is held invalid another selection for a like quantity of land may be made in lieu thereof." And the Senate agree to the same.

There was some discussion of this proviso, and, as far as I can gather from the RECORD at this day, there was such great confusion that little attention was paid to the item. There was one notable utterance, that made by Mr. De Armond, of Missouri. He said:

It seems there has been ratified an arrangement by which, I think, it will turn out that the railroad companies get great benefits and advantages, as is very nearly always the case.

There was not much debate, and this act repealing the lieu-land law, with this proviso covering transfers, was passed and became the law of the land. Under it these exchanges were apparently closed forever. And yet the gentleman from Washington yesterday, knowing—because I called his attention to it that Congress had done this thing—knowing that after the Secretary had made these arrangements, or at least they had passed under his eye, because there is an absence of formal contracts in the Secretary's record—knowing that Congress still had its opportunity to disapprove or approve or visé this proposition, made his statement blaming the Forestry Bureau. If there is blame to be laid at the door of anyone, it is at the door of Congress and not at the door of the Bureau of Forestry.

Mr. MONDELL. Will the gentleman yield right there?

Mr. MURDOCK. If the gentleman will wait until I conclude this paragraph, I will then yield to him, because if I have misstated the situation——

Mr. MONDELL. I do not think the gentleman has misstated it.

Mr. MURDOCK. The gentleman from Washington has made a most serious charge in saying that the Bureau of Forestry was in collusion with the great timber barons, the Weyerhaeuser people and similar great concerns. I have been at some pains to find out what was in that charge. The documents which were open to me are open to him. I found upon perusal of the last report of the Chief Forester—and by the way I do not know him personally and suppose I never have seen him, at least, to identify him—I find in this report statements that answer the gentleman from Washington completely. I find that the Forester has two subheads in the last report, one dealing with the question of agricultural settlements in forest reserves in the West generally, and another subhead dealing with the method the bureau has adopted in disposing of timber. He shows conclusively, to my mind, in his report that under the old plan of plunder of these great timber areas of the West the settler had very little chance, the bona fide farmer.

He shows that it costs the farmer on these timbered tracts an infinite amount of hard labor to clear a small area, at an expense of from $75 to $250 per acre. He points out that usually the beginning of a farm in these timbered countries in the old days was a burned-out patch. He says:

The most conspicuous example of this principle—

That is, the principle of the failure of settlement in privately owned timbered sections in the old days—

is found on the Olympic National Forest, concerning which details were given in my report of 1910. Precisely the same result has occurred in other timbered regions, and a careful analysis of all timbered homesteads located in the Kaniksu forest prior to its withdrawal shows that only 1.34 per cent of the cultivable lands has been put to agricultural use; and a similar examination of 71 claims in the Clear Water National Forest of Idaho showed that 1.1 per cent of the claims had been cultivated.

As a matter of fact, under the old system, to which the gentleman from Washington [Mr. HUMPHREY] proposes to return, and to which I believe this country would return if the impossible could be accomplished and the Republican Party were returned to power, that sort of failure in settlement is what would happen, and yet he stands here and preaches the abandonment of an effective policy of settling up those reserves which are being denuded of their timber.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. I will yield as soon as I get through with the next paragraph. The gentleman states that the Forestry Bureau is in collusion with the Weyerhaeusers and similar timber and lumber companies. I deny that. I say that the only cooperation between the Bureau of Forestry and these companies is in the very commendable proposition of fighting forest fires, the greatest enemy of timber culture.

I find that the Forester, Mr. Graves, in his last report sets out in great detail—and I am going to ask permission to print his statement in the RECORD at the conclusion of my speech—the method by which they are now cutting timber on Government reserves. The gentleman from Washington [Mr. HUMPHREY] said yesterday that we were cutting now about 1,000,000,000 feet a year. I find that that was true in the fiscal year of 1912. I find that under the new system which the bureau is perfecting that from July 1, 1912, to May 1, 1913, we have cut 1,819,000,000 feet, doubling the output in one year. The annual loss, as the gentleman correctly stated yesterday, is 5,000,000,000 feet a year. That is the annual growth. I have no doubt that with the perfection of this system we will finally reach that 6,000,000,000 cut, and that we will need it and much more, besides. How are we increasing the cut? I will try to state it correctly, although I realize that I am subject to correction. I quote from the report of the Forester:

Under the policy, in effect until last year, of refusing to dispose of more than approximately 100,000,000 in one sale, or to allow a period for cutting of more than five years, the annual sales of timber have always been less than 1,000,000,000 feet. A large percentage of the mature natural forest is comparatively inaccessible.

I am informed, Mr. Speaker, that 75 per cent is inaccessible. I continue to quote now from the report of the Chief Forester:

And although it occurs in large bodies, heavy investments are required for its removal. In two particular cases this investment was estimated at more than $1,500,000.

Mr. Graves says:

In these large sales a contract period sufficiently long to cut the timber under continuous operation, considering physical factors of the situation and the amount the tributary markets will absorb, is required. When this period exceeds five years a provision is made for a readjustment of the stumpage prices at the end of each three, four, or five year interval. Provision is also made for changes in the contract requirements which will insure utilization.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to extend my time for 35 minutes.

Mr. UNDERWOOD rose.

Mr. MONDELL. Mr. Speaker, I hope the gentleman from Alabama, whom I see rising, will not object to the extension of the time.

The SPEAKER. What is the request of the gentleman?

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to continue for 25 minutes, under the arrangement which was made at the beginning of my remarks.

The SPEAKER. The gentleman from Kansas asks unanimous consent to have his time extended for 25 minutes under the agreement made at the beginning.

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, inasmuch as the gentleman has refused to yield to me for questions, I couple with that the agreement that I may have 10 minutes' time when he has concluded his remarks.

Mr. MURDOCK. Well, make it 35 minutes.

Mr. BRYAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BRYAN. On the agreement which was made I was to follow Mr. MURDOCK, and I merely wish to say I am only going to use about five minutes. Under the situation which the debate is in I will not attempt to deliver a speech on the proposition following Mr. MURDOCK.

Mr. MURDOCK. I ask for unanimous consent for 25 minutes more, 10 minutes to be used by the gentleman from Washington in conclusion. Is that all right?

The SPEAKER. What about the other gentleman?

Mr. MURDOCK. I ask unanimous consent for the extension of this time for 25 minutes and I will yield 5 minutes to the gentleman from Washington [Mr. BRYAN], and when I have concluded, the last 10 minutes to go to the gentleman from Washington [Mr. HUMPHREY]. I did not object to the gentleman from Washington when he wanted an hour the other day, by the way.

Mr. JOHNSON of Washington. But the gentleman used most of it.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MONDELL. For the purpose of making an inquiry of the gentleman from Kansas. I understood the gentleman from Kansas desired 25 minutes for himself. The suggestion he now makes would only give him 10 minutes. Is that satisfactory?

Mr. MURDOCK. Certainly. It gives me 10 minutes and I will get through in that time.

Mr. MONDELL. I understand the gentleman from Kansas desires 10 minutes, the gentleman from Washington 5 minutes, and the gentleman from Washington [Mr. HUMPHREY] 10 minutes.

Mr. MURDOCK. That is it.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] asks unanimous consent that the time be extended for 25 minutes, 10 minutes of which he is to use, 5 minutes to be used by the gentleman from Washington [Mr. BRYAN], and 10 minutes by Mr. HUMPHREY of Washington. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JOHNSON of Washington. For the purpose of asking unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. MURDOCK. Now, Mr. Graves says further along the same line, in dealing with the matter of selling timber cut from reserves:

Provision is also made for changes in the contract requirements which will insure utilization, methods of logging, and silvicultural practice fully up to the best standards developed in the region at the time of each periodic adjustment of prices. The original stumpage appraisal is based upon a close estimate of the cost of manufacture and the market price of the product. It permits a fair operating profit to the purchaser on his actual investment in the business, but no more. It is, as nearly as the experts of the service can determine, the full market value of the timber where it stands. As a further insurance of full value to the Government in larger sales, the period of advertisement of at least 30 days required by law is increased to from two to six months. The period of advertisement in all cases gives full opportunity to any interested persons to make field examinations of timber. All possible further publicity which will tend to increase interest and competition is sought. The plan of price readjustment most commonly used in the negotiations of the last year was one based upon a comparison of the average mill-run lumber prices during a specified period immediately preceding the date of readjustment with the prices existing at the date of the original appraisal. The forester, in his discretion, may increase the stumpage price by such an amount as he may deem equitable up to 75 per cent of the increase in lumber values. The operator is justly entitled to a portion of the increase in the market value of his product to offset increases in the cost of production and other inherent contingencies.

In sales of large amounts of timber with long cutting periods special precautions are necessary to prevent speculative purchases and the monopoly of timber holdings. The readjustment of stumpage prices largely precludes speculative profits. Other safeguards against speculative purchases are provided by requiring a fixed minimum cut during specified periods which vary from one to five years, but in the larger sales are usually from three to five years; by making sales only to bona fide operators who are financially able to complete them; and by refusing to allow the assignment of contracts. Monopoly is prevented by (1) advertisement and publicity; (2) requiring that railroads and other transportation facilities constructed shall be available under reasonable terms for the use of other purchasers of national forest products, either by becoming common carriers or otherwise; (3) the use of administative discretion in the approval of bids. When any question of monopoly through the possible control of large quantities of timber by affiliated operators arises, a certified statement of the relation of the applicant or bidder to other purchasers of national forest timber may be required. A certified statement of the membership of firms or lists of stockholders in corporations may similarly be required. Lumber companies already holding large amounts of timber on private lands may be refused sales if there are any other purchasers, and companies having one sale may be refused others until the first has been cut. Further safeguards against monopoly are found in that practically without exception the construction of railroads or other transportation facilities in connection with each sale will result in making additional timber available, and that even the largest sales, which may extend through a maximum period of 10 to 20 years, cover but a small fraction of 1 per cent of the merchantable timber on the forests.

Large sales are made only where they furnish the sole means of utilizing inaccessible timber. The experience of seven years has shown that much timber can be disposed of in no other way. The refusal to make such sales would result in great loss of timber, which is already deteriorating. Each sale made under such conditions not only prevents waste, but makes productive an area where now growth is offset by decay. The construction of transportation facilities in connection with every large sale develops and increases the value of other bodies of timber. In a recent case in California the increase in the value of timber not sold was estimated to be considerably more than the purchase price of the timber placed under contract. With the use of a railroad or other improvements granted to subsequent purchasers, the public will secure greater returns from adjacent bodies than it could ever have obtained had the first sale not been made. Finally, every sale of this character opens to general development a region previously locked up; it makes possible new mining operations, aids agricultural development by affording an outlet for crops, creates local business, and draws in population.

The annual yield or amount of timber produced annually upon any area must be the ultimate basis of the cut. It is absolutely necessary that provision be first made on each market unit for meeting local needs. Enough timber for such needs, if it is available, is reserved.

Now, the gentleman from Washington [Mr. HUMPHREY], in his resolution, made five charges. The first was the matter of exchange of lands under the lieu-land law, a law which was repealed. The second was the complaint that there were in the midst of forest reserves nontimbered areas. There were and there are justifiable reasons for these areas being there. He also makes a third complaint, that no forest reserves in Alaska should be maintained at all. There are in Alaska sixteen to seventeen million acres of land carrying commercial timber and needing governmental protection. The gentleman also makes a fourth complaint, that the Forestry Bureau acts in collusion with the Weyerhaeuser Lumber Syndicate. I think the statement that I have read from the Chief Forester shows that the bureau's arrangement is open and aboveboard. He advertises for bids. He announces how he arrives at this proposition, and he has by that policy induced the building of lines of transportation into the inaccessible points to the extent, he says in one part of his report, that the increase in value of the remaining timber on the reservation was more than the purchase price of that which had been sold from it by reason of the construction of transportation facilities. And finally the gentleman makes a fifth charge, that from four to five billion feet of lumber are being permitted annually to decay in these great reservations, and he blames the Bureau of Forestry for this; for not getting this lumber out of the inaccessible places to market.

Now, the facts are these, that the Bureau of Forestry is working out a system, which I have explained in detail, which will eventually utilize the total annual yield of those forests. It will not do it, however, so long as the national forests are inaccessible, or any considerable portion of them.

These are the charges, then, that the gentleman brings against the Bureau of Forestry. They would not be of moment if the gentleman did not couple with his resolution the assertion—made as one of the Republican Members of this body, and speaking for a considerable part of the membership of this body, and representing really, as I believe, the sentiments of the leaders of the Republican Party—that the policy of national conservation should be abandoned. It would not matter so much, I say, if the gentleman made the charge, if he did not couple with it the proposition virtually to abandon the policy of national conservation. We had the old system. It was a system of fraud, a system of cheat, a system of plunder and of waste everywhere. We have now a new system. It proposes to save to this Nation a great storehouse of national wealth. It would be a calamity not only for the present but for the future to abandon a policy of such moment and such necessity and such worth.

Now, Mr. Speaker, I yield the remainder of my time, less the last 10 minutes, to the gentleman from Washington [Mr. BRYAN].

The SPEAKER. The gentleman from Washington [Mr. BRYAN] is recognized for 10 minutes.

Mr. BRYAN. Mr. Speaker, my colleague, the gentleman from Washington [Mr. HUMPHREY], addressed the House yesterday from a resolution which he stated he was going to introduce calling for an investigation of the Forest Service in the particulars set forth in the resolution.

I stated that the Congressman addressed the House from this resolution. He did not speak on the resolution or to the resolution. Although the resolution calls for an investigation of the Forest Service and the character, competency, and conduct of those employed therein, still the gentleman in his discussion did not press a solitary reason why his resolution should be adopted.

I thought the gentleman showed every courtesy to the Members of the House in his debate, and it is my desire to say nothing personal in the course of my remarks. I can not, however, fail to refer to the fact that a few days ago, after I had spoken in the House, my colleague made the following comment upon me:

> Mr. HUMPHREY of Washington. Mr. Chairman, first I want to congratulate my new colleague from Washington [Mr. BRYAN] that in his first speech, fresh from the people, newly baptized in righteousness, with the words "Onward, Christian Soldiers" still upon his lips, he classifies himself as one of those speckled and spotted protectionists who wants protection for himself and free trade for everybody else.

Perhaps there are some who will recognize an old saying, somewhat paraphrased, when I quote "Cast thy bread upon the waters and it will return again unto thee after many days"—buttered. So I take the liberty of commenting on my colleague's public record as bearing upon the remarks he made to the House yesterday.

When it comes to any great issue, wherein the great mass of the people are fundamentally interested as against some great powerful interest, my colleague has a record which is neither "speckled" nor "spotted." It is a uniform, never failing allegiance to the interest of men of great wealth, and those who during the decades past, through the men who were the leaders of the Republican Party, obtained so many privileges for the few against the interest of the people.

Those who heard his bitter arraignment of conservation and his emphatic declaration for the immediate disposal of the country's remaining timber holdings yesterday would be surprised, in view of the fact that this conservation movement of the Forest Service has the special indorsement and backing of certain men, to know that my colleague on the stump in the State of Washington about two years ago made the following statement:

> I believe in that most versatile and popular man that the world has ever known—Theodore Roosevelt.
>
> [Laughter.]
>
> I believe in his policies; they are the policies of the people; they are the policies of the country; they are the policies of the Republican Party; they are the policies from which the Republican Party will never depart.
>
> [Laughter and applause.]

He did not then denounce conservation; he did not then proclaim against the well-known policy of Theodore Roosevelt to conserve the remaining forests isolated and removed from commerce and transportation.

Then the gentleman from Washington said that this policy of Theodore Roosevelt was one of the policies of the Republican Party from which that party would never depart, or at least he did not except it from his proud reference to the Roosevelt policies.

The gentleman from Washington, my colleague, according to the record in the office of the Conservation Association, has a distinct anticonservation record. On April 2, 1907, in the Fifty-ninth Congress, on the second Appalachian bill he voted "nay," unfriendly to conservation; in the Sixtieth Congress, on January 19, 1909, he voted "nay" on the Weeks bill, unfriendly; in the Sixty-second Congress, on August 22, 1912, he voted unfriendly on amendment to the Coosa Dam bill and on the bill itself.

The debates in Congress show him making comments unfriendly to conservation in the Sixtieth Congress on March 1, 1909, while the Appalachian bill was under discussion; in the Sixty-first Congress, on January 5, 1910, while the Ballinger resolution was under discussion; in the Sixty-second Congress, on June 16, 1911; and in the Sixty-second Congress, on April 15, 1912.

The record also shows that my colleague, the gentleman from Washington, led the anticonservation forces in the pro-Ballinger-anti-Pinchot fight on the floor of this House.

Mr. HUMPHREY of Washington. Mr. Speaker, will my colleague yield right there for just one question?

The SPEAKER. Does the gentleman from Washington yield to his colleague?

Mr. BRYAN. I think I have but one minute remaining, but I will give it to my colleague.

Mr. HUMPHREY of Washington. I want to ask but one question, and that is, Who made the notation "unfriendly" in the statement which the gentleman is reading?

Mr. BRYAN. It was made under the guidance of that leading conservationist, Gifford Pinchot, in his office.

Mr. HUMPHREY of Washington. That is what I wanted to ascertain.

Mr. BRYAN. Then, too, it was the gentleman from Washington [Mr. HUMPHREY] who introduced in this Congress a resolution to investigate the Department of Forestry once before. This investigation was alleged at the time to have been suggested by him in order to becloud the issue. The comparison was suggested of the cuttlefish—not directly referring to the gentleman from Washington—but it was said that the purpose of this investigation of the "pernicious activity" of Gifford Pinchot was to defend Secretary Ballinger.

The Congressman was accused of endeavoring to protect his friend, Secretary Ballinger. Many charges of improper conduct of the Department of the Interior were pending against Secretary Ballinger. And Gifford Pinchot was engaged in an earnest and determined effort to safeguard the country's coal deposits in Alaska from entry by the Cunningham claimants. He was successful, and the country owes to him a debt of gratitude.

It was claimed in the debate on this former resolution that the Congressman from Washington by his resolution to investigate the Forestry Service, in the Agriculture Department, was endeavoring to play the cuttlefish in the waters which surrounded the Interior Department in order to protect his friend, Secretary Ballinger.

It was pointed out then, as now, that there were no charges against the individuals in the Forestry Service. Gifford Pinchot had been accused only of "pernicious activity." In the debate Congressman HUMPHREY of Washington disclaimed any intention to discredit anybody, but acknowledged a desire to defend Secretary Ballinger.

Are we not safe in the conclusion that the gentleman from Washington does not really desire an investigation now, but that the old controversy is still ringing in his ears and by force of habit he is reverting to a plan to vindicate his friend and to make good with those leaders in the State of Washington who have his political destiny in the hollow of their hands?

In his speech here, however, on time at the request of the gentleman from Illinois [Mr. MANN], he establishes a Republican policy.

The resolution seeks information concerning lieu-land selections. All agree with the gentleman from Washington that through these lieu-land selections the public was robbed of a princely domain. This was made possible under act of June 4, 1897, which contained the little joker that did the work for the railroads and the big timberland owners. The forest reservations were then administered under the Department of the Interior.

The rank injustice of these lieu-land selections and innumerable other land frauds in the Department of the Interior raised a determined cry for reform and the preservation of the forests. And the jurisdiction was transferred to the Agriculture Department on March 3, 1905.

The absurdity of an investigation of the present Bureau of Forestry in order to obtain information concerning these frauds is apparent, in view of the fact that all of the selections complained of were made while the Forestry Service was being administered in the Department of the Interior, and the whole matter has been fully investigated and fully reported on by the Bureau of Corporations, Luther Conant, jr., commissioner. This full and able report is dated January 20, 1913.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. BRYAN. I ask unanimous consent, Mr. Speaker, to extend in the RECORD my remarks, and I also ask unanimous consent to make a correction in an interruption that I made in the speech of the gentleman from Washington [Mr. HUMPHREY] yesterday, wherein I mixed the Department of the Interior and the Department of Agriculture.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, I have no objection to that portion of the request.

The SPEAKER. Is there objection?

There was no objection.

SHOULD THE FOREST RESERVES BE ABANDONED?

Mr. BRYAN. It seems to be the contention of the gentleman that the Forest Service should be abandoned; that the timber holdings of the country should be surrendered at whatever price can be obtained for them under the old system which prevailed a decade or so ago. All will agree with him when he says that the Government was fleeced out of valuable timber holdings under lieu-land selections. It is worthy of comment, however, that the Republican Party, then in power, took no steps to stop these iniquities.

Under control of the Republican leaders and at the instance of the men in the timber sections of the country who were in control of the Republican Party, who officered the conventions, who made the nominations for public office, to whom the precinct committeemen and the members of the organization looked for instructions under this leadership millions of acres of timberlands as well as other lands of almost inestimable value were taken from the Government fraudulently, by false affidavits, by congressional aid, and by every device that ingenuity could invent.

STATE CONTROL IS URGED.

It is urged by the anticonservationists that the States should control these forest lands. Yet the record shows that under State control the most flagrant frauds were perpetrated. Liberality, or else collusion, on the part of State officers has permitted lands to pass into the hands of large owners of timber with astounding rapidity and in very large areas. In 1900 and 1901, 705,000 acres were eliminated from the Olympic National Forest on the ground that the land was chiefly valuable for agriculture, and that the forest reserve was retarding the settlement of the country. Of this large area 523,720 acres passed into the hands of owners who are now holding it purely as a timber speculation. Three companies and two individuals own over 178,000 acres in holdings of from 15,000 to over 80,000 acres. The report of the United States Forester for 1910 further shows:

Of timbered homestead claims on this eliminated area, held by 100 settlers, the total area under actual cultivation is 570 acres, an average of 5.7 acres to each claim. It will be seen that the original purpose of the elimination was defeated and that bona fide settlement was not materially advanced.

The following is taken from the report of the Department of Commerce and Labor on the lumber industry, issued January 1, 1913, and is added proof that timberland, if not held by the Government, will be rapidly absorbed by the big timber operators:

Eastern Washington: One informant did not value the timber of Stevens County, which occupies the northeastern corner of Washington, at more than 75 cents a thousand. Others said that Stevens County timber could have been bought 10 years before for 25 cents a thousand, but would now cost from 50 cents to $3, according to accessibility. Speculators have been picking up timber in that region at about $1 a thousand. One exceptionally fine tract of white pine in Stevens County, 2,560 acres, estimated at 30,000,000 feet, was sold in 1908 for $75,000, or $2.50 per thousand on the estimate. The comparatively high price was due partly to the quality and the situation of the timber and partly to the size of the holding, which gave it some importance. In Ferry County, next west of Stevens, one small company bought 20,367,000 feet of pine in 1906 at a total cost of $20,272, or practically $1 a thousand. The land went with the timber, and so did a considerable quantity of larch and fir, which was not considered in reckoning the price. All was in 160-acre claims, except one purchase of 320 acres. Nearly all was bought at $1 a thousand on the estimate; probably equivalent to 60 or 70 cents a thousand, for the pine only, on the scale of the logs. In Stevens County the same company made purchases of small lots, from 1905 to 1908, amounting in the aggregate to about 100,000,000 feet, at prices ranging from about $1 to about $2 a thousand on the estimates.

The greater part of this timber is western pine. There are smaller quantities of larch and fir, a little white pine, and a little miscellaneous timber.

A tract of 60,000 acres in Stevens County was bought from the Northern Pacific Railway Co., in 1901, for $127,500, and was sold in October, 1906, for $500,000. The original purchasers estimated the timber at 310,000,000 feet. This was said to be double the Northern Pacific cruise, but was far below the estimate of the later owners. On this estimate the price of 1901 was 41 cents a thousand, and that of 1906 was $1.61—nearly four times as much.

On the whole, the market value of any given tract of timber in western Montana, Idaho, or eastern Washington, taken at random, is perhaps likely to be four or six times as great in 1911 as it was in 1900; but those who gathered considerable holdings about 1900, by picking up small tracts at the prices then current for small tracts, might now, in some cases, sell for 10 or 15 times what they paid.

Western Washington: So recently as the years 1902–1904 timber operators were still absorbing large quantities of timber in Washington which till then was owned by the United States. Under the timber and stone act alone nearly 600,000 acres in the State were taken during those three years. Men used to take up 160-acre claims, and pay the Government $2.50 an acre, or $400 per claim. Some purchasers got 10,000,000 feet or more; and in such cases the cost was 4 cents per thousand feet or less. Most of the claimants sold their lands to speculators at from $600 to $1,500 per claim. For instance, in 1891 a speculator bought 160 acres in King County for $800. He estimated that it contained between seven and nine million feet, of which half was cedar. He held it till 1909, and sold it for $18,500. So late as the years from 1903 to 1907 a tract of 8,000 acres in Clallam County, west of Puget Sound, was picked up from claimants at an average cost of about $1,220 per 160-acre claim, or a total cost not far from $61,000. The timber was estimated in 1907 at 472,000,000 feet. The cost to the speculator, on this estimate, was a fraction under 13 cents a thousand. The tract was sold, in June, 1907, for $200,000, and soon after the speculator had closed this bargain he received an offer of $280,000. The price he sold at was 42 cents a thousand on the estimate; the price afterwards offered was 59 cents.

In general, the less accessible timber has sold in recent years at from 50 cents to $1 a thousand, but most of the tracts which go at such prices are small. What gets into the hands of the larger owners is likely to stay there till it commands more. One company bought a holding of 100,000,000 feet, 25 or 30 miles southeast of Tacoma, in 1907 at $1 a thousand, and about the same time picked up 18,000,000 feet in small lots at an average cost of 81 cents. The Milwaukee Land Co., which made very extensive purchases of inaccessible timber about the same time, buying almost exclusively from small owners, is understood to have paid an average price of about 80 cents. Mr. George S. Long, manager of the Weyerhaeuser Timber Co., stated in a public hearing before the Pierce County board of equalization, in August, 1908, that the Milwaukee company had "purchased in 1906 and up to September, 1907, 6,000,000,000 feet at less than 80 cents."

The land-grabbers know that they can strike a better bargain, as a rule, under State management than under Federal control. The tax argument is persistently urged on behalf of State and individual ownership. This means, of course, that if the State had control it would soon pass the timber land into private hands, and that the revenues of taxation would be greatly increased. It appears absurd to give away property in order to get the taxes. If the property were not worth more than the taxes, these timber operators would not want it. The taxes do not amount to so much in any case, and after the timber is cut away the tax is only nominal.

Moreover, the taxable value of forests in remote, uninhabited regions or summits of mountain ranges would be very problematical, and, in our opinion, elimanating the undesirability of turning the forests over to private ownership, the perpetual income the State will eventually receive from sales of stumpage would far exceed any amount that could probably be received from taxes.

HILL AND WEYERHAEUSERS OPPOSED TO FOREST RESERVES.

At the National Conservation Congress, September 6, 1910, James J. Hill was the most enthusiastic advocate of State control of these lands. He was entirely opposed to the position of the conservationists and the Forest Service in the matter. Every large timber operator or owner is opposed to the plan of the Forest Service in its policy of handling the timber belonging to the Government as a Government utility and as a reserve for future generations, as well as for every practical use of the present.

Yet my colleague asserts that James J. Hill, the Weyerhaeusers, and the big operators generally, approve of the forest reserves as they are managed by the Government. This statement is not borne out by the facts. Nothing could please the big timber owners half so well as to get possession of this timber that now belongs to the Government. There could be no doubt that if they owned this timber the value of their entire holdings would at once greatly enhance. Such transfers would strengthen them and give them absolute control of the lumber industry until the timber of the country becomes exhausted. Surely no one can be silly enough to suggest that such transfers would cause the big operators to lower the price of lumber to the consumer.

At the second National Conservation Convention above referred to, William Douglas Johns made a speech, a part of which I shall insert in my remarks as indicating the nature of the controversy that was going on between the varying interests at that convention:

I wish to tell the delegates here, for the purpose of showing the necessity of Federal control, how the water-power sites of the State of Washington—the greatest of them—have passed from the hands of the State within a few months, under the administration of Land Commissioner Ross, who has made himself so prominent here this evening. Two corporations have filed on the low waters of the mighty Columbia—a railroad and water corporation, with steamboats plying 100 miles above and carrying freight and passengers, and an irrigation corporation below, using half of the waters of the Columbia River—and all the State of Washington got was filing fees; and Gov. Hay wants us to give the balance to him in the same way—the other half of those great waters of the mighty Columbia. The lands secured by the railroad corporation within a few months on the shore—lands worth millions of dollars—were sold by Gov. Hay and Land Commissioner Ross for $10,000, and Gov. Hay wants us to turn over more to him for the same purpose. The waters of Chelan River in the Cascades James J. Hill secured—125,000 horsepower—by paying filing fees to the State. No wonder in his speech he favored State control!

PINCHOT DID NOT APPROVE FRAUD AT SANTA BARBARA.

Reference was made in the speech of my colleague, the gentleman from Washington, to the Santa Barbara lieu-land selection, and it was asserted that Mr. Gifford Pinchot had indorsed this transaction whereby the Santa Fe Railroad had gained an advantage and had really defrauded the Government. In proof of the injustice of this charge I here insert the letter written by Mr. Pinchot. This letter will certainly disprove the statement made. It will be noticed that Mr. Pinchot stated in the letter that he was informed that "untimbered lands in one of the Dakotas" were to be substituted for the lands the Government were giving up. The letter is as follows:

THE FORESTER, BUREAU OF FORESTRY, TO W. A. RICHARDS, SEPTEMBER 3, 1903.

LOS ANGELES, CAL., *September 3, 1903.*

Hon. W. A. RICHARDS,
General Land Office, Washington, D. C.

MY DEAR GOVERNOR: I have just had a look at the water problem of Santa Barbara, and I want to send you a word about the situation there and the necessity for the acquisition by the Government of the Rancho Prieta y los Najalehos, if that is the way to spell it. It seems perfectly evident from what I was able to learn that the city of Santa Barbara will be very seriously deficient in water supply within two or three years unless the acquisition of this area by the Government makes it possible for the city to acquire a new source from the headwaters of the Santa Ynez River. Santa Barbara is now drawing upon the water stored in the Santa Ynez Range along the line of a tunnel which the city is pushing into the mountains. Sources of ground water of this character are not permanent, and it becomes extremely desirable for the city to own a safe supply.

You will remember that the difficulty in the case has arisen from the lieu-land question. I am informed that Mr. Washburn has agreed to take untimbered land in one of the Dakotas for his holdings back of Santa Barbara. From the condition of the water supply, I am strongly of the opinion that even at the cost of a relatively poor bargain by the Government, which from the present situation I apprehend is not to be feared, it would be wise to make the exchange. Water is practically the sole output of the forest reserves in this region, and it appears to me that this action on the part of the United States is precisely in line with the policy which has dictated the setting aside of all the reserves in this region.

I expect to be in Meeteetsee for a meeting of cattle and sheep men on September 23, but I shall miss seeing you on your way in for your hunting trip, as I hoped to do. I was sorry not to see Barrett, too, who, I understand, has been doing capital work.

I want to send you my best wishes for the complete recovery of Mrs. Richards and my hope of seeing you again before long.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

ROOSEVELT AND PINCHOT STOPPED THE FRAUD.

There came a time when these fraudulent transactions had to stop. Theodore Roosevelt was elected President in November, 1904, and his own selected Cabinet took office in March, 1905. Public sentiment was aroused, and the people were determined to stop the waste that was going on and to prevent further consolidation of timberlands into the hands of a few.

On March 7, 1904, the public-land commission, consisting of W. A. Richards, T. H. Newell, and Gifford Pinchot, made the following report and recommendations:

Careful study has been given by your commission to the subject of forest-reserve lieu-land selections. These selections have given rise to great scandal and have led to the acquisition by speculators of much valuable timber and agricultural land and its consolidation into large holdings. Furthermore, the money loss to the Government and the people from the selection of valuable lands in lieu of worthless areas has been very great. There has been no commensurate return in the way of increased settlement and business activity. Public opinion concerning lieu-land selections, by railroads in particular, has reached an acute stage. The situation is in urgent need of a remedy, and your commission recommends the repeal of the laws providing for lieu-land selections.

A partial remedy by Executive action has already been applied by carefully locating the boundaries of new forest reserves, and thus limiting lieu-land selections to comparatively insignificant areas. The last annual message to Congress declares definitely that—

"The making of forest reserves within railroad and wagon road land-grant limits will hereafter, as for the past three years, be so managed as to prevent the issue, under the act of June 4, 1897, of base for exchange or lieu selection (usually called scrip). In all cases where forest reserves within areas covered by land grants appear to be essential to the prosperity of settlers, miners, or others the Government lands within such proposed forest reserves will, as in the recent past, be withdrawn from sale or entry pending the completion of such negotiations with the owners of the land grants as will prevent the creation of so-called scrip.

"There are now lands in private ownership within existing forest reserves, and similar lands must to a limited extent be included in new reserves. Therefore a method is required by which the Government may obtain control of nonagricultural holdings within the boundaries of these reserves. Your commission recommends the following flexible plan: Upon the recommendation of the Secretary of Agriculture, when the public interest so demands, the Secretary of the Interior should be authorized, in his discretion, to accept the relinquishment to the United States of any tract of land within a forest reserve covered by an unperfected bona fide claim lawfully initiated or by a patent, and to grant to the owner in lieu thereof a tract of unappropriated, vacant, surveyed, nonmineral public land in the same State or Territory and of approximately equal area and value as determined by an examination, report, and specific description by public surveys of both tracts, to be made on the ground by officials of the Government. When exchange under these conditions can not be effected, lands privately owned within forest reserves should be paid for in cases where the public interest requires that such lands should pass into public ownership. The Secretary of the Interior should be authorized to take the necessary proceedings as rapidly as the necessary funds are provided."

Further lieu-land selections were prohibited by an administration bill on March 3, 1905.

THE TIMBER MUST BE HELD AND OPERATED AS A PUBLIC UTILITY.

The people have seen their money spent for roads, for rivers and harbors, for public buildings, for the Panama Canal, for expositions, and for innumerable enterprises which have brought to them only indirect returns. The Government machinery has seemed to serve them directly and commercially only in the matter of the handling of the mail through the Post Office Department. In every case where there was any return or profit in evidence it has been the policy to pass the enterprise up to private ownership and private operation.

It has been claimed that for the Government to operate their timber lands tends toward socialism and encourages Government ownership of utilities. If it is socialistic for the Government to own and operate its timber, then we are confronted with a form of socialism in which I believe the entire country accords. If it is necessary to sell more of the timber than can be sold wholesale in order to prevent waste, and it becomes impossible for the Forest Service to induce private capital to come upon the forest reserves and buy the timber and manufacture it into lumber, then we may find ourselves in a position where it will be necessary for the Government to cut the lumber for the uses of the Government—and for private consumption, for that matter.

The following statement given out by the Forest Service will be of great interest in this connection, and I take advantage of the opportunity of inserting it in my remarks:

SELLING NATIONAL FOREST TIMBER.

The crucial test of public ownership and management of forests in the United States will be the power to resist an unintelligent demand for the Government to sell timber cheap, on the supposition that this will enable the public to buy lumber cheap.

WOULD IT PAY?

The Government is now being criticized for not selling national forest timber cheaper and faster. It is charged with virtually aiding private timber monopolies to gouge the public. In point of fact it is doing just the reverse.

The Government could not materially lower the cost of lumber to the average consumer if it were to reduce by half the price charged for timber cut on the national forests. But it could enable many lumbermen to grow rich fast. Also, it could and would prepare the way for a timber monopoly later that would be a monopoly with a vengeance. Incidentally it would promote wanton and great waste of valuable timber, both on and off the national forests, by operators who would merely skim the cream, and it would permit the extra cost of bad management to be saddled on the public.

HOW TIMBER IS SOLD.

The average price at which national forest timber was sold on the stump by the Government last year was $2 per thousand.

The Forest Service spent thousands of dollars advertising its timber. It seeks purchasers by every means in its power. It sold during the last fiscal year the equivalent of about 800,000,000 board feet of timber in all forms—for lumber, mine props, fuel, posts, and many other uses.

The cut for lumber alone of the entire United States was between 40,000,000,000 and 45,000,000,000 feet.

All sales of over $100 worth of timber were made after advertisement for competitive bids. The Forest Service is prohibited by law from selling in any other way. It is also prohibited by law from selling or offering for sale any timber until after it has been appraised, or for less than the appraised value.

To permit of timber being sold for less than its market value the law would have to be changed.

Should it be changed?

THE CONSUMER PAYS THE MARKET PRICE.

Who would have benefited if the timber actually paid for last year had been sold at half the market price or given away?

Would the general market price have been less to the purchaser from the retail dealer? Not one cent. The manufacturers who cut this insignificant fraction of the country's total lumber cut would have sold their lumber at the market price, pocketing the $1 or $2 or $3 per thousand less than the market price of stumpage with which the Government had presented them. But if they had sold to the wholesaler for less, would he have handed the present on to the retailer? And if the retailer had got any part of it, would he have given it to the consumer?

To enable the consumer to benefit by a stumpage price less than purchasers of stumpage stand ready to pay, the Government would have to manufacture, transport, and market the lumber, selling directly to the consumer from its own retail lumber yards.

TO MATERIALLY LOWER THE RETAIL PRICE BY INCREASING THE CUT THE GOVERNMENT WOULD HAVE TO OVERCUT ITS FORESTS.

But suppose the Government had by giving timber away to all applicants raised the national forest cut to one-fifth of the entire cut of the country.

In point of fact, it could not have done this by giving the timber away. It would have had to pay lumbermen to come and get it. With *lumber prices* where they are now the Government can get from 50 cents to $5 per thousand for its stumpage under competitive bids, the price depending on the location and kind of timber sold. Ten years ago it could not have given away what it is selling to-day; not, that is, as stumpage. It could easily have given the timber to speculators to hold for rising prices.

The present national-forest stand forms one-fifth of the country's total supply of saw timber. If one-fifth of the annual lumber cut were drawn from the forests and at the same time they continued to supply the timber in other forms demanded by western mining, agriculture, and other industries, the forests would be cut off faster than the country's total supply.

The country's total supply is being cut three times as fast as it grows.

If the Government gave timber away and the consumer got the full benefit the $2 per thousand gain to him would be but a trifling part of the retail price. It would not restore the cheap lumber prices of a few years ago.

SALES OF GOVERNMENT TIMBER FOR LESS THAN ITS MARKET VALUE WOULD DIRECTLY PROMOTE MONOPOLISTIC CONTROL OF TIMBER SUPPLIES.

Years before the national forests were set aside speculators were busy securing the best timberlands of the public domain. Twice as much western timber is in private as in public ownership.

At any given price level there is a certain amount of timber that will pay the cost of cutting. The rest is not on the market, because to cut and manufacture it would cost more than it would sell for.

Privately owned timber involves carrying charges to the owners, interest on capital tied up, taxes, and cost of protection or fire risk. Private owners are, therefore, under pressure to sell and extinguish these charges. They also have, as a rule, the timber that would naturally be first to come into demand. They saw to that when they got it.

But, at a given price level, there is always a limit to the amount of timber that is on the market. The owner will not go beyond a certain point. When that point is reached he prefers to hold, not manufacture, his timber.

After lumber prices fell in 1907 many lumber mills operated at a loss rather than shut down altogether. The owners had miscalculated the demand, but having set up their mills could not shut down altogether without incurring greater losses than those involved in running. The output in 1912 in the West was only about 60 per cent of the capacity of the mills.

This is what the lumber trade knows as "overproduction."

The consumer thinks there is not production enough, because lumber costs him more than it did 10 years ago. But the forests that supplied him 10 years ago are gone. Though there is still plenty of timber left, it is less accessible and more expensive to get on the market.

If the Government cuts its stumpage price in half, more mills will be located on the forests but fewer will operate outside. The cut from Government land will take the place of part of the cut from private holdings. In effect, the Government would pay a bounty to induce operators to cut its trees instead of their own.

Part of this bounty would be a pure gift to the operators. Men who find it to their advantage to buy national forest timber at the present prices would make more money. To the extent that the cut from Government land took the place of the cut from private holdings the bounty would represent the cost of bringing about this substitution. It would be the inducement held out to secure the reversal of the order dictated by business conditions.

This would inevitably accentuate the condition known to the lumber trade as "overproduction."

Those operators who are now breaking even or running at a loss or with curtailed output would, of course, if they could, withdraw from the market and let the cut from Government lands take the place of the cut from their holdings.

If they could all do this, the consumer would not be benefited at all. But not all could. They have incurred business obligations which they must meet. The weak ones would be shaken out. The value of stumpage would decline. The strong ones would seize the opportunity to add to their holdings. The field for speculative buying of timberlands would be wide open again.

Gradually a condition of equilibrium would be restored. The surplus of stumpage artificially created would be absorbed, partly by cutting, partly by speculative acquisition and withdrawal. Private timber would be concentrated in fewer hands. Public timber would have diminished. The chance for monopoly profits and artificial control of the market would have been made materially greater. Then the consumer would pay the score—with usury.

POLICY OF FOREST SERVICE.

The Forest Service is selling timber as fast as this can be done without sacrificing the interests of the public. It is making every effort consistent with sound business to dispose of the overripe stumpage on the forests and bring the annual cut up to a fair portion of the yield. It is advertising commercial opportunities on the forests widely and successfully. Its sale contracts are framed to meet practical business and logging conditions. They are accepted by business men and are attracting large investment. The small manufacturer is sought wherever he is equipped to utilize the timber. But where the capital and organization of the big operator are needed to develop inaccessible areas large sales are made. Yet in all contracts holding timber for speculation is prohibited and the payment of the proper value is assured by frequent adjustments of price.

This policy is succeeding. The use of national forest timber on a sound and stable basis is increasing rapidly. Since July 1, 1912, over one and one-half billion feet has been sold. Many operators are looking to the forests for new locations. If the demand is sustained, the yearly sales will soon reach 3,000,000,000 feet. The annual growth on a number of forests which are within reach of markets is now fully used. As transportation facilities are extended this will be brought about on every forest.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] also asks unanimous consent to make a correction concerning the names of the departments, in an interlocutory performance that he had with the other gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Speaker, personally I have no objection, but I think it is due to the House to make a statement in regard to that, since he has referred to it. I reserve the right to object, in order to make this statement in regard to the matter. The colloquy occurred yesterday in regard to the transfer of the Forest Service from the Department of the Interior to the Department of Agriculture. My colleague [Mr. BRYAN] had the matter exactly wrong. There was some colloquy took place. It was not of very great importance, but there was another matter also in connection with the speech yesterday that we were talking about changing. I was willing to strike it all out, but I submitted the question to the gentleman from Kansas [Mr. MURDOCK] this morning, and he objected. Now it is a matter for the House to decide whether we change the record of things that are actually spoken here on the floor or not. If the gentleman from Kansas [Mr. MURDOCK] insists on his portion of it being kept in, I shall insist that the whole record go in.

Mr. MURDOCK. The gentleman from Washington [Mr. HUMPHREY] will remember that my interruption of him was quite foreign to the interruption of his colleague [Mr. BRYAN], and I could not see why my interruption was affected at all by any change in the remarks of the gentleman from Washington.

Mr. HUMPHREY of Washington. I will say that the gentleman is mistaken.

The SPEAKER. Let the Chair inquire, What is this correction that the gentleman wants to make?

Mr. BRYAN. Mr. Speaker, I suggested that this Forestry Service had been transferred from the Department of Agriculture to the Department of the Interior. I should have said just exactly the reverse. That is what I want to correct.

Mr. MURDOCK. Why not let it go?

Mr. BRYAN. Of course, if the gentleman objects; but I should like to have him object before the whole House.

The SPEAKER. Has the matter been printed in the RECORD?

Mr. BRYAN. No; the gentleman has withheld it, and he has the speech on his desk.

The SPEAKER. It has not been printed in the RECORD?

Mr. BRYAN. No.

The SPEAKER. The gentleman has a right to revise his remarks without asking the consent of anybody, provided he does not change his remarks in such a way as to put the gentleman in a ridiculous attitude in his own remarks, based on what the other gentleman said.

Mr. BRYAN. My remarks were commented upon by the gentleman. He made a statement correcting my remarks, and if I were now to correct the manuscript of my remarks by changing what I actually said, the gentleman would have to remove his correction. For that reason I do not consider that I have the right to do it without his consent.

Mr. MURDOCK. Why not let it stand?

The SPEAKER. The gentleman has no right to change a dialogue without the consent of the other gentleman.

Mr. BRYAN. That is right.

The SPEAKER. The reason for that is illustrated by an instance which I will state. Mr. Speaker Reed harnessed me up once on the objection of another Member. I was making a speech and was getting to the end of it. I was in the midst of the last sentence, which happened to be a very long one. It was a carefully prepared speech, and I thought it was a very

fine sentence. A gentleman bobbed up right in the middle of that sentence and asked me a question that was utterly irrelevant to what I was talking about. I answered his question and then went back to the beginning of my sentence and repeated the whole of it, and when I received the reporter's notes of my speech I struck out that question and my answer to it. I thought I had a right to do that. Well, the next morning the Member came in and rose to a question of privilege, to know why I had stricken out this important question that he had asked.

Speaker Reed, who was very kind toward me always, said that I was wrong about it; that in a dialogue when anybody interrupted a Member who had the floor he had the right to decline to be interrupted, and he had the right to strike out the question if he refused to be interrupted; but that if he answered the question, as I had done, he had no right to strike out the question and answer without the consent of the other Member. And, when you come to study about it, that was a very correct ruling, because there is a reason for everything. In this dialogue the gentleman from Washington [Mr. BRYAN] made certain statements which the other gentleman from Washington [Mr. HUMPHREY] commented upon. Then, if the gentleman from Washington [Mr. BRYAN] strikes out that statement, or modifies it—I do not know what the effect would be in this particular case, but it might put the other gentleman from Washington [Mr. HUMPHREY] in a very awkward and preposterous attitude as making remarks that did not seem pertinent at all. Therefore, under the rule, a dialogue can not be modified without the consent of both parties.

Mr. MURDOCK. In regard to the matter of the RECORD and the elimination of remarks, it has been my custom to let the RECORD stand, simply correcting the bad grammar; but I would like to ask the Speaker what his ruling would be in this sort of a case? A few moments before the Speaker came into the Chamber I repeatedly refused to yield, and yet all the time I was subjected to a storm of interruptions. Now, do those interruptions go out or simply be left in the RECORD? My inclination is to leave them in.

The SPEAKER. If the gentleman from Kansas declines to yield he has a right, when he comes to revise his remarks, to strike out the question or interruption, whatever it was. But if he answers, then he is not permitted to change the dialogue without the consent of the interlocutor.

Mr. MURDOCK. I have always believed that the better practice was to allow the RECORD to show precisely what took place, barring bad grammar.

The SPEAKER. There is no ruling that the Chair is called upon to make in this instance.

Mr. BRYAN. I have asked unanimous consent that I may make the change, but if my colleague does not wish to change it I am content.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. HUMPHREY of Washington. Mr. Speaker, unless the gentleman from Kansas [Mr. MURDOCK] consents that his interruption may be changed, I shall object.

Mr. BRYAN. Mr. Speaker, the matter of the gentleman from Kansas [Mr. MURDOCK] has nothing to do with my interruptions. They are several pages apart.

Mr. HUMPHREY of Washington. I want to call the Speaker's attention to this fact, that when I rose and asked unanimous consent to extend my remarks in the RECORD the gentleman from Illinois [Mr. MANN] pointed out at that time that he should object to a change of anything that had occurred on the floor.

The SPEAKER. The gentleman from Washington objects. Now, while this matter of parliamentary practice is up, the Chair would like to make a suggestion, and that is that the Chair is not called upon to recognize anybody who says anything in his seat without rising. There is good reason for that, as I explained once before. There is so much talk going on here, some people talking as loud in private conversation as they do on the floor, that the Speaker can not possibly be looking everywhere at one time. This morning a Member called for the regular order, but the Member did not get up out of his seat and the Chair could not tell who it was that called for it.

All these rules are made to preserve order. This rule is violated by some of the most prominent men in the House and by some of the oldest Members. When a Member has the floor and some one wants to interrupt, the proper way is to rise and address the Chair, not because the Chair wants to be addressed, but it serves to preserve order; it keeps down quarrels and it prevents fights. So these rules which seem immaterial sometimes are exceedingly important.

The gentleman from Washington is recognized for 10 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, my apology for detaining the House for a few minutes is because the gentleman from Kansas [Mr. MURDOCK], although he absorbed a good deal of my time yesterday, apparently did not care to yield to me to-day. The only thing of which the gentleman complains especially is the statement which he says I made that the Forestry Service was in collusion with the Weyerhaeusers and the railroads. I do not believe that I used as strong language as that. In fact, while the gentleman from Kansas has taken occasion to berate me for the language used, I think when he looks through my speech he will find that I accused no one of crime and that I impugned the motives of no one, something that the gentleman can certainly not say in regard to statements that he has made. What I did say was that the Forest Service, through its acts from its beginning until now, has worked in the interests of the Weyerhaeusers and the railroads, and I have no apology to make for that statement. When you recall the fact that they have withdrawn and placed in forest reserves one-fourth of all of the standing timber on the Pacific coast, you do not have to continue the argument to show that they have very greatly increased the value of the holdings of the Weyerhaeusers and the railroads. Whether they did that innocently or ignorantly I do not undertake to say. My own view about it is that they did it ignorantly, but the effect is the same. I pointed out yesterday that of the 23,000 square miles of forest land in the national forest reserves in the State of Washington at the present rate they were cutting it would take 35,000 years to cut over it once, and no man can dispute that statement. Do you mean to tell me that such condition is not in the interests of the Weyerhaeusers and the railroads, who own the other timber lands of the country? Besides that, when the distinguished gentleman from Kansas [Mr. MURDOCK] and my distinguished colleague [Mr. BRYAN] talk about the interests, do they deny what I stated yesterday when I said that the Weyerhaeusers and James J. Hill and Mr. Finley and these other railroad presidents have contributed their money and their influence to this conservation movement?

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes; for a question.

Mr. BRYAN. Is it not a fact that Mr. Hill, to whom the gentleman referred, is the greatest enemy of this Forestry Bureau, and at St. Paul did he not advance the proposition of State control and almost get into a fight with Francis J. Heney because they differed so widely upon the subject?

Mr. HUMPHREY of Washington. I want to say in reply to the gentleman that the president of the Conservation Association—if that is the name of it—was reported in the papers, as I was told, when he made his inauguration address, as saying that James J. Hill gave $63,000 to start the conservation movement in the United States. Whether he told the truth, I do not know.

Mr. AUSTIN rose.

Mr. HUMPHREY of Washington. Mr. Speaker, I can not yield now, because I want to reply to a few statements made by the gentleman from Kansas.

Mr. AUSTIN. Oh, I think the gentleman ought to yield.

Mr. HUMPHREY of Washington. I will, if the gentleman will get me an extension of time.

Mr. AUSTIN. I will ask for it.

Mr. HUMPHREY of Washington. Very well.

Mr. AUSTIN. Inasmuch as the gentleman has used the name of President Finley, who is the head of a railroad organization in my section of the country, I wish to say to the gentleman that if he has any evidence that Mr. Finley has profited by this legislation I would like him to state it, because I have the utmost confidence in the honesty and integrity of Mr. Finley, of the Southern Railroad Co.

Mr. HUMPHREY of Washington. Mr. Speaker, I have not reflected on the honor or integrity of any of those gentlemen. I have said they were members of the organization of the American Forestry Association. Is that accusing them of anything reprehensible?

Mr. AUSTIN. But the gentleman proved on yesterday, I think, that Mr. Hill had benefited.

Mr. HUMPHREY of Washington. I made no such statement or insinuation and do not now. These gentlemen are all the time preaching that any man who says a word or makes any criticism upon the way the Forest Service is conducted is in favor of the "interests." I want to ask them why they do not name these interests.

Now they talk about the robbery that has taken place. My friend from Kansas [Mr. MURDOCK] talks about the steal that is taking place in the West. Perhaps some of the public lands have been taken in the West by those who were not honestly

entitled to them, but I challenge the gentleman to point out 100 acres for every 10,000 that went to the railroads and the Weyerhaeuser interests under the administration of the Forest Service. He does not attempt to deny that this is true, but now he makes the confession—not exactly a confession and avoidance, but he makes a confession and a whine. He says that when this valuable land was given to the railroads for these worthless lands in the national forests that Congress was responsible for it. Congress was responsible for the legislation. He denounces these transfers now as a steal, little short of a crime, and so does my colleague from Washington, but I challenge them to show where the Forest Service or anyone connected with it ever objected to any one of these transfers——

Mr. BRYAN. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. HUMPHREY of Washington. No.

The SPEAKER. The gentleman declines to yield.

Mr. MURDOCK. Mr. Speaker, does the gentleman intend to yield later?

Mr. HUMPHREY of Washington. I intend to yield in a moment.

Mr. MURDOCK. The gentleman has made a very serious statement.

Mr. HUMPHREY of Washington. You take the transfers that occurred in Arizona to the Santa Fe Railroad, you take the transfers that occurred in the Northwest to the Northern Pacific Railroad; during all that time it was the duty of the Forester and those in connection with the Forest Service if these were not proper transactions to call the attention of Congress to them. Congress is to blame for enacting the legislation that made it possible. That is what I pointed out yesterday; but if this thing were highway robbery, if it was wrong, and we all know it was, what were the people connected with the Forest Service doing? Why did not they call attention to the facts? Why did not they let it be known that these acres which were absolutely worthless were given to the Government and in exchange the railroads were permitted to select the best timbered lands upon the public domain?

Mr. MONDELL. Will the gentleman yield?

Mr. HUMPHREY of Washington. If I can get an extension of five minutes.

Mr. FOSTER. You can not get it.

The SPEAKER. The Chair can not guarantee that.

Mr. MONDELL. Does the gentleman know who recommended and favored the addition to the forest reserve in the North Yellowstone Park while the legislation to repeal the lieu-land laws was before Congress—who recommended that that addition be made in these railroad lands?

Mr. HUMPHREY of Washington. No; I do not; but if the gentleman knows I will yield to him. I have been trying to get information of that description.

Mr. MONDELL. Does the gentleman know whether the people connected with the Forestry Service favored it or objected to it?

Mr. HUMPHREY of Washington. Well, I have the statement of the gentleman from Wyoming, if he will permit me to state it, that the Forest Service was urging it and he was opposing it; but it is true 240,000 acres of that land, according to the best information that I can obtain, during the pendency of that bill in the Senate, was placed in the forest reserve, scrip issued for it, land practically worthless, and that the Northern Pacific Railroad did get 240,000 acres of the best timbered land in the public domain. Now, just this one thing. I want to ask the gentleman from Kansas whether or not he is opposed to this resolution. He admits with me that these transfers were wrong; that a great fraud has been perpetrated upon the Government. Is he opposed to investigating and finding out whether Congress is to blame or the Forest Service? If the Forest Service is innocent, then why not investigate?

Mr. MURDOCK. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. No; not now. I am making no charges further than I have already made, but I ask the gentleman whether or not, with all of his talk here upon the floor of this House, with all of his talk upon the Chautauqua platforms throughout the country about publicity, what objection has he to such an investigation? What objection has he to letting the facts be known to the country? Let us find out why the Santa Fe got a million and a quarter of acres and who is responsible; let us find out how the Northern Pacific got 450,000 acres of fine timberland for worthless mountain tops. I supposed the gentleman from Kansas, when he rose to speak, would be urging that the Forest Service be investigated. If the Forest Service is composed of the saints that he would have you believe, why not let it be known?

I do not care to discuss in detail the question of forest reserves that contain no forests. I asked the Forester to give me the number of acres of nontimbered land included in the forest reserves, and his reply was that he could not furnish the information. It is approximately correct, as I stated yesterday, that one-third of all the forest reserves contain no merchantable timber, never did, and never will, and a great portion of this was knowingly set aside for pasture or for other purposes besides forest protection. In the Southwest I have the highest authority, at least, for saying that the forest reserves were not created for the purpose of protecting the forests, nor did they pretend that they contain forests. Mr. Gifford Pinchot, on September 3, 1903, wrote a letter from Los Angeles, Cal., to the Hon. W. A. Richards, General Land Office, Washington, D. C., in which he makes the following statement:

> Water is practically the sole output of the forest reserves in this region, and it appears to me that this action on the part of the United States is precisely in line with the policy which has dictated the setting aside of all the reserves in this region.

This letter was written by Mr. Pinchot in reference to the exchange of 48,000 acres of land owned by a private company near Santa Barbara, Cal., for 48,000 acres of nontimbered land outside of the forest reserve. This exchange was afterwards consummated. I referred to this transaction yesterday when I pointed out that the Commissioner of the General Land Office had opposed this exchange upon the ground that it would not be fair to the United States, as the land owned by the company was practically of no value, being estimated to be worth only 40 cents an acre. I stated that, in spite of the protest of the Commissioner of the General Land Office, this exchange was made. My colleague [Mr. BRYAN] has quoted the letter above in its entirety in his remarks to show that I had done Mr. Pinchot an injustice when I claimed that he favored this transaction. I quote from the letter again. It is as follows:

> You will remember that the difficulty in the case has arisen from the lieu-land question. I am informed that Mr. Washburn has agreed to take untimbered land in one of the Dakotas for his holdings back of Santa Barbara. From the condition of the water supply, I am strongly of the opinion that even at the cost of a relatively poor bargain by the Government, which from the present situation I apprehend is not to be feared, it would be wise to make the exchange.

If I understand the plain and ordinary meaning of the English language, the words above quoted show that Mr. Pinchot was in favor of this exchange. If these words do not so indicate, then I have done Mr. Pinchot an injustice, as it was largely upon this statement that I said that he favored this Santa Barbara deal.

EXTENSION OF REMARKS—ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] moves that the House do now adjourn.

Mr. MONDELL. I hope the gentleman will withhold his motion for a second.

Mr. SHERLEY. I will withhold it for a second, Mr. Speaker.

Mr. MONDELL. I desire, Mr. Speaker, to give notice that at the meeting of the House on Friday I shall ask unanimous consent to address the House for one hour.

Mr. MURDOCK. Before that is acted upon, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

Mr. MURDOCK. I will make it simply "revise" if the gentleman from Illinois [Mr. MANN] is afraid of my making it "extend."

Mr. MANN. I want it "to extend."

Mr. MURDOCK. There are two matters from the Chief Forester that I would like to include.

Mr. MANN. I was not going to object, but I was going to say that I would object to such requests hereafter.

Mr. MURDOCK. Is the gentleman objecting to my revising or extending? Which one?

Mr. MANN. Simply with regard to the request to extend.

Mr. GARDNER. Mr. Speaker, reserving the right to object, I hope the gentleman from Kansas will make it clear that in my interruption, when I said that I denied a certain statement, the statement which I denied was the gentleman's statement that the speech made yesterday by the gentleman from Washington [Mr. HUMPHREY] represented the Republican view of the forestry question.

Mr. SHERLEY. Mr. Speaker, I will not withhold my motion for a renewal of this interparty warfare.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] asks leave to extend his remarks in the RECORD. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, I want to ask the same privilege.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] makes the same request. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Kentucky [Mr. SHERLEY] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned, pursuant to the order already made, until Friday, June 6, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting schedules of papers, documents, etc., on the files of the Department of the Treasury which are not needed in the transaction of public business and have no permanent or historical value (H. Doc. No. 58), was taken from the Speaker's table, referred to the Committee on Disposition of Useless Executive Papers, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GARDNER: A bill (H. R. 5842) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

By Mr. ANSBERRY: A bill (H. R. 5843) granting pensions to soldiers and sailors of the Civil War who are either totally disabled for labor or so disabled as to require the aid and attendance of another person; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 5844) providing for the free importation of articles intended for foreign buildings and exhibits at the Panama-Pacific International Exposition and for the protection of foreign exhibitors; to the Committee on Ways and Means.

By Mr. MOORE: A bill (H. R. 5845) appropriating $11,500 for grading at the Frankford Arsenal, Philadelphia, Pa.; to the Committee on Military Affairs.

Also, a bill (H. R. 5846) to provide for the survey of the Schuylkill River, Pa.; to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 5847) to prevent monopoly in the coastwise trade between Atlantic and Pacific coast ports of the United States via the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE: A bill (H. R. 5848) to provide for the erection of a monument on the battle field of Gettysburg to commemorate the services of the United States Signal Corps during the War of the Rebellion; to the Committee on Military Affairs.

By Mr. FRANCIS: A bill (H. R. 5849) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. WATKINS: A bill (H. R. 5850) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on Revision of the Laws.

By Mr. KALANIANAOLE: A bill (H. R. 5851) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii; to the Committee on the Territories.

By Mr. JOHNSON of Kentucky: A bill (H. R. 5852) for the further regulation of financial institutions doing business in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 5853) to create a legislative drafting and reference bureau; to the Committee on the Library.

By Mr. PEPPER: Resolution (H. Res. 121) authorizing the Committee on Expenditures in the Post Office Department to have certain printing and binding done; to the Committee on Printing.

Also, resolution (H. Res. 122) authorizing the chairman of the Committee on Expenditures in the Post Office Department to appoint a clerk for said committee; to the Committee on Accounts.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 93) authorizing the President to accept an invitation to participate in the International Congress of Medicine; to the Committee on Foreign Affairs.

By Mr. FESS: Memorial of the Legislature of Ohio, for construction and appropriation to build levees; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of Ohio, relative to system of national highways; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 5854) granting a pension to Sarah Ann Davis; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 5855) granting an increase of pension to George Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5856) granting an increase of pension to Thomas Lowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5857) granting an increase of pension to Thomas H. McIlvaine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5858) granting a pension to Nettie Metzgar; to the Committee on Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 5859) for the relief of Bolognesi, Hartfield & Co.; to the Committee on Claims.

By Mr. EDMONDS: A bill (H. R. 5860) for the relief of Emma H. Ridley; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 5861) granting an increase of pension to George R. Conard; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 5862) granting a pension to Mary Elizabeth Crowl; to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 5863) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 5864) to remove the charge of desertion against Wilson Certain; to the Committee on Military Affairs.

Also, a bill (H. R. 5865) to correct the military record of Robert Stinson; to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 5866) granting a pension to Henry P. Niebuhr; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 5867) granting an increase of pension to James Dougherty; to the Committee on Pensions.

By Mr. MOORE: A bill (H. R. 5868) for the proper recognition of services rendered by Herman Haupt during the Civil War; to the Committee on Military Affairs.

Also, a bill (H. R. 5869) to correct the military record of Christopher P. Rhodes; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 5870) granting a pension to Daniel Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5871) granting a pension to Michael Smetina; to the Committee on Pensions.

Also, a bill (H. R. 5872) granting a pension to Benjamin Shoeman; to the Committee on Pensions.

Also, a bill (H. R. 5873) granting a pension to Barbara Andrlik; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 5874) granting a pension to Mary A. Patnode; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5875) granting an increase of pension to Cynthia E. Robinson; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 5876) granting a pension to Elizabeth A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5877) granting a pension to Nathan J. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5878) to correct the military record of Levi Mott; to the Committee on Military Affairs.

By Mr. TAVENNER: A bill (H. R. 5879) granting a pension to Joseph Wardle; to the Committee on Pensions.

Also, a bill (H. R. 5880) granting a pension to George L. Dikeman; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 5881) granting a pension to Johannah O'Keefe; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of S. S. Urfer and 5 merchants of New Philadelphia, Ohio, favoring change in the interstate-commerce law; to the Committee on the Judiciary.

By Mr. DYER: Petition of the Samuel Cupples Wooden Ware Co., of St. Louis, Mo., favoring passage of House bill 4322, for

1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FESS: Petition of sundry citizens of New Orleans and Louisiana and the Cleveland Chamber of Commerce, of Cleveland, Ohio, relative to control of the Mississippi River to prevent floods; to the Committee on Rivers and Harbors.

Also, petitions of M. B. Paddock, Alice Paddock, and Irene Wehrle, of Cincinnati, Ohio, favoring clause prohibiting the importation of aigrettes, etc.; to the Committee on Ways and Means.

Also, petition of the Southern New England Textile Club, of Providence, R. I., against reduction of the duty on cotton goods, etc.; to the Committee on Ways and Means.

Also, petition of the Traffic Club of New York, favoring an appropriation for the continuance of the Commerce Court; to the Committee on Appropriations.

Also, petition of sundry union printers of North America, regarding free speech and free press; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the National Broom Manufacturers' Association, of Davenport, Iowa, protesting against any reduction of the duty on brooms; to the Committee on Ways and Means.

Also, petition of sundry citizens of New Orleans and Louisiana, favoring the passage of the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of the Traffic Club of New York City, favoring an appropriation for the continuance of the Commerce Court; to the Committee on Appropriations.

Also, petition of the joint advisory board of the Cigar Makers' International Union of America, protesting against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. GARDNER: Petition of George M. Haliburton, of Roslindale, Mass., protesting against the creation of a committee on public health in the House of Representatives; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Beverly Board of Trade, indorsing movements of the American Embassy Association relative to securing permanent homes for our ambassadors; to the Committee on Foreign Affairs.

By Mr. GARNER: Papers to accompany bill (H. R. 5863) for the relief of Frank Church; to the Committee on Claims.

By Mr. HINDS: Petition of the Chamber of Commerce of Rumford, Me., protesting against the reduction of the tariff on paper, etc.; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of the Montesano Chamber of Commerce, of Montesano, Wash., protesting against the immediate reduction of letter postage; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petition of sundry citizens of Omaha, Nebr., protesting against a public health committee in the House of Representatives; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of the Southern New England Textile Club, protesting against reduction of the duty on cotton goods; to the Committee on Ways and Means.

Also, petition of Local No. 148, International Brotherhood of Paper Makers, of Lyons Falls, N. Y., protesting against reduction of the duty on paper; to the Committee on Ways and Means.

By Mr. TREADWAY: Petition of the Massachusetts Peace Society, protesting against the fortification of the Panama Canal; to the Committee on Appropriations.

By Mr. UNDERHILL: Petition of sundry citizens of New Orleans and Louisiana, favoring the passage of the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of the Traffic Club of New York, favoring an appropriation for the continuance of the Commerce Court; to the Committee on Appropriations.

SENATE.

THURSDAY, *June 5, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Vice President being absent, the President pro tempore (Mr. CLARKE of Arkansas) took the chair.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Brandegee	Catron	Clark, Wyo.
Bacon	Bristow	Chamberlain	Clarke, Ark.
Borah	Bryan	Chilton	Crawford
Brady	Burton	Clapp	Cummins
Dillingham	Lane	Pomerene	Smith, S. C.
du Pont	Lea	Ransdell	Smoot
Fall	Lewis	Reed	Stephenson
Fletcher	Lodge	Robinson	Sterling
Gronna	McCumber	Root	Swanson
Hitchcock	Martin, Va.	Saulsbury	Thomas
Hollis	Martine, N. J.	Shafroth	Thompson
Hughes	Nelson	Sheppard	Townsend
James	Norris	Sherman	Vardaman
Johnson, Me.	O'Gorman	Shields	Walsh
Johnston, Ala.	Oliver	Shively	Warren
Jones	Overman	Simmons	Works
Kenyon	Owen	Smith, Ariz.	
Kern	Perkins	Smith, Ga.	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city. He is paired on all questions with the junior Senator from Missouri [Mr. REED]. I desire to have this announcement stand for the day.

The PRESIDENT pro tempore. Seventy Senators have answered to their names. A quorum of the Senate is present. The Secretary will read the Journal of the preceding session.

Mr. BORAH. I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES. I object.

The PRESIDENT pro tempore. Objection is made, and the Journal will be read.

The Journal of the proceedings of Monday last was read and approved.

PERSONAL EXPLANATION—AMENDMENT OF THE RULES.

Mr. SAULSBURY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator from Delaware will state the question of personal privilege.

Mr. SAULSBURY. In the RECORD of Monday's proceedings, I find it stated that the Senator from Massachusetts [Mr. LODGE] announced a pair between the junior Senator from Rhode Island [Mr. COLT] and myself, after which I appear as having voted on the question of reconsidering the amendment of the rules. In order that the RECORD may be correct I merely wish to state, so far as I am individually concerned, that the understanding as to the pair between the junior Senator from Rhode Island and myself was that we would protect each other on political questions, and I did not consider that I was paired on that subject.

The PRESIDENT pro tempore. The explanation made by the Senator from Delaware will be noted in the RECORD.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 58).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment of the committee.

PETITIONS AND MEMORIALS.

Mr. OLIVER presented a memorial of the Lancaster County Tobacco Growers' Association, of Pennsylvania, remonstrating against the importation free of duty of cigars from the Philippine Islands, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Washington, Pa., praying for the enactment of legislation prohibiting the interstate transportation of opium and cocaine except for medicinal purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Presbyterian Church of New Alexandria, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. STERLING. I present a memorial signed by citizens of South Dakota, relative to the proper observance of Sunday as a day of rest in the District of Columbia. I ask that the petition be printed in the RECORD, omitting the signatures, and that it be referred to the Committee on the District of Columbia.

There being no objection, the petition was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, omitting the signatures, as follows:

PETITION TO UNITED STATES SENATE.

To the honorable the Senate of the United States:

Believing—

(1) In the separation of church and state:

(2) That Congress is prohibited by the Constitution from enacting any law enforcing the observance of any religious institution, or look-

ing toward a union of church and state, or of religion and civil government;

(3) That any such legislation is oposed to the best interests of both church and state; and

(4) That the first step in this direction is a dangerous step, and should be opposed by every lover of liberty:

We, the undersigned, adult residents of the State of South Dakota, earnestly petition your honorable body not to pass the Johnston Sunday bill, S. 752, entitled "A bill for the proper observance of Sunday as a day of rest in the District of Columbia," or any like measure.

Mr. MARTINE of New Jersey presented a resolution adopted by the Board of Street and Water Commissioners of Newark, N. J., remonstrating against the abandonment of the port of Newark and its consolidation with the port of New York, which was referred to the Committee on Commerce.

Mr. ROOT. I present a telegram, in the nature of a memorial, from the Fruit Importers' Union, of New York City, relative to the proposed change in the capacity of lemon boxes as provided for in the pending tariff bill. I move that the telegram be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented a petition of sundry veterans of the Civil War, residents of the State of Illinois, praying for the repeal of the law suspending the so-called arrearage pension act, which was referred to the Committee on Pensions.

Mr. BRISTOW presented a petition of the congregation of the Quinton Heights Baptist Church, of Topeka, Kans., praying for the enactment of legislation to prohibit the interstate transportation of opium and cocaine except for medicinal purposes, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I send to the desk a resolution adopted by the Merchants' Association of the State of Connecticut, and ask that it be read. It is a very brief resolution.

There being no objection, the resolution was read and referred to the Committee on Finance, as follows:

The Merchants' Association of Connecticut, in annual convention assembled, with members represented in every city of the State, have—

Resolved, That in view of the reduction in customs which will be effected by the tariff bill now under discussion by Congress, and the fact that the retail merchants must at all times carry much merchandise in advance of their immediate requirements, and in view of the fact that a great deal of this merchandise will be lowered in price by the passage of this tariff measure now under consideration: Therefore be it further

Resolved, That an earnest request be made to all the Senators and Representatives of the State of Connecticut in Congress that a period of four months be allowed between the time of the enactment of this new tariff measure and its enforcement, thereby giving time to the retail merchant to dispose of much of his stock on hand and arrange his requirements to avoid excessive loss through the enforcement of the new tariff law without sufficient time to adjust stock to new conditions.

ADMINISTRATIVE FEATURES OF THE NEW TARIFF BILL (S. DOC. NO. 53).

Mr. LODGE. I ask to have printed as a Senate document an article from the New York Journal of Commerce of May 28, 29, and 31, in regard to certain administrative features of the tariff bill. It is a very short article.

The PRESIDENT pro tempore. Is there objection? There being no objection, the request of the Senator from Massachusetts will be granted.

SUGAR INDUSTRY OF MICHIGAN.

Mr. REED. I ask to have printed in the RECORD an article from the Detroit (Mich.) News, dated April 25, 1913, bearing upon the sugar industry of that State.

There being no objection, the article was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[From the Detroit News, Apr. 25, 1913.]

BUYERS OF MICHIGAN SUGAR CO. STOCK PAID $5,000,000 FOR GOOD WILL—LESS THAN HALF THE STOCK SOLD IS REPRESENTED BY TANGIBLE PROPERTY—EXACTLY $4,500,000 WAS ADDED TO THE "VALUE" OF THE "GOOD WILL" IN A SINGLE YEAR—SUGAR TRUST NOW OWNS MOST OF PREFERRED STOCK, WHICH HAS FIRST TITLE TO PROPERTY THAT NOW EXISTS.

When buyers of stock of the Michigan Sugar Co. invested their money they got $5,000,000 worth of "good will" for their cash.

They also invested $909,165.90 in stock that is represented by no value at all, either tangible or intangible.

The value of the tangible holdings of the company do not amount to one-half the amount of stock sold.

The last report of the financial condition of the company, filed with the secretary of state (July 3, 1912), shows the following "assets":

Real estate	$2,994,217.41
Goods, chattels, merchandise, materials, and other tangible property	1,509,007.13
Cash on hand and in banks	275,171.05
Good will	5,000,000.00
Credits due company	487,038.51
Total	10,265,434.10

The stock issues of the company are listed as follows:

Common stock sold and paid for	$7,471,100.00
Preferred stock sold and paid for	3,703,500.00
Total	11,174,600.00

The "good will" of the company was carried on the books at $500,000 until 1909, when $4,500,000 more was added to this item, making the total $5,000,000.

Taking the "good will" out of the assets it leaves $5,265,434.10 of tangible property.

It means that the Michigan Sugar Co. was doing business with that amount of real value, was formed with an authorized capitalization of $12,500,000, of which stock $11,174,600 was sold and paid for.

That means for every $100 of stock sold only $47 of real property was put into the company.

The question that naturally interests the men, their wives, daughters, and sons who have invested in the common stock of this company is, What is the real value of their holdings now?

The preferred stock comes in first. There is $3,703,500 of this stock out. More than half of this preferred stock is owned by the Sugar Trust—to be exact, $2,043,800 worth.

Deducting the preferred stock from the tangible property and the following is reached:

Value of tangible property	$5,265,434.10
Amount of preferred stock	3,703,500.00
Difference	1,561,934.10

Against this value of $1,561,934.10 over and above the preferred stock there has been $7,471,100 worth of common stock sold and paid for.

That is, for every dollar of value in property above the preferred stock there has been $5 of common stock sold. This common stock is held by the "investing public."

The amount of stock sold in excess of the tangible value of the property is $5,909,165.90.

At the company's office in this city the News was told that the company did not care to give out to the public the amounts that had been paid in dividends.

"I don't think it is a matter that interests the public," said Secretary Douglas. "The statement of dividends concerns the stockholders only."

With the sugar companies asking that the tariff on their product be continued and that the public pay for it, there is much interest at this time.

With the company refusing to give exact information, the nearest accurate statement available is from the evidence given by Charles B. Warren, president of the company, before the congressional committee.

In 1906 the company was formed with $4,644,153.26 worth of property.

This was capitalized at $12,500,000 and $9,245,755 of stock issued on the property that year.

The company, for the first four years, paid 6 per cent dividends on the preferred stock and 6 per cent one year and 7 per cent another year on the common stock, had a surplus left of about $3,000,000, making the total profit of about $4,000,000 for the four years, or about $1,000,000 a year. The surplus was afterwards distributed among the stockholders in the shape of stock dividends.

The investment (in round figures) of $5,000,000 paid 11 per cent on a capitalization of $9,000,000.

Here is where the tariff comes into the question and is of vital interest to both holders of sugar stock and buyers of sugar for table use.

The Democrats figure if a company goes into business with an investment of $5,000,000 and gets 6 per cent on the investment it does fairly well.

Six per cent on the $5,000,000 invested in the Michigan Sugar Co. would produce an annual dividend amounting to $300,000.

To raise 6 per cent on the $5,000,000 of assets classed as "good will" would require another $300,000 a year, but, according to Mr. Warren, the company was able to raise both items during each of the first four years and have $400,000 a year besides.

Mr. Warren's testimony covered up to 1910. What the company's profits have been since then can not be stated, as the officers in charge refuse the information.

The Democrats figure that if the company can pay the profits it did under the tariff, it can pay a reasonable profit without the tariff, and that the $300,000 asked for dividends on "good will" should remain in the hands of the consumers by reducing the price of sugar.

The Republicans claim to take the tariff off will injure the industry and reduce the profit to nothing.

Charles B. Warren, the president of the Michigan Sugar Co., who unloaded most of his holdings in the company before the recent slump in market price of stock, reducing his interest from $455,000 to $84,000, has invested in a Minnesota sugar factory.

A statement sent out by the Wholesale Grocers' Committee on holdings of the Sugar Trust says:

"In 1912 the Sugar Trust announced the sale of its holdings in the Carver County Sugar Co. (Minnesota) to Charles B. Warren, president of the Michigan Sugar Co. The effect of this transfer was a change of name to the Minnesota Sugar Co., and the increase in the capital stock from $600,000 under the trust to $1,200,000 under Mr. Warren and the rest of his associates of the Michigan Sugar Co. The officers of the Iowa Sugar Co., with one or two exceptions, are either officers or directors of the Michigan Sugar Co."

We desire to point out that none of the beet-sugar companies, who are so earnestly asking for the privilege of taxing the American people through a high tariff, have coupled with their pleadings a statement of their earnings for, say, the last three years, so that these might be compared with their actual investment.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Foreign Relations, to which was referred the bill (S. 2318) authorizing the appointment of envoys extraordinary and ministers plenipotentiary to each Paraguay and Uruguay, reported it without amendment and submitted a report (No. 55) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national-forest land, reported it with amendments and submitted a report (No. 56) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 1353) to authorize the board of county

commissioners of Okanogan County, Wash., to construct and maintain a bridge across the Okanogan River at or near the town of Malott, reported it without amendment.

Mr. O'GORMAN, from the Committee on Foreign Relations, to which was referred the bill (S. 2319) authorizing the appointment of an ambassador to Spain, reported it without amendment and submitted a report (No. 58) thereon.

Mr. FLETCHER. I am directed by the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 15) for the relief of Edward L. Keyes, to report it adversely, and I ask that the joint resolution be postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FLETCHER. I am directed by the Committee on Military Affairs, to which the subject was referred, to report a resolution (S. Res. 100) directing the Committee on Military Affairs of the Senate to accord a hearing to Edward L. Keyes, formerly a second lieutenant of the Fifth United States Cavalry, and I submit a report (No. 59) thereon.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

REORGANIZATION OF THE CUSTOMS SERVICE.

Mr. FLETCHER. From the Committee on Commerce I report back favorably with amendments the bill (S. 2258) to extend the proposed reorganization of the customs service for a period of two years, and I submit a report (No. 57) thereon, which I ask may be read. I will then ask unanimous consent for the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Florida presents a report from the Committee on Commerce, which will be read unless there is objection.

Mr. JONES. Do I understand the Chair to ask whether there is any objection?

The PRESIDENT pro tempore. Yes.

Mr. JONES. I desire to object.

The PRESIDENT pro tempore The question is, Shall the report be read? [Putting the question.]

Mr. JONES. I have no objection to the reading of the report.

The PRESIDENT pro tempore. The ayes have it, and the Secretary will read the report.

The Secretary read the report this day submitted by Mr. FLETCHER from the Committee on Commerce, as follows:

[Senate Report No. 57, Sixty-third Congress, first session.]

COMMITTEE REPORT.

The Committee on Commerce having had under consideration S. 2258, entitled "A bill to extend the proposed reorganization of the customs service for a period of two years," submit the following report. The committee caused a copy of the bill to be submitted to the Secretary of the Treasury, with the request that he furnish the committee with such information as is shown by the records of his office relating to the necessity for the enactment of any such legislation at this time. The Secretary has stated his views in a communication, which is as follows:

TREASURY DEPARTMENT,
Washington, June 3, 1913.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, submitting bill S. 2258 for comments and recommendations.

The plan of reorganization adopted by the President on March 3 last provides for an organization of the customs service which, on the whole, is an improvement on the present arrangement of customs districts and ports. There are some objections to the plan which could undoubtedly be overcome if the time should be extended for putting it into operation.

The reorganization as adopted is an extension of the plan followed by Congress in the creation of the present Puget Sound district, which includes the whole of the State of Washington and comprises 22 ports, with headquarters at Port Townsend. Seattle, in this district, collects about one and one-half million dollars in duties and has exports of over twenty-two millions. Some of the ports are seaports and others are frontier ports, and all phases of customs practice are presented. The large volume of business in this district is transacted with expedition and with great economy, and the plan followed in the reorganization is, therefore, not an experiment.

The department has received a number of communications from various Senators and Representatives in Congress, boards of trade, chambers of commerce, and individuals adverse to the proposed reorganization, but most of these protests have been based either on erroneous conceptions of the actual working of the plan or upon feelings of local pride. They do not alone, in my opinion, present valid or serious grounds for deferring the operations of the reorganization.

However, the plan has also been subjected to the criticism that it does not comply with the law, in that the estimate of expenditures under it is in excess of $10,150,000, the amount which, under a strict construction of the act, might possibly be considered as the maximum amount authorized. While this criticism may be unsound as a matter of law, still, in view of its existence, and of the further fact that the reorganization as adopted by the President does not comprehend several administrative changes in the customs service which should be included in order to make a thorough and efficient organization, I have the honor to recommend that the bill be passed subject to the following amendments:

First. That the time of the taking effect of the reorganization be postponed to January 1, 1914, instead of July 1, 1915; and

Second. That the limitation placed upon the estimate of expenditures shall be to an amount not in excess of the amount actually expended for such service in the fiscal year 1913, less $500,000. As thus amended it would read as follows, in which form I recommend that it be adopted:

"A bill to extend the proposed reorganization of the customs service for a period of six months.

"*Be it enacted, etc.*, That the time for the execution of the provisions of chapter 355 of the Statutes at Large, entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes,' approved August 24, 1912, in so far as they relate to the reorganization of the customs service, shall be extended until January 1, 1914.

"That estimates submitted in compliance with such provisions shall be on account of the second half of the fiscal year 1914, and the reorganization ordered by such provisions shall constitute for the second half of the fiscal year 1914 and, until otherwise provided by Congress, the permanent organization of the customs service: *Provided*, That the estimates to be submitted therefor shall show a reduction in the total cost of such service per annum to an amount not in excess of the amount actually expended for such service in the fiscal year 1913, less $500,000."

In view of the shortness of time before the 1st of July, I beg to suggest that if any action is to be taken in this regard it be expedited as far as possible.

Respectfully, W. G. MCADOO, *Secretary.*

The committee finds that there is a very general complaint about the manner in which the customs districts in the country were reorganized under the order made by President Taft just before he retired from the Presidency. Though indicating no opinion as to whether or not these complaints are justified to an extent that requires the intervention of Congress, the committee has reached the conclusion that it will best promote the public service to afford a period when such complaints may be thoroughly investigated, to the end that such as are found to be meritorious may be corrected by Executive action. Without imputing fault to anyone, the committee is inclined to believe that the order promulgated by the President reorganizing the customs district was, from necessity, prepared under conditions where more or less haste was required, and, as a consequence, several features of the order are challenged by interested persons and localities as being unfair and improvident. The committee feels that no serious injury will come to the public service by continuing the Executive character of the process of reorganization until the 1st of January, 1914.

The committee accordingly recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the form of bill suggested by the Secretary, except as modified by the committee. The modification suggested by the committee is that instead of the words "execution of" the words "performance by the President of the acts and things authorized to be done and performed by him under" be substituted, so that the provision will read:

"That the time for the performance by the President of the acts and things authorized to be done and performed by him under the provisions of chapter 355 of the Statutes at Large," etc.

The committee further recommends that the title of the bill be amended by striking out the words "two years" and inserting in lieu thereof the words "six months," and that the bill as so amended and modified do pass.

Mr. FLETCHER. I understand the Senator from Washington objects to the present consideration of the bill?

Mr. JONES. I am very sorry to do so, but I feel compelled to object to its present consideration.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the calendar.

Mr. FLETCHER. Under the objection, I presume the bill will have to go over until to-morrow. Then I shall move to take up the bill at the earliest opportunity.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. SHAFROTH. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 97, authorizing the Committee on Commerce or any subcommittee thereof to hold hearings, and so forth, submitted by Mr. CLARKE of Arkansas on the 29th ultimo, to report it with amendments; and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Chair asks the Senator from Colorado to let the resolution go over. The committee of which the Chair is chairman is interested in the matter. The Chair does not know the extent of the amendments which have been reported, and until opportunity is afforded him to make the examination he asks that the matter go over.

Mr. SHAFROTH. Very well.

ESTATE OF WILLIAM W. ST. JOHN.

Mr. SHAFROTH. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an amendment Senate resolution 96, submitted by the Senator from New Jersey [Mr. MARTINE] on the 29th ultimo, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 3, after the words "Senate to," to strike out "Lucy St. John Tate, sister," and insert "the executor, administrator, or legal heirs."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to the executor, administrator, or legal heirs of William W. St. John, late assistant clerk to the Committee on Coast Defenses of the United

States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PROPOSED INTRODUCTION OF BILLS.

Mr. NELSON. I desire to introduce the bills which I send to the desk.

Mr. JONES. Mr. President, under Rule XIV, I desire to object to the introduction of any bills to-day. I ask that bills may go over until to-morrow.

The PRESIDENT pro tempore. That is the Senator's privilege. Objection is made.

Mr. BRISTOW. I introduce certain bills which I send to the desk.

The PRESIDENT pro tempore. Unless there is objection, they will be considered as read the first and second times and appropriately referred.

Mr. JONES. I desire to object to the introduction of the bills.

The PRESIDENT pro tempore. The Senator from Washington objects to the introduction of the bills. They will therefore lie over.

Mr. McCUMBER. I offer sundry bills for reference.

Mr. JONES. I shall have to ask that they go over.

The PRESIDENT pro tempore. Objection being made to the introduction of the bills, under the rule they will have to lie over one day.

Mr. SMITH of South Carolina. I introduce a bill to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. JONES. I ask that the bill go over.

The PRESIDENT pro tempore. The Senator from Washington objects to the introduction of the bill, and under the rule it will go over for one day.

Mr. SHEPPARD. I introduce two bills for reference.

Mr. JONES. Mr. President, I desire to object.

The PRESIDENT pro tempore. The Senator from Washington objects, and under the rule the bills will lie over for a day.

Mr. SAULSBURY. Mr. President, I desire to introduce a bill to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Theodore S. Coulbourn.

Mr. JONES. I shall have to ask that the bill go over.

The PRESIDENT pro tempore. The Senator from Washington objects, and under the rule the bill will lie over for one day.

CALLING OF THE ROLL.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Martin, Va.	Shively
Bacon	Fletcher	Martine, N. J.	Simmons
Brady	Gronna	Nelson	Smith, Ariz.
Brandegee	Hitchcock	Norris	Smith, S. C.
Bristow	Hollis	O'Gorman	Smoot
Bryan	Hughes	Oliver	Stephenson
Burton	James	Overman	Sterling
Catron	Johnston, Ala.	Owen	Stone
Chamberlain	Jones	Perkins	Swanson
Chilton	Kenyon	Pomerene	Thomas
Clapp	Kern	Ransdell	Thompson
Clark, Wyo.	La Follette	Robinson	Thornton
Clarke, Ark.	Lane	Root	Townsend
Crawford	Lea	Saulsbury	Vardaman
Cummins	Lewis	Shafroth	Warren
Dillingham	Lodge	Sheppard	Works
du Pont	McCumber	Sherman	

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PAGE] is absent from the city upon business of the Senate. I make this announcement for the day.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. A quorum of the Senate is present.

THE TARIFF.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

EXCISE TAX ON TOBACCO MANUFACTURES.

Mr. HITCHCOCK. I desire to submit an amendment to the pending tariff bill in order that it may be printed.

Mr. JONES. If it is simply an amendment I take it that it does not come under the objection that I am making.

Mr. HITCHCOCK. Mr. President, before I yield the floor I desire to say that this amendment is the same amendment which I offered a year ago to the then pending excise bill, which was sent here by the House of Representatives. It embodies the recent recommendation of the Attorney General in favor of a graduated excise tax upon the products of companies engaged in the manufacture of tobacco, snuff, and cigarettes. It is designed not only to raise revenue by levying a high tax upon the great corporations that practically dominate the market at the present time but it is designed also as a regulatory measure so to handicap those great concerns that the lesser concerns, the independent companies, may have an opportunity to live.

Congress made a serious effort when it passed the Sherman antitrust law to destroy monopolies, and when the Supreme Court of the United States declared that the Tobacco Trust was a monopoly, and that it came under the provisions of that law, the country fondly hoped that the monopoly would be destroyed; but through a blunder or through inadvertence or through some other cause that decision of the Supreme Court was practically nullified. In the final work of drafting the decrees of dissolution the Department of Justice made a woeful blunder. This received the approval of the President and permitted that great Tobacco Trust practically to be divided into four associate trusts, owned by the same stockholders and controlled by the same men. Those great companies have continued since that time to operate and control the market as fully and with as enormous profits as did the original trust, and the question is whether the people of the United States and the Congress of the United States shall permit that condition to continue without any effort to remedy it.

It is probably impossible for the present administration to interfere with the decree of the court as it has been entered, but it is possible in a summary way for Congress to use its great powers of taxation to regulate, if not to destroy, the several great associate trusts, just as the power of taxation has been used on previous occasions to destroy. It was used to destroy issues of State banks and to check and handicap the oleomargarine industry for the benefit of the dairy interests. Only a year or two ago Congress used its great power of taxation to kill the manufacture of poisonous matches.

So, Mr. President, I have drawn this amendment at this session in practically the same language in which I drew it at the session a year ago, proposing to exempt from its operations the products of those companies which are on a competitive basis, those companies which are doing business in a legitimate way, but so designed as to fall upon the great concerns whose monopoly power is so great that they are gradually wiping out the competition that still lingers in the manufacture of tobacco.

Mr. President, this amendment is not drawn so as to provide for littleness; it is not drawn so as to destroy manufacture upon a large scale and in an efficient way. I exempt, for instance, from this tax a tobacco product up to 80,000,000 pounds a year. Any concern that manufactures even so great a product as 80,000,000 pounds of tobacco a year will pay nothing except the ordinary tax of 8 cents a pound; but if its manufacture goes beyond that point and exceeds 25 per cent of the total product of the whole country, then it becomes subject to this tax. The extra tax is graduated. Upon the first 4,000,000 pounds over the 80,000,000 pounds the tax is 1 cent a pound; upon the next 4,000,000 pounds it is 2 cents a pound; and so it is graduated up until it reaches 6 cents a pound, which is practically prohibitory. Any company now existing which manufactures such a quantity as would subject it to the 6 cents a pound extra tax would be compelled, under the operations of this proposed law, to dissolve itself as a financial necessity, if not by the decree of the court, and sell its factories to companies that would operate in a legitimate way in competition. A real dissolution would be achieved.

So with cigarettes. The total manufacture of cigarettes in this country is about 10,000,000,000 a year. I propose in this amendment to exempt from additional taxation any company manufacturing not over 1,600,000,000 cigarettes a year, and, after that point is passed, to impose a graduated tax, rising in rate as the quantity increases, until it becomes impossible for a company to monopolize the cigarette market. So also similar provisions of this amendment relate to snuff and little cigars and large cigarettes. The design is not simply to kill the great companies that now dominate and threaten the market, but it is to enable the struggling companies making ten, fifteen, or twenty million pounds of tobacco a year to live. As it is now, they will not be able to live long. In a few years they will be wiped out; and we will only have four great concerns

owned by the same people, controlled by the same men, and practically just as much a trust as was the original trust which the court declared to be a trust and which it sought to destroy.

So, Mr. President, I think we have the right in this bill while raising additional taxes providing additional revenue that may be needed because of a reduction of customs duties to impose this additional internal-revenue tax only applicable to the great producers or manufacturers who are violators of the spirit of the law at the present time.

I trust that the Finance Committee—and I address myself particularly now to the chairman of the Finance Committee, at whose instance I was persuaded last year not to make a strong fight for my amendment—I particularly urge him at this time to take this amendment under favorable consideration in his committee. It is designed not only to raise some revenue but I believe it is designed to put into real operation the will of Congress for the destruction of monopoly in this particular industry. If it works in this industry, it may work in others also, and certainly the experiment is well worth the trial.

The PRESIDENT pro tempore. The amendment offered by the Senator from Nebraska will be printed and referred to the Committee on Finance.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. OVERMAN. Mr. President, I ask unanimous consent to offer the resolution which I send to the desk, and which I ask may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Senator from North Carolina submits a resolution which will be read.

The resolution (S. Res. 102) was read, as follows:

Resolved, That the expenses of the investigation of the charge of a "lobby being maintained in Washington" ordered by the Senate under resolution May 29, 1913, be paid out of the miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the chairman of the Committee on the Judiciary or the chairman of the subcommittee thereof.

The PRESIDENT pro tempore. Under the law the resolution automatically goes to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES. That is not a joint resolution, is it?

Mr. OVERMAN. No, sir; not at all.

The PRESIDENT pro tempore. That reference will be made accordingly.

Mr. OVERMAN. Mr. President, in this connection, Senate resolution 92, known as the lobbying-investigation resolution, required the committee conducting the investigation to report within 10 days. Your committee has been holding morning, afternoon, and night sessions, but it will be utterly impossible for it to make a report by next Saturday. Therefore I am requested by the subcommittee conducting the investigation to ask the Senate to extend the time in which it shall make its report.

The PRESIDENT pro tempore. In what parliamentary form does the Senator from North Carolina present the request?

Mr. OVERMAN. That the time be extended in which the committee may make the report.

Mr. SMOOT. How long will it probably take?

Mr. OVERMAN. It may take two or three or four days longer than the time specified in the original resolution. I will make it indefinite, and say that we will report as soon as we can.

The PRESIDENT pro tempore. Does the Senator from North Carolina request unanimous consent that that enlargement of time be granted?

Mr. OVERMAN. Yes.

The PRESIDENT pro tempore. The Senator from North Carolina asks that the time within which the committee now investigating the so-called lobby was required to report may be extended beyond the limitation of 10 days, specified in the resolution. Is there objection?

Mr. JONES. Mr. President, I regret very much to have to object to that request.

Mr. OVERMAN. Then I move that the time be extended.

The PRESIDENT pro tempore. The resolution can not be considered on the day on which it is introduced in the face of objection.

Mr. OVERMAN. The committee will not be able to report within 10 days.

The PRESIDENT pro tempore. The motion is not in order, because the Chair treated the request as in the nature of a resolution, and it will be laid over one day.

Mr. OVERMAN. Then we can not carry out the order of the Senate. It will be impossible.

The PRESIDENT pro tempore. That is for the Senate to determine; it is not for the Chair.

Mr. OVERMAN. Do I understand that the Senator from Washington insists upon his objection?

Mr. JONES. Yes.

Mr. OVERMAN. The committee, then, will exercise its own judgment.

Mr. BRANDEGEE. I rise to a parliamentary inquiry. Would it not be in order at the present time to move to amend that portion of the resolution by which the committee was instructed to report within 10 days?

The PRESIDENT pro tempore. That can only be done by reconsidering the vote by which the resolution was adopted.

Mr. OVERMAN'S motion was reduced to the form of a resolution (S. Res. 101), as follows:

Resolved, That the time when the Committee on the Judiciary was instructed to report to the Senate under the terms of Senate resolution 92, agreed to on May 29, 1913, be extended for a period of 10 days or until Wednesday, June 18, 1913.

DECISIONS OF UNITED STATES SUPREME COURT.

Mr. SHAFROTH. I submit a resolution, which I ask may be read and referred.

The resolution (S. Res. 103) was read, as follows:

Resolved, That Senate resolution, adopted on the 20th day of February, 1885, providing for furnishing to Senators pamphlet printed copies of the decisions of the Supreme Court of the United States be, and the same is hereby, annulled.

The PRESIDENT pro tempore. To what committee shall the resolution be referred?

Mr. SHAFROTH. I think the appropriate committee is the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. That would depend altogether on whether or not the expense of furnishing these copies is paid out of the contingent fund of the Senate.

Mr. SHAFROTH. Yes; it is paid out of that fund, and we desire to have the former resolution repealed.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

TUBERCULOSIS CURES.

Mr. BRISTOW submitted the following resolution (S. Res. 104), which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed, if not incompatible with the public interest, to transmit to the Senate such reports as have been made by officers of the United States Bureau of the Public Health and such documentary information as he may have upon the so-called tuberculosis cures.

Mr. BRISTOW. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. JONES. I shall have to object.

The PRESIDENT pro tempore. The Senator from Washington objects, and the resolution will go over.

ST. LOUIS & SAN FRANCISCO RAILROAD CO.

Mr. KENYON submitted the following resolution (S. Res. 105), which was read:

Resolved, That the Interstate Commerce Commission investigate, if it has not the evidence on hand, and report to the Senate all the facts and circumstances concerning the purchase of the Chicago & Eastern Illinois Railroad by the St. Louis & San Francisco Railroad Co., and the subsequent receivership of both railroads, such information to contain the amount paid per share for both common and preferred stock of the Chicago & Eastern Illinois Railroad by the St. Louis & San Francisco Railroad Co.; the time of the issuance of such stock and the amount thereof; guaranties, if any, made with reference thereto; amount of the bonds issued by the St. Louis & San Francisco Railroad Co. at the time of the purchase of the said Chicago & Eastern Illinois Railroad; the location of the holders of said bonds; the amount of the same held in this country and abroad; and all the facts and circumstances involved in any way in the transactions between said railroad companies; and all the facts and circumstances leading up to said receiverships, and the progress of said receiverships to date; also the names and the capitalization and bond issues of all railroad and bridge companies controlled by said St. Louis & San Francisco Railroad Co.; the time of such acquisitions, how acquired, amount of bonds issued at the time of such acquisition, and all facts or circumstances involved in such purchase or control.

Mr. KENYON. I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. JONES. Mr. President, I shall have to ask that the resolution go over.

The PRESIDENT pro tempore. The Senator from Washington objects, and, under the rule, the resolution will lie over for one day.

COMMITTEE SERVICE.

On motion of Mr. KERN, it was

Ordered, That JAMES HAMILTON LEWIS, Senator from Illinois, be appointed as a member of the Committee on Interstate Commerce in place of Senator KERN, who has resigned therefrom; also a member of the Committee on Pacific Islands and Porto Rico in place of Senator THORNTON, who has resigned therefrom; also a member of the Committee on Printing in place of Senator HITCHCOCK, who has resigned therefrom; also a member of the Committee on Manufactures in place of Senator SAULSBURY, resigned; also a member of the Committee on National Banks in place of Senator CHAMBERLAIN, resigned; and also a member of the Committee on Railroads in place of Senator CLARKE of Arkansas, resigned.

PROPOSED INTRODUCTION OF A BILL.

Mr. THOMAS. I ask leave to introduce a bill to provide for the appointment of an additional district judge in and for the judicial district of the State of Colorado.

The PRESIDENT pro tempore. The Senator from Colorado, out of order, asks unanimous consent to introduce a bill at this time. Is there objection?

Mr. JONES. I shall have to ask that the bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill will lie over.

EXTRA CLERK FOR SENIOR SENATOR FROM WASHINGTON.

Mr. KENYON. I submit the following resolution, which I ask may be read. I should like to have immediate consideration, if there is no objection to it.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 106) was read, as follows:

Resolved, That the Senator from Washington [Mr. JONES] be allowed an extra clerk at $1,200 per year.

Mr. JONES. Mr. President, even if the statute did not require the resolution to go to the committee I should object to it, because there are fifteen or twenty other Senators who are in the same position with me.

The PRESIDENT pro tempore. The resolution on its face does not provide that the expense of the clerk shall be paid from the contingent fund of the Senate; otherwise it would be automatically referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES. That would not relieve the situation at all. I must object, Mr. President.

The PRESIDENT pro tempore. Objection being made, the resolution will go over. If there are no further concurrent or other resolutions, no resolution coming over from a former day, the calendar under Rule VIII is now in order.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 43 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 6, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 5, 1913.

COLLECTOR OF INTERNAL REVENUE.

Josh T. Griffith, of Kentucky, to be collector of internal revenue for the second district of Kentucky, in place of Lawson Reno, superseded.

UNITED STATES ATTORNEYS.

J. Virgil Bourland, of Arkansas, to be United States attorney, western district of Arkansas, vice John I. Worthington, whose term has expired.

Herbert S. Phillips, of Florida, to be United States attorney, southern district of Florida, vice Richard P. Marks, appointed by court.

J. Warren Davis, of New Jersey, to be United States attorney for the district of New Jersey, vice John B. Vreeland, whose term has expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. Carl Reichmann, Infantry, unassigned, to be lieutenant colonel from May 29, 1913, vice Lieut. Col. Willson Y. Stamper, Second Infantry, retired from active service May 28, 1913.

Capt. Thomas F. Schley, Infantry, unassigned, to be major from May 29, 1913, vice Maj. Carl Reichmann, unassigned, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 5, 1913.

COMMISSIONER OF THE GENERAL LAND OFFICE.

Clay Tallman to be Commissioner of the General Land Office.

CONSUL GENERAL.

Evan E. Young to be consul general of the United States of America at Halifax, Nova Scotia, Canada.

CONSUL.

William H. Robertson to be consul of the United States of America at Manchester, England.

NAVAL OFFICER OF CUSTOMS.

William M. Croll to be naval officer of customs in the district of Philadelphia, Pa.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

To be third licutenant.

Cadet Fletcher Webster Brown.
Cadet Henry Montgomery Carr.
Cadet Henry Coyle.
Cadet Robert Donohue.
Cadet James Alexander Frost, jr.
Cadet Frank Joseph Gorman.
Cadet Lloyd Vineyard Kielhorn.
Cadet Gordon Whiting MacLane.
Cadet Earl Griffith Rose.
Cadet Edward Hanson Smith.
Cadet Elmer Fowler Stone.
Cadet Carl Christian von Paulsen.
Cadet John Elliot Whitbeck.

PROMOTIONS IN THE NAVY.

Second Lieut. Alfred McC. Robbins to be a first lieutenant in the Marine Corps.

To be assistant surgeons in the Medical Reserve Corps of the Navy:

Thomas C. Pounds.
Jesse B. Helm.
John W. Bovee.
Charles I. Griffith.
Albert T. Weston.

UNITED STATES CIRCUIT JUDGES.

George Hutchins Bingham to be United States circuit judge for the first judicial circuit.

Charles A. Woods to be United States circuit judge for the fourth judicial circuit.

UNITED STATES MARSHAL.

Emmet R. Jordan to be United States marshal for the District of Alaska, division No. 2.

MEMBERS OF THE EXECUTIVE COUNCIL OF PORTO RICO.

Tulio Larrinaga.
Luis Sanchez Morales.

POSTMASTERS.

ARKANSAS.

C. A. Berry, Huttig.
A. W. Cammack, Portland.
J. F. Gillespie, Carlisle.
D. B. Thompson, Hope.

CONNECTICUT.

William I. Austin, Noroton Heights.
John J. Bohl, Stamford.
W. S. Clark, Milford.
Thomas McGrath, Washington.
Harry W. Potter, Glastonbury.
Ashmun P. Prickett, Hazardville.
Peter J. Prior, Plainville.
Allen W. Rathbun, Noank.

FLORIDA.

Florida E. Gay, Lynn Haven.
J. N. Willis, Williston.

GEORGIA.

W. H. Beddingfield, Unadilla.
R. H. Dunlap, Chipley.
Ralph E. McKnight, Senoia.
Carrie B. Padgett, Glennville.
L. J. Pritchard, Tennille.
Robert L. Stephenson, Royston.

IDAHO.

Franklin A. Miller, St. Anthony.
L. A. Wisener, Grangeville.

ILLINOIS.

E. F. Bieser, Nashville.
John D. Brady, Buda.
E. E. Burton, Newton.
John C. Crawford, Jonesboro.
Thomas J. Cunningham, Taylorville.
William B. Davis, Mount Sterling.
William Foran, Sorento.
Henry Gilbert, Ashley.
E. P. Kimball, Virden.
C. M. Lewis, Bridgeport.
W. F. Lutyen, Flanagan.
William McNeill, Prophetstown.
John R. McWhorter, North Crystal Lake.
A. E. Martin, Benton.
J. W. Payne, Lamoille.
Robert L. Rich, Cobden.
Henry S. Rolwing, Thebes.
Daniel Du Russell, Trenton.
T. N. Sutton, Mason City.
Charles H. Ware, Barry.
Lewis A. Westbrook, Creal Springs.

IOWA.

Charles H. Woodward, Gowrie.

LOUISIANA.

Ulysses J. Barrios, Lockport.
Hattie M. Cooke, Washington.
Tina Collins, Bastrop.
Gaston Gonsoulin, Patterson.
B. H. Miller, Clarks.
William C. Stewart, Longville.

MASSACHUSETTS.

Jesse W. Crowell, South Yarmouth.

MICHIGAN.

Frank D. Baker, Flint.
C. D. Downing, St. Charles.
William Grant, Coloma.
Berend Kamps, Zeeland.
Russell A. Lee, Harbor Springs.

MISSISSIPPI.

Walter L. Bourland, Amory.
William G. Edwards, Enterprise.
T. M. Fuller, Hattiesburg.
Monroe L. Lott, Sumrall.
Charles W. McKeithen, Woodville.
Minnie L. Rees, Purvis.
L. W. Smith, Shubuta.
Charlie P. Wadley, Tunica.

NEW JERSEY.

James J. Davidson, Swedesboro.
Harrison C. Hurley, Asbury Park.
Harry M. Knight, Camden.
Charles McCue, Lakewood.

NEW MEXICO.

Howard S. Boise, Hurley.
A. B. Wagner, Clovis.

NEW YORK.

Samuel F. Andrews, Homer.
Edward Blackwell, Pearl River.
Fred J. Dunham, Montour Falls.
Arthur B. Dewey, Tully.
G. R. Paul Engert, Dobbs Ferry.
Harry M. Fisher, Nanuet.
Alphonzo E. Fitch, Cazenovia.
John J. Glynn, Valatie.
William H. Harding, Roscoe.
Willis H. Hawkins, Bellport.
James Hogan, Marcellus.
Robert B. Irwin, Nichols.
J. Marvin Lotridge, Cincinnatus.
William E. McDonell, Alexandria Bay.
Herbert McMullen, Marlboro.
Delbert M. O'Brien, Fayetteville.
Morris J. O'Neill, Centerville Station.
Frederick W. Piotrow, Hamilton.
Charles Ray, Barker.
Clarence A. Talbot, Edmeston.
Albert B. Taylor, Hunter.
James M. Tuohey, Medina.
Miles G. Wellman, Youngstown.
William F. Wild, Lindenhurst.

NORTH CAROLINA.

W. T. Chambers, Madison.
G. H. Currie, Clarkton.
D. D. French, Lumberton.
E. T. Lee, Dunn.
Andrew Lewis Pendleton, Elizabeth City.
R. J. Lewellyn, Elkin.
Leonidas M. Michaux, Goldsboro.
John B. Petteway, Jacksonville.
C. W. Whitehurst, Beaufort.

NORTH DAKOTA.

Robert Hunke, Richardton.
John Robertson, Willow City.
William Strehlow, Casselton.

OREGON.

Archie F. Eaton, Sheridan.
R. L. Guiss, Woodburn.
John Larkin, Newberg.
O. J. Skiff, Union.
Guy E. Tex, Central Point.
Lewis Ulrich, Jacksonville.
Ben Weathers, Enterprise.
Mamie Winters, Burns.

PENNSYLVANIA.

Earl L. Anderson, Parnassus.
Arthur E. Brown, Osceola Mills.
Margaret W. Buchanan, Scalp Level.
Fletcher C. George, Lilly.
John S. Leiby, Newport.
Edward Raker, Shamokin.
W. H. Strauss, Johnstown.

SOUTH CAROLINA.

E. C. Bethea, Latta.
James A. Cannon, Fountain Inn.
Pearle H. Padget, Saluda.

SOUTH DAKOTA.

Henry B. Baer, Bowdle.
D. J. Delaney, Custer.
Stephen Jones, Canton.
Albert Lewis, Conde.
J. B. Lundy, Mellette.
M. E. McCormick, Tyndall.
Carl Oldewurtel, Freeman.
W. M. Walters, Fairfax.
Charles L. Wohlheter, White.

TENNESSEE.

A. B. Cook, Woodbury.

TEXAS.

Pope Allen, Valley Mills.
E. B. Barnes, Snyder.
William C. Boyett, College Station.
Minnie Burke, Blossom.
P. H. Clements, Goldthwaite.
C. S. Davis, Ranger.
J. J. Erwin, Ballinger.
M. Ezell, Timpson.
W. D. Foster, Miles.
Sam K. Hailey, Conroe.
John M. Hembree, Cross Plains.
William E. Jenkins, Smithville.
W. J. Lamb, Mabank.
S. S. McClendon, Tyler.
R. K. McCleskey, Rule.
P. B. McNatt, Arlington.
C. E. Maxwell, Strawn.
B. F. Mitchell, Gainesville.
John W. Person, Colorado.
Shaw D. Ray, Winnsboro.
S. P. Robbins, Lubbock.
J. Wiley Taylor, Midland.
Shadrac S. Tullos, Grand Prairie.
Young C. White, Hamlin.

VIRGINIA.

R. Henry Cobb, Franklin.
George E. Cunningham, Buena Vista.
W. E. Hailey, Keysville.
H. Lester Hooker, Stuart.
William F. Kennedy, Kenbridge.
J. S. Lauck, Shenandoah.
J. F. Lowman, Hot Springs.

Charles F. Russell, Herndon.
Sadie A. Southall, Amelia Court House.
E. L. Toone, Boydton.
W. W. Tuck, Virgilina.

WITHDRAWALS.

Executive nominations withdrawn from the Senate June 5, 1913.

COLLECTOR OF CUSTOMS.

Joseph B. Russell, of Massachusetts, to be collector of customs for the district of Boston and Charlestown, in the State of Massachusetts, sent to the Senate on May 29, 1913.

The nomination is withdrawn for the reason that Mr. Russell declines the appointment.

POSTMASTERS.

KANSAS.

A. E. Jacques to be postmaster at Wichita, in the State of Kansas.

VERMONT.

James McGovern to be postmaster at North Bennington, in the State of Vermont.

WYOMING.

J. R. Baird to be postmaster at Powell, in the State of Wyoming.

SENATE.

FRIDAY, *June 6, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

THE JOURNAL.

The PRESIDENT pro tempore. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martin, Va.	Smith, Ariz.
Bacon	Gronna	Martine, N. J.	Smith, Ga.
Bradley	Hitchcock	Nelson	Smith, S. C.
Brady	Hollis	Norris	Smoot
Brandegee	Hughes	O'Gorman	Stephenson
Bristow	James	Oliver	Sterling
Burton	Johnson, Me.	Owen	Swanson
Catron	Johnston, Ala.	Perkins	Thompson
Chamberlain	Jones	Pomerene	Townsend
Clapp	Kenyon	Reed	Vardaman
Clark, Wyo.	Kern	Saulsbury	Walsh
Clarke, Ark.	La Follette	Shafroth	Williams
Crawford	Lane	Sheppard	Works
Cummins	Lea	Shields	
Dillingham	Lippitt	Shively	

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PAGE] is in attendance before a committee of the Senate this afternoon, and is unable to be present.

Mr. KENYON. I was requested to announce that the senior Senator from Illinois [Mr. SHERMAN] is detained from the Chamber on account of sickness. This announcement will stand for the day.

Mr. MARTIN of Virginia. The senior Senator from Maryland [Mr. SMITH] is detained on official business of the Senate as a member of the Board of Visitors to the Naval Academy at Annapolis.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the Senate on important business. I desire that this announcement may stand for the day. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is absent on account of business of the Senate.

Mr. JOHNSTON of Alabama. I wish to state that my colleague [Mr. BANKHEAD] is necessarily detained by reason of sickness in his family.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum of the Senate is present. The Secretary will read the Journal of yesterday's proceedings.

Mr. FLETCHER. I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

Mr. JONES. I object.

The PRESIDENT pro tempore. The Senator from Washington objects, and the Secretary will proceed to read the Journal.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a memorial of the Central Trades and Labor Assembly of Tampa, Fla., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

Mr. PERKINS presented a memorial of sundry citizens of Fresno, Cal., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Placerville, Cal., remonstrating against the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. McCUMBER presented a memorial of sundry citizens of Perth, N. Dak., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on the Conservation of National Resources.

Mr. KENYON (for Mr. SHERMAN) presented resolutions adopted by the Rural Letter Carriers' Association of Jasper County, Ill., favoring certain changes in the postal service, which were referred to the Committee on Post Offices and Post Roads.

INTRODUCTION OF BILLS.

Mr. MARTINE of New Jersey. I desire to introduce a bill for proper reference.

The PRESIDENT pro tempore. The Senator from New Jersey will withhold it for the present. Bills were presented yesterday and under objection laid over until to-day. Under the rule they will be submitted to the Senate and read the first time.

The SECRETARY. By Mr. NELSON, a bill (S. 2440) providing for the erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton in Arlington National Cemetery, in the State of Virginia.

The PRESIDENT pro tempore. Unless there is objection, the bill will be considered as read the second time and referred to the Committee on the Library.

Mr. JONES. Is the reading merely of the title considered as a reading of the bill?

The PRESIDENT pro tempore. It is.

Mr. JONES. I ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read at length if the Senate so determines.

Mr. JONES. I ask for the first reading of the bill at length.

The PRESIDENT pro tempore. That question will be submitted to the Senate. Those in favor of having the bill read at length will say "aye."

Mr. JONES. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martine, N. J.	Smith, Ga.
Bacon	Gronna	Nelson	Smith, S. C.
Bradley	Hitchcock	Norris	Smoot
Brady	Hughes	Oliver	Stephenson
Brandegee	James	Perkins	Sterling
Bristow	Johnson, Me.	Ransdell	Stone
Burton	Johnston, Ala.	Reed	Swanson
Catron	Jones	Saulsbury	Thomas
Chamberlain	Kenyon	Shafroth	Thompson
Clapp	La Follette	Sheppard	Thornton
Clark, Wyo.	Lane	Shields	Vardaman
Clarke, Ark.	Lea	Shively	Walsh
Crawford	Lewis	Simmons	Williams
Cummins	Martin, Va.	Smith, Ariz.	Works

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is necessarily absent. He is paired with the Senator from Delaware [Mr. DU PONT]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, a quorum of the Senate is present.

The Senator from Washington [Mr. JONES] has demanded that the bill introduced by the Senator from Minnesota [Mr. NELSON] be read in full. It is the opinion of the Chair that the requirement of the second clause of Rule XIV will be satisfied by reading the bill by title. Of course, that ruling of the Chair may be modified and changed by the action of the Senate upon application in the proper form. The Chair is somewhat familiar with the decisions of the courts on similar

language in the constitutions of several of the States; and it has uniformly been held that, where no other qualifying language was employed, the reading of a bill by title would satisfy the requirement that the bill should be read on three separate days. That is the ruling of the Chair.

Mr. JONES. Mr. President, while I disagree with the opinion of the Chair, I am not going to take up the time of the Senate now to discuss the matter.

The PRESIDENT pro tempore. The bill can not be read a second time to-day in face of the objection of the Senator from Washington.

Mr. JONES. Yes; I desire to object to the second reading of the bill.

The PRESIDENT pro tempore. The bill will be read the first time and laid over. It can not be referred until it has been read the second time. The Secretary will read the next bill, introduced by the Senator from Minnesota [Mr. NELSON], by title.

(By request.) A bill (S. 2441) to amend an act entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States," approved March 3, 1913, was read the first time by its title.

Mr. JONES. I object to the second reading of the bill.

The PRESIDENT pro tempore. The bill will lie over.

The Chair inquires of the Senator from Washington [Mr. JONES] if it is his purpose to object to the second reading of every bill?

Mr. JONES. I desire to object to the second reading of all bills.

The PRESIDENT pro tempore. A comprehensive objection will satisfy the requirement of the rule unless there is objection. The Chair hears none, and the Secretary will proceed to read the bills the first time.

The following bills, introduced by Mr. BRISTOW, were read the first time by their titles:

A bill (S. 2442) granting an increase of pension to Judson Bayne (with accompanying paper);

A bill (S. 2443) granting an increase of pension to Van Buren Fisher (with accompanying paper);

A bill (S. 2444) granting a pension to Maggie M. Lane;

A bill (S. 2445) for the relief of James H. Devlin; and

(By request.) A bill (S. 2446) providing for the adjustment and payment of accounts of laborers and mechanics arising under the eight-hour law.

The Secretary read the first time by their titles the following bills introduced by Mr. MCCUMBER:

A bill (S. 2447) granting a pension to Horace H. Lockwood;

A bill (S. 2448) for the relief of William Henry Hayden;

A bill (S. 2449) for the relief of the legal representatives of Jennie M. Hunt, deceased;

A bill (S. 2450) for the relief of Frederick J. Ernst;

A bill (S. 2451) for the relief of Margaret F. Watson; and

A bill (S. 2452) granting a pension to Catharine A. Riley (with accompanying papers).

The Secretary read the first time by its title the following bill introduced by Mr. SMITH of South Carolina:

A bill (S. 2453) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. JONES. I desire to say that I do not wish to delay the Senate unnecessarily. There are a number of private bills which it is desired by Senators to introduce which may be handed to the Secretary; and to such procedure I have no objection whatever, so that pension bills and bills of that nature may be handed to the Secretary and introduced as provided by the rule.

The PRESIDENT pro tempore. Members of the Senate will take notice of the concession made by the Senator from Washington.

The Secretary read the first time by their titles the following bills introduced by Mr. SHEPPARD:

A bill (S. 2454) authorizing an investigation by the Secretary of Agriculture to develop a cotton-gin compress that may be constructed at a price within the reach of individuals and organizations of average means, and to encourage the use thereof; and

A bill (S. 2455) for the relief of the heirs of George S. Thebo.

The Secretary read the first time by its title the following bill introduced by Mr. SAULSBURY:

A bill (S. 2456) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Theodore S. Coulbourn.

The Secretary read the first time by its title the following bill introduced by Mr. THOMAS:

A bill (S. 2457) to provide for the appointment of an additional district judge in and for the judicial district of the State of Colorado.

The Secretary read the first time by its title the following bill introduced by Mr. CHAMBERLAIN:

A bill (S. 2458) granting a pension to Seaman W. Potter.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. MARTINE] has introduced a bill, which, without objection, will be considered as read the first and second times.

Mr. JONES. I desire to ask that the bill go over until to-morrow. I object.

Mr. MARTINE of New Jersey. I give notice that I shall call up the bill to-morrow.

The PRESIDENT pro tempore. The bill will lie over under the rule.

The Secretary read the first time by its title the following bill introduced by Mr. MARTINE of New Jersey:

A bill (S. 2493) to provide for the placing of the temporary employees of the Census Bureau on the permanent roll of the civil service.

The PRESIDENT pro tempore. Objection being made, the bill will lie over for a day.

Mr. CATRON. I desire to introduce certain bills for appropriate reference.

The PRESIDENT pro tempore. The Senator from New Mexico introduces bills which, without objection, will be read the first and second times.

Mr. JONES. I desire to object, Mr. President.

The PRESIDENT pro tempore. The Senator from Washington objects.

The following bills introduced by Mr. CATRON were read the first time by their titles:

A bill (S. 2494) to provide for the purchase of a site and the erection of a public building thereon in the city of Clayton, in the State of New Mexico; and

A bill (S. 2495) granting an increase of pension to Eugenia Chavez de Montano.

The PRESIDENT pro tempore. Under the rule, the bills will lie over for a day.

Mr. PERKINS. I introduce a bill, Mr. President.

The PRESIDENT pro tempore. The Senator from California introduces a bill, which, without objection, will be read the first and second time.

Mr. JONES. I shall have to object, Mr. President.

The PRESIDENT pro tempore. The Senator from Washington objects.

The Secretary read the first time by title the following bill, introduced by Mr. PERKINS.

A bill (S. 2496) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, the Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.

The PRESIDENT pro tempore. Objection being made, the bill will lie over for a day.

Mr. SHAFROTH. I wish to introduce sundry bills.

Mr. JONES. I have no objection to the proffer of the bills, but will ask that they go over until to-morrow.

Mr. SHAFROTH. I wish to offer the bills, and then, if the Senator objects, they will go over until to-morrow.

The PRESIDENT pro tempore. The Senator from Colorado introduces certain bills, which, under objection of the Senator from Washington, will be laid over for one day. The Secretary will read the titles of the bills.

The Secretary read the first time by their titles the following bills, introduced by Mr. SHAFROTH:

A bill (S. 2497) granting an increase of pension to W. H. Hyatt;

A bill (S. 2498) granting a pension to Helena A. Edic; and

A bill (S. 2499) granting an increase of pension to John Wade.

Mr. CRAWFORD. I wish to introduce a bill to regulate the employment of agents, counsel, and attorneys engaged to secure the passage or defeat of legislation by Congress; to prohibit persons and corporations interested in the passage or defeat of legislation, and their counsel, agents, and attorneys, from attempting to influence Members of the Senate and House of Representatives other than by oral and written arguments and briefs submitted to regularly constituted committees; providing for a return of expenses incurred, and prescribing penalties for the violation of the provisions thereof.

Mr. JONES. I ask that the bill may go over until to-morrow.

The PRESIDENT pro tempore. The Senator from Washington objects. The bill will lie over for a day.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. REED. Mr. President, I ask unanimous consent to call up, out of order, a resolution which comes regularly before the Sen-

ate to-day, which simply extends the time within which the committee that is investigating the lobby may make its report. The reason I am asking indulgence at this time, instead of waiting until the resolution is regularly reached, is simply in order that the committee may resume its labors. There are some witnesses waiting. I hope the Senator from Washington will not object to our calling the resolution up at this time, for it would come up at any rate after the reading of bills.

Mr. JONES. Mr. President, I recognize the great importance of having this inquiry prosecuted with rapidity. I shall not delay it and will not object to the request of the Senator from Missouri.

The PRESIDENT pro tempore. The Senator from Missouri asks for the present consideration of Senate resolution 101, which will be read by the Secretary.

The Secretary read the resolution (S. Res. 101) submitted by Mr. OVERMAN on June 5, 1913, as follows:

Resolved, That the time when the Committee on the Judiciary was instructed to report to the Senate under the terms of Senate resolution 92, agreed to on May 29, 1913, be extended for a period of 10 days, or until Wednesday, June 18, 1913.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. REED. I move to amend the resolution, in line 4, before the word "days," by striking out "ten" and inserting "twenty"; in line 5, after the word "until," by striking out "Wednesday" and inserting "Saturday"; and in the same line, after the word "June," by striking out "eighteenth" and inserting "twenty-eighth," so that the extension of time will be 20 days instead of 10 days. I am moving these amendments with the consent of the Committee on the Judiciary.

The PRESIDENT pro tempore. The resolution will be read as proposed to be amended by the Senator from Missouri.

The Secretary read the resolution as proposed to be amended, as follows:

Resolved, That the time when the Committee on the Judiciary was instructed to report to the Senate under the terms of Senate resolution 92, agreed to on May 29, 1913, be extended for a period of 20 days, or until Saturday, June 28, 1913.

The PRESIDENT pro tempore. The question is on the amendments to the resolution proposed by the Senator from Missouri [Mr. REED].

The amendments were agreed to.

The resolution as amended was agreed to.

THE TARIFF.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

TUBERCULOSIS CURES.

The PRESIDENT pro tempore. If there be no concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution (S. Res. 104) submitted by Mr. BRISTOW on the 5th instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed, if not incompatible with the public interest, to transmit to the Senate such reports as have been made by officers of the United States Bureau of the Public Health and such documentary information as he may have upon the so-called tuberculosis cures.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ST. LOUIS & SAN FRANCISCO RAILROAD CO.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from yesterday, which the Secretary will read.

The Secretary read the resolution (S. Res. 105), submitted by Mr. KENYON on the 5th instant, as follows:

Resolved, That the Interstate Commerce Commission investigate, if it has not the evidence on hand, and report to the Senate all the facts and circumstances concerning the purchase of the Chicago & Eastern Illinois Railroad by the St. Louis & San Francisco Railroad Co., and the subsequent receivership of both railroads, such information to contain the amount paid per share for both common and preferred stock of the Chicago & Eastern Illinois Railroad by the St. Louis and San Francisco Railroad Co.; the time of the issuance of such stock and the amount thereof; guaranties, if any, made with reference thereto; amount of the bonds issued by the St. Louis & San Francisco Railroad Co. at the time of the purchase of the said Chicago & Eastern Illinois Railroad; the location of the holders of said bonds; the amount of the same held in this country and abroad; and all the facts and circumstances involved in any way in the transactions between said railroad companies; and all the facts and circumstances leading up to said receiverships, and the progress of said receiverships to date; also the names and the capitalization and bond issues of all railroad and bridge companies controlled by said St. Louis & San Francisco Railroad Co.; the time of such acquisitions, how acquired, amount of bonds issued at the time of such acquisition, and all facts or circumstances involved in such purchase or control.

Mr. BACON. Mr. President, I have no objection whatever, so far as I know, to this information being had, but it does seem to me, without being very familiar with the details which must necessarily be involved in this matter, that it would impose an immense labor upon the Interstate Commerce Commission to gather this information and make this report. As we know, the Interstate Commerce Commission has now an immense burden placed upon it by recent legislation calling for the valuation of railroads and everything connected with them.

I repeat I have no objection in the world to the resolution, and it may be very important to get this information, but I suppose, of course, the Senator from Iowa, before introducing the resolution, has considered the question both as to the importance of it and as to the amount of labor which will be devolved upon the commission if the resolution shall be adopted; and so, before voting upon it, I should be very glad if the Senator would advise us in this respect. What is the estimate of the Senator as to the amount of labor which will be involved in making this investigation and the time necessary to make it?

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. I yield to the Senator.

Mr. KENYON. Mr. President, I think it is not a useless——

Mr. BACON. I can not hear the Senator.

Mr. KENYON. I could not hear all the Senator from Georgia said either, so that I am a little in the dark. It is impossible for me to state what length of time will be necessary to make this investigation. I assume that the commission has nearly all the facts. I would not want to burden the commission unnecessarily, but it does seem to me that this information is important. The question of the Federal control of stock and bond issues will at some future time become a very important question here. Already there is agitation of the question of raising the rates on the railroads, and this receivership is cited in many quarters as showing some of the causes which make the raising of rates necessary.

There is a third proposition of the stock held in other countries and the ill effect of such proceedings upon our stock held abroad.

I have some knowledge of the circumstances surrounding this receivership, but not sufficient; and it does seem to me that, in a matter of this kind, the Interstate Commerce Commission, without an unusual expenditure of time, could furnish such information as would be profitable on these various questions.

Mr. JOHNSTON of Alabama. Mr. President——

Mr. BACON. Mr. President, I have not yielded the floor.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. BACON. Certainly.

Mr. JOHNSTON of Alabama. I want to ask the Senator from Iowa whether he does not think the resolution ought to go to the Committee on Interstate Commerce, in order that they may investigate the matter and see what time will probably be required to obtain the desired information?

Mr. KENYON. I do not hear the Senator.

Mr. JOHNSTON of Alabama. I ask whether the Senator does not think it would be better to let the resolution go to the Interstate Commerce Committee to ascertain before it is adopted something about what time it will take to procure the information and what it will cost?

Mr. BACON. Mr. President, the suggestion which I was going to make to the Senator is that he now modify his resolution so as to not devolve, unless it should be necessary, an undue amount of labor upon the Interstate Commerce Commission. The suggestion is that the Senator modify his resolution so far as to require the Interstate Commerce Commission now to submit to the Senate what information they have, and then the Senate can easily determine whether we should enlarge the demand to this unlimited extent. This sets no limit whatever.

Anyone who has been familiar with these large railroad operations, and especially with receiverships and everything of that kind, every lawyer who has had any connection with them, knows the immensity of the details; and it seems to me, if the Senator would now simply ask for the passage of a resolution directing the Interstate Commerce Commission to send to the Senate such information as they have, then the Senator and other Senators can determine whether other information is desired; but if the resolution is passed in its present shape the commission must proceed, and there will be nothing for them to do but to go to the fullest extent required by the resolution, which is a very broad one.

Mr. KENYON. Does the Senator think it would require more than the work of one man, for not over two weeks, to make that kind of an investigation?

Mr. BACON. I may be mistaken about it, but I was under the impression that it would require a great deal more time than that.

Mr. KENYON. I should not think so.

Mr. BACON. If it did not, I should have no objection to the resolution.

Mr. KENYON. In answer to the Senator from Alabama [Mr. JOHNSTON], can the Senator assure me that if this resolution should be referred to the Interstate Commerce Committee there would be any meeting of that committee and any action by them? I understand there are to be no more meetings of that committee.

Mr. JOHNSTON of Alabama. I do not know, I am sure. I am not a member of the committee and I have not had any conference with them. I assume, however, that they would meet.

Mr. KENYON. I understand there are to be no more meetings of the Interstate Commerce Committee at this special session.

Mr. BACON. They could very easily have a meeting.

Mr. CUMMINS. Mr President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the senior Senator from Iowa?

Mr. BACON. I do.

Mr. CUMMINS. As a member of the Interstate Commerce Committee, I may say that we have had but one meeting since the committee was organized, and apparently that meeting was solely for the purpose of enabling the members to get acquainted with each other. We have done no business, and have not been called together to do any business, although there is a very large amount of business before the committee to be done.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield further to the junior Senator from Iowa?

Mr. BACON. I have nothing further, Mr. President, except to say that I confess the Senator surprises me very much when he says that one man can do this work in two weeks. I have no doubt the Senator has been connected with cases of this kind before, and I certainly have had knowledge of quite a number of them. My experience has been that all these matters involve an immensity of detail. I have been in cases where it took literally years to go through all the matters that were involved.

Mr. KENYON. In the preparation of a case, of course, that is true. I hope the Senator will not object.

Mr. BACON. No; I will not object, but I will ask the Senator from Iowa to act upon the suggestion of the Senator from Alabama. I will say to him that if the resolution is referred to the committee, and the committee does not report within a very short time, I will recognize the right of the Senator to ask that the committee be discharged from further consideration of the matter, and that the resolution then be taken up. If it is referred to the committee, the committee can confer with the Interstate Commerce Commission, and we can have some data upon which to proceed in determining whether or not an investigation should be had.

Mr. KENYON. If the resolution could be sent to the committee and a report made within a week, I should have no objection. I assume that after that time we will be engaged in the tariff discussion here, which will take all our time.

Mr. BACON. The Senator always has the right, at any time, to ask for the discharge of a committee if it does not proceed with its work. If the Senator is correct in thinking that one man could do this work in two weeks, of course I should not have the slightest objection; but I think he is very much mistaken about that. He must be. In view of that fact, I suggest that he consent that the resolution go to the Committee on Interstate Commerce, with a full recognition of the right of the Senator, if the committee does not meet, to ask that it be discharged, and that the Senate act directly upon the resolution.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. I yield the floor.

Mr. BRISTOW. With the permission of the Senator from Iowa, I would suggest that he let this matter go over for a day and himself confer with the Interstate Commerce Commission and see about what time they think it will take. Then he would have definite information, and would not have to go upon any supposition.

Mr. BACON. I would be content with that.

Mr. KENYON. If that can be done without losing any rights in the matter, Mr. President, I will consent.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the further consideration of the resolution be continued until the next session of the Senate, and that it retain its present place. Unless there is objection, such will be the order.

DECISIONS OF THE UNITED STATES SUPREME COURT.

Mr. SMOOT. Mr. President, on yesterday the Senator from Colorado [Mr. SHAFROTH] introduced Senate resolution 103 and had it referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It provides—

That Senate resolution, adopted on the 20th day of February, 1885, providing for furnishing to Senators pamphlet-printed copies of the decisions of the Supreme Court of the United States be, and the same is hereby, annulled.

I wish to call the Senator's attention to the fact that that subject matter ought to go to the Committee on Printing. The original resolution was reported from the Committee on Printing. I will say to the Senator, also, that this question has been before that committee on several occasions, and I believe that is where the resolution ought to be sent.

Mr. SHAFROTH. Mr. President, what induced me to offer the resolution was a bill which was presented to the Committee to Audit and Control the Contingent Expenses of the Senate. In passing on it we found that there was a charge of 80 cents a page for furnishing the 96 copies to the Senate. The printer has a contract with the Supreme Court, and runs these 96 copies off the forms which he sets up and then furnishes them to the Senators. We thought that was a very large charge, inasmuch as ordinarily one can get briefs printed for 50 or 60 cents a page, including the setting of the type. Therefore I introduced this resolution.

These copies are at present paid for out of the contingent fund of the Senate. Consequently, I thought the Committee to Audit and Control the Contingent Expenses of the Senate was the appropriate committee to which to refer the resolution. If it were a matter that involved having copies printed by the Public Printer, I could very readily see that the resolution ought to go to the Committee on Printing. But inasmuch as this is a purchase of the opinions for distribution among Senators, and inasmuch as the expense of that purchase has to be paid out of the contingent fund of the Senate, it seems to me that the appropriate committee is the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Did I understand the Senator to say that these copies are not printed at the Government Printing Office?

Mr. SHAFROTH. They are not.

Mr. SMOOT. The Supreme Court has a contract with whom?

Mr. SHAFROTH. With the J. L. Pearson Printing Office, Mr. Bright, manager. The Supreme Court has a contract of some kind. Whether it is in writing or not I do not know.

Mr. SMOOT. I remember the contract now, Mr. President.

Mr. SHAFROTH. The decisions do not go to the Public Printer at all.

Mr. SMOOT. That is true.

Mr. SHAFROTH. The reason why it was thought that it should not go to the Public Printer was that if the Public Printer had to set up the type and then to print the same it would probably cost more than it does the present way.

It seems to me, however, that the expense is large. I have thought that the Members of the Senate do not read these opinions in the pamphlet form. They have 23 sets of Supreme Court decisions that are furnished to Senators in the Office Building, and then, of course, the Supreme Court library is here at our command. Inasmuch as this item of expense from the 6th day of February to the 30th day of April amounted to $468, it seemed to me that a saving could well be made by the Senate in this respect without detriment to the public service.

Mr. CLARK of Wyoming. Will the Senator from Colorado yield to me?

Mr. SHAFROTH. Yes, sir.

The PRESIDENT pro tempore. The Senator from Utah has the floor. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I do.

Mr. CLARK of Wyoming. I consider these opinions very valuable to the Members of the Senate. They give us the current decisions of the Supreme Court without waiting for the bound volumes. I am surprised, however, to hear of the expense. I will ask the Senator whether the Committee on Contingent Expenses has looked into the sort of contract under which the Senate is getting these copies?

Mr. BRISTOW. Mr. President, we can not hear what the Senator says.

Mr. CLARK of Wyoming. I said that I consider these current decisions of the Supreme Court, when the court is in session, as of very great value to the Members of the Senate, and I should very much regret any action that would cut them off. I asked the Senator from Colorado if the committee had in-

vestigated at all in relation to the contract under which they are now furnished, and as to whether they could not be procured from the same parties at a more reasonable cost. The expense seems to me very great; but the necessity, I think, calls for the expenditure of a moderate amount.

Mr. BRISTOW. If the Senator will yield, I will state that the opinions may be of value to Senators; I would not say they were not; but when the matter was submitted to the committee, it struck me, as a member of the committee, that a charge of 80 cents a page for merely striking off 96 additional copies was preposterous.

Mr. CLARK of Wyoming. I fully agree with the Senator.

Mr. BRISTOW. It astounded me to think that the Senate was being buncoed by any such charge as that for the insignificant amount of labor which is required.

Mr. CLARK of Wyoming. Therefore I made my suggestion and inquiry as to whether or not the committee had investigated the contract under which the copies are being furnished.

Mr. SHAFROTH. I examined the matter as far as I could. I went to the clerk of the Supreme Court and asked him concerning it, and he showed me a bill that had been rendered by this same firm to the Supreme Court, which provided for the payment of $2.95 per printed page. Inasmuch as that was not an expenditure coming before our committee, however, we did not deem it best to consider the matter until it came up in the general appropriation bill.

Mr. CLARK of Wyoming. May I ask the Senator whether the bill is rendered by the contractor to the Senate——

Mr. SHAFROTH. Oh, yes.

Mr. CLARK of Wyoming. Or is it rendered to the clerk of the Supreme Court?

Mr. SHAFROTH. It is rendered by the contractor; and the bills rendered to the Supreme Court are rendered to the clerk of that court in the same manner that this one was presented to us.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. This whole discussion is proceeding by unanimous consent. The Chair will include the Senator from South Dakota in that consent.

Mr. CRAWFORD. I simply want to ask the Senator from Colorado a question. I have only glanced at the resolution introduced by the Senator, but I understand it proposes to do away entirely with the furnishing of these advance sheets.

Mr. SHAFROTH. Yes, sir.

Mr. CRAWFORD. I simply want to express the wish and hope that that may not be done. It is possible that we are paying an exorbitant price for the printing. If that be true, the matter ought to be looked into. But these advance sheets, giving the current decisions of the Supreme Court of the United States are a very valuable aid to Senators here. I remember when the decisions were rendered in the Standard Oil case and in the Tobacco case and in some other important cases they immediately became the subject of very great interest and of discussion on the floor of this Chamber.

This is something that is not confined to members of the Judiciary Committee, but applies to every Member, laymen as well as lawyers. I think it would be a mistake for all of them to be unable to get these advance copies for reference, and have them in a convenient form in which one can put them in his pocket and take them to his room or bring them to his office, or bring them to the Chamber. I do not believe it would be in the interest of the business of the Senate to discontinue them. If we are paying too much for them, that is another matter; but I hope it will not be seriously proposed here to cut them out.

Mr. SHAFROTH. I will state to the Senator from South Dakota that I have looked at this phase of the question also. We had a decision of the Supreme Court the other day that affected questions arising in our State——

Mr. FLETCHER. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. FLETCHER. This resolution has been regularly referred to a committee and it is now before that committee. We are discussing it here, and going into the merits of the whole matter, it seems to me.

The PRESIDENT pro tempore. The Chair stated that this was being done by unanimous consent, no objection having been interposed. Does the Senator from Florida object to the further discussion of the matter?

Mr. SMOOT. I just want to make one further statement. When the Senate was considering the appropriation bill providing money for paying for printing these decisions this very question was decided; and if I had thought for a minute that the discussion would have drifted off in this way, I would have sent for the RECORD showing that discussion. But if the Senator will look it up——

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington can not take a Senator off the floor for that purpose.

Mr. FLETCHER. Does the Senator wish to change the reference of the resolution?

Mr. SMOOT. That is all I asked.

The PRESIDENT pro tempore. Does the Chair understand that the Senator from Utah has yielded the floor?

Mr. SMOOT. The Senator from Utah understands that the Senator from Washington suggested the absence of a quorum, and that that took him off the floor.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martin, Va.	Shields
Bacon	Gore	Martine, N. J.	Simmons
Borah	Gronna	Myers	Smith, Ariz.
Bradley	Hollis	Newlands	Smith, Ga.
Brady	Hughes	Norris	Smoot
Brandegee	James	O'Gorman	Stephenson
Bristow	Johnson, Me.	Oliver	Sterling
Burton	Johnston, Ala.	Owen	Stone
Catron	Jones	Perkins	Swanson
Chamberlain	Kenyon	Pomerene	Thompson
Clark, Wyo.	Kern	Ransdell	Thornton
Clarke, Ark.	La Follette	Robinson	Vardaman
Crawford	Lane	Saulsbury	Works
Dillingham	Lea	Shafroth	
Fall	Lewis	Sheppard	

The PRESIDENT pro tempore. Fifty-eight Senators having answered to their names, a quorum of the Senate is present.

EXTRA CLERK FOR SENIOR SENATOR FROM WASHINGTON.

The PRESIDENT pro tempore. The Chair lays before the Senate the next resolution coming over from a former day, which will be read.

The Secretary read Senate resolution 106, submitted yesterday by Mr. KENYON, as follows:

Resolved, That the Senator from Washington [Mr. JONES] be allowed an extra clerk at $1,200 per year.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

Mr. JONES. I think the resolution ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Does the Senator make a motion to that effect?

Mr. JONES. Yes.

The PRESIDENT pro tempore. The Senator from Washington moves that the resolution just read be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Unless there is objection, such will be the order. The morning business is closed.

REORGANIZATION OF THE CUSTOMS SERVICE.

Mr. FLETCHER. I move that the Senate proceed to the consideration of the bill (S. 2258) to extend the proposed reorganization of the customs service for a period of two years.

The PRESIDENT pro tempore. The Senator from Florida moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. CLARK of Wyoming. I desire to ask the Senator if there is an immediate necessity for the consideration of this bill and if it can not be postponed for two or three days? It came in yesterday, I understand, on a report from the committee. I do not know, of course, what the report consists of, but it occurred to me that if we could have a short time to examine it it might be more satisfactory. I am aware of the fact that if the bill is to have any value it ought to be passed during the present month, but I ask the Senator whether two or three days, until Monday or whenever we meet again, will make a material difference?

Mr. FLETCHER. The bill was reported yesterday by the committee and the report is printed in the RECORD. I had the report read, and the Senator will find it on page 1898 of the RECORD. It is not a long report. I presumed that even those who were not here when it was read would be familiar with it by this morning.

It seems to me to be important to proceed to the consideration of the measure now, for the reason indicated by the Senator, that unless action is taken during this month it will be too late. The Executive order which was issued March 3 will take effect the 1st of July. I should like to have action of the Senate on the bill to-day, if possible, because it then has to go to the House, and we do not know when the House will be in a

position to take it up. We have only this month for final action on the bill by the two Houses.

Then, besides, the department would naturally like to know what arrangement they will be called upon to make in order to carry into execution the present order, unless that order is modified or changed as proposed by the bill.

For those reasons I think it quite important that we should proceed as rapidly as possible with this measure. If a postponement is to take place, as suggested by the recommendation of the Secretary of the Treasury, until January, 1914, six months instead of two years as proposed in the bill which I have introduced and reported, then there is no need to make arrangements for carrying into effect the Executive order already made. If a postponement is not to take place, of course the department would like to know as early as possible, because plans will have to be made for enforcing the order as it now stands.

Mr. CLARK of Wyoming. As I understand the present situation, there will be no difficulty at any time when this matter is up in securing the legislation desired by the department. While it is true, as the Senator says, that the report is in the RECORD this morning, I doubt if many of us have had an opportunity to read it. I hope the Senator will let the bill go over until the next meeting of the Senate.

Mr. SMOOT. I will ask the Senator——

The PRESIDENT pro tempore. The Senator from Florida has the floor. Does he yield to the Senator from Utah?

Mr. FLETCHER. I do.

Mr. SMOOT. I ask the Senator to let the bill go over for to-day. I thought I had the report, but I find I have it not. I have sent for it. If the Senator will allow the bill to go over to-day, I would be very grateful.

Mr. FLETCHER. I will agree to that if I can get unanimous consent that the bill will be taken up immediately after the close of the morning business at the next session of the Senate and disposed of during that calendar day.

The PRESIDENT pro tempore. Does the Senator from Florida substitute that request for his motion to proceed to the consideration of the bill at this time?

Mr. FLETCHER. If the bill can now be taken up, I will ask unanimous consent that the further consideration of the bill be postponed until immediately after the morning business at the next session of the Senate, and that it be then taken up and considered and disposed of during that calendar day.

Mr. CLARK of Wyoming. I do not think the Senate should be crowded in the consideration of this measure. So far as I am personally concerned, I believe it can be disposed of at the next meeting of the Senate, but I am not willing to mortgage out the time of the Senate in this way. I therefore object to the consideration of the bill at the present time.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES. Before proceeding to this important matter I think we ought to have a quorum. So I suggest the absence of a quorum.

Mr. FLETCHER. I believe I have the floor, Mr. President.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Martine, N. J.	Simmons
Bacon	Hughes	Myers	Smith, Ariz.
Brady	James	Newlands	Smith, Ga.
Bristow	Johnson, Me.	Norris	Smoot
Burton	Johnston, Ala.	Oliver	Stephenson
Catron	Jones	Owen	Sterling
Chamberlain	Kenyon	Perkins	Stone
Clark, Wyo.	Kern	Pomerene	Swanson
Clarke, Ark.	La Follette	Ransdell	Thompson
Crawford	Lane	Robinson	Thornton
Dillingham	Lea	Saulsbury	Vardaman
Fletcher	Lewis	Shafroth	
Gore	McCumber	Sheppard	
Gronna	Martin, Va.	Shields	

Mr. LEWIS. I wish to announce that the Senator from Colorado [Mr. THOMAS] has been called from the Chamber to attend a committee meeting.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum of the Senate present. The question is on the motion of the Senator from Florida that the Senate proceed to the consideration of Senate bill 2258.

Mr. SMOOT. I should like to ask the Senator from Florida if he will not agree to let the bill go over one day. I do not think he is going to hasten the matter at all by pressing it to-day. I have not even had time to read the message of the President. I do not know what it contains; I do not know the changes proposed to be made; and I do feel that before we vote upon it I should know.

Mr. SWANSON. Will the Senator from Utah suggest a time when he will have had an opportunity to investigate it?

Mr. SMOOT. I will say to the Senator from Virginia, I may have no objection to it at all. I do not know what it is. It came in here yesterday. I have not even seen a printed copy of the report. I have not even read the message of the President. I do feel that the Senator ought to give us a chance at least to do that.

Mr. SWANSON. There seems to be no objection to the bill.

Mr. FLETCHER. There is no message from the President to read. The only thing is the communication of the Secretary of the Treasury to the chairman of the Committee on Commerce with regard to the bill, and the whole matter can be very briefly stated. I think in 10 minutes the Senate will understand the situation.

Mr. SMOOT. I have here House Document No. 1450, "Reorganization of the customs service. Message from the President of the United States, transmitting plan of reorganization of the customs service and detailed estimate of expenses of the same." I do not see why the Senator should insist that we should take up this bill immediately, without even giving a chance to Senators to see what the proposed reorganization is.

Mr. FLETCHER. I should like to accommodate the Senator, and I am perfectly willing to do so; but it seems to me I have made a perfectly fair proposition. If the Senate will agree to dispose of the matter at the next session of the Senate, I will be perfectly willing to let the bill go over.

Mr. SMOOT. I understood that the Senator from Wyoming objected to that.

Mr. CLARK of Wyoming. I objected to the immediate consideration.

Mr. HUGHES. But the Senator from Wyoming does not object to considering it when the Senate meets again.

Mr. SMOOT. I am perfectly willing to agree that at the next session of the Senate—whenever that may be—we shall take up the bill for consideration after the morning business.

Mr. FLETCHER. And dispose of it during that calendar day.

Mr. SMOOT. I would not like to agree that we should get through with the discussion of it. Something might develop that I now know nothing of. I think we can get through with it on that calendar day, perhaps within an hour or two. But I do not think we ought to go to the extent of agreeing that that shall be done.

Mr. FLETCHER. I suggest that the consideration be concluded on the next legislative day. That will give time enough. It is important to dispose of the bill. I am perfectly willing to be as accommodating about it as possible, but it is a matter that must be disposed of pretty soon or it will be too late to do anything at all.

Mr. SMOOT. I am perfectly willing that the Senator on Monday shall make it the unfinished business, or he can make it the unfinished business now. I do not, however, believe that we ought to tie ourselves down to conclude on a given day the consideration of a measure we know nothing about.

Mr. FLETCHER. Will the Senator consent to make it the unfinished business and take it up immediately after the close of the morning business at the next session of the Senate and dispose of it during that legislative day?

Mr. SMOOT. I do not see why the Senator includes the latter part of his request.

Mr. FLETCHER. Because if it is not disposed of at that time it loses its place.

Mr. SMOOT. Not at all. If it is not disposed of on that day, it is the unfinished business for the following day. It has exactly the same right, as far as that is concerned, and if the Senate wants to discuss it opportunity will be given.

The PRESIDENT pro tempore. The Chair will state to the Senator from Florida that it can be taken up at this time and be made the unfinished business, and it will remain the unfinished business until disposed of or displaced by the affirmative action of the Senate.

Mr. SMOOT. Certainly; that is what I said.

Mr. FLETCHER. Very well. I want, of course, to be reasonable about it. If the Senator wishes to examine the bill, I do not want to hurry it unnecessarily. I want to impress upon the Senate the importance of disposing of the measure as early as possible. I am willing to let it stand on that basis, and will modify my motion and move to make it the unfinished business.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Florida that the bill become the unfinished business of the Senate.

The motion was agreed to.

Mr. FLETCHER. I now ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Florida asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

SALARY OF CLERK TO COMMITTEE OF BANKING AND CURRENCY.

Mr. OWEN. I move that the Senate proceed to the consideration of Senate resolution 67, increasing the salary of the clerk to the Committee on Banking and Currency to $3,000.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate proceed to the consideration of a resolution which will be stated.

The SECRETARY. Senate resolution 67, increasing the salary of the clerk to the Committee on Banking and Currency to $3,000.

Mr. JONES. That is a very important matter, and I suggest the absence of a quorum.

Mr. OWEN. There has been no intervening business since the Senator last made the point of no quorum.

The PRESIDENT pro tempore. The Chair holds that business has intervened. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Newlands	Shively
Bacon	Hollis	Norris	Simmons
Brady	James	O'Gorman	Smith, Ariz.
Bristow	Johnston, Ala.	Oliver	Smith, Ga.
Burton	Jones	Owen	Smoot
Catron	Kenyon	Perkins	Stephenson
Chamberlain	Kern	Pomerene	Sterling
Clark, Wyo.	La Follette	Ransdell	Stone
Clarke, Ark.	Lane	Robinson	Thornton
Crawford	Lea	Saulsbury	Vardaman
Fall	Lewis	Shafroth	
Fletcher	Martine, N. J.	Sheppard	
Gore	Myers	Shields	

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. OWEN. I ask that my motion be put, Mr. President.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate proceed to the consideration of Order of Business No. 17, being Senate resolution No. 67. [Putting the question.] The motion is agreed to. The Secretary will report the resolution.

The Secretary read the resolution (S. Res. 67), as follows:

Resolved, That the clerk to the Committee on Banking and Currency, whose employment was authorized by resolution of March 17, 1913, be paid at the rate of $3,000 per annum from miscellaneous items, contingent fund of the Senate.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

Mr. JONES. I desire to offer an amendment to the resolution.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment to the resolution, which will be stated.

The SECRETARY. It is proposed to add, at the end of the resolution, the following words:

And all Senators now having less than three employees shall be allowed an additional employee, to be paid at the rate of $1,200 per annum from the contingent fund of the Senate until otherwise provided by law.

The PRESIDENT pro tempore. In the opinion of the Chair that amendment can not be now entertained. The Revised Statutes provide that hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate.

The Chair recalls that during the Sixty-second Congress this same motion was made as an amendment to a proposition which came from the Committee to Audit and Control the Contingent Expenses of the Senate, when the then presiding officer, Vice President Sherman, decided, and properly decided, in the opinion of the present occupant of the chair, that no proposition which imposed a charge upon the contingent fund of the Senate could be entertained without having first been referred to that committee.

Mr. JONES. I desire to suggest that this matter has been referred to that committee, and has been reported back by the committee to the Senate.

The PRESIDENT pro tempore. There may have been a similar proposition referred, but it was not the same. It did not come in the form of an amendment; and, furthermore, it has been reported adversely.

Mr. JONES. It was not reported from the committee in the form of an amendment; that is true.

The PRESIDENT pro tempore. The Chair rules that the amendment is not in order.

Mr. SMOOT. Mr. President, I wish to say that I did not quite understand what was the decision of the Chair.

The PRESIDENT pro tempore. The Chair decided that it was not competent to propose an amendment which imposed a charge upon the contingent fund of the Senate without the proposition having first been submitted to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. I think the Chair is right in that position, but, as I understand, the Senator from Washington [Mr. JONES] took the position that the matter had already been before the committee. If such is the case, then, of course, it presents another question entirely.

The PRESIDENT pro tempore. The Chair does not understand that this particular amendment has been before the committee.

Mr. OWEN. It has not been sanctioned by the committee.

Mr. SMOOT. "Sanctioned" means authorization for the payment of the money; it does not mean the consideration of a resolution.

The PRESIDENT pro tempore. The Chair limits the ruling to the fact that this particular amendment was never considered by the Committee to Audit and Control the Contingent Expenses of the Senate. The amendment is, therefore, ruled out of order.

Mr. SMOOT. To that I have no objection.

The PRESIDENT pro tempore. The question is on the adoption of the resolution which has been read to the Senate.

Mr. JONES. I desire to ask the Senator from Oklahoma what necessity is there for the passage of this resolution?

Mr. OWEN. The necessity for its passage is that the Committee on Banking and Currency has a very important task to perform—a duty of vast importance. Its correspondence is extremely large, and the difficulties of that committee are obvious. There are 24 committees that are better supplied with clerical assistance than is that committee. This matter has been reported on by the Committee on Banking and Currency and has further been reported on by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES. Does not the Senator from Oklahoma think that the committee should hire what additional help it needs?

Mr. OWEN. It does not require additional employees.

Mr. JONES. Then, what is this resolution for?

Mr. OWEN. It is for the clerk of that committee.

Mr. JONES. Is it for the increase of his salary?

Mr. OWEN. It is.

Mr. JONES. Why should not any increase that is necessary be paid by the chairman of the committee?

Mr. OWEN. The chairman might do that, and if it were necessary to do it he would be willing to do it.

Mr. JONES. Why should not the Committee to Audit and Control the Contingent Expenses of the Senate require him to do it?

Mr. OWEN. I call for the regular order.

Mr. JONES. I have the floor.

Mr. OWEN. The Senator from Washington did not have the floor. I had the floor.

The PRESIDENT pro tempore. The Chair has forgotten which Senator had the floor.

Mr. JONES. I understood the Chair was putting the question on the adoption of the resolution when I asked for recognition.

The PRESIDENT pro tempore. The Senator from Washington is right. The Senator from Washington has the floor.

Mr. JONES. I will yield to the chairman of the committee, if he desires.

Mr. OWEN. The chairman of the committee has nothing further to say with regard to the matter.

Mr. JONES. Mr. President, I have secured from the Senator the information which I desired. It seems to me that if it were necessary to pay this clerk something additional it probably would be proper to require the opulent Committee on Banking and Currency to pay whatever was necessary in addition to what the Senate has already allowed. It seems to me if some Senators are required to pay out of their own pockets for clerical assistance to discharge the public duties imposed upon them, that other Senators might well do the same thing, and especially when, as I understand, this committee has a clerk who is now receiving $2,500 per annum. Apparently his wages should be raised; but it would seem to me, if we are going to practice the economy of which the Senate seems to be in favor thus far, that wherever an increase is needed by some clerk of a committee the chairman of the committee should pay that increase.

I simply desired to call that situation to the attention of the Senate. I have no doubt that this committee needs this help; I have no doubt that the clerk of this committee is worth his pay, that he ought to have it, and that it ought not to come out of the pocket of the chairman of the committee or of the members of the committee.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

THE TARIFF (S. DOC. NO. 45).

Mr. SMOOT. Mr. President, when I asked a few days ago for the printing of Senate Document No. 45, the Senator from Nevada [Mr. NEWLANDS] requested me to have a note printed and made part of that document. I have that note and also a supplement to Senate Document No. 45, showing the items in all of the schedules that fall in the basket clause under the present law and which are enumerated specifically in the Underwood bill. I ask, Mr. President, that the matter be printed as a supplement to Senate Document No. 45.

The PRESIDENT pro tempore. The request of the Senator from Utah will be granted, unless there is objection.

Mr. JONES. I desire to object, Mr. President.

The PRESIDENT pro tempore. The Senator from Washington objects.

ORDER OF BUSINESS.

Mr. SMOOT. If morning business is concluded, I call for the regular order, which is the calendar under Rule VIII.

The PRESIDENT pro tempore. Morning business is closed.

Mr. BACON. Unless there is something very special, I desire to move an executive session. There are executive matters of importance that we should dispose of.

Mr. SMOOT. The only reason I have called for the regular order is that we have not at this session taken up the calendar; but if the Senator desires an executive session, I will not object.

Mr. BACON. Mr. President, I guarded what I said. I said if there was anything special I would not make the motion; but in a general way there are important matters which demand immediate attention in executive session; and, therefore, unless there is something very urgent I would insist upon the motion.

Mr. SMOOT. I do not think there is anything very urgent, Mr. President, and therefore I will withdraw my request if the Senator wishes to move an executive session.

ADJOURNMENT TO TUESDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on next Tuesday at 2 o'clock p. m.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana that when the Senate adjourns to-day it adjourn to meet on Tuesday next at 2 o'clock p. m.

Mr. KENYON. I will suggest to the Senator to make it Monday. There are a number of Senators who will be compelled to leave Washington Monday night in connection with the West Virginia investigation, and they have some matters which they would like to bring up on Monday.

Mr. KERN. I should like to accommodate the Senator from Iowa, but the consensus of opinion on this side is that more Senators will be accommodated by adjourning to Tuesday rather than to Monday.

The PRESIDENT pro tempore. The Senator from Iowa has the right to move to amend the motion of the Senator from Indiana if he sees proper to do so.

Mr. KENYON. If adjourning to Tuesday will accommodate a greater number, I will not object, for I believe in the rule of the greater number.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana.

Mr. MYERS. What is the motion?

The PRESIDENT pro tempore. The motion made by the Senator from Indiana is that when the Senate adjourns to-day it adjourn to meet on Tuesday next at 2 o'clock p. m. The question is on that motion.

The motion was agreed to.

RICHARD H. WILSON.

Mr. MYERS. I ask unanimous consent for the immediate consideration of Calendar No. 9, being the bill (S. 662) for the relief of Col. Richard H. Wilson, Fourteenth Infantry, United States Army. That is a little bill which has been twice favorably reported by the Military Committee. It passed the Senate unanimously at the last session, and it was pretty fully and satisfactorily explained at that time by the Senator from Wyoming [Mr. WARREN], the then Senator from Montana, Mr. Dixon, and a number of others. I ask unanimous consent now to have it put on its passage.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent for the present consideration of Senate bill 662. Is there objection?

Mr. JONES. Mr. President, while this bill ought to pass and was reported favorably by the Committee on Military Affairs when I was a member of that committee, yet I am satisfied that the delay of a short while will not prevent early action in the House, and therefore I will have to object.

The PRESIDENT pro tempore. Objection is made.

Mr. MYERS. Then I move that the Senate proceed to the consideration of the bill the objection of the Senator from Washington to the contrary notwithstanding.

The PRESIDENT pro tempore. The Senator from Montana moves that the Senate proceed to the consideration of the bill named by him notwithstanding the objection of the Senator from Washington.

Mr. SMOOT. I hope the Senator from Montana will not do that, because I asked for the regular order, which is the calendar under Rule VIII——

Mr. MYERS. Well, I appeal to the Senator from Washington to withdraw the objection. I should like to ask the Senator from Washington what is the objection?

Mr. JONES. I will say to the Senator that I stated I had no objection to this bill; that it is a meritorious measure; that it was reported favorably from the Military Committee when I was a member of it; and that I favored it——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. JONES. But that a delay of a few days will not prevent early action in the other House.

The PRESIDENT pro tempore. The debate is out of order. The motion is not debatable. The Senator from Montana moves that the Senate proceed to the consideration of Senate bill 662. The question is on that motion.

Mr. JONES. I have the floor, Mr. President, I understand.

The PRESIDENT pro tempore. The Senator has the floor now.

Mr. JONES. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ASHURST (when his name was called). The country respects this body only in so far as it respects itself. I am here.

The Secretary resumed and concluded the calling of the roll. The following Senators answered to their names:

Ashurst	Hughes	Norris	Simmons
Bacon	James	O'Gorman	Smith, Ariz.
Brady	Johnson, Me.	Oliver	Smith, Ga.
Bristow	Johnston, Ala.	Owen	Smoot
Burton	Jones	Perkins	Stephenson
Catron	Kenyon	Pomerene	Sterling
Chamberlain	Kern	Ransdell	Stone
Clark, Wyo.	Lane	Robinson	Swanson
Clarke, Ark.	Lea	Saulsbury	Thompson
Fall	Lewis	Shafroth	Thornton
Fletcher	Martine, N. J.	Sheppard	Vardaman
Hitchcock	Myers	Shields	
Hollis	Newlands	Shively	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present. The calendar under Rule VIII is in order.

Mr. MYERS. Is my motion now in order?

The PRESIDENT pro tempore. It is. The Senator from Montana moves that the Senate proceed to the consideration of Senate bill 662.

Mr. MYERS. If the Senator from Utah desires to have the Senate proceed to the consideration of the calendar, I am willing to withdraw the motion I have made. I have no desire to put this bill ahead of three or four others. I should like to know the status. I will inquire whether the Chair was about to proceed to a call of the calendar?

The PRESIDENT pro tempore. The Chair was about to put the motion of the Senator from Montana, that the Senate proceed to the consideration of Senate bill 662.

Mr. SMOOT. I want to say to the Senator from Montana that I have not the least objection to the consideration of this bill. But a few moments before he moved for its consideration I asked that we proceed with the regular order, which was the calendar under Rule VIII. His bill would have been reached in a very few minutes. At the earnest request of the Senator from Georgia [Mr. BACON], stating that the Senate had some special business to attend to in executive session, I withdrew that request to proceed to the consideration of the calendar under Rule VIII in order that the Senator might move that the Senate proceed to the consideration of executive business.

I will say to the Senator from Montana that, after withdrawing a demand for the regular order, I think it unfair for him now to insist upon taking up a bill that would have been considered under the regular order within a very few minutes indeed. After stating that, Mr. President, the Senate can do as it pleases. I do not think it was a proper proceeding to take, after I had yielded to the request of the Senator from Georgia to withdraw my motion in order that the Senate might proceed to the consideration of executive business.

Mr. MYERS. Mr. President, I desire to disclaim being responsible for the action of the Senator from Utah in withdrawing his motion. I interposed no objection to his motion. If he

withdrew it, I supposed he did it of his own free will and accord. I do not believe I have ever before been accused of being unfair or discourteous in this body. If I am to labor the rest of my life under the withering scorn of the Senator from Utah on that account, I will try to travel along and live in some way. I submit my motion and ask that it be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Montana.

The question being put, there were, on a division, ayes 21, noes 8.

The PRESIDENT pro tempore. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Norris	Smith, Ariz.
Bacon	James	O'Gorman	Smith, Ga.
Brady	Johnson, Me.	Oliver	Smoot
Bristow	Johnston, Ala.	Perkins	Stephenson
Burton	Jones	Pomerene	Sterling
Catron	Kenyon	Ransdell	Stone
Chamberlain	Kern	Robinson	Thompson
Clark, Wyo.	Lane	Shafroth	Thornton
Clarke, Ark.	Lea	Sheppard	Vardaman
Fall	Lewis	Shields	
Fletcher	Martine, N. J.	Shively	
Hollis	Myers	Simmons	

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. Not a quorum is present. The Secretary will call the names of the absentees.

The Secretary called the names of the absentees, and Mr. NEWLANDS, Mr. OWEN, and Mr. SWANSON answered to their names when called.

Mr. JOHNSTON of Alabama. I wish to state that my colleague [Mr. BANKHEAD] is absent on account of illness in his family. I ask that this announcement may stand for the remainder of the day.

Mr. BACON. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. CRAWFORD and Mr. DILLINGHAM entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present. The order requiring the Sergeant at Arms to secure the attendance of absentees is vacated from this time forward.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 35 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Tuesday, June 10, 1913, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1913.

COMMISSIONER GENERAL OF IMMIGRATION.

Anthony Caminetti to be Commissioner General of Immigration.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. Oren B. Meyer to be major.
First Lieut. William A. Austin to be captain.
Second Lieut. Charles L. Stevenson to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

To be first lieutenants.

Benjamin Beckham Wariner.
William Dey Herbert.
Stephen Harrison Smith.
George Fairless Lull.
Charles Clark Hillman.
Sidney Lovett Chappell.
Fletcher Olin McFarland.
Harry Louis Dale.
Alvin Willis Schoenleber.
Ernest Chester McCulloch.
George Russell Callender.
Edward Thomas Breinig Weidner.
Raymond Whitcomb Bliss.
Raymond Cooley Bull.
Norman Thomas Kirk.
William Benjamin Borden.
Royal Edwin Cummins.
Clarence Ralph Bell.
Robert Henry Duenner.
Bertram Foster Duckwall.
John Seymour Cromwell Fielden, jr.
Halbert Porter Harris.

RECEIVER OF PUBLIC MONEYS.

Luke Voorhees to be receiver of public moneys at Cheyenne, Wyo.

ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE.

Charles M. Bruce to be Assistant Commissioner of the General Land Office.

SURVEYOR GENERAL OF WASHINGTON.

Edward A. FitzHenry to be surveyor general of Washington.

REGISTER OF THE LAND OFFICE.

Ralph R. Reed to be register of the land office at Buffalo, Wyo.

POSTMASTERS.

ARKANSAS.

Edward Screeton, Hazen.

CALIFORNIA.

G. E. Arnold, Loyalton.
R. J. Bagby, Visalia.
Otto Haese, Mojave.
Earle Hughes, Fresno.
Flora S. Knauer, Reedley.
W. A. Lucas, Cucamonga.
Charles S. Martin, Sawtelle.
J. M. Qualls, Sanger.

COLORADO.

F. T. Donovan, Longmont.
H. E. Maxville, Paonia.
E. F. Street, Englewood.

ILLINOIS.

W. J. McKenna, Melvin.

INDIANA.

Charles A. Daniels, Akron.
James P. Hawkins, Shoals.
Geston P. Hunt, Rushville.
Eddy Mason, Hagerstown.
Quincy A. Wright, Fortville.
Daniel C. Zehner, Windfall.

IOWA.

Carl Bentson, Jewell.
George O. Booth, Prescott.
Lloyd Crow, Mapleton.
John J. Donahoe, Gilmore City.
Kaspar Faltinson, Armstrong.
F. M. Finnell, Algona.
Thomas M. Fitzgerald, Charles City.
Le Roy H. Lyon, Colfax.
Edward J. Mitchell, Graettinger.
Clint L. Price, Indianola.
Walter Rae, Massena.
Edward E. Swank, Richland.
William Wallace Finn, Wesley.
George M. Waterman, Sidney.

KANSAS.

J. W. Achelpohl, Argonia.
Frank J. Castle, sr., Norcatur.
T. J. Doyle, Englewood.
E. C. Gresham, Bucklin.
J. H. Stanbery, Attica.
J. H. Weltmer, Claflin.

KENTUCKY.

John Baker, Hazard.
A. K. Bowles, jr., Jenkins.
John J. Hagan, Corbin.
E. F. Thomasson, Livermore.

MISSOURI.

Roy C. Barnes, Sturgeon.
Charles Ferguson, Burlington Junction.
William D. Johnson, Crocker.
Simeon E. Juden, Hayti.
Cora D. Perdue, Orrick.
William S. Walker, Bethany.
Willis Wiley, Crane.

NEBRASKA.

Gus Diers, Petersburg.
A. J. Ferris, Palmer.
B. S. Littlefield, Syracuse.
R. V. McPherson, Craig.
Fred H. Ossenkop, Louisville.
Harry N. Wallace, Coleridge.

NEW HAMPSHIRE.

Grace E. Emerson, East Rochester.

OKLAHOMA.

J. P. Brawley, Hastings.
Robert Burton Mayfield, Blair.
J. R. Capshaw, Chattanooga.
Mary F. Cumpston, Lenapah.
Sydney A. Doyle, Maud.
Jesse L. Gallaway, Foss.
Morris D. Gibbins, Fort Sill.
Andrew J. Grayson, Blanchard.
Edward Hensley, Mountain Park.
George H. Hancock, Welch.
Della Hickman, Spiro.
George P. Lawson, Coweta.
O. P. Ramsey, Kiefer.
N. L. Sanders, Broken Arrow.
Bettie Smythe, Marlow.
C. E. Steele, Sayre.
Galen B. Townsend, Mangum.
P. W. Tucker, Comanche.
Henry T. Vanderford, Sentinel.
G. B. Williams, Manitou.

OHIO.

John P. Bakle, Antwerp.
Daniel D. Duty, Wellsville.
Rolla N. Frysinger, Rockford.
Elmer E. Green, Byesville.
J. W. Kissell, West Unity.
William T. Mann, Clyde.
Edward J. Meagher, Glendale.
Harley W. Purdy, Bradford.
Charles E. Yost, Fayette.

PENNSYLVANIA.

Bernhart Helbling, Aspinwall.
Cassius M. McLaughlin, Unity Station.
J. H. Smith, Yardley.

WEST VIRGINIA.

James Brady, Barboursville.
Floyd J. Brown, Bluefield.
Thomas F. Henritze, Welch.
Benjamin F. Patton, Harrisville.
Andrew Price, Marlinton.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 6, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, always present, working in and through the hearts of Thy children, make us tractable to the holy influence that our thoughts and deeds may be in consonance with Thy will that we may advance Thy kingdom upon the earth, have the approving conscience and assurance that the world is a little better that we have lived and wrought after the similitude of the Master, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Tuesday, June 3, 1913, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LENROOT, indefinitely, on account of illness in his family.

COMMITTEE RESIGNATION.

The SPEAKER. The Chair lays before the House the resignation of a member from a committee.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1913.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I desire to tender my resignation as a member of the Committee on the District of Columbia, to which honorable position the Committee on Ways and Means has nominated me, and in which nomination the Democratic caucus has concurred.

I made it clear at the Democratic caucus Monday that I would not be able to render good service to the House, the Democratic Party, and the District on that committee. I favor home rule, and I do not feel that I, coming from far-away Colorado, can tell the people of Washington much about how to run their affairs. There are many intricate problems connected with the government of this great city and the administration of its affairs that I have not the time to study as they should be studied by any Member of Congress who accepts this committee assignment.

I am sure there are many Members who would be glad to accept this assignment. The people of Colorado sent me here for other purposes than to study the intricacies of Washington government. For 21 years I have been a specialist on freight rates and general transportation problems. My desire to be assigned to membership on the Committee on Interstate and Foreign Commerce is well known to you and the House. I desire this assignment because I feel that I can accomplish more for the people who sent me here on that than on any other committee. I feel that it is a grave mistake to spoil a good shoemaker by trying to make a doctor of him. Just so I feel that it would be a mistake for me to serve on a committee for membership on which I have no special qualification, and in so serving to give up hope of serving upon the committee where I feel I can do some good.

Very sincerely, yours,

GEO. J. KINDEL.

The SPEAKER. If there be no objection, the resignation will be accepted.

There was no objection.

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT.

Mr. GRAHAM of Illinois. Mr. Speaker, I offer the following privileged resolution in reference to printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 142.

Resolved, That the Committee on Expenditures in the Interior Department be authorized to have such printing and binding done as may be necessary in the transaction of its business during the Sixty-third Congress.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I will say that, of course, the resolution is not privileged. The gentleman offered it as a privileged resolution.

The SPEAKER. He can ask unanimous consent for its present consideration.

Mr. BURKE of South Dakota. I assume that is the gentleman's request. I desire to ask the gentleman from Illinois if this committee had this authority in the last Congress?

Mr. GRAHAM of Illinois. Yes.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution. Is there objection?

There was no objection.

The resolution was agreed to.

COMMITTEE ON WAR CLAIMS.

Mr. GREGG. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 143.

Resolved, That the Committee on War Claims be authorized to have such printing and binding done as may be necessary in the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Reserving the right to object, I should like to ask if the committee of which the gentleman is chairman had this authority in the last Congress?

Mr. GREGG. Yes; and it has had it for several years.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

COMMITTEE ON ALCOHOLIC LIQUOR TRAFFIC.

Mr. SABATH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 144.

Resolved, That the Committee on Alcoholic Liquor Traffic of the Sixty-third Congress is authorized to have such printing and binding done for the use of the committee as may be necessary for the transaction of its business.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to ask the gentleman who offers the resolution if this committee has had this authority heretofore?

Mr. SABATH. It has.
The SPEAKER. Is there objection?
There was no objection.
The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the President pro tempore of the Senate had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.
The SPEAKER. Is that a printing resolution?
Mr. SMITH of Texas. Yes.
The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a resolution which the Clerk will report.
The Clerk read as follows:

House resolution 145.

Resolved, That the Committee on Irrigation of Arid Lands of the House of Representatives be, and is hereby, authorized during the Sixty-third Congress to have such printing and binding done as may be required for the transaction of its business.

The SPEAKER. Is there objection?
There was no objection.
The resolution was agreed to.

COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.
The Clerk read as follows:

House resolution 146.

Resolved, That the Committee on Expenditures in the Treasury Department is authorized to have such printing and binding done as shall be necessary for the discharge of the work of the said committee during the Sixty-third Congress.

The SPEAKER. Is there objection?
Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this committee had this authority during the last Congress?
Mr. LOBECK. That is my understanding.
Mr. BURKE of South Dakota. Does the gentleman know?
Mr. LOBECK. I know that we had printing and binding done last year.
Mr. BURKE of South Dakota. If the gentleman states that they had that authority, I shall not object.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
The resolution was agreed to.

COMMITTEE ON REFORM IN THE CIVIL SERVICE.

Mr. GODWIN of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.
The Clerk read as follows:

House resolution 147.

Resolved, That the Committee on Reform in the Civil Service is hereby authorized to have such printing and binding done as may be necessary for the use of the committee during the Sixty-third Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?
There was no objection.
The resolution was agreed to.

COMMITTEE ON BANKING AND CURRENCY.

Mr. GLASS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I have sent to the desk.
The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be, and is hereby, authorized to have such printing and binding done as may be required for the transaction of its business, and that said committee and subcommittees thereof shall have authority to sit during the sessions of the House and during the recesses of the Sixty-third Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?
Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia just how much printing and binding they can do under this resolution? In view of the fact that I have constant requests for reports of the Pujo investigating committee, can the gentleman tell me whether he can reprint some of those findings under this proposition?
Mr. GLASS. The resolution says "for the business of the committee," and I presume that that means the regular routine business of the committee, such as stationery and printing required in the transaction of the business. Answering the gentleman's question, I would not think that this resolution would cover the proposition that he has suggested.
Mr. MURDOCK. The resolution does not contemplate the printing of any of these reports?
Mr. GLASS. No.
Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask that the resolution be again reported.
The SPEAKER. Without objection, the Clerk will again report the resolution.
The Clerk again read the resolution.
Mr. BURKE of South Dakota. I desire to ask the gentleman from Virginia if this resolution has been offered as the result of any committee action?
Mr. GLASS. No; it has not.
Mr. BURKE of South Dakota. I would like to ask if the ranking minority member on the Committee on Banking and Currency has been consulted?
Mr. GLASS. He has not. He is out of the city.
Mr. BURKE of South Dakota. Is it the intention of the Committee on Banking and Currency to have hearings in the near future?
Mr. GLASS. It is not. It would be necessary to have authority for the hearings if they are deemed necessary.
Mr. BURKE of South Dakota. Can the gentleman give us any idea when we can expect a bill on the currency question from this committee?
Mr. GLASS. I can not.
Mr. BURKE of South Dakota. Mr. Speaker, in the absence of the ranking minority member of the committee, I shall object to the consideration of the resolution.
The SPEAKER. The gentleman from South Dakota objects.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.
The Clerk read as follows:

House resolution 148.

Resolved, That the Committee on Public Buildings and Grounds be authorized to have such printing and binding done as shall be necessary for the discharge of the work of said committee.

The SPEAKER. Is there objection to the present consideration of the resolution?
There was no objection.
The resolution was agreed to.

COMMITTEE ON INVALID PENSIONS.

Mr. POST. Mr. Speaker, in the absence of the gentleman from Ohio [Mr. SHERWOOD], I ask unanimous consent for the present consideration of the resolution which I send to the desk.
The Clerk read as follows:

House resolution 149.

Resolved, That the Committee on Invalid Pensions be, and is hereby, authorized to have such printing and binding done as may be necessary during the Sixty-third Congress for the transaction of its business.

The SPEAKER. Is there objection to the present consideration of the resolution?
There was no objection.
The resolution was agreed to.

COMMITTEE ON THE LIBRARY.

Mr. THACHER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.
The Clerk read as follows:

House resolution 150.

Resolved, That the Committee on the Library of the House of Representatives be, and it is hereby, authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection?
There was no objection.
The resolution was agreed to.

COMMITTEE ON PATENTS.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 151.

Resolved, That the Committee on Patents is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution 152.

Resolved, That the Committee on Expenditures in the State Department is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I would like to ask if a similar resolution was passed during the last Congress?

Mr. HAMLIN. It was.

There was no objection.

The resolution was agreed to.

COMMITTEE ON PENSIONS.

Mr. CRISP. Mr. Speaker, in the absence of the gentleman from Alabama [Mr. RICHARDSON], chairman of the Committee on Pensions, who is ill, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk.

The Clerk read as follows:

House resolution 153.

Resolved, That the Committee on Pensions is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 154.

Resolved, That the Committee on Foreign Affairs be, and the same is hereby, authorized to have such printing and binding done as may be necessary for the use of the committee during the Sixty-third Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PREVIOUS QUESTION ON NOMINATIONS FOR COMMITTEE MEMBERSHIP.

The SPEAKER. On Tuesday last the gentleman from Illinois [Mr. MANN] made a parliamentary inquiry of some importance, to which the circumstances at that particular moment did not necessitate an answer from the Chair, but upon which several prominent Members think the Chair should render an opinion for future guidance, and, it being a new question, the Chair concurs in their suggestion.

The parliamentary inquiry was this:

When the floor leader submits to the House a list of nominations for membership on committees, has he or any other Member the right to move the previous question on the said list of nominations?

After due consideration of the question, the Chair is of the opinion that under such circumstances the motion for the previous question is in order.

It so happened that on this particular occasion the floor leader of the majority [Mr. UNDERWOOD] simply moved that the list which he submitted be adopted, but it would have been in order for him to have offered a resolution for the same purpose. Had he offered a resolution, it is clear that he could have moved the previous question; and by analogy, it is equally clear that he could have moved the previous question on his motion. Otherwise we might be placed in the preposterous situation of spending days or even weeks or months in the election of committees. To say that the previous question can not be moved and ordered in such a posture of affairs would be to give the widest possible latitude for filibustering—a practice which the House frowns upon.

Of course, should the majority leader, as the mouthpiece of both the Committee on Ways and Means and of the majority party caucus, abuse the powers of said committee and of said caucus, the House has its remedy by voting down the motion for the previous question, thereby throwing the list of nominations, made by either motion or resolution, open to amendment.

It goes without saying that until the motion for the previous question is agreed to by the House the motion or resolution to adopt the nominations for committee assignments is open to debate or amendment.

It is within the knowledge of all that the uniform practice of the House under the rules is to elect the Clerk of the House and other officers by resolution, and it is also a matter of common knowledge that the general parliamentary practice of conventions throughout the land is to "move to close nominations," which is only another method of "moving the previous question," the two motions having precisely the same effect.

RECEIVERSHIP OF "FRISCO" RAILROAD SYSTEM.

Mr. HINEBAUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would inquire upon what subject?

Mr. HINEBAUGH. Mr. Speaker, I will state, in answer to the gentleman's question, that on the 2d of June I introduced a resolution in the House directing the Interstate Commerce Commission to investigate the recent receivership of the Frisco Railroad system, and the remarks I desire to insert in the RECORD are facts which I have dug out with reference to the matter.

Mr. BARTLETT. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINEBAUGH. Mr. Speaker, on the 2d day of June I introduced the following resolution:

House resolution 116.

Whereas the St. Louis & San Francisco Railroad system, on the application of Charles Nagel, former Secretary of Commerce and Labor, and Frederick W. Lehmann, former Solicitor General of the United States, was placed in the hands of a receiver because of its alleged inability to take up its issue of two-year 5 per cent notes, due June 1, for the sum of $2,250,000; and

Whereas the total authorized stock of said railroad system is $200,000,000; and

Whereas its total stock outstanding is $49,993,262; and

Whereas its total amount of bonds is $320,312,443; and

Whereas the gross earnings of said railroad system for the years 1911 and 1912 were $42,100,364; and

Whereas the net earnings for said years were only $12,992,518; and

Whereas the said receivership has caused many charges of mismanagement to be made in relation to watering the company's securities and many other abuses in the management of said railroad system; and

Whereas approximately $26,000,000 worth of the bonds of said company have been sold in Paris: Therefore be it

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to investigate fully all the facts concerning this receivership, and also the management of said company for a period of one year prior to said receivership, and report all such facts to Congress.

On the 28th of May, 1913, the St. Louis & San Francisco Railroad Co. was placed in the hands of a receiver on the application of Charles Nagel, former Secretary of Commerce and Labor, and Frederick W. Lehmann, former Solicitor General of the United States. The reason urged for the appointment of a receiver was the inability or refusal of the said company to pay its issue of two-year 5 per cent notes, due June 1, for the sum of $2,250,000. This railroad system has a total authorized capital stock of $200,000,000, of which $49,993,262 is now outstanding. The company has also issued bonds to the amount of $320,312,443.

The gross earnings of the railroad for the years 1911-12 amounted to $42,100,364, while the net earnings for the same period were only $12,992,518.

Of the bonds outstanding belonging to the company, about $26,000,000 worth were sold in Paris. Three million were sold in Paris within 10 days of the receivership. In 1900 the total mileage of the Frisco system was 1,402, since which time Mr. B. F. Yokum, manager of the system, with practically absolute power, has acquired and made a part of the Frisco system the following lines:

The St. Louis & Missouri Railroad, with 543 miles.
The Springfield Missouri to Kansas City, 185 miles.
Monett, Mo., to Red River, 286 miles.
Oklahoma City to Red River, 175 miles.
Sapulpa, Okla., to Denison, Tex., 193 miles.
Pierce City, Mo., to Ellsworth, Kans., 324 miles.
Hope, Ark., to Ardmore, Okla., 224 miles.
Beaumont, Kans., to Red River, 318 miles.
Fayetteville, Ark., to Okmulgee, Okla., 144 miles.
Tulsa, Okla., to Ardmore, Okla., 175 miles.
Branches, 975 miles.
Trackage to Kansas City, 4 miles.
Carrolton-Irving, cut-off 11 miles.
The following lines were leased and controlled by stock:
Kansas City, Fort Scott & Memphis, 919 miles.
Kansas City, Memphis & Birmingham, 286 miles.
The following lines are operated independently:
Fort Worth and Rio Grande, 235 miles.

Paris & Great Northern, 17 miles.
New Orleans, Texas & Mexico, 277 miles.
Beaumont, Sour Lake & Western, 118 miles.
Orange & North Western, 61 miles.
St. Louis, Brownsville & Mexico, 510 miles.
Rio Grande, 22 miles.
St. Louis, San Francisco & Texas, 243 miles.

Chicago & Eastern Illinois, 1,275 miles. Total mileage, including 520 miles trackage, 7,520 miles. The company also controls the Birmingham Belt Railroad, 40 miles.

Under the management of Mr. Yokum, in August, 1902, the St. Louis & San Francisco Co. acquired the greater part of the stock of the Chicago & Eastern Illinois, and in 1911 merged the Evansville & Terre Haute Co. with the Chicago & Eastern Illinois, which he previously controlled. The Chicago & Eastern Illinois at the time it was acquired owned $1,000,000 of the stock of the Chicago & Western Indiana Railroad Co.

The Frisco system operated the Chicago & Eastern Illinois independently, together with all its 22 branch lines, 1,275 miles, 177 miles of which is double track.

The common stock outstanding of the Chicago & Eastern Illinois at the time it was acquired by the Frisco system was $7,217,800 (or $15,000 per mile).

The preferred stock amounted to $8,830,700.

In addition to all this, $6,408,300 worth of common stock was held in trust by the Trust Company of America till July, 1912, as a part of "trust assets," by agreement made dated July, 1905, for improvements, acquisitions, or refunding, to be terminated on satisfaction of the St. Louis & San Francisco trust agreements. (See vol. 85, p. 1001.)

HISTORY.

The St. Louis & San Francisco Railroad was organized September 10, 1876, reorganized June 29, 1896, under the laws of Missouri.

In December, 1909, certain interests purchased from the Rock Island $28,940,300 of the $29,000,000 of common stock acquired in 1903; but the St. Louis & San Francisco and its controlled lines are now operated independent of the Rock Island lines.

The Frisco system owns all the capital stock of its leased and auxiliary companies and more than 83½ per cent of the outstanding capital stock of the Chicago & Eastern Illinois Railroad Co.

The Frisco system, together with the Southern Railroad, owns all the stock of the New Orleans Terminal Co., each one-half, and they jointly guarantee $14,000,000 first mortgage 4 per cent 50-year gold bonds.

Again, on July 19, 1907, the Frisco system acquired the St. Louis, Memphis & Southeastern Railroad Co.

On July 15, 1907, the Blackwell, Enid & Southwestern Railroad Co.

On July 20, 1907, the Ozark & Cherokee Central Railroad.

On July 19, 1907, the Arkansas Valley & Western Railroad.

On July 17, 1907, the Fort Sill & Van Buren Bridge Co.

On July 18, 1907, the Oklahoma City & Western Railroad, and on the same date they also acquired the Sulphur Springs Railroad. (See Poor's Manual, p. 1175.)

OPERATING RESULTS.

The total operating expenses for the year 1911 was $29,320,400 and the net earnings $13,838,828. The net miscellaneous income for that year was $2,333,971, making a total net income for that year of $16,172,779.

The authorized capital stock of the Frisco Co. was $5,000,000 first preferred, $31,000,000 second preferred, and $164,000,000 common stock, making a total of $200,000,000.

The outstanding stock consisted of $5,000,000 first preferred, $16,000,000 second preferred, and $29,000,000 common, a total of $50,000,000 of outstanding stock.

Its treasury stock is made up as follows: $6,535.10 first preferred, $53 second preferred, and $149.60 common, making a total of $6,737.70, the par value of the shares being $100.

The preferred stock, in the order of preference, is entitled to noncumulative dividends at the rate of 4 per cent per annum in priority to common stock. It is provided that no further mortgage shall be placed upon the property nor the amount of the preferred stock be increased, except with the consent, in either instance, of the holders of a majority of each class of preferred stock given at a meeting called for the purpose, and of such part of common stock as shall be represented at the meeting. The St. Louis & San Francisco Railroad Co. owns all the capital stock of the Kansas City, Fort Scott & Memphis Railroad and all the stock of the auxiliary companies. The capital stock of the St. Louis & San Francisco Railroad Co. therefore may be said to represent the ownership of the entire system.

This resolution should be passed, Mr. Speaker, and an investigation made if for no other reason than this receivership had already been given as a reason why freight rates should be raised. As usual the public is asked to hold the bag and pay the fiddler when the operations of these gentlemen who are given to frenzied finance are brought to a halt. Many persons who have purchased the $72,000,000 of the securities which this company has sold during the last three years are anxious to know now what portion of this money found its way into the treasury of the company and how much was diverted into the pockets of certain officials. It is claimed that of the $26,000,000 of the Frisco bonds sold in France approximately $20,000,000 worth were sold in denominations of $100 to about 250,000 persons, who are people of small means for the most part and scattered all over France. This transaction is bound to result in great loss to legitimate American securities in France and other foreign countries where American paper finds a market, unless the receivership is probed to the bottom by the United States Government. I am more than satisfied that a thorough investigation by the Interstate Commerce Commission will demonstrate that the Frisco system under the management of B. F. Yokum has never been conducted as a legitimate transportation company, but that it has been made the basis of a tremendous jobbing scheme to enrich the men who have been in a position to manipulate its securities. I believe it will also be found that great volumes of the stocks and bonds of this company have been sold far in excess of the true value of the tangible property owned by the company. The effect of this receivership on American securities in France is fittingly described by the Paris Journal des Debats, which says:

AMERICAN FINANCIAL MORALS.

American financial morals make operations in securities depending upon New York particularly dangerous. American bankers, in fact, have the idea, which is accepted as perfectly legitimate there, that ability only counts in business. We must believe that the evidence of these proceedings makes American securities undesirable in France. Speculative securities are in the hands of unscrupulous manipulators, who will never hesitate to fleece our market.

As for investment securities, some of the first order exist in the United States, but the profit on those of this category does not leave enough margin to allow them to be quoted in Paris. Our fiscal organization, at any rate, is opposed to it, for it acts as a filter which lets pass only those securities which somebody has special interest to place with us.

Mr. Speaker, it is just such transactions as these that have created an insistent public demand for legislation limiting the issuance of stocks and bonds and other obligations by great transportation companies, and I am personally of the opinion that the time is ripe for Government supervision of the capitalization of these great corporations engaged in interstate commerce.

It must be apparent to every thinking person that when a railroad company issues bonds for the purpose of raising money and that money is used for purposes other than that of increasing the value of the railroad property or the efficiency of transportation, the patrons of the road who pay the freight are being unjustly taxed and robbed to meet such obligations. As an evidence that even the great lawyers who believe in State sovereignty admit the power of the Federal Government to regulate and supervise the capitalization of railroad companies, I quoted from that eminent lawyer, Judson Clements, one of the most able members of the present Interstate Commerce Commission:

It has been suggested that the Federal Government has no constitutional authority to regulate the issuance of stocks and obligations by corporations chartered not by it but by State governments. The clause in the Constitution of the United States empowering Congress to regulate commerce among the States is absolute, unqualified, and unconditional. The power was conferred upon the Federal Government to be exercised for the good of all for the sufficient reason that it was soon found by the colonies to be a matter that should be regulated by one authority and not by many sovereigns, and this for similar reasons to those which prompted the conferring upon the Federal Government of the power to impose tariff duties, etc. One State in the Union under a lax system of granting charters and charter privileges could paralyze the efforts of all the other States to regulate these matters. There is no more sacred right of the States than that of having the Federal Government adequately do those things for which it was created, of which one of the most important is to regulate interstate commerce affecting directly, as it does, every interest and person throughout the Republic.

There can be no question of the authority of the Interstate Commerce Commission to make this investigation in accordance with this resolution.

Personally, I believe the commission has ample power to proceed with this investigation without a resolution from Congress and purely on its own initiative.

I indulge the hope, therefore, Mr. Speaker, that this resolution may pass by unanimous consent.

INTERNATIONAL CONGRESS OF MEDICINE.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 93, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 93.

Resolved, etc., That the President be, and he is hereby, authorized to accept an invitation extended by the British Government to the Government of the United States to participate by delegates in an International Congress of Medicine to be held in London in the year 1913: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with the said conference.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I would like to have the gentleman make a statement of what this proposition is.

Mr. FLOOD of Virginia. Mr. Speaker, the resolution authorizes the President to accept the invitation of the British foreign office to send delegates from this country to attend a medical conference in London, beginning on the 6th day of August and ending on the 13th of August.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the gentleman if there is any particular necessity for adopting this resolution at this time?

Mr. FLOOD of Virginia. Yes; because we have put in one of our appropriation bills an inhibition against accepting an invitation of this kind unless it is approved by Congress, and this invitation ought to be accepted at once, because this convention takes place in August, and they are arranging now for it.

Mr. BURKE of South Dakota. In the opinion of the gentleman, *is it not* likely that subsequently an appropriation will be asked to pay the expenses in connection with the commission that may be appointed?

Mr. FLOOD of Virginia. Oh, I think not. All the funds for the expenses of the delegates of this country have been arranged for, and if an appropriation is asked it will not be granted.

Mr. BURKE of South Dakota. Has this resolution had consideration by the Committee on Foreign Affairs?

Mr. FLOOD of Virginia. It was considered by the Committee on Foreign Affairs last Wednesday and unanimously reported.

Mr. BURKE of South Dakota. I would like to ask the gentleman if this resolution comes within the prohibition, I believe, put upon what measures shall be reported to the House by the Democratic caucus?

Mr. FLOOD of Virginia. The Democratic caucus gave unanimous consent to the Committee on Foreign Affairs to report this resolution.

Mr. BURKE of South Dakota. I think, Mr. Speaker, for the present I shall object to the consideration of the resolution—however, I withhold the objection.

Mr. LINTHICUM. Mr. Speaker, I would like to say to the gentleman from South Dakota that this invitation was extended to the Government by Mr. Bryce, late ambassador here, on the 12th of January, and the President has been unable to accept the invitation owing to the inhibition in one of our appropriation bills. It is necessary for the medical associations of this country to get their delegates together and prepare to attend the congress, and for that reason I thought it would be well to have it passed at this time. The congress takes place in August, and every country has accepted the invitation to that congress except the United States, and it is at my request that the committee considered this resolution immediately because I wanted to put those gentlemen in a position to accept the invitation and attend the congress. There is no appropriation. No appropriation is asked now, indeed it is specially provided there shall be no appropriation, and none will be asked in the future.

Mr. BURKE of South Dakota. Mr. Speaker, the gentleman knows that has been in resolutions heretofore and it did not operate as a bar to the parties interested coming here and asking for an appropriation, and I think the gentleman believes that there will be an appropriation asked for sometime in the future in connection with this matter.

Mr. LINTHICUM. I will say to the gentleman I know there will be no appropriation asked. Among these gentlemen is the chairman of the executive committee, a personal friend of mine, one of the professors of the Johns Hopkins College in Baltimore, who assures me there will be no appropriation. These gentlemen are all provided with money to go and attend this congress.

Mr. BURKE of South Dakota. Mr. Speaker, in the absence of the minority leader, for the present I shall object.

The SPEAKER. The gentleman objects.

COMMITTEE ON ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution:

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 155.

Resolved, That the Committee on Roads be, and the same is hereby, authorized to have such printing and binding done as may be necessary for the use of the committee during the Sixty-third Congress.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, what committee is making the request?

The SPEAKER. The Committee on Roads. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

COMMITTEE ON EXPENDITURES IN THE POST OFFICE DEPARTMENT.

Mr. PEPPER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 121.

Resolved, That the Committee on Expenditures in the Post Office Department be authorized to have such printing and binding done as may be necessary for the discharge of the work of said committee.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to know whether or not this committee had the authority in the last Congress asked for in this resolution?

Mr. PEPPER. It had.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

PRINTING FOR COMMITTEE ON BANKING AND CURRENCY.

Mr. GLASS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 156.

Resolved, That the Committee on Banking and Currency be, and is hereby, authorized to have such printing and binding done as may be required for the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

CONGRESS AND AERONAUTICS.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks leave to address the House for one minute. Is there objection?

Mr. BURKE of South Dakota. Reserving the right to object, I would like to ask the gentleman from Ohio [Mr. WILLIS] if it has anything to do with a spelling school or a spelling match? [Laughter.]

Mr. WILLIS. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIS. Mr. Speaker, there is general interest in the country on the subject of the possible use of various forms of air craft, both in peace and in war. The most illuminating contribution that has been made to the literature of that subject recently is an article by my colleague from Ohio, the Hon. WILLIAM GRAVES SHARP, from the fourteenth Ohio district. It is an article which appears in the June number of Aircraft on the subject of "Congress and Aeronautics," and I ask unanimous consent to extend my remarks in the RECORD by printing this article.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent to extend his remarks in the RECORD by printing the article named. Is there objection?

There was no objection.

Following is the article referred to:

[From the Aircraft, New York, June, 1913.]

"CONGRESS AND AERONAUTICS.

"(By WILLIAM G. SHARP, M. C.)

"Perhaps the old adage that 'necessity is the mother of invention' could not be better exemplified than as it applies to the backwardness of Congress in encouraging aeronautical development by making liberal appropriations therefor. While comparisons in the matter of appropriations for this object with the European countries are highly interesting and illuminating to the average Congressman, yet as long as the imminency of this actual need appears to be so remote, the tendency is for him to

act slowly. Living in a country which fortunately is at peace with the world, having been involved in but two foreign wars during a century, with broad oceans on either side of its domain, without the embarrassment of entangling alliances with other powers and no immediate prospect thereof, it is not strange that the American people are less moved by the fear of war and an appeal to the need of national defense than their less fortunate brothers in other lands. This sentiment is reflected in no small degree by the attitude of Congress not alone in the development of the narrower field of aviation, but in the appropriations for both the Army and Navy. Without denying the fact that there is a very strong sentiment in Congress in favor of providing a greater national defense, particularly as it applies to the Navy, yet it is nevertheless true that there is no 'war talk' heard within its Halls. Even during the most critical conditions growing out of the recent revolution in Mexico, with daily stories of depredations being committed on our borders involving the rights of protection to American citizens, those in favor of 'crossing the line' were very few. The sentiment in and out of Congress is in favor of maintaining peaceful relations with all the other peoples of the world. This feeling is epitomized in the remarks of Secretary of State William J. Bryan in an address at the recent banquet of the Navy League of the United States in the city of Washington, when he said in reply to the call for more battleships: 'While you work hard for more battleships, I shall work hard for the next four years to keep you from needing more battleships.'

"These observations have been made by way of preface to account in part for the reason why Congress has not been more responsive to the calls to meet an exigency which the Governments of all Europe have so signally recognized.

"Early in March of last year, with the view of getting before Congress in a concrete form not only what our own and other Governments had accomplished in the development of aviation, but quite as much with the desire to ascertain the attitude of the War Department for its encouragement, the writer introduced the following resolution (H. Res. 448), which was promptly reported out and favorably acted upon by the House:

"RESOLUTION.

"*Resolved*, That the great importance and necessity of a practical knowledge of aviation as it relates to warfare being now generally admitted by all civilized nations, some of which are spending large sums of money in equipping their armies with various kinds of air craft as a means both of attack and of transport, the Secretary of War be, and he is hereby, respectfully requested, if not incompatible with the public interests, to send to the House of Representatives full information upon the following points:

"First. The results of his investigations and the transmission of any reports made by our official agents in foreign countries as to the development and value of aerial navigation, either for the purpose of warfare or to encourage scientific research.

"Second. The extent and cost of our Government's equipment in aeroplanes or other air craft now being used in any capacity by the War Department, and the nature of the instruction in aeronautics which is being given to its Army officers and enlisted men.

"Third. The plans now contemplated by the War Department for increasing the present equipment of aeroplanes, hydroaeroplanes, and other air craft for the purposes of warfare and national defense, together with recommendations for such legislation as will adequately provide for such service with reference both to increasing the number of Army officers of the Signal Corps who may be detailed for aviation service as well as the establishment of additional schools of instruction and the building up of our air fleet commensurate with the necessity of properly maintaining our military status among the nations of the world.

"The report of the Secretary of War in transmitting such information (contained in H. Doc. No. 718, 62d Cong., 2d sess.) was not only fully responsive, covering all the points involved in the resolution, but furnished in a most logical and attractive manner many facts of much interest. That part of the report which briefly outlines the plans contemplated by the War Department for increasing the efficiency of this particular branch of the service is especially interesting. For the excellent manner in which the report was compiled much credit is due to Gen. James Allen, former Chief Signal Officer of the Army, whose work in the field of aviation has been notable. It goes without saying that of the 80 pages of that report but 7 or 8 were devoted exclusively to the development of aviation in the United States, yet our rank in this field compared to other nations is still relatively much less. Indeed, so much has been said and written about this disparity that space will not be taken here for statistics, comparative tables, etc. We are more concerned in what is to be done in the future than what has not been done in the past.

"As an appeal to one's patriotism in defense of his country has always met with the more enthusiastic response, whether it be for the sacrifice of life or in the payment of large contributions for war, so naturally the fostering and encouraging of this new field of enterprise by which man has come to navigate the air has met with its greatest encouragement abroad, as it is considered a means of warfare. It is equally true, but unfortunate, that almost the entire consideration of this subject in America has been given as it has to do with its military aspect. And this in the face of the protest of an international peace congress putting a ban upon the use of air craft in warfare even before its very destructive powers could have been more than guessed at! However, the movement which has gone forward so rapidly in Europe, by which vast sums of money have been appropriated for increasing the strength of this new arm for military operations both for attack and defense, is being reflected, though with much less ambition, in the United States. Nearly all of the measures which have been introduced in Congress having to do with this subject—and they are not many at the most—involve the betterment of our aviation service either as it may apply to the Army or the Navy. Few, if any, appropriations have been asked for in these various bills, except as they concern their application to some military service. They have mainly concerned increasing the size of the Signal Corps, to which aviation duty in the Army has thus far been confined; better recognition of those who engage in this service, either by increase in pay or rank; for the establishment of aviation schools in which the art of navigating the air may be taught, etc. It is undeniably true that the importance of the whole subject has seemingly been slow to dawn upon Congress. Even the practical use of air craft, whether of the aeroplane type or the lighter-than-air ship in the recent European wars, has not measurably stirred its enthusiasm for a more liberal policy in making appropriations for its development. And yet there is no one who has kept pace with the rapid development of these machines which navigate the air—especially of the larger Zeppelin type, which are capable of carrying through space at 50 miles an hour a load equal to that of our average freight car, which load may consist equally as well of bombs containing high explosives and rapid-firing guns as innocent merchandise or passengers—but who has come to firmly believe that future wars are to be decided by battles in the air. While this belief is not by any means inconsistent with the need of strong navies, yet it does contain much of portent to their limitation of usefulness and efficiency, judged by the past methods of naval warfare. While time alone will demonstrate the relative merits of the aeroplane or the more bulky type of the huge lighter-than-air ship—though it would seem that both are to have advantages in special fields of military operations—yet from the very nature of the case no nation will henceforth be prepared to go to war, no matter how great its navy, without its complement of aerial craft. The possibilities of their usefulness in ways rendered impossible by any heretofore known method of attack or defense are so patent as to need no enumeration. Should any one of the great European powers which have made such rapid progress in the development of aviation engage in warfare, the world would be startled with the terrible destructive execution of this modern means of attack. Literally nothing would be immune from the visitation of their effective work, whether it be in photographing to the minutest detail every feature of the enemy's defenses or of hurling deadly projectiles for their destruction. Whether it be a strongly garrisoned fort on land or a mighty battleship at sea, neither could escape their attack. Indeed, heroic as the remedy may be, it is doubtful whether any other agency would be so effective in bringing about a century's disarmament of the powers and its accompanying universal peace as the awful destruction of such a war so conducted.

"But happily there is a far nobler field for exploiting this wonderful science of navigating the air. It may serve alike the most utilitarian purpose, as well as furnish the means for advancing scientific research. In the former use a hundred limitations which have hampered man in the problems of transportation may be avoided, while in the latter field it would be unwise to fix a limit to the undiscovered truths which the scientist may learn. It is indeed along the lines of furnishing transportation—and that whether for passengers, merchandise, or the mail—that Congress may be of great aid in advancing the development of aviation. At a time in our economic development, when not only expeditious delivery is a factor, but more especially a cheapened cost of distribution between producer and consumer is greatly sought after, the potential benefits of such a method of transportation become of prime importance. Almost the sole object of the increased agitation of the good-roads movement, now so earnestly claiming the attention of both National and State legislators and involving the expenditure of many millions of dollars, is to bring about this economy.

"Shall not the free air above furnish the commercial highways of the future? Unfortunately, though, to America lies the

credit of first actually establishing the possibility of navigating the air, both by aeroplane and the hydroaeroplane, yet the credit of the extent to which it has been developed has been transferred across the water, and to France and Germany indisputably belong very many of the achievements in this work. To the more mercurial Frenchman aviation has become almost a fad, and adding to its exhilaration the promise of supremacy in warfare the whole populace has become enthusiastic on the subject. To the more practical American the aeroplane in particular has been looked upon more as a kite, and the paid exhibitions of the aviators have so often been attended with fatal results that no little amount of skepticism prevails as to its practical utility. The report of the distinguished men whom ex-President Taft appointed to consider the establishment of a national aerodynamical laboratory should awaken much interest. That their recommendation will have much weight with Congress there is no doubt. The urgent need of supplying the element of safety to our various types of aerial machines has been recognized from the first; and indeed its lack has done more to retard the development of the science in this country than any other cause. Manifestly, aside from the influence that such lack of perfection may have upon the unwillingness of Congress to encourage the work in a practical way, this element of danger constantly stands in the way of its gaining popularity. There is to-day no greater need in the development of the navigation of the air than the establishment of such an institution as a laboratory, in which all the meteorological problems, as well as the more purely dynamical and mechanical, may be worked out. Once a principle is evolved by which more stability can be attained with its consequent lessening in the risk by accident, the development of the various types of air craft will go forward as rapidly as the improvements in the automobiles. The prestige that comes from 'nothing succeeds like success' will impress itself quite as much upon Congress as upon the country at large, and as applied to this whole subject of a better recognition of the work of aviation such encouragement will take the form of more liberal appropriations for every purpose for which it may be useful to man and with which activity the Government has to do. In that day legislation affecting its interests will take cognizance of it in the same manner, as far as applicable, as it now does of all the existing methods of transportation, convenience of passengers, safety appliances, carrying of mails, regulations as to rights of way, speed limits, license of aviators, competition of rates, use in war, etc. Then, too, will the scientists be enabled to mount the heights heretofore unattainable, and even without the inconvenience of taking time to alight send by wireless communication their latest reports as to meteorological conditions. They will also be able to announce important discoveries of new properties of solar energy and the medium of that energy, the all-pervading ether."

SPANISH WAR MEMORIAL EXERCISES.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief but eloquent address of Congressman SINNOTT at the Spanish War memorial exercises in Arlington Cemetery on last Decoration Day.

The SPEAKER. The gentleman from California [Mr. KAHN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the address referred to:

[Remarks of Hon. N. J. SINNOTT, of Oregon, Spanish War memorial exercises, Arlington Cemetery, Washington, D. C., May 30, 1913.]

"A sad, sweet duty summons us here to-day. Sad because it is man's nature to mourn the departed. Sweet because the patriot dead before us evoke memories of a most happy epoch in our Nation's history. They recall an epoch in which we saw the sons of the Southland and the sons of the Northland marching shoulder to shoulder under one flag, oblivious of the past, except as they were equally inspired in their devotion and loyalty to the Stars and Stripes, inspired as they had a right to be by the sacred memories of their sire's heroism, whether displayed under the banner of Grant or Lee.

"The Spanish-American War, with all the burdens and responsibilities it imposed upon us, was not without its rich recompense even though it left many a vacant chair. It swept from the Western Hemisphere the last remnant of Old World tyranny and oppression. It gave us the superb story of Dewey in Manila Bay; it gave us the thrilling tale of Schley at Santiago. Only last week a Nation-wide and successful protest against her proposed desecration recalled the historic cruise of the *Oregon*. It gave us the proud memories of San Juan Hill and Malabon. But above all the richest and most glorious heritage of this war lies in the fact that it bequeathed these priceless memories to be shared in common by the North and South.

"To-day in other portions of this beautiful Arlington Cemetery tender, loving hands are gently bedecking with choicest flowers the graves of those who, hearing the call of duty to preserve the Union, donned the blue. In still other parts of the cemetery loving hands are fondly spreading the garlands o'er the graves of those who, hearkening to the call of home and State, donned the gray. Here where their sons lie under the sod together the 'better angels' of our nature bid us banish invidious comparisons as to their motives in that fratricidal struggle. We can only regret that the imperishable renown of their valor and fortitude on American soil was not won in a common cause. We can only contemplate in sorrow that their separate sepulchers are sad reminders of a once dissevered country.

"But here in this plot dedicated and consecrated as a common shrine for American patriotism, here among the graves hallowed by the heroes of a common cause, no such thoughts disturb or grieve us. On these tombs we all may proudly, fondly, and tenderly strew our floral tributes. For lying before us in commingled graves sleep side by side the choicest offerings of the Northland and the Southland.

"Here sleep the brave who sank to rest
By all their country's wishes blest."

"Here rest an entire Nation's patriot sons, pledges for the future. Their mingled blood has washed away every vestige of sectional hatred, rancor, and division—every doubt of the oneness and solidarity of our country.

"It was indeed a happy dispensation of an all-wise and just Providence which vouchsafed to us the War with Spain. It came when the sons of the veterans who wore the blue and the gray had reached manhood's prime and vigor. It enabled them together to dispel all suspicions or misgivings as to our complete unity and lasting reconciliation. In their mutual devotion, sacrifice, and heroism under the Stars and Stripes they made real the poet's vision, the vision which beheld:

"Our grand old ship Union's voyage o'er,
At anchorage safe she swings;
And loud and clear, with cheer on cheer,
The joyous welkin rings.
Hurrah! Hurrah! It shakes the wave;
It thunders o'er the land;
One heart, one hand, one flag,
One nation evermore."

PRINTING FOR THE COMMITTEE ON THE CENSUS.

Mr. HELM. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky [Mr. HELM] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 157.

Resolved, That the Committee on the Census be, and it is hereby, authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

ADJOURNMENT UNTIL TUESDAY.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, just before adjournment on Tuesday last I announced that I would to-day ask unanimous consent to address the House. I have found it impossible to secure certain data that I desired to use, and therefore I shall not to-day ask for the privilege of addressing the House, but will make the request on Tuesday.

The SPEAKER. Is the gentleman making his request now or just announcing that he is going to make it?

Mr. MONDELL. If it is proper to make the request now, I shall be glad to make it now.

Mr. UNDERWOOD. I suggest to the gentleman, Mr. Speaker, that I do not think of anything that will come up on Tuesday, but I think it would be better order to wait until Tuesday, because I do not know what will come up.

Mr. MONDELL. I think so, too, and in the absence of objection then, I shall ask unanimous consent to address the House for an hour on Tuesday.

EXTENSION OF REMARKS.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD certain newspaper clippings and letters that I have.

Mr. BARTLETT. What about?

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD by inserting certain newspaper clippings and also some letters. Is there objection?

Mr. MURDOCK. I reserve the right to object, Mr. Speaker.

Mr. BARTLETT. I reserve the right to object, Mr. Speaker, for the purpose of inquiring of the gentleman what subject it covers. While I have full confidence in the gentleman, yet sometimes I know that the privilege has been abused by indiscriminately granting leave to print letters and clippings.

Mr. HUMPHREY of Washington. The gentleman's inquiry is very proper. One of the clippings is taken from the Washington Post, a reprint from the Seattle Times, headed "A victory for conservation—After 10 years' fight opponents of Pinchot policy die"; and the other clipping that I have is from the Northern Idaho News.

Mr. BARTLETT. On what subject?

Mr. HUMPHREY of Washington. On the same subject. It is in answer to a circular letter that had been sent out by the National Conservation Association to a selected list. It seems that this one particular letter got outside of the selected list, and this is a reply to it.

The SPEAKER. Is there objection to the gentleman's request?

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what the letter is about?

Mr. HUMPHREY of Washington. The letter is an answer to the one sent out by the National Conservation Association—the circular letter that had been sent to various people in regard to the conduct of the national forests, consisting of 10 questions. The gentleman from Kansas is undoubtedly familiar with it. I have had a copy of it myself for the last two weeks.

Mr. MURDOCK. Who wrote that letter?

Mr. HUMPHREY of Washington. It is signed by Mr. Gifford Pinchot, and it is written on the letterhead of the National Conservation Congress. This is in answer to that letter, in which he wishes to know how the Forest Service is conducted.

Mr. MURDOCK. The gentleman proposes to publish the letter itself along with the other document?

Mr. HUMPHREY of Washington. Yes.

Mr. MURDOCK. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. The other one is a letter that I have received from C. W. H. Heideman, of Bonners Ferry, Idaho, in regard to the same subject, in which he expresses great anxiety to have the Forest Service investigated, and says he will furnish evidence if he is called upon.

The SPEAKER. Is there objection?

There was no objection.

The documents referred to are as follows:

BONNERS FERRY, IDAHO, *June 2, 1913.*

Hon. Mr. HUMPHREY, M. C.,
Washington, D. C.

DEAR SIR: I notice with much pleasure that you have just introduced in Congress a resolution calling for an investigation of the Forest Service. I am sorry you do not go further and investigate all phases of the operation of the Forest Service, because I am sure if such an investigation were made it would uncover conditions and methods so rotten as to cause the world to blush for shame.

The evidence to convict them is not lacking, but it seems impossible to get charges considered by the higher-ups. Only a few months ago a high forest official—no less a person than a chief of the operating division of the Forest Service—*deliberately tried to bribe me* with an offer that would land an ordinary citizen of your State in the pen. To prefer charges against him to the Forest Service would only result in a waste of postage.

I inclose herewith copy of some correspondence. I can make good every statement I make.

Yours, very truly, C. W. H. HEIDEMAN.

[From the Northern Idaho News, Sandpoint, Tuesday, Nov. 12, 1912.]

FOREST SERVICE UNDER FIRE—PINCHOT EXPECTS IT WILL BE VIGOROUSLY ATTACKED AT COMING SESSION OF CONGRESS—HEIDEMAN'S WARM LETTER—PINCHOT REQUESTS "PLAIN AND STRAIGHT OPINION" AND GETS IT—NOT LIKELY, HOWEVER, THAT NATIONAL CONSERVATION ASSOCIATION WILL USE IT.

In anticipation of a vigorous attack on the Forest Service President Gifford Pinchot, of the National Conservation Association, is gathering opinions for use when the fight opens. One of his letters was sent to C. W. H. Heideman, of Bonners Ferry, and Mr. Heideman gives him an opinion which will probably not be used by the Conservation Association. Following are copies of both letters:

Mr. C. W. H. HEIDEMAN,
Bonners Ferry, Idaho.

DEAR SIR: Every year since it was established the Forest Service has been vigorously attacked in Congress. During the past session the attack was renewed, and definite statements were made that a strong effort will be made next winter to cripple the service and break up the national forests. In these attacks it is charged that the Forest Service does its work badly, that its regulations and methods are tyrannical and inefficient, and that the people of the West are overwhelmingly opposed to the whole national-forest system. Whether these charges are true or whether they are merely part of an effort to open the national forests to exploitation by the special interests, they are important. In either case the actual facts ought to be known.

Some of the charges against the national forests are the following:

1. That a national forest is a detriment to the people who live in its neighborhood.
2. That all kinds of natural resources within the national forests are withheld from use.
3. That prospecting is not allowed.
4. That valid mining claims are held up.
5. That the national forests are run so as to favor the big man and not to help the home builder.
6. That homesteads are being taken away from settlers for ranger stations.
7. That the forest officers are overbearing, opposed to the settler, and anxious to keep the country a wilderness by reporting against all claims, whether good or bad.
8. That the forest officers are incompetent eastern theorists, who know nothng about the West.
9. That timber sales are handled in the interest of monopoly for the Lumber Trust.
10. That cattle and sheep barons are given preference over settlers and small owners in range allotments.

The question whether the national forests shall continue to be administered by the National Government or shall be turned over to the States will surely be brought up at the next session of Congress, and the outcome will probably depend upon whether it is shown that the Forest Service is actually administering the national forests efficiently and honestly in the interest of all the people of the West or that it is not.

Your name has been given to me as a representative citizen and a user of one of the national forests. Would you be willing to give me your plain and straight opinion on each of the charges mentioned above? I am anxious to know also what effect the national forests as now handled have upon your own welfare and that of your neighbors. I hope you will make your letter full and explicit, answering by numbers if more convenient. Please do not confine your answer, however, to the numbered charges if there are other matters which deserve consideration. I should be especially glad if your neighbors who agree with the statements made in your letter would sign it with you.

Sincerely, yours,

GIFFORD PINCHOT.

MR. HEIDEMAN'S LETTER.

BONNERS FERRY, IDAHO, *October 17, 1912.*

Hon. GIFFORD PINCHOT,
President National Conservation Association,
Washington, D. C.

SIR: Your letter of October 5 in regard to certain charges against the Forest Service is received. I have read the letter very carefully, and gladly avail myself of the opportunity of writing to you my views on the subject.

First, let me say I am an American citizen. I have been a soldier in two branches of the United States Army. I am an applicant for a homestead in the Pend d'Oreille National Forest, in this State. Judging from the persistent hounding and persecution I have been subjected to since my application was filed, I assume I am classed with those termed "special interests" or "land-grabbers." I have given up all hope, however, of ever obtaining a title to the land I desire, so I am not afraid to tell the plain truth.

I am prepared to prove every statement I make in this letter.

Charge No. 1: I do not believe that the people of the West, especially those living near the various national forests, hold the views as stated. I have talked with hundreds of people, and the complaints are against the administration of the Forest Service and the policies now in force of overriding and nullifying the laws of Congress.

Charge No. 2: There may be exceptions, but the charge generally is true. To unwind the red tape surrounding the free-use permit costs more than the supposed gift. I will cite one case, that can be verified from the records of the Forest Service: On October 30, 1911, I applied for 1,435 linear feet of logs for a cabin for myself (surely not extravagant). I waited for the designation of the trees until the permit expired. Nearly a year has passed, the Forest Service claims credit for having given me $14.35 worth of timber free, and yet at no time since the application was made could I cut a tree without danger of prosecution. The so-called free-use permit is a fraud. If the Use Book were published by a corporation it would be barred from the United States mails under a fraud order by the Post Office Department.

Charges Nos. 3 and 4: I have no evidence on the subject, but I do not doubt the truth of the charges.

Charge No. 5: Absolutely true and can be proven. Procure from the records a copy of my letter, dated December 7, 1911, to Acting Forest Supervisor C. F. Howell, Sandpoint, Idaho.

Charge No. 6: Absolutely true; can be proven from the records. *Furthermore, the Forest Service robs intending settlers for the benefit of the Northern Pacific Railway.*

Charge No. 7: The half has not been charged. I can prove that the charge is true.

Charge No. 8: The charge is true as to incompetency. An incompetent man from the East is no worse than an incompetent western man.

Charge No. 9. I am not in the confidence of the Lumber Trust, so can not say. For some light on the subject that will startle you, I suggest you procure from the records copy of my letter to Mr. J. E. Barton, forest supervisor, Sandpoint, Idaho, dated December 12, 1911, in which I make application to purchase the timber on a certain homestead unit. Also procure a copy of Mr. Barton's reply to me dated December 14, 1911. Permit me to quote two extracts from that letter: "The timber on the area, etc., will be sold to you if you so desire, etc.," and "It is not possible for you to purchase the timber and let the timber stand indefinitely," etc.

(NEWSPAPER CLIPPING): "Mert Hubble has taken a large contract to saw timbers for the S. I. and C. P. railways and has established his mill and camp at Addie, Idaho. Mr. Hubble has about 25 men employed and will probably be there two or more years."

These are neighbors of mine on the same national forest.

The Government would and did sell timber to the Canadian Pacific Railway, who shipped it to Canada, but the Government would not sell me the timber on the land for which I was a preference applicant and

let me keep the timber, and yet John D. Jones, acting assistant district forester, under date of November 18, 1911, informs me that the land had been examined and was found to be of unquestionable agricultural character; so you see they would neither give me the land nor sell me the timber for cash. Six years have passed since these lands were locked up. Congress never intended that its laws should be nullified by a "discretionary" power assumed by an acting assistant district forest ranger.

Charge No. 10. I do not doubt the truth of the charge.

There are many other serious charges against the Forest Service, and the great wonder to me is that instead of investigating the truth of the charges they are met by a huge bluff. You, of all men, should know how difficult it is to prove charges that involve "big business," "special interests," and Government officials. It is common everyday talk that forest officials "have a price." It is generally considered that big appropriations is synonymous with big forest fires. Your personal appeal was turned down as a rebuke to the corruptness of the Forest Service, and so instead of asking our Senators and Congressmen to work for big appropriations that would enable us to participate in the graft, we urged them to fight the appropriation and save the forests.

A hundred settlers in the national forest will prevent more fires than a million dollars and a hundred thousand typewriters in the hands of the Forest Service.

And now, sir, I believe I am as good and true a conservationist, as good and true a friend to the national forests, as is the president of the National Conservation Association. I am the man who lost his job in Alaska because I was fighting for the conservation of humanity. The Bureau of Education of this great Government made their boast that they would get me "fired," and they did; but not until I had landed one of their number in the pen for robbing the Indians. Although it hurt, I never squealed, but kept right on fighting. If you doubt I am a conservationist, get the records in that case, or, better still, let me send them to you complete. Read my article on "The Use of Game," Forest and Stream, July 22, 1911. Read my article, "Did Taft do Wrong in the Controller Bay matter?" Northern Idaho News, December, 1911. Read my address to the joint reclamation meeting, Creston, British Columbia, January 26, 1912. Yet I am proud to be called one of the "enemy of the Forest Service" so long as it overrides and nullifies the laws of Congress. If you doubt that I am a fair fighter as an enemy read my address to the Federated Commercial Clubs of the Inland Empire, Sandpoint, Idaho, last winter on "The Crime against Idaho." This is not a political question in the West. Democratic Gov. Hawley and Republican Senator Borah, Democratic Gov. Norris, of Montana, and Republican Gov. Hay, of Washington, are all standing shoulder to shoulder in fighting the crime against Idaho, Washington, and Montana.

So long as a Forest Service regulation administered by the discretionary whim of a forest official can nullify and override the laws of Congress, just so long will we fight.

There is but one way in which the National Conservation Association can save the forests, and that is join (the enemy) and purge and purify the Forest Service. In my humble opinion, the deathblow to conservation will be struck when the administration of public lands, etc., now embraced in forest reserves is turned over to the States. As for me, I would rather see every acre of forest land glutted and despoiled than live under the persecution and domination of the present Forest Service or turned over to State control. With all the power of my tongue and pen I will fight until the damnable despotism is wiped out.

There is one man (Col. Roosevelt) great enough and strong enough to right the wrong and save the forests, but he, too, has been deceived and has forgotten the man called "settler." He is too busy now busting trusts and fighting imaginary foes to listen to the cry of anguish that he would hear, and so we must punish him and punish ourselves.

This letter is only the voice of one humble citizen driven to desperation by the very creature which you and he created for my protection; and yet you call me "land grabber," until I have lost faith in the sacred tradition that in free America even the humblest can get a fair and a square deal. Your letter to me is evidence that you have heard the rumblings from the West. Very soon you will hear the roar of a maddened empire. And yet, sir, I do you the honor to believe that we both want the same conservation. We both want the national forests. Why, then, should we not be fighting a common cause? I believe it is because (you) the powerful conservation association has neglected its opportunity of investigation; because you have allowed the howl of special interests—there are special interests on both sides of this question—to drown the cry of the man seeking to build a home for himself and children; because instead of righting a wrong you are perpetuating it; because the incompetency of the Forest Service can not discriminate between special interests and honest settler.

Now, sir, I have written plainly. My neighbors would indorse this letter but for the fear of antagonizing the Forest Service and losing their land. I have no right to ask them. You can find them if you desire to. I have touched upon but one phase—the personal phase, if you please. I have equally strong views upon other phases of the great conservation problem.

Sincerely, yours,

C. W. H. HEIDEMAN.

[From the Seattle Times.]

VICTORY FOR CONSERVATION—AFTER 10 YEARS' FIGHT OPPONENTS OF PINCHOT POLICY DIE.

A. L. Manning and Mrs. Fannie E. Manning, defendants in a Forestry Service contest against their homestead in Snohomish County, lost their case to-day in the General Land Office when both failed to appear to answer the charges of the Government. After waiting for more than 10 years to obtain their patent, death claimed both. As a result 160 more acres have been added to the ground being conserved for posterity.

W. F. Straley and W. S. Boyer, representing the Government, appeared at the appointed time before Registrar John C. Denny and Receiver Albert Saylor to prosecute their case Contest had been filed against the homestead because it was within the Snoqualmie forest service, set aside by an Executive order of the then President, Theodore Roosevelt.

The defendants had settled on the land years before, when the forest reserve was unheard of and when special inducements were being offered to pioneers to come into this State and build up the country. After the region had been surveyed they began waiting for the patent, but the conservation theories of Gifford Pinchot and his followers prevented the consummation.

Death finally stepped in, and Mrs. Manning was left a widow to defend the contest against her claim.

Date for the hearing was set this morning, but she did not appear. Death had also taken her. As a result the Forestry Service registered another victory, and the land was restored to the reservation by default.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein certain findings by the Bureau of Corporations in regard to the present ownership of standing timber in the United States.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD, and to incorporate therein certain findings made by the Bureau of Corporations as to standing timber in the United States. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to know how much of a document this is that the gentleman proposes to insert in the RECORD, and whether or no it is the same article which in whole or in part was inserted in the RECORD by the gentleman from Washington [Mr. BRYAN]?

Mr. MURDOCK. I have not seen the gentleman's article, but I want to say that I include in my remarks largely the report of Mr. Smith, then at the head of the Bureau of Corporations. I should say it was a matter of four or five thousand words.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK. There would be no patience anywhere with the recent onslaught upon the policy of conservation of our national timber reserve if this simple little sentence could be placed before every voter in the country, to wit: One hundred and ninety-five holders own over 40 per cent of the country's timber.

And there would be nation-wide indignation at any suggestion of abandonment of the plan of forest reservation if the people knew that three owners hold over one-tenth of all the privately owned timber in the entire Nation—that is, if every citizen in the country could be reached with this single fact, to wit:

Of the 1,013,000,000,000 feet of privately owned timber in the Pacific Northwest three holders—the Southern Pacific Railway, the Weyerhaeuser Timber Co., and the Northern Pacific Railway—own one-fourth.

There would follow a storm of popular protest against an anti-conservation attitude that no man here or elsewhere would care to face.

The story of the concentration of ownership of timber in the United States, astounding and appalling in its details, is told in a Government document issued January 20, 1913, under the title "The lumber industry—Part I, Standing timber." It is the result of an investigation by the Bureau of Corporations.

The startling revelations of this report are particularly pertinent at this moment because of the attacks here upon that bureau of the Government, which is protecting our timber and standing for policies which will prevent further concentration—concentration which means the enrichment of the few and the impoverishment of the many. For back of the concentration lurks the most sinister of all the democracy's perils—a monopoly in land. I desire to give certain salient facts and with them certain quotations from this report on the lumber industry. I will set forth:

First. The concentration in ownership in the three principal timbered sections of the country.

Second. The official narration of the means by which concentration in timber holdings was accomplished.

Third. The conclusions of the Commissioner of Corporations on the gravity of the findings.

THE EXTENT OF CONCENTRATION.

First. Of the 2,800,000,000,000 board feet, estimated stand of timber in the country, outside of Alaska, four-fifths is privately owned. Of the standing timber on the land 54 per cent is in the Pacific northwest, 28 per cent in the southern pine region, and 5 per cent in the Lake States. Now, in the Pacific northwest the timber stand is 1,500,000,000,000 feet. Of this total 1,013,000,000,000 feet is privately owned. Three holders, the Southern Pacific Railway, the Weyerhaeuser Timber Co., and the Northern Pacific Railway, own one-fourth.

The southern pine region has 634,000,000,000 feet of standing timber. Of this 29 holders own one-sixth. Sixty-seven holders own 39 per cent of the long-leaf pine.

The Lake States have 100,000,000,000 feet. Ten holders own 16 per cent. Forty-four holders own 37 per cent. Six holders own 54 per cent of the pine.

HOW CONCENTRATION WAS ACCOMPLISHED.

Second. The report of the Bureau of Corporations gives as a primary cause of concentration in timber ownership our public-land policy. The report says on this score that a clear insight into the results of the land policy thus far pursued is necessary to a wise settlement of questions of the first magnitude now before the country involving its natural resources. The report says further:

The land legislation which has been especially responsible for the present concentration of timber ownership may be divided into two classes: (1) Land grants: Special grants for railroads, wagon roads,

canals, and river improvements; and general grants to States for educational purposes, drainage, internal improvements, etc. (2) General land laws: The cash-sale law, the scrip and warrant acts, the preemption and homestead laws, and the timber and stone law. These grants and general laws, loosely drawn and loosely administered, were direct causes of the concentration of timber ownership now existing.

The story of the land grants to railroads is a familiar one. One-eighth of the area of "public-land States"—155,000,000 acres—were given the railroads. Up to June 30, 1910, the immense total of 113,660,000 acres had been actually patented to railroads under their grants. This is practically the equivalent of the entire land area of Pennsylvania, Ohio, Indiana, and Illinois. The retention by the Southern Pacific and the Northern Pacific and the purchase by the Weyerhaeuser Co. of these railroad grants form the basis of the three largest timber holdings in the country.

An equally interesting account of the process of concentration is given in the report on the administration of the public-land laws. The report of the bureau gives this summary of our land laws:

The most important general land laws of the United States were the private-sale law; the act making military-bounty land warrants assignable; the preemption law; the homestead law, with its commutation feature; and the timber and stone law. Historically, the underlying theory of the early land policy was that the public lands should be sold for revenue. To this end settlement without legal title was at first prohibited. Sales of land in unlimited tracts were made, credit being allowed at first, but after the breakdown of this system through overspeculation in land the sales were strictly for cash.

In the later development of the land policy emphasis began to be laid on the rights of the settler as against the mere land speculator, and various acts were passed, culminating in 1841 in the act known as the preemption law, which gave the settler a preference right to buy at $1.25 per acre one 160-acre tract in consideration of his residing thereon and improving it. This tendency toward favoring the settler seems at odds with the making of the immense land grants in the 20 years succeeding 1850. But, as pointed out above, the expectation was that the railroads would dispose of the lands to settlers much as the Government was doing; and when it was found that this was not being done public sentiment demanded that whenever new grants were made or old ones revived conditions should be imposed requiring sale of granted land in small tracts to actual settlers.

The homestead law of 1862 carried the preemption law a step further by giving one 160-acre tract free in consideration of residence and cultivation. This law made the preemption law unnecessary, yet the latter was not repealed till 1891. The abuse of these laws in the timber regions will be pointed out below, but on the whole they were of substantial benefit in the agricultural development of the country.

The timber and stone law of 1878, which has conspicuously failed to accomplish its apparent purpose, was originally urged on the ground that the settler, limited to his 160 acres of cultivated land, needed a "wood lot" to supply timber for his domestic use; and that for local commercial use, in districts where the public lands had not been offered for sale, there was no legitimate way of getting timber from the public domain. Within five years the practical effect of this law in transferring public timberlands almost directly to large corporations and timber speculators was recognized in official reports, and its repeal was strongly urged. It nevertheless still remains in effect.

After dealing with the cash-sale law and scrip acts the report gives an account of the abuse of preemption, homestead, and timber and stone laws. It says:

The general land laws, the cash-sale law, and the law making military warrants assignable placed no limit on the amount of land any one person could acquire from the Government. The Federal preemption, homestead, and timber and stone laws, on the other hand, limited each individual to a 160-acre tract; yet under cover of these laws great areas of timberland have passed from the possession of the Government in tracts of 160 acres each, only to fall almost directly into the hands of large timber owners.

It has been noted above that some of the State land laws limited the amount of State land that could be taken by any individual, without thereby securing any effective check against the speedy transfer of the individual's right in the land to some great timber holder, who practically used many such individuals to build up a great holding. The same has been true on a far larger scale of the Federal preemption, homestead, and timber and stone laws.

Preemption and homestead laws: The Public Land Commission (of 1879), in its preliminary report, February 24, 1880, said:

"Until the passage of the act of June 3, 1878, entitled 'An act for the sale of timberlands in the States of California, Oregon, Nevada, and in Washington Territory,' there was no manner by which timber or timberlands in either of the States or the Territory mentioned could be obtained excepting by settlement under the homestead and preemption laws, and by the location of certain kinds of scrip and additional homestead rights, which cost several dollars per acre.

"Settlements upon timber-bearing lands in the States and Territory mentioned in the act, under the homestead and preemption laws, are usually a mere pretense for getting the timber. Compliance with those laws in good faith where settlements are made on lands bearing timber of commercial value is well-nigh impossible, as the lands in most cases possess no agricultural value, and hence a compliance with the law requiring cultivation is impracticable.

"The commission visited the redwood-producing portion of the State of California, and saw little huts or kennels built of 'shakes' that were totally unfit for human habitation, and always had been, which were the sole improvements made under the homestead and preemption laws, and by means of which large areas of redwood forests, possessing great value, had been taken under pretenses of settlement and cultivation which were the purest fictions, never having any real existence in fact, but of which 'due proof' had been made under the laws."

Many official recommendations were made for the repeal of the preemption law, and in 1891 it was repealed. All its purposes were better fulfilled by the homestead law, and for years before its repeal it had been used as an easy means of transferring public lands to large speculators in agricultural and timber lands.

The commutation clause of the homestead law: Congress, in recognition of the fact that misfortune or change of circumstances might befall a settler, provided by a clause in the homestead act of 1862 that any claimant after 14 months' residence and cultivation might "commute" his entry; that is, purchase the land at $1.25 or $2.50 per acre at the end of the 14 months, instead of getting it free at the end of 5 years of residence and cultivation. There is no such thing as a separate and distinct law allowing the entry of agricultural land with intent to commute. The applicant for homestead land must swear, among other things, that he takes the land in "good faith for the purpose of making a home for himself" and not for speculation or sale. The commutation clause, however, allows him to buy the land after 14 months, if his original plans should change.

While the wording of the commutation clause required 14 months' residence and cultivation, the Interior Department until recently held that since homesteaders are given 6 months from the date of entry to establish themselves on the land, therefore 8 months' actual residence immediately following this 6 months was a sufficient compliance with that part of the law requiring 14 months' residence before commutation. This construction of the clause was given the force of actual law, as to former entries, by a recent Congress, but now the full 14 months is required in actual residence.

During the four years from July 1, 1899, to June 30, 1903, 1,485 homestead commutations were made in the timber belt of Minnesota alone, covering 192,189 acres, on which the timber was then estimated at 297,000,000 feet. The Government received $251,306.55, or 85 cents per thousand on the estimated amount of timber. A committee appointed by the Commissioner of the General Land Office estimated the value of the timber at that time at $3 a thousand, or $891,000, giving an immediate loss to the Government of $639,693.45, besides the value of the land itself.

The following passage is from the report of this committee:

"The effect of the commutation clause of the homestead act within the State of Minnesota has been to place millions of feet of merchantable timber and hundreds of acres of prospective mineral lands in the hands of lumbering and mining corporations, with prospective profits of thousands of dollars to their present owners.

* * * * * * *

"The head of a large lumber company at Duluth, Minn., is authority for the statement, made in the presence of a member of your committee, that between the years 1885 and 1890 a certain lumber company of Minnesota and himself, together with others, obtained thousands of acres of pine lands from the Government under the old preemption law by simply filing names of persons found in the St. Paul (Minn.) and Chicago (Ill.) directories. When time for proof came, one set of men would appear at the local office and make proof on all claims set for that date. This gentleman also stated that he and the said lumber company had a standing agreement with the local land officers whereby they were to permit this kind of proofs for a consideration of $25 per claim. He denied that it was continued after the repeal of the old preemption law, but there is to be found strong evidence that this same system was continued as late as 1894 under the commutation clause of the homestead act.

"It is common knowledge in the city of Duluth, Minn., that in 1892, 1893, and 1894 persons desiring to commute would take an ordinary dry-goods box, make it resemble a small house with doors, windows, and a shingled roof. This box would be 14 by 16 inches or larger and would be taken by the entryman to his claim. On date of commutation proof he would appear at the local office, swear that he had upon his claim a good board house, 14 by 16, with shingled roof, doors, windows, etc. The proof on its face would appear excellent and was readily passed by the local officers."

In 1909 H. H. Schwartz, at that time chief of field service of the General Land Office, commented as follows on the commutation clause of the homestead law:

"It has been my experience and observation in 10 years of field service that the commuted homestead is almost universally an entry initiated with a full intent never to make the land a home. Before the timber and stone law was extended to all public-land States the commutation clause in the homestead law was the vehicle through which timber was fraudulently acquired from the Government.

"It has been my personal experience to examine solid townships in northern Wisconsin, in which practically all the even-numbered sections had been acquired under the homestead law, quite generally commutation. The timber had been cut off after patent, and yet not a single voter or inhabitant could be found in the township. The Government got $400 a quarter section for lands frequently worth from $10,000 to $20,000. More recently actual farmers have purchased these stump lands from the mill companies.

"'Commutation' is the clause in the homestead law under which citizens who are not farmers or ranchers and who have no intention of ever becoming such enter agricultural or valuable timberlands.

* * * * * * * *

"Actual inspection of hundreds of commuted homesteads shows that not one in a hundred is ever occupied as a home after commutation. They become part of some large timber holding or parcel of a cattle or sheep ranch.

* * * * * * * *

"Since the passage of the first commutation clause in the homestead law in 1862 there have been practically 35,000,000 acres of land acquired thereunder. The Government received probably $70,000,000 for lands worth over $350,000,000 at the time title left the United States.

"The average yearly acreage commuted has been approximately 600,000. It is noted, however, that in the past few years the acreage of land annually commuted has largely increased. In 1905 there was a slight excess above 1,400,000 acres sold; in 1908 the acreage had increased to 3,124,277.

"This increase coincides with the closer inspection and enforcement of the public-land law. Because of the inspection, those who are 'dummies' for investors in timber or cattle or sheep concerns and those who have no actual intent to make homes upon the land are now unable to give such physical presence and cultivation to the land as will permit them to make a 5-year proof. As a consequence they put in 8 months' time on the land and thereupon commute. At present 14 months' actual residence is required."

Below is shown the manner in which the United States parted with its title to some 34 of the most valuable sections of timberland in Pierce County, Wash. Twenty-three quarter sections were obtained by homestead entries. Each of these entries, if made in good faith, involved the establishment of a home, and a home could not be established without a clearing. The following table shows how many

acres on each of these "homesteads" were reported by the assessor in 1910 as free from timber:

Acres reported by the assessor as free from timber on certain "homesteads" in Pierce County, Wash.

Part of section.	Section.	Township.	Range.	Acres free from timber.
NE. ¼	12	15	4	(1)
SE. ¼	12	15	4	(1)
W. ½ NW. ¼ and W. ½ SW. ¼	12	15	4	(1)
SE. ¼ NW. ¼ and E. ½ SW. ¼	12	15	4	(1) (2)
NE. ¼ NW. ¼	12	15	4	(2)
Lots 3 and 4 and S. ½ NW. ¼	4	15	5	0
SW. ¼	4	15	5	0
NE. ¼	22	16	5	0
NW. ¼	22	16	5	0
SE. ¼	22	16	5	0
SW. ¼	22	16	5	0
NE. ¼	32	16	5	0
SE. ¼	32	16	5	0
SW. ¼	32	16	5	0
NW. ¼	32	16	5	0
NE. ¼	16	17	5	0
NW. ¼	26	17	5	0
SE. ¼	26	17	5	0
NE. ¼	28	17	5	0
SE. ¼	28	17	5	0
SW. ¼	28	17	5	0
SE. ¼	30	17	5	0
NW. ¼	32	17	5	0
SE. ¼	32	17	5	0

[1] These four tracts, being three "homesteads" and three-fourths of another, are owned by one lumber company and are assessed together. The assessment shows 15 acres untimbered on the four tracts, but does not show on what tract the clear land is.

[2] These two tracts, of 120 acres and 40 acres, respectively, were obtained from the Government as one "homestead." The 40-acre piece is assessed to an individual, and 18 acres of it are reported free from timber. The other 120 acres are owned by the same great timber company that owns the rest of the section.

On the 23 "homesteads," 3,676 acres, the whole amount of unforested land, whether naturally barren or cleared by man, is 33 acres. This clearing may be all on one claim, and, if not on one, is probably on two. Of the 23 "homesteads," at least 19, probably 21, and possibly 22, have no cleared land whatever.

THE TIMBER AND STONE ACT.

The act of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," is commonly called the "timber and stone act." Later the act was extended to all the public-land States. It provided for the sale, at not less than $2.50 an acre, to citizens of the United States or persons who had declared their intention to become citizens, of all such land as was chiefly valuable for timber or stone. Not more than 160 acres was to be sold to one person; but this interposed no serious obstacle to the acquisition of unlimited quantities through dummy entrymen.

The practical effect of the timber and stone act in aiding timber companies to assemble large holdings was early discovered, but it is still unrepealed. In 1883, five years after its passage, the Commissioner of the General Land Office vigorously denounced the law, and its repeal has been frequently urged in official reports of the Land Office, in the report of the Public Lands Commission in 1905, and in the report of the National Conservation Commission in 1909.

The law specifies that lands taken under it "may be sold * * * at the minimum price of $2.50 per acre." In administrative practice, until November 30, 1908, the maximum price asked was $2.50, as if the law had read "shall be sold." Since that date, by order of the Commissioner of the General Land Office, tracts taken have been appraised and the price fixed with reference to the amount and value of the timber and land, but at not less than $2.50 per acre. This is an improvement of administration, but it does not remedy the vital defects of the statute.

The criminal prosecution of timber frauds under this law, and of other public-land frauds as well, has been greatly hindered and in many cases prevented by the statute of limitations (U. S. Comp. Stat., ch. 19), which provides that a prosecution for criminal offenses against the United States (other than certain excepted crimes) is barred after a lapse of three years. As to recovery of the lands themselves, fraudulent entries may be canceled by the Interior Department at any time prior to patent. After patent has issued, any suit by the United States to annul or cancel it and recover the lands must be brought within six years of the date of the patent. (Act of Mar. 3, 1891, 26 Stat., 1099.)

On the evil effects of the timber and stone law in general it is sufficient to refer to five official reports: The first that of the Public Land Commission in 1880, the second that of the Commissioner of the General Land Office in 1883, the third that of the same officer for 1886, the fourth that of the Public Land Commission in 1905, and the fifth that of the National Conservation Commission in 1909.

The first Public Land Commission as early as 1880 recommended a law for timberlands, which provided for retaining the fee ownership of natural forest land, selling the product on lease, and maintaining a perpetual supply. These recommendations of the commission were not enacted into law.

A report of the Commissioner of the General Land Office in 1883 clearly pointed out the abuses under the timber and stone act, in part as follows:

"The present and increasing value of timber is an inducement to individuals and companies to make large investments with a view to the control of the timber product, and the further enhancement of prices resulting from such control. The facility with which the restrictions of the public-land laws are evaded is a temptation to the illegal acquirement of title for the purpose of such investments.

"It would perhaps be of little moment how soon the public title to lands should pass to private holders, since that is the ultimate purpose of the laws, if the further purpose of the laws that public lands should in the original instance be widely distributed among the people could also be secured. But if this can not be done, and the systems of public disposal are to result, as they now do, in permitting capitalists to indirectly obtain great bodies of public land, it is certainly but provident for the United States to require a price to be paid for its timberlands somewhat commensurate to their value.

"Several propositions have been presented in Congress looking to a change in the methods of disposing of lands valuable chiefly for timber. The subject is one of difficulty, and it is important that the wisest action be taken. I am of opinion that such lands should be reserved by law from ordinary disposal, and sold only after appraisement and upon sealed bids, at not less than the appraised price. It would be proper that an act to such effect should not deprive settlers on the public lands of the right to take timber for domestic purposes or the support of their improvements."

Again, in his annual report for 1886, the Commissioner of the General Land Office gave numerous specific instances of violations of the timber and stone law.

The Public Lands Commission of 1903 in its second partial report of February 13, 1905, in speaking of the frauds under this law, pointed out that in many cases transfers of the land were made to lumber companies immediately, often on the same day as the title was received; that the original entrymen rarely realized more than ordinary wages for the time spent in making the entry and completing the transfer; that the corporations which ultimately secured the land usually absorbed by far the greater part of the profit; and that the timber was withdrawn from use till the corporations that owned it saw fit to cut.

The commission urged the repeal of the timber and stone act, and in its place recommended the sale of timber (without the land) on the remaining unreserved public domain, as follows:

"We recommend the enactment of a law under which it shall be lawful for the Secretary of the Interior to sell to the highest bidder, at public outcry or otherwise, under such rules and regulations and subject to such conditions and restrictions and in such quantities as he may prescribe, the right to cut and remove, within such period of time as he may fix, any timber from any unappropriated, nonmineral, surveyed public lands, after first having had such timber duly appraised, and after giving public notice of the time, terms, manner, and place of such sale; that he shall have power and authority to reject any and all bids offered at any such sale, and that it shall be unlawful for any purchaser at such sale to sell, transfer, assign, or in any manner alienate the rights secured by him under this act, except as authorized by said Secretary; * * * and that no lands valuable chiefly for timber shall hereafter be patented under the commutation provisions of the homestead laws; that any person who violates any of these provisions, or any regulation or requirement prescribed pursuant thereto, shall forfeit to the United States all benefits conferred, and all moneys paid by him, and that any right to cut and remove timber which he may then hold shall be canceled and revoked."

The commission also urged the classification of lands. Its recommendations quoted above have not been enacted into law.

A further statement as to the results of the timber and stone act was made in 1909 in connection with the report of the National Conservation Commission, by Mr. H. H. Schwartz, whose statement on the commutation clause of the homestead act has already been given. Mr. Schwartz said in part:

"In practice * * * this law has resulted in the sale of over 12,000,000 acres of valuable timberlands, of which fully 10,000,000 acres were transferred to corporate or individual timberland investors by the entrymen. These lands brought to the people or General Government a gross sum of $30,000,000. At the date of sale they were reasonably worth $240,000,000. The profit of over $200,000,000 went not to the needy settler engaged in subduing the wilderness, but to the wealthy investors. Not over a fractional part of 1 per cent of the timber purchased from the United States under this act is held, consumed, or even cut by the men and women who made the entries.

"The law requires, and each applicant makes, an oath containing, among other things, the following:

"'That he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own use and benefit; and that he has not directly or indirectly made any agreement or contract in any way or manner, with any person or persons whatever, by which the title he might acquire from the Government of the United States should inure, in whole or part, to the benefit of any person except himself.'

"The Supreme Court, in United States *v.* Budd (144 U. S., 154), holds that an entry and purchase made with intent to sell at an advance if the market improves, and with no intent to use the timber itself, is not a 'purchase for speculation.'

* * * * * * *

"With enough entrymen possessed of $500 each, or credit to borrow that amount, and a prospective buyer at a small advance, the machinery is complete for transferring title from the Government, or general public, to the single corporate or individual investor. The process has been automatic, and in most cases neither fraud, perjury, nor false swearing is needed.

* * * * * * *

"Since January 6, 1908, the person entering timberlands, where some investor has given his notice of a willingness to buy all lands entered, need not even have the $500 with which to buy, nor need he have credit upon which he may borrow that amount. The Supreme Court of the United States, in the case of United States *v.* Williamson (207 U. S., 425), decided upon the above date, holds that an entryman who has filed his sworn statement designating the particular tract he desires to purchase may, between the date of so filing and the date of actual payment—the 60 or 90 days during which he advertises his application to purchase—lawfully contract to sell or convey the land after patent issues. In other words, he may enter the lands with an intent to sell at once if he can make a profit; the corporate or individual investor may inform him that he will buy at a profit; after the entry is made, and before the applicant advances a dollar of the purchase price, entryman and prospective purchaser may contract to convey and the investor bind the bargain by depositing with entryman's attorney enough of the sale price to pay the Government for the land, and the identical money advanced on the lawful contract to sell is paid over the counter of the land office by entryman's attorney at final proof.

"There is no fraud in the entryman; no risk to the investor; and a single concern may secure a wood lot of 100,000 acres in less than a year, at a profit of $1,000,000 to the corporation and at a loss of the same sum to the general public, which is the Government.

"I recall a specific instance in the Susanville and Redding districts, California, where a single investor, in the course of probably three years, acquired approximately 700,000 acres of heavily timbered lands, a large amount of which was secured under the timber and stone act.

"In another large operation in central Oregon trainloads of women school-teachers were shipped out from Minnesota and entered lands under the timber and stone act. A hundred citizens of Oregon made like entries. These lands were then transferred to a timber investor from Minneapolis, Minn., transfers going to him by deeds to a corporation. The articles of this incorporation were peculiar. They provided that only the president need own stock therein. Its officers were composed of the president (who was the investor) and his wife and son, who were, respectively, secretary and treasurer.

"During the past 10 years there have been like individual operations in Montana, Idaho, Washington, and Colorado."

An excellent illustration, not only of the actual working of the homestead and the timber and stone laws, but also of the danger involved in making eliminations from the national forests, is found in the Olympic Peninsula of Washington. Over 400,000 acres (net area) were eliminated from the Olympic National Forest in 1900 and 1901 on the ground that the land was chiefly valuable for agriculture and that the settlement of the country was being retarded. The land thus eliminated for agricultural use was largely taken up under the timber and stone law, which requires oath that the land is "valuable chiefly for timber, but not fit for cultivation." It is now (10 years later) held mostly by great timber holders in private instead of public reserves. Only 100 settlers are living in the area eliminated, and the total amount of land they have in cultivation is only 570 acres, an average of less than 6 acres to the settler. Thus, the alleged purpose of the elimination was defeated and bona fide settlement was not advanced.

The fact that the land policy of the past 60 years has resulted in transferring great tracts of timberland from the public to a limited number of individuals becomes more significant when the values involved are considered. Two concrete examples of the prodigality of the policy are here given.

The bureau selected some 34 sections of the best timberland in Pierce County, Wash., and then traced the manner in which these sections were originally alienated by the United States and the amount received by it for them. The sections were chosen for their relatively high assessed valuation, ranging from $25,000 to $52,000 per section of 640 acres. They are not intended to be regarded as average or as typical, though it is believed that there are many other equally striking instances. The exact area of the timberland selected for this study was 21,602 acres. The total assessed valuation of the timber (exclusive of the land) in 1910 was $1,132,389. It is probable that the cash value of the timber on the individual sections would range from about $50,000 to about $125,000, and that the cash value of the whole is from $2,250,000 to $2,750,000.

Except for the land in the Northern Pacific grant and the school sections the earliest date of initiation of any right to these lands was 1889, only 22 years ago, and (with the exception of school sections which passed to the State without patent) all of it, including the railroad land, has been patented within the last 18 years. Nearly all was alienated without cash recompense, and in no case for a greater consideration than $2.50 an acre. For the 5,082 acres not included in the Northern Pacific grant and the State grants the Government received less than $5,000.

Nearly all the tracts shown in the table have passed into the hands of great corporations. Thus, 12,023 acres, with an assessed valuation of $653,289 and a probable cash value of about $1,200,000 or $1,500,000, is assessed to the Weyerhaeuser Timber Co., and 6,080 acres, with an assessed value of $308,260 and a probable cash value of from $600,000 to $750,000, is assessed to the St. Paul & Tacoma Lumber Co.

In 1909 an estimate of the present value of certain lands included in court cases, or before the Interior Department, on charges of illegality or fraudulent acquisition from the public domain, was officially submitted to Congress in connection with the request of the General Land Office for the special appropriation of $1,000,000 which was made to investigate and prosecute the cases. This estimate showed a total valuation of $114,733,273 for the lands involved in the cases listed. The statement does not in all cases show the acreage involved, but, taking this where it is shown, it is found that the estimated value of 556,861 acres of land claimed or secured under the settlement or timber and stone laws, as placer locations, or under the land grants, is no less than $32,581,400. This is an average of over $58 per acre, whereas for some of this land the Government received no cash payment and for none of it more than $2.50 an acre. The 556,861 acres includes, however, 300 acres of mineral lands alleged to have been erroneously acquired under the Union Pacific grant (which excluded minerals). The estimated value of the 300 acres is $15,000,000, or $50,000 an acre. It also includes 161,600 acres of coal lands taken under timber or under nonmineral forms of entry, valued at $9,360,000, an average of $58 an acre, or over twenty-three times the highest price received by the Government for any of it. Of timberlands proper, it includes 288,201 acres, with a valuation of $7,135,800, equivalent to $25 per acre, or ten times the highest price received by the Government. In point of size, the main item of this 288,201 acres is a holding of 200,000 acres of timberland within the boundaries of the forest reserve taken up as placer locations, the Government price of which is $2.50 per acre. This is valued at $5,000,000, or $25 per acre.

Besides the 556,861 acres referred to, the statement shows 84,262 acres of mineral and coal land entries, other than placer locations, alleged to be fraudulent, with an estimated present value of $15,355,840. Of this, 78,000 acres is coal land, valued at over $15,000,000, an average of $193 per acre, as against the regular Government price of $10 or $20. A single case involved 40,000 acres of coal land, valued at $200 an acre, or $8,000,000. One item of the statement which specifies no acreage covers four suits involving mineral lands acquired under railroad grants which excluded minerals. The value of the lands comprised in the four suits is placed at over $25,000,000.

This estimate of the values involved in land cases pending in 1909 (irrespective of whether in the final outcome the Government or the private claimant obtains the land) strikingly illustrates how the Government's land policy with reference to timberlands—as distinct from agricultural lands—as it has actually worked out in practice, has disposed of immense public wealth in timber and other resources without securing any adequate return therefor in money or social advantage. Furthermore, this wealth, instead of having been distributed among a vast number of independent owners, as contemplated by the original spirit of this policy, has actually been concentrated to a very marked degree in a comparatively few hands.

In this chapter there has been an attempt to set forth some of the principal features of the public-land policy which have contributed to the present concentration of timber ownership. There have been traced partially here and there the effects of Federal laws disposing of the public domain, such as the great land grants, cash sales, and the homestead and the timber and stone laws. Much of the legislation in question, including the land grants, was expected to bring about ultimately a distribution of public lands in comparatively small tracts. As a matter of fact, so far at least as the timber regions are concerned, most of it has signally failed in this respect. Instead, the facts presented in this report show that timberlands alienated in immense grants have largely been retained by the original grantees or transferred in great blocks; and even where alienated in small tracts under the general land laws, such lands have largely been gathered into great holdings by timber speculators.

Altogether, it is clear that there has been a lavish dissipation of standing timber and other natural resources of the national domain, and that the beneficiaries of this policy have too frequently been not actual settlers but capitalists who have been able to take advantage of this legislation or its faulty administration and thus to accumulate vast holdings of timberland at a comparatively small cost and reap therefrom an enormous profit.

A striking fact is that the operation of much of this legislation was early understood and condemned by careful observers. That such warnings as those of public-land commissions and other public officers were so long disregarded is partly explained, no doubt, by the counter-pressure of local self-interest and the persistent efforts of beneficiaries of such legislation. However, it was also due in some part to the easy-going attitude of the public itself, which at that time looked upon these resources as practically inexhaustible. This attitude of the public was also to some extent attributable to the specious character of some of this legislation, especially the apparent limitation of the amount of land available to a single individual, which seemed to assure a wide distribution of ownership.

The development of public opinion affecting the country's natural resources has been very slow, and it must be remembered that in judging the public-land policy of a generation ago allowance must be made for conditions then existing. It would seem, however, that the public mind has at last been awakened to a realization of the fact that the present supply of standing timber is not inexhaustible. The creation of national forests, which reserved from private acquisition a large part of the timbered areas still remaining in public ownership, definitely marked a fundamental change in policy, and this is also indicated by the progress in recent years toward scientific and accurate classification of the remaining resources of the public domain. However, there is now a disposition to secure the alienation of timberland from national forests under the subterfuge of settlement. The experience of the past, as set forth in this report, may therefore be pertinently emphasized at this time.

It is also desirable to call attention to the fundamental difference between the sale of agricultural lands to actual settlers, who by their industry improve this land and thereby contribute to the development of the community, and the alienation of timberlands, which do not require improvement and the value of which tends almost certainly to rise because of reduction in the supply and increase in population. The mere acquisition of timberlands from the public domain and their speculative holding involve only a negligible service to the public, while the concentration of the ownership of such lands, as set forth in this report, constitutes a serious public danger.

While much of the public domain has been dissipated in the manner indicated, it may be repeated, as already shown, that the Government is still the largest single owner of standing timber. While much of its timber is of relatively low value, nevertheless, in view of the fact that the Government is in an especially advantageous position for the practice of reforestation on an extensive scale, it seems that it should be able at a later date to materially strengthen its relative position as a timber owner. A further addition to its holdings may, moreover, be brought about as a result of forfeiture suits, some of which are now in progress. The facts set forth in this report clearly point to the desirability of maintaining the integrity of the national forests, and, furthermore, suggest the desirability of the extension of the essential principles of the national-forest policy to such publicly owned timber as now stands on lands outside of these reserves, including forests of Alaska, possibly by bringing such lands within national-forest limits. It would seem that the same principles should also be extended to lands recovered by the Government in suits for forfeiture of title. This, however, affords only a partial solution of the grave problems involved in the concentration of the privately owned timber of the country.

THE GRAVITY OF THE SITUATION.

Third. Luther Conant, jr., Commissioner of Corporations, in his report to the President, 1913, on this whole subject, declares that the facts found clearly point to the desirability of maintaining the integrity of the national forests and of extending to other publicly owned timber, including forests in Alaska, "the cardinal principle of the national-forest policy, the retention of the fee to such lands at least until the timber is removed."

The Commissioner of Corporations who preceded Mr. Conant in the office, Mr. Herbert Knox Smith, in a communication to the President in 1911, said in submitting this report on standing timber:

The foremost facts shown are:

(1) The concentration of a dominating control of our standing timber in a comparatively few enormous holdings, steadily tending toward a central control of the lumber industry.

(2) Vast speculative purchase and holding of timberland far in advance of any use thereof.

(3) An enormous increase in the value of this diminishing natural resource, with great profits to its owners. This value, by the very nature of standing timber, the holder neither created nor substantially enhances.

These are the underlying facts of tremendous significance to the public welfare. They are primarily the results of our public-land policy long continued. The laws that represent that policy are still largely operative. The past history and present status of our standing timber drive home upon us the imperative necessity of revising our public policy for the future management of all our remaining natural resources. That history is here outlined.

FROM GOVERNMENT TO PRIVATE OWNERSHIP.

Only 40 years ago at least three-fourths of the timber now standing was, it is estimated, publicly owned. Now about four-fifths of it is privately owned. The great bulk of it passed from Government to private hands through (*a*) enormous railroad, canal, and wagon-road

grants by the Federal Government; (b) direct Government sales in unlimited quantities at $1.25 an acre; (c) certain public-land laws, great tracts being assembled in spite of the legal requirements for small holdings. Such laws were wholly inappropriate to forest regions; but, though vigorously condemned in several public reports, they are still largely in force. In theory they were intended to distribute the public lands in small tracts as homes for freeholders. In fact, they actually furthered timber concentration in vast holdings. The 1,802 largest holdings of timber (as compared with a vastly wider distribution of public lands in nontimbered agricultural sections) involve 79,092,000 acres of timberland—including a considerable acreage of timber rights in the southern pine region—and in addition some of these holders own 10,652,000 acres lying in timbered parts but not now bearing merchantable timber.

During this interval, and chiefly in the latter half thereof, the value of standing timber has increased tenfold, twentyfold, and even fiftyfold, according to local conditions. The present annual growth is only about one-third of the present annual cut. Replacement by new growth is very slow.

Examples of the increase during this interval are: From $5 to $30 an acre, $7 to $40, $20 to $150, $1 to $13, $4 to $140, $1 to $50. Specific tracts have been sold first for $24,000 and later for $153,000; $10,000, and later $124,000; $240,000, and later $2,500,000; $23,000, and later $500,000; $25,000, and later $1,125,000. These examples illustrate the remarkable profit made by certain individual holders.

What did the Government get for the timber? Of the southern pine sold for $1.25 an acre, much is now worth $60 an acre. Large amounts of Douglas fir in western Washington and Oregon, which the Government gave away or sold at $2.50 an acre, now range from $100 to $200 per acre. The great redwood belt in California was alienated on similar terms, and some of it is now worth hundreds of dollars an acre. Practically none of the great forests in the public-land States was sold by the Government for more than $2.50 an acre. The great increase of value gives grave importance to the concentration of ownership.

The former Chief of Field Service of the General Land Office, H. H. Schwartz, stated officially (1909) that the timber and stone act "has resulted in the sale of over 12,000,000 acres of valuable timberlands, of which fully 10,000,000 acres were transferred to corporate or individual timberland investors by the entrymen. These lands brought to the people or General Government a gross sum of $30,000,000. At the date of sale they were reasonably worth $240,000,000. The profit of over $200,000,000 went not to the needy settler engaged in subduing the wilderness but to the wealthy investors. Not over a fractional part of 1 per cent of the timber purchased from the United States under this act is held, consumed, or even cut by the men and women who made the entries."

An effective illustration of what has happened under our land laws appears in the report of the United States Forester for 1910:

"An investigation emphasizes the probability that heavily timbered lands, if opened to entry, would pass into the hands of large owners of timber. Of 705,000 acres eliminated from the Olympic National Forest in 1900 and 1901, on the ground that the land was chiefly valuable for agriculture and that the settlement of the country was being retarded, 523,720 acres passed ultimately into the hands of owners who are holding it purely as a timber speculation. Three companies and two individuals own over 178,000 acres, in holdings of from 15,000 to over 80,000 acres each. Of timbered homestead claims on this eliminated area, held by 100 settlers, the total area under actual cultivation is only 570 acres, an average of but 5.7 acres to each claim. It will be seen that the original purpose of the elimination was defeated and that bona fide settlement was not materially advanced."

CONTROL OF THE TIMBER CONTROLS THE WHOLE INDUSTRY.

Whatever power over prices may arise from combinations in manufacture and distribution (as distinguished from timber owning), such power is insignficant and transitory compared to the control of the standing timber itself or a dominating part thereof. The Senate and House resolutions, to which this investigation is responsive, ask for the causes of the high prices of lumber and the effect of combination upon such prices. The resolutions, therefore, required determination of both the amount and the control of standing timber.

AMOUNT OF STANDING TIMBER.

There is now left in continental United States about 2,200,000,000,000 board feet of privately owned standing timber, of which 1,747,000,000,000 is in the "investigation area," covered in great detail by the bureau. This area includes the Pacific Northwest, the southern pine region, and the Lake States, and contains 80 per cent of all the private timber in the country. In addition, there are about 539,000,000,000 feet in the national forests and about 90,000,000,000 feet on other nonprivate lands. Thus the total amount of standing timber in continental United States is about 2,800,000,000,000 board feet. The present annual drain upon the supply of saw timber is about 50,000,000,000 feet. At this rate the timber now standing, without allowance for growth or decay, would last only about 55 years.

The present commercial value of the privately owned standing timber in the country, not including the value of the land, is estimated (though such an estimate must be very rough) as at least $6,000,000,000. Ultimately the consuming public will have to pay such prices for lumber as will give this timber a far greater value.

This is the first comprehensive and methodical investigation of the amount and ownership of our standing timber. It rests on the best information obtainable from records of timber owners or the knowledge of men in the industry, information which daily forms the basis of actual business dealings. (A physical canvass of the forests was out of the question.) The data collected by field work in about 900 counties, assembled, mapped, checked, and weighed in the office, are reliable within a relatively small margin of error. All figures relate to merchantable saw timber, in terms of lumber yield. The unit "board foot" is a foot square and an inch thick.

CONCENTRATION OF TIMBER OWNERSHIP.

Three vast holdings alone, the greatest in the country, those of the Southern Pacific Co., the Weyerhaeuser Timber Co., and the Northern Pacific Railroad Co. (including their subsidiary companies) together have 238,000,000,000 feet, or nearly 11 per cent of all our privately owned timber. They have 14 per cent of that in the "investigation area." With the five next largest they have over 15 per cent of the total privately owned timber and over 19 per cent of that within the investigation area. Finally, nearly one-half (48 per cent) of the private timber in that area is held by only 195 great holders. The term "holder" covers any single interest—individual, corporate, or group—which is so united as to be under one control.

The Pacific Northwest: Five-elevenths of the country's privately owned standing timber is in the Pacific Northwest (California, Oregon, Washington, Idaho, and Montana), 1,013,000,000,000 feet. One-half of this is now owned by 37 holders. Many of these are closely connected. The three largest holders (named above) alone have nearly one quarter. This section now furnishes only one-sixth of the annual cut. Thus its timber is being largely held for the future, and the large owners there will then be the dominating influence in the industry.

The Southern Pacific Co. holding is the greatest in the United States—106,000,000,000 feet. This is about 6 per cent of the private timber in the investigation area, and 10 per cent of that in the Pacific Northwest. It is difficult to give an adequate idea of its immensity. It stretches practically 680 miles along that railroad between Portland and Sacramento. The fastest train over this distance takes 31 hours. During all that time the traveler thereon is passing through lands a large proportion of which for 30 miles on each side belongs to the railroad, and in almost the entire strip this corporation is the dominating owner of both timber and land.

The second largest holder is the Weyerhaeuser Timber Co. (including its subsidiary companies), with 96,000,000,000 feet. This does not include further very extensive timber interests of the Weyerhaeuser family and close associates.

These two holdings would supply the 46,584 sawmills in the country for four and a half years. They have one-eleventh of our total private timber.

The third largest, the Northern Pacific Railway Co., has 36,000,000,000 feet.

These three holdings have enough standing timber to build an ordinary five or six room frame house for each of the 16,000,000 families in the United States in 1900. If sawed into lumber and placed in cars, their timber would load a train about 100,000 miles long.

The holdings of the two railroad companies are Government grants, and 80 per cent of the Weyerhaeuser Timber Co. holding was bought from the Northern Pacific grant. Many other large holdings (here and in other regions) were mainly purchased from some land grant.

Southern pine region: In the southern pine region there are 634,000,000,000 feet of privately owned timber. Concentration in total timber is much less than in the Pacific Northwest. There is, however, a high concentration in the more valuable species, longleaf yellow pine and cypress. Sixty-seven holders own 30 per cent of the longleaf yellow pine, 29 per cent of the cypress, 19 per cent of the shortleaf and loblolly pine, and 11 per cent of the hardwoods.

The Lake States: In Minnesota, Wisconsin, and Michigan there are 100,000,000,000 feet of privately owned timber. In Wisconsin 96 holders have three-fourths of all the timber. In Michigan 110 holders have 66 per cent. In Minnesota 6 holders have 54 per cent of the very valuable white and Norway pine, 16 per cent of the other conifers, and 2 per cent of the hardwoods. Taking all three States, 215 holders have 65 per cent of all the timber.

EFFECT OF CONCENTRATION.

Such concentration in standing timber, if permitted to continue and increase, makes probable a final central control of the whole lumber industry. A few strong interests, ultimately holding the bulk of the timber, can set the price of timber and its products. The manager of the National Lumber Manufacturers' Association recently said to lumbermen on the Pacific coast:

"The day of cheap lumber is passing and soon will be gone, but the men who make the money will be those who own timber and can hold it until the supply in other parts of the country is gone. Then they can ask and get their own price."

Certain further factors, not exactly measurable, increase still more the real concentration. First, a further interweaving of interests, corporate and personal, connects a great many holdings which the bureau has treated as separate; second, there are very large totals of timber so scattered in small tracts through larger holdings that they are substantially "blocked in" or "controlled" by the larger holders; third, the concentration is much higher in the more valuable species.

General information obtained indicates a very high concentration in timber ownership outside the investigation area.

POLICY OF GREAT HOLDERS.

The largest holders are cutting little of their timber. They thus reserve to themselves those incalculable profits which are still to accrue with the growth of the country, the diminishing of timber supply, and the further concentration and control thereof. Many of the very men who are protesting against conservation and the national forest system because of the "tying up" of natural resources are themselves deliberately tying them up far more effectively for private gain.

The fact that mature timber is thus withheld from use is clear evidence that great additional profits are expected to accrue through further increase in value.

LAND MONOPOLY.

Standing timber is not the only question. When the timber has been cut the land remains. There has been created, therefore, not only the framework of an enormous timber monopoly, but also an equally sinister land concentration in extensive sections. This involves also a great wealth in minerals. The Southern Pacific has 4,318,000 acres in northern California and western Oregon, and, with the Union Pacific, which controls it, millions of acres elsewhere. The Government, however, is now suing to annul title to the Southern Pacific lands in Oregon for noncompliance with the terms of the original grants. The Northern Pacific owns 3,017,000 acres of timberland and millions more of nontimbered land. The Weyerhaeuser Timber Co. owns 1,945,000 acres. In Florida, three holders have 4,200,000 acres, and the 182 largest timber holders have over 16,990,000 acres, nearly one-half the land area of the State. In the whole investigation area the 1,802 largest holdings of timber involve 79,092,000 acres of timberland, including a considerable acreage of timber rights in the Southern pine region, and in addition some of these holders own 10,652,000 acres lying in timbered parts, but not now bearing merchantable timber, not including Northern Pacific and Southern Pacific lands in nontimbered regions.

Finally, to timber concentration and to land concentration is added, in our most important timber section, a closely connected railroad domination. The formidable possibilities of this combination in the Pacific Northwest and elsewhere are of the gravest public importance.

THE FUTURE.

These are the facts of the lumber business in its most important feature, the natural supply. The paramount consideration remains still to be stated. There are many great combinations in other industries whose formation is complete. In the lumber industry, on the other hand, the bureau finds now in the making a combination caused, fundamentally, by a long-standing public policy. The concentration already

existing is sufficiently impressive. Still more impressive are the possibilities for the future. In the last 40 years concentration has so proceeded that 195 holders, many interrelated, now have practically one-half of the privately owned timber in the investigation area, which contains 80 per cent of the whole. This formidable process of concentration, in timber and in land, certainly involves grave future possibilities of impregnable monopolistic conditions, whose far-reaching consequences to society it is now difficult to anticipate fully or to overestimate.

Such are the past history, present status, and apparent future of our timber resources. The underlying cause is our public-land policy, resulting in enormous loss of wealth to the public and its monopolization by a few interests. It lies before us now as a forcible object lesson for the future management of all the natural resources still remaining in the hands of the Government.

The facts given, the conclusions upon them, the menace which looms in the plain documentary recital of past policies, must give every citizen pause, and reemphasize to everyone the necessity of guarding at every point, and from all attacks whatsoever, the new and saving policy of conservation, which will put us in the way of national frugality upon the one hand and save us from the extortions of monopoly upon the other.

Mr. JOHNSON of Washington. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD by printing some telegrams.

Mr. BURKE of South Dakota. On what subject?

Mr. JOHNSON of Washington. Principally, a telegram showing that Mason County, one of the large counties in my district, consisting of nearly 600,000 acres, received from the Forest Service last year, to help them pay their expenses, the sum of $24.65.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks by printing certain telegrams. Is there objection?

There was no objection.

The first telegram referred to is as follows:

SHELTON, WASH., *June 5, 1913.*

Hon. ALBERT JOHNSON, M. C.,
Washington, D. C.:

In reply to your request, Mason County, which contains 930 square miles, or 585,200 acres of land, has received in 1913 the sum of $24.65 from the Forest Service. Not a great sum to help in the upkeep of this vast county, of which 165,722 acres are in the Olympic Forest Reserve. The sum of $24.65 will not go far toward building the county roads we need so badly and which cost $10,000 to $12,000 a mile in many localities. Kindly explain to leaders of all parties.

GRANT C. ANGLE.

The second telegram is as follows:

PORT TOWNSEND, WASH., *June 4, 1913.*

Hon. A. JOHNSON, *Washington, D. C.:*

Jefferson County, with an area of 1,747 square miles, or 1,078,400 acres, has 730,000 acres in the Olympic Reserve, and received from the Forest Service in 1912 the sum of $602. Area of assessed lands outside of reserve is but 280,000 acres.

H. L. HANSEN, *Assessor.*
Per T. S. S., *Deputy.*

Mr. JOHNSON of Washington. Mr. Speaker, comment is unnecessary. I favor conservation of a rational and practical kind and not for the dream-book kind which is filling up the libraries, the magazines, and the Government reports.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned until Tuesday, June 10, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion and opinion in the case of Lester P. Chester and Freeland Chester, executors of Thomas R. Chester, deceased, *v.* The United States (H. Doc. No. 59); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Dennis Hannifin *v.* The United States (H. Doc. No. 60); to the Committee on War Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of fact and conclusion in the case of William G. Staples, son and sole heir of William C. Staples, deceased, *v.* The United States (H. Doc. No. 61); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the case of W. J. Sims, executor of W. B. Sims, deceased, *v.* The United States (H. Doc. No. 62); to the Committee on War Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Samuel E. Howell and James H. Howell for themselves and as heirs of Mary Ann Thomas, deceased, and William T. Howell, deceased, *v.* The United States (H. Doc. No. 63); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Bland Massie *v.* The United States (H. Doc. No. 64); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of Mary C. and Agnes Estes, heirs of Manning Harris, deceased, *v.* The United States (H. Doc. No. 65); to the Committee on War Claims and ordered to be printed.

8. A letter from the Secretary of War, transmitting index to the reports of the tests of metals and other materials made with the United States testing machine at Watertown Arsenal, Mass.; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 93) authorizing the President to accept an invitation to participate in the International Congress of Medicine, reported the same without amendment, accompanied by a report (No. 19), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 5882) for the relief of certain enlisted men of the Navy; to the Committee on Naval Affairs.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 5883) for increasing the Naval Establishment; to the Committee on Naval Affairs.

By Mr. RAKER: A bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.; to the Committee on the Public Lands.

By Mr. GREGG: A bill (H. R. 5885) to revive the right of action under the act of March 12, 1863 (12 Stat. L., p. 820); to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 5886) to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property; to the Committee on Naval Affairs.

By Mr. RUCKER: A bill (H. R. 5887) to amend section 3240 of chapter 3 of the Revised Statutes of the United States, as amended by act approved June 21, 1906, so as to provide for furnishing certain records or certified copies thereof, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 5888) to extend the provisions of the pension act of June 27, 1890, to the enrolled Missouri Militia and other militia organizations of the State of Missouri that cooperated with the military or naval forces of the United States in the war for the suppression of the rebellion; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 5889) authorizing the Postmaster General to appoint an additional post-office inspector in charge; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 5890) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.; to the Committee on the Public Lands.

By Mr. OLDFIELD: A bill (H. R. 5891) authorizing the construction of a bridge across White River at Newport, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. KORBLY: A bill (H. R. 5892) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 5893) to abolish death by hanging as a punishment for crime in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DENT: A bill (H. R. 5894) to amend an act to establish a uniform system of bankruptcy throughout the United States; to the Committee on the Judiciary.

By Mr. KIRKPATRICK: A bill (H. R. 5895) appropriating $3,500 for the transportation of soldiers of the Civil War to

the celebration of the Gettysburg anniversary; to the Committee on Appropriations.

By Mr. BYRNS of Tennessee: A bill (H. R. 5896) to give parties to suits in equity in the Supreme Court of the District of Columbia the right of trial by jury; to the Committee on the Judiciary.

By Mr. LINTHICUM: A bill (H. R. 5897) to protect fish not remaining the entire year within the waters of any State or Territory and authorizing the Department of Commerce to define the seasons and regulate the manner and conditions under which they may be taken or destroyed; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 5898) to regulate the interstate transportation of fish or products or compounds thereof when intended to be used for fertilizer or oil or in the manufacture of fertilizer or oil; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: A bill (H. R. 5899) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. SCULLY: A bill (H. R. 5900) appropriating money for the improvement of Matawan Creek, N. J.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5901) appropriating money for the improvement of Shoal Harbor and Compton Creek, N. J.; to the Committee on Rivers and Harbors.

By Mr. BROUSSARD: A bill (H. R. 5902) to relieve the Supreme Court and to extend the jurisdiction of the Commerce Court, and for other purposes; to the Committee on the Judiciary.

By Mr. GOULDEN: A bill (H. R. 5903) to provide for the cession to the State of New York of all lands heretofore acquired by the United States in that part of the bed of the Harlem Ship Canal to be eliminated up to the new bulkhead to be hereafter established by the Secretary of War; to the Committee on the Public Lands.

By Mr. GREGG: Resolution (H. Res. 141) providing for a stenographer to the Committee on War Claims; to the Committee on Accounts.

By Mr. HARRISON of Mississippi: Resolution (H. Res. 158) for the appointment of a committee of seven members to investigate the production and marketing of perishable vegetables and fruits; to the Committee on Rules.

By Mr. RUCKER: Joint resolution (H. J. Res. 94) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By the SPEAKER (by request): Memorial from the Legislature of the State of Wisconsin, requesting the enactment of legislation permitting the use of the postal savings deposits for the purpose of encouraging the proper development of State systems of long-time loans to farmers; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial from the General Assembly of the State of Pennsylvania, urging the enactment of a law establishing a minimum rate of wages for employees in the arsenals of the United States; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of West Virginia: A bill (H. R. 5904) granting a pension to Joseph K. Jefferys; to the Committee on Pensions.

Also, a bill (H. R. 5905) for the relief of the heirs of Alexander Stalnaker; to the Committee on War Claims.

Also, a bill (H. R. 5906) granting a pension to Edgar Travis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5907) to correct the military record of and grant to J. W. Mankins an honorable discharge; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 5908) granting an increase of pension to Owen E. Courtney; to the Committee on Pensions.

Also, a bill (H. R. 5909) to correct the military record of John Sanspree; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 5910) granting a pension to Oliver E. Penewit; to the Committee on Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 5911) for the relief of C. M. Parkins; to the Committee on Claims.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 5912) granting an increase of pension to Charles R. Gentner; to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 5913) to reinstate Edward P. Dieter as second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. GUERNSEY: A bill (H. R. 5914) granting an increase of pension to Levisa V. Dodge; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 5915) granting an increase of pension to Charles R. Taylor; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 5916) to correct the military record of William P. Waggener; to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 5917) granting a pension to Sarah A. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5918) granting an increase of pension to Alexander Motry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5919) granting an increase of pension to Loren Shedd; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 5920) granting a pension to Alexander W. Donaldson; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 5921) granting an increase of pension to James Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5922) granting an increase of pension to Susana A. Turner; to the Committee on Pensions.

Also, a bill (H. R. 5923) granting an increase of pension to Elizabeth Dailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5924) granting an increase of pension to Lucy A Smith; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 5925) granting a pension to Sarah J. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5926) to grant honorable discharges to the quartermaster volunteers who served in the military service in the Civil War, and including their names in the roster of the Union Army; to the Committee on Military Affairs.

Also, a bill (H. R. 5927) granting an increase of pension to Betsey E. Hubbard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5928) granting an increase of pension to Charles H. Bower; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 5929) granting a pension to Hugh W. Sawyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5930) granting a pension to Taylor Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5931) granting a pension to Thomas Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5932) granting a pension to Marie C. Wolcott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5933) granting a pension to Isaac N. Wilber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5934) granting a pension to Sophia J. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5935) granting an increase of pension to William Glidewell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5936) granting an increase of pension to Alexander Quick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5937) granting an increase of pension to Cornelius Buckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5938) granting an increase of pension to John W. Toppass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5939) granting an increase of pension to James Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5940) granting an increase of pension to Daniel C. Bruce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5941) granting an increase of pension to William M. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5942) granting an increase of pension to Israel Sturges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5943) granting an increase of pension to William J. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5944) granting an increase of pension to John C. Schnelle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5945) granting an increase of pension to Melchert H. Raney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5946) granting an increase of pension to Simon P. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5947) granting an increase of pension to Isaac West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5948) granting an increase of pension to Thomas M. McClanahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5949) granting an increase of pension to John Fort; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5950) granting an increase of pension to Philip Farrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5951) granting an increase of pension to William H. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5952) granting an increase of pension to Charity Breeding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5953) granting an increase of pension to George W. Brookover, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5954) granting an increase of pension to Tavner Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5955) granting an increase of pension to Emsey O. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5956) granting an increase of pension to Claridon F. Cherry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5957) granting an increase of pension to Wiley T. Huddleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5958) granting an increase of pension to Joseph S. Bogie; to the Committee on Pensions.

Also, a bill (H. R. 5959) granting an increase of pension to Nathan M. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5960) granting an increase of pension to David Shulz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5961) granting an increase of pension to George W. Runion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5962) granting an increase of pension to Emanuel Carmack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5963) for the relief of the estate of James McGuire, deceased; to the Committee on War Claims.

Also, a bill (H. R. 5964) to carry out the findings of the Court of Claims in the case of Francis M. Sheppard; to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 5965) granting an increase of pension to Mary E. Patterson; to the Committee on Pensions.

Also, a bill (H. R. 5966) for the relief of Clyde Odum; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 5967) for the relief of the estate of John Snyder; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the executive board of the Elgin Women's Mission, of Elgin, Ill.; the First Congregational Church of Dundee; and the First Congregational Church of Carpenterville, Ill., favoring an amendment to the Constitution of the United States abolishing polygamy; to the Committee on the Judiciary.

Also (by request), petition of the St. Louis (Mo.) Jobbers and Shoe Manufacturers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL: Petition of sundry business men of the third congressional district of Kansas, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of the Corn Products Refining Co., of New York City, favoring the passage of a bill giving the Commerce Court jurisdiction over the decision of the Interstate Commerce Commission; to the Committee on the Judiciary.

Also, petition of the State of New York Commission of Highways, at Albany, N. Y., favoring an amendment to the postal laws with reference to the highway bulletin; to the Committee on the Post Office and Post Roads.

Also, petition of Rice & Adams, of Buffalo, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., protesting against the passage of House bill 4653, known as the Richardson bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FESS: Petition of sundry business men of the sixth congressional district of Ohio, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Ohio, favoring the passage of a bill to prevent negroes from having fraternal orders under the names of Mason, Odd Fellows, Knights of Pythias, etc.; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of the Lancaster (Pa.) Tobacco Growers' Association, protesting against absolute free trade in cigars from the Philippines; to the Committee on Ways and Means.

Also, petition of the National Cigar Leaf Tobacco Association, at Atlantic City, against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. MAPES: Petition of the members of the negro fraternal orders of Grand Rapids, Mich., protesting against the passage of the bill to prevent the Negroes having any fraternal orders under the names of Mason, Odd Fellows, etc.; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of the Massachusetts Peace Society, relative to fortification and neutralization of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petition of the Board of Street and Water Commissioners of Newark, N. J., protesting against the abandonment of the port of Newark; to the Committee on Rivers and Harbors.

By Mr. SPARKMAN: Petition of sundry business men of the first congressional district of Florida, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. SHARP: Petition of sundry business men in the fourteenth congressional district of Ohio, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of California: Petition of Bishop & Co., of Los Angeles, Cal., favoring the passage of the Bartlett bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of S. B. Bailey, of Los Angeles, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of the Texas Bankers' Association, Galveston, Tex., favoring the passage of the Newlands bill for the control of the waters of the Mississippi and its tributaries; to the Committee on Rivers and Harbors.

By Mr. WILLIS: Petition of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring continuance of the present tariff laws; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of Rev. W. W. Warne, Rolette, N. Dak., favoring the passage of legislation to close the doors of the Panama Exposition on Sundays; to the Committee on Industrial Arts and Expositions.

SENATE.

TUESDAY, *June 10, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Newlands	Smith, Ga.
Bacon	Fletcher	Norris	Smith, S. C.
Bankhead	Gronna	O'Gorman	Smoot
Bradley	Hollis	Oliver	Stephenson
Brady	James	Overman	Sterling
Bristow	Johnson, Me.	Page	Stone
Burton	Johnston, Ala.	Perkins	Sutherland
Catron	Jones	Pomerene	Thomas
Chamberlain	Kern	Ransdell	Thompson
Chilton	Lane	Reed	Thornton
Clapp	Lea	Robinson	Vardaman
Clark, Wyo.	Lewis	Shafroth	Warren
Clarke, Ark.	McCumber	Sheppard	Weeks
Crawford	McLean	Sherman	Williams
Cummins	Martin, Va.	Simmons	Works

Mr. LEA. I desire to announce that my colleague [Mr. SHIELDS] is absent on business of the Senate.

Mr. JONES. I wish to state that the junior Senator from Michigan [Mr. TOWNSEND] is unavoidably detained from the Chamber on important business.

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is necessarily absent. He is paired with the Senator from Delaware [Mr. DU PONT]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present. The Secretary will read the Journal of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Friday last.

Mr. CATRON. I ask that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. It can only be done by unanimous consent.

Mr. CATRON. I ask unanimous consent that it be dispensed with.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. JONES. I am compelled to object.

The PRESIDENT pro tempore. The Senator from Washington objects. The Secretary will read the Journal.

The Secretary resumed the reading of the Journal.

Mr. LEWIS. I ask that the further reading of the Journal be dispensed with at this time.

The PRESIDENT pro tempore. Unanimous consent has been asked and refused

Mr. LEWIS. Under what parliamentary procedure may I renew the motion?

The PRESIDENT pro tempore. The Senator can not renew it.

Mr. LEWIS. It can not be renewed?

The PRESIDENT pro tempore. Only by unanimous consent, and that has been denied.

Mr. LEWIS. Mr. President, I was under the impression that my motion as a motion would take a little different order than a request. I understood that the previous procedure was a request, and that required unanimous consent. The distinguished Senator from Washington [Mr. JONES] objected. I have now made a motion, and I fancied that did not require unanimous consent.

The PRESIDENT pro tempore. The Senator is mistaken. It requires unanimous consent.

Mr. LEWIS. Then I was in error.

The PRESIDENT pro tempore. The Journal must be read unless by unanimous consent it is otherwise directed. The motion is not in order. The Secretary will proceed with the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal of the proceedings of Friday last.

The PRESIDENT pro tempore. Unless there is objection, the Journal will stand approved.

Mr. JONES. I desire a vote on the approval of the Journal. I object to its approval by unanimous consent.

The PRESIDENT pro tempore. All in favor of the approval of the Journal will say "aye." [Putting the question.] The ayes have it.

Mr. JONES. I call for a division.

The PRESIDENT pro tempore. Those who favor the approval of the Journal as read will please rise and stand until they are counted.

There were on a division—ayes 31.

The PRESIDENT pro tempore. The Secretary will note the presence of the Senator from Illinois [Mr. SHERMAN], the Senator from Nebraska [Mr. NORRIS], the Senator from New Mexico [Mr. CATRON]——

Mr. WORKS. Mr. President, I do not see why those of us who voted should be counted.

The PRESIDENT pro tempore. The Chair has not counted any Senator who did vote.

Mr. NORRIS. I voted.

Mr. CATRON. And I voted.

The PRESIDENT pro tempore. The Chair begs pardon. He supposed the Senators did not vote. A quorum is present; the ayes have it; and the Journal is approved.

Mr. JONES. I should like to have an announcement as to the vote.

The PRESIDENT pro tempore. Thirty-one Senators voted in the affirmative, and about 20 Senators were present who declined to vote.

Mr. JONES. I do not desire to make any point of order against the presiding officer counting Senators present for a quorum, because I think that ought to be done.

Mr. STONE. I desire not to make a point of order but to make a protest.

The PRESIDENT pro tempore. The protest will be noted.

Mr. STONE. I do not think that is a proper proceeding.

The PRESIDENT pro tempore. In the first place, the Chair will state that there is no authority in our rules for this so-called division. That method of ascertaining the sentiment of a deliberative body comes to us from the Parliament of England, where the process of division is in the nature of a separation, and those who favor or oppose a certain proposition are required to leave the house and to return between tellers.

The system adopted of taking the judgment of the Senate by asking those who favor a proposition to rise and be counted, and then that those opposed to it shall rise is a sort of invention of presiding officers, and is intended to advise him whether or not the majority of those present favor or oppose a given question. The Chair has been unable to find any authority in our rules for this so-called division. It never was intended, in the judgment of the Chair, to be made the means of contributing to a filibuster movement. It is largely discretionary with the Chair, I should say, so far as the Chair is able to discover authority for it in the rules. The Chair without any hesitancy says that a quorum is present, and that the motion is adopted.

Mr. SMOOT. Mr. President, I am not going to ask for a division of the Senate on the ruling of the Chair, but I simply want at this time to enter my protest against any such precedent being made in the Senate, so that there may be some record to show at a future time that there was an objection raised.

The PRESIDENT pro tempore. The protest will be noted also.

Mr. STONE. If it would be a parliamentary inquiry, I should like to know whether under the ruling of the Chair it would be proper to count the hats of Senators in the cloakroom to see whether they were present?

The PRESIDENT pro tempore. The Chair would rule that the inquiry of the Senator is frivolous and has no possible connection with this proceeding.

Mr. STONE. It is not frivolous. It was done in the House of Representatives.

The PRESIDENT pro tempore. If it has been done, it has not been done this morning, and the Chair is only dealing with the situation he finds here to-day. The Chair lays before the Senate——

Mr. STONE. Then the Chair declines to state whether, in his opinion, his ruling would extend to counting Members in the cloakroom.

The PRESIDENT pro tempore. Of course the Chair declines to make any such declaration as that, because it has no possible relation to the matter with which we are dealing.

Mr. CLARK of Wyoming. Mr. President, possibly this question may come up hereafter, and in order to have the RECORD absolutely clear I wish to make an inquiry: Would it be possible for the Chair to announce the vote as to the number of Senators voting aye, the number of Senators voting no, and the number of Senators present and not voting?

The PRESIDENT pro tempore. The opportunity has passed for the present. I am satisfied that Senators who are present and decline to vote would aid in that, and the Chair thinks it would be a proper thing to do.

Mr. CLARK of Wyoming. I think the RECORD should be clear on that subject.

The PRESIDENT pro tempore. There is no objection to that, except the fact that the Senator makes the inquiry too late, for some Senators may have come into the Chamber and others may have gone out.

Mr. CLARK of Wyoming. I made it as soon as the opportunity was offered, and it was not a dilatory movement.

The PRESIDENT pro tempore. The Chair is sure it was not, and the Chair does not so characterize the Senator's action; but he is only calling attention to the practical difficulty in the way, as some time has elapsed since.

Mr. CLARK of Wyoming. Certainly the Chair must have had some idea of the number of Senators present and not voting.

The PRESIDENT pro tempore. The Chair has a definite idea.

Mr. CLARK of Wyoming. I do not question the accuracy of the Chair's recollection, but I should like to have the RECORD show something that would be an accurate statement, whether of fact or otherwise.

Mr. WORKS. Mr. President, I am in entire sympathy with the attitude of the Chair on this question, but I suggest that there should be some record made in addition to the mere statement of the presiding officer that a certain number of Senators are present. It seems to me that the names of those present and not voting should be disclosed in the RECORD.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The roll call just before this vote was taken disclosed the presence of 60 Senators, and the Chair relied somewhat on that roll call as a basis of the statement made, because there appeared to be no departures from the Senate up to that time. I agree with the Senator from California that there ought to be a record made disclosing the names of those who vote in the affirmative and those who vote in the negative and those present who decline to vote. On this particular occasion it would be difficult to do so now, because time has elapsed and Senators may have come and gone.

Mr. WORKS. If the Senator from Kansas will pardon me a moment, I was not speaking particularly with reference to this special question, but as to what might happen in the future.

The PRESIDENT pro tempore. As to what may happen in the future it is not for the Chair now to determine.

Mr. BRISTOW. As I understand the ruling of the Chair, it is that when a division is called for the rising vote on it has the same effect as the viva voce vote; there is no record made of those present or absent, and it is simply a question of judgment with the Chair as to whether or not the motion is carried.

The PRESIDENT pro tempore. That is it exactly.

Mr. BRISTOW. If a Senator wants to question the judgment of the Chair, he can resort to a roll call.

The PRESIDENT pro tempore. That is exactly right.

Mr. BRISTOW. That being the case, I see no reason why there should be an entry made as to the number present or absent. If it is the same as a viva voce vote and the Chair simply takes the rising vote in order to satisfy himself that his judgment in making the announcement was right, then a division is of no consequence.

Mr. SHERMAN and Mr. OLIVER addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Kansas yield?

Mr. BRISTOW. I yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I wish to say that in the event I do not see fit to vote the Senate can order me to vote by a proper exercise of its authority.

The PRESIDENT pro tempore. It is not a question of the Senator voting. It is a question of the Senator being present.

Mr. SHERMAN. I declined to vote because there was such disturbance in the Senate that I was not able to distinguish what the Senate was trying to do. Half the time I can not hear from the seat I have here. I vote by guess sometimes. I will vote when I think I can make anything like an intelligent guess upon the question pending, but I am not blessed with acute hearing and have not been for some 20 years. My position here in the Senate is not extraordinarily good. It is not from any malicious intent that I refrained from voting, but only because ordinarily I desire to know upon what question I vote, and it requires more than ordinary vigilance here to discover what the question is a great part of the time. The acoustics of this Chamber must be bad and the disorder is much worse. It exceeds that of any legislative body I ever saw.

Mr. JONES. Mr. President, in view of the suggesion made by the Chair that some time has elapsed since the vote was taken, and that possibly some Senators may have left the Chamber, I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Norris	Smith, S. C.
Bacon	Goff	O'Gorman	Smoot
Bankhead	Gronna	Oliver	Stephenson
Bradley	Hollis	Overman	Sterling
Brady	James	Owen	Stone
Bristow	Johnston, Ala.	Page	Sutherland
Burton	Jones	Perkins	Thomas
Catron	Kern	Pomerene	Thompson
Chamberlain	La Follette	Robinson	Thornton
Chilton	Lane	Saulsbury	Tillman
Clapp	Lea	Shafroth	Vardaman
Clark, Wyo.	Lewis	Sheppard	Walsh
Clarke, Ark.	McCumber	Sherman	Warren
Crawford	Martin, Va.	Shively	Weeks
Cummins	Myers	Simmons	Williams
Dillingham	Newlands	Smith, Ga.	Works

Mr. LEA. I desire to make the announcement that the junior Senator from Tennessee [Mr. SHIELDS] is necessarily absent on business of the Senate.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. A quorum of the Senate is present.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of findings of fact and conclusions filed by the court in the following causes:

John T. Veatch, Mattie J. Enlow, Harry Veatch, Sarah E. Spayd, Ada V. Spears, and Charles A. Veatch, children and sole heirs of James C. Veatch, deceased, *v.* United States (S. Doc. No. 56);

Maria B. Wheaton, widow of Frank Wheaton, deceased, *v.* United States (S. Doc. No. 57);

Henrietta O. Whitaker, widow of Walter C. Whitaker, deceased, *v.* United States (S. Doc. No. 58);

Alexander E. Mintie *v.* United States (S. Doc. No. 59);

John Mars *v.* United States (S. Doc. No. 60);

George Haven Putnam *v.* United States (S. Doc. No. 61);

Susan Hardy, surviving administratrix de bonis non of Joseph Rogers, deceased, *v.* United States (S. Doc. No. 62);

Sarah R. O'Rourke, widow (remarried) of Stephen G. Burbridge, deceased, *v.* United States (S. Doc. No. 63);

Lydia A. Canfield, widow of John S. Canfield, deceased, *v.* United States (S. Doc. No. 64);

Louis H. Waters *v.* United States (S. Doc. No. 65);

Frank B. Hayden *v.* United States (S. Doc. No. 66);

Mary P. M. Carr, widow of Eugene A. Carr, deceased, *v.* United States (S. Doc. No. 67);

Lamira A. Ellison, widow of Jonathan H. Ellison, deceased, *v.* United States (S. Doc. No. 68);

William J. Cameron *v.* United States (S. Doc. No. 69);

Albert G. Jones *v.* United States (S. Doc. No. 70);

George W. Dutton *v.* United States (S. Doc. No. 71);

Robert Kerr *v.* United States (S. Doc. No. 72);

John A. Green *v.* United States (S. Doc. No. 73);

William A. Porter *v.* United States (S. Doc. No. 74);

David Sisson, Frank H. Sisson, and Nettie W. Sisson, children and sole heirs of Henry T. Sisson, deceased, *v.* United States (S. Doc. No. 75);

John Z. Delashmutt, son and sole heir of John J. Delashmutt, deceased, *v.* United States (S. Doc. No. 76);

Edwin B. Parsons *v.* United States (S. Doc. No. 77);

Joseph M. Knap *v.* United States (S. Doc. No. 78);

Willison C. Hall *v.* United States (S. Doc. No. 79);

Nathaniel M. Macrae *v.* United States (S. Doc. No. 80);

David W. Madara *v.* United States (S. Doc. No. 81);

Solomon G. Krepps *v.* United States (S. Doc. No. 82);

Jacob Lasalle *v.* United States (S. Doc. No. 83);

Albion L. Mitchell *v.* United States (S. Doc. No. 84);

George Bucklin *v.* United States (S. Doc. No. 85);

George W. Gunder *v.* United States (S. Doc. No. 86);

Mary F. B. Cleveland, daughter and sole heir of Samuel Beatty, deceased, *v.* United States (S. Doc. No. 87);

Walter S. Dunn, guardian of Caroline L. Dunn, minor heir of John T. Croxton, deceased, *v.* United States (S. Doc. No. 88);

Jane I. Long, widow of Eli Long, deceased, *v.* United States (S. Doc. No. 89);

Third Presbyterian Church of Memphis, Tenn., *v.* United States (S. Doc. No. 90);

Willis B. Long, jr., administrator of Willis B. Long, deceased, *v.* United States (S. Doc. No. 91);

Sam B. Strother, administrator of estate of Samuel G. Mason, deceased, *v.* United States (S. Doc. No. 92);

Bernardine R. Thomas, administratrix of the estate of Francis Newman Clarke, *v.* United States (S. Doc. No. 93);

North Memphis Savings Bank, administrator of Elizabeth Brinkley, *v.* United States (S. Doc. No. 94);

James R. Slack, Sarah E. Alpaugh, and Mary C. Grayston, children and sole heirs of James R. Slack, deceased, *v.* United States (S. Doc. No. 95);

Cyrus L. Kinman *v.* United States (S. Doc. No. 96);

Abiel W. Nelson *v.* United States (S. Doc. No. 97);

Juliette Harrow, widow of William Harrow, deceased, *v.* United States (S. Doc. No. 98);

Shreve Ackley *v.* United States (S. Doc. No. 99);

Agnes Longfellow, widow of John D. Longfellow, deceased, *v.* United States (S. Doc. No. 100); and

Charles W. Whistler *v.* United States (S. Doc. No. 101).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the following causes:

The vessel schooner *Scotland Neck*, Joseph Hopkins, master, *v.* United States (H. Doc. No. 83);

The vessel brig *Aurora*, John Frankford, master, *v.* United States (H. Doc. No. 81);

The vessel brig *Alfred*, Russell Lewis, master, *v.* United States (H. Doc. No. 82);

The vessel brig *Jemima and Fanny*, George Hastie, master, *v.* United States (H. Doc. No. 89);

The vessel schooner *Lively*, John Burrows, master, *v.* United States (H. Doc. No. 66);

The vessel sloop *Robert*, Thomas Town, master, *v.* United States (H. Doc. No. 67);

The vessel brig *Julius Cæsar*, Benjamin Ward, master, *v.* United States (H. Doc. No. 68);

The vessel brig *George*, William Bell, master, *v.* United States (H. Doc. No. 70);
The vessel schooner *Leander*, William Smith, master, *v.* United States (H. Doc. No. 69);
The vessel brig *Anthony*, Thomas Mason, master, *v.* United States (H. Doc. No. 71);
The vessel ship *Thomas*, John Holland, master, *v.* United States (H. Doc. No. 76);
The vessel sloop *Betsey*, Lemuel Pope, master, *v.* United States (H. Doc. No. 72);
The vessel brig *Betsey*, Jonathan Pitcher, master, *v.* United States (H. Doc. No. 74);
The vessel sloop *Betsey*, Robert Maffet, master, *v.* United States (H. Doc. No. 75);
The vessel brig *Lydia*, John Wilkins, master, *v.* United States (H. Doc. No. 73);
The vessel schooner *Harriet*, Isaac Da Costa, master, *v.* United States (H. Doc. No. 77);
The vessel schooner *Betsey and Nancy*, Asa Sage, master, *v.* United States (H. Doc. No. 78); and
The vessel brig *Fair American*, Josiah Richards, master, *v.* United States (H. Doc. No. 79).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

JAMES D. GILMAN AGAINST UNITED STATES (S. DOC. NO. 55).

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion and opinion filed by the court in the cause of James D. Gilman *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CATRON. I present certain petitions in regard to the tariff, which I ask may be printed in the RECORD and referred to the Committee on Finance.

The PRESIDENT pro tempore. In the absence of objection, the request will be granted.

Mr. JONES. I did not understand the request, Mr. President.

The PRESIDENT pro tempore. The Senator from New Mexico requests that certain petitions which he has presented, having relation to the tariff, be printed in the RECORD.

Mr. JONES. I will have to object to printing them in the RECORD.

The PRESIDENT pro tempore. The Senator from Washington objects. The petitions will be referred to the Committee on Finance.

Mr. GRONNA presented a petition of sundry citizens of Grand Forks, N. Dak., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. McLEAN presented a resolution adopted by the Merchants' Association of Connecticut, favoring an allowance of four months between the time of the enactment of the new tariff bill and its enforcement, which was referred to the Committee on Finance.

Mr. THOMPSON presented a petition of the board of directors of the Chamber of Commerce of Salina, Kans., praying for the enactment of sound banking and currency laws, which was referred to the Committee on Banking and Currency.

Mr. OLIVER presented a memorial of Local Union No. 107, Cigar Makers' International Union of America, of Erie, Pa., remonstrating against the importation free of duty of cigars from the Philippine Islands, which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of sundry citizens of Los Angeles, Cal., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Los Angeles, San Fernando, Glendale, and San Diego, all in the State of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. JOHNSON of Maine presented a memorial of the State Federation of Labor of Maine, remonstrating against any reduction in the duty on print paper and wood pulp, which was referred to the Committee on Finance.

Mr. JOHNSON of Maine (for Mr. BURLEIGH) presented a joint resolution adopted by the Legislature of the State of Maine, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Joint resolution by Senate and House of Maine Legislature, seventy-sixth session.

Whereas the tariff bill now pending in the National House of Representatives makes reductions in the tariff which seriously affect the products of the land, forest, and manufactories of Maine; and

Whereas in the opinion of the legislature the effect of such bill, if passed in its present form, will be to seriously injure the business of the State, and in effect is an unjust and unfair discrimination against its business interests: Therefore be it

Resolved, That the Legislature of Maine protests against the present rate of reduction in the proposed tariff bill as an unfair and unjust discrimination against the State of Maine and its business interests; and further

Resolved, That we urge upon our Senators and Representatives in Congress that they use their best efforts to secure such modification in the proposed schedule as will put the business interests of this State upon an equal footing with those of all other States affected by the reductions in the tariff schedule; and further

Resolved, That the secretary of state be requested to send a copy of these resolutions to our Senators and Representatives in Congress.

CARL E. MILLIKEN, *President.*
JOHN A. PETERS, *Speaker.*

IN SENATE CHAMBER, *April 12, 1913.*

Read and passed in concurrence.

W. E. LAWRY, *Secretary.*

HOUSE OF REPRESENTATIVES, *April 11, 1913.*

Read and passed.
Sent up for concurrence.

W. R. ROIX, *Clerk.*

UNITED STATES OF AMERICA,
STATE OF MAINE,
OFFICE OF SECRETARY OF STATE.

I, J. E. Alexander, secretary of state of the State of Maine, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of joint resolution of the Senate and House of Representatives of the State of Maine in legislature assembled, with the original thereof as filed in the office of the secretary of state of the State of Maine, on the 12th day of April, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have caused the seal of the State to be hereunto affixed.

Given under my hand at Augusta, this 14th day of April, A. D. 1913, and in the one hundred and thirty-seventh year of the independence of the United States of America.

[SEAL.] J. E. ALEXANDER,
Secretary of State.

Mr. JOHNSON of Maine (for Mr. BURLEIGH) presented resolutions adopted by the Friday Club, of Wayne; the Woman's Club, of Skowhegan; and of the Conklin Class, of Maine, all in the State of Maine, remonstrating against the transfer of the control of the national forests to the several States, which were referred to the Committee on Conservation of National Resources.

He also (for Mr. BURLEIGH) presented a memorial of the Business Men's Association of Machias, Me., remonstrating against the consolidation of the Machias customs district, which was referred to the Committee on Commerce.

He also (for Mr. BURLEIGH) presented a memorial of the State Federation of Labor of Maine and a memorial of the Chamber of Commerce of Rumford, Me., remonstrating against any reduction in the duty on print paper and wood pulp, which were referred to the Committee on Finance.

INTERSTATE SHIPMENTS OF LIQUORS.

Mr. SUTHERLAND. Mr. President, I have a number of requests for copies of the message of ex-President Taft vetoing the so-called Webb-Kenyon liquor bill, together with the opinion of the Attorney General. For some reason that message and the opinion of the Attorney General were not printed. I send to the desk a copy and ask that it may be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Utah asks that a certain message of ex-President Taft and the accompanying opinion of the Attorney General be printed as a Senate document. Is there objection?

Mr. JONES. I am compelled to object.

The PRESIDENT pro tempore. The Senator from Washington objects.

Mr. SUTHERLAND. Then, Mr. President, I move that the document which I send to the desk be printed as a Senate document.

The PRESIDENT pro tempore. The Chair is inclined to the opinion that at the present time a motion of that kind can not be made, as the order of business is the presentation of petitions and memorials. It would require a suspension of that order to entertain the motion made by the Senator from Utah.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry. Will that motion be in order at the close of morning business?

The PRESIDENT pro tempore. Oh, yes.

Mr. SUTHERLAND. Very well.

Mr. SMOOT. Mr. President, before that is finally decided I wish to say to the Senator from Utah that under the law itself certain requirements must be met before a paper can be printed as a public document. One of them is that there must be an estimate from the Public Printer as to the cost, and I do not believe that the motion would be in order without that information on hand.

The PRESIDENT pro tempore. The Chair was under the impression that all messages from the President of the United States were printed as a matter of right, and that there was a regular fund provided for that purpose.

Mr. SMOOT. That is true, Mr. President, and I wondered why this document had not been printed.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 821. A bill authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912 (Rept. No. 60); and

S. 1808. A bill for the relief of Joseph L. Donovan (Rept. No. 61).

NATIONAL CONSERVATION EXPOSITION.

Mr. ASHURST. On behalf of the junior Senator from Tennessee [Mr. SHIELDS] I report favorably from the Committee on Industrial Expositions the bill (S. 2065) to provide for participation by the Government of the United States in the National Conservation Exposition to be held at Knoxville, Tenn., in the fall of 1913, and I submit a report (No. 62) thereon.

Mr. WORKS. I should like to ask the chairman of the Committee on Industrial Expositions if a meeting of the committee was held to act upon this report?

Mr. ASHURST. The report is predicated upon the action of the committee. All the members of the committee but one were present, and the Senator from California will remember that he gave valuable attendance and assistance before the committee on this bill.

Mr. WORKS. To what does the bill relate, I will ask the chairman?

Mr. ASHURST. It is a bill appropriating $50,000 for the purpose of permitting the United States Government to make an exhibition at the Conservation Exposition at Knoxville, Tenn. The Senator will remember the bill.

Mr. WORKS. Yes; but the report has been so long coming in that I thought the Senator was making a report upon some other bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

INDIAN APPROPRIATION BILL.

Mr. STONE. From the Committee on Indian Affairs I desire to report back with amendments House bill No. 1917, the Indian appropriation bill, and I submit a report (No. 63) thereon.

I wish to say, Mr. President, that the bill has been printed in the usual manner for the use of the Senate and is accessible to Members of the Senate, as is likewise the report. I desire to state further that the bill is one of the appropriation bills that failed at the last session, and hence it has become necessary to pass the bill at this session. It passed the House some weeks ago; the Committee on Indian Affairs has had it under consideration for some time, and has finally agreed upon the bill which I now report.

It is very important that the bill should be considered at once, for two reasons. The first is that the present fiscal year expires the last of this month, and unless the bill is passed there will be no available funds for carrying on the great Indian Bureau and of continuing the obligations of the Government after July 1.

Another reason is that the tariff bill, in all probability, will be reported to the Senate at a very early date, and because of the universal interest in that measure it is important that this appropriation bill should be disposed of. I will ask, Mr. President, that at the conclusion of the routine morning business the Indian appropriation bill may be taken up for consideration.

The PRESIDENT pro tempore. On to-day?

Mr. STONE. To-day.

The PRESIDENT pro tempore. The unfinished business comes up to-day. Does the Senator desire to displace it?

Mr. STONE. No, sir. I understand the unfinished business does not come up until 4 o'clock.

The PRESIDENT pro tempore. The Chair does not remember the exact terms of the order, but thought it was to come up after the morning business had been concluded.

Mr. STONE. I looked at the order as printed on the calendar, which does not show anything except that the bill referred to by the Presiding Officer is the unfinished business.

The PRESIDENT pro tempore. The entry on the printed calendar may not disclose the exact terms of the order upon which the bill was made the unfinished business. The Senator from Florida [Mr. FLETCHER] is not in his seat at this time. The Senator from Missouri will proceed to state his request. Of course, the Chair will submit any request the Senator may make.

Mr. STONE. I have no wish to displace, or attempt to displace, the bill which was made the unfinished business; but I was laboring under the belief that it would not come up until 4 o'clock, and that in the meantime we might proceed with the Indian appropriation bill which I have in hand.

The PRESIDENT pro tempore. The Chair was of the opinion that when the bill was made the unfinished business it was the intention of the Senate to take it up immediately upon the conclusion of the morning business without reference to whether or not the two hours had expired. Still, the language of the order will govern in that respect.

Mr. STONE. I read it only on the face of the calendar.

The PRESIDENT pro tempore. The Secretary will examine the RECORD and see just exactly what was agreed to in that behalf.

Mr. FLETCHER. Mr. President, Senate bill No. 2258 was made the unfinished business, and was temporarily laid aside; so it takes its place as the unfinished business. I do not think it can be displaced by anything else. It is not made the unfinished business by consent; it is made so by motion.

The PRESIDENT pro tempore. A vote of the Senate would displace it.

Mr. STONE. There is no intention to displace it. The point is whether it comes up at the end of the morning hour; that is, at 4 o'clock, or sooner.

Mr. FLETCHER. It comes up immediately at the close of the morning business, I take it.

Mr. BACON. No, Mr. President.

The PRESIDENT pro tempore. Unless that was specified in the order, it would not.

Mr. BACON. It went over simply upon a motion to lay it aside, and it necessarily comes up at the expiration of the morning hour, which to-day will be 4 o'clock.

The PRESIDENT pro tempore. The Secretary will read from the RECORD the proceedings had at the time unanimous consent was given.

The Secretary read from the RECORD of June 6, 1913, as follows:

> Mr. SMOOT. I ask the Senator to let the bill go over for to-day. I thought I had the report, but I find I have it not. I have sent for it. If the Senator will allow the bill to go over to-day, I would be very grateful.
>
> Mr. FLETCHER. I will agree to that if I can get unanimous consent that the bill will be taken up immediately after the close of the morning business at the next session of the Senate and disposed of during that calendar day.
>
> The PRESIDENT pro tempore. Does the Senator from Florida substitute that request for his motion to proceed to the consideration of the bill at this time?
>
> Mr. FLETCHER. If the bill can now be taken up, I will ask unanimous consent that the further consideration of the bill be postponed until immediately after the morning business at the next session of the Senate, and that it be then taken up and considered and disposed of during that calendar day.
>
> Mr. CLARK of Wyoming. I do not think the Senate should be crowded in the consideration of this measure. So far as I am personally concerned, I believe it can be disposed of at the next meeting of the Senate, but I am not willing to mortgage out the time of the Senate in this way. I therefore object to the consideration of the bill at the present time.

The PRESIDENT pro tempore. It was made the unfinished business later on. In that state of the RECORD, if the RECORD speaks the truth, the unfinished business will not come up until 4 o'clock, and the request of the Senator from Missouri [Mr. STONE] is entirely in order.

Mr. STONE. My recollection of the matter accords with the statement made from the Secretary's desk and with the statement made on the face of the calendar. I ask unanimous consent as soon as the routine morning business, the introduction of bills, reports, and so forth, is concluded, the Senate proceed to the consideration of the Indian appropriation bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri?

Mr. LANE. There is an inquiry upon my part in respect to a clause or two in the bill, the disposal of which I am in ignorance of, and upon which I wish to have information before I will consent to its passage.

The PRESIDENT pro tempore. Does the Senator object to the present request of the Senator from Missouri?

Mr. LANE. I would until such time as I knew those facts.

The PRESIDENT pro tempore. It is not a question about what the Senator will do. Does the Senator now object?

Mr. LANE. I will object to it until I know those facts.

The PRESIDENT pro tempore. The Senator from Oregon objects.

Mr. STONE. I will say to the Senator that of course I do not know to what clauses in the bill he refers, but in any event it is not open for discussion at this point. It would be out of order. When the bill is taken up and we reach the clauses referred to, the Senator can ask such questions as he may desire.

Mr. LANE. I go further than that. Unless I am informed as to what action has been taken upon the bill by the record I will question it.

The PRESIDENT pro tempore. The question before the Senate is as to granting unanimous consent as requested by the Senator from Missouri. Is there objection?

Mr. LANE. There is on my part.

The PRESIDENT pro tempore. The Senator from Oregon objects.

Mr. STONE. Mr. President, notwithstanding the objection, I move that the Senate proceed to the consideration of the Indian appropriation bill, subject to the right of the unfinished business.

Mr. GRONNA. Mr. President, I wish to say just a word.

Mr. STONE. I withdraw the motion for the moment, and will make it later.

Mr. GRONNA. I wish to say a word about this particular bill, and I hope the Senator from Oregon will listen to what I may have to say.

Mr. LANE. I do not hear the Senator.

Mr. GRONNA. The Senator from Oregon knows——

The PRESIDENT pro tempore. A Senator can address the Senate on the motion submitted by the Senator from Missouri only by unanimous consent.

Mr. CLARK of Wyoming. That motion has been withdrawn.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES. I object.

The PRESIDENT pro tempore. The Senator from Washington objects to debate on that motion.

Mr. GRONNA. I do not wish to address myself to that.

Mr. CLARK of Wyoming. The motion was withdrawn, Mr. President.

The PRESIDENT pro tempore. The Chair begs pardon. Has the Senator from Missouri presented the report of the Committee on Indian Affairs that he announced he intended to submit?

Mr. STONE. Yes; I sent it to the desk.

The PRESIDENT pro tempore. The Senator from Missouri presents the following report from the Committee on Indian Affairs.

The SECRETARY. A bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. GRONNA. Mr. President, I had hoped that the request of the Senator from Missouri for unanimous consent to consider the Indian appropriation bill would not be objected to.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington will state it.

Mr. JONES. Is this proceeding by unanimous consent?

The PRESIDENT pro tempore. It is.

Mr. JONES. I desire to object.

The PRESIDENT pro tempore. The Senator from Washington objects to the Senator from North Dakota addressing the Senate at this time.

INTRODUCTION OF BILLS.

The PRESIDENT pro tempore. The following bills on the Secretary's desk have been read the first time, and will now be read a second time.

The SECRETARY. Senate bill 2440, by Mr. NELSON, providing for the erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton in Arlington National Cemetery, in the State of Virginia.

The PRESIDENT pro tempore. The bill having been read a second time it will be referred——

Mr. JONES. Mr. President, I am not going to make the point that that is not a reading of the bill within the rule, except that I simply desire at this time to read the rule into the RECORD.

The PRESIDENT pro tempore. The Chair will be glad to hear the Senator.

Mr. JONES. I read paragraph 2 of Rule XIV:

> Every bill and joint resolution shall receive three readings previous to its passage, which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the presiding officer shall give notice at each reading whether it be the first, second, or third.

I am not going at this time to make the point that the mere reading of the bill by title does not comply with that rule.

The PRESIDENT pro tempore. The Senator has already made that point, and the Chair has ruled that it was not well taken.

Mr. JONES. I had not made that point on the second reading of the bill, Mr. President.

The PRESIDENT pro tempore. Of course, the Chair stands corrected that far; but the Senator made it on the first reading, and the Chair is unable to draw a distinction as between the two readings. The Secretary will proceed.

Mr. JONES. Mr. President, I think I will bring this matter to the attention of the Senate. I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Senator from Washington appeals from the decision of the Chair, holding that on the first and second readings of a bill the reading of the bill by title satisfies Rule XIV.

Mr. JONES. First, I desire to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Newlands	Smith, Ga.
Bacon	Gore	Norris	Smith, Md.
Bankhead	Gronna	O'Gorman	Smith, S. C.
Bradley	Hollis	Oliver	Smoot
Brady	Hughes	Overman	Stephenson
Bristow	James	Owen	Sterling
Burton	Johnson, Me.	Page	Stone
Catron	Johnston, Ala.	Perkins	Sutherland
Chamberlain	Jones	Pomerene	Thomas
Chilton	Kern	Ransdell	Thompson
Clapp	La Follette	Robinson	Thornton
Clark, Wyo.	Lane	Saulsbury	Tillman
Clarke, Ark.	Lea	Shafroth	Vardaman
Crawford	Lewis	Sheppard	Weeks
Cummins	McCumber	Sherman	Williams
Dillingham	Martin, Va.	Shively	Works
Fletcher	Myers	Simmons	

Mr. CUMMINS. I desire to announce that my colleague [Mr. KENYON] is absent from the city upon the business of the Senate. I make that announcement for the day, for every roll call which may occur.

Mr. LEA. I again announce the absence of the junior Senator from Tennessee [Mr. SHIELDS] on official business of the Senate.

Mr. MARTIN of Virginia. The junior Senator from Virginia [Mr. SWANSON] is absent on official business. He is the chairman of the committee investigating the strike in West Virginia. He is paired with the Senator from Idaho [Mr. BORAH]. I make this statement to last during the continuance of that investigation.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] has been called from the Chamber on official business.

Mr. HUGHES. I desire to announce that my colleague [Mr. MARTINE of New Jersey] is absent from the city on official business, being engaged in the investigation of the strike situation in West Virginia. He is paired with the junior Senator from Iowa [Mr. KENYON]. This pair will continue during the absence of my colleague on that investigation.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. BACON. Mr. President, this is a very important question, and one which it is of interest to the Senate to have settled in a way which will be satisfactory and in accordance with what may be to the best interest of the business of the Senate. It certainly ought not be settled along any partisan lines; and it is a question of such gravity that I think it ought to have more consideration than would be had upon simply a vote upon an appeal from the decision of the Chair.

I confess to very great difficulty in the matter myself. One of the gravest of the considerations which suggest themselves to my mind is that the rule draws no distinction between what is

required as to the first reading, the second reading, or the third reading; and if the ruling of the Chair should become a precedent to be thereafter followed, it might be held that no bills could be read in full at any stage, and that the most important of all bills could be required to be voted upon without being read. I simply suggest that as one of the difficulties, without meaning now to discuss it.

What I rose to suggest was this: In view of the fact that this question has arisen, and that there is evidently a difference of opinion upon it, and in view of the grave consequences which may flow from a decision of it, especially under any circumstances which might give it a partisan tinge or complexion, I wish to inquire of the Senator from Washington if he will not withdraw his appeal and let this matter, under proper resolution, be referred to the Committee on Rules, and then come back to the Senate for its consideration and determination after proper examination. It is too grave a matter to be disposed of in this way.

Mr. JONES. I will say to the Senator from Georgia that that will be entirely agreeable to me, because I suggested a moment ago that I did not care to raise the particular point at this time; but in view of the statement of the Chair I felt that the point ought to be brought to the attention of the Senate. The suggestion of the Senator from Georgia is entirely agreeable to me.

Mr. BACON. If the Senator from Washington will act upon that suggestion, I will undertake to see that there is introduced, either by myself or by some one else, such a resolution as will enable the matter to be referred to the Committee on Rules, and let it be carefully examined there, and come back to the Senate for consideration when it may not be in any manner influenced by any partisan considerations or by any questions which may now be uppermost in the minds of Senators.

The PRESIDENT pro tempore. The Senate is the judge of its own procedure, and can order as it pleases in such matters.

Mr. JONES. If it is possible to do so, on the suggestion of the Senator from Georgia, I desire to withdraw the appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Senator withdraws the appeal.

Mr. JONES. And I wish to express the hope that the Senator from Georgia will prepare a resolution of the character he has indicated.

The PRESIDENT pro tempore. In making the ruling that was announced, the Chair did not act hastily or without a fixed opinion based upon examination.

This matter has been the subject of inquiry by judicial tribunals. Nearly all modern constitutions contain a provision that bills shall be read on three separate days. The crowded condition of the calendars of the various State legislatures has made it necessary to expedite their business in order to complete within the time usually limited the matters necessary to be disposed of; and they have fallen into the habit of reading bills by title on the first and second readings, when they are merely to be referred, and the journal has shown that.

The matter has been brought into controversy before the courts. Upon examining the reason upon which the practice rests the courts have readily reached the conclusion that a reading by title would satisfy such a provision. The Louisiana Supreme Court has made that decision. It is very true that the California Supreme Court decided otherwise, but the great preponderance of opinion is in favor of the proposition that a reading by title will answer the parliamentary purposes of the first and second reading of a bill.

Here we have habitually dispensed with the first and second reading absolutely without ever going through the formality of knowing what the text of the bill is. Under the circumstances the Chair believed that it was the intention of the makers of the rule that it should not be utilized for obstructing the business of the Senate, but on proper occasions to inform the Senate and to afford an opportunity to investigate the serious matters that were to be considered.

As it is always within the power of the Senate to have any paper, bill, or otherwise read upon the demand of the majority of the Senate, there seems to be no reason why the rule shall be given such a lax construction as would make it an efficient means of delaying the proceedings of the Senate.

The Chair has no pride of opinion about these matters. He is simply trying to do what seems to be consistent with the purposes for which the Senate is organized in carrying on its business. The Chair will not regard the withdrawal of the appeal as any accommodation to him.

Mr. BACON. In order that the matter may be correctly stated in the RECORD, I understand the ruling of the Chair substantially to be that dispensing with the reading of the bill does not require unanimous consent, but that the reading of a bill by title is sufficient, unless a majority of the Senate shall call for a full reading.

The PRESIDENT pro tempore. That is the ruling of the Chair. The bill will be read the second time by title.

The bill (S. 2440) providing for the erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton, in Arlington National Cemetery, in the State of Virginia, was read the second time by its title and referred to the Committee on the Library.

Mr. JONES. Is that a bill introduced to-day?

The PRESIDENT pro tempore. No; it was introduced June 5. It is now read the second time, having heretofore been read the first time.

The bill (S. 2441) to amend an act entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States," approved March 3, 1913, submitted by request by the Senator from Minnesota [Mr. NELSON], was read the second time by its title and referred to the Committee on Commerce.

By Mr. BRISTOW:

The bill (S. 2442) granting an increase of pension to Judson Bayne (with accompanying paper);

The bill (S. 2443) granting an increase of pension to Van Buren Fisher (with accompanying paper); and

The bill (S. 2444) granting a pension to Maggie M. Lane were read the second time by their titles and referred to the Committee on Pensions.

The bill (S. 2445) for the relief of James H. Devlin; and

(By request.) The bill (S. 2446) providing for the adjustment and payment of accounts of laborers and mechanics arising under the eight-hour law were read the second time by their titles and referred to the Committee on Claims.

By Mr. McCUMBER:

The bill (S. 2447) granting a pension to Horace H. Lockwood was read the second time by its title and referred to the Committee on Pensions.

The bill (S. 2448) for the relief of William Henry Hayden;

The bill (S. 2449) for the relief of the legal representatives of Jennie M. Hunt, deceased;

The bill (S. 2450) for the relief of Frederick J. Ernst; and

The bill (S. 2451) for the relief of Margaret F. Watson; were read the second time by their titles and referred to the Committee on Claims.

The bill (S. 2452) granting a pension to Catharine A. Riley was read the second time by its title and (with accompanying papers) referred to the Committee on Pensions.

By Mr. SMITH of South Carolina:

The bill (S. 2453) to regulate the immigration of aliens to and the residence of aliens in the United States was read the second time by its title and referred to the Committee on Immigration.

By Mr. SHEPPARD:

The bill (S. 2454) authorizing an investigation by the Secretary of Agriculture to develop a cotton-gin compress that may be constructed at a price within the reach of individuals and organizations of average means, and to encourage the use thereof, was read the second time by its title and referred to the Committee on Agriculture and Forestry.

The bill (S. 2455) for the relief of the heirs of George S. Thebo was read the second time by its title and referred to the Committee on Indian Affairs.

By Mr. SAULSBURY:

The bill (S. 2456) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Theodore S. Coulbourn was read the second time by its title and referred to the Committee on Naval Affairs.

By Mr. THOMAS:

The bill (S. 2457) to provide for the appointment of an additional district judge in and for the judicial district of the State of Colorado was read the second time by its title and referred to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 2458) granting a pension to Seaman W. Potter was read the second time by its title and referred to the Committee on Pensions.

The following bills were read the first time by their titles, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 2459) granting an increase of pension to Joseph F. Chadburn;

A bill (S. 2460) granting a pension to Barbara Henderson (with accompanying paper); and

A bill (S. 2461) granting an increase of pension to Sarah Butler (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 2462) granting an increase of pension to Alice C. Sawtelle; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 2463) granting an increase of pension to William H. Gregory (with accompanying paper); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2464) granting an increase of pension to Calvin W. Birg, alias Calvin Burton; and

A bill (S. 2465) granting an increase of pension to William O'Callaghan; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2466) for the relief of Elsie McDowell Bunting; to the Committee on Pensions.

A bill (S. 2467) for the relief of F. M. Lyman, jr.; and

A bill (S. 2468) for the relief of Jacob E. Michael; to the Committee on Claims.

A bill (S. 2469) for the relief of the Eldredge Bros. Live Stock Co., a corporation; to the Committee on Finance.

By Mr. THOMPSON:

A bill (S. 2470) to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy; to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 2471) for the relief of William R. Boggs and others; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 2472) to correct the military record of Herman von Werthern; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 2473) for the relief of Alice H. Morse; and

A bill (S. 2474) for the relief of Mrs. Jarvis M. Williams; to the Committee on Claims.

A bill (S. 2475) granting an increase of pension to Eleanor F. Goodale (with accompanying paper);

A bill (S. 2476) granting an increase of pension to Josephine M. Downes (with accompanying paper);

A bill (S. 2477) granting an increase of pension to Emily A. Potter (with accompanying paper);

A bill (S. 2478) granting an increase of pension to Harriet C. Squire (with accompanying paper);

A bill (S. 2479) granting an increase of pension to Laura H. Lathrop (with accompanying paper);

A bill (S. 2480) granting an increase of pension to Charles H. Boyd (with accompanying paper);

A bill (S. 2481) granting an increase of pension to Caroline F. Nearing (with accompanying paper); and

A bill (S. 2482) granting an increase of pension to Margaret S. B. Ramsay (with accompanying paper); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 2483) granting an increase of pension to John F. Spence; and

A bill (S. 2484) granting a pension to David Hurbert; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2485) granting an increase of pension to Henry P. Wilcox;

A bill (S. 2486) granting an increase of pension to James F. Brann;

A bill (S. 2487) granting a pension to Paul L. Bahr;

A bill (S. 2488) granting a pension to John Cooper;

A bill (S. 2489) granting a pension to Arthur W. S. Maw;

A bill (S. 2490) granting a pension to Walter F. Davidson; and

A bill (S. 2491) granting a pension to John Cooper; to the Committee on Pensions.

A bill (S. 2492) for the relief of Paymaster Alvin Hovey-King, United States Navy; to the Committee on Naval Affairs.

The PRESIDENT pro tempore. A bill introduced on Friday last under objection went over for a day, and it will now be read the first time.

The SECRETARY. By the Senator from New Jersey [Mr. MARTINE], a bill to provide for the placing of the temporary employees of the Census Bureau on the permanent roll of the civil service.

The PRESIDENT pro tempore. The bill will go over.

The SECRETARY. By the Senator from New Mexico [Mr. CATRON], a bill to provide for the purchase of a site and the erection of a public building thereon in the city of Clayton, in the State of New Mexico.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Washington if it is his purpose to object to the second reading of this bill?

Mr. JONES. Yes.

The PRESIDENT pro tempore. The objection of the Senator from Washington is comprehensive, and without calling attention to each bill presented, the Secretary will read the bills the first time.

The SECRETARY. By the Senator from New Mexico [Mr. CATRON], a bill granting an increase of pension to Eugenia Chavez de Montano.

The PRESIDENT pro tempore. The bill will go over.

The SECRETARY. By the Senator from California [Mr. PERKINS], a bill granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.

The PRESIDENT pro tempore. The bill will go over.

The SECRETARY. By the Senator from Colorado [Mr. SHAFROTH] a bill granting an increase of pension to W. H. Hyatt;

A bill granting a pension to Helena A. Edic; and

A bill granting an increase of pension to John Wade.

The PRESIDENT pro tempore. The bills will go over.

The SECRETARY. By the Senator from South Dakota [Mr. CRAWFORD] a bill to regulate the employment of agents, counsel, and attorneys engaged to secure the passage or defeat of legislation by Congress; to prohibit persons and corporations interested in the passage or defeat of legislation, and their counsel, agents, and attorneys, from attempting to influence Members of the Senate and House of Representatives other than by oral and written arguments and briefs submitted to regularly constituted committees; providing for a return of expenses incurred, and prescribing penalties for the violation of the provisions thereof.

The PRESIDENT pro tempore. The bill will go over.

Mr. SMOOT. I introduce the following bills.

Mr. JONES. I object to the introduction of the bills.

The PRESIDENT pro tempore. The bills under the objection of the Senator from Washington will go over for a day. The Secretary will read the bills by title.

The SECRETARY. A bill to provide for agricultural entries on coal lands in Alaska;

A bill to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; and

A bill to provide for the erection of a public building at Cedar City, Utah.

Mr. JONES. I desire to ask if this reading of the bills will be considered as the first reading?

The PRESIDENT pro tempore. No; that order will be relaxed, and the bills will be received, their introduction having been objected to.

Mr. BRADY. I present a private bill for the relief of William P. Havenor, which I understand the Senator from Washington will not object to.

The PRESIDENT pro tempore. If it is a pension bill or a private-claim bill, it may be handed to the Secretary and will be referred. The Senator from Washington has indicated that he has no objection to bills taking that course if the Senator introducing them presents them at the desk.

Mr. CUMMINS. I present the following bill.

The PRESIDENT pro tempore. The bill will go over.

Mr. LEWIS. I introduce a bill, to be referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The bill, under objection, will go over for a day. Are there further bills or joint resolutions?

Mr. NEWLANDS. Mr. President, I have a bill which I desire to introduce, and I desire to make a brief statement in connection with it. It is a bill providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees. It represents the work of a committee consisting——

Mr. JONES. Mr. President, is this discussion going on by unanimous consent?

The PRESIDENT pro tempore. It can only proceed by unanimous consent.

Mr. JONES. I shall have to object, as I objected to other Senators.

Mr. NEWLANDS. I will state to the Senator that my purpose is simply to indicate that this bill is an enlargement of the Erdman Act.

Mr. JONES. I shall have to object to the discussion of the Senator from Nevada.

Mr. NEWLANDS. It was prepared——

The PRESIDENT pro tempore. The Chair must state to the Senator from Nevada that the Senator from Washington has objected to the discussion of it. The Chair does not see any possible objection to the Senator from Nevada addressing himself briefly to the Senator from Washington, with a view of explaining the necessity of the measure and why he should make an exception in this case.

Mr. NEWLANDS. That is my purpose.

Mr. JONES. The Senator can not convince me that I should make an exception in this case.

Mr. NEWLANDS. I wish to make a statement to the Senator from Washington, with the hope that he will withdraw his objection.

Mr. JONES. I shall have to object to a statement being made to me at this time.

The PRESIDENT pro tempore. In the face of the objection the Chair will state to the Senator from Nevada that debate at this time will not be in order. The Senator from Washington has announced definitely that he will not yield, and there is no way to do it.

Mr. NEWLANDS. I will offer this bill, then.

The PRESIDENT pro tempore. On objection, the bill will lie over for a day.

Mr. SHAFROTH. I introduce a bill granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of its water supply.

The PRESIDENT pro tempore. The Senator from Colorado offers a bill, which, under objection, will go over for a day.

Mr. BRISTOW. Let me inquire as to the disposition of the resolution offered by the junior Senator from Iowa [Mr. KENYON] at the last session.

The PRESIDENT pro tempore. That comes up under another order.

Mr. BRISTOW. It will come up automatically.

The PRESIDENT pro tempore. It will come up automatically when the present order of business has been concluded.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. THOMAS submitted an amendment conferring jurisdiction upon the United States Court of Claims to hear, determine, and render final judgment, with the right of appeal, as in other cases, in any action which may be brought in the court by any Indian nation, tribe, or band which has been recognized as such nation, tribe, or band by the United States, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and to be printed.

THE TARIFF.

Mr. WORKS submitted five amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. CLARKE of Arkansas. I submit an amendment intended to be proposed by me to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the amendment was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CLARKE of Arkansas to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, viz: Add as new sections after the end of line 6 on page 168 at end of section 2, the following:

"SECTION —. That upon each sale, agreement of sale, or agreement to sell, or upon each purchase, agreement of purchase, or agreement to purchase of any cotton for future delivery, at or on any cotton exchange, or board of trade, or other similar place, or by any person acting in conformity to the rules and regulations of any such cotton exchange, board of trade, or other similar place, there is hereby levied a tax of one-tenth of 1 cent per pound in all cases where the cotton mentioned and described in such contract is not actually delivered, in good faith, in compliance with such contract, by the seller to the buyer therein respectively named. Any sale, agreement of sale, or agreement to sell, or any purchase, agreement of purchase, or agreement to purchase of any cotton for future delivery at or on any cotton exchange, board of trade, or other similar place, or by any person acting in conformity to the rules and regulations of any such cotton exchange, board of trade, or other similar place, in any foreign country, where the order for such sale or purchase has been transmitted from the United States to such foreign country and either the buyer or the seller described in such contract of sale or purchase is at the time of the execution thereof a resident of the United States, shall be deemed and considered in all respects a sale, agreement of sale, or agreement to sell, or a purchase, agreement of purchase, or agreement to purchase for future delivery of the cotton described therein within the meaning of this section, and shall be subject to the tax levied by this section. A corporation organized under the laws of any State or country shall be deemed for all purposes a person within the meaning of this section. All contracts for the sale or purchase as aforesaid of cotton for future delivery at the places and by the persons herein mentioned shall be in writing, plainly stating the terms of such contract, and indicating the parties thereto, and signed by the party to be charged by himself or his agent.

SEC. —. That the Secretary of the Treasury is hereby authorized and empowered to make, prescribe, and publish all rules and regulations necessary to the enforcement of the foregoing section and to the collection of the tax thereby imposed. To further effect this purpose he is hereby authorized to require all persons coming within its provisions to keep such records and systems of accounting as will fully and correctly disclose the transactions in connection with which the said tax is authorized; and he may appoint such agents as he may deem necessary to conduct the inspection necessary to collect the tax herein authorized, and otherwise to enforce this statute and all rules and regulations lawfully made in pursuance thereof, as in his judgment may be required, and to fix the compensation of such agents.

SEC. —. That the tax authorized by the foregoing section — is hereby declared to be a lien upon the property of every cotton exchange, and upon the exchange membership of every member thereof, at which the contract for sales or purchases of cotton for future delivery mentioned in section — are made, and upon the property of every party to any contract for the sale or purchase of cotton for future delivery. Any cotton exchange, board of trade, or other similar place, or person acting in conformity with the rules and regulations of any such cotton exchange, board of trade, or other similar place where contracts for the sale or purchase of cotton for future delivery are made, and every person who shall be a party to such contracts of sale or purchase as mentioned and described in section — who shall fail to pay, or shall evade, or attempt to evade, the payment of the tax levied in section —, or shall otherwise violate this statute or any rule or regulation lawfully made in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine in any sum not less than $1,000 nor more than $20,000; and in case of natural persons or unincorporated associations of persons violating this act an additional punishment by imprisonment for not less than one year nor more than three years may be imposed, at the discretion of the court.

SEC. —. That the payment of the tax levied under authority of section — shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts for the future delivery of cotton; nor shall the payment of taxes imposed by said section — be held to prohibit any State or municipality from imposing a tax on the same transaction.

COMMITTEE SERVICE.

Mr. KERN. I ask for the adoption of the following order with reference to committee assignments.

The PRESIDENT pro tempore. That is a privileged matter presented by the Senator from Indiana which the Secretary will read.

The order was read and agreed to, as follows:

Ordered, That JAMES HAMILTON LEWIS, Senator from Illinois, be appointed a member of the Committee on Indian Affairs, to fill the vacancy caused by the resignation of Senator THORNTON therefrom.

On motion of Mr. KERN, it was

Ordered, That Senator GORE be assigned to the place on the Committee on Interstate Commerce made vacant by the resignation of Senator THOMAS therefrom.

That Senator THOMAS be assigned to the place on the Committee on Irrigation and Reclamation of Arid Lands made vacant by the resignation of Senator GORE therefrom.

AMENDMENT OF THE RULES.

Mr. BACON. I desire to give notice that during the session of the next legislative day of the Senate, or, on a later day, I will offer an amendment as follows to the second paragraph of Rule XIV of the Standing Rules of the Senate, to wit:

At the conclusion of the said second paragraph of said Rule XIV, strike out the period and insert a semicolon in lieu thereof, and add the following proviso to be thereafter a part of said second paragraph, to wit:

"*Provided*, That the first or second reading of each bill or joint resolution may be by title only, unless the Senate in any case shall otherwise order."

INHABITED ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. WORKS. I submit a resolution which under the present practice of the Senate I suppose will go over until to-morrow. I give notice that I will desire to take it up to-morrow.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 107), as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to furnish to the Senate the names, residences, and occupations of all persons owning and renting houses or rooms within what are known and designated as the "inhabited alleys" of the District of Columbia.

Mr. JONES. Let the resolution go over.

The PRESIDENT pro tempore. The Senator from Washington objects, and the resolution goes over.

TABLE OF IMPORTS.

Mr. SMOOT. I have received so many letters asking for information as to the amount of importation, whether free or dutiable, and the equivalent ad valorems upon the dutiable amount, that I have had prepared a table showing the importation for the years 1907——

Mr. JONES. Mr. President, is this proceeding by unanimous consent?

The PRESIDENT pro tempore. The Senator from Utah has not stated for what purpose he arose. As soon as the Chair learns what he desires to do he can answer the question of the Senator from Washington.

Mr. SMOOT. I intend to ask unanimous consent for the printing of this table. Does the Senator from Washington object?

Mr. JONES. I do. I desire to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator——

Mr. ASHURST. Mr. President, if I am in order I rise to move that the resolution——

Mr. JONES. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Washington has suggested the absence of a quorum.

Mr. ASHURST. I beg pardon.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Myers	Smith, Ga.
Bacon	Goff	Newlands	Smith, Md.
Bankhead	Gore	O'Gorman	Smith, S. C.
Bradley	Gronna	Owen	Smoot
Brady	Hollis	Page	Sterling
Bristow	James	Perkins	Stone
Burton	Johnson, Me.	Pomerene	Sutherland
Catron	Johnston, Ala.	Ransdell	Thomas
Chamberlain	Jones	Robinson	Thompson
Chilton	Kern	Saulsbury	Thornton
Clapp	Lane	Shafroth	Weeks
Clark, Wyo.	Lea	Sheppard	Williams
Clarke, Ark.	Lewis	Sherman	Works
Crawford	McCumber	Shively	
Dillingham	Martin, Va.	Simmons	

Mr. BRADY. I wish to announce that my colleague [Mr. BORAH] is absent in West Virginia attending the duties of the investigating committee. I will let this announcement stand for the day.

Mr. CATRON. My colleague [Mr. FALL] is absent. He is paired on all matters with the Senator from Arizona [Mr. SMITH], who is also absent.

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. A quorum of the Senate is present.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on May 29, 1913, approved and signed the following joint resolution:

S. J. Res. 30. Joint resolution extending the leave of absence of Mrs. A. E. Grant.

ST. LOUIS & SAN FRANCISCO RAILROAD CO.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution coming over from a former day, which will be read.

The Secretary read Senate resolution 105, submitted by Mr. KENYON on the 5th instant, as follows:

Resolved, That the Interstate Commerce Commission investigate, if it has not the evidence on hand, and report to the Senate all the facts and circumstances concerning the purchase of the Chicago & Eastern Illinois Railroad by the St. Louis & San Francisco Railroad Co. and the subsequent receivership of both railroads; such information to contain the amount paid per share for both common and preferred stock of the Chicago & Eastern Illinois Railroad by the St. Louis & San Francisco Railroad Co.; the time of the issuance of such stock and the amount thereof; guaranties, if any, made with reference thereto; amount of the bonds issued by the St. Louis & San Francisco Railroad Co. at the time of the purchase of the said Chicago & Eastern Illinois Railroad; the location of the holders of said bonds; the amount of the same held in this country and abroad; and all the facts and circumstances involved in any way in the transactions between said railroad companies; and all the facts and circumstances leading up to said receiverships, and the progress of said receiverships to date; also the names and the capitalization and bond issues of all railroad or bridge companies controlled by said St. Louis & San Francisco Railroad Co.; the time of such acquisitions, how acquired, amount of bonds issued at the time of such acquisitions; and all facts or circumstances involved in such purchase or control.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

Mr. NEWLANDS. Mr. President, regarding this resolution, which was offered by the junior Senator from Iowa [Mr. KENYON], I wish to say that I have interviewed the chairman of the Interstate Commerce Commission and he thinks it desirable that this investigation should be had. I hope that it will result in some recommendations to Congress regarding the federation of State railroads into one organization for the purpose of engaging in interstate commerce.

The St. Louis & San Francisco Railroad Co. is both an operating and a holding company, organized under the laws of Missouri. Under its charter some 50 or 60 railroads of varying length, in various States, have been gathered together into one great organization, covering a mileage of about 7,500 miles, for the purpose of more effectively engaging in interstate transportation.

I have long been of the view, Mr. President, that Congress should legislate upon this subject in such a way as to provide either a national incorporation law, with a view to uniting in one ownership noncompetitive railways that are intended to engage on a large scale in interstate transportation, or some law providing for national holding companies under which such a union of railroads can be accomplished. As it is, we find that though the purpose these railroads have in their union is interstate and national, yet the law under which this purpose is accomplished is a State and not a national law. Thus we have the evil of the laws of different States authorizing the formation of holding companies, with insufficient restrictions as to capitalization and with insufficient control as to their operation.

This practice has been recognized, and almost all the great systems of railway, instead of being unionized or federated under a national law, have been unionized or federated under State laws. As a consequence, we have a great laxity regarding the capitalization of these holding companies and regarding the issue of stocks and bonds. In this case the railroad capitalization in stock and bonds for these 7,500 miles of railway aggregates nearly $75,000 a mile, which would appear to be a very large aggregate when we consider the character of the country through which these railways run.

I hope that the Interstate Commerce Commission will take up this question, and, under the power of recommendation given to that commission by the organic law, that they will make some suggestion to Congress regarding national legislation that will cure this evil; that will furnish national machinery for unionizing the railroads for national purposes, and which will contain proper restraints against excessive capitalization.

The PRESIDENT pro tempore. The question is on agreeing to the resolution offered by the junior Senator from Iowa [Mr. KENYON].

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair will inquire of the Secretary what business has transpired since the last roll call. [A pause.] The Secretary informs the Chair that there have been numerous bills introduced. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Norris	Smith, S. C.
Bacon	Gore	O'Gorman	Smoot
Bankhead	Gronna	Owen	Stephenson
Bradley	Hollis	Page	Sterling
Brady	James	Perkins	Stone
Bristow	Johnson, Me.	Pomerene	Sutherland
Burton	Johnston, Ala.	Ransdell	Thomas
Catron	Jones	Robinson	Thompson
Chamberlain	Kern	Saulsbury	Thornton
Chilton	Lane	Shafroth	Vardaman
Clapp	Lea	Sheppard	Weeks
Clark, Wyo.	Lewis	Sherman	Williams
Clarke, Ark.	McCumber	Shively	Works
Crawford	Martin, Va.	Simmons	
Dillingham	Myers	Smith, Ga.	
Fletcher	Newlands	Smith, Md.	

Mr. LEA. I again announce the absence of the junior Senator from Tennessee [Mr. SHIELDS] on important public business. I make that announcement for the day.

The PRESIDENT pro tempore. The announcement of the senior Senator from Tennessee [Mr. LEA] will account for the absence of the junior Senator from Tennessee [Mr. SHIELDS].

Mr. ASHURST. My colleague, the Senator from Arizona [Mr. SMITH], is absent from the Senate on important business.

Mr. FLETCHER. I desire to announce that my colleague [Mr. BRYAN] is unavoidably absent. He is paired with the Senator from Michigan [Mr. TOWNSEND]. I make that announcement for the day.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is absent on public business. I will let that announcement stand for the remainder of the day.

Mr. WEEKS. I desire to announce that my colleague [Mr. LODGE] is unavoidably absent. I make that announcement for the day. He is paired with the Senator from Georgia [Mr. SMITH].

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. STONE. Mr. President, the remarkable performance of the Senator from Washington [Mr. JONES], which he has been carrying on here to the absolute disgust of every Senator on the floor for nearly a week, is predicated, as we all understand, upon the failure of the Senate to adopt a resolution giving him an additional $1,200 clerk. That is a most grievous thing and a great public wrong which no doubt justifies this remarkable and most unusual action on the part of the Senator from Wash-

ington. With a view to ending this farce, I am going to make the proposition that if the Senator from Washington will prepare a subscription paper, I will get one of the pages to circulate it among Senators, and I think we can raise——

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Missouri is bordering pretty closely upon a violation of the rules of the Senate, and the Chair suggests that he take notice of that fact.

Mr. STONE. I think we can raise enough to pay a clerk for six months, and then go on with the business of the Senate.

The PRESIDENT pro tempore. The question is on the adoption of the resolution submitted by the Senator from Iowa [Mr. KENYON].

The resolution was agreed to.

ARMOR PLATE FOR VESSELS OF THE NAVY.

Mr. ASHURST. Mr. President, some weeks since I introduced a resolution, being Senate resolution No. 78, directing the Secretary of the Navy to transmit certain information to the Senate with reference to the cost of armor plate for the last 25 years. I simply rise to ask unanimous consent that that resolution be taken from the table, where it now lies, and that it be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. It does not require unanimous consent to refer to a committee a bill or resolution.

Mr. ASHURST. I ask unanimous consent that the resolution may be so referred.

The PRESIDENT pro tempore. Unanimous consent is asked by the Senator from Arizona for the reference of Senate resolution No. 78 to the Committee on Naval Affairs.

Mr. JONES. I do not understand that it requires unanimous consent to do that. I object to the unanimous-consent proposition.

The PRESIDENT pro tempore. Does the Senator from Arizona move that the resolution be referred to the committee?

Mr. ASHURST. If the Senator from Washington objects to unanimous consent being given——

The PRESIDENT pro tempore. The Senator from Washington objects to unanimous consent.

Mr. ASHURST. I move that Senate resolution 78 be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. The Senator from Arizona moves that Senate resolution 78 be referred to the Committee on Naval Affairs.

Mr. ASHURST. Mr. President, I wish to be heard for just a moment. I rose to make this motion because I believe the resolution should go to the Committee on Naval Affairs. It has been lying upon the table for some time. That was my primary motive. My secondary motive was to see if I could draw forth an objection from the Senator from Washington [Mr. JONES]. The personal friendship existing between himself and myself is very close. I value his friendship highly, and I believe he has shown himself to be a good Senator until very recently.

Mr. President, the man who wastes his money is not a useful man in business; the man who wastes his substance is not a useful man in the economy of the Nation; but the man who wastes his time——

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I decline to yield, Mr. President.

The PRESIDENT pro tempore. The Senator from Arizona declines to yield.

Mr. ASHURST. The man who wastes his time wastes his life, because a human life is made up of time. The man who wastes his own time does himself an injury, while the man who wastes not only his own time but the time of other people does a grave injustice to other people and approaches the frontier line of culpability very closely. I desire in a spirit of friendship to say that I believe when the Senator from Washington reflects upon his conduct and observes that he is not only wasting his own time but the time of the ambassadors from 48 sovereign States, called here under the Constitution to deal with the complex and ever-present propositions of State and National sovereignty and the destinies of 90,000,000 people, he will realize that the time of these ambassadors, these Senators, should not be wasted in frivolity. We should be about the business of the people. We should be attending to our duties. I hope the Senator from Washington [Mr. JONES] will no longer continue this filibuster, which does no credit to the Senate and reflects no credit upon himself. The Senator should not resort to such a method except in defense of a vital principle.

Mr. JONES. Mr. President, I tried to interrupt the Senator in order to save the valuable time of the many ambassadors who are here by the suggestion to him that I did not oppose his motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arizona that Senate resolution No. 78 be referred to the Committee on Naval Affairs.

The motion was agreed to; and the resolution was referred to the Committee on Naval Affairs, as follows:

Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate for the dreadnought *Pennsylvania;* and

Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton; and

Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and

Whereas it is alleged that this action of the said firms reveals that they comprise an armor-plate trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate, at as early a date as practicable, a report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, Senate resolution 102.

The PRESIDENT pro tempore. The Senator from Mississippi, from the Committee to Audit and Control the Contingent Expenses of the Senate, reports a resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 102) submitted by Mr. OVERMAN on the 5th instant, as follows:

Resolved, That the expenses of the investigation of the charge of a "lobby being maintained in Washington" ordered by the Senate under resolution of May 29, 1913, be paid out of the miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the chairman of the Committee on the Judiciary or the chairman of the subcommittee thereof.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent that the resolution reported by him may be considered at this time. Is there objection?

Mr. JONES. I object.

The PRESIDENT pro tempore. The Senator from Washington objects.

Mr. WILLIAMS. Do I understand the Senator from Washington to object to the request?

Mr. JONES. Yes.

Mr. WILLIAMS. This is a resolution to pay the expenses of the committee that is trying to find a lobby. Think of that!

Mr. JONES. I desire to suggest to the Senator from Mississippi that probably it would not be out of place for these honorable Senators to pay out of their own pockets whatever expense may be attached to the investigation.

Mr. WILLIAMS. Will the Senator permit me to ask him why he objects?

Mr. JONES. I have been objecting to almost every request for unanimous consent to-day, and I do not feel that I should make an exception in this case.

Mr. WILLIAMS. Will the Senator tell me why he is objecting to nearly everything to-day?

Mr. JONES. I have too much confidence in the high intelligence of my friend from Mississippi to believe that he does not know why these objections are being made.

Mr. WILLIAMS. I have been informed that this objecting business began at the last session of the Senate, when I was not here, and really I have been informed that the Senator is holding up the Senate and the country because he wants an additional clerk for certain Senators. Is that the case?

Mr. JONES. Mr. President, I am not holding up the Senate. I am simply asking that these matters be conducted according to the rules of this honorable body.

Mr. WILLIAMS. But do I understand that really, now, under it all, as a matter of "honest-Injun" truth, as they say down South, the real reason why the Senator is holding up the business of 90,000,000 of people is because he wants certain Senators to have additional clerks, and that until the Senate consents to that he will not consent to having the Senate do business?

Mr. JONES. Mr. President, of course, I do not know what the understanding of the Senator from Mississippi is.

Mr. WILLIAMS. I was not asking for my understanding, Mr. President. I was asking the Senator for his. Mr. President, going back something like——

Mr. JONES. Mr. President, is this proceeding by unanimous consent?

The PRESIDENT pro tempore. The Senator from Mississippi is addressing the Senate by unanimous consent.

Mr. JONES. I desire to object.

The PRESIDENT pro tempore. The Senator from Washington objects.

Mr. WILLIAMS. May I ask the Senator why he objects to my talking?

The PRESIDENT pro tempore. The Senator from Washington objects. Debate is out of order. There is nothing before the Senate.

Mr. WILLIAMS. Very well.

MINNESOTA RATE CASES (S. DOC. NO. 54).

Mr. FLETCHER. Mr. President, I offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 108), as follows:

Resolved, That the decision of the United States Supreme Court in the Minnesota Rate cases Nos. 291, 292, and 293, George T. Simpson et al., appellants, *v.* David C. Shepard et al., decided June 9, 1913, be printed as a document, and that 10,000 additional copies thereof be printed for the use of the Senate folding room.

Mr. FLETCHER. Mr. President, I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection?

Mr. JONES. I consider this a very important matter, and I am not going to object if the Senator will change the language so as to provide that these documents shall be distributed so that each Senator will get his proportional part. I do not know whether that would be done under the resolution or not.

Mr. FLETCHER. That would follow under the resolution.

Mr. JONES. I understand from some Senators that that would not follow.

Mr. SMOOT. Mr. President, under the resolution that would not follow. As I understand, the copies are to be printed for the use of the Senate and would go to the document room.

Mr. FLETCHER. First there would be printed 1,000 copies, which would be prorated among the Senators as every document is; then the extra copies would go to the document room.

Mr. JONES. But I wish the extra copies to be allotted to Senators, because every Senator will have a great many requests for these important decisions. I think they ought to be apportioned among the Senators and not simply given to the first persons who go there and apply for them. If the Senator will amend his resolution so as to meet that situation, I shall have no objection whatever.

Mr. FLETCHER. I am perfectly willing to do that.

Mr. SMOOT. Let me suggest to the Senator that his resolution be modified so as to provide that the 10,000 additional copies shall go to the folding room; then every Senator will get his pro rata of the number. If they go to the document room Senators will get them as they call for them.

Mr. FLETCHER. I ask that the word "document" be changed to "folding," so that the resolution will provide that the 10,000 copies shall go to the folding room.

The PRESIDENT pro tempore. The Senator from Florida asks to strike out the word "document" and insert the word "folding." Unless there is objection, that will be considered as agreed to. The Chair hears no objection. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. WILLIAMS. Mr. President, I understand the question now is upon the adoption of the resolution?

The PRESIDENT pro tempore. It is.

Mr. WILLIAMS. I want to be heard in some very relevant remarks in regard to that question.

A moment ago I asked the Senator from Washington why he was holding up the business of the Senate and of the country, and obtained no reply except a sort of a defiance hurled at me, inviting me to make a reply for myself. That left me to guess at what his intentions were. I had much preferred to have had him state why he was holding up the business of the country. He leaves me, therefore, to draw my own inference.

Something over 100 years ago Patrick Henry described American women as standing upon the tiptoe of expectancy, waiting to hear of American defeats or victories. He then described the American soldiery as in full panoply of war, fighting for liberty against British oppression. After drawing a picture of all America at that day at a very acute stage, he said that there was hurled at the ear of night the hoarse voice of one John Hook, who was screaming through the American Army, "Beef!" "Beef!" "Beef!"

I have never seen anything come much nearer a reproduction of that picture than what is going on now. Here are the sworn representatives of 90,000,000 people, expected to attend to the public business and to expedite it to the best of their ability, when there is hurled upon the startled ear of night the hoarse voice of the Senator from Washington, or perhaps the hoarse voice of a parrot somewhere, exclaiming, "JONES wants a clerk!" "JONES wants a clerk!" "JONES wants a clerk!"

The Senator from Missouri [Mr. STONE] comes into the Chamber and tries to fix the annual relations between us and the only native American men in this country—to get a hearing for the Indian appropriation bill—and there comes an objection to everything. Somebody asks why, and echo answers: "JONES wants a clerk!" "JONES wants a clerk!" "JONES wants a clerk!"

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. One word, and I will. Then——

Mr. JONES. It is right at this point that I wish to make an observation.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. Very well.

Mr. JONES. I simply wanted to say that evidently the Senator from Mississippi had not answered the call of the Senate and was not here when the objection was made, because the objection did not come from the Senator from Washington.

Mr. WILLIAMS. Very well; then I have only made a mistake about the incident and none as to the soul of the proceeding. If somebody else had not objected, I suspect the Senator from Washington would have objected.

But that is not all. There steps into the Senate the Senator from Mississippi, desirous of making brilliant remarks relevant to public issues, and he is silenced, too; and the gentle shepherd asks why, and echo answers: "Because JONES wants a clerk!" "JONES wants a clerk!" "JONES wants a clerk!"

Mr. President, since John Hook went through the American Army, disregardful of all the great acute crises of patriotism surrounding him, screaming "Beef!" "Beef!" "Beef!" nothing precisely like this has presented itself to the American people. We can not do a thing; we can scarcely get this body adjourned to go out and attend the meetings of subcommittees; we can not prepare tariff bills, because we must be here to see what is going on; and no business can be done on the floor of the Senate because the Senator from Washington wants a clerk.

I served in the other House with the Senator from Washington. I served with him here. I am very fond of him. But I really do think he is making too much of a big thing about his wanting a clerk. That it is a large thing, I have no doubt. That it is of immense importance, I have no doubt. That it is a national issue, I have no doubt. But I do contend that it is not so great a national issue as attending to the people's business day by day.

Mr. President, in my opinion there is a sacred right to filibuster now and then when a great cause is at stake, when a great principle is at stake, when a people's civilization is at stake, when something that is vital is up for consideration, and when it is desired that legislative action shall be held back until the American people can take due notice and instruct their representatives. But this is the first time in my life I have ever known the entire business of the country to be held up by a one-man filibuster, with no rhyme nor reason in it except the constant iteration and reiteration of the phrase "JONES wants a clerk!" I submit to my friend from Washington that the issue is entirely too small, that the amount in the pot is entirely too little for the ante demanded in order to play the game.

It does not concern these 90,000,000 people whether the Senator from Washington gets an additional clerk or not. It is a secondary matter; in fact, I might say it is a sort of tertiary matter. They are paying money every day for him and me and everybody else to stay here and attend to public business. For the last three sessions of this body they have been paying whatever it costs this body to carry on a day's proceedings multiplied by three in order that he might impress the Senate with the idea that he needed and ought to have a clerk, and perhaps that some other Senators needed and ought to have clerks.

That is not all, Mr. President. I was once in the minority myself, strange as it may seem. In fact, I have an indistinct recollection of spending about 16 years in the minority, on the

other side of this Capitol and on this. For some time upon this side I had two clerks. All of us had two clerks. I heard no hoarse voice startling the dull ear of night and proclaiming that it was a matter of the highest importance that I should be given one more clerk; and yet I dare say there never was a day during the time I was in the minority when I did not have just as much work to do as the Senator from Washington has to do now.

I submit that this is too small a matter to be brought into the arena in this manner; that the great semirevolutionary right of filibustering, in order to rivet public attention upon a great question, should not be made ridiculous by being brought down to this sort of level. I am astonished at it more because it comes from the Senator from Washington than if it had come from almost anybody else in this body, because he has a sense of humor; he has a sense of proportion; and he ought to have seen the discrepancy between the necessity of carrying on the great business of a great people upon the one hand and the small question of JONES wanting a clerk upon the other. I hope he will put an end to it by his own free and voluntary action and let the representatives of the people in the Senate of the United States proceed with the public business.

Mr. JONES. Mr. President, I can not help but think about the great proposition of filling some post offices that animated the Senator from Mississippi not very many months ago in holding up the business of the Senate in order that some of his friends might get hold of them. But I am not going to subject myself, in answering him, to the further criticism of my friend from Arizona as to wasting the time of these ambassadors. It seemed to me that I should rise at the conclusion of the remarks of the Senator from Mississippi and suggest that we have been wasting now for probably 15 or 20 minutes the important time of these great ambassadors. And, Mr. President, I suggest the absence of a quorum.

Mr. WILLIAMS. Mr. President, before that is——

The PRESIDENT pro tempore. The Senator from Washington having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martin, Va.	Smith, S. C.
Bacon	Goff	Myers	Smoot
Bradley	Gore	Newlands	Stephenson
Bristow	Gronna	Norris	Sterling
Burton	Hollis	O'Gorman	Stone
Catron	James	Page	Sutherland
Chamberlain	Johnston, Ala.	Perkins	Thomas
Chilton	Jones	Ransdell	Thompson
Clapp	Kern	Robinson	Thornton
Clark, Wyo.	La Follette	Saulsbury	Vardaman
Clarke, Ark.	Lane	Shafroth	Weeks
Crawford	Lea	Sheppard	Williams
Dillingham	Lewis	Sherman	Works
Fall	McLean	Smith, Md.	

The PRESIDENT pro tempore. Fifty-five Senators having answered to their names, a quorum of the Senate is present. The question is on the adoption of the resolution offered by the Senator from Florida [Mr. FLETCHER].

The resolution was agreed to.

ARBITRATION BETWEEN RAILROAD COMPANIES AND EMPLOYEES.

Mr. NEWLANDS. I move that the bill which I offered during the morning hour with reference to mediation, conciliation, and arbitration between railroad companies and their employees be printed in the RECORD with the statement that this bill was prepared by a committee consisting of five of the presidents of the great railway systems of the country, five of the representatives of the various railroad organizations, such as the locomotive engineers, railroad trainmen, and so forth, and five of the representatives of the Civic Federation, and this bill represents their work in the improvement and enlargement of the Erdman Act. Acting in cooperation with this committee were the Chief Justice of the Commerce Court, Judge Knapp, and the Commissioner of Labor, Mr. Neill.

Mr. SMOOT. Did I understand the Senator to make a motion that the bill be printed in the RECORD?

Mr. NEWLANDS. That it be printed in the RECORD.

Mr. SMOOT. I do not know whether that motion is in order. I have always understood that when documents were printed in the RECORD it was done by unanimous consent.

The PRESIDENT pro tempore. The Senate can control almost anything by a majority vote, unless a limitation is found in the rules.

Mr. NEWLANDS. I will state that this is a matter of great interest not only to all the railway employees in the country but all railway officials and to the public at large, for we all know that serious controversies are now pending between the railways and their employees regarding wages, and it is desirable that a system of conciliation should be speedily perfected.

The PRESIDENT pro tempore. The Chair will state to the Senator from Nevada that the hour of 4 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2258) to extend the proposed reorganization of the customs service for a period of two years.

Mr. NEWLANDS. Now, Mr. President, if I can get the floor, I should like to renew the motion I have just made.

The PRESIDENT pro tempore. The effect of the adoption of the Senator's motion would be to displace the unfinished business.

Mr. FLETCHER. I ask the Senator to withhold the motion for a few minutes. I do not believe it will take very long to dispose of this bill. It is the unfinished business, and I would not like to have it displaced.

Mr. NEWLANDS. If the Senator from Washington will not interpose an objection, and I can have unanimous consent, I ask unanimous consent that the bill be printed in the RECORD.

Mr. SMOOT. I suppose the Senator from Florida would not like to have the unfinished business displaced.

Mr. NEWLANDS. I do not see why it should displace the unfinished business.

Mr. SMOOT. It will displace it.

The PRESIDENT pro tempore. It can only be done by unanimous consent without displacing the unfinished business.

Mr. NEWLANDS. I ask, then, without displacing the unfinished business, unanimous consent for the insertion of the bill, with the accompanying statement, in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES. There is no doubt but that the bill and statement will be printed all right, but I can not, to use a common expression, "play any favorites" in this matter. So I shall have to object.

The PRESIDENT pro tempore. Objection is made, and the unfinished business will be proceeded with.

REORGANIZATION OF THE CUSTOMS SERVICE.

The Senate, as in committee of the Whole, proceeded to consider the bill (S. 2258) to extend the proposed reorganization of the customs service for a period of two years, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the time for the performance by the President of the acts and things authorized to be done and performed by him under the provisions of chapter 355 of the Statutes at Large, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, in so far as these relate to the reorganization of the customs service, shall be extended until January 1, 1914.

That estimates submitted in compliance with such provisions shall be on account of the second half of the fiscal year 1914, and the reorganization ordered by such provision shall constitute for the second half of the fiscal year 1914, and until otherwise provided by Congress, the permanent organization of the customs service: *Provided*, That the estimates to be submitted therefor shall show a reduction in the total cost of such service per annum to an amount not in excess of the amount actually expended for such service in the fiscal year 1913, less $500,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Commerce.

Mr. SMOOT. Mr. President, since our last meeting I have been trying to find out the real necessity for the passage of this bill, and up to the present time I have been unable to learn of any good reason why it should be passed.

In the first place, I am informed that there is time to put in operation the change as provided in the reorganization plan submitted by President Taft. The statement was made that there was not time in which to make the reorganization and that is one of the first questions that I asked for information. I have no doubt, Mr. President, that if the Senate should fail to pass this bill the reorganization could be made by the 1st day of July of this year.

I notice in the change of collection districts that at present the number is 124, and as reorganized the number will be but 49, and that of the ports of entry, subports of entry, and ports of delivery in charge of surveyors of customs and deputy collectors the number will be reduced from 337 to 269, or a total reduction from 461 to 318.

The Senate will notice that the reductions consist mostly in the elimination or the consolidation of the collection districts. For instance, in Maine there are to-day 14 collection districts. Under the reorganized plan there will be but 1 district, and that district will not only include all the 14 districts of Maine, but it will include New Hampshire as well.

I notice also that there are a number of cities in Maine that will be ports of entry, but not with a collector in charge. A deputy collector will have charge of the particular port of entry. The only collector who will be appointed under the reorganized

plan is the collector who will be located at Portland, Me. However, all the work that has been done formerly by the collectors will now be done by the deputy collectors under the direction of the collector of the Maine district.

In looking at the reorganization, I can not see where it is going to seriously affect any State in the Union. It is true that a number of cities will not be classed a collection district, with a collector in charge, as now provided, but those districts will have a deputy collector who will perform the duties the collector is performing to-day, and it will save to the Government just that much money.

As I stated, there have been added a number of cities which will be subports of entry where to-day there are none, and it will be an advantage, as far as that is concerned.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Certainly.

The PRESIDENT pro tempore. The Senator from Utah yields.

Mr. WORKS. I suppose that in all places where there were collectors of customs before there will still be maintained an office in charge of a deputy.

Mr. SMOOT. A deputy collector.

Mr. WORKS. I should like to ask the Senator from Utah whether he has determined what would be the saving of expense in that case. There will probably be just as many officers at those ports as there were before. There may be some little difference in the amount of the salaries to be paid, but that will be about all. Has the Senator made any calculation as to the actual saving?

Mr. SMOOT. As I stated before, the greatest saving will be in the salaries of the collectors themselves. I pointed to Maine as only an instance. To-day there are in the State of Maine 14 collectors, but under the revised plan there will be but 1 collector.

Mr. WORKS. I understand, Mr. President, but I do not understand whether that will in fact reduce the number of employees in that office. A deputy may be paid as much as a collector of customs is paid for like services. That is what I am trying to find out.

Mr. SMOOT. Then let me say this to the Senator: Take Bangor, Me. To-day Bangor, Me., has a collector and at the same city there is a deputy collector, whereas under the reorganized plan there will not be a collector, because the collector will be located at Portland, Me., but the deputy collector will still be maintained at Bangor, Me.

Mr. WORKS. And will there be maintained additional help at that office under the deputy?

Mr. SMOOT. The report implies that the work done at Bangor, Me., by the collector, deputy collector, and his assistant can be done by the deputy collector and his assistants just as well. That is one of the greatest savings in the reorganization. In other words, there are in the present organization 124 collectors, and in the reorganization there will be but 49, or a saving of the salaries of 75 collectors. I will read to the Senator——

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. Certainly.

Mr. CRAWFORD. The Senator seems to be proceeding on the assumption that the bill is to annul absolutely and destroy entirely the effect of the order promulgated by President Taft. I do not so understand it at all. I am, in a way perhaps, invading the function of the Senator from Florida [Mr. FLETCHER], but being a member of the committee that reported the bill, I understand it does not annul the order made by the President. It simply extends the time in which the consolidation of customs districts may be made effective. It extends the time until the 1st of next January. It does not prevent consolidation from being made to-morrow or from being made next week if the conditions are all right for it. There are some complications in some of the districts which it will take a little time to adjust, and on that account the report from the Secretary of the Treasury to the committee was to the effect that an extension until the 1st of next January should be allowed.

So it seems to me the Senator is proceeding on the erroneous assumption that the bill proposes to annul an order made by the President.

Mr. CLARK of Wyoming. The statement of the Senator from South Dakota bears directly upon a question I was going to ask the Senator from Florida. It occurred to me in looking over this whole matter that there was nothing to extend the time for.

Mr. CRAWFORD. The report indicates that the adjustment in some of the districts will take some little time.

Mr. CLARK of Wyoming. I know; but those are matters for future consideration. The sundry civil appropriation act, which provided for the action of the President, told what the President should do. The President has done that. There is no need of an extension of time for that. Now, what is the extension of time for? That is the question I wanted to put to the Senator from Florida.

Mr. FLETCHER. I shall be very glad to answer when I get an opportunity.

Mr. SMOOT. I will allow the Senator to answer the question. I yield to him for that purpose.

Mr. FLETCHER. As the Senator from South Dakota [Mr. CRAWFORD] has indicated, it is not at all the effect of the bill to undo all that has been done. There is not any claim made by the friends of the bill that the plan in a general way is not satisfactory to the department at present, nor is there any intention here to destroy or upset or uproot that plan. The only purpose of the bill is to extend the time for the performance of the acts required of the President under the act of 1912 until January 1, 1914, not with the idea that the department is opposed to the plan or altogether opposed to the order of President Taft.

Mr. CLARK of Wyoming. The Senator does not get my notion. The query in my mind was this: At the last Congress we devolved certain duties upon the President of the United States, giving a period within which those duties were to be performed.

Mr. FLETCHER. Yes; he was was to report at the next regular session.

Mr. CLARK of Wyoming. At any rate, we devolved certain duties upon the President of the United States requiring him to do certain things. Now, he has done those things. They were done two months ago.

Now, can we extend by a bill in this form the doing of a thing which has been consummated two months ago? That was the query in my own mind, and it is the query I wanted to present to the Senator from Florida.

Mr. FLETCHER. I see the point suggested by the Senator from Wyoming. It seems to me beyond any question if Congress had the power to vest this power in the President, it has the power to continue that same authority in the President—not in the individual, but in the office.

Mr. CLARK of Wyoming. I think there is no question but that we would have the right to give new authority, but the authority we have already given having been concluded, can we extend that same authority or must we give new authority?

Mr. FLETCHER. I think that can be done, and I think it is done by this bill beyond any question. Under the act approved August 24, 1912, the President was authorized to do certain things, and it was provided that "such reorganization shall be communicated to Congress at its next regular session." The President did communicate to Congress, as the Senator has said, his order reorganizing the customs service. That order has not gone into effect. It will not go into effect until the 1st of July. It is still in suspense, as it were. The whole reorganization plan and system as outlined by that order is still in the control of Congress.

Congress is now asked to pass an act which shall continue that power and authority, as provided under the act of 1912, until January 1, 1914. It recognizes what has been done up to this time and, without attempting to destroy what has been done, provides means whereby if there are any irregularities or any inconsistencies to be corrected or any further desirable changes to be made the President will have an authority to do it within that time.

Mr. CLARK of Wyoming. My query was not directed as to whether the thing ought to be done or whether a change ought to be made or not. My query to the Senator from Florida was that having done a thing and completed it, so far as the authority which we conferred indicated, can we extend the time for further work upon a thing that is already completed?

Mr. FLETCHER. I think undoubtedly that can be done by an act of Congress.

Mr. CLARK of Wyoming. I am sure it can be done by an act of Congress, but can it be done by extending the time as this bill provides?

Mr. FLETCHER. It seems to me there can be no question about that, since, as I say, the plan of reorganization has not yet gone into effect.

Mr. SMOOT. I want to ask the Senator from Florida, while he is on his feet, for what reason does the Senator ask that the time be extended from July 1, 1913, until January 1, 1914?

Mr. FLETCHER. I will say, Mr. President, that while the plan provided for in the Executive order generally meets with the approval of the department, and is, broadly speaking, a wise, economical, and efficient plan, there are certain objections to it, more or less local in their nature, based, as the Secretary indicates, perhaps, on a kind of misapprehension in certain localities; and it is intended to give an opportunity for those matters to be adjusted and rearranged. The objections are not to the plan as a whole; they do not go to the idea of reorganization, but to some specific provision of the scheme proposed. It is desirable that they may be adjusted, and that such other changes may be made in the plan as may seem wise.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Florida another question. Is it not an absolute fact that the reason for wanting the time extended for six months is because under the reorganization a great many collectors will be displaced on July 1, 1913?

Mr. FLETCHER. I think not, Mr. President. I can understand, of course, the intimation; but I will say to the Senator that I was present at the hearing which the President afforded in the East Room of the White House on this plan as submitted to him by the Secretary of the Treasury. There were objections raised to the plan from, I should say, more than half the States on the Atlantic seaboard, from more than half the States on the Gulf, and from more than half the States on the Pacific by their representatives there present.

Mr. SMOOT. That was done on the ground of local pride, was it not?

Mr. FLETCHER. There were various objections made. Of course I could not undertake to enumerate the objections in all their detail; but there were representatives of these different important communities and ports; members of boards of trade, business men, and others present who were protesting against the whole plan of reorganization.

I am frank to say to the Senator that, so far as I am concerned, I do not believe, as relating to Florida, there was any need of reorganization at all. I am quite sure that Florida is entitled to more than one collector of customs for that State. Under this plan the whole State of Florida is made into one district, which embraces also portions of the State of Georgia, including the St. Marys River and St. Marys, and the headquarters of the district would be 500 miles from the chief port of entry on one side, 400 miles in another direction, and over 400 miles to another port.

Mr. SMOOT. The Senator must know that it is not going to affect any city in Florida, with the exception perhaps of the appointment of one collector in a number of cities, for there is not one of the cities of Florida that will not have a deputy collector. Every city will be able to do business exactly the same after the 1st of July as it is doing to-day. The only way the bill affects Florida in any way, shape, or form that I can see is that it gives her one collector instead of eight collectors, which she has to-day.

Mr. President, I could call the Senator's attention to the amount of business which is done at each one of these cities, and if the question arises for the Senate to decide whether they think it is proper to have a collector and a deputy collector in several of the cities I can do so; but I will name one city, so that the Senator will understand the point I am making. I will take, for instance, Pensacola, Fla.

Mr. FLETCHER. I think there ought to be a collector of customs at Pensacola.

Mr. SMOOT. Why should there be a collector of customs at Pensacola and also a deputy collector?

Mr. FLETCHER. There ought to be a collector of customs there because Pensacola is an important port on the Gulf, with one of the most splendid harbors in the country. The importations are of considerable moment to Pensacola, and to require the people who have to deal with the customhouse to deal with a deputy at that port or else go 400 miles to Jacksonville, for instance, to deal with the collector himself is not, I submit, quite the thing to do.

In the first place, I do not believe there is any saving of consequence as to the dollars-and-cents proposition and there is not certainly any advantage as to efficiency.

Mr. SMOOT. Mr. President, in that case I do not believe there will be one appeal out of a thousand made from a deputy collector to a collector who is 400 miles away.

Let us come down to another city. We will take the city of Apalachicola, for instance. What reason can the Senator give why there should be a collector and a deputy collector at Apalachicola, when all the money that is collected from the dutiable as well as the free list is $1,010 per annum? Yet there are at Apalachicola a collector and a deputy collector.

Mr. FLETCHER. I would say, Mr. President, if the Senator will allow me, just in that connection, that this bill does not involve the question which the Senator from Utah seeks to raise here. The passage of this bill leaves the matter where it is at present, with only one collector in Florida, subject only to such changes as the President may see fit to make through the Department of the Treasury between now and the 1st of January. It does not absolutely repeal the order which the President has already made or restore the former condition, but it leaves that order in effect so far as it has gone, subject, as I say, to such revision as the President may make. So the questions the Senator raises here are questions which will be considered upon any application to restore Apalachicola, for instance, as a port with a collector.

So far as Florida is concerned, I may say that I believe there ought also to be a collector of customs at Tampa, where nearly two million dollars of revenue come into the Government—$1,800,000.

Mr. SMOOT. One million five hundred thirty-four thousand one hundred and twenty-five dollars.

Mr. FLETCHER. It may be less this year than formerly, but we have received as much as $2,000,000 at that port, I think. As I have said, however, I do not think it important to go into these questions, because I do not see that they are involved in the matter before the Senate. The question now is, not whether we ought to have a collector here and a deputy collector yonder, but it is simply whether we will give the Treasury Department until January 1, 1914, to determine where deputy collectors ought to be placed, where customs officers ought to be placed, and where the districts ought to be placed.

Mr. SMOOT. That is just the point I was trying to draw the Senator's attention to. There is no question that reorganization has been made; there is no question that the new system can be put in operation by the 1st day of July of this year. All that is involved in this matter is to continue the existing offices until January 1, 1914, and, in the meantime, to bring about changes in the reorganization made by President Taft by influences that may be brought to bear upon the Secretary of the Treasury.

Mr. FLETCHER. Not at all, Mr. President.

Mr. SIMMONS. Mr. President, if the two Senators who are engaged in this colloquy will give me some information I should like to have, it will, so far as I am concerned, throw much light upon the question. I assume that both Senators have investigated this matter very thoroughly. I imagine that the reorganization of this service authorized under the present law was intended to bring about certain economies in the service by cutting off collectors here and there where they were unnecessary. I have been informed—whether correctly or not I do not know—that the plan of reorganization which the department has worked out does not, as a matter of fact, materially reduce the expenses of the service. I want to ask the Senator from Utah or the Senator from Florida whether that is true, and if there is any saving as a result of this reorganization, what is the amount of saving?

Mr. SMOOT. Mr. President, that is shown in the message of the President of the United States transmitting——

Mr. SIMMONS. I have not read that, and I am asking for information.

Mr. SMOOT. I was going to say that it is all shown in the message from the President of the United States "transmitting plan of reorganization of the customs service and detailed estimate of the expenses of the same." In that message the detailed expenses are given, every item, and it shows that instead of the $10,500,000 that was appropriated for this particular service—and I might say that in the past that amount has always been insufficient—under the reorganization, with every item accounted for, the amount will be $10,381,726.01. So the Senator can see that there is a considerable saving in the reorganization plan.

Mr. FLETCHER. The President claims in the message, I may add, if the Senator will allow me, that it would reduce "the total cost of said service for said fiscal year by an amount not less than $350,000."

Mr. SIMMONS. The total cost being about $10,000,000.

Mr. FLETCHER. Ten million five hundred thousand dollars.

Mr. SIMMONS. And it would reduce that amount about $300,000.

Mr. SMOOT. Three hundred and fifty thousand dollars.

Mr. FLETCHER. That was the claim, but it was questioned by some other people.

Mr. SIMMONS. That is a much larger reduction than I had been advised of. I thought it was less than that.

Mr. FLETCHER. On that point, if the Senator from Utah will allow me, in reference to the suggestion that the whole

movement here is prompted by a desire to put more people in office or to keep some people in office, I desire to call attention to a letter of the Secretary of the Treasury to the chairman of the Commerce Committee referring this bill with his recommendation, wherein he says:

While this criticism—

That is, the criticism as to the reduction of the cost of the service—

may be unsound as a matter of law, still, in view of its existence and of the further fact that the reorganization as adopted by the President does not comprehend several administrative changes in the customs service which should be included in order to make a thorough and efficient organization, I have the honor to recommend that the bill be passed subject to the following amendments:

First. That the time of the taking effect of the reorganization be postponed to January 1, 1914—

That is, instead of two years, as the bill which I introduced provided.

Mr. SMOOT. Mr. President, I have read carefully that report of the Secretary of the Treasury, but I do not think it is a very strong indorsement of this measure. I read from the first page the following:

The department has received a number of communications from various Senators and Representatives in Congress, boards of trade, chambers of commerce, and individuals adverse to the proposed reorganization, but most of these protests have been based either on erroneous conceptions of the actual working of the plan or upon feelings of local pride. They do not alone, in my opinion, present valid or serious grounds for deferring the operations of the reorganization.

Mr. SAULSBURY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. I yield to the Senator from Delaware.

Mr. SAULSBURY. Mr. President, the remarks of the Senator from Utah, I think, are calculated to place this discussion on a plane where I do not think it belongs. Certainly in favoring any change——

Mr. SMOOT. I inquire to what remark made by me does the Senator refer?

Mr. SAULSBURY. I referred to the Senator's suggestion in regard to retaining places in which to put officers.

Mr. SMOOT. I referred to the present organization, which, of course, could be construed as the same thing.

Mr. SAULSBURY. Well, I must say that it seems to me that so far as the State which I in part represent is concerned such a plane of argument as that or such a statement as that is not justified, for the reason that my State is particularly affected by this change. I will describe to the Senator in what way it is affected, as he has said that no particular State is affected.

Since 1799, under a statute of the United States, there has been located in the city of Wilmington a collector who could, immediately on the arrival of a vessel having a cargo destined to that port, settle all questions which might be in dispute regarding valuation, the duties to be paid, and the issuance of clearance papers, and he determined every question at once. Now, under the order of the President—and for myself I do not like Executive orders to take the place of statute law—the ports of Delaware are all placed in the district of Philadelphia. There are no district courts of Philadelphia; there are district courts of the eastern district of Pennsylvania, but there are many statutes of the United States which require that offenses shall be tried in the courts of the district where the offense is committed. If we are put in the district of Pennsylvania, for example, many criminal offenses may come up for trial, and we will not know where the forum of trial, where the situs of the offense, is. I suggest this as one of the objections to the Executive order.

I also suggest that the mere placing of the customs collector in the district of the Delaware River and Bay, under the domination of the port of Philadelphia, necessarily prefers that port. The President in his order describes it as the "headquarters" for the district. His designation of the port of a district is the "headquarters" of the district. "Headquarters," according to all the dictionary definitions that I can find, means the place from which orders are issued. It is usually, as applied to army matters, where the commander in chief is located. The mere naming of Philadelphia as "headquarters" gives Philadelphia a preference over every port in the district of Delaware River and Bay; and necessarily a master clearing a vessel from some foreign port, if he is going to the district of Philadelphia, clears for the port of Philadelphia. If a master sailing for the Delaware Bay has half a cargo for Wilmington and half a cargo for Philadelphia, he will necessarily take his boat directly to Philadelphia, where every question may be immediately determined and where he will not be delayed in unlading.

But the objection to this Executive order is far deeper than that. When the Constitution was adopted the question of the control of the ports of this country was a grave one.

Mr. SMOOT. Mr. President, right in that connection I want to say to the Senator that past history has not proved what he says as to a foreign shipper clearing for a particular port because of its name. I want to call his attention to the district as it exists to-day called the Oregon and Washington district. Under the Washington and Oregon district there are five collectors, and they are located at different cities in both Washington and Oregon. They have never found any trouble whatever in the past in relation to the criticism the Senator has just offered.

Mr. SAULSBURY. I do not know how that may be in the Washington and Oregon district. I do not know the relative location of the ports. Here in this district, however——

Mr. SMOOT. They are not very much farther apart than the ports of Delaware and Philadelphia.

Mr. SAULSBURY. I can not tell as to that.

Mr. SHIVELY. But none are subports; they are all ports.

Mr. SMOOT. Oh, there are subports, both in Washington and in Oregon.

Mr. SHIVELY. But with these five collectors they are all ports.

Mr. SMOOT. That is true; but in the reorganization it will be the same as far as results are concerned, and it will be called the Oregon district. In that district there will be one collector, just the same as there is one collector now, in the reorganization plan, at Philadelphia. When the Senator gets through I will explain how I understand the situation at Delaware.

Mr. SAULSBURY. I shall be very glad to hear the Senator's explanation. I simply want to assure him that in this matter among Delawarians there is no question of partisanship; but there is a question to which I desire to call the Senator's attention and which probably will be raised in the courts of the United States, and, if I am correctly informed, which the Republican authorities in Delaware will see goes to the Supreme Court of the United States before it is determined.

Mr. SMOOT. Mr. President, I want the Senator to distinctly understand that there is no partisan feeling with me in the position I have taken. I am only discussing the question as to whether or not the reorganized plan is the better as a whole. After the thorough examination that was made of it, and the report made to the President, and after it has been adopted and put into force, in my opinion the reorganization plan should not be changed. Perhaps the Senator may think otherwise. But I do feel it my duty to call the attention of the Senate to the changes that are being made, and why I think they are being made.

Mr. SAULSBURY. Then I suggest to the Senator, Mr. President, that if many of us, as we evidently do, disagree about the great benefit which may come from this reorganization, six months is not an excessive time in which to consider any changes which, as I understand, the Secretary of the Treasury desires in making this communication. It seems to me that granting a period of six months in which to consider any changes which are to be made in this order which, it must be admitted, was hastily drawn immediately prior to the 4th of March, when it had to be made in order to be valid, will undoubtedly benefit the order itself in regard to its details.

Mr. SMOOT. I want to say to the Senator that I do not understand that this order has been hastily drawn. The matter has been considered, and investigations have been made of it, for some years past; and this plan is a culmination of that investigation. It is true that the President did not send in his message until March 3 of this year, and it is true that it does not take effect until the 1st of July of this year; but it is not true that it has been hastily worked out. I am positive that the investigation was a thorough one in every district and every port of this country.

Mr. SAULSBURY. I can only suggest to the Senator from Utah that the President's order, as I understand, came in at 3 o'clock on the morning of the calendar day of March 4. Under the amendment of the sundry civil bill of 1912, he had had probably a year and a half to consider that matter. There must have been in his mind at that time grave doubts as to some of the provisions of his order to have caused him to retain it until that time, and not to have been able to get it in until the very last moment. It is human experience that when orders of that kind are made at practically the last moment that is possible, there have been some reasons for the delay; and the orders usually are not in the very best form that they could be made.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I do.

Mr. SMITH of South Carolina. Right at this point I should like to make a statement. I do not think I am violating any

confidence when I say that in discussing this very question with President Taft somewhere about the 1st of March he told me personally, as I was vitally interested in it, my State having two ports of entry affected by this order, that he had not had time to investigate it; that he knew it was important, and that the law seemed to require that he should investigate it. He asked me whether, in case he did allow it to go over, those who were asking for time for thorough investigation would undertake to defend his action in not fulfilling the requirements of the law by making that statement on the floor. He said that to me just a few days before he issued the order.

Mr. SMOOT. Mr. President, of course I had no knowledge of that.

Mr. SAULSBURY. I should like to call the attention of the Senator from Utah to one or two other things. I do not know that he heard the suggestion I made the other day when the junior Senator from Florida introduced a bill affecting this same subject matter. It was that the constitutional provision which was inserted as clause 6 of section 9 of Article I of the Constitution provided that no preference should be given to the ports of any State over those of any other State, nor should vessels bound to or from one State be required to enter, clear, or pay duties in the ports of any other State.

I have been going over as carefully as possible all the decisions of the Supreme Court, and, so far as that is concerned, the decisions of the circuit and district courts, which bear on that point. I have not been able, of course, to find any case which is on all fours with the question now under discussion; but there are many of those cases, which I shall not weary the Senate by referring to, which seem to hold that this would be a preference of the ports of one State over those of the other—that is, a preference of the ports of Pennsylvania over the ports of Delaware, by placing over the subcollectors, if you see fit to call them so, or the deputy collectors, if you please, of all the ports of that great estuary, the collector in charge of the port of Philadelphia. My own belief is that that is the effect of it. I think that question will have to be examined in the courts of the United States if this Executive order stands. The people in my State, without exception, Democrats and Republicans, hope that we may maintain our State identity.

With respect to the suggestion of the Senator from Wyoming, I only want to say that I have very grave doubts myself as to whether the wording of this amendment is sufficient to authorize the President of the United States to re-form the order made by the former President, which was an executed order. The question which he suggests, as I understand, is whether the power which has been given once has not been exhausted by its exercise. It seems to me that if we are going to pass this bill it would be well to be sure that it does give the President now in office an opportunity to re-form, in such respects as he may desire, the Executive order of the former President. I think, from reading this proposed act, that it would be very wise to do that.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me for just a moment right on that point?

Mr. SMOOT. I yield to the Senator.

Mr. CLARK of Wyoming. Replying to the Senator from Delaware, my suggestion was this: I suppose that without the authority given to the President by the sundry civil bill of last year the President could not have made the adjustment that he did make. We gave him the authority so to do. We gave him no other or different authority. In the execution of the authority which we gave him he did, as a matter of fact, organize and complete the organization and proclaim it as the organization of the Customs Service. It is now a thing that is settled and done, and we can not undo it except by an act of Congress. We can not undo it except by enacting some legislation that shall do away with what is now the law of the land in the organization of the Customs Service. Whatever we authorized President Taft to do was done, and in pursuance of the authority which we gave, and which he exercised, the customs districts as he organized them and proclaimed them have become the customs districts of the United States.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. CLARK of Wyoming. Yes.

Mr. BACON. Suppose, in place of having vested this power in the President of the United States, we had by statute made these changes, with the provision that they should take effect on the 1st of July. Could we not now, by act of Congress, suspend that operation until the 1st of January next?

Mr. CLARK of Wyoming. Certainly.

Mr. BACON. Having vested the authority in the President, and that authority having been exercised by him, what is the difference between that and the conclusion which would have been reached if we had passed an act? It is exactly the same thing.

Mr. CLARK of Wyoming. Why, no; that is not what we do. What we say in this bill—and I call the Senator's attention to the language—is "that the time for the performance by the President of the acts and things authorized to be done and performed by him" in a certain part of the sundry civil bill shall be extended. As a matter of fact, we can hardly extend the time for the performance of an act that has already been performed and completed. I have no objection to arriving at the conclusion that is desired by the committee; but my query was, Ought we not to proceed in the way that has just been indicated by the Senator from Georgia?

Mr. BACON. I think so. I think we ought to suspend the effect of the law to which the Senator refers.

Mr. CLARK of Wyoming. I think that would be far preferable. I do not see how it is possible for us to extend the time for performing a thing that has already been performed and has been completed. We can suspend the operation of it.

Mr. BACON. Mr. President, granting that to be so, in view of the very serious suggestions made by the Senator from Delaware, in connection with what has been said by others, it does seem to me that there ought to be no difference of opinion that by an effective provision this matter should be so suspended that the proper conclusion may be reached.

Mr. CLARK of Wyoming. I do not want the Senator from Georgia nor the Senator from Florida to consider for a moment that I have been speaking of the merits of the proposition.

Mr. BACON. I think myself that the suggestion of the Senator from Wyoming is a very pertinent one. I think the bill ought to be reframed.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER (Mr. SHIVELY in the chair). Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. Yes; I yield to the Senator from South Dakota.

Mr. CRAWFORD. Would merely extending the time be an adequate thing to do? If we leave this order just as it is now, and it requires modification, the question of modifying it will have to be faced on the 1st of next January just the same, will it not? So ought we not to reframe the bill?

Mr. CLARK of Wyoming. My impression is that by direct enactment of some sort we should give the President authority up to the first of next January to exercise exactly the same powers that President Taft has already exercised.

Mr. CRAWFORD. I think there is something in that, and perhaps it should be done, but I wanted to have the viewpoint here one of sympathy on the side of giving effectiveness to what is asked here. There is no hostility to the purpose of the President's order in the report from the Secretary of the Treasury. He is in sympathy with it; he commends it; but he calls attention to some matters that require additional attention and may require some modification, and this bill is drawn for the purpose of affording additional time in which such errors may be corrected. Now, let us do it effectively.

Mr. CLARK of Wyoming. I hope the Senator will not put me in the attitude of being hostile.

Mr. CRAWFORD. I do not.

Mr. CLARK of Wyoming. My only purpose is to have it effectual.

Mr. CRAWFORD. Certainly; I understand that; but the Senator from Utah was making a rather wholesale attack on the purposes of this bill. The Committee on Commerce, made up of members of both parties, after considering this bill and the statement of the Secretary of the Treasury were in sympathy with it, and made a unanimous report here, because there seems to be good reason why a period of six months longer should be allowed for the purpose of making it fully effective.

Mr. SMOOT. Mr. President, I have made no wholesale attack upon the bill.

Mr. CRAWFORD. The intimation that the purpose of it is to hold in office so many customhouse officers, and all that kind of thing, I think is really unjust to the full committee that reported the bill. They took the report of the Secretary, and acted from an entirely different standpoint than that in their treatment of it.

Mr. SMOOT. I have stated before that I am informed that the reorganization can be put into effect by July 1 of this year. If that is the case, there is some reason other than that for this proposed extension; and I asked the Senator from Florida as to what reasons there were.

Mr. CRAWFORD. The Secretary of the Treasury cut down the term of the original bill at least a year in his proposed substitute for it.

Mr. SMOOT. A year and a half.

Mr. CRAWFORD. A year and a half. The Secretary of the Treasury being in touch with these complaints and questions, just such as the Senator from Delaware has raised here, recommended that this time be extended to the 1st of January. It seems to me that is a very reasonable request.

Mr. SMOOT. The very fact that the time was cut down from two years to six months led me to believe that there were some reasons other than those appearing upon the face of the matter, and I was simply trying to find out what those reasons were.

Mr. STONE. Mr. President——

Mr. SMOOT. I should like to answer the Senator from Delaware now, as I stated I would.

I understand the situation in Delaware to be this: Under the present plan there is a collector of the Delaware district located at Wilmington, Del., and there are two subports of entry.

Mr. SAULSBURY. Two or three.

Mr. SMOOT. Two in Delaware, one at Lewes and one at Seaford. Then there are ports of delivery in Delaware at New Castle and Port Penn and Delaware City. The only change that is made in the State of Delaware is that the collector will be located at Philadelphia instead of at Wilmington; but the deputy collector will be at Wilmington, and there will also be a subport of entry at Lewes. As far as the port of delivery is concerned, that will not be interfered with hereafter at any place in the United States wherever Congress designates a city as a port of delivery. It will be presided over by a surveyor of customs just as it is to-day under the present plan. So the only difference that there is in Delaware, as far as I can see, is that instead of having the collector located at Wilmington, Del., he will be located at Philadelphia, as Delaware is a part of the Philadelphia district.

Mr. SAULSBURY. Mr. President, in reply to the Senator from Utah I can only say that if instead of calling the district of the Delaware River and Bay the district of Philadelphia they should call it the district of Wilmington and there locate the collector of customs for that district, and there settle all questions which might come up of a general character regarding the delivery of cargoes within that whole district, I think before long you would see the water front of Wilmington bristling with wharves and piers, and Wilmington might become a great rival for the commerce of Philadelphia. In that event the masters of vessels who had to unlade within the district of the Delaware River and Bay would naturally come to Wilmington, where questions of immediate importance to them could be promptly settled and they would not be delayed in the unlading or the delivery of their cargoes; and located 27 miles down the river, as it is, with the short rail transportation and the saving in water transportation up a tortuous channel, it would be almost as convenient for them to come there as it would be to go on. So if the change is made in this district and Wilmington is continued with a collector, and the collector is taken from the port of Philadelphia, Delawareans will probably be very well satisfied. In such an event as that, however, you would very soon hear the merchants and the shippers of Philadelphia complaining that a preference had been given to the ports of my State over the ports of the State of Pennsylvania.

Mr. SMOOT. Of course the objection made by the Senator from Delaware is answered by the Secretary of the Treasury to a great extent.

Mr. SAULSBURY. But, if the Senator will pardon me a moment, the Secretary of the Treasury calls a question of constitutional rights local pride. It is a misnomer of constitutional rights that they should be called local pride.

Mr. SMOOT. Does the Senator insist that Wilmington, Del., has a constitutional right to be designated as the Delaware collection district?

Mr. SAULSBURY. I insist that the State of Delaware is entitled to the same privileges and the same consideration and the same rights to her ports as any other State has to its ports, and that to place over the ports of any State an official designated in another State and there having his headquarters, as shown by the President's order, is giving a preference to the ports of the State where the headquarters of the district are located.

Mr. SMOOT. The Senator simply criticizes the whole system, not only the proposed plan of reorganization but the system as it exists to-day, because there are the Washington and Oregon and other districts in which more than one State is included. If there has been a wrong done to one or other of those States under the present system, of course we are doing nothing more under the proposed plan than what now exists.

Mr. SAULSBURY. But because one wrong has been done in one State surely it does not justify a second wrong being done in another State.

Mr. SMOOT. I do not know that there has been a wrong done. Congress has passed upon every one of these districts, and has designated every district and subport of entry. Congress has had it all in its hands. The system in the past has been left to Congress, and this reorganization has been done by direction of Congress after a consideration of several years. In an appropriation bill authority was given to the President to make a reorganization, and money was provided for it. In accordance with that act the reorganization was made.

Of course I understand the Senator objects to the plan of reorganization, and he or any other Senator has that right. But I was not going to discuss that question. I thought the question here was simply as to an extension of time for six months, and I wanted to learn what that extension of time for six months was for, because I am informed that the plan can be put into operation by the 1st of July of this year.

Mr. SAULSBURY. I can not answer——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Delaware?

Mr. SMOOT. Certainly.

Mr. SAULSBURY. I can not answer as to what may be the object of other Senators in desiring this extension. The object which I have in favoring the extension is to enable the President to preserve in its integrity a district which has existed in my State for 125 years. I hope for that reason that the bill will be passed, and for that reason I shall vote for it. Other Senators have other reasons doubtless, but that is my reason as I have tried to explain.

Mr. STONE. Mr. President, I have reason for asking to have the bill passed. The fact is that the consideration of this bill was very inadequate and somewhat hasty so far as the President of the United States was concerned. I happened to have some familiarity with it.

The port of Kansas City has been established for a good long while, and is a very important port. News was received at that city to the effect that the port was about to be abolished, or reduced to a subport, and protests were made to me. I saw the President about it at that time. He knew practically nothing about the matter beyond the fact that such a law had been passed in one of the appropriation bills, but in a practical way he was not advised. The whole matter had been turned over by him to one of the Assistant Secretaries of the Treasury, Mr. Curtis, who has charge of the customs service, and he was working out a plan of reorganization.

On the President's suggestion I visited Mr. Curtis and he laid the plan before me, so far at least as it related to the ports of my State. Beyond that I did not seek to go.

Later on when he had completed that work, almost at the end of President Taft's term, when the result of that work had become somewhat generally known, numerous Senators and, I think, Members of the House whose constituents were concerned, visited President Taft and talked with him about it. I do not venture to say that he was dissatisfied with the report made to him by Assistant Secretary Curtis, but it had taken weeks and weeks for Mr. Curtis to work out the plan. The President was pressed, closing up the business of his term, and he was sure that there was no relief from any mistakes made except by congressional action. A joint resolution it was suggested might be passed extending the time for the going into operation of this provision of law. I discussed it myself with numerous Senators on the floor, and I introduced an amendment to the deficiency appropriation bill which I think was the last appropriation bill that came over.

My amendment was very similar in phraseology and identical in purpose with what appears in the bill now before the Senate, extending the going into operation of this provision in the sundry civil law under which this rearrangement has been made. The Senate adopted it in the last general deficiency bill, and it went to the House. That body did not see proper to adopt it. It went into conference, and was one of the very last items in that deficiency bill which the Senate yielded. I talked as other Senators here talked with the Senate conferees about it, and those conferees, headed by the colleague of my friend from Wyoming, were persistent in their demand that the amendment should remain.

Mr. CLARK of Wyoming. Will the Senator yield for just a moment? Was not the amendment to which the Senator refers incorporated in the deficiency bill prior to the time when the consolidation was reported back to Congress?

Mr. STONE. I am not sure about that.

Mr. CLARK of Wyoming. It was in the last Congress, was it not?

Mr. STONE. Yes; it was in the closing days of the last session of the last Congress.

Mr. CLARK of Wyoming. And, in my judgment, it was a very proper provision at that time, the President up to that time not having acted and carried out the terms of the law.

Mr. STONE. I think the President delayed sending his report here until almost the last hours of his term.

Mr. CLARK of Wyoming. Until the very last hours.

Mr. STONE. I think that is true; and I think I do not violate any propriety in saying that the President kindly, considerately, was waiting to see what action Congress would take with reference to the matter before sending in the report. He sent it because there was nothing else left for him to do under the mandate of the statute. So here it is.

Mr. President, there is no doubt whatever that numerous points designated as ports of entry ought to be stricken from the map as ports of entry. I read a public document showing that in many places the cost to the Treasury of collections exceeded by many fold the amount collected. There was one point I recall where it was stated officially that it cost $1,100 for every dollar collected. That was the most extreme of all the cases, and the figures ran on down in that way. Of course such things ought to be remedied. That for the saying. But, on the other hand, I think Mr. Curtis in formulating his plan of readjusting the customs service has made some mistakes. I do not say very many, but there are some. Kansas City, long a port of entry, is reduced to a subport.

Probably the Senator from Utah [Mr. SMOOT] has the record in his hand; he has a document in his hand that looks very much like the one that I examined; but the record will show that the dues for duties collected at Kansas City on imports delivered there were collected at a rate almost as low as the cost incurred at St. Louis and Chicago. Nor is that all——

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Dakota?

Mr. STONE. If the Senator will pardon me just a moment, I will complete this one thought——

Mr. CRAWFORD. Certainly; but I only wanted to understand what imports there are at the port of entry of Kansas City. Are they in bond, or how do the goods come to that port of entry? I confess my ignorance, and I wish to have light.

Mr. STONE. I presume it is just as they have a port of entry at any place.

Mr. CRAWFORD. By water transportation?

Mr. STONE. Or any subport. They have a collector and a surveyor of the port there, and unless this bill goes into operation——

Mr. CRAWFORD. But what do they receive to justify it?

Mr. STONE. Goods shipped from abroad can be shipped through to a port of entry at Salt Lake, Denver, or anywhere else.

Mr. President, I was going to say that Omaha and Denver in this reorganization scheme were retained as ports of entry, while Kansas City was reduced to a subport, and yet the collections at Kansas City far exceed those at both Omaha and Denver combined. It is no wonder that the merchants, manufacturers, importers, business men, and the people generally of that great, growing, thriving metropolis, the largest city between the Mississippi River and the Pacific Ocean, the largest in population and in the volume of business, should protest. I think it ought not to have been done. I do not believe that President Taft ought to have done it; but it was in and you could not strike out one or another without reorganizing the whole thing; and he sent it in as it was prepared by the Assistant Secretary of the Treasury. I am not criticizing the Assistant Secretary of the Treasury.

Mr. SMOOT. Mr. President, so that the record may be correct, as I have it from the department, I want to say to the Senator that Kansas City and St. Louis at the present time are only ports of delivery and they are presided over by a surveyor of customs. Under the reorganization St. Louis is made a district, with a collector located there.

Mr. STONE. I know that.

Mr. SMOOT. And Kansas City remains just where she is to-day.

Mr. STONE. No; she does not. Kansas City is subordinated to St. Louis. Kansas City is put under the jurisdiction of St. Louis.

Mr. SMOOT. Not according to the report that I get from the department. It may be wrong, but——

Mr. STONE. Mr. President, we talked this matter over with Mr. Curtis, the Assistant Secretary, at considerable length and looked into it, and I do not think I am mistaken; but whether so or not, I know that the office of surveyor of the port of Kansas City is abolished.

Mr. SMOOT. No.

Mr. STONE. I say it is, and Kansas City is subordinated to St. Louis, which is made the center of the district. It takes in Missouri and parts, if not the whole, of other States. Mr. Curtis disclosed to me what he had drawn off, a map showing the territory within the jurisdiction of the St. Louis district. I protested against it. All I wanted then and all I want now is that just such questions as these and such as my friend from Delaware [Mr. SAULSBURY] refers to may be resubmitted to the judgment of the President of the United States.

There is no question of politics in it. There may be a question of an office or of two or three or a dozen, but what figure does that cut? In the course of human events it is possible that these offices will change, as they do change from one party to another. I have not that thought in my mind at all. I am simply discussing what I think is the absolute justice and right of this proposition.

Mr. President, I do hope that my friends from Utah and Wyoming will not put themselves very obstinately across the path of this measure.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. STONE. I always yield to him.

Mr. CLARK of Wyoming. I hope the Senator will not think I am throwing myself across the path of this measure. On the contrary, I am seeking to perfect the bill, so that it will be effective for the very purpose which the Senator desires. I am not opposing this extension of time, but I want to do it in such a way that it will resist all efforts to upset the extension of time; that is all.

If the Senator will pardon me for a moment, I think the Senator from Florida has in his hand now a proposition which he proposes to submit as an amendment that will remove the objection which I had to the wording of the bill and fill all the purposes I desire to accomplish.

Mr. STONE. If it is a mere matter of phraseology, I will leave that to the Senator from Wyoming and the Senator from Florida to settle.

Mr. CLARK of Wyoming. If the Senator had listened to me, I think he would have observed that it was a mere matter of phraseology upon my part in the interest of the measure.

Mr. STONE. I have said all I care to say.

Mr. SMOOT. I wish to say to the Senator from Missouri——

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I will yield gladly in just a moment. I desire to say to the Senator from Missouri that I have no intention of obstructing the passage of this bill if the Senate feels that the present system is better than that proposed in the reorganization plan. It has developed here to-day that whenever the headquarters of a district have been removed from any State and a city in that State reduced to a subport of entry or even a port of entry, there has been objection upon the part of Senators representing that State. I thought that Missouri was well taken care of under the plan of reorganization as it has been reported to me from the department, because to-day St. Louis is nothing more than a port of delivery, and they have taken St. Louis from the status of a port of delivery, presided over by a surveyor of customs, and made her the headquarters of a district, with a collector in charge.

Mr. STONE. And the collector is the deputy of the present chief of that port.

Mr. SMOOT. The present chief of what port?

Mr. STONE. The port of Kansas City.

Mr. SMOOT. Well, so far as that is concerned, as soon as the reorganization plan goes into effect he will be the collector and not a surveyor of customs.

Mr. STONE. I beg pardon. As I understand, the deputy of the present surveyor or collector, or whatever he may be called, at Kansas City or some one else remains in charge as the deputy of the chief of the district at St. Louis.

Mr. SMOOT. I can not say who will be appointed.

Mr. STONE. He is not appointed; he is under civil service; but I do not care about that. Here is the fact, if the Senator will pardon me: Under this arrangement the district of which St. Louis is the center, known as district No. 46, would consist of the States of Missouri, Kansas, Arkansas, Oklahoma, and the south half of Illinois. That makes Kansas City a pretty small star in that firmament.

Mr. SMOOT. Mr. President, of course I am not going to discuss that question any further, except simply to state the matter again as I understand it, and that is that in the reorganization plan St. Louis is a new district, called the St. Louis district, the port of entry of which will be St. Louis

and which will take in the territory that has been mentioned by the Senator from Missouri. It is true that it advances St. Louis and leaves Kansas City just as it is; but it certainly is an advantage to St. Louis.

Mr. FLETCHER. Mr. President, I desire to state that I will not take up the time of the Senate in discussing the pros and cons of this matter; nor do I concede that the impression of the Senator from Utah as to the grounds of objection to the order that was made on March 3 last are precisely as he has indicated. Those are matters of detail which, if the time is extended, we are to take up with the President and with the Secretary of the Treasury, to be thrashed out there, and I do not intend to go into that question at all. The proposition here is to suspend the operation of this order and then to extend the right and the power of the President until January 1, 1914.

Upon reflection I concede the point raised by the Senator from Wyoming [Mr. CLARK] upon the legal question. The President having already actually signed the order which he was authorized to sign by the act of August 24, 1912, there may be some doubt whether the bill in its present language would effect the purpose both of the Secretary and of the committee. Therefore I am going to offer these amendments:

After the word "the," where it occurs the first time, in line 7, page 2, insert "operation of the Executive order of March 3, 1913, made and promulgated." Strike out the words "time for the performance by the President of the acts and things authorized to be done and performed by him." Insert, in line 15, after the words "shall be," the words "suspended and the time for said reorganization." Then, at the end of that paragraph, in line 16, after the word "fourteen," insert "and that until the last-mentioned date the President is hereby authorized to modify, change, and amend the same"; so that, if amended, the first paragraph of the bill will read as follows:

That the operation of the Executive order of March 3, 1913, made and promulgated under the provisions of chapter 355 of the Statutes at Large, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, in so far as these relate to the reorganization of the customs service, shall be suspended and the time for said reorganization extended until January 1, 1914, and that until the last-mentioned date the President is hereby authorized to modify, change, and amend the same.

I offer that as an amendment to the amendment reported by the committee.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Florida to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment reported by the committee as amended.

Mr. NORRIS. Mr. President, since the bill has been amended I should like to inquire of the Senator from Florida whether the act giving to the President authority to reorganize these districts limited the discretion of the President in any way in the reorganization. As to the number of districts or as to the expense connected with the service, is there a limitation in the law?

Mr. FLETCHER. The act, I will say to the Senator from Nebraska, under which the President issued this order is the act of August 24, 1912, and the particular provision is found on page 20 of the sundry civil bill. That is not changed by the pending proposition.

Mr. NORRIS. I understand that is not changed, but does that act fix——

Mr. FLETCHER. I will read the provisions of the act.

Mr. NORRIS. I have it here. That act simply fixes the limit of cost of the service at $10,150,000 instead of $10,500,000.

Mr. FLETCHER. Yes.

Mr. NORRIS. And of course this bill, if it were enacted, would still compel the reorganization to be made within the limitations fixed by the act.

Mr. FLETCHER. It extends the time. I have not sought to amend the last clause of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the proposed reorganization of the customs service for a period of six months."

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO FRIDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Friday next at 2 o'clock p. m.

The motion was agreed to.

CLOTURE AND DILATORY TACTICS.

Mr. OWEN. I desire to give notice that on Friday next, the 13th instant, following the routine morning business, I shall address the Senate on the subject of cloture and dilatory tactics.

INDIAN APPROPRIATION BILL.

Mr. STONE. I desire to give notice that on Friday next, immediately after the close of the morning business, I shall move to take up for consideration House bill 1917, the Indian appropriation bill.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until Friday, June 13, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 10, 1913.

CIVIL SERVICE COMMISSIONERS.

Charles M. Galloway, of South Carolina, to be a Civil Service Commissioner, vice John C. Black, resigned.

Hermon W. Craven, of the State of Washington, to be a Civil Service Commissioner, vice William S. Washburn, resigned.

JUDGE OF THE DISTRICT COURT OF ALASKA.

Frederick M. Brown, of Alaska, to be judge of the district court of the District of Alaska, to be assigned to Division No. 3, vice Peter D. Overfield, whose term will expire at the close of June 15, 1913.

UNITED STATES MARSHAL.

A. B. Gray, of Nevada, to be United States marshal for the district of Nevada, vice Harry J. Humphreys, whose term has expired.

PUBLIC PRINTER.

Cornelius Ford, of New Jersey, to be Public Printer, vice Samuel B. Donnelly, resigned.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Kirkwood H. Donavin,
William R. Smith, jr.,
Frank J. Wille,
Elwin F. Cutts,
John C. Latham,
Clarence C. Thomas,
Stuart O. Grieg,
Charles M. James,
Joseph S. Hulings, and
Franklin P. Conger.

Passed Asst. Surg. Albert J. Geiger to be a surgeon in the Navy from the 28th day of October, 1912.

Benjamin F. Iden, jr., a citizen of Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 4th day of June, 1913.

Second Lieut. Edward M. Reno to be a first lieutenant in the Marine Corps from the 3d day of January, 1913.

Second Lieut. Joseph D. Murray to be a first lieutenant in the Marine Corps from the 16th day of May, 1913.

Lieut. Col. Charles L. McCawley, assistant quartermaster, to be a quartermaster in the Marine Corps with the rank of colonel from the 2d day of June, 1913.

Maj. William B. Lemly, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 2d day of June, 1913.

Professor of Mathematics Guy K. Calhoun, with the rank of ensign, to be a professor of mathematics in the Navy with the rank of lieutenant (junior grade) from the 6th day of June, 1913.

POSTMASTERS.

ALABAMA.

Edward C. Barnes to be postmaster at Evergreen, Ala., in place of G. Cullen Dean. Incumbent's commission expired February 27, 1912.

J. W. Barnes to be postmaster at Prattville, Ala., in place of Charles Booth, resigned.

J. F. Beatty to be postmaster at Atmore, Ala., in place of William Wagner. Incumbent's commission expired December 16, 1912.

Clarence Byrd to be postmaster at Opp, Ala., in place of Edgar A. McFerrin. Incumbent's commission expired February 20, 1913.

Josephine Carlisle to be postmaster at Girard, Ala. Office became presidential January 1, 1913.

W. H. Cleere to be postmaster at Haleyville, Ala., in place of Newman H. Freeman. Incumbent's commission expired April 1, 1913.

J. W. Horn to be postmaster at Brantley, Ala. Office became presidential January 1, 1912.

Richard C. McCarty to be postmaster at Slocomb, Ala., in place of Lemuel A. Carroll. Incumbent's commission expired February 20, 1913.

ARKANSAS.

H. R. Cantrell to be postmaster at Mansfield, Ark., in place of James W. Harper. Incumbent's commission expired May 18, 1913.

Stephen R. George to be postmaster at Magazine, Ark., in place of Richard P. Chitwood. Incumbent's commission expired June 2, 1913.

L. J. Miller to be postmaster at De Witt, Ark., in place of Edward Bowers. Incumbent's commission expired January 14, 1913.

CALIFORNIA.

Jesse D. Brite to be postmaster at Tehachapi, Cal., in place of Peter J. McFarlane. Incumbent's commission expired January 22, 1913.

Alexander Ludwig to be postmaster at Redding, Cal., in place of Angus J. Drynan, resigned.

Mary F. Stevenson to be postmaster at Imperial, Cal., in place of Horace E. Allatt. Incumbent's commission expired February 11, 1913.

R. H. Summers to be postmaster at Colton, Cal., in place of Wilson Hays, deceased.

COLORADO.

F. F. Reinert to be postmaster at Fort Morgan, Colo., in place of Frank E. Baker, removed.

Bruce Russell to be postmaster at Yuma, Colo., in place of K. B. Frantz, resigned.

CONNECTICUT.

J. A. Leahy to be postmaster at Plainfield, Conn. Office became presidential October 1, 1912.

Frederick H. Smith to be postmaster at Darien, Conn., in place of G. T. Schlueter, deceased.

GEORGIA.

Thomas K. Dunham to be postmaster at Darien, Ga., in place of T. K. Dunham. Incumbent's commission expired May 18, 1913.

Hattie F. Gilmer to be postmaster at Toccoa, Ga., in place of Hattie F. Gilmer. Incumbent's commission expired January 22, 1913.

Martha E. Gorham to be postmaster at Crawfordville, Ga., in place of Martha E. Gorham. Incumbent's commision expired January 27, 1913.

Josephine Hilliard to be postmaster at Union Point, Ga., in place of B. L. Bryan. Incumbent's commission expired January 27, 1913.

Alman G. Hockenhull to be postmaster at Cumming, Ga., in place of John E. Puett. Incumbent's commission expired May 22, 1912.

John N. King to be postmaster at Rochelle, Ga., in place of John N. King. Incumbent's commission expired March 3, 1913.

A. J. Lovelady to be postmaster at Ball Ground, Ga., in place of Levi L. Spence. Incumbent's commission expired May 7, 1912.

John S. McKenzie to be postmaster at Comer, Ga., in place of Henry M. Bird. Incumbent's commission expired January 27, 1913.

L. F. Maxwell to be postmaster at Cornelia, Ga., in place of Isaac T. Sellers. Incumbent's commission expired February 20, 1913.

W. A. Talley to be postmaster at Milltown, Ga., in place of John W. Berryhill. Incumbent's commission expired May 18, 1913.

HAWAII.

A. H. Silva, jr., to be postmaster at Kahului, Hawaii, in place of J. N. S. Williams. Incumbent's commission expired April 1, 1913.

IDAHO.

C. W. Greenough to be postmaster at Cottonwood, Idaho, in place of Susan T. Libbey, resigned.

Charles L. Hollar to be postmaster at Kellogg, Idaho, in place of John E. Jones, resigned.

ILLINOIS.

Wilson M. Bering to be postmaster at Decatur, Ill., in place of William F. Calhoun, resigned.

L. P. Cooper to be postmaster at East Alton, Ill., in place of C. J. Ferguson. Incumbent's commission expired February 20, 1913.

C. A. Fletcher to be postmaster at Mendon, Ill. Office became presidential January 1, 1913.

August E. Harken to be postmaster at Peotone, Ill., in place of John C. Adams. Incumbent's commission expired February 9, 1913.

Frank J. Kelleher to be postmaster at Seneca, Ill., in place of Joel W. Ellis. Incumbent's commission expired December 14, 1912.

W. L. McCandless to be postmaster at Pinckneyville, Ill., in place of Robert H. Roe, resigned.

George Petertil to be postmaster at Berwyn, Ill., in place of M. M. Hitchcock. Incumbent's commission expired June 9, 1913.

Hugh C. Smith to be postmaster at Lake Forest, Ill., in place of Mary McLaughlin. Incumbent's commission expired December 16, 1909.

John W. Starkey to be postmaster at Roodhouse, Ill., in place of W. C. Roodhouse, removed.

Charles J. Wightman to be postmaster at Grayslake, Ill., in place of Edward F. Shaffer, removed.

INDIANA.

Charles F. Bardonner to be postmaster at Cicero, Ind., in place of Shad Young. Incumbent's commission expired January 14, 1913.

Charles E. Couch to be postmaster at Sheridan, Ind., in place of H. H. Newby. Incumbent's commission expired January 13, 1913.

James F. Harding to be postmaster at Brownsburg, Ind. Office became presidential January 1, 1913.

William B. Vestal to be postmaster at Greencastle, Ind., in place of A. O. Lockridge, removed.

IOWA.

Daniel H. Bauman to be postmaster at Webster City, Iowa, in place of Russell G. Clark. Incumbent's commission expired February 14, 1911.

L. H. Brede to be postmaster at Dubuque, Iowa, in place of Herman Ternes. Incumbent's commission expired February 20, 1913.

Frank Carpenter to be postmaster at Estherville, Iowa, in place of George C. Allen. Incumbent's commission expired December 20, 1910.

Edward Z. Dempsey to be postmaster at Dysart, Iowa, in place of Albert R. Kullmer. Incumbent's commission expired January 11, 1913.

William Frew to be postmaster at Hiteman, Iowa, in place of John C. Roberts. Incumbent's commission expired February 20, 1913.

Thomas Geneva to be postmaster at What Cheer, Iowa, in place of George A. Poff. Incumbent's commission expired March 16, 1909.

Leo L. Hamblin to be postmaster at Walker, Iowa, in place of Charles C. Barry. Incumbent's commission expired December 14, 1912.

John W. Hanna to be postmaster at Winfield, Iowa, in place of William Cardon. Incumbent's commission expired May 18, 1913.

Elmer Hopkins to be postmaster at Whiting, Iowa, in place of Edgar O. Beanblossom. Incumbent's commission expired December 14, 1912.

A. G. Johnson to be postmaster at Marshalltown, Iowa, in place of Charles H. Smith, deceased.

Eva Keith to be postmaster at Goldfield, Iowa, in place of Eva Keith. Incumbent's commission expired January 11, 1913.

Frank Kenney to be postmaster at Oxford Junction, Iowa, in place of Lewis W. Sley. Incumbent's commission expired December 14, 1912.

Frank Kussart to be postmaster at Eddyville, Iowa, in place of J. M. Crosson. Incumbent's commission expired February 9, 1913.

Thomas J. McCaffrey to be postmaster at West Bend, Iowa, in place of James B. Martin. Incumbent's commission expired February 12, 1912.

John S. Moon to be postmaster at Kellerton, Iowa, in place of W. L. Gustin. Incumbent's commission expired January 11, 1913.

Andrew T. O'Brien to be postmaster at Independence, Iowa, in place of Harry C. Chapple. Incumbent's commission expired February 20, 1913.

Joseph H. Riseley to be postmaster at Winthrop, Iowa, in place of Harry Higman. Incumbent's commission expired January 11, 1913.

Sam Robinson to be postmaster at Gravity, Iowa. Office became presidential January 1, 1912.

Rudolph W. Schug to be postmaster at Strawberry Point, Iowa, in place of Gilbert Cooley, deceased.

Fred S. Stoddard to be postmaster at Jesup, Iowa, in place of John C. Felts. Incumbent's commission expired February 20, 1913.

Bessie C. Swan to be postmaster at Story City, Iowa, in place of Annas M. Henderson. Incumbent's commission expired January 9, 1912.

A. E. Thomas to be postmaster at Buxton, Iowa, in place of E. T. Mills. Incumbent's commission expired April 13, 1912.

KANSAS.

Viola Hamilton to be postmaster at Altamont, Kans., in place of Frank E. George. Incumbent's commission expired January 11, 1913.

Edward Corrigan to be postmaster at Effingham, Kans., in place of Charles E. Green. Incumbent's commission expired February 11, 1913.

Marion E. Henderson to be postmaster at Haven, Kans., in place of William J. Waterbury. Incumbent's commission expired April 23, 1913.

E. C. McDermott to be postmaster at Spearville, Kans., in place of Eva M. Baird. Incumbent's commission expired January 14, 1913.

Thomas O'Mara to be postmaster at Colony, Kans., in place of E. T. Metcalf. Incumbent's commission expired April 15, 1913.

Eugene Skinner to be postmaster at Cherokee, Kans., in place of John F. Price. Incumbent's commission expired January 11, 1913.

W. A. Waddell to be postmaster at Cottonwood Falls, Kans., in place of June B. Smith. Incumbent's commission expired March 31, 1912.

LOUISIANA.

George D. Domengeaux to be postmaster at Breaux Bridge, La., in place of George D. Domingeaux, to correct name of appointee.

Harry J. Geary to be postmaster at Lake Charles, La., in place of Tolbert J. Wakefield. Incumbent's commission expires June 14, 1913.

J. H. Houck to be postmaster at Gibsland, La., in place of M. L. Tatum. Incumbent's commission expired April 19, 1913.

Frank G. Hulse to be postmaster at Delhi, La., in place of Lavinia Insley. Incumbent's commission expired February 18, 1913.

John R. Nash to be postmaster at Logansport, La. Office became presidential October 1, 1911.

MAINE.

Menander Dennett to be postmaster at Lewiston, Me., in place of William T. Smart, resigned.

MASSACHUSETTS.

John H. Flavell to be postmaster at Hanover, Mass. Office became presidential October 1, 1912.

John H. Kane to be postmaster at Lexington, Mass., in place of L. A. Saville, deceased.

James H. Roach to be postmaster at Winchester, Mass., in place of John W. Richardson, resigned.

MICHIGAN.

Henry A. Bishop to be postmaster at Millington, Mich., in place of David J. Evans. Incumbent's commission expired December 14, 1912.

Charles W. Cargo to be postmaster at Bellevue, Mich., in place of George A. Barnes, resigned.

M. S. Carney to be postmaster at Decatur, Mich., in place of Arba N. Moulton. Incumbent's commission expired April 8, 1913.

John S. Hardy to be postmaster at Honor, Mich., in place of Wesley T. Smith, removed.

John Lutz to be postmaster at Saline, Mich., in place of A. M. Humphrey. Incumbent's commission expired December 14, 1912.

John W. O'Leary to be postmaster at Brooklyn, Mich., in place of George L. Worthington. Incumbent's commission expired January 11, 1913.

Allen E. Stebbins to be postmaster at Sheridan, Mich. Office became presidential January 1, 1913.

David E. Storms to be postmaster at Harrisville, Mich., in place of Carl M. Lund. Incumbent's commission expired January 11, 1913.

R. D. Watson to be postmaster at Rochester, Mich., in place of Winthrop A. Hayes. Incumbent's commission expired April 25, 1910.

Isaac C. Wheeler to be postmaster at Manton, Mich., in place of Charles H. Bostick, removed.

William H. Wint to be postmaster at Williamston, Mich., in place of Eber S. Andrews. Incumbent's commission expired December 14, 1912.

MINNESOTA.

John Deviny to be postmaster at Owatonna, Minn., in place of James M. Diment. Incumbent's commission expired January 22, 1913.

Charles H. Dietz to be postmaster at Mapleton, Minn., in place of C. G. Spaulding, resigned.

G. A. Earhuff to be postmaster at North St. Paul, Minn., in place of C. B. Boody, resigned.

M. F. Finnigan to be postmaster at Morris, Minn., in place of Charles A. Lee. Incumbent's commission expired January 12, 1913.

John F. Flynn to be postmaster at Worthington, Minn., in place of Frank R. Coughran, resigned.

F. W. Kramer to be postmaster at Lewiston, Minn. Office became presidential January 1, 1913.

Michael Hollaren to be postmaster at Ellsworth, Minn., in place of James Walker. Incumbent's commission expired December 14, 1912.

Mark T. Randall to be postmaster at Amboy, Minn., in place of Harry E. Woodis. Incumbent's commission expired April 5, 1913.

Enoch E. Ritchie to be postmaster at Howard Lake, Minn., in place of Mark M. Woolley. Incumbent's commission expired February 9, 1913.

Hugh Toohey to be postmaster at Fulda, Minn., in place of Jesse A. Maxwell, resigned.

MISSISSIPPI.

C. W. Bolton to be postmaster at Pontotoc, Miss., in place of James W. Bell. Incumbent's commission expired February 9, 1913.

David Walley to be postmaster at Richton, Miss., in place of John L. McCoy. Incumbent's commission expired May 26, 1913.

MISSOURI.

W. L. Hixson to be postmaster at Billings, Mo., in place of Alonzo Turner. Incumbent's commission expired April 8, 1913.

L. M. Hutcherson to be postmaster at Warrenton, Mo., in place of Iola W. Morsey. Incumbent's commission expired December 14, 1912.

Louie L. Jobe to be postmaster at Bloomfield, Mo., in place of Frank McNew. Incumbent's commission expired May 7, 1913.

Louie C. Mattox to be postmaster at Cuba, Mo., in place of Andrew S. Munro. Incumbent's commission expired April 19, 1913.

William C. Murray to be postmaster at Doniphan, Mo., in place of Otis M. Gary. Incumbent's commission expired January 12, 1913.

NEBRASKA.

W. C. Bartlett to be postmaster at Elmwood, Nebr., in place of W. K. Sargent, resigned.

Edward J. Brady to be postmaster at McCook, Nebr., in place of Lon Cone. Incumbent's commission expired April 1, 1913.

V. W. Clayton to be postmaster at Wisner, Nebr., in place of Frank C. Evans. Incumbent's commission expired March 1, 1913.

J. B. Lane to be postmaster at Blue Hill, Nebr., in place of A. D. McNeer, resigned.

Frank D. Strope to be postmaster at Orchard, Nebr., in place of William E. Alexander. Incumbent's commission expired January 11, 1913.

NEW HAMPSHIRE.

Irving H. Hicks to be postmaster at Contoocook, N. H., in place of Frank I. Morrill. Incumbent's commission expired April 5, 1913.

NEW JERSEY.

Samuel H. Chatten to be postmaster at Pennington, N. J., in place of Joshua L. Allen. Incumbent's commission expired January 11, 1913.

John J. Foley to be postmaster at Bernardsville, N. J., in place of Alfred B. Gibb. Incumbent's commission expired January 13, 1913.

Joseph Mark to be postmaster at South River, N. J., in place of Samuel Gordon. Incumbent's commission expired January 11, 1913.

NEW YORK.

Edwin Clute to be postmaster at Schenectady, N. Y., in place of James H. Callanan. Incumbent's commission expired January 16, 1912.

Michael Finigan to be postmaster at Norwich, N. Y., in place of J. Johnson Ray. Incumbent's commission expired December 16, 1912.

Jacob L. Hicks to be postmaster at Highland Falls, N. Y., in place of Joseph F. Stephens. Incumbent's commission expired January 22, 1913.

J. Mailler Hunt to be postmaster at Chappaqua, N. Y., in place of Henry W. Bischoff. Incumbent's commission expired January 12, 1913.

Andrew Mealey to be postmaster at Greenwich, N. Y., in place of Mortimer R. Tefft. Incumbent's commission expired December 16, 1912.

Fred L. Merrell to be postmaster at Copenhagen, N. Y., in place of Fred A. Green. Incumbent's commission expired January 21, 1913.

John Puvogel to be postmaster at Hicksville, N. Y., in place of Samuel P. Poole. Incumbent's commission expired April 13, 1913.

F. L. Tripp to be postmaster at Pine Plains, N. Y., in place of John W. Hedges. Incumbent's commission expired January 21, 1913.

W. S. Waterbury to be postmaster at Ballston Spa, N. Y., in place of Hiro J. Settle. Incumbent's commission expired February 18, 1913.

NORTH CAROLINA.

E. H. Avent to be postmaster at East Durham, N. C. Office became presidential January 1, 1913.

J. H. Bowen to be postmaster at West Durham, N. C., in place of Lonnie E. Pickard. Incumbent's commission expired February 19, 1912.

A. N. Bulla to be postmaster at Randleman, N. C., in place of Luren D. Mendenhall. Incumbent's commission expired January 28, 1912.

J. H. Carter to be postmaster at Mount Airy, N. C., in place of Robert T. Joyce. Incumbent's commission expired February 24, 1912.

P. J. Caudell to be postmaster at St. Pauls, N. C., in place of P. J. Caudell, to correct name of post office.

W. F. Flowers to be postmaster at Fremont, N. C. Office became presidential January 1, 1913.

W. G. Fussell to be postmaster at Rosehill, N. C. Office became presidential January 1, 1913.

G. W. Hill to be postmaster at Vineland, N. C. Office became presidential July 1, 1910.

A. H. Huss to be postmaster at Cherryville, N. C. Office became presidential January 1, 1913.

D. J. Kerr to be postmaster at Canton, N. C., in place of Charles F. Smathers. Incumbent's commission expired January 28, 1912.

H. D. Lambeth to be postmaster at Elon College, N. C. Office became presidential January 1, 1912.

J. H. Lane to be postmaster at Leaksville, N. C., in place of Mattie S. Martin. Incumbent's commission expired May 16, 1912.

S. S. Lockhart to be postmaster at Wadesboro, N. C., in place of Percy B. Matheson. Incumbent's commission expired February 27, 1912.

E. T. McKeithen to be postmaster at Aberdeen, N. C., in place of James McN. Johnson. Incumbent's commission expired January 28, 1912.

Robert S. McRae to be postmaster at Chapel Hill, N. C., in place of William E. Lindsay. Incumbent's commission expired February 12, 1912.

J. W. Noell to be postmaster at Roxboro, N. C., in place of Henry J. Whitt. Incumbent's commission expired December 17, 1911.

W. L. Ormand to be postmaster at Bessemer City, N. C. Office became presidential January 1, 1913.

C. D. Osborn to be postmaster at Oxford, N. C., in place of John W. Brown. Incumbents' commission expired February 27, 1912.

L. M. Sheffield to be postmaster at Spray, N. C., in place of J. Sanford Patterson. Incumbent's commission expired March 20, 1912.

NORTH DAKOTA.

Peter Karpen to be postmaster at Medina, N. Dak., in place of Mary C. Dwyer. Incumbent's commission expired April 15, 1913.

T. H. Woldy to be postmaster at Edmore, N. Dak., in place of Ezra M. Crary. Incumbent's commission expired May 18, 1913.

OHIO.

L. S. Baker to be postmaster at Weston, Ohio, in place of Charles B. Saxby. Incumbent's commission expires June 12, 1913.

William Briggs to be postmaster at New Holland, Ohio, in place of Percy May. Incumbent's commission expired January 13, 1913.

B. E. Custer to be postmaster at Montpelier, Ohio, in place of Frank G. Hoskinson. Incumbent's commission expires June 12, 1913.

George D. Dunathan to be postmaster at Findlay, Ohio, in place of Theodore Totten. Incumbent's commission expired January 26, 1913.

Emile F. Juillard to be postmaster at Stryker, Ohio, in place of Sylvanus P. Louys. Incumbent's commission expires June 12, 1913.

H. E. Kinzly to be postmaster at Nevada, Ohio, in place of William P. Gillam. Incumbent's commission expired May 16, 1912.

Rufus R. Kurtz to be postmaster at Sycamore, Ohio, in place of Ward B. Petty. Incumbent's commission expired May 12, 1913.

Frank V. Lantz to be postmaster at McArthur, Ohio, in place of Thomas C. Kelly, resigned.

Arthur L. McCarthy to be postmaster at Franklin, Ohio, in place of Seymour S. Tibbals. Incumbent's commission expired April 5, 1913.

Neal M. Osborn to be postmaster at Burton, Ohio, in place of David F. Owen. Incumbent's commission expired January 21, 1913.

Byron C. Porter to be postmaster at Kinsman, Ohio, in place of Louis G. Bidwell. Incumbent's commission expired January 21, 1913.

OKLAHOMA.

J. M. Ennis to be postmaster at Antlers, Okla., in place of Charles E. Archer. Incumbent's commission expired April 20, 1913.

Robert E. Lee Woods to be postmaster at Duncan, Okla., in place of Leonard M. De Ford, removed.

Francis M. Reed, jr., to be postmaster at Afton, Okla., in place of Frank Victor. Incumbent's commission expired January 14, 1913.

Charles J. Townsend to be postmaster at Idabel, Okla., in place of Daniel Strawn. Incumbent's commission expired January 14, 1913.

J. Lee Wilemon to be postmaster at Rush Springs, Okla., in place of John Coyle. Incumbent's commission expired April 20, 1913.

PENNSYLVANIA.

T. F. Berney to be postmaster at Tower City, Pa., in place of Leanus Schreiner. Incumbent's commission expired April 15, 1913.

Matthew M. Cusack to be postmaster at Steelton, Pa., in place of Henry F. Hershey, deceased.

James G. Downward, jr., to be postmaster at Coatesville, Pa., in place of Albert H. Swing. Incumbent's commission expired December 16, 1912.

E. Howell Fisk to be postmaster at Dalton, Pa., in place of Frank M. Tiffany. Incumbent's commission expired February 9, 1913.

J. C. Harding to be postmaster at Windber, Pa., in place of Abraham F. Berkey. Incumbent's commission expired January 11, 1913.

Stephen L. Hennigan to be postmaster at Old Forge, Pa., in place of Thomas Pickrell. Incumbent's commission expired February 20, 1913.

Edward M. Hirsh to be postmaster at Tamaqua, Pa., in place of F. D. Freudenberger. Incumbent's commission expired May 18, 1913.

Charles A. Hoff to be postmaster at Lykens, Pa., in place of Henry Feindt, resigned.

William F. Johnston to be postmaster at Westgrove, Pa., in place of William T. Dantz. Incumbent's commission expired February 15, 1911.

D. J. Kyle to be postmaster at Harrisville, Pa. Office became presidential January 1, 1912.

G. B. Livingston to be postmaster at Conneaut Lake, Pa., in place of Royal A. Stratton. Incumbent's commission expired December 16, 1912.

Joshua P. Lamborn to be postmaster at Berwyn, Pa., in place of Henry O. Garber. Incumbent's commission expired December 16, 1912.

Shepherd M. Lash to be postmaster at Herminie, Pa., in place of Burrell G. Ingraham. Incumbent's commission expired February 10, 1912.

Junius W. U. McBride to be postmaster at Beaver, Pa., in place of Harry J. Boyde. Incumbent's commission expired May 15, 1912.

John D. Moore to be postmaster at Oxford, Pa., in place of Alexander H. Ingram. Incumbent's commission expired January 29, 1913.

W. H. Portser to be postmaster at Saltsburg, Pa., in place of Joseph A. McClaran. Incumbent's commission expired April 1, 1913.

John H. Rahn to be postmaster at Schwenkville, Pa., in place of V. G. Prizer, resigned.

T. Cheyney Scott to be postmaster at Malvern, Pa., in place of Edward Weir. Incumbent's commission expired February 9, 1913.

Samuel G. Shannon to be postmaster at Norwood Station, Pa. Office became presidential October 1, 1912.

Oscar Wolfensberger to be postmaster at Lemoyne, Pa. Office became presidential January 1, 1913.

SOUTH CAROLINA.

Rufus G. Durham to be postmaster at Landrum, S. C. Office became presidential January 1, 1912.

William M. McMillan to be postmaster at Clinton, S. C., in place of John P. Little. Incumbent's commission expired February 9, 1913.

T. M. Mahon to be postmaster at Williamston, S. C., in place of A. G. Pinckney. Incumbent's commission expired March 2, 1913.

John H. Rothrock to be postmaster at Inman, S. C. Office became presidential January 1, 1912.

SOUTH DAKOTA.

Rush O. Fellows to be postmaster a Bellefourche, S. Dak., in place of Marion H. Moore. Incumbent's commission expired December 17, 1912.

O. M. Iverson to be postmaster at Hudson, S. Dak., in place of Alexander B. Coutts. Incumbent's commission expired April 9, 1913.

TENNESSEE.

R. E. L. Brasfield to be postmaster at Dresden, Tenn., in place of John P. Gibbs. Incumbent's commission expired May 15, 1912.

C. B. Bowden to be postmaster at Martin, Tenn., in place of W. H. Wilson. Incumbent's commission expired April 28, 1912.

J. C. French to be postmaster at Memphis, Tenn., in place of Leander W. Dutro. Incumbent's commission expired May 28, 1912.

R. D. Hunt to be postmaster at Sharon, Tenn. Office became presidential January 1, 1913.

J. F. Johnson to be postmaster at Watertown, Tenn., in place of James A. Cox. Incumbent's commission expired May 23, 1912.

TEXAS.

John J. Ball to be postmaster at Orange, Tex., in place of James B. Seargent. Incumbent's commission expired March 29, 1913.

Ralph H. Barnett to be postmaster at Hereford, Tex., in place of Clarence Smith. Incumbent's commission expired December 16, 1911.

Myrtle C. Bradshaw to be postmaster at Roxton, Tex. Office became presidential October 1, 1912.

Kate G. Burke to be postmaster at Crosbyton, Tex. Office became presidential January 1, 1913.

W. H. Cook to be postmaster at Henrietta, Tex., in place of T. F. Berner. Incumbent's commission expired April 15, 1913.

W. L. Coleman to be postmaster at Alpine, Tex., in place of Louis W. Durrell. Incumbent's commission expired April 28, 1912.

M. C. Fields to be postmaster at Lott, Tex., in place of C. A. Cox. Incumbent's commission expired December 16, 1912.

E. R. Fleming to be postmaster at Victoria, Tex., in place of Edward H. Clark. Incumbent's commission expired January 11, 1913.

J. W. Gaskin to be postmaster at Jacksboro, Tex., in place of Evert Johnson. Incumbent's commission expired December 16, 1912.

Henry Van Geem to be postmaster at Eastland, Tex., in place of D. G. Hunt, removed.

J. W. Hardcastle to be postmaster at Lexington, Tex. Office became presidential January 1, 1913.

W. B. Hutchison to be postmaster at Tulia, Tex., in place of Jeff Potter. Incumbent's commission expired January 28, 1913.

F. P. Ingerson to be postmaster at Barstow, Tex., in place of F. P. Ingerson. Incumbent's commission expired April 28, 1912.

George P. Knight to be postmaster at Stephenville, Tex., in place of W. H. Christian. Incumbent's commission expired January 13, 1906.

Henry L. Luckett to be postmaster at Toyah, Tex., in place of E. I. Ellis. Incumbent's commission expired March 1, 1913.

John W. Miller to be postmaster at Dilley, Tex. Office became presidential October 1, 1912.

Charles B. Moore to be postmaster at Lovelady, Tex., in place of Charles B. Moore. Incumbent's commission expired April 28, 1912.

J. L. Noel to be postmaster at Pilot Point, Tex., in place of W. B. Carson. Incumbent's commission expired May 22, 1912.

T. J. Oden to be postmaster at Lindale, Tex., in place of Adelia C. Pruitt. Incumbent's commission expired January 28, 1913.

B. C. Sanford to be postmaster at Plainview, Tex., in place of George Keck. Incumbent's commission expired January 28, 1913.

G. W. Smith to be postmaster at Sonora, Tex. Office became presidential January 1, 1912.

Annie Stryker to be postmaster at Woodville, Tex., in place of John C. McBride. Incumbent's commission expired March 1, 1913.

Green B. Taylor to be postmaster at Pecan Gap, Tex. Office became presidential October 1, 1912.

J. W. Winsett to be postmaster at Higgins, Tex., in place of A. G. Mitchell. Incumbent's commission expired February 11, 1913.

T. P. Woodward to be postmaster at Yoakum, Tex., in place of Frank Quota, resigned.

VIRGINIA.

W. A. Broocks to be postmaster at Chase City, Va., in place of R. L. Hervey. Incumbent's commission expired December 14, 1912.

J. D. Crenshaw to be postmaster at Cambria, Va., in place of A. W. Moses. Incumbent's commission expired May 20, 1912.

Lulu M. Ray to be postmaster at Mount Jackson, Va., in place of Albert A. Evans, deceased.

I. Henry Savage to be postmaster at Chincoteague Island, Va., in place of John W. Field, deceased.

WEST VIRGINIA.

Wirt A. French to be postmaster at Princeton, W. Va., in place of J. H. Gadd, removed.

Harry B. Moore to be postmaster at Ronceverte, W. Va., in place of John Driscol, removed.

WISCONSIN.

Arthur R. Curtis to be postmaster at National Home, Wis., in place of Matthew O'Regan, deceased.

Samuel Dewar to be postmaster at Westfield, Wis., in place of Robert J. Audiss. Incumbent's commission expired February 9, 1913.

Charles A. Gesell to be postmaster at Tomahawk, Wis., in place of John L. Extrom. Incumbent's commission expired December 14, 1912.

Frank Gottsacker to be postmaster at Sheboygan, Wis., in place of Edward R. Mattoon, deceased.

Frank Hall to be postmaster at Rio, Wis., in place of Charles J. Linquist. Incumbent's commission expired May 6, 1912.

James F. Horan to be postmaster at Friendship, Wis. Office became presidential January 1, 1913.

W. C. Kiernan to be postmaster at Whitewater, Wis., in place of Frank B. Goodhue. Incumbent's commission expired January 11, 1913.

Wigand B. Krause to be postmaster at Port Washington, Wis., in place of Eugene S. Turner. Incumbent's commission expired April 24, 1912.

Max C. Stoltenow to be postmaster at Spencer, Wis. Office became presidential January 1, 1913.

Harvey Vincent to be postmaster at Park Falls, Wis., in place of Ray Haggerty. Incumbent's commission expired December 14, 1912.

WYOMING.

C. G. Mudd to be postmaster at Powell, Wyo. Office became presidential January 1, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 10, 1913.

MINISTER.

Thaddeus Austin Thomson to be envoy extraordinary and minister plenipotentiary of the United States of America to Colombia.

UNITED STATES ATTORNEYS.

J. Virgil Bourland to be United States attorney, western district of Arkansas.

Edward C. Love to be United States attorney for the northern district of Florida.

Herbert S. Phillips to be United States attorney for the southern district of Florida.

Fred Robertson to be United States attorney for the district of Kansas.

J. Warren Davis to be United States attorney for the district of New Jersey.

COLLECTOR OF INTERNAL REVENUE.

Josh T. Griffith to be collector of internal revenue for the second district of Kentucky.

POSTMASTERS.

ILLINOIS.

Marshall E. Daniel, McLeansboro.
John Odum, Harrisburg.

MASSACHUSETTS.

George P. Cooke, Milford.

OHIO.

H. B. Sibila, Massillon.

TENNESSEE.

Margaret G. Elliott, Murfreesboro.
J. C. French, Memphis.
J. N. Maxwell, Somerville.
Adam S. Nichols, Dandridge.
G. H. Rhodes, Whiteville.
I. R. Roberts, Erwin.
R. L. Strong, Collierville.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 10, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We rejoice, O God, our heavenly Father, in Thy goodness and in Thy wonderful works to the children of men. "The heavens declare Thy glory, and the firmament showeth Thy handiwork. Day unto day uttereth speech, and night unto night showeth knowledge. There is no speech nor language where their voice is not heard. Their line is gone out through all the earth and their words to the end of the world." And we rejoice with exceeding great joy that Thou didst reveal Thyself in the heart of the Christ as the Father of all men, and didst pour out Thy love for Thy children in the sublime sacrifice on the Cross of Calvary. We rejoice that the Christ spirit has been coming more abundantly and with greater potency into the hearts of men, uniting all peoples into one great family, teaching that what hurts one hurts all and what helps one helps all. Hasten the day, we beseech Thee, when all men shall recognize the sublime truth and practice it. In the spirit of the Christ. Amen.

The Journal of the proceedings of Friday, June 6, 1913, was read and approved.

LEAVE OF ABSENCE.

Mr. LOBECK, by unanimous consent, was granted leave of absence for two weeks on account of important business.

ADJOURNMENT UNTIL FRIDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 166.

Resolved, That the Committee on the District of Columbia is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 167.

Resolved, That the Committee on Expenditures in the Department of Agriculture is authorized to have such printing and binding done as shall be necessary for the discharge of the work of said committee during the Sixty-third Congress.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this committee had the authority in the last Congress?

Mr. DOUGHTON. I think so.

Mr. BURKE of South Dakota. Does the gentleman know?

Mr. DOUGHTON. I was not chairman of the committee in the last Congress, but I know they had lots of work done, and I know they had that authority.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

LEVEES ON THE MISSISSIPPI RIVER.

Mr. MCKELLAR. Mr. Speaker, on May 15 last Mr. Albert S. Caldwell, of Memphis, Tenn., president of the Mississippi River Levee Association, delivered an address before the Arkansas Press Association, then in session in Memphis, on the subject of levees on the Mississippi River, which address is such an excellent presentation of this great and live subject that I ask unanimous consent to print the address in the RECORD as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The address is as follows:

"The protection of the alluvial lands of the Mississippi River from overflow and the addition of this vast territory to the productive area of the United States is now generally admitted to be a national duty. The three great political bodies embodied declarations to this effect in their last platforms, and their candidates committed themselves to it during the campaign. On a recent visit to Washington I talked on this subject to 15 United States Senators from 12 different States, to many Members of Congress, to the Secretary of War, the Secretary of Commerce, and the President. Every one of them said he was convinced that this work was national in scope and too great to be undertaken alone by the affected localities. I also visited New York, and there saw the managers or editors in chief of many prominent newspapers and magazines, and found the same opinion prevailing as in Washington. But always the same question was asked: 'How can the Delta be protected from floods?' This question has been answered many times and, to my thinking, in a conclusive and convincing way, but the 'pseudo scientists' of the newspapers, as the Scientific American, in its issue of May 3, calls them, and others who seek notoriety by suggesting methods at variance with the overwhelming weight of scientific opinion, have so befuddled the public mind that many who are sincerely anxious to help the cure of this national ill are in doubt as to the remedy. The prospect seems so big that they overlook what they would do if they had a problem to solve in their own business. If it involved engineering knowledge and skill, they would unhesitatingly consult engineers, and would accept their methods if shown that such methods had proven effective elsewhere. This is an age of specializing, and no intelligent man in the conduct of his own affairs allows himself to be confused by the opinions of persons who have had no experience in the work he desires done.

A WORK FOR ENGINEERS.

"The protection and reclamation of the Delta of the Mississippi River is a work for engineers, and if they are practically unanimous on methods their decisions ought to be accepted. Unfortunately, however, there is a widespread effort to belittle the opinions of engineers and to cast doubt on their conclusions without offering anything in their place. The Panama Canal, the locks at the Soo, the new river at Detroit, and innumerable other works of great magnitude in the United States were not constructed by advocates of vague and untried methods, but by engineers. Experts and not the 'pseudo scientists of the newspapers' constructed the world's greatest tunnels, its railroads, its submarine cables, its bridges, its irrigation systems, and other wonderful works, and yet the opinions of the men who did these

great things and who have received the homage of the world count for little or naught with a certain newspaper which constructed the following remarkable sentence:

"The trouble with the levee expert is that if he were half as wise as he thinks he is he would be wise enough to know that he is not half as wise as he thinks he is.

"When it comes to a scheme of such magnitude and such far-reaching results as the protection of the Delta from overflow, a special obligation is imposed on those whose business is largely dependent on the prosperity of this region, to weigh carefully all proposed remedies and to refrain from confusing the public mind with a multiplicity of impractical projects, thus delaying, if not preventing, this beneficial work.

"Since many plans for the protection and reclamation of the Delta are now being advocated and the attention of the whole country is aroused through the public prints, I wish briefly to discuss some of them and to acquaint you with scientific opinion about the same.

RESERVOIRS.

"Reservoirs may be of value for small streams, but they are not feasible for as large a river as the Mississippi, even if the requisite land could be acquired, because their cost would be too great. As far back as 1860 a Government commission appointed by the United States, after years of investigation and study of the Mississippi River, reported:

"It has been demonstrated that no advantage can be derived either from diverting tributaries or constructing reservoirs.

"The Committee on Commerce of the United States Senate, after two years' careful work and the taking of testimony, which fills a large volume, reported in 1898 as follows:

"The cost of constructing and maintaining a system of reservoirs would be enormous and far greater than the cost of leveeing the entire river basin. This scheme is regarded by engineers as wholly impracticable. Your committee can discover no just or adequate relief in reservoirs.

"Col. C. McD. Townsend, in his address in Memphis last September, referring to the flood of 1912, said:

"It would require over $73,000,000 to build reservoirs that would hold the water that passed down the river in one day. The cost of storing one day's flow is ample for all the levee construction required on the river, while, if reliance is placed on reservoirs, provision must also be made for the other 48 days during which the river was above a bank-full stage.

"And in his speech of April 11, 1913, before the National Drainage Congress in St. Louis, Mo., referring to the Pennsylvania and Ohio floods of 1913, he said:

"This proposed system of reservoirs would have cost hundreds of millions of dollars and its effect on this year's flood height of the lower Mississippi could not possibly have exceeded 6 inches.

"Current Opinion, in its May issue, referring to the flood of 1913, says:

"In the entire Ohio Valley above Louisville 9,000,000,000 gallons of water fell. It would have taken 87 reservoirs each 20 miles long, 1 mile wide, and 25 feet deep to hold it.

"Make these into one, and you would have a reservoir 1,740 miles long and 1 mile wide and 25 feet deep, longer, wider, and deeper than the Mississippi River from Memphis to the Gulf. Without counting the cost of such reservoir, consider the small effect it would have had at Memphis. Col. Townsend, in his St. Louis speech, said:

"The water which passed Cairo on the 2d of April, 1913, came principally from the White and Wabash and the lower tributaries of the Ohio River, and after the waters of these rivers started to subside the flood from Cincinnati increased the flood heights at Cairo less than 1 foot.

"Even if the money and land could have been found for this enormous reservoir, how many more reservoirs would have been required to take care of waters from the White and Wabash, the Cumberland and the Tennessee in 1913, and what would they have cost? When floods come down the upper Mississippi or from the Missouri, how many and how large reservoirs would be required to hold their waters, where would they be placed—without speaking of the cost?

"Referring to the flood of 1912, which did not come from the Ohio Valley, Col. Townsend said in his St. Louis speech:

"To have retained the Mississippi flood of 1912 within its banks would have required a reservoir in the vicinity of Cairo, Ill., having an area of 7,000 square miles, slightly less than the State of New Jersey, and a depth of about 15 feet; the quantity of material to be excavated in its construction would be over 100,000,000,000 cubic yards, and its estimated cost from fifty to one hundred billions of dollars. Such a volume of earth would build a levee line 7,000 miles long and over 150 feet high.

"An interesting article in the Scientific American of May 3, 1913, written by Charles Whiting Baker, editor in chief of the Engineering News, after discussing the reservoir system at length, says:

"When we apply the cost of reservoir construction per million gallons of water stored to the huge volumes of water required to be stored, if we are to take care of the flood waters of rivers draining thousands of square miles, the magnitude of the sum required becomes appalling.

REFORESTATION.

"Expert investigation has proven that forests have very little to do with floods. The Senate Commerce Committee, to whose investigation I have referred, went into this matter fully, and reported as follows:

"Nothing in the evidence discloses the fact that the destruction of timber tends to cause or promote floods. It is the generally accepted opinion that it tends to rather diminish than to increase the rainfall.

"Col. Townsend, in his St. Louis speech, says:

"It is therefore apparent that even under the most extravagant claims of forestry advocates reforestation as a means of reducing flood heights on the Mississippi River requires the conversion of too much farming land into wilderness to be practicable. The waste land that can profitably be converted into forest reservations is too limited in area to produce an appreciable effect on floods. It requires from 20 to 50 years to produce a good forest growth, and over a century for the leaves of that forest to decay in sufficient quantities to produce the humus which will be satisfactory as an absorbent of rainfall. We can not afford to delay the drainage of the Mississippi Valley that long.

"The article in the Scientific American referred to gives some interesting facts on this question:

"There are many records of great torrents flowing over regions which were covered with dense forests. The flood in the Hudson River on March 27 and 29, 1913, was enormous and caused great damage at Troy and Albany, yet the height which the flood attained and the volume flowing in the river were less than the flood which occurred in February, 1857, and which was caused by water from the southern part of the Adirondack region. In 1857 nearly the whole of this region was covered with primeval forest. Better proof that a forest covering upon a watershed can not prevent great floods in the streams flowing from it can scarcely be given. Old records show also that in 1832 there was a flood in the Ohio River at Pittsburgh which was 5 feet higher than the flood of April, 1913. In 1832, however, a very large part of the watersheds of the Allegheny and Monongahela was covered with dense forests. The greatest flood height on record in the Mississippi River, at St. Louis, occurred in 1844 and the next highest in 1775. At both these dates the entire territory drained by the upper Mississippi and Missouri Rivers was in its natural condition. The recent floods—referring to those of 1913—were caused by an extraordinarily heavy rainfall, and nothing that man has done in the removal of the forest, cultivation of the ground, or the drainage of swamps had anything to do with it.

TRIBUTARIES AND OUTLETS.

"Other suggestions for reducing flood heights are the turning of some of the waters into tributaries, making cut-offs, and outlets. The United States commission in 1860 came to this conclusion:

"It has been demonstrated that no advantage can be derived from diverting tributaries and that the plans of cut-offs and of new or enlarged outlets to the Gulf are too costly and too dangerous to be attempted.

"The Senate Commerce Committee in 1898 says:

"Your committee can discover neither from the evidence nor from other sources any material relief from the outlet system.

"Col. Townsend, in his speech in Memphis on September 26, 1912, says:

"Cut-offs have been repeatedly tried in Europe as a means of reducing floods, but always with disastrous results. A cut-off affords relief at one locality, but at the expense of another.

"I thought the outlet plan had died with John Cowden, but only a day or two ago it bobbed up in a newspaper, and the old scheme of sending the Mississippi River to the Gulf through the Atchafalaya was again exploited. Owing to pressure brought to bear on the Government a number of years ago a thorough investigation of this scheme was made, and its futility as well as its appalling dangers were clearly proven.

"Since Cowden's scheme apparently has outlived him, I shall not be surprised to have the 'pseudoscientists of the newspapers' advocate canals on the east and west banks of the river as large as the river itself, insist on digging holes in the bottom of the river to connect with subterranean currents, and even the erection at regular intervals along the banks of hot-air outfits to increase evaporation.

ABOLITION OF THE LEVEE SYSTEM.

"While the total abolition of the levee system can hardly be considered a remedy for floods, yet some owners of lands wholly outside the levees and others who own no land anywhere cry for this. Even a certain newspaper, without the courage to openly advocate it but which almost daily declares levees to be a failure, every now and then hints at it and tries to persuade planters whose lands have been overflowed that the benefit to their soil from silt deposit more than offsets flood damage. It is needless to say that the sole proprietor of this paper does not own a plantation. It is asserted that with the levees removed the water would spread over a vast territory, would not be deep, and would run off quicker; but it is well known that the immense volume of water passing through levee crevasses takes much longer to reach outlets than when confined within the river's bank. The shallowness of an overflow as late as that of 1912, or in June, as sometimes has happened, and which would frequently happen without levees, is not of much consequence to the planter who sees the catfish sporting in the fur-

row and hears the bullfrog croaking in the meadow. To destroy present levees would be utterly impossible, and any attempt would be met not by injunction, the weapon of the law, but by the shotgun, a more immediate and effective weapon for the protection of property.

RISE OF RIVER BED.

"Before I come to levees as a means for flood protection I want to say a few words about the false statement which has often been made and is now frequently being made that levees cause the bed of the river to rise, and that after a while the bottom of the river will be where the top of the levees now is, and that, consequently, no limit can be placed on levee heights. To prove this it has been asserted that levees have caused the beds of certain European rivers to rise. Though this is not true, it is said and written over and over again. As far back as 1860 the Government commission, referring to the River Po, said:

"The extreme low water surface of the River Po has not changed perceptibly in more than two centuries, and consequently the bottom of the river has not been elevated during that time.

"Col. Townsend, in his address in Memphis last September, said:

"Several hundred years ago a French traveler visited Italy, and on his return reported that levees had raised the bed of the Po River. This statement was carefully investigated and found to be untrue, but it has traveled over the whole world wherever rivers have been improved and vexed the engineers in charge of their improvement. The French engineers have made careful investigation of the leveed rivers of France and found no evidence of such action. The Germans have studied the Rhine and the Austrians the rivers of Austria-Hungary and fail to detect it. The Mississippi River Commission has made similar observations of the Mississippi River and found more evidence of a scour than a fill.

"As great a newspaper as the New York Evening Post last February stated that levees had caused the bottom of the Mississippi River to rise, and what do you suppose was their authority? Mark Twain, when he was a pilot on the river. This paper did not take the trouble to find out whether the Government had taken soundings or if it had any reliable data on the subject, but relied entirely on Mark Twain's statement made years and years ago. Is it not astonishing?

LEVEES.

"A properly constructed levee system is the only feasible and economical method of preventing floods of the lower Mississippi River. This has been the opinion of all civilian engineers who have given the problem special study and of all United States engineers who have had charge of Government works along the river. As United States engineers are not allowed to stay in any locality more than two or three years and as there are many sections of the river each in charge of an officer, there have been many such in the last 25 years whose duty it was to investigate this system, and they have done so entirely free from personal interest or scientific prejudice. For a like period of time the Mississippi River Commission—a body composed of civilian engineers as well as those of the United States Army and a body varying greatly in its personnel over this period—has studied the subject and approved levees as the proper means for flood control.

"As far back as 1860 the Government commission, after discarding other methods, as I have already shown, came to this definite conclusion:

"The plan of levees which has always recommended itself by its simplicity and its direct repayment of investments, can be relied upon for protecting all of the alluvial bottom lands liable to inundation below Cape Girardeau.

"Another United States commission in 1875 so decided.

"The Senate Committee on Commerce in 1898 boldly declared:

"From all the evidence taken by your committee it is evident that the basins along the Mississippi River can only be protected from floods by an ample and complete system of levees from Cairo to the Head of the Passes.

"Col. Townsend, one of the ablest engineers in the world and now president of the Mississippi River Commission, was stationed in Memphis for over six years, in charge of this section of the Mississippi River. He also has spent many years on other portions of the river. He has investigated the levee systems of foreign countries, and it can almost be said he has made levees a life study. In his Memphis speech he said:

"Levees have been tested for ages and have proved uniformly successful when built to adequate dimensions; no other method of relief from floods has been successfully applied to large streams.

"Maj. E. M. Markham, of the United States Corps of Engineers, in an article which appeared in the Memphis Commercial-Appeal on May 4, says:

"It is therefore somewhat difficult to follow the theory, if one exists, upon which is based any conclusion that levees once built to the height and section demanded by well-understood principles of physics, will not keep the basins dry from any river stage for which they may be constructed, since it is not understood why the head, current, and soil elements of the question along the Mississippi are assumed to be so vastly different from those of many other well-known rivers whose waters for many years, and in some cases for centuries, have been successfully restrained by earth levees or 'mud banks,' if you please, where such levees have been designed and actually constructed in suitable relation to preconceived maximum river stages.

"Are the opinions of all these educated and scientific men who have had ample opportunities for investigation to be cast aside as worthless? Are the opinions of all foreign engineers who have had experience in such matters to be wholly ignored?

"The European engineers who build the levees along the Rhine, the Danube, the Po, and the Arno—all alluvial streams like the Mississippi—and which have held for hundreds of years, would be amused, if not astonished, by the slurring comments of some of our 'pseudo scientists of the newspapers' who call levees 'mud banks,' and who have a thrill of joy whenever a break occurs in a levee half the size of a properly constructed embankment. But we need not go to Europe for a tangible and visible proof of the efficacy of a fairly well constructed levee system. The levees in Maj. Dabney's district, 100 miles long, have not broken. Even these levees are not up to the standard of the perfect system proposed by the Mississippi River Commission, but they held the unprecedented waters of 1912 and 1913. Why not point to the Dabney levees as proof of the efficacy of levees when built properly instead of rejoicing over a crevasse in badly constructed levees, declaring this to be proof of levee failure? I fear the levee croakers are like the woman convinced against her will—she is of the same opinion still.

THE NEWLANDS BILL.

"Senator NEWLANDS, of Nevada, is the author of an elaborate bill providing for the expenditure of a huge sum of money for various projects, among others the Mississippi River levees. It provides an annual appropriation of $50,000,000 for 10 years, $35,000,000 of which is apportioned as follows: Ten million dollars to the Mississippi River from St. Louis to the Gulf, $5,000,000 to the Missouri River, $5,000,000 to the Ohio River, $5,000,000 to the Mississippi River above St. Louis, $5,000,000 to the Sacramento and San Joaquin Rivers in California, $5,000,000 for the purchase of additional forest lands. There are no specific apportionments to the following departments mentioned in the bill:

"The Smithsonian Institute for obtaining information relating to the subjects covered by the bill.

"The Bureau of Plant Industry for establishing garden schools and farms, instruction in irrigation and fertilizers, and for the purchase of lands for such purposes.

"The Geological Survey for topographical surveys and for examination of lands to be purchased.

"The Reclamation Service for building irrigation systems and the purchase of lands for that purpose.

"The Forest Service for the protection from fire and insect infestation of national forests, building of roads, establishment of nurseries, reforestation of denuded areas, and various other matters connected with forestry.

"The expenditure of the $10,000,000 provided for the Mississippi River from St. Louis to the Gulf covers bank revetment, levees, waste ways, by-passes, flood-water canals, restraining dams, impounding basins, reservoirs, artificial lakes, and regulation of the flow of source streams. The meaning of some of these words I do not understand, but the important fact remains that levees are provided for. Much of the bill seems to be vague and uncertain, but everything it contemplates to be done may be worthy of the doing. But I believe the control of the Mississippi River and the reclamation of the empire along its banks is big enough to be treated by itself and not made dependent upon projects in other sections of the country which are not of such magnitude and importance to the Nation at large.

"The bill which the Mississippi River Levee Association has been instrumental in introducing in Congress provides for a national appropriation of $60,000,000, to be expended over five years—$6,000,000 per annum for levee and $3,000,000 per annum for bank revetment; and on the express condition that the States, through their levee boards, contribute $3,000,000 per annum for five years for levees. This would make available $12,000,000 per annum for levees and $3,000,000 per annum for bank revetment; and the Mississippi River Commission, which has made a careful estimate of the cost of this work, declares this to be sufficient to put the levees in an impregnable position and forever prevent overflow. While we are asking the Government to help us, we are not trying to prevent it from helping others. Our position has either not been understood by many of the advocates of the Newlands bill or else has been purposely misrepresented. Because we believe that the Mississippi River should be treated by itself, just as the Panama Canal was, and because we think we can obtain from Congress an appropriation

of $60,000,000 for a definite undertaking of Nation-wide interest easier than an appropriation of $500,000,000 for many and varied projects, we have been accused by some of the advocates of the Newlands bill as dippers into the 'pork barrel.' I have always understood the 'pork barrel' belonged to those Members of Congress who swapped votes for the purpose of getting appropriations for their respective districts. There is nothing of this sort in our bill, because it deals with one matter only, and which is now universally recognized as of the greatest importance to every section of the country. There is no inducement to swap votes for this bill. The Newlands bill, to the contrary, provides for many things in many parts of the country and seeks the appropriation of an enormous sum of money. If we are casting longing eyes toward the 'pork barrel,' are the Newlandites looking in another direction? Senator NEWLANDS complains of certain southern Senators and Representatives in his article in the Saturday Evening Post of May 10. I quote his words:

"I regret to say that the Members of Congress and Senators from the lower Mississippi Valley have been most persistent in their opposition to the measure.

"This may be so, but these are men of high character, who would allow their own country to be devastated by floods every year rather than advocate the expenditure of the Government's money upon untried or impracticable schemes. I am sure all meritorious projects in the Newlands bill will receive their support. In a speech before the Interstate Levee Association at Memphis last September Mr. George H. Maxwell, one of the ablest advocates of the Newlands bill, said:

"There is not anybody in the world who does not recognize the fact that you have got to have a system of embankments lining this river from Cape Girardeau to the Gulf, and it has got to be a good deal bigger and a good deal better built than you have now. Those who are in favor of reservoirs do not say to discontinue your levee system. They do not say make your levees any lower or any higher. They say make them just as strong as can be made.

"Isn't this one of the important things in the Newlands bill? Why, then, should Senator NEWLANDS and his followers be so antagonistic to the very thing they say ought to be done? As the levees can be quickly constructed, and as some of the other things in his bill will take a very much longer time and are not supported by scientific authority as strongly as the levees, why should not Senator NEWLANDS help us to get the levees at once and then take up his other projects? If these are worthy, they can as easily be passed with the Mississippi River eliminated from the bill as with it in, and if they are not worthy there is small chance of their being carried into effect, even with our cause tied to them.

CONCLUSION.

"I conclude with a quotation from the Scientific American:

"That a few weak places in the levees failed in last year's flood and in this year's is no fault of the levee system, but is due to the fact that the levees have been built not to the height and width and strength that engineers knew to be advisable, but to such dimensions as the landowners along the river were willing to tax themselves for. It is doubtless too much to expect that the general public, deceived as it is apt to be by the pseudoscientists of the newspapers, will form correct opinions of such matters as river regulation and flood control for a long time to come. It may be hoped, however, that the public will learn to rely in such matters on the opinion of expert engineers."

RESOURCES OF OKLAHOMA.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article from the Manufacturers' Record, of Baltimore, on the resources of Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to print in the RECORD an article on the resources of Oklahoma. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Speaker, much has been said about the wonderful resources of Oklahoma and the opportunities the State offers for the investment of capital, and the rewards offered for industry and energy in agriculture, manufacturing, mercantile business, and in almost every line of human endeavor. But with all that has been published complimentary to the new State it may be truthfully said "the half has never been told." If I should attempt to eulogize our people, describe our resources, and paint a true picture of our progress in the past and of our possibilities in the future, what I say would be the testimony of an interested witness. I therefore want to present the statement of a witness who is not only disinterested but who is thoroughly competent to testify on the subject about which he writes. By the consent of the House, I print in the CONGRESSIONAL RECORD an article appearing in the Manufacturers' Record, of Baltimore, in the issue of May 29, 1913, written by the editor, Mr. Richard H. Edmonds. The article is as follows:

The amazing development of Oklahoma in agriculture, in oil and gas production, and in railroad and city building activities during the last 10 years, which has been one of the most remarkable features of American progress, is to be surpassed in the coming 10 years. All that has been done has been pioneering work. In agriculture many problems had to be solved; in oil development many hundreds of thousands of dollars had to be lost in testing out the oil fields in the State. In railroad work operations have been seriously hampered by unwise political agitation, some of it honest, some of it thoroughly dishonest work of the political agitator, working for his own interest while making the people believe he was working for theirs. In city building activities some mistakes have been made by overdoing speculative land operations, but the number of these seems to be exceedingly small when all things are taken into consideration. Indeed one of the most striking facts which impresses the student of the development of this State is the relatively small amount of speculative operations, especially in connection with the vast oil and gas operations, that is going on as compared with speculation in times past in other oil and gas regions. There is here none of the wild speculative boom of the Beaumont section when that city suddenly became the center of the world's oil activities, nor is there anything comparable to the speculative era in the Indiana gas fields when that section was undergoing its wonderful development following the discoveries of gas in large quantities.

Men from all over the world are gathering in Oklahoma, and capital from abroad, from the North and from the West, is being heavily invested in oil and gas and manufacturing operations. But this great movement of men and money has not produced anything like as much speculation as I have found in times past in other rapidly developing regions. Indeed, so far as speculative land forever is concerned, I believe there is less of it in evidence, even in the most rapidly developing centers of oil and gas activity, than in many of the conservative but growing cities of the central South.

Oklahoma has been an experiment station for testing out many political theories. A good many of them have proved dismal failures. Its progress, amazing as it has been, would have been far greater had it never suffered from this fever of political agitation and the energy with which it was worked by the politicians as an experiment station in politics, in finance, and in railroad control. A saner view of the situation is coming about. The people of the State have learned by costly experience that a good many of the experiments that have been tried by politicians have been paid for by the people and not by the politicians. There is now a widespread sentiment throughout the State to bring about more favorable conditions for the building and operation of railroads. It is fortunate that this is the case, because all the indications point to a volume of traffic which will tax to their utmost capacity all the railroad facilities of this section. It is absolutely essential to the best interests of the State, agricultural, industrial, and commercial, that railroads shall be given as quickly as possible every opportunity to find new capital in order to increase their facilities over existing lines and to build much-needed branch lines. If it were not fairly well assured that more favorable legislation will put the railroads in shape to do this, then the situation in all this region would be considerably endangered by the certainty of transportation facilities being wholly inadequate to meet the growing needs of the State.

The pioneering work has been done, and the field has been cleared and made ready for much greater progress than that of the past. Every condition in every line of business except that of the purely town-lot speculation is preparing for a far-reaching advance.

One of the greatest changes that is now taking place in the industrial life of the Southwest is the practical transference to the Oklahoma field from Indiana and Kansas of the window-glass and bottle-making industry. This change is significant of what will follow in the near future in other lines of industry. The gas potentialities of Oklahoma are apparently almost without limit, and as far as is possible the people who dominate the gas situation are conserving this priceless fuel supply for utilization in home industry. It is estimated by competent authorities that when the glass-making plants now under construction are completed this section will make more than 80 per cent of the window and bottle glass produced west of the Mississippi River.

For a year or more the Frisco railroad people have been quietly but aggressively working to bring about this transference of the industry from the practically exhausted gas regions of some other States to this virgin gas field. The strength of the situation here is greatly increased by the large supplies of available coal which can be utilized in the years to come should the gas supply become partly exhausted, as elsewhere. So abundant, however, is the supply of gas, with wells in many places having a producing capacity of 5,000,000 to 25,000,000 feet per day, and rigid laws preventing the undue waste of gas, that it seems reasonable to look for a much longer life for this gas field than is usually anticipated in any gas region.

Indicative of the glass-making industry and the rapidity of its development, a large proportion of which is due to the work of the Frisco System's department of development, is the following list of glass plants now in operation or under construction:

Tulsa, Tulsa Glass Co., jelly glasses.
Sand Springs, A. H. Kerr & Co., fruit jars.
Sand Springs, Kelly Glass Co., lamp chimneys.
Sapulpa, Sapulpa Glass Co., window glass.
Sapulpa, Sunflower Glass Co., window glass.
Sapulpa, Premium Glass Co., lamps and jelly glasses.
Sapulpa, Schram Glass Manufacturing Co., fruit jars.
Okmulgee, Coffeyville Window Glass Co., window glass.
Okmulgee, Skelton Glass Co., window glass.
Okmulgee, Baker Bros. Glass Co., window glass.
Okmulgee, Graham Bros. Glass Co., bottles.
Blackwell, Oklahoma Glass Co., fruit jars.
Ponca City Glass Co., window glass.

The cash investment in these plants will be considerably over $1,000,000, and possibly will run to $1,500,000. The largest single plant is that of the Skelton Glass Co., which is under construction, and already has under roof about 8 acres. Dr. Skelton, the owner of this plant, a very large operator in oil and gas, as well as in industrial interests, states that when the plant is fully completed and ready for operation it will represent an actual outlay of at least $1,000,000. Based on this estimate of cost for this plant when completed, a total for all of these plants will considerably exceed the amount stated. The Skelton plant is being built for producing glass by patented machinery. A number of other glass plants are now negotiating with a view to locating in this section.

While the glass-making industry in this rapid development is of great importance not only in itself, but by reason of the fact that it is indicative of a trend of industrial interest to these almost limitless gas fields, the tremendous oil industry of the State is the spectacular thing of the day and likewise the great wealth and freight creator.

Up to the present time a large proportion of the oil produced in this State has been shipped out by pipe lines in its crude state to be refined elsewhere. Now there is a very rapid growth of the oil-refinery industry in Oklahoma, which will add vastly to the railroad traffic

and at the same time practically quadruple the value of every barrel of oil that passes from its crude form, through the refineries now in operation and now being erected, to the refined state. In some cases the value of the oil and the by-products will far more than quadruple the crude-oil value, but it is safe to say that every barrel of oil, on the average, which is now selling for 88 cents a barrel will, as it passes through local refineries, be increased in value to at least $4 as a minimum.

Last year this State produced in the neighborhood of 130,000 barrels per day, and a little more than a year ago the price was 50 cents per barrel. At the present time careful estimates make the production 165,000 barrels per day, while the market price is 88 cents a barrel. This will mean an increase of probably 10,000,000 to 12,000,000 barrels for the year, carrying the production of this year to largely over 60,000,000 barrels, as against 52,000,000 barrels last year. With this increase in production and an increase of nearly 100 per cent in price, this year's oil output will probably be at least double the value of last year's.

At the present time there are in operation two pipe lines carrying oil to Port Arthur and one to Baton Rouge, where the Standard Oil Co. has a large refinery. There are three pipe lines to the north owned by the Prairie Oil & Gas Co., formerly a subsidiary of the Standard and probably still controlled by the Standard Oil people. This Prairie company carries oil to Whiting, Ind., and it is there continued on its journey in the pipe lines of the Standard Oil Co. to Bayonne, N. J., a distance of probably 1,800 to 2,000 miles. There are four small pipe lines that carry oil to independent refineries in the north and to Kansas. The Magnolia company proposes to build another line from this field to a connection with its Texas line, in order to pipe oil to Beaumont for refining at that point.

The refineries now in operation or under construction include the following:

Chelsea, Chelsea Refining Co., 800 barrels daily capacity.
Vinita, Milican Refining Co., 1,000 barrels daily capacity.
Sand Springs, Phoenix Refining Co., 4,000 barrels daily capacity.
Sand Springs, Waters-Pierce Oil Co., 1,000 barrels daily capacity.
Tulsa, Constantine Refining Co., 1,000 barrels daily capacity.
Tulsa, Texas Oil Co., 5,000 barrels daily capacity.
Tulsa, Uncle Sam Oil Co., 6,000 barrels daily capacity.
Tulsa, Cordon Refining Co., 3,000 barrels daily capacity.
Sapulpa, Sapulpa Refining Co., 4,000 barrels daily capacity.
Okmulgee, American Refining Co., 3,000 barrels daily.
Oklahoma City, Oklahoma City Refining Co., 600 barrels daily capacity.
Big Heart, Southwest Refining Co., 750 barrels daily capacity.
Ponca City, Ponca City Refining Co., 5,000 barrels daily capacity.
Cushing, C. B. Shaffer, 3,000 barrels daily capacity.
Cushing, Brown Refining Co., 500 barrels daily capacity.
Cleveland, Cleveland Petroleum Co., 500 barrels daily capacity.
Muskogee, Muskogee Refining Co., 1,000 barrels daily capacity.
Muskogee, Cudahy Refining Co., 500 barrels daily capacity.
Coalton, Coalton Refining Co., 200 barrels daily capacity.

The Magnolia Oil Co. has secured an option on land at Oklahoma City with a view to build a refinery, and it is understood that it will be of large size.

It is estimated the last year local refineries took about 16 per cent of the oil production of the State, and that this year, with the large number of new big refineries under construction and included in this list, home refineries will take at the rate of 80 per cent or more of the enlarged production of this field.

Pittsburgh bankers and business men who recently came down to this section in a special train made the statement that since the beginning of the oil and gas development Pittsburgh had sold to these interests in Oklahoma $90,000,000 worth of machinery. When one sees a forest of well-drilling rigs and notes the almost numberless storage tanks and the vast supplies of piping and other equipment, he can readily believe that the Pittsburgh estimate of $90,000,000 is very conservative.

There are now about 23,000 to 24,000 producing wells in the State, and over 1,000 are now being drilled. About five carloads of material is required for every well put down. The general view of the most conservative men to be found in the State and the men longest identified with the industry is that this oil development will spread over a still wider portion of the State and give a very much larger production even than the magnificent totals of to-day. Prof. Gould, for many years the State geologist of Oklahoma, says:

"It is altogether probable that 50 years will elapse before all the oil territory will be discovered and possibly 50 years longer before the oil has all been taken from the ground. In addition to the vast deposits of oil and gas, Oklahoma contains, according to the estimates of the United States Geological Survey, 79,000,000,000 tons of coal. If ever Oklahoma's oil and gas are exhausted, the supply of coal will be ample for many generations. Those in position to know are of the opinion that Oklahoma has available nearly 2,000,000,000,000 cubic feet of gas per day. At the important gas centers glass-making industries and other manufacturing concerns are contracting for gas on the basis of 3 cents per 1,000 cubic feet, with slightly higher figures for small consumers. So great is the enthusiasm of Oklahoma for the establishment of industries that many towns are not only willing to make contracts for gas at 3 cents per 1,000 cubic feet, but add to this free sites and large cash bonuses to industries that will stand close investigation."

Added to this phenomenal activity in oil and gas and glass making, and the great advance in refining in the State, Oklahoma is this year blessed with a promise of the largest crops it has ever produced. Moreover, the introduction all over the State of silos which have been put in by thousands, and some say by tens of thousands, has saved the farming interests from the danger of droughts, for if a drought comes in the future it will be possible for a very large proportion of the farmers in the State to cut the growing crop and put it into silos for cattle feeding. This development is on so large a scale and is being so actively encouraged by the farmers who have tested it, and by bankers and railroads who are encouraging its introduction, that from an agricultural standpoint the future of Oklahoma is a much safer, sounder proposition than ever before.

A Commonwealth of almost limitless potentialities is here rounding into form.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Speaker, I wish to call the attention of the House to the extraordinary and, as I think, the unreasonable and extravagant delay in passing the sundry civil appropriation bill. It is now six weeks since that bill passed this House, and when it passed the majority of the House said that haste was so important and delay so dangerous that they looked back into the precedents and brought forth the most drastic rule they could find and limited debate on that great bill to only 40 minutes, because time was so precious.

It passed the Senate more than a month ago, and although minutes were so precious then that they could allow only 40 minutes' debate, yet those minutes have grown into hours and days and weeks and the bill still sleeps in the hands of the Senate committee. An editorial in a Washington paper a day or two ago complained that many citizens of Washington were embarrassed by the failure of that bill to pass. Very likely that will not impress very much the membership of this House, but it is a fact that not only citizens of Washington but the departments of this Government are very seriously embarrassed by the failure of these appropriations. The public-buildings appropriations are annually made in this bill. They are only provided for up to the 4th of March, and after that time they can not meet their contracts because of the failure of this bill. The river and harbor appropriations are in the same condition. I have been told that one important bureau of the administration is crippled and can not put its men to work because of the lack of these appropriations, and they say that the units of work will be doubled in cost because of this delay. Now, why is this delay? The ostensible reason is because the Senate refuses to agree to the House clause which cuts down the membership of the Board of Managers for the Soldiers' Home from 11 to 5. I personally believe that that is the real cause of the delay. It is whispered in private conversations, it is intimated in the press that there is another mysterious and secret reason; that it is because the President does not like to have the clause in this bill come before him which forbids certain funds to be used for the enforcement of the Sherman Act. Now, I confess I do not believe in that mysterious suggestion. I do not know anything about the opinion of the President on that subject. I do not know whether he has the courage of his convictions like his predecessor, but I can not conceive why procrastination is going to help him. I can not see why he needs six weeks to make up his mind, and therefore I do not believe that he instigated the holding up of this great bill in order for him to decide, and so I believe that the real reason is because the Senate is unwilling to cut down the board of managers from 11 to 5.

It is a small, petty, ridiculous question on which to hold up such a great bill, but it deals with patronage, with offices, and it has not been unheard of in the past for such questions greatly to interest the Senate. I have entire sympathy with the attitude of the House upon this question. I believe that it is in the interest of wise and economical administration that the board should be cut down from 11 to 5. The House has an additional reason, because the Senate already once receded. In the compromise last session over the last bill in which this clause existed the Senate objected to it, but under the "give and take" which comes in conference the Senate, in consideration of what the House yielded, yielded upon this question. But now the Senate is trying to hold to what they got without giving up any consideration for it. To be sure it was a Republican Senate then, but in fairness I ought to state that it yielded reluctantly, and I have never discovered any very serious difference between Republican and Democratic Senators on questions of patronage. So I think the Senate ought to yield and that this great administrative measure ought not to be held up because of this preposterous small issue.

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. I would like to have two minutes more.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that he may have two minutes more. Is there objection. [After a pause.] The Chair hears none.

Mr. GILLETT. Now, Mr. Speaker, I have understood that some members of this board of managers who are going to lose their positions have been active in trying to keep them. In fact, if I was disposed to state what I only know on hearsay, if I was disposed to state as a fact what I was unwilling or unable to prove by testimony, I might say that an insidious lobby was at work on the side of the Senate proposition. But I do not care to say that. Only it does seem to me——

Mr. ANTHONY. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. I can not yield to the gentleman.

The SPEAKER. The gentleman from Massachusetts declines to yield.

Mr. GILLETT. But it does seem to me that the President of the United States, who has not shown any great reluctance to impress his opinions upon either branch of Congress, who has been widely advertised as coming up to the Capitol to discuss

with Senators matters of patronage, it seems to me as if he might, when he is there distributing spoils, drop a word here and there as to the importance of this bill passing.

Of course, it is not as pleasant to suggest to Senators to relinquish patronage as it is to give them patronage; but, after all, the bitter ought to go with the sweet. The needs of the country ought to be considered as well as the needs of Senators, and the President should, it seems to me, not only be active in dispensing patronage, but should also, when it is important to the country, use his influence toward diminishing patronage. It seems to me it is a reproach to the majority party, a reproach to the Democratic House and Senate and President, that this great bill, which every department of the Government is urging should pass, should be longer delayed by a little insignificant matter of patronage, and the Democratic Party in both Houses ought to see to it that some conclusion is reached on this important matter.

Mr. ANTHONY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] be given five minutes more time, so that I may ask him a question.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] asks unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] be granted five minutes more, so that he can interrogate him.

Mr. SHERLEY. Mr. Speaker, I suggest that the gentleman from Kansas [Mr. ANTHONY] take his own time.

Mr. ANTHONY. All right. I ask unanimous consent for five minutes.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Speaker, I am surprised that the gentleman from Massachusetts [Mr. GILLETT] has spoken upon the question to which he has just addressed himself with so little apparent information, although I understand he is one of the conferees that have had these questions before them between the two Houses. I am surprised at the statement he has made that an insidious lobby has been at work here in the effort to prevent the cutting down of the membership of the boards of soldiers' homes from the present number to seven members.

Mr. GILLETT. The gentleman will notice that I did not say "insidious lobby."

Mr. ANTHONY. Well, that is what we have been speaking about. Lobbies are always "insidious" if they are against you. The only lobby that I know of that has been at work here on this matter has been a lobby headed by former Members of this House in the effort to cut down the membership of the soldiers' home board, and I want to say, for the information of the gentleman, that in my opinion one of the cheapest pieces of politics ever played on the floor of this House is embodied in that little rider which was put in the sundry civil bill in order to cut down the membership of the soldiers' home board from 12 to 7. Its real purpose is to center the control of that board into a little handful of men. It is in order to place the power or control of the Board of Managers of Soldiers' Home in the hands of a few men who have influence apparently with the Committee on Appropriations. That is a fact. The Committee on Appropriations ought to be ashamed to tie up the great sundry civil appropriation bill as long as it has on that flimsy pretext, and the conferees instead of playing petty politics on the bill should try to agree upon it and pass it and relieve the conditions into which they are plunging the country.

As a matter of fact out my way Uncle Sam is engaged in standing off his creditors to-day, and has been doing so for eight months, simply because you will not pass this bill. The thing to do is to waive the questions of petty politics and leave the law as to the Board of Managers of Soldiers' Home to stand as it is. The Senate is right in its contention.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BARTHOLDT. I wish to ask unanimous consent to extend my remarks in the RECORD for the purpose of printing a statement of Mr. Edwin D. Mead, giving the utterances of several Presidents of the United States on the subject of international peace.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, whatever may be the motive actuating other Members of the House relative to the reduction in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers, there can be no misunderstanding of the position of the gentleman from Kansas [Mr. ANTHONY] who has just spoken. His hostility to the present control of the board of managers and against reducing it, so as to eliminate certain members from it, is due to the fact that certain men on that board, who have given their time and attention and energies to attempting to make it an efficient board, have declined to permit the gentleman from Kansas to persuade them to burn coal from his district at the home in his district instead of oil, which is used at a considerable saving, as has been demonstrated from time to time.

He has twice endeavored to persuade the House to overrule the control of the board and the recommendation made by the Committee on Appropriations, in order that those in whom he is peculiarly interested may have a chance to sell coal to the soldiers' home. He has failed on both occasions, and now he criticizes the members of the Committee on Appropriations for not yielding to the Senate in this matter, although the House, after the matter had been a number of times thrashed out, insisted upon inserting in the bill the provision to reduce the number of members of the Board of Managers of the Soldiers' Home.

Now, what are the facts, Mr. Speaker? The Board of Managers of the National Soldiers' Home consists of the President and the Chief Justice of the Supreme Court, and one or two others, ex officio, and 11 members. There are 10 branches. For a number of years this branch of Congress in its investigations has come to the conclusion that under the system in vogue inefficiency results from a membership of 11 upon the Board of Managers of the Soldiers' Home, and several times the House has inserted a provision in the sundry civil bill reducing the number from 11 to 5.

A few years ago the Senate refused to yield because some vacancies were about to take place. Those vacancies occurred in 1912. In order to take care of the vacancies about to occur, the Senate refused to acquiesce in the attempt to make this reform, and the membership was continued at its then size. At the last session of Congress the House determined again to reduce the number to five. There were a number of items in controversy in the sundry civil bill, and in the adjustment of the differences between the two Houses the Senate yielded upon this item. When Congress convened in extraordinary session, a month or two ago, several heads of departments addressed communications to me, suggesting that certain items inserted by the Senate in that bill and agreed to by the House in the adjustment of differences should be eliminated. They did not want these items. They did not approve them. They would not recommend them. And yet the House, believing that it was proper to continue its acquiescence in the adjustment of differences that had to be made between the two Houses, passed the bill in the form in which it had been agreed upon.

Then the Senate took a different attitude. It had in the bill everything for which it had contended, and it attempted then to take back one of the things it had yielded in order to obtain what it more particularly desired. The result is that difference still exists between the two Houses.

The gentleman from Kansas [Mr. ANTHONY] says it was the meanest piece of politics he has ever seen. It was peculiar politics for the Democratic House to reduce the membership in a board when it would have the opportunity to participate with a Democratic Senate in filling the places and would have eliminated any possibility of the gentleman from Kansas having any say whatever as to those who should be put on the board to fill the vacancies. Four vacancies will occur in 1914. Three exist now. Unless this provision be insisted upon, the membership of the board would be continued at 11 for about six years longer, and any attempt to make any reform or to increase the efficiency of the board would be futile.

Last winter, Mr. Speaker, the Senate appointed a subcommittee to investigate the Pacific Branch of the National Soldiers' Home at Santa Monica, Cal., and the report of that subcommittee was to the effect that the management of the home was so inefficient and the conditions so intolerable that that home should be transferred from the jurisdiction of the board of managers to the War Department. But still the Senate insists upon continuing the membership of this board at its present size.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for two minutes more, Mr. Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, every attempt to effect a reform by abolishing or eliminating useless officials meets with opposition in some place or another. This House will recall that for more than 10 years it struggled and struggled in an attempt to abolish useless pension agencies throughout the country and to consolidate the payment of pensions in one agency here in Washington, effecting a great reform and increasing the efficiency of the service. In the last Congress this House asserted its power and served notice upon the Senate that it would have that reform or it would never consent to the pension appropriation bill. So far as I am concerned personally—and I hope that is the attitude of this House—having time after time proposed this reform and always being met by the same opposition, due to the desire of some particular individual to cling to an office which he does not fill with any degree of efficiency, I hope the House will now, before this session ends, serve notice on the Senate that it intends to effect this reform at this time and that it will not consent to yield its position in order to have the sundry civil bill become a law. Whenever the Senate is ready to live up to its agrement and to keep it, then the bill can become a law. Let the responsibility be placed upon those who are holding up the bill. Let us know who they are. Let them come out in the open. Let us know their reasons, and then the country can determine upon the propriety of their action.

Mr. BUCHANAN of Illinois. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BUCHANAN of Illinois. Has the gentleman any information as to the treatment of the inmates of the old soldiers' homes? I will ask the gentleman if the sanitarium for old soldiers in South Dakota is under the control of this board?

Mr. FITZGERALD. It is.

Mr. BUCHANAN of Illinois. The reason I ask that question is that I received a letter yesterday from an inmate of the sanitarium at Hot Springs, S. Dak., protesting against the treatment that the inmates of that sanitarium are receiving, claiming that the tenants there have been guilty of brutally beating inmates. I do not know whether there are any grounds for this statement or not.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. BUCHANAN of Illinois. I ask unanimous consent that his time be extended three minutes.

The SPEAKER. The gentleman from Illinois asks that the time of the gentleman from New York be extended three minutes. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. This letter that I received from a citizen of my district asks to have an investigation made. If there is any foundation for the statement he makes, it certainly ought to be investigated, because he makes the statement that inmates of that sanitarium are brutally treated and neglected.

Mr. FITZGERALD. I should be very much shocked to have it shown that there was any justification for such a statement. The Battle Mountain Branch of the soldiers' home in South Dakota is one to which it has been the practice of recent years to send those who are entitled to membership in the soldiers' homes who are suffering either from tuberculosis or some other disease of a most serious character. I doubt very much that the management of the home was such that any of the inmates could be beaten or brutally treated. There are no guards over them, and these men are not under any surveillance of that character. They have certain police regulations.

Sometimes there are complaints from the inmates of homes because of the character of the food and treatment they receive. Many of those complaints are hardly justified. The men who apply for admission to the homes are well up in years. It is not easy to administer to their wants. They have requirements that younger men do not have. They need care that younger men do not need, and it is very easy to irritate them. Frequently complaints come that investigation shows do not justify the indictment made against the administration of a particular home. In other instances there have been complaints of conditions which have shown that there should be improvement in the control and management.

If I received such a communication as that mentioned by the gentleman from Illinois, I would send it to the president of the board of managers and ask that the matter be inquired into. I am quite certain that an investigation would be made to determine whether conditions are such as are indicated.

Mr. BUCHANAN of Illinois. Will the gentleman tell me who the president is?

Mr. FITZGERALD. Yes; the president of the board is Mr. Wadsworth, who was for many years a Member of this House, and I can later give the gentleman the address of the board, where their office is. I would doubt if it were possible that the management of the home was such that men would be beaten. I doubt if any such conditions could exist in any of the homes. I would not wish to do an injustice to this board by intimating any such thing.

Mr. BUCHANAN of Illinois. I did not want to do an injustice to the management, but I wanted to know how I could find out whether there were any grounds for the statement made in this letter.

Mr. FITZGERALD. I would send it to the board, and later I will give the gentleman the address.

Mr. BUCHANAN of Illinois. If these statements are true, the manager of that sanitarium ought to be prosecuted.

Mr. FITZGERALD. I agree with the gentleman.

Mr. STEENERSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STEENERSON. What is the salary of these men?

Mr. FITZGERALD. They receive no salary.

Mr. STEENERSON. It is an honorary position?

Mr. FITZGERALD. They receive their expenses, but they are not under salary.

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF COMMERCE.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 168.

Resolved, That the Committee on Expenditures in the Department of Commerce is hereby authorized to have such printing and binding done as may be necessary for the transaction of its business.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Pennsylvania if this committee had that authority in the last Congress?

Mr. ROTHERMEL. The Committee on the Department of Commerce and Labor had that authority, but since that time the committee has been divided.

Mr. BURKE of South Dakota. I am asking if that committee had the authority in the last Congress?

Mr. ROTHERMEL. It did.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

LIMIT TO LOBBYING.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on the subject of lobbying.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for 10 minutes on the subject of lobbying. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Oklahoma. Mr. Speaker, I desire to send to the Clerk's desk a resolution to be read as the basis of my remarks, and after the reading I shall place it in the box to be referred to the proper committee—the Committee on Rules.

The Clerk read as follows:

A resolution to amend the House rules placing a "limit to lobbying."

Be it resolved, etc., That the rules of the House be amended so as to include the following provisions, which shall be known as—

"RULE XLII.

"LIMIT TO LOBBYING.

"SECTION 1. It is hereby declared to be against public policy and against the best interests of the people for any persons employed for a pecuniary consideration to act as legislative counsel or legislative agent for any person, corporation, or association to attempt personally and directly to influence any Member of the House of Representatives to vote for or against any measure pending therein, otherwise than by appearing before the regular committee thereof when in session or by newspaper publication or by public addresses or by written or printed statement, argument, or brief delivered to each Member of the House: *Provided*, That before delivering such statement, argument, or briefs 25 copies shall first be deposited with the Clerk of the House of Representatives and be subject to inspection, together with a statement of the age, the name of the agent, attorney, or counsel, and his or her principal, the amount of salary, if any, paid for such service, and, so far as practicable, a statement of the subject matter of any bill, if pending, or any legislation sought to be enacted; and no officer, agent, appointee, or employee in the service of the House or of the Government shall attempt to influence any Member of the House to vote for or against any measure pending therein affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of legislative counsel and legislative agents.

"SEC. 2. No person shall be an officer of the House or continue in its employment who shall be an agent for the prosecution of any claim

against the Government or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee on Accounts to inquire into and report to the House of Representatives any violation of this section.

"SEC. 3. In case of violation of the provisions of sections 1 and 2 of this rule, the offender shall be deemed in contempt of the dignity of this House of Representatives and finally excluded from the Hall of the House of Representatives and from all committee rooms, and his name be posted in writing on the excluded list at the main entrance to the Hall of the House of Representatives; and any Member of this House thereafter willfully and knowingly communicating with such offender before final adjournment of this House shall likewise be deemed in contempt of the dignity of this House and subject to reprimand at the bar of the House in open session by the Speaker."

Mr. MURRAY of Oklahoma. Mr. Speaker, we have heard much of insidious and other lobbies until there is a likelihood of an improper method of dealing with this subject. The proposed rule which I have had read was the rule of the Oklahoma constitutional convention, over which I had the honor to preside, which convention is the pathfinder in progressive constitutional government. Nowhere, at no time, was that convention ever controlled or influenced by any dangerous lobby. There are those who would tell us that we should have a statute on this subject. Statutes, blind as they may be, might subject a citizen to a criminal prosecution that would be cruel, harsh, and unjust.

I concede that a right kind of a lobby is not only not wrong but extremely wholesome. No man who ever experienced the responsibility of legislation would deny that sometimes a lobby is absolutely necessary. I remember distinctly in that convention that we had every citizen represented except one. We had coal operators and the coal miners, the great oil operators, the laboring men, the merchant, the banker, the lawyer, the teacher, the minister of the gospel, the medical doctor, and every class of citizen except one—the dentist. The dentist did not maintain even a lobby, and when we came to write the schedule we absolutely put the dentists on one side of that State out of business, due to our ignorance of their needs. But for the fact that it was discovered before the final print, it would have been a hardship against that class of citizens.

I want to say to you now that all law and government must be founded on the conditions of the governed, and no man either in this House or in the other knows, or whoever has sat in either knew, all of the conditions of every business and every profession. No law can be as broad as the Republic that does not take into consideration every citizen in the Republic, and we must get much of that information from those who by experience in daily life understand best their own conditions.

I remember again in the first legislature of our State, over which I presided as speaker, a bill had passed the senate by unanimous vote and was backed by a labor lobby before the senate. The labor lobbyist was a miner. The bill sought to govern labor interest on the railroad. It provided in two simple sections that every locomotive operated in that State should be equipped with an electric headlight of 1,500 candlepower, capable of producing a light 70 rods, without the aid of a reflector, followed with a criminal provision for its violation.

I could see the general purpose of the bill to be to prevent wrecks and protect human lives, but I did not think the labor leader who requested the passage of this law knew the specific wants of railroad men. I knew that I did not know. I did not believe the senate knew about it. I walked down to the switch yard one day and said to an old Paddy, "I want to read you a section of law." He said, "Begorra, who are you?" I said, "This is Speaker Murray, Pat." He said, "All right." I read the first section, and old Pat began to pull his hair and he said, "If you pass that into law I will resign my job." I said, "What is the matter with it?" and he said, "Everything." I said, "I conceive the object is to prevent wrecks and to save life and property." "Yes, that is true; but does it not say every locomotive?" I said, "Yes"; and he said, "Now, suppose I am standing here in this switch, and some night a switch engine is here and one is down there, and they would proceed to meet me with these powerful lights, and I would not know whether it was on the track or not." I could see that, and I said, "What kind of an engine do you call this?" He replied a switch engine, and I asked, "Are there any other that ought not to be equipped with this light?" and he responded that a "dead" engine ought not to be equipped with it. I asked him what was a dead engine, and he said it was one going in for repairs. I then asked him if there were any other, and he said that there were; that engines operating wholly in the daylight ought not to be required to be equipped with this light. "Any other?" I asked him, and he said no. I went back to the office and dictated a proviso to the first section: "*Provided, however*, That switch engines, dead engines, and engines operated wholly in the daylight should not thus be required to be equipped," and I submitted that to the house. The proviso prevailed, and it was accepted by the senate.

I submit that to you, that but for the fact of that old Irishman lobbying unwillingly we would have done even the labor man an injustice; and so I say to you the man who undertakes to say that he knows all there is about life, which is the basis of legislation, is the biggest fool that ever attempted to rule a people or to legislate for them. [Applause.]

Old Solon, the world's greatest lawgiver, uttered the greatest truth of all times when, in reply to a question, "Have you given your people the best laws?" he said, "No; I have given them the best they are fitted to receive." Laws are for the period or the times, and laws must be made to meet the desires, the wishes, and the conditions of the people, even their sentiments, their heart throbs, and their social and sociological needs. When law or government is founded upon this principle it is wise, and without taking into account every citizen in the Republic we will fall short of meeting that requirement.

Now, instead of a law, why a rule? Because the House can then enforce its rules without depending, as it would be obliged under a statute, upon jurors and courts. Again, it could determine the offense, whether it was aggravated or not, and yield where lenience is required and extend punishment where that is required. I say to you that no lobby, it makes no difference what the question may be, who comes in the open and discusses the proposition in the open is a danger. Some politicians were astonished at me in the first legislature of our State when I deliberately asked Mr. Winchell, of the Rock Island Railroad, to come before the committee and tell the committee and the house what the railroad people wanted. I said that there was a community of interest between the railroad and the people if they would be fair with each other. And I said to Mr. Winchell, "We want to hear you. You can not buy us, and your representatives, when proposing to buy, will defeat your purpose. But if you will come and state in a reasonable way and by argument, and meet us face to face and on a fair, open plane, this legislature will give you what you are entitled to, and I will personally back whatever is right for your company. But, remember, you can not buy anything, and you must not try it." I hope to see the day come when railroad lobbyists or paid lobbyists of any kind will cease and that the great interests will come before the committees and before Congress and in the open and to the public say, "We want this, and we will show you why it is right"; and whatever is right, whether it be demanded by a laboring man or by men of wealth, should be enacted into law.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MURRAY of Oklahoma. Mr. Speaker, may I ask just two minutes longer?

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Oklahoma. Mr. Speaker, I would draw, under this resolution as a proposed amendment to the rules, a method whereby the lobbyist could be registered and known, and the Members would know whom he represents, what he represents, what special legislation he is seeking to favor or defeat. There is no wrong in an open, fair, free discussion of any proposition anywhere. The insidious lobby is not the lobby that is trying to get what is their right in a fair, honest way, but is trying to do it in an improper way, or to get something he knows to be wrong.

I would welcome my constituents; and but a few days ago the farmers down on the Big Pasture, who had bought property from this Government, felt that they had paid too much and that they were unable ever to pay for it; they came to us and we called our delegation together, listened to them patiently, and in that we were doing our duty and they were better enabled to tell us their side than we could get it by any other means. So let us draw a distinction between an honest lobby and a dishonest lobby; a helpful lobby and a lobby that hinders and prevents. When we do that we can do it by a simple rule, as the Oklahoma constitutional convention did, the pathfinder, as I said in the beginning, of all progressive constitutional governments—it stood straight against all jests, gibes, all ridicule, all abuse, all vituperation and villainous slander of the corporate press, backed by a partisan judiciary in the very dawn of progressive government. When the road was hard to find and statesmen in other parts of the world were halting in doubt, groping in the dark in search of the road, Oklahoma pointed the way. [Applause.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may address the House for one hour.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that he may address the House for one hour.

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I would like to say I would like to have half an hour after the gentleman concludes, to speak on the subject——

Mr. PAYNE. I would suggest to the gentleman that he put it on a separate footing.

Mr. STEENERSON. I desire to ask for 30 minutes at the conclusion of the gentleman's remarks.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to address the House for one hour and the gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to address the House for 30 minutes. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object——

The SPEAKER. The Chair will put the request of the gentleman from Wyoming separately. Is there objection to the request of the gentleman from Wyoming?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to inquire if there will be any other business brought up after the gentleman concludes, in case this request is granted?

The SPEAKER. The Chair knows of none. There were two gentlemen trying to get the eye of the Speaker when he put these requests.

Mr. BURKE of South Dakota. Then I suggest, Mr. Speaker, that the gentleman from Wyoming withhold his request until such matters as the Speaker may desire to have considered be disposed of.

The SPEAKER. The Speaker does not desire to have any business considered, but there were two gentlemen up with papers in their hands.

Mr. MONDELL. Mr. Speaker, I submitted my request thinking the business of the House had been disposed of; I will withhold it.

The SPEAKER. The Chair does not think there is any business except requests for printing, but, of course, he does not know.

Mr. MONDELL. I will be glad to withhold my request.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Speaker, I desire to present the following resolution of the Chicago Association of Commerce, which is self-explanatory:

THE CHICAGO ASSOCIATION OF COMMERCE,
Chicago, June 2, 1913.

Hon. FRED A. BRITTEN,
House of Representatives, Washington, D. C.

DEAR SIR: At a special meeting of the executive committee of this association, held on Monday, May 19, certain proposed changes in the customs administrative law, as provided in tariff bill H. R. 3321, now pending in the United States Senate, were thoroughly considered and discussed, with the result that the following resolutions were unanimously adopted for presentation to Congress by a special committee:

"Whereas the tariff bill which has recently passed the House of Representatives and is now before the Senate (H. R. 3321) contains administrative provisions which will, if enacted into law, inaugurate new and far-reaching changes in the administration of the customs laws; and

"Whereas no opportunity has been given merchants, importers, or the public at large to present their views as to these proposed changes or to present evidence as to the manner in which the proposed changes will affect the carrying on of business: Be it

"Resolved, That the Chicago Association of Commerce respectfully urges that the proposed changes in the administration of the customs laws of the United States is a matter which deserves great consideration and in the determination of which the Senate and House of Representatives may be more fully informed by hearings, at which may be submitted complete information as to the proposed changes and the effect on the business interests of the country, and to further urge that the proposed change in the administration of the customs is not a matter of party policy; and be it further

"Resolved, That the Chicago Association of Commerce respectfully urges that before the proposed changes in the manner of administering the customs laws of the United States be enacted into law full opportunity for hearings be allowed at which the views and evidence of the public at large, importers, and merchants of the country may be submitted; and be it further

"Resolved, That a copy of these resolutions be forwarded to the Senators from Illinois, the Representatives in Congress from Cook County, Ill., and to the chairman of the Finance Committee of the United States Senate."

Very truly, yours,

THE CHICAGO ASSOCIATION OF COMMERCE,
By HOWARD ELTING, *President.*

Mr. J. R. KNOWLAND. Mr. Speaker, I make the same request, to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. J. R. KNOWLAND. Mr. Speaker, the article I desire to place in the RECORD is one which appeared in the American Lumberman April 26, 1913, written by Hon. WILLIAM E. HUMPHREY, of the State of Washington, upon the question of American rights at Panama.

The following is the article:

PANAMA CANAL TOLLS—CLEAR RIGHTS OF AMERICAN INTERESTS.

WASHINGTON, D. C., *April 16.*

EDITOR OF AMERICAN LUMBERMAN: I have read the article in reference to the Hay-Pauncefote treaty in its bearing upon the Panama Canal, by Mr. W. A. McLean, which you submitted to me for the purpose of verifying some of the statements made therein. I have taken the liberty to reply to this communication.

Not knowing Mr. McLean, I assume that he has no selfish motives in view and that he is actuated entirely by patriotic purposes. It seems to me that he makes the mistake that is generally made by those who take his side of the question, of assuming that the Hay-Pauncefote treaty is in full force and effect, and by further assuming that under that treaty we agreed to treat the vessels of other countries the same as we treat our own—an assumption that, in my judgment, is entirely erroneous and not in accordance with the facts.

Starting with this assumption, Mr. McLean proceeds to make some rather ill-tempered criticisms about this country violating its sacred treaties, etc. The criticism that I would make of Mr. McLean and those who have taken a similar position is that I think that they show entirely too much eagerness to condemn and criticize their own country and to uphold the position of other nations. They should at least make some effort to obtain the real facts before engaging in such unrestricted denunciation.

He says, "But on the first evidence of such action Great Britain did object in a courteous, dignified, and most firm manner," referring to her protest against the violation of the treaty. Apparently Mr. McLean has not read the protest made by Great Britain and does not know the ground of her contention. She says now that we had no right to make our treaty with Panama, and it is true that if the treaty had been broken at all it was broken when we made our treaty with Panama, almost 10 years ago. Yet Great Britain now protests that we then violated the Hay-Pauncefote treaty, although for 10 years she has stood by in silence and seen us expend millions of dollars in prosecuting this great work. According to every law of justice and equity Great Britain is forever estopped to dispute our right to do what we did.

Further, Mr. McLean says that a child can understand the treaty. Perhaps this may be so, but certainly a child could not understand it without reading it, and also the other treaties relating thereto, which Mr. McLean admits he has not done.

A treaty is a contract—nothing more nor less. It is construed by the ordinary rules of law governing contracts. It is a rule of international law as well as common law and of common sense that the parties to a contract make such contract with a view to the conditions that exist at the time that such contract is executed and as to such conditions as could be reasonably anticipated at the time. This proposition is so plain that it needs no amplification. Apply this rule to the Hay-Pauncefote treaty. When we made the Hay-Pauncefote treaty, Great Britain and the United States, as well as the other nations of the world, believed that we would construct the canal on foreign soil. Will any sane man contend that at the time the Hay-Pauncefote treaty was made it was contemplated by either Great Britain or the United States, or could have been contemplated by either of them, that Panama would rebel, become a separate nation, and that we would purchase the strip from Panama upon which we would build the canal and then construct the canal, as we have done, not upon foreign but upon American soil?

It seems to me that the very statement of the case alone would convince anyone that, as the conditions have entirely changed, the Hay-Pauncefote treaty at once became voidable at the option of either party and that the treaty with Panama did in terms violate the Hay-Pauncefote treaty. It took 10 years and the urging of the Canadian Pacific Railway before Great Britain had the assurance to contend that we did not have that right, and no other nation in the world has yet had the assurance to make any such assertion. If we had owned the Panama Canal strip at the time of the Hay-Pauncefote treaty, does any sane man suppose that we would have entered into any treaty whatever about what we should do in regard to constructing the canal on our own soil? Can anyone pretend to believe that if Great Britain and not the United States had made this treaty with Panama and the canal strip had been British soil instead of American soil Great Britain would have permitted the United States to construct the canal upon British soil under the terms of the Hay-Pauncefote treaty, giving to the United States the right to regulate such canal, to fortify it, and to protect it, and to use it for military purposes? The statement of these questions alone conclusively ends the whole controversy about our violating the Hay-Pauncefote treaty, for the terms became voidable at the option of either party, and if the United States has seen fit in any way to violate any of its terms she had a perfect right so to do, as I have already pointed out, and Great Britain for almost a decade, by her silence, has admitted our right so to do.

I feel that I am stating the facts conservatively when I say that had it not been for the action of the transcontinental railways, and especially the Canadian Pacific Railway, Great Britain or no other nation would ever for a moment have questioned our right after our treaty with Panama to do with the canal whatever we saw fit. It is especially significant that we heard no protest against our using the canal in any way that we wished, so far as our own ships were concerned, until we placed a provision in the Panama Canal act which prevented railroad-owned ships from passing through the canal. This provision, being broad enough to apply to the Canadian Pacific Railway, is, in my judgment, the sole cause of the present agitation for a repeal of the clause in the present law permitting American ships in the coastwise trade to pass through the canal without the payment of tolls. I do not deem it necessary to argue this proposition further, because it seems to me that it is perfectly clear that if we have violated the Hay-Pauncefote treaty we had a perfect right to do so, and that we are not legally or morally or from the standpoint of natural justice in any way bound to observe it.

But in order to answer Mr. McLean further, let it be assumed that the Hay-Pauncefote treaty is in full force and effect. Even then have we violated any of its provisions? The part which he quotes is a rule made by the United States and not by Great Britain and the United States. The wording of the treaty is, "The United States * * * adopts these rules." That is, the United States, the owner, the builder, the one that has paid for the canal, and the one that will govern it

and protect it in time of peace and in time of war, stands upon one side, the rest of the world upon the other, and the United States says, "This is my canal and all of you that observe my rules will be treated upon terms of entire equality." Does that mean that the United States agrees to treat all the other nations in the same way that she treats herself in regard to her own property? If this is true, then the United States must ask the other nations also upon what terms we may pass our naval vessels through the canal in time of war. She must ask them upon what terms she can take troops upon the canal. If this contention be true, then a hostile nation would have the same right and could pass her fleet through our canal upon the same terms to attack and destroy us that we could pass our fleet through to protect ourselves. For, remember, the treaty is exactly the same in regard to vessels of war that it is in regard to vessels of commerce, for the wording is, "vessels of commerce and of war." If Mr. McLean is correct, then, in the name of the American people, what did we construct the canal for anyway? Suppose that Mr. McLean owned a ferryboat running across the Ohio River, and he would post up rules in regard to the running of that boat, and that rule 1 would read, "All passengers paying $1 shall be permitted to cross the river on this boat." Does that mean that Mr. McLean, the owner, the proprietor of the boat, should pay to himself $1 every time he crosses the river in his own vessel? I contend that such construction is not the construction ordinarily given to the English language. I contend that even if the Hay-Pauncefote treaty is in full force and effect we had never agreed to treat the other nations as we treat ourselves, but have simply agreed to treat all other nations alike.

But if it will strengthen his case any, admit that the Hay-Pauncefote treaty is open to the construction that Mr. McLean places upon it. Even then we have not in the slightest degree violated the terms of the treaty by passing our vessels through the canal in the coastwise trade free. This exact point has been conclusively settled and is no longer open to dispute, both Great Britain and the United States agreeing upon this proposition. For 100 years we have had a treaty with Great Britain which says: "That no higher or other duties or charges shall be imposed * * * in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels." Yet, notwithstanding that treaty, which is in full force and effect, and which is much stronger and more specific than the Hay-Pauncefote treaty, Great Britain has always claimed and exercised the right to charge American vessels higher and other duties in British ports than she charged British vessels in the same ports. And to-day if an American vessel and a British vessel of exactly the same character enter a British port the American vessel pays a third higher charge than the British vessel. Great Britain exercises this right because she says that a treaty with other nations does not include the domestic trade of either party to the treaty. Does it now lie in her mouth after having followed this practice for a century to attempt to claim that we have violated the treaty for doing the same thing? If it be true that we would violate the Hay-Pauncefote treaty by passing our vessels through the Panama Canal without payment of tolls, even if that treaty is in full force and effect, then Great Britain has violated her treaty with us every day since 1815. This exact question, as I have said before, is no longer open to argument or conjecture, for it was decided by the Supreme Court of the United States in the case of Olsen *v.* Smith (159 U. S., 332), in relation to the treaty above quoted, where we make the same agreement in regard to the treatment of British vessels in American ports that Great Britain makes with us in regard to the treatment of American vessels in British ports. In this case the Supreme Court of the United States followed the contention of Great Britain that domestic trade was not included in a treaty, and that we had the right to do anything we saw fit with our domestic trade, and that Great Britain could not complain because it did not in any way concern her, for she could not under any circumstances engage in our coastwise trade, and therefore could not be discriminated against by anything that we might do. That case of Olsen *v.* Smith, by the highest judicial body in the world and by the proper one to pass upon the question, forever disposes of the exact point involved in this controversy, whatever view may be taken of the Hay-Pauncefote treaty.

Mr. McLean also asks the question: "Take for example: A vessel loaded at Seattle, Wash., for New Orleans, La., according to your contention, should have the free use of the canal; a vessel loaded at Vancouver, British Columbia, for Halifax, Nova Scotia, according to your contention, should pay. Is this free and equal to all nations of the earth and without discrimination?" Of course this is free and equal treatment to all the nations of earth, because any vessel that makes any one of these voyages, no matter what nationality, would have to pay exactly the same tolls. No vessel but an American vessel would be permitted to make the trip from Seattle to any other American port. Mr. McLean makes the mistake of contending that we must treat the vessels of other nations the same as we treat American vessels engaged in coastwise trade, but as heretofore pointed out, both Great Britain and the United States have decided that no such thing is contemplated by any treaty. And I deem it unnecessary to argue that point further.

Mr. McLean says, "Are you aware that when this treaty was being framed, a clause exempting American vessels was actually written but not embodied in the negotiations, the authors well knowing that the treaty in such form would not be accepted by Great Britain?" This statement is entirely erroneous.

He is especially unfortunate when he refers to the Welland Canal. The right to use that canal is a reciprocal right entered into in the form of treaties after considerable negotiations. American vessels are permitted to use the Welland Canal only because British vessels are permitted to use the "Soo" Canal.

If Great Britain was to construct a canal across Nicaragua and then say to the United States "you can pass your vessels free through our canal if you will permit us to pass our vessels free through your canal," then we would have the exact situation we have on our northern border. But in reference to the Panama Canal Great Britain is now declaring that while we own the canal, control it, and will have to pay for it and be responsible for it, that she should get the same use of it that we do, without paying anything or bearing any of the burdens. This is neither common sense nor justice, and the American people will never submit to any such proposition, nor is there anything in the Hay-Pauncefote treaty that obligates us to do anything of the kind.

This disposes of all the questions raised by Mr. McLean except one, where he declares that we should arbitrate this question. I deny that there is any justice in his position. In the first place, we are asked to submit our case to a prejudiced court—to a jury packed against us. In the next place, our arbitration treaty says that we are under no obligations to submit questions that involve our national honor or independence or "that concern the interest of third parties." I think this question vitally affects both the honor and the independence of the United States, but however we may argue upon that point, there can be no question that it concerns a third party—Panama, for one of the protests that Great Britain makes after waiting 10 years is that we have violated the Hay-Pauncefote treaty by permitting Panama to pass her vessels through the canal free, although Mr. McLean apparently did not know this. If the Hay-Pauncefote treaty is in full force and effect, our treaty with Panama is abrogated, as both of these treaties can not possibly be in force at the same time. Therefore it vitally affects the interests of Panama, and we have no right under the terms of our arbitration treaty to submit this question to arbitration without her consent. More than this, to submit to arbitration a question concerning our domestic affairs is to renounce sovereignty, is to declare that we are no longer a Nation. The Panama Canal is built upon American soil. It is no longer under the control of the treaty-making power, but under the control of Congress. It is our own property. The American people own it. They have paid for it. They have asked no other nation to help bear either the expense or the responsibility of its construction or maintenance, and they will never consent to ask any other nation of earth what they are going to do with their own property.

W. E. HUMPHREY.

Mr. KELLY of Pennsylvania. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania to extend his remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. KELLY of Pennsylvania. Mr. Speaker, early in the session I introduced the following measure to provide old-age pensions:

A bill (H. R. 4352) to provide for old-age pensions.

Be it enacted, etc., That every person in whose case the conditions laid down by this act for the receipt of an old-age pension are fulfilled shall be entitled to receive such a pension as long as those conditions continue to be fulfilled, and the receipt of an old-age pension under this act shall not deprive the pensioner of any franchise, right, or privilege or subject him to any disability.

SEC. 2. That the conditions for the receipt of an old-age pension by any person shall be as follows:

(a) The person must have attained the age of 65 years.

(b) The person must have been a citizen of the United States for the 20 years next preceding the application for a pension under this act.

(c) The person must not have had an income from any source, exclusive of the pension herein provided for, for the 12 months next preceding his application, averaging $9 per week.

SEC. 3. That a person shall be disqualified for receiving or continuing to receive an old-age pension under this act, notwithstanding the fulfillment of the above conditions—

(a) If, before he becomes entitled to a pension, he has habitually failed to work according to his ability, opportunity, or need for the maintenance and support of himself and those legally dependent on him: *Provided*, That a person shall not be disqualified under this paragraph if he has continuously for the 10 years previous to attaining the age of 55, by means of payments to fraternal, benefit, or other societies, or trades-unions, or other approved steps, made such provisions against old age, sickness, infirmity, or want or loss of employment as may be recognized as proper provision for the purpose; and any such provision, when made by the husband, in the case of a married couple living together, shall, as respects any right of the wife to a pension, be treated as having been made by the wife as well as by the husband.

(b) While he is being maintained in any place as a pauper or a lunatic.

(c) While he is detained in prison after conviction for a felony, and for a further period of 10 years after the date of release from imprisonment for such cause.

SEC. 4. That every person fulfilling the required conditions shall be placed upon the pension roll of the United States and be entitled to receive until death a pension from the United States Government provided by an annual appropriation from Congress. Such pension shall be graded according to the following schedule:

When the average weekly income of the pensioner as calculated under this act does not exceed $6, $4 per week; exceeds $6, but does not exceed $7, $3 per week; exceeds $7, but does not exceed $8, $2 per week; exceeds $8, but does not exceed $9, $1 per week.

SEC. 5. That in calculating the income of a person for the purpose of this act account shall be taken of—

(a) The income which that person may reasonably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old-age pension under this act, that income, in the absence of other means for ascertaining the same, being taken to be the income actually received during the preceding year.

(b) The yearly value of any advantage accruing to that person from the ownership or use of any property which is personally used or enjoyed by him.

(c) The yearly income which might be expected to be derived from any property belonging to that person which, though capable of investment or profitable use, is not so invested or profitably used.

(d) The yearly value of any benefit or privilege enjoyed by that person.

SEC. 6. That in calculating the income of a person being one of a married couple living together, the income shall not in any case be taken to be less than one-half the total income of the couple: *Provided*, That when both husband and wife are pensioners, except where they are living apart, pursuant to any decree, judgment, order, or deed of separation, the rate of the pension shall be three-fourths of the rates given in the above schedule.

SEC. 7. That if it appears that any person has directly or indirectly deprived himself of any income or property in order to qualify himself for the receipt of an old-age pension, or for the receipt of an old-age pension at a higher rate than that to which he would otherwise be entitled under this act, that income or the yearly value of that property shall be taken to be part of the income of that person.

SEC. 8. That any assignment of or charge on and every agreement to assign or charge an old-age pension under this act shall be void, and on the bankruptcy of a person entitled to an old-age pension the pension shall not pass to any trustee or other person acting on behalf of the creditors.

SEC. 9. That the said pension shall be paid in 13 equal installments in each year, in advance. It shall begin on the date the claim is filed,

and the arrears from that time to the time of allowance shall, if the claimant be then living, but not otherwise, be paid in a lump sum.

SEC. 10. That the said pension may be increased or decreased every 12 months, whenever the pensioner's income increases or decreases, according to the terms of the schedule.

SEC. 11. That wherever in this act the masculine pronoun is used it shall be held to include the feminine pronoun also.

SEC. 12. That all claims for old-age pensions under this act shall be filed with the Department of the Interior, together with affidavits containing such statements as may be prescribed by the Secretary of the Interior, who shall make such rules and regulations as may be necessary to carry out the provisions of this act.

Mr. Speaker, one of the greatest problems confronting this Nation to-day is that of old-age dependency. It is distinctly a modern problem, born of our present industrial system. In other times the worn-out worker was provided for by the master with whom he had labored as a friend rather than as a servant. But the era of gigantic factories, with the impersonal relation of employer and employee and the shifting of employment, changed the conditions and brought this problem of old-age dependency, which has become more pressing with every year.

The poorhouses and charitable institutions of this country are to-day crowded with aged men and women who performed splendid service until the weakness of age overtook them. Still others of these unfortunates beg on the streets. Others sell trifling articles or do anything they may to prevent the bitter stigma of the poorhouse being placed upon them.

When we have classed these worn-out servants of humanity as paupers, we have done an injustice. They are not paupers any more than the soldier who has no longer strength to march in the ranks can be called a deserter. They are victims of unjust conditions, and their hardships and misery are preventable by a statesmanship which will not uphold the squandering of a nation's funds for worse than useless purposes, while the aged parents of the people are forgotten in their misery and want.

They tell us that the aged Indian when he saw himself becoming a burden upon the tribe calmly selected his grave and refused to live longer. But surely in this age and in this Nation we will neither demand nor permit such sacrifice.

Year by year national legislation has had an increasing trend toward dealing with questions which affect the entire social life of the people. Government has long recognized its duty toward the child by declaring that the opportunity of free education must be given to every child within the borders of the Nation. Having recognized its duty toward those at the threshold of life, government must recognize also those at the other extremity, those whose departure can not long be postponed.

This action is one of simple justice, and it becomes imperative when it is proven that this Nation is witnessing a great and growing volume of distress due to the infirmities of old age. Boasted prosperity does not stop the human tide flowing toward old-age dependency; depression only accelerates the current. Growing more numerous are those we term "unfortunates," whose only misfortune consists in their having lived long. So vast has this distress become, so injurious to the public welfare, and its relief so expensive that there is no other problem greater than this before the American people.

Only recently has the subject been given the attention it deserves, a fact which in itself is a crying condemnation. Statistics are difficult to secure, and I believe that I have perused all the figures compiled on the question in this country. The Nation has never considered it, and the State of Massachusetts is the only State that has really made a methodical investigation of the subject. The report of the commission on old-age pensions, provided for by the legislature of that State, and which was issued in 1910, is the most authoritative work on the subject in this country.

This report states that of 177,000 persons in the State over the age of 65, 41,212 were absolutely dependent upon charity for their support. A large number of the 135,788 classed as nondependent were provided for by relatives and in other ways, and the number of dependent ones is declared to be very conservative.

The increase has been startling during the last few years, and shows that the problem is growing more and more in magnitude, and that it already has reached the place where earnest attention must be given to it. We have an army of industrial wage earners in the Nation numbering more than 18,000,000. By the calculation of investigators there are 1,250,000 persons who have reached the age of 65 in want, and must depend upon assistance for their daily needs.

It is costing each year in public and private charity the sum of $150,000,000 to take care of this army of worn-out and cast-off soldiers of peace. That means that 1 of every 18 wage-workers at least is dependent upon others for support. It means that 1 out of every 75 persons is a "dependent," and that the other 74 must provide for his maintenance and support.

The Census Bureau in its special report for 1904 on Paupers in Almshouses, emphasizes the fact that dependence is an accompaniment of old age. On page 18 the statement is made "Pauperism is largely a phenomenon of old age. It is a misfortune of old age and not of youth."

The enumeration of paupers in almshouses December 31, 1903, shows 81,764, while 81,412 were admitted during the year. Of 160,006 whose ages were known, 52,795 were 65 years of age and over. The percentage of each five-year period given in the census tables is an eloquent proof of the relation between old age and pauperism. For instance, the almshouse population under 35 years of age is 21 per cent of the whole while it is 70 per cent for the general population. The almshouse population over 65 years of age is 33 per cent of the total while it is but 4 per cent of the general population.

Of paupers admitted to poorhouses 27 per cent are 65 and over and more than half of all admitted are over 50 years of age. The report says:

> Nothing could more clearly show the fact that pauperism cared for in almshouses is largely an incident of later life.

The cause of the presence of aged persons in the poorhouses, while not the most vital point of the matter, is still a question to be considered. There are many persons who in self-satisfied manner declare that it is due to intemperance, lack of thrift, shiftlessness, and so forth, on the part of the individuals themselves.

While it can not be denied that some persons are in poverty and pauperism because they are shiftless and drunken, the fact is that these causes have been vastly magnified by those who did not care nor dare to investigate the truth. The Massachusetts report shows that of the inmates of poorhouses who had owned property at some time in their lives, only 6 per cent had lost it through intemperance. Aside from that fact, it would be worth while to seek to learn how much of intemperance and vice is due to conditions which drive hope from the hearts of men and leave only despair in its stead.

The vast majority of the aged dependents in this country are dependent because of circumstances over which they had and could have no control. The Massachusetts report shows that 60 per cent of the aged paupers who once owned property came to want because of sickness, accident, and so forth; 25 per cent because of business failures, bad investments, and so forth; and only 6 per cent because of intemperance.

These figures are typical of the conditions in the Nation, for those who have studied the conditions declare that 72 per cent of the pauperism in this country is due to misfortune. The United States Census Bureau shows that about 20,000 fatal accidents occur every year in the industries of the country, and the nonfatal accidents have been estimated at 2,000,000 each year. Eighty per cent of all these accidents are due to the professional risks of industry.

That means that at least 15,000 families are robbed of their breadwinner and left destitute and that the burden of temporary disability rests upon other countless thousands each and every year.

As regards sickness, it is estimated that 3,000,000 persons are sick every day, and the United States Bureau of Labor estimates that the average laborer in America pays $27 a year for medicine alone, without counting doctors' fees and funeral expenses, showing the enormous drain sickness makes upon the incomes of the workers of the country.

No; we can not lay as flattering unction to our souls the statement that poverty in this country is even largely due to faults of the individual. When the father is killed or maimed, when the wage earner is thrown out of employment or stricken down by preventable disease, when less than a living wage is paid workers, the poverty which follows is not to be justly charged to the individual, but is rather a bitter arraignment of the conditions which make that poverty inevitable. The truth is that the great mass of unskilled workers in this country and many of the skilled workmen face as their certain fate dependency in old age. Even though they should keep above the poverty line until the possibility of working is past, they must drop below it then, while all the time they are facing the same tragic fate through sickness, unemployment, or accident.

But in spite of these facts neither the United States nor any State has thus far taken any vital step for the remedy of distressful conditions. Every other great industrial nation of civilization has devised a pension system of some kind, voluntary or compulsory, contributory or noncontributory, based on the principle that faithful service entitles the old worker to respect and support, not charity; to justice, not pauperism.

Germany was the originator of legislation looking toward provision for old age without the taint of pauperism. Its compulsory insurance law for old age was passed in 1889. It requires all workers whose income does not exceed $476 to pay weekly contributions to the old-age fund. One thousand one

hundred and forty weeks' contributions must be paid before the insured is entitled to a pension, and he must have reached the age of 70 years. The fund is maintained by contributions from employee, employer, and the Government.

Denmark followed in 1891 and made the age limit 60, with the pensioner proving that he is not able to provide the necessaries of life.

New Zealand passed an old-age pension law in 1898, making the age limit 65 and the income less than $300.

New South Wales passed a similar act in 1900. The preamble reads:

Whereas it is equitable that deserving persons who during their term of life have helped to bear the public burden of the Commonwealth by the payment of taxes and by opening up its resources by their labor and skill should receive pensions from the colony in their old age—

And so forth.

Victoria followed in 1901, making the age limit 65 years. Belgium passed a law in the same year, combining insurance and pensions, with the age limit 65. France passed a law in 1905, with combined pensions and government savings banks, and age limit of 70. Italy in 1906 passed a law providing for insurance subsidized by the Government and requiring 25 years' payments and age limit of 60. Austria passed a contributory insurance law in 1906 which provides benefits for those who have reached the age of 65. Canada in 1908 passed an old-age annuity law providing for annuities of from $50 to $600 per year. England passed an old-age pension law in 1909, with an age limit of 70 years. The Commonwealth of Australia passed a law in 1909 superseding those of the colonies. It makes the age limit 65, and its expressed purpose is "to provide old-age pensions as right and not as charity."

In fact, every European country, with the exception of Russia, has taken steps to solve the problem of old-age dependency. The plans have proved successful, of course, in varying degree, but all have met in convincing fashion the objections raised by their opponents to their passage.

Frederick L. Hoffman, an expert American investigator, visited Germany recently and reported that—

While some objections were raised to the compulsory contributions, still there is no dissenting opinion that government action has resulted in far-reaching reforms; that it has been of vast benefit to the people; and that it has come to stay.

Sir Richard Sedden, prime minister in New Zealand, in speaking of the effect of the old-age pension there said:

Until this act passed we had not encouraged our working people to be sober, industrious, and thrifty. If they happened to be unfortunate so far as work is concerned, or if illness had rendered it difficult for them to find employment, or if their wages had been very poor and unsatisfactory, we had practically condemned them to seek charitable relief in their old age. The effect of this old-age pension at 65 is to encourage habits of thrift, since there is now something for the aged worker to hope for.

Hon. Percy Alden, member of the British Parliament, in his book on "Democratic England," convincingly argues for the old-age pension from its working in England. He says:

We think very little of voting many millions for armaments, and we call such expenditures insurance against possible hostile attacks. Surely the insurance against the discomforts and miseries entailed by old age upon the poor is at least as legitimate a national charge.

It would require volumes to contain the favorable declarations of statesmen and others in the countries where old-age dependency is being met as a national problem. Suffice it to say that old-age pensions have proved successful in every country where they have been put into operation. They have come to stay because they ought to stay.

But while every other civilized nation has been considering and acting upon this question the United States has been a laggard. In spite of the fact that Thomas Paine, one of the founders of this Republic, strongly advocated old-age pensions in his "Rights of Man," and other patriots have followed him through the years, this Nation has never yet taken action.

It may be safely said, however, that it can not be much longer delayed. The principle has been admitted in our poor laws that those who can not support themselves have a claim upon society for the means of existence. It is more a question of method than of principle, and before many years we will admit that no Government can neglect its aged work people and still be just, and the Government that is not just can not be stable nor secure. I am convinced that this Nation will not much longer stand for the relegating of worn-out workers to the poorhouse where "men sit and hear each other groan."

But facing the conditions of to-day we find in some quarters bitter opposition to the principle of old-age pensions. It is based on different ground, though the object is the same. First, there is the element fundamentally opposed to the entire idea that the Nation owes a duty to worn-out workers aside from maintaining poorhouses. This class sees in poverty nothing but the consequences of shiftlessness and intemperance and poor management. Secure in the posessions they have wrested from fate under existing conditions, they talk of the doctrine of noninterference with natural laws. They declare that government has no right to interfere in matters of this kind, that a government's only duty is to act as a policeman.

This class believes that all things old are sacred and all things new are dangerous. They believe that the men and women and children living in the slums of our cities are there because they revel in dark rooms and foul alleys and have neither the desire nor ability for improvement. It is the attitude of the stark individualist, with his Ishmael-like philosophy, that in the selfish struggle for existence, every man for himself, can ultimate good be accomplished. It is so preposterous in the light of its climax in the billionaire and countless paupers that it would seem untenable in this age; but the fact is that it is held by many persons, and is a theory which must be met in the advocacy of all measures which would make of government a tool for the promotion of the public welfare as well as a policeman's club.

These extreme individualists talk much of natural conditions, but the fact is that the "natural conditions" so greatly emphasized by them do not exist anywhere in a civilized state. The state of nature is not found even in our fertile fields of hay and grain, our orchards, and our flocks and herds of domesticated animals. Man has not allowed nature to have its course; he has modified the development of plants and animals, and in new and multiplied forms they are serving mankind.

What then shall we say of man-made conditions in society and government? Is government to stand aside while the strong crush the weak and unjust burdens are piled upon the shoulders of helpless ones? That argument would, if carried to its logical conclusion, end most disastrously to those propertied ones who urge its claims to-day. It would prevent the passage of a single law to restrain the highwayman, who with his weapon in hand compels the luckless pedestrian to surrender his money or his life. It would give force to the doctrine that might is right; it would follow its doctrine of the survival of the fittest to its logical end.

This cry of "Let natural conditions work out the problem" is mockery under the conditions. A new situation has arisen, complex circumstances have taken the place of the simple conditions of a past era. The Nation is a web and woof of citizenship, and a single torn thread mars the whole fabric. The interdependence of the elements in this Nation makes action by a power greater than all of them imperative. Government must assume duties which were unnecessary in the past because of the development of a rapidly changing society.

The course of legislation for many years shows how great is the field for governmental action. Providing for the public schools, penalizing the adulteration of foods, regulating hours of labor for women, prohibiting child labor, stamping out contagious diseases among animals, inspecting the work of slaughterhouses, looking after sanitary conditions, all these are eloquent witnesses to the government activities which are to-day universally commended, but which met with the most bitter opposition at their inception on this same ground of interference with the course of nature.

The argument of paternalism was invoked against those measures just as it is against old-age pensions. It shows an absolute ignorance of the meaning of paternalism, since there can be no paternalism in a government of the people, for the people, and by the people. Measures advancing the public good, then, are only evidences of the principle of self-help, the imposition of laws upon the people by the people themselves.

And to those who talk so glibly of the laws of nature, I would suggest that the most natural thing in the world is for people to struggle to secure justice. The history of the world is a history of mankind struggling against injustice in pursuance of an ideal implanted in its breast by Almighty God. The pursuit of justice always has been the aim of American patriots; it always will be their desire until it be attained, and it will not be finally attained in this Nation until the worn-out workers of America are assured a living in their old age free from the blighting brand of pauperism.

But other opponents of the old-age pensions declare that government should not assume the burden since private instrumentalities will meet the need. They say that employing corporations should maintain old-age pension funds, or that labor unions, fraternal societies, retirement funds, and so forth, will solve the problem and meet the need. This argument can be easily analyzed, and we can see just how much these plans can accomplish, for they have all been tried in this country. As far as corporation funds are concerned, the plan is unjust, since it places labor in a servile position, restricts the mobility of labor, and would prove a most fragile support in case of failure of the corporation, leaving the aged employee without the support he had confidently counted upon for years.

But let us look at the history of all these plans in this country. The facts are procurable to all and will answer the contention. A number of railroads have founded railroad relief funds. They consist of two kinds, the contributing and noncontributing. In the contributing the employee must pay dues for a large number of years, and he forfeits all rights when he becomes in arrears through any cause. In the noncontributing system the railroad companies supply the funds, but they require conditions which few men can meet. Employees must have been in the constant employ of the company for long periods, and they must have been loyal to the company under all circumstances. The companies refuse also to admit any rights to a pension, claiming the privilege of granting or refusing a pension at will. All the railroad funds in the country, as given in the census report, provided in the year reported for but 2,306 beneficiaries.

Then there are 461 establishment funds in this country contributed by the employees of individual establishments. They provided for 14 aged workers in the year reported.

There are a number of industrial benefit societies composed of workers in certain lines and not dependent on labor unions. In the year reported they cared for 15 aged persons.

The Carnegie pension fund of the United States Steel Corporation is in a class by itself among these plans. Its pensions are provided from a fund of $12,000,000 contributed jointly by Carnegie and the Steel Corporation. During its history it has provided for 1,606 persons, according to its own report.

The labor unions have not solved this problem. They can not solve it, and we have no right to expect them to even try to solve it. They have no means, save through dues collected, to establish old-age pension funds, and they can not successfully add such dues to those already required from the membership for the purposes of maintenance. The Government figures show that of 125 national and international labor unions in this country only 4 have a fund for old-age benefits. These 4 provided for 429 persons during the year reported out of a total membership of hundreds of thousands.

In their necessary conditions these fail to meet the need for provision for old age. They must require members to have paid dues for many years, they must have passed physical examinations, and they must not be in arrears at any time. These requirements, aside from the fact that labor unions only have a membership of 2,000,000 workers out of 18,000,000, preclude relief even in their own membership for those who need it most.

Besides these there are 530 local labor organizations in this country, but none have old-age pension funds and only 6 provide for permanent disability benefits. These 6 organizations, in the year reported, paid allowances for 106 persons.

These plans on the part of corporations and labor organizations provided in one year for 3,425 aged workers who had given their lives to faithful industrial service. The number is so small that it is pitiful when we realize that only 1 out of every 400 dependent persons of 65 years of age and over were taken care of through these means. They can not and they should not attempt to solve the question of old-age dependency in this Nation.

Other plans have proved equally weak and inefficient. Fraternal societies can not cope with the problem. Aside from the fact that their membership includes but a small percentage of those likely to need help in old age, they are required to raise the necessary funds entirely through dues collected. That means that men and women must pay from their earnings through a long series of years before they can possibly hope to reap a benefit, and I propose to show a little later that such a requirement is absolutely impossible of fulfillment by those who need provision in old age in the greatest degree. Out of 182 fraternal benefit societies in this country but 42 have any provision at all for old-age relief, and they touch the problem in the most distant way.

Municipal pensions in some cities provide for policemen and firemen, but they touch only a small fraction of the question. They concern workers who receive wages vastly above the average and they require payments of regular dues from monthly salaries.

Teachers' retirement funds, as organized in certain cities, fall under the same category. Well paid while employed, teachers are far better able than the average person to pay dues for a long period on the possibility that they will need help in the days of old age.

Private insurance companies have never in any way met the need. They can be of advantage only to those who are able to keep up payments for a long period, and that is an impossibility for those who need the relief most and who have worthily earned it.

State insurance plans have been put in operation in Massachusetts and Wisconsin, but they have not been entirely successful, and they also aim only to help those who can pay assessments through a long period of years.

These plans are the only ones ever attempted in this country to assure an existence in old age for faithful workers with no taint of charity upon it. The most cursory examination shows how far short they have come in coping with old-age dependency and proves that they can not hope to solve the problem, even if the problem were theirs to solve. They demand the impossible, and the average worker in this Nation is debarred from ever taking advantage of their provisions.

But then there come other opponents of old-age pensions and they have an entirely different viewpoint from the individualists. They recognize the great boon of an old age free from pauperism, and they are willing that the Government shall assist in that culmination. But they declare that thrift on the part of the individual must be a vital factor of the question. They advocate State savings banks by which they would stimulate thrift and provide annuities for old age. Or they advocate compulsory thrift, with weekly payments taken from wages, to be returned again as pensions in old age. Some of the European countries and Canada have based their plans on such a basis.

These plans bring up the reason for the total failure of the organizations already in existence to solve the problem. In the first place, these advocates take for granted that the thrift which lays up funds for old age is the wisest and best under the existing conditions. They forget that there is a very vital relation between thrift and income.

The fact of the matter is that the working people of this country have many wiser as well as more imperative ways of using their money, even if they should have a surplus. The average laborer in this country is dependent on his daily income for the support of himself and family. Even though he should be able to save something from his wages, is it wise to irrevocably appropriate those savings for provision for a long-distant future? What of the education of his children and the preparation for imminent perils, such as unemployment, sickness, accident, and so forth? The workers o this country at least have answered that query when societies paying benefits for temporary disability number their members by the million, while there are practically none collecting dues for the payment of old-age benefits.

Then, again, I would like to ask how cases are to be treated when payments can not be kept up in these contributory plans? If it is decided that workers may stop payments and draw out the amount due them on account of past payments, the whole purpose of providing for old age fails. The poorest paid workers will always find times when they have imperative and immediate need for the money saved through these means. Under such a course only the more prosperous and self-reliant will be aided, and the ones really in need of aid will be left without it.

But supposing that the other course is taken and all rights are forfeited as the result of payments left unpaid. That increases the incentive to keep up the payments, but it does not give the power, and that is the vital point in most of the plans already considered

It has been stated by the best authorities that $600 is the minimum income which will provide the actual necessaries of life for a family of five in the United States in all industries ouside of agriculture. This figure is given by Prof. J. A. Ryan in his book "A Living Wage." I am sure that it falls far short of the minimum requirement in the great industrial districts, but we can accept it as at least not an exaggerated figure. Prof. Ryan has taken the census reports, and after exhaustive study and tabulation has shown that over 10,000,000 of the 18,000,000 industrial workers of this country receive less than $600 a year.

The average income of 35,000,000 employees in 1910 was $433. Omitting the agricultural pursuits and including all salaries with the wages, the average income was $609 a year. Such figures go far to prove the contention of Robert Hunter that "not less than 10,000,000 persons are in poverty in this Nation; that is, they may be able to get a bare subsistence, but they are not able to obtain those necessities which will permit them to maintain a state of physical efficiency."

They also bear out the statement of Prof. Lee Welling Squier, probably the best authority on this subject in this country, when he says, in his work on Old Age Dependency:

> It is apparent that tens and hundreds of thousands of the wage earners of the United States have individual and family incomes which are less than a living wage, and that those who survive the vicissitudes of a hand-to-mouth existence until old age is reached will surely take their places in the great army of the aged, dependent poor.

So it is clear that any plan for solving this problem that includes so-called thrift, whether it be voluntary or compulsory, is impracticable, since the average laborer can save nothing—has nothing to save from. Though he work ever so hard and ever so long he can not make ends meet in the struggle for daily existence, and the task of laying up funds for a long-distant future is beyond his utmost endeavor.

But to those who insist upon contributions from the workers I would suggest that as long as we have taxes upon commodities that are consumed by every family in the land there can be no such thing as a noncontributing scheme. The workers of the Nation through a long series of years have been contributing largely to the revenues of the Government, and a pension in old age is but a return of a portion of their contributions.

Then, there are objections raised to old-age pensions on the ground that it would lay an overwhelming burden of expense upon the Government and tax its resources to the uttermost. Such statements are misleading, for the fact is that the establishment of old-age pensions as provided in this bill is to be urged not only from the standpoint of humanity, but from the standpoint of economy as well.

Counting the war pensions paid to persons of 65 years of age and over and the public and private charity funds for the care of persons of that age, the sum of $180,000,000 is being spent every year in this country. The veterans of the Civil War are decreasing in greater numbers with every passing year, and in the nature of things the last survivor will soon have heard the last bugle call which summons him to the Great Beyond. The sum now used in paying war pensions to those of 65 years of age and over could then be transferred to the fund for the pensioners of peace without an added cent of taxation being levied.

The cost of maintaining poorhouses and benevolent institutions for persons of 65 years and over to-day, if transferred to the old-age pension fund would be an act of humanity and wisdom and economy. Figuring that there are 1,250,000 aged dependents in this country who would come under the provisions of this bill, and that each one would receive the maximum pension of $4 a week, the expense would be but slightly greater than the present haphazard, cruel, and unsatisfactory method of dealing with old-age dependency.

But aside from all that, I am convinced that the expense will not prevent the adoption of a governmental pension plan for the retired industrial army here any more than it did in England. Our new income-tax law, brought to the provisions of the English law, would yield $400,000,000 of revenue. Besides that, the day is not far distant when an inheritance-tax law will be passed in this country, if for no other reason than to prevent collossal fortunes from remaining intact through generations and forming a perpetual menace to free institutions.

There are some who urge the argument that has been advanced against every great humanitarian measure ever proposed in this Nation—that it is unconstitutional. Their forerunners declared that the Nation could not grow by purchase, as in the case of the Louisiana addition, because it was unconstitutional. They declared in 1860 that the Nation could not save its own life by putting down rebellion, because it was unconstitutional. To-day they forget that one of the fundamental purposes of the Constitution, as expressed in the preamble, is to promote the general welfare, and that the task of providing for the aged workers of this Nation in justice is one which might well occupy the mind of everyone who believes that the noblest motive is the common good.

But the Supreme Court has more and more noticeably in the past few years been handing down decisions which tend to throw light upon this question. It has decided that the taxing power may be used for the purpose of not only relieving but of preventing pauperism. In the North Dakota cases it said:

> If the destitute farmers of the frontier of North Dakota were now actually in the almshouses of the various communities in which they reside, all the adjudications of the courts, State or Federal, upon this subject could be marshaled as precedents in support of any taxation, however onerous, which might become necessary for their support. But is it not also competent for the legislature to make small loans, secured by prospective crops, to those whose condition is so impoverished and desperate as to reasonably justify the fear that unless they receive help they and their families will become a charge upon the counties in which they live?

Then there is an array of decisions which refuse to apply in charitable cases the rule that the private character of the benefit necessarily makes the character of the purpose itself of a private nature.

The Supreme Court, in the sugar bounty cases, said:

> Debts of the United States, to pay which Congress may by the Constitution levy and collect taxes, include moral as well as legal obligations. Payments to individuals, not of right or of a merely legal claim, but payments in the nature of gratuity, yet having some feature of moral obligations to support them, have been made by the Government by virtue of acts of Congress appropriating the public money ever since its foundation. Some of the acts were based upon considerations of pure charity.

In the same case the court further said:

> In regard to the question whether the facts existing in any given case bring it within the description of that class of claims which Congress can and ought to recognize as founded upon equitable and moral considerations, and grounded upon principles of right and justice, we think that generally such question must in its nature be one for Congress to decide for itself. Its decision recognizing such a claim and appropriating money for its payment can rarely, if ever, be the subject for review by the judicial branch of the Government.

The question of the constitutionality of such legislation as this was discussed exhaustively by Miles M. Dawson, counselor at law and consulting actuary, of New York, in his brief filed with the Federal Commission on Employers' Liability and Workmen's Compensation on June 14, 1911. This brief is printed with the report of the commission. It takes up the question as to whether a tax may be levied for such a purpose under the Constitution, and cites numerous decisions to prove that it may. He then takes up the question as to whether the money may be disbursed for such a purpose. He cites the numerous bounties voted and paid by the Government many times and from an early date, among them being for the relief of sufferers by fire, earthquake, Indian depredations, overflow of the Mississippi and Ohio Rivers, cyclones, yellow fever, grasshoppers, lack of seed by failure of crops, or from accidents at arsenals.

Mr. Justice Story in his Commentaries on the Constitution, after an exhaustive review of the authorities, concludes that the power to appropriate is coextensive with the purpose for which the tax may be laid and collected.

The following are among his statements regarding this subject:

> SEC. 923. * * * But then, it is said, if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated; for if Congress is authorized to lay taxes for such purposes it might be strange if, when raised, the money could not be applied to them. That would be to give a power for a certain end and then deny the end intended by the power.
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> SEC. 924. * * * The only real question is whether, even admitting the power to lay taxes is appropriate for some of the purposes of other enumerated powers (for no one will contend that it will, of itself, reach or provide for them all), it is limited to such appropriations as grow out of the exercise of those powers. In other words, whether it is an incident to those powers, or a substantive power in other cases, which may concern the common defense and the general welfare. If there are no other cases which concern the common defense and general welfare except those within the scope of the other enumerated powers, the discussion is merely nominal and frivolous. If there are such cases, who is at liberty to say that, being for the common defense and general welfare, the Constitution did not intend to embrace them? The preamble of the Constitution declares one of the objects to be to provide for the common defense and to promote the general welfare; and if the power to lay taxes in express terms is given to provide for the common defense and general welfare, what ground can there be to construe the power short of the object, to say that it shall be merely auxiliary to other enumerated powers and not coextensive with its own terms and its avowed objects? One of the best established rules of interpretation, one which common sense and reason forbid us to overlook, is that when the object of a power is clearly defined by its terms or avowed in the context it ought to be construed so as to obtain the object and not to defeat it. The circumstance that, so construed, the power may be abused is no answer. All powers may be abused; but are they then to be abridged by those who are to administer them or denied to have any operation? If the people frame a constitution, the rulers are to obey it. Neither rulers nor any other functionaries, much less any private persons, have a right to cripple it because it is, according to their own views, inconvenient or dangerous, unwise or impolitic, of narrow limits or of wide influence.
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> SEC. 925. Besides, the argument itself admits that "Congress is authorized to provide money for the common defense and general welfare." It is not pretended that when a tax is laid the specific objects for which it is laid are to be specified or that it is to be solely applied to those objects. That would be to insert a limitation nowhere stated in the text. But it is said that it must be applied to the general welfare; and that can only be by an application of it to some particular measure conducive to the general welfare. This is admitted. But, then, it is added that this particular measure must be within the enumerated authorities vested in Congress (that is, within some of the powers not embraced in the first clause), otherwise the application is not authorized. Why not, since it is for the general welfare?
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> SEC. 975. The other question is whether Congress has any power to appropriate money, raised by taxation or otherwise, for any other purposes than those pointed out in the enumerated powers which follow the clause respecting taxation. * * *
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> SEC. 976. The reasoning upon which the opinion adverse to the authority of Congress to make appropriations not within the scope of the enumerated powers is maintained has been already, in a great measure, stated. * * * The controversy is virtually at an end if it is once admitted that the words "to provide for the common defense and general welfare" are a part and qualification of the power to lay taxes; for then Congress has certainly a right to appropriate money to any purposes or in any manner conducive to those ends.

The decisions are clear and to the point and indicate the general attitude of the Supreme Court on questions somewhat of the nature of old-age pensions. But there are many precedents for the power of Congress in this matter. It has granted bounties for the encouragement of manufactures, for educational institutions, for the distribution of seeds; surely it has the right to grant money for such a purpose as providing for

old age. Congress has used its resources for the benefit of citizens, as in the case of its public lands; it has, through homestead acts, given valuable tracts to citizens who would occupy them, and, in the case of soldiers, has granted them outright. The police powers of Government have been greatly enlarged in recent decisions, and the Supreme Court, in the case of the Noble State Bank against Haskell, said:

> It may be said in a general way that the police power extends to all the great public needs.

Surely to protect the health, morals, and mind of a citizen against the injury resulting from poverty in old age is as important as to protect his life against the assassin, his body against the bully, or his money against the thief. But, I take it, too, that this Congress is not to be bound in its action by the captious pleas of unconstitutionality. The legislative department is responsible for passing measures consistent with justice and the advancement of the common welfare. If another department sets those measures aside, it is responsible for its action. We may rest assured that in this case, as in every other vital problem in the history of the Nation, the people will not consider the question until it is settled right.

I have tried to point out every argument used against old-age pensions and to show their weakness. But stronger than any argument I might make in answer, I want to point to the answer furnished by the countries where old-age pensions are in actual operation. The practical working of the plan answers every objector and gives the facts instead of theories and suppositions.

Old-age pensions do not discourage thrift, but, as the prime minister of New Zealand puts it, has encouraged thrift by giving the workers something to hope for and by putting courage in their breasts. And remember the words of President Harrison:

> When the wage earners of this land lose hope, when the star goes out, after that anarchy or a czar.

Old-age pensions do not disintegrate the family, but have the opposite effect, and the aged parent or grandparent who can help support the home in which he finds refuge is a blessing instead of a burden. Our own Civil War pensions have not broken up families; they have cemented them, while it has been left to the poorhouses to disintegrate the family.

Old-age pensions have not had mischievous political effects, but have rather helped to teach the people that they had a substantial share in government; that the Government is, in fact, themselves, and that in seeing that justice is done, no more and no less, they were attending strictly to their own business.

No; the objections have been weighed in the balance and found wanting in other countries. That they will meet the same fate here can not be doubted.

I urge the adoption of this measure because it is the only just method of dealing with the problem. The Nation must act, for it is not a State question. The Massachusetts report, to which I have previously referred, says in concluding:

> If any general system of old-age pensions is to be established, it should be done by the National Congress and not by State legislation.

Contributory plans will not meet the need, for they do not reach the poorest paid workers, the ones who need help the most and who have, in fact, made contributions all their lives to the Government revenues, and thus have a right to demand of the Government an existence in old age without the taint of pauperism.

This bill which I have introduced makes the pension fund a national charge, and no contribution is demanded from the pensioner. The receipt of an old-age pension does not deprive its recipient of any franchise, right, or privilege, nor does it inflict upon him any disability whatever.

It is not a measure of charity; it is a measure of justice. It is a legislation inspired by the spirit of humanity—yes—but also by economy and good business judgment, for it works good to all and evil to none. It is a legislation which will assuage misery and reduce agony, bringing peace and comfort to those who need it most and have earned it best. It is a legislation to protect the weak and the needy, not by an appeal to pity, but by an appeal to right and justice. It is a legislation which aims to carry out that fundamental purpose for which this Government was founded—the promotion of the common welfare.

It is not the purpose of this measure to lavish largess upon those who deserve only condemnation. The poverty and misery due to degeneracy and vice will always exist as inevitable punishment for misdeeds, and no right-thinking person would wish to attempt to legislate it out of existence. But this measure will provide for those who reach the helpless days of old age in poverty as the result of social wrongs and through no fault of their own. They are the victims of circumstances over which they have no control; their misery is due to the neglect of the very fundamentals of justice on the part of society, and that society owes a sacred obligation in the matter.

Only those will be benefited who have amply earned it. It affects only those who have through long years helped to maintain the material welfare of the Nation and who have given its riches and strength. Though hard pressed even in their prime, they have been faithful and hard working and have carried their burdens cheerfully and without complaint. I know something of great industrial districts and I have been brought into contact with phases of everyday life which some public officials never see. I am free to say that the most remarkable thing about the situation as regards those on the margin, and there are unhappily more of them every year, is their courage in the bitter battle which life means for them. The most pathetic sight I have ever seen was not the mangled body carried from the mills to the stricken home. It was the silent tragedy of the heroism of those who were trying with all their might to make ends meet in the face of overwhelming odds. I can show you that sight in countless homes in the greatest industrial district in the world. I count the truest sympathy not the pity at misfortune and want but the fellow feeling with such courage and the desire to make it impossible that that courage and heroism shall be displayed in vain. We are doing that when we demand when the days of weakness come and the burdens of toil can no longer be borne, that those burdens be lifted from bending shoulders, that it shall not be a crime for men and women to grow venerable and old and be compelled to bear indignity and humiliation simply because they have lived long.

Present industrial conditions demand our action. The great mass of workers are precluded by pitiless necessity from laying up funds to provide for old age. Unemployment, sickness, accident are ever close at hand, and the coming of any one of them means tragedy. It means the use of any surplus and more oft-times, and the debt which generally follows such misfortunes hangs like a dead-weight about the neck of labor.

I realize that the disease should also be treated as well as the symptoms, and that this bill has no necessary relation with the cure of the disease which makes poverty in old age inevitable. Other measures must deal with that question, but in this we can relieve present-day evils, and that is also a worthy aim of legislation and statesmanship. None of the plans proposed, aside from old-age pensions, can meet the need. The public charity system is inadequate and unjust. In the poorhouses of the country the upright, honest, and industrious man or woman is placed with those whose vicious lives have brought them to poverty and disease. Little wonder that the self-respecting worker chooses death rather than such a fate, and it is vastly to his credit that such is the case.

To leave these faithful ones in their old age to the mercy of private corporations is unworthy of the civilization of to-day. To place the responsibility upon voluntary associations is cowardly and unjust, for they can not carry the responsibility and we have no shadow of right in expecting it. The burden can not be shifted to the States, for it is preeminently a national question and the Nation is the only authority that can or should deal with it.

If passed, this measure will mean that no longer shall the burning badge of failure be hung about the necks of the industrious in their old age, while they are loathed and despised as burdens upon the public and forced to endure degradation and torture worse than death. Faithful service will not be rewarded with a cell in the poorhouse little better than a criminal's, which is the punishment decreed for those who have lived long and come to want.

This bill enacted into law would abolish the crime of old age and would give to accumulated years of faithfulness its due tribute of reward and support. It would be a glimpse of heaven's light for that innumerable company of aged persons whose daily bread is a gift from strange hands. Hundreds of them, seeing the notice of the introduction of this bill in the newspapers, have written to me regarding it, and the little stories from real life are more pathetic than any tragedy ever enacted by mimic characters upon a stage. This legislation will put hope into the hearts of such as these, the ones who cower in the terror of poverty in old age. It will inspire those of younger years who fear the coming of that terror. It will give them a new love of country and make the Nation one wherein duties are regarded as well as rights, obligations as well as interests, welfare as well as warfare.

Those are the aims of this legislation, and they are well worthy of the highest and best statesmanship in this Nation. Their accomplishment in the triumph of the principle of old-age pensions will be one of the greatest strides America has ever made toward fulfilling her destiny—a Nation that stands as a synonym for justice, whose altar is consecrated to human-

ity, and whose welfare and perpetuity rest upon the affection and love of its people.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming for one hour? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Minnesota [Mr. STEENERSON] that he may follow the gentleman from Wyoming for 30 minutes?

Mr. MURDOCK. Mr. Speaker, reserving the right to object to the second request, for the information of the House I would like to know what the gentleman from Minnesota is to talk about.

Mr. STEENERSON. Agriculture.

Mr. MONDELL. Mr. Speaker, having been granted an hour, I do not want to be ungracious, but I think it is entirely possible that if the House is in a willing frame of mind I may ask for a few minutes in addition to the hour, and I want to know if the gentleman from Minnesota would object.

Mr. STEENERSON. No; as long as it is not taken out of my time.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. STEENERSON] for 30 minutes after the gentleman from Wyoming gets through? [After a pause.] The Chair hears none, and the gentleman from Wyoming is recognized for one hour.

Mr. MONDELL. Mr. Speaker, on Monday, June 5, the gentleman from Washington [Mr. HUMPHREY] addressed the House on a resolution he had introduced for an investigation of the Forest Service. During the course of his remarks he severely criticized the acts of those influential, one time or another, in the Forestry Service and made some very emphatic and rather startling statements as to the character and effect of certain features of national forest reserve policies, past and present. On the following day the gentleman from Kansas [Mr. MURDOCK] made a speech in reply to certain assertions made by the gentleman from Washington the day before. In the course of his remarks the gentleman from Kansas said that the gentleman from Washington "virtually advocated the abandonment of the policy of national conservation," and further on in his remarks the gentleman said, in substance, that the leaders of the Republican Party had never had any sympathy with the principle of "conservation," had been and were opposed to it, and would if they had the opportunity entirely overthrow it.

Being somewhat interested in knowing just what the gentleman meant by "conservation," I interrogated him as follows:

The gentleman uses the word "conservation." Is it the gentleman's purpose to define what he means by "conservation," in order that we may understand what it is he is discussing?

To which the gentleman from Kansas [Mr. MURDOCK] replied:

I will say that I intend to deal with the forestry proposition.

It is my present purpose to also discuss briefly some features of our national forestry policy, and also certain other matters relating to the public domain which are sometimes grouped under the head of "conservation."

The gentleman from Kansas did not define "conservation" at my request. He would probably experience some difficulty in giving a definition which would be acceptable to all of those who most frequently and glibly employ that term. But whatever it is, he says the Republican Party is against it. While I do not pretend to speak for the Republican Party as a whole, I desire to make some observations as to my personal views relative to some things that have been done in the name of conservation, and I think I shall have no difficulty in making it quite clear that the Republican Party and the members of that party are entitled to the credit for most that has been done in the way of a reasonable and proper use and conservation of the Nation's resources.

On the other hand, I think it can be made perfectly clear that some who have most conjured in the name of conservation and have had the most to say about it have, consciously or otherwise, been the enemies of a wise conservation, permanent and useful to the people, through proper protection and use of the Nation's resources: First, by advocating and promoting the withdrawal from use of needed resources; second, by defending rather than seeking to reform faults of administration; third, by advocating impracticable and unworkable legislation; and, fourth, by opposing legislation without regard to its merits which does not have the O. K. of certain influences.

CONSERVATION AS A FETISH.

I know of nothing more unfortunate in the political history of the past few years—I can not think of anything much less defensible—than the way in which the word "conservation" and a certain nebulous undefined theory so labeled has been used to boost private ambition, to exploit extravagant and impracticable propositions, to defend maladministration, and to prejudice the public mind, without argument or reason, for or against men or measures.

From the standpoint of the man who makes a fetish of conservation every fault of administration, every criticism of policies or measures, is fully answered by the simple process of damning as an anticonservationist him who has the temerity to criticize acts or policies. And these same gentlemen are always on the hair trigger to condemn and oppose or exalt and support men or measures according as they receive or are denied the conservation brand by the high priests of the cult.

PROGRESSIVES AND CONSERVATIVES.

I doubt if the gentleman from Kansas, looking for issues, will, after mature consideration, conclude to appropriate for his party every proposition, policy, and suggestion, however extreme, extraordinary, burdensome, or quixotic, made in the name of conservation. If he does, I assume he will consider it necessary for him to prove, to his own satisfaction at least, that the party of which he was long a member, which aided him with its support, has been and is consummately wicked in everything that appertains to or can be brought within the purview of the tremendously elastic term with which he proposes to conjure.

In connection with these matters I have just one or two suggestions to make. The first is that he will have no difficulty whatever in appropriating to himself and retaining for his party, if he desires it, all of the questionable credit to be secured through the defense and advocacy of certain things that have been done and certain things that have been proposed in the name of conservation. Neither the Republican nor the Democratic Party, nor any informed member of either, will, in my opinion, dispute with him a complete monopoly of support and approval of some of the acts and some of the proposals performed and proclaimed in the name of conservation.

Second. As I see with the eye of prophecy the no-distant day when the gentleman from Kansas and most of his now devoted followers will be endeavoring to feel once more perfectly at home and comfortable in the Republican band wagon, I realize that their comfort and enjoyment will not be enhanced by the recollection of charges or declarations, with flimsy foundation, hurled against the Republican Party.

THE FORESTRY POLICY.

In answering the speech of the gentleman from Washington the gentleman from Kansas seemed to admit many of the statements made and to make an effort to excuse the Forest Service on a plea of confession and avoidance. Being really a better conservationist than the gentleman from Kansas, without having made claims in that direction, I want to suggest that as much force as there is in many of the facts related by the gentleman from Washington, I doubt if all the inferences he draws from them are fully justified. I do not pretend to be personally informed as to the workings of the Forest Service in the State of Washington, but from some knowledge of the general situation it is my opinion that the service is perhaps not wholly to blame for the fact that the sales of timber in Washington are, compared with the amount the Government owns, pitiably small, for, undoubtedly, much of the forest is inaccessible. That the policy heretofore followed has not, however, been altogether a wise one is evidenced by the fact, to which the gentleman from Kansas called attention the other day, that very recently the service had largely increased its sales and contracts.

ARGUMENT OF SERVICE NOT SOUND IN ALL CASES.

The argument of the Forest Service in support of the policy of asking as high a price for stumpage as that asked or received by private holders of timber lands and thus restricting sales, to wit, that any reduction they might make would simply benefit the purchaser of the timber, who would not pass the benefit on to the consumer, is undoubtedly sound as it applies to certain regions and conditions; but that it is not defendable under all conditions I have pointed out on the floor in years past in relation to specific cases, cases in which the people of my State, my constituents, have been compelled to pay higher prices for their lumber than they would have paid, had the lands been in private ownership or, had the Government sold the stumpage at what had been the prevailing price before the Government established a monopoly.

Whether or no the bureau can justify its present stumpage rate in Washington I do not know. I have heard no serious complaint in my State along this line for some time past, but I think all will agree that as a general proposition it is the duty of the Government to use its enormous holdings with a view of keeping down prices rather than as though the Government were one of the timber barons, and the biggest of them all, selling its timber at the highest price it will command in virtual combination with other owners.

RESERVES INCREASE VALUE OF PRIVATE HOLDINGS.

There is no blinking the fact that the present ownership by the Government in reservation of vast areas of valuable timberland has had the effect of steadying and increasing timberland values generally, of raising stumpage values above what they would be if the Government were still disposing of its lands at a nominal figure, and the extent to which our forestry policy does this depends in a large degree upon the policy pursued in making sales.

It is true, therefore, that in a certain very important sense the inclusion of vast areas of valuable timberland in the Northwest States in forest reserves has steadied and increased the value of the lands held by the great timber barons. One does not need to be an expert in forestry to be able to realize that fact as being inevitable. This fact is not, however, necessarily one that condemns the policy of forest conservation, nor is it proof of the fact that it is unwise to hold these great timbered tracts in public ownership. It does, however, illustrate clearly why certain large timberland owners have been favorable to the Government holding vast areas in reserve. Having acquired large holdings themselves, they naturally prefer to have the Government hold the remainder rather than to have it in private ownership without adequate fire protection and increasing competition.

POLICY SHOULD BE TO SELL SO AS TO KEEP DOWN PRICES.

While it does not necessarily follow that because certain large interests are benefited temporarily, or possibly permanently, by the policy of forest reservation that the policy is necessarily wrong, it does emphasize the importance of so administering the reserves that the benefits which naturally and inevitably accrue to large timberland owners in the vicinity shall not be increased and emphasized by methods of administration. The reserves and their timber supply should, so far as practical, be utilized for the purpose of keeping down the prices which a private monopoly might be disposed to maintain.

LIEU-LAND LAW.

In the course of his remarks the gentleman from Washington made reference to the so-called forest reserve lieu-land law and called attention to the unfortunate character from a public standpoint of a large number of the transfers made under it, severely criticizing transactions which were highly beneficial to certain railway companies and other large owners of lands within forest reserves. The gentleman from Kansas in replying to some of these criticisms fell into the very curious error of criticizing the repealing act rather than the lieu-land law which the repealing act wiped from the statute books.

This is rather old straw, and it has been thrashed over to such an extent that it seems rather superfluous to discuss it further. I should not except for the fact that there are certain points involved in the discussion which I think should be cleared up in the interest of the accuracy of history.

I was not a Member of Congress at the time the sundry civil bill of June 4, 1897, which contained legislation relating to forest reserves, including the so-called lieu-land selection provision, was considered and enacted into law. I had been a Member of the former and became a Member of the succeeding Congress. A short time after the act was passed I became Assistant Commissioner of the General Land Office and therefore had some knowledge of the view taken of the act in the Land Office and of its effect the first 18 months after it was placed on the statute books. The gentleman from Kansas has quoted Mr. Lacey, then chairman of the Committee on the Public Lands, to the effect that the legislation was demanded by settlers who, finding themselves within the boundaries of forest reserves, desired to exchange their lands for lands outside the reserves in order that they might have the benefit of schools and other institutions, which they could not hope to have in a region where all further settlement was prohibited, there being at that time no provision for the agricultural entry of lands within the reserves.

SCOPE AND EFFECT OF LAW.

At that time Binger Hermann, of Oregon, was Commissioner of the General Land Office, and when the owners of lands within the reserves secured through railroad and other grants applied for the privileges of exchanging, he held that the privilege was not intended to apply to lands so acquired; but later Secretary Hitchcock held that the law did apply to all privately owned lands in forest reserves.

Mr. MURDOCK. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. MURDOCK. Does the gentleman know whether or not the question was submitted to the Department of Justice or any one of its assistants?

Mr. MONDELL. I do not know.

Mr. MURDOCK. Who was the Secretary at the time?

Mr. MONDELL. Mr. Hitchcock.

The effect of this decision was to give an immediate exchange value to all of the lands in private ownership within the exterior boundaries of the reserves, and that exchange value depended largely on the value which was then placed upon the timberlands which could be secured through exchange. It is true that some of the privately owned lands, railroad and otherwise, within the reserves were heavily timbered, and therefore there was no incentive for their exchange except as the timber upon them was cut.

SAN FRANCISCO MOUNTAINS FOREST RESERVES.

The effect of the legislation was early appreciated in the Land Office, and after the Secretary's decision considerable care was exercised in creating reserves to exclude as far as possible land-grant lands. It was with that object in view that, upon the recommendation of Commissioner Hermann, the San Francisco Mountains reserve when created resembled a checkerboard, at least that portion of it within the land-grant limits of the Santa Fe Railroad.

The administration and control of the reservation thus created proved to be difficult and vexatious, and with a view of consolidating the reserve and at the same time avoiding somewhat the granting to the owners of the railroad land the full right of exchange which they would have under the lieu-land statute, Secretary Hitchcock entered into an agreement the effect of which was to allow the exchange provided by the statute without restriction as to about two-thirds of the railroad land-grant lands and restricting the exchange of the other third to localities in which there were no valuable timberlands. It also allowed the owners of these lands to cut under Government regulation the timber from certain of the lands then under timber lease before making the exchange.

The gentleman from Kansas [Mr. MURDOCK] said the other day that there was no contract, the inference being, I assumed, that there was no valid or binding agreement. It was as near a contract as the officers of the Government could well make it by agreeing to put the lands in reserve on the basis of an agreed plan of exchange. Secretary Ballinger, for some peculiar reason, in a communication which he addressed some years later to the Senate on the subject, said that there was no contract.

Mr. MURDOCK. I will say to the gentleman from Wyoming that that was the basis of my remarks.

The SPEAKER pro tempore (Mr. BUCHANAN of Illinois). Does the gentleman yield?

Mr. MONDELL. Yes.

Mr. MURDOCK. The basis of my remarks was that communication which Mr. Ballinger made to Congress.

Mr. MONDELL. I could never understand how Secretary Ballinger came to use that expression, unless it was that he feared that there might be some criticism of his predecessor if the word "contract," which was actually not used, was used to designate the exchange that was agreed upon. But, at any rate, the agreement was made and the owners, the railroad companies and the Aztec Cattle Co. and other cattle and land companies which owned the land, began to make the exchanges.

By this time it became clear, as Commissioner Hermann had stated in his reports, that the lieu-land law was a mistake, and on November 24 I introduced House bill 24866, which read as follows:

That from and after the passage of this act no public lands of the United States chiefly valuable for the timber they contain shall be subject to location or selection under the provisions of law providing for the location, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, and any location or selection made or sought to be made on lands chiefly valuable for the timber they contain in lieu of lands within a forest reserve shall be void and of no effect.

I am of the opinion that it would have been better to have passed the law in that form rather than prohibit all exchanges, because there is no question but that it is well for the Government to have private lands not used or occupied by settlers, so far as possible, excluded from the reserves, where they are timber growing or timber producing, or where they are needed for the protection of watersheds.

When the bill was taken up for consideration in committee certain objections were made to it, one being that the measure, if passed in the form introduced, might prevent the completion of exchanges where lands had been surrendered and other lands selected. The officials of the Interior Department were of the opinion that exchanges under way would not be affected and would be, if found regular, perfected in any event. They did, however, express the opinion that the legislation would prevent the carrying out of the agreement which the Secretary had made relative to lands in the San Francisco Mountains Forest Reserve, and the legislation as reported, and as it passed the

House, excepted the lands covered by this agreement from the provisions of the act and also contained a provision specifically providing that it should not affect cases where the applicants for exchange had done everything that the law and regulations demanded them to do, but where the cases had not been finally passed upon by the department.

My recollection is that this action was taken upon the insistence of those representing settlers and other small transferees, who feared that the act might jeopardize their interests in spite of the assurance of the Interior Department that it would not.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Washington?

Mr. MONDELL. Yes; I would be glad to.

Mr. HUMPHREY of Washington. I would like to ask at this point whether any of this was railroad land that was afterwards exchanged when the transfer had not been completed?

Mr. MONDELL. There were all kinds of land in that condition. The gentleman will understand that the railroad companies themselves—that is my understanding of it, although I have never inquired into it carefully—the railroads themselves made comparatively few exchanges. The railroads generally, I think, sold their base lands, and other parties made the exchanges. It is true that a great many of these exchanges were for nontimbered public lands of comparatively little value. The lieu rights were used largely throughout the West by ranchmen and others for the purpose of taking up lands adjacent to their holdings. The farmers and stockmen took up 40 and 80 and 160 acre tracts here and there, and considerable of the land was absorbed in that way, although much of it was absorbed in taking valuable timberlands in the Northwest.

In a report made January 13, 1904 by the Acting Commissioner of the General Land Office to the Committee on Public Lands on H. R. 4866, concurred in by Secretary Hitchcock, the statement was made that there were over 3,500,000 acres within the primary limits of the land grants of the various railroads, wagon roads, and military roads subject to exchange in addition to an amount not possible to determine within indemnity limits. There were also large acreages of State school lands which were legitimate basis for exchange when in private ownership, and a large amount of these lands, possibly a half million acres, were in such ownership. After the legislation passed the House it went to the Senate, where it had many vicissitudes. Finally it came back from that body modified in this way, that instead of providing that there should be no exchanges for public timberlands it provided that there should be no exchanges at all. It did recognize the San Francisco Mountains agreement; and the amendment provided for by the conference report, to which the gentleman from Kansas referred, was the amendment which the Department held to be unnecessary, but which was adopted by the House—out of excess of caution, possibly—to provide that cases before the department which were regular should be completed.

Mr. MURDOCK. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MURDOCK. Then, do we understand that the amendment to which I alluded which was offered in conference and accepted was the same amendment as the gentleman had previously offered in the House?

Mr. MONDELL. I will not say that it was the same amendment in actual words. I could tell by referring to it.

Mr. MURDOCK. Virtually the same amendment?

Mr. MONDELL. Virtually the same amendment. That is my recollection. I have not recently looked it up. I am stating it from memory, but I think it was in effect the same, though it did recognize rights down to the date of the passage of the act instead of the earlier date fixed by the House bill.

Mr. MURDOCK. The gentleman has spoken of the long delay in the Senate. What was the reason for that delay?

Mr. MONDELL. "The gentleman" is not acquainted with the doings of the Senate, and does not have official knowledge of the reason of the delay.

Mr. MURDOCK. As I recollect, the bill of the gentleman passed the House in April of one year and did not come back into the House from the Senate again until March of the next year, a matter of 11 months.

Mr. MONDELL. When the bill went to the Senate there was no action taken for some time, and then all of the House bill was stricken out and a composite proposition then pending before the Senate committee was substituted. It provided, among other things, for exchanges of like character and quality both as to soil and timber, but it related to a number of things. That was inserted in lieu of the House bill, and when that bill came before the Senate the Senate referred it back to the committee, and the committee then reported it out, striking out the House bill and inserting the bill prohibiting all exchanges. I am still of the opinion, as I was at the time, that it would have been better to pass the House bill, allowing exchanges so long as they did not take timbered lands.

Mr. HUMPHREY of Washington. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. Yes, Mr. Speaker.

Mr. HUMPHREY of Washington. I do not wish to anticipate the gentleman's speech, and if I am doing so it will be perfectly agreeable to me to wait until the gentleman reaches that point; but if not, I want to ask if it was during the time that this bill of which the gentleman speaks was pending in the Senate that the transaction took place about the 240,000 acres in Montana, where the Northern Pacific Railroad is alleged to have received 240,000 acres of practically treeless and practically worthless land included in a forest reserve that was exchanged for timbered lands?

Mr. MONDELL. My recollection is that while the legislation was pending there was a considerable addition to a forest reserve in southern Montana, and that there was a considerable amount of railroad land in the land so included, and that it did not contain timber of any considerable value, although a large part of it was mountainous, broken land, with some scrubby timber upon it. I think that was the last of the inclusions of railroad land before the repeal of the act. The act in amended form became a law March 3, 1905.

Had I been in Congress at the time the law was passed, I probably would have been impressed as were others with the necessity of allowing settlers to make exchanges, there being then a comparatively small amount of railroad and other grant lands in the reserves. When the necessity became apparent for the modification or repeal of the law, my thought in introducing the bill was to prevent any more valuable timber lands to be taken in exchange. Without regard to the merits of the agreement which the Secretary of the Interior had made relative to lands in the San Francisco Mountains Forest Reserve, the probability is that that agreement could have been enforced as a claim, and having been largely executed, its recognition was seemingly imperative. The repeal of the act as to other lands put an end to exchanges which would have aggregated three or four million acres, at least.

Some features of this matter illustrate how men with the best intentions in the world may become unwittingly parties to transactions not in the public interest. They illustrate the importance of being careful and conservative even in the advocacy of general propositions which, in the main, may be entirely praiseworthy. So anxious were some forest-reserve enthusiasts to extend the area of the forest reserves that they did not always scrutinize carefully the motives and interests of those who urged establishment and enlargement of reserves. Furthermore, many of those who were the most earnest advocates of a very wide extension of reserves believed that extensions should be made, even though in the consolidation of the reserve the Government did not, in the first instance, make a good trade. This is illustrated in a statement in a letter from Mr. Pinchot, then Forester in the Agricultural Department, to Commissioner Richards, of the General Land Office, under date of September 3, 1903, which the gentleman from Washington [Mr. BRYAN] placed in the RECORD of June 3.

Referring to certain exchanges for lands in a California forest reserve, he said:

> I am strongly of the opinion that even at the cost of a relatively poor bargain by the Government, which from the present situation I apprehend is not to be feared, it would be wise to make the exchanges.

While I do not entirely disagree with the view thus expressed, I am of the opinion that greater care should have been exercised by those responsible for recommending and urging the establishment and extension of reserves to see that lands recommended for inclusion did not include considerable areas of comparatively nontimbered lands in private ownership.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BRYAN. Does not the gentleman believe, in order to be fair to himself and Mr. Pinchot and to those who may read the RECORD, that this sentence which precedes the sentence which the gentleman has read from Mr. Pinchot's letter should also go in the RECORD:

> I am informed that Mr. Washburn has agreed to take untimbered land in one of the Dakotas for his holdings back of Santa Barbara.

Mr. MONDELL. That is to be inferred from what I read. Mr. Pinchot said in his statement I read "that in the present situation" he did not apprehend poor bargains were to be feared, and still as a general proposition he took the view that exchanges should be made even though the bargain might

be a poor one. I am inclined to think it was in the case he referred to.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. HUMPHREY of Washington. The one particular criticism that the gentleman from Kansas [Mr. MURDOCK], it seemed to me, urged the other day in regard to what I said was that I had asserted that these exchanges were made with the consent of the Forest Service. I think I am paying the gentleman a well-deserved compliment when I say that no man in the House is more familiar with these transactions than the gentleman from Wyoming [Mr. MONDELL], and I would like to ask him this question: Has the gentleman ever found anywhere where these exchanges—the San Francisco Mountain exchange and the Great Canyon exchange, or any exchange made with the Northern Pacific—where there was any opposition to that transfer which came from the Forest Service or from Mr. Pinchot?

Mr. MONDELL. Mr. Speaker, that is a pretty large contract which the gentleman from Washington places in my hand. As to many of these forest reserves, I know no more as to who recommended their establishment than does the gentleman from Washington. I know something about what happened while I was in the Land Office and from hearsay I know what happened with regard to some other reserves, but when you say the Forestry Service, of course you are using a very broad term. At the time this act passed and for several years thereafter there were two forestry services. One was the Forestry Service in the Agriculture Department and the other was the Forestry Service in the Interior Department, and while they were entirely separate and the two of them were in frequent clashes, still they were more or less in harmony, sometimes more and sometimes less, and the Forestry Service in the Agricultural Department was constantly making recommendations—men in the service and those interested in the subject—with regard to these reserves.

The gentleman need not confine his statement to the Forestry Service. He will remember that the board that arranged the establishment of the 15 reserves that were established the last year of Mr. Cleveland's administration was composed, I think with one or two exceptions, of men not connected with the Forestry Service either now, then, or at any time. They were all of them high-minded, patriotic gentlemen, honest to a fault. They recommended some very extraordinary territory to be put into forest reserves. They probably did more to harm the forestry-reserve policy for several years than all of the enemies of the policy put together, because their recommendations were made from palace-car windows, and they did not in every case include lands that ought to have been included, and they did in some cases include lands which ought not to have been included in the reserves; and that was so patent that Congress for a year suspended those reserves, and finally they became effective, only to have their boundaries largely changed later.

I can not do more than to reiterate what I have said, that I think many men, who I think are honest men, allowed their zeal to run away with their judgment in the matter of creating reserves, and without intending to do so they became unwittingly the aids of men who for improper purposes were trying to have reserves created, to wit, in order that they might have lieu-land rights; and it all illustrates this, that in human affairs it is often hard to draw a dividing line between what is absolutely correct and virtuous and what is harmful and ill advised. I should not be disposed to criticize any of those gentlemen at all at any time if it were not for the fact that some of them are tremendously prone to criticize other people for doing things which they think are entirely proper.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield again?

Mr. MONDELL. If the gentleman will be brief, because my time is running and I have not even started.

Mr. HUMPHREY of Washington. Mr. Speaker, I will try and make my statement specific. My colleague from Washington, Mr. BRYAN, thought that I unduly criticized Mr. Pinchot. I certainly had no intention of doing so, and I therefore want to ask this specific question of the gentleman [Mr. MONDELL], who is perhaps more familiar with these records than anyone in the House: From the time of the creation of those forest reserves in Arizona until the law was passed repealing the lieu-land law, has the gentleman ever seen in the records anywhere any protest coming from Mr. Pinchot against any of those transfers or exchanges by the railroads of land in various reserves for land outside?

Mr. MONDELL. Well, I do not recall I ever did, but still it does not follow there might not have been cases of that kind. Possibly Mr. Pinchot did not deem it his duty to oppose.

Mr. HUMPHREY of Washington. I am not arguing it was. I wanted to know the facts. That is what I am trying to ascertain in regard to these matters.

Mr. MONDELL. I do not pretend to be fully informed, but my recollection is as I have stated. I reiterate that in all of these matters I am always inclined to think that men in public life act from honest motives. I have seen very few exceptions—very few cases where public men did not act from proper motives in what they did.

THE FOREST-RESERVE POLICY.

The gentleman from Kansas [Mr. MURDOCK] in the course of his very interesting remarks, to which I have referred, referring to the forest-reserve policy, gave Mr. Pinchot and ex-President Roosevelt exclusive credit for the establishment of that policy and stated that in it they had little or no sympathy from the leaders of the Republican Party. I have no disposition to take from either of these distinguished gentlemen any proper credit for any useful or helpful thing which they may have been instrumental in aiding or accomplishing. We are all free to recognize the useful, helpful, and patriotic services of the ex-President to the people in many lines. The ex-Forester advocated and accomplished some good things, and all these services were while the gentlemen were Republicans; they have had no opportunity for public work as officials since they left the party. But when the gentleman from Kansas gives these gentlemen credit for the establishment of the policy of national forest reserves he is not speaking accurately.

It may be interesting to briefly sketch the inauguration and the growth of the national forest reserves. In 1890 Commissioner Groff, of the General Land Office, serving under Secretary Noble and in the administration of Benjamin Harrison, suggested legislation reserving mountain timberlands, and reporting on a Senate bill in March of that year recommended that woodlands and timbered areas, which for climatic, economic, or public reasons required the protection and supervision of the Federal Government, should be reserved from disposition under the general land laws. In March, 1891, President Harrison signed the bill which provided, among other things, for the creation of forest reserves. Within a year 6 reserves were established, and before the close of President Harrison's administration 15 reserves were established, containing approximately 13,000,000 acres.

UNDER CLEVELAND AND M'KINLEY.

During the first three years of the succeeding administration of President Cleveland 3 reserves were established, containing 4,500,000 acres, and in the last year of his administration 15 new reserves, with an area of approximately 20,000,000 acres, were created. During President McKinley's first term 13 of the reserves last referred to, which had been temporarily suspended by act of Congress, became effective, and 12 new reserves were created. So that when the Agriculture Department, in February, 1905, was given supervision of the reserves they were 59 in number, containing nearly 63,000,000 acres. Some 22,000,000 acres, in addition, had been examined and were soon thereafter included in reserves, making 83 reserves with over 85,000,000 acres at the time the Agriculture Department, or the Forest Service in that department, succeeded to the management of the reserves.

TRANSFER OF RESERVES.

For some time before the transfer of the reserves there had been considerable friction between the Land Office, in control of reserves, and the Forestry Division under the Agriculture Department. It was thought at one time that this friction might be overcome by the transfer of the Forestry Bureau to the Interior Department. There were a number of obstacles and objections to such a transfer, and largely in the interest of harmony and in the hope of a more satisfactory administration of the reserves, I introduced the bill which became a law February 1, 1905, as I have stated, transferring the forest reserves to the Agriculture Department. Not only were many reserves covering a vast acreage thus transferred to the Forest Service in the Agriculture Department, but prior to that time practically all of the important legislation now in force affecting the management of the reserves, except the forest-reserve homestead law, had been placed upon the statute books. While the administration of the reserves in the Interior Department was not in all respects satisfactory, looking back upon it now the work of that department in forest protection and in many features of administration, carried on with an appropriation of

from $100,000 to $300,000, seems under the circumstances to have been remarkably effective.

At one time and another since the reserves were transferred to the Agriculture Department I have severely criticized certain features of administration. I did that particularly at a time when it was very unpopular to do so; but I have never at any time favored or suggested the abandonment of the public control of large areas of forested land and lands protecting watersheds in the West. On the contrary, my criticisms have all been in the hope of calling attention to and remedying certain evils of reserve creation and administration. Certain of these evils were possibly temporarily inevitable.

The present management of the reserves has to a considerable extent removed a very definite ground of complaint by the elimination from reserves lands the reservation of which served no public purpose, but retarded settlement and development. I have never approved the elimination of heavily timbered lands from the reserves; on the contrary, I have frequently in years past criticized the failure to include certain of such lands in reserves.

THE SERVICE AT THIS TIME.

The service is also, so far as my personal observation goes, making an earnest effort, and with some considerable success, in removing causes of complaint as to acts and methods of administration. I am of the opinion, however, that there is plenty of room for improvement, particularly in the direction of active and effective sympathy and aid to those of small and limited means, farmers, miners, and others, who in one way or another seek to acquire rights upon or utilize the resources of the reserves as Congress has provided they may do. We need a fuller realization of the fact that the reserves are for use, and that it is the duty of officials to encourage rather than to discourage their proper use. I would suggest to all friends of a national forestry policy that that policy will be best served by urging and assisting in improvement of administration rather than by wholesale condemnation both of the arguments and the motives of those who may criticize.

STATE VERSUS NATIONAL CONTROL.

An effort has been made of late to stampede honest but uninformed friends of a national forestry policy into believing that there is a concerted and widespread movement, sinister in its purpose, on foot to transfer the reserves to State control, and this bogie man is constantly raised as the only answer made to criticisms of the service and its policies.

I do not pretend to be fully informed as to what the general public sentiment in all parts of the West may be in this regard, but I believe that there are comparatively few people who think it would be wise or practical at this time, or at any time in the appreciable future, to transfer the reserves to the States. For one thing, most of the States in which forest reserves are located are not in a financial position to assume and carry properly the burden of the reserves, and I think few of the people desire to assume the responsibility.

I do not object to those transfers on the ground that the people of the States are not to be trusted to honestly administer them. In my early days in the West the cowboys used to say of a particularly despicable fellow, "He is ornery enough to rob his own trunk." I have never thought the people of the sovereign States of the Union were subject to that kind of criticism. I do not think the people of the Western Commonwealths are going to rob their own trunks. I do not think they would squander their reserves; if they would, then self-government in the twentieth century is a failure, for if the people can not be depended upon to govern themselves under that Government where rests the greater part of their sovereignty, then there is not any hope for self-government anywhere. So I do not oppose transfers on the ground that people are going to squander their patrimony. I do oppose it on the ground the States can not afford it in many instances, and in other instances they have not and it would be difficult for them to speedily secure the machinery to operate the reserves. Further, as is pointed out by the Oregon conservation commission in a little pamphlet I got the other day, there are some questions connected with the reserves that are nation wide or at least interstate, and it would be rather difficult for the States to administer the reserves for that reason.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Speaker, I do not know how long it will take me to conclude, but I would like to have permission to conclude my remarks. I think it will take me something over half an hour.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. In so far as there may be a sentiment in favor of State control, the only way to effectively meet it is by careful consideration of all reasonable complaints and criticisms and by earnest effort to remedy faults that may exist. An improving service, which, whatever may be its faults, I believe the Forest Service to be, is likely to incline people to hope for further improvement under National rather than try the experiment of State control.

THE PUBLIC DOMAIN.

I have taken up more time than I had intended in the discussion of forest reserves, for I desire to discuss at some length other matters pertaining to the public domain which fall within the all-embracing term "conservation."

As a matter of fact, while the forest reserves are of vast importance in their relation to the general welfare in many Western States, the reserves are of relatively less importance and interest to the people of those States than are the numerous problems and questions which relate to the acquisition, development, and use of the mineral and nonmineral public lands. In many regions of very great extent there are no forest reserves. The great majority of the people are seldom brought in direct contact with the problems which the forest reserves present. Most of them are never directly affected by the reserves or the methods of their administration. On the other hand, the problems of the acquisition, development, and utilization of the public lands is one that quite directly affects the great majority of the people of the regions in which the lands are located.

When one talks "conservation," therefore, in the public-land States they conjure up in the minds of their hearers all sorts of public-land problems, and it certainly is not the fault of the people out there that the mental picture "conservation" calls up is one of lands and resources locked up and numberless vexatious, exasperating, and well-nigh insurmountable obstacles placed in the way of the use and acquisition of such lands as remain unreserved.

I do not believe for a moment that any considerable number of those who favor whatever in their minds represents conservation desire a system under which the condition of the settler, farmer, stockman, miner, oil driller, and others seeking to develop lands and resources shall be one of extreme exasperation and difficulty. Possibly they find it hard to understand just how the preaching and practice of the most extreme form of conservation can seriously affect people claiming rights under law.

EFFECT OF CONSERVATION ON ADMINISTRATION.

The fact is that those charged with responsibility in the administration of the land laws have been so impressed with the extreme doctrines taught and extreme views expressed in the name of conservation that they have been consciously or otherwise affected in their whole attitude toward public-land questions. No department or bureau officer or clerk has ever lost his job or his reputation by construing the law against those desiring to secure rights on the public domain. On the other hand, the clerk or official who can discover some new or novel excuse for preventing the establishment of rights or titles is the envy of his fellows and marked for popularity and promotion.

Furthermore, it is natural and inevitable that among those whose permanent or temporary employment depends upon an extension rather than a curtailment of Government activity there should be some having a disposition, conscious or otherwise, to lengthen rather than shorten the scope of the activities in which they are engaged; and, finally, as perfectly ordinary, simple, and convincing cases pass along without any comment and only those less worthy or perfect or involving special questions of public policy attract special attention, a naturally suspicious disposition soon comes to assume that perhaps after all the best service is rendered by those who withhold rather than those who permit the enjoyment of rights the law confers. If in this state of mind among administrative officers and clerks you have what seems to amount to a public sentiment that rights on the public domain should be greatly curtailed and a like-minded influence of a less public character, one does not have to have a lively imagination to conjure up a condition under which claimants before the bureaus having to do with the public domain have a hard time in securing the rights and benefits the law was intended to grant them.

ALL FOR PROPER CONSERVATION.

All right-minded people believe in a proper conservation of all our resources, both on the public domain and elsewhere. We believe we are better conservationists who insist on justice under the laws and guarded and orderly development than those who really create monopoly and promote injustice by tying up resources and making the way of the settler, always a hard one, still harder.

At one time and another I have taken up with the Interior Department practically every cause for complaint by set-

tlers on the public domain. I have made many speeches on the subject, some of which have been held by some people to indicate that I was not at all in harmony with what they were disposed to call "conservation." In December, 1911, I wrote a letter to President Taft, which I propose to put into the RECORD, if I may be allowed to do so, and which I feel I am justified in doing now, the gentleman having passed from public life, in which I called his attention to certain features of the administration of the land laws of which our people bitterly complained, and desired a betterment of them. I am frank to say that whoever might have been to blame, we did not get very much relief. I am frank to say that in the main, so far as relief through administration was concerned, things went from bad to worse. In the meantime, however, Congress has passed some liberalizing legislation affecting agricultural land and entries which has been very helpful.

Complaints with regard to the administration of the public land laws are of a vast variety, and I do not want you to lose sight of the fact that this constant agitation of some undefined thing known as conservation has been the most powerful of all the factors in bringing about a frame of mind in the department and among department officials under which it is entirely conservative to say that every statute is construed, so far as it can possibly be, in a way to make it difficult to secure the rights which it provides, and that, on the contrary, if there is any ambiguous language in the statute, or a hazy court decision anywhere, that can be found to make the perfection of rights and claims difficult, you can depend upon it that there is some ambitious person around in the department who will find it, and demand that it shall be made the rule in all cases. In these days he is a brave man, secretary or commissioner, who dares suggest to any clerk in his bureau that a certain construction of statutes is illiberal and shall not therefore be adhered to. They have in mind, no doubt, certain things that have occurred; how certain gentlemen have been criticized; have temporarily, at least, lost their reputation; how these questions have been made political in many cases. And, as I said, it is a brave man who, under these circumstances, dare do right.

CHARACTER OF COMPLAINTS.

These injustices are as numerous as the stars and as diversified as they are in magnitude, and one would need a week and not an hour to discuss them. It happens that many of the complaints come to me because of my believed familiarity with public-land questions and the fact that I have been on the Committee on Public Lands, and was for some time its chairman; perhaps by reason of the fact that I have been at times very emphatic in my statements in regard to these things. Referring again for the moment to forest reserves, I want to emphasize this, that never since I have served in this House have I had what ex-President Roosevelt used to call a "big man"—meaning a man of wealth and large influence—make complaint to me about a forest reserve or the Forest Service—not one. On the contrary, on one occasion when I criticized the service for putting an upset price on stumpage much above what stumpage had been considered worth in the locality, the man who had the contract was much provoked for my mentioning the fact. He said, "It was none of your affair; I was perfectly willing to pay that price, and you have gotten me into trouble." I would not care to say—because the gentleman perhaps exaggerated—what he claimed happened to him because I criticized the Forest Service for charging too much for stumpage. He said, "I can get a fair price for my lumber, because there is none other in the country, and I do not know any reason why you should dip in." I told him I dipped in because it was the interest of my constituents I was looking after; that his business enterprise did not interest me. The incident illustrates the fact that the trouble has been with the little fellows.

And so it is in the main with these public-land questions, and I presume that is true of the experience of every Member of Congress from the West. A railroad company, a great land company, if they have troubles with the department, have people they can afford to pay to look after them. The men we hear from are the small fellows, the men who find it difficult to pay an attorney or who find it impossible to employ one, and who appeal to their Congressman for aid.

UNWISE WITHDRAWALS.

Now, how do these difficulties arise? They began to multiply about the time the public lands of the country first began to be largely withdrawn. I am not going to discuss the propriety of those old withdrawals. I made a speech very severely criticizing the coal-land withdrawals of June, September, and October, 1906, and it is not necessary to go over that ground again. But that withdrawal was not necessary to accomplish what was sought to be accomplished.

As a matter of fact, after six months of pleading, we secured a modification of the order, which still left the order as effective as it was before, so far as the object sought was concerned, and that object was to prevent the acquisition of coal lands. But in the meantime thousands upon thousands of settlers had the statutory period run upon their entries, and had difficulties in making proof. Many of the people were unable to make entries or to go on with improvements. A thousand and one difficulties, some of which are still trailing their slow length through the departments, arose from that unwise action—unwise in the way in which it was done.

There was no authority at that time for withdrawals. Possibly there was a condition that justified the kind of a withdrawal which the modifying order left. The Republican Party, true to its adherence to a proper policy of conservation, put on the statute books a withdrawal act which made withdrawals legal. And under that act President Taft made a great many perfectly legal withdrawals—more than he should have made, in my opinion, in the interest of conservation.

POWER SITES.

The gentleman from Kansas [Mr. MURDOCK] the other day in the course of his remarks criticized ex-Secretary Ballinger for having restored a lot of power sites. I do not know whether he restored any real power sites to entry or not. I know he did not in my State. He restored a lot of land to entry that the most enthusiastic conservationist, if he had been on the ground, would not consider power sites. For instance, at one time I began to get letters from people on the Big Horn River in my State—from homesteaders, Carey Act entrymen, desert entrymen, men who wanted to open a roadside stucco plant, and others—stating that the country was all tied up. I went to the department to find out what the trouble was.

I found that a tract of approximately 3 miles wide, about 1½ miles on each side of the river, for about 125 miles, zigzagging and following the sinuosities of the river, had been withdrawn. I asked a certain official how he came to do that. He said, "I would rather not discuss that matter with you." As a matter of fact, I am of the opinion he did not want to make that withdrawal—was instructed to. There was not anywhere within that 200,000 acres a tract of land that anybody, I imagine, ever can use for a power site, except at one point, and that was retained in reservation.

The probability is that that will never be utilized, but it is a possible point for power development. Otherwise the stream is a perfectly placid, slow-flowing stream, up there in a broad valley, which you could not under any circumstances utilize for the development of power. And now that it has been restored, no one has secured any power rights on it, or sought to secure any power rights on it, many a settler has completed his land entry on the banks of that river, and at one point some gas wells have been developed for the supply of two small towns. A railroad has come down there and gotten a right of way over a part of that land, a few miles of it, and the ordinary industries of the country have gone on.

That reservation was made just a few days before Mr. Garfield went out of office. It is hard for me to believe that he would have made that reservation if he had expected to remain in office. It is very, very hard for me to believe it. All I did was to make a map of it and place it on the Secretary's desk with the letters of the fellows who were affected, and say, "Please look at that," and walk away. A large part of the withdrawn land was covered with some sort of a claim that was unperfected.

So much for that.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. Unfortunately, I have been absent from the Chamber during a portion of the gentleman's address, which I otherwise would have been very happy to hear. I wanted to ask whether or not the gentleman had made any suggestions as to remedies by legislation, in the interest of the settlers?

Mr. MONDELL. I am coming to that.

Mr. TAYLOR of Colorado. The reason I have made this inquiry is because, unfortunately for our committee, and I think unfortunately for the whole western country, the gentleman from Wyoming has severed his connection with the Public Lands Committee, for which we are all sorry; and I think I speak for the whole committee in saying that we would be glad to receive suggestions from him along the line on which we know he is so capable of enlightening us.

Mr. MONDELL. The gentleman is very kind. I served for a long time and with a very great deal of pleasure on that committee, and gave a great deal of time to its work. The latter

part of my service was at a time when this same feeling that I have discussed was running rampant, and it was pretty difficult for us to get anywhere, to accomplish anything really worth while, although we did greatly improve many of the land laws, and particularly the laws relating to agricultural settlement. Much progress was made in spite of adverse sentiment.

DECISIONS AFFECTING AGRICULTURAL LANDS.

Now, what are the difficulties before us to-day? First, a great variety of questions that I shall not stop to discuss at length relating to agricultural settlement. There have been a very considerable number of decisions curtailing and reducing the rights and privileges of settlers. Why, within the last 18 months we have had decisions that overturned the uniform practice of the Land Office for 40 years, and against which no one, as far as I know, ever uttered a note of protest. And more recently we have had other rulings which reduced to the minimum the benefits to the settler and magnified to the maximum the requirements placed upon his devoted head. The decisions under the desert-land law have been most trying, the delays under many classes of titles most vexatious.

I am somewhat hopeful of this new administration, and I serve notice now that I propose to give it credit for all it will do in the way of affording proper relief. I do not want to ask the administration to do too much, for fear somebody will say the administration has got in bad by following after these wicked anticonservationists.

In spite of the extreme so-called conservation sentiment which in many instances would withhold all rights to the public domain, Congress has liberalized the homestead laws very greatly in the last few years, and I want to emphasize this fact, that in doing it we have had no aid or comfort that I can recall, although we have not had serious opposition in every case, from the gentlemen who particularly pride themselves on being conservationists, either in the enlargement of the homestead area, in the reduction of the period of residence, or in the other improvements that have been made in the statute.

TIMBER AND STONE ACT.

We have heard much of the timber and stone act. No doubt it was the means of passing much valuable timberland into private ownership that should have remained in public control, but of late years there has been but little valuable timberland outside of reserves, and people have sought to utilize the law to secure lands containing scattering timber adjacent to their agricultural holdings. Some of the land sought has had very little value for timber or stone; in fact, for anything except grazing. When an application is made to purchase under the law the tract is inspected by an agent of the Land Office, and an almost universal complaint is that if the land has any considerable amount of timber it is appraised above its value. If it contains but little or no timber and is not of immediate value as a stone quarry the entry is denied, because it is not valuable for timber or stone. Under such an administration of the law not much land is sold, though the public interest would be served by selling such lands and putting them under taxation and private protection.

ISOLATED TRACTS.

I shall not trespass on your time to discuss the question of the sale of isolated tracts, as I shall put into the RECORD, along with other letters on public-land subjects, a letter I recently delivered to the Secretary of the Interior on this subject.

REPAYMENTS.

No feature of recent administration of the public-land laws reflects less credit on the Government than the rulings and decisions denying to those who have made payments for public lands the return of their money in cases where the claim or title to the land is denied. In these cases the Government retains both the land and the money the entryman offered in payment for it. As usual, this sort of bunko game is justified on the ground that it is in accordance with the intent of Congress. This retention of an entryman's money along with the land he sought to acquire is conservation with a vengeance.

MINERAL LANDS.

The mineral-land claimant is often a man of some means, able to hire a lawyer, and so a Member of Congress does not hear directly from his constituents so many complaints of administration as in the case of agricultural entries; but those cases he does hear and know of fully illustrate the refinement of the policy of exasperating delay, microscopic examination, and seeming reluctance to part with an acre of public lands which characterizes the mineral-land administration more, perhaps, than any other.

Mr. TAYLOR of Colorado. I want to ask the gentleman if it is not true that in the three or four years that he and I served on the Public Lands Committee no one from the West ever sought to have that committee report out a bill granting the public lands of the West to the public-lands States? And is it not also a fact that the ultraconservationists have been trying most desperately through nearly all of that time to pass the bill at present known as the Lever bill, seeking to withdraw from entry all the public domain for the purpose of leasing it for long periods of time? And have not the American National Live Stock Growers' Association, of which Mr. Jastro is the head, and whose company own 150,000 head of cattle—have not that association, along with Mr. Pinchot and Mr. Gray and a few other distinguished gentlemen, been most ardent advocates of that bill, and have they not repeatedly been before our committee for that purpose?

Mr. MONDELL. I think the gentleman is a little extreme in his statement that the Lever bill would directly withdraw, or that it contains any provision directly withdrawing, land from entry.

Mr. TAYLOR of Colorado. I did not mean that.

Mr. MONDELL. The gentleman is of opinion that the effect of it would be to largely discourage settlement, and that has been my opinion in regard to it. Some good people have thought that it was a good thing, and many men who own large herds of cattle think it is a good thing. It is true that many men who call themselves conservationists have favored the leasing of the public grazing lands, a measure which a great many people believe would be a fatal blow to settlement and development. There is ground for difference of opinion, we all realize. It is also true, as the gentleman from Colorado says, that no proposition for the transfer of the public lands to the States has been before the committee.

COAL LANDS.

Now, passing for a moment from that question, which the gentleman from Colorado and others will have to wrestle with, and I shall not until it comes on the floor of the House, although I may appear before the committee and make a few observations, let us go to the coal-land situation. We are now in another atmosphere. We have left the domain of the settler, with whom all of us sympathize, and we have gone into the domain of the coal baron. While all coal operators are not barons, as I have discovered at one time or another in my life, the trouble with the present coal policy is that the Federal Government has constituted itself and is in fact the greatest monopolist in the world, and following the example of other monopolists, it has out-Heroded all of the monopolist Herods that ever came down the pike. The Government, unlike other large landowners, does not need the money, is not paying interest or taxes, and therefore it puts a price on coal lands that would fairly stagger one.

I do not criticize the policy of coal-land classification and the sale of coal lands at a classified price. As a matter of fact, I discussed and favored it before it was adopted, although I do not want any credit for its adoption. For a time a reasonable policy was followed, and a price was placed on coal lands high enough to discourage purchase for speculative holdings and not so high but that a man could go into the coal-mining business in a large or a small way. It did not have the effect of absolutely preventing development, but there came classification and reclassification and reclassification until coal lands in some parts of the West are now classified as high as $500 an acre, and because in one place where a mine has been opened and the coal was at the end of opened entries they did sell a small tract for near that price, the argument is made that the price is not excessive. The price is so high that no one but a millionaire can open a coal mine or get coal land in the vicinity of transportation on the public domain. That coal runs all the way from the brown lignites of the Dakotas, running through all the grades to semianthracite, some of which is found in Colorado. In the main it is what the department calls "subbituminous." An illustration is the Pleasant Valley coal in Utah, the Rock Springs and Cumberland coals in Wyoming, and certain coals in Colorado and Montana. But there are other things about coal-land legislation. The gentleman from Kansas, the other day when upon this point, spoke of the Cunningham cases.

OPENED AND IMPROVED A MINE.

I probably know less about the Cunningham cases than most people except those who talk the most about them. I have read little of the evidence regarding them. I think the only thing I read carefully in connection with them was the letter of the Pinchot brothers to the President protesting against the patenting of the entries. While I am on that point I want to refer to a statement made by the gentleman from Kansas the other day, in which he was not entirely accurate, to the effect that the Land Office had at one time ordered the expedition of the cases with a view to issuance of the patents. I think that

Mr. Pinchot himself made that statement at one time, but afterwards corrected it as being inaccurate. The Land Office, as a matter of fact, when the controversy arose, was proceeding to investigate the entries, and they had been held up so far as patent was concerned.

But referring to the Alaska decisions, the other day I had a curious illustration of their effect. A coal miner—I do not know him, but I have letters from others who do know him and vouch for him as being a good, honest man, though I do not know that it is entirely necessary that a man shall have a certificate of character in order to take public land; but assuming that it is necessary, this gentleman, I am sure, can secure it. This miner made application, having saved a little money, for a preferential right to buy 40 acres of coal land. In pursuance of his rights he dug into the vein, squared it up, I think timbered it a little; at any rate got it into shape so he could take out and did take out some coal. He did not, it is true, open a mine and run a railroad in and spend a lot of money which he did not have. In fact, there was little market at that time. When he came to offer his money in payment for the land there was a protest against it, another party claiming the right to purchase because the entryman had not "opened and improved" a coal mine in accordance with the decision in the Alaskan cases. We have been disposing of coal lands for 25 years. Wherever a man found a piece of coal land and opened up the vein and found what it was and said he wanted to work it as soon as he could, and he wanted to pay for it, it was sold to him; but the law does say he shall have opened and improved a coal mine, and if you can construe that to mean a large developed mine, you see what the effect is on our friend the miner. The Land Office did not think that they ought to hold him too closely to the Alaskan decision, but the Secretary's office thought differently, and unless the new Secretary shall overturn the decision of the late Secretary that miner can not get that 40 acres of coal land; and he was proposing to pay a classified price for it, remember. It is not taking the lands of the public domain without giving something for them.

Mr. TAYLOR of Colorado. Will the gentleman yield for another interruption on that subject?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. Has this kind of a case been called to the gentleman's attention, where lands have been classified, say at $50 an acre, and then the man goes and opens up a coal mine and offers to buy it, and is notified he can have it at that figure; then he goes ahead and spends a large sum of money on it, and when he comes to prove up to have the department tilt the price up $200 an acre and tell him he can not have the land unless he pays the additional price after he has spent $3,000 or $4,000 in the development of the claim?

Mr. MONDELL. Oh, yes; but what do you expect of a department official with the air full of shouts of conservation, the air full of charges that Government officials have not gotten all out of the public lands in every case that should have been secured? Under these conditions the man had what he assumed to be a vested right. It would be a contract right if the Government were an individual, and before he has completed the contract and made the last payment, or perhaps after he has made payment—I think there have been such cases after payment has been made—some official of the Government comes along and guesses that the coal land ought to be worth more money than the original appraisement, and tilts the price double and sometimes treble what the man was to pay in the first instance. What is the official charged with responsibility to do? Is he to lay himself liable to some sensational charge that he is aiding and abetting the looting of the public domain; that he only received $2,000 for a tract of land that somebody in the Government service had guessed was worth $5,000? His job is secure, and no man outside of those who hate injustice will criticize him if he takes the safe course and says, "Well, I guess you will have to pay the increased price." Yes; I think there have been cases such as the gentleman from Colorado refers to, and they have not, to say the least, reflected credit on the Government.

If a public official has the courage to say that a contract is a contract and that it makes anarchists for a government to go back on its contracts, he is liable to be criticized; he is liable to be condemned as an enemy of the public. That has been the trouble. I have not blamed some of these men so much when I have realized the conditions which surrounded them. I hope we are reaching a day when it shall not be a cause for criticism if a man deals fairly by those who do business with the Government, and that it shall not be a cause for promotion because a man discovers some peculiarly ingenious way or scheme whereby a law may be tortured into making the way of him who does business with the Government relating to the public lands more difficult.

PHOSPHATE.

We have heard of phosphate withdrawals. We heard the cry a few years ago of how the country was going to the demnition bowwows because the phosphate lands were not withdrawn. A very good gentleman from Wisconsin made a speech down here before a conservation congress, and before that night one or two or three million acres were withdrawn out in Utah and Wyoming. Phosphate lands, as a matter of fact, need withdrawal for the protection of the public just about as much as limestone does. But I am not criticizing the withdrawal of known phosphate deposits, even if done in the interest of the distant future. There is no demand for the western phosphate now at all. Where they have been withdrawn they are practically valueless so far as any present market for phosphate is concerned. I have no disposition to criticize the withdrawal of a reasonable area, large areas, all of them, for that matter, that are actually known and are, in fact, valuable for phosphate; but, Lord, when you come to take in millions of acres, including the irrigable and irrigated valleys, preventing the perfecting of entries and preventing their being entered, on the ground that from one to five thousand feet beneath the fertile soil there may be some phosphate, it does not appear reasonable, to put it mildly.

In some instances, when you ask why lands are withdrawn in blocks of 100,000, 200,000, or 300,000 acres, you are told it is because in examining geological atlases of years ago they have discovered that in that territory there is a limestone which, some 25 years later, at a distance of some 400 miles on the other side of the Continental Divide, they found contained some phosphates. That is not overdrawing it at all. That is the statement. Is it any wonder that real conservation loses friends when things like that are done in the name of conservation?

A lot of these withdrawals are immaterial in a practical way. Nobody desires to utilize the lands except as the herdsman grazes over them, but many of them are lands to which men want to acquire agricultural rights upon, valley lands, which have been withdrawn because over on the other side of the Continental Divide they recently found phosphate in a limestone of the same character that the Geological Survey maps of 25 years ago proved existed there. There is no phosphate, so far as anyone knows, but possibly it is underlaid by the same old limestone that perhaps contains limestone several hundred miles away.

LIMITED TITLES.

We made appropriations to have those lands classified; few are restored or examined for restoration. It is suggested that we could cure the whole thing by providing for limited entries reserving the phosphate. Well, I have no objection; in fact, I favor legislation that will allow the agricultural ownership of lands known to contain mineral, excepting the mineral from the grant to the farmer. I introduced the bill which became a law for limited patents under agricultural entries of coal lands. To apply that principle generally and everywhere is not pleasing to the American farmer; it is not pleasing to American citizens of any sort or kind anywhere. They want their titles in fee, and while some may not think that is important—to please the American people in the character of their titles—I think that a man taking land that has no reasonable indication of containing mineral, where it is a thousand-to-one shot if it does contain mineral, it is not fair and just that he be compelled to take a limited patent.

As a matter of fact, if mineral is finally discovered on such land, I do not know of anyone that it is more in the public interest to have own it than the farmer who owns the soil. I do not know of any better condition than such as they have in Illinois, where the farmer owns the coal under his land. We are not to have that condition out West in the future. I introduced the bill that separates the coal from the balance of the estate where coal is known or believed to exist. As to land giving no sign of mineral character, if the land is held in small tracts I think the public welfare is best conserved by having the ownership in fee in practically all cases, even in the few cases where mineral may some day be found.

I shall not refer further at length to water-site withdrawals, for I referred to those a short time ago; but it is true that there still remains withdrawn as water-power sites many lands that never, under any circumstances, could be utilized for the development of water power. We need restorations and we need legislation for the use of these lands. I have introduced a bill which I believe is along the right lines.

ONE KIND OF POWER SITE.

I have been having some considerable correspondence with some settlers who desire to make homestead entry in the valley of one of the larger streams of my State. These lands were formerly located, but conditions were at the time adverse, and the people gave them up. Since then the land has been withdrawn as a power site. Making inquiries in regard to the matter, I am told that it is in the realm of possibilities that some day these lands may be submerged should anyone seek to build a dam at a point 4 or 5 miles lower down. There is no prospect that anyone ever will. If it is feared that power might be developed by such a dam, to the great damage of the public, that can be prevented by the simple process of holding the dam site in withdrawal. What is done, however, is to prevent the only settlement possible in the region on the theory that some distant day somebody might want to build a dam and submerge these lands. The fact that in such an improbable case, under our Wyoming law, the lands could be legally condemned does not seem to have occurred to those responsible for the withdrawal. Some day a dam may be built at the Great Falls of the Potomac, above this city. Would it have been wise to prevent, from the beginning of settlement hereabouts, the use of these lands? Here there may be some question of the right to condemn; out West there is none.

The House has already been more than kind and patient with me, and while I should like to discuss a lot of these other questions at length I shall not do so now, but shall close with a few suggestions as to what may be done to better conditions. First of all, we want a better administration; we want a fairer administration. Of all of the things that are indefensible in public administration, the worst is the attitude of an administrative officer that because a law is not as he thinks it ought to be he will make it practically inoperative in order to compel a change.

OIL LANDS.

That is the difficulty with the oil-land situation in my State and surrounding States. Oil land may be taken under the placer acts; at least that is the law. It is said that it is not a satisfactory law. Possibly it is not in all respects in all localities. And yet, taking everything into consideration, under all the conditions, it works fairly well. They say a man can take too much land. It is the same old law under which men worked out placer deposits in narrow gulches, and if a man could acquire all creation under it they would have done it in those cases.

Congress has not seen fit to change the law. In the meantime there may be localities where the law is not working well, where it is very patent that it is not, where its tendency is to create a monopoly. If there is any such place—I do not know—but if there be, then there no doubt is a justification for the withdrawals.

But this is the situation in my State, so far as oil lands are concerned: We are away off yonder, so far from all large centers of population that our oil deposits—deposits which we believe to exist, of which we have indications—have not been sought as have been the deposits of the surrounding States nearer the centers of population until quite recently, although we began the development of oil 25 years ago. In quite a number of places much money was expended years ago with comparatively little returns. But for the last three years people have been looking in our direction—not the Standard Oil; the Standard Oil does not drill wells. It leaves that kind of hazardous business to venturesome souls who engage in it in early youth and continue on to the grave. They have been seeking these fields. They have been locating lands. They have been leasing from people who have located. One would think the Government would encourage that sort of thing, there being a law providing for it, but, no, the agents of the Government haunt the water tanks, the sidetracks, and roost on the wayside fences, watching an oil derrick as it comes into the country and withdraw the lands around it the minute they find where the heroic and venturesome souls propose to spend their money.

Men do find oil even under such circumstances. It is oftentimes a hundred-to-one shot so far as the first location is concerned; but fail or win, they have no adjacent territory that they can develop; it is withdrawn.

VILLAGE GAS SUPPLY.

Fifteen years ago a man attempted to find some gas near a small village in the center of our State, at that time 200 miles from a railroad. Two hundred miles over the mountains into that arid valley he carried his drill and set it up on a piece of shale absolutely and utterly worthless and valueless unless it did contain something down below, and most of it did not. He finally, after much drilling, found some gas, but he could not with his limited means utilize it. It was 10 miles from a town of 1,500 people, and 2 miles from a town of 300 people. He could not even supply the nearby town, much less the other.

It took three or four years and a number of transfers to finally pass that oil land and some surrounding land into the hands of people who had money enough and courage enough to go on with the work. They finally got more gas. They piped the gas into the town 10 miles away, and into the town a mile and a half away, spent an enormous amount of money and displayed extraordinary courage and energy and enterprise. They patented several quarter sections of land, but on all the patented lands they could not get gas enough even for the small towns they had to supply. The wells proved to be inadequate. They have, however, one or two claims, including the claim on which gas was first found, to which they have been trying to get a patent for years, and they do not care to drill any more there until they do get a patent. They have had three separate and distinct investigations by agents of the department sent 300 or 400 miles to make them, and they do not know now whether they are going to get their patent. Somebody somewhere has heard of a decision which may raise the question as to how that company was organized away back yonder when it put its money into that enterprise; and if there is any way in which a statute or a decision can be distorted and tortured to prevent the men who have put their money into it from getting their title, I have no doubt but what some one connected with the Government will attempt to have it done.

SALT CREEK FIELD.

In the central part of Wyoming we have a field where some oil was found 25 years ago; lubricating oil, and not much of it. Finally some people went in five or six years ago 65 miles from the railroad out on an arid, salt, sage flat and put down some wells at great cost and found some good oil and piped it out 65 miles to the railroad. Immediately all the surrounding land was withdrawn, including much that had been claimed, drilled, and prospected for years, and that enterprise which might grow and prosper and develop is held back. It can not increase. The price of oil is going up, but you can not develop any in Wyoming, because the land is withdrawn.

A law is on the statute books which says that a man can secure title to oil land by doing certain things involving large expenditure and paying the Government for the land. There is a withdrawal act which says that for certain purposes land can be withdrawn; but it does not provide that the President shall have the power to say that land acts of Congress shall be null and void. That is what these withdrawals amount to.

If there was any probability or possibility of monopoly, there would be some justification, but there is not. Nobody claims there is.

MOORCROFT FIELD.

The other day I received a petition from some people in the northeastern part of my State, where 30 years ago an old fellow pulled in over the mountains a spring-pole outfit and the rope and chains necessary and put down a well and got a little oil. They have been trying for 25 years to get oil in paying quantities, but have not succeeded. Recently further and careful investigation has developed the location where oil in paying quantities can probably be found, and capital was found which was willing to go in and make the expenditure. There is not another oil development in 100 miles; but when they got the drills there and started to work, or got ready to work, the land was withdrawn, and the drills stand on the sidetrack and the communities stand still. There is no development. Some people may think it is lovely to live in a country where you can get public lands. Under such conditions a man would thank God if he could live in a country where lands were privately owned in order that he might go on with enterprises.

NO OIL MONOPOLY.

Nobody, so far as I know, is proposing any oil monopoly or wanting one. Even though this extreme conservation sentiment must be placated, there ought to be some way whereby at least some territory can be developed. Of course they say, "pass a leasing law." It does not occur to me as being quite the proper thing under a republican form of government for administrative officers to say to a Congress: "We will repeal your laws, and we will prevent development until you pass the kind of laws we want." What if they did not fancy such a law as Congress might enact. Would it in turn be nullified by withdrawal.

REMEDIES.

What are we going to do with regard to the matter? First we ought to continue in an evolutionary way still further to extend the farming homestead and the grazing homestead in regions where land can not be generally cultivated.

We ought to have some legislation under which purely grazing lands, nonmineral, valuable for no other purpose than grazing,

can be purchased or leased—purchased preferably—so that farmers and stockmen can round out their holdings and have some fenced pasture. They can not fence the public domain, because it is against the law and a violation of the statute which would be liable to land them in the penitentiary.

We need coal-land legislation, and because we need it is no reason why the present policy should be followed. We will have to have oil-land legislation, because the placer acts do not fit all conditions; but because there should be some legislation along this line is no reason why the law now on the statute book, where it tends to orderly independent development, should not be allowed to operate.

We may have to do something with phosphate. I think we ought, out of abundant caution if for no other reason, to retain a large amount in public ownership. There is no reason why vast areas that some one guesses may have phosphate under them 1,000 feet below the surface should be withheld and the settler prevented from securing his title.

There is a demand that new legislation as it affects nonmetalliferous mineral land should be of a leasing character. There is not very much encouragement to bring in leasing legislation when conditions are as they were when the Alaskan coal-land leasing bill was before the House. I was not fully persuaded that a Federal leasing policy was the wisest one when I was the chairman of the Committee on the Public Lands, and yet I felt that there was such a demand for a trial of that policy that it was my duty to present a proposition of that kind to the House. Furthermore, it was suggested to me by a number of the leaders on our side, among others the present floor leader of the Republican Party, that it was our duty to attempt to solve that problem.

The Committee on the Public Lands brought in a bill providing for the leasing of coal lands in Alaska. In my opinion it is the best bill—and I do not say it because I drafted the original bill—the best bill that has ever been presented on the subject, and if we finally legislate on the leasing of coal lands in Alaska my opinion is that we will pass just such a bill.

It protects the public interests, it makes it possible, in my opinion, to carry on the work of developing the resources of Alaska. It came before the House on February 23, 1911. Those who believe in conservation—no; I mean those who make a fetish of conservation—opposed it and criticized it. There were some unfortunate occurrences in connection with the consideration of it, but the only reason why the coal-land situation in Alaska is not settled, and has not been settled since February, 1911, provided an equitable leasing law will settle it, is because the extreme conservationists would not have it. At that time there was much of politics in conservation, so called.

For information I shall place the Alaska coal-land leasing bill I have referred to in the RECORD. It is as follows:

A bill (H. R. 32080) to provide for the leasing of coal lands in the District of Alaska, and for other purposes.

Be it enacted, etc., That all lands in the District of Alaska containing workable deposits of coal are hereby reserved from all forms of entry, appropriation, and disposal, except under the provisions of this act: *Provided*, That nothing herein contained shall in any manner affect any claims or rights to any such coal lands heretofore asserted or established under the land laws of the United States, and all such claims and rights shall be treated, passed upon, and disposed of as though this act had not been passed.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands. No license shall pertain to an area of more than 3,200 acres, and no lease shall pertain to an area of more than 2,560 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than three years. All licensees shall pay in advance a fee of 25 cents per acre for the first year covered by their license, 50 cents per acre for the second year, and $1 per acre for the third year. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year, or fraction thereof, 50 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: From the passage of this act until the end of the calendar year 1920, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

SEC. 3. That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal in the District of Alaska, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein, but no person, association, or corporation, or stockholder therein shall, during the lifetime of such permit or lease, receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal lands in Alaska under the provisions of this act.

SEC. 4. That applications for prospecting licenses and mining leases, and all payments on same, shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession with a view of acquiring title to coal lands or prospecting for or mining coal, and reasonable diligence in applying for such license or lease, but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a mining lease to the lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest.

SEC. 5. That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys or private surveys which may have been approved by the United States surveyor general, or if on unsurveyed land by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or lease, and no lease covering unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the out-boundaries thereof and subdividing the same according to the rectangular system of surveys. Licenses may be canceled by the Secretary of the Interior after reasonable notice for failure to pay rent when due.

SEC. 6. That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons or places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner with due regard to the permanence of the mine, without undue waste, and with especial reference to the safety and welfare of the miners. That the leased premises and all mines opened thereon and all maps and records of coal production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior or any person in interest may institute in the United States district court for division No. 1, District of Alaska, appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Appeals from the decisions of the said court shall lie to the United States circuit court of appeals for the ninth circuit. Said leases shall also be upon the condition that the United States shall, at all times, have a preference right to take, wherever found, so much of the product of any mine or mines, opened upon the leased land, as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of any coal so taken who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the United States district court for division No. 1, District of Alaska, for the recovery of any additional sum or sums claimed to be justly due upon the coal so taken.

SEC. 7. That no lease shall be granted or issued until the applicant shall have given a bond to the United States in such sum and with such surety as the Secretary of the Interior may prescribe for the payment of the rents and royalties and for the due and faithful compliance with all the terms and conditions of the lease. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

SEC. 8. That no license or lease shall be assigned, mortgaged or sublet, except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior; and whosoever succeeds to the interest of the licensee or lessee by foreclosure, purchase, or assignment shall be subject to all the limitations and obligations contained in the license or lease or in this act.

SEC. 9. That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines.

SEC. 10. That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees under the provisions of this act shall enjoy the exclusive use of the surface, providing that this exclusive use shall in no wise interfere with the establishment and use of all necessary roads and highways, so located as not to interfere with the mining operations, and the granting by the Secretary of the Interior of such rights of way across such lands as may be necessary for use

in the production, handling, or transportation of coal or other products of the District of Alaska.

SEC. 11. That the Secretary of the Interior is hereby authorized to issue limited mining leases to applicants qualified under section 3 of this act, and to municipal corporations, a tract not exceeding 160 acres in extent, and covering a period not exceeding 10 years, for the mining of coal for use in the District of Alaska. Such limited leases shall, in addition to the above limitations, be subject to all of the conditions of the general leases issued under the provisions of this act, except that a renewal of such lease shall be discretionary with the Secretary of the Interior and that the acquisition or holding of such limited lease shall be no bar to the acquisition or holding of a general lease provided for in this act, nor shall the holding of a general lease be a bar to the acquisition or holding of a limited lease.

SEC. 12. That 75 per cent of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid into and constitute a part of the "Alaska fund" in the Treasury of the United States, provided for and created by the act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and may be expended for the purposes described in said act; and the residue of the moneys derived from such licenses and leases shall be paid into the Treasury of the United States and constitute a part of the general fund of the Treasury.

SEC. 13. That the reservation contained in section 1 of this act shall not prevent the location and patenting of lands containing workable deposits of coal under the mining laws of the United States with a view of extracting metalliferous minerals therefrom. But licenses and leases provided for in this act may be issued without regard to the fact that the lands may be covered by mining locations, and the Secretary of the Interior shall provide by appropriate regulation for the observance by licensees, lessees, and locators of the respective rights of each: *Provided*, That all patents issued under the mineral laws to such lands shall reserve to the United States all the coal contained therein, together with the right to provide for the prospecting for and mining of the same.

SEC. 14. That the act of February 4, 1887, entitled "An act to regulate commerce," and all acts amendatory thereof, are hereby extended to and made applicable to the District of Alaska in so far as the transportation of coal is concerned; and for the purpose of administering said acts in Alaska with regard to the transportation of coal, the jurisdiction of the Interstate Commerce Commission and of the Commerce Court is hereby extended to the District of Alaska. That the Secretary of the Interior is hereby authorized and directed to make all necessary rules and regulations in harmony with the provisions of this act needful and necessary for the administration of the same.

LEASING LEGISLATION.

We shall probably to a certain extent adopt the policy of leasing. I do not look upon it as being wise and satisfactory beyond all question, and yet I would be very happy indeed if it were possible to provide that all the remaining coal, oil, gas, and phosphate lands in the West should remain in public ownership leased by the States. I shall probably be labeled as an anti-conservationist for declaring in favor of the State doing this work. It is a curious thing; I have never been able to understand it, but the same people who call themselves conservationists with a big "Con," with a capital "C," are the same people, or many of them, who on all occasions insist upon their complete confidence in the people. The people, in their opinion, are to be trusted always. I believe that. The final judgment of the people is the voice of God in matters of government as near as we get it. The final judgment of the people under our form of government is best secured in the State where the major portion of the sovereignty of the people resides. In this, the forum of the Nation, we stand with shortened and limited authority, but back yonder in the States the people are clothed in all the authority of sovereignty. Everything of sovereignty, save the limited power delegated to the Nation, rests and resides with the people in the States. If the people in the States can not be trusted, what foundation is there for the faith so loudly proclaimed by gentlemen who make a fetish of conservation, at the same time proclaiming their loyalty to the people?

STATE CONTROL.

There are many reasons why it would be a wise policy for the State to retain and lease mineral lands. The State has complete police power and jurisdiction, and there would rise none of those questions of conflict between the national jurisdiction and the State police jurisdiction which a national leasing system would raise. I do not know just what would happen in the case of a coal-mine strike if we had a lease law under Federal control. I think there would be quite a question there, and possibly not a fortunate or satisfactory one; but with the mine completely under the control of the people in the State that question could not arise.

Whether it is wise that the Federal police power shall be extended or not is another question, but that the problem would arise under Federal leases there can be no question at all. Further than that, the States now supervise the mines. They must under our form of government. They would continue to do so. The States are entitled to the revenue, not but that I think the States would get it under a Federal-lease law. I think there would be enough influence that Congress would probably pass over to the States a little more than the Federal Government would ever get clear out of the mines, just as we now do in one way or another in the matter of the forest reserves.

The probability is, however, that legislation for State leasing of public lands and resources could not be accomplished at this time, and therefore if we are to try the experiment of leasing it will have to be, in all probability in the first instance, the experiment of Federal leasing. I am hopeful that the problem can be worked out in some satisfactory way. I want to make just this suggestion: Those who desire to aid in the solution of these problems should remember that the easiest way and the surest way to defeat the settlement of the problems in a fair and workable way is to be extreme in their demands one way or the other. That is the rock on which we have split in the past. That has been largely the difficulty. I do not charge anyone who has honestly conjured with the name of "conservation" with any intent to prolong the agony and extend the time of complete solution, but I do know that, intentionally or not, the extreme view and theory of conservation has made it more difficult than it otherwise would have been to solve these problems in a way that anyone believing in conservation through use would consider satisfactory.

Mr. BRYAN rose.

Mr. MONDELL. I yield to the gentleman.

Mr. BRYAN. Before the gentleman takes his seat will he be kind enough to state whether his position is friendly or unfriendly to the proposed investigation as suggested by the pending resolution offered by my colleague?

Mr. MONDELL. Oh, I have not thought very much about it. I do not imagine the Forest Service itself would object to it. It has been very fashionable of late to investigate everybody, and if anybody desires it I do not know why anyone would object to having it passed along to the Forest Service. I will say, however, to the gentleman that I have never myself been very much given to investigations. I prefer constructive work. I have been on several investigating committees, but I have not the spirit of the sleuth and detective to a sufficient degree to make that sort of thing particularly alluring to me. I certainly shall not stay awake nights either to urge or prevent it.

Mr. BRYAN. Does the gentleman think a sleuth or detective would undertake that investigation?

Mr. MONDELL. Well, I do not know. There are people who honestly believe it would be an excellent thing for the service. I have not any doubt but what the gentleman's colleague does think that it would be for the good of the service. It may be. I do not pretend to be informed, and I am not passing on that proposition.

It is for that side of the House to decide as to investigations, and if they decide on this one, of course we will have to participate in it as a minority, and I suggest that perhaps the gentleman from Washington, Mr. HUMPHREY, and the gentleman from Washington, Mr. BRYAN, could appropriately be on the committee as representing the same view of this highly important subject. [Applause.]

EXTENSION OF REMARKS.

Under leave to extend his remarks, Mr. MONDELL presented for printing in the RECORD a letter he wrote President Taft on December 11, 1911, in regard to certain features of administration of the land laws.

The letter is as follows:

DECEMBER 6, 1911.

The PRESIDENT,
White House, Washington, D. C.

MY DEAR MR. PRESIDENT: On the occasion of your recent trip through northern Wyoming I imposed upon your patience to the extent of referring briefly to some features of the present administration of our land laws which a large majority of our people who are affected by and acquainted with the same believe give them just ground for complaint.

There is in my State a widespread opinion touching our land administration to the effect that the agencies provided by law for the purpose of aiding in the disposition of the public lands in accordance with the letter and spirit of the statutes have, in a considerable measure, been converted into instrumentalities whose primary object and purpose seems to be to make it as difficult as possible for the citizens to avail themselves of the opportunities afforded by the land laws and to discourage the acquisition of public lands.

I desire to emphasize the fact that this regrettable condition of public opinion is widespread and exists to a very great extent throughout the Intermountain States, and as one who has had wide opportunities to become familiar with conditions in the field and in the department, I regret to say that in my opinion there is much of foundation for it.

It is, I think, generally believed, and with reason, that in relation to some classes of cases the Secretary's office has to some extent corrected practices and decisions of the Land Office, of which bitter complaint has been made, but in the meantime entrymen have had their entries suspended for months and years and have been compelled to incur heavy expense in attending hearings and perfecting appeals. If it is not a fact that every doubt and technicality is resolved and construed against the entryman in the General Land Office, that office certainly has a great grievance against public opinion in the public land States.

In a letter of this kind it is manifestly impracticable to go into details in regard to the vast variety of policies and practices that have been complained of; they mostly have their root in the view I have referred to, that the first and primary purpose of the Land Department

is to make the acquisition of public land difficult, and incidently furnish employment to a large number of people. I feel, however, that I owe it to you to refer in some detail to certain classes of cases.

HOMESTEAD.

Much has been said by the extreme advocates of permanent government ownership of lands, relative to restrictive laws with relation to the disposal of mineral and timber lands, but these people have not cared to undertake the unpopular task of crying down the homesteader. Our land administration, however, has steadily increased his burdens and curtailed his privileges.

Some time since the conditions surrounding the commutation of homestead entries were made very trying, but I and those who hold the views I do made no special complaint of this—except as made retroactive—as we believe it tends to promote permanent settlement, which we desire. Still the fact must not be lost sight of that this action constituted the denial of privileges which had been enjoyed from the passage of the homestead law.

Quite recently, however, a decision has been promulgated from the Secretary's office which reverses the rule of constructive residence on five-year homesteads, and as such are the only class allowed under recent legislation the decision affects nearly all homesteaders. From the beginning of the homestead policy it was realized that after the homesteader had left his former home, traveled far, and selected his new one, some time would inevitably elapse during which he would be winding up his affairs at the old home and preparing the new one for his family, during which time a strict compliance with the law as to residence could not be expected. In order to meet the conditions of this period of transit a rule that for the first six months after filing the entryman would be held as being constructively on the land was adopted, and has been followed ever since. Up to the time the opposite rule was adopted and applied, even to those who had taken and held their land on the strength of the old and long established rule, I never heard a complaint of it. Iowa, Nebraska, Kansas, Minnesota, the Dakotas, and all the other public-land States and Territories were homesteaded under it; and no man raised his voice, so far as I know, in protest because under the rule it sometimes occurred that a homesteader actually resided on his land with his family but four years and six months instead of five years. Is it strange that the homesteaders of to-day, confronted with harder conditions than homesteaders have heretofore encountered, should wonder why they should be the victims of a harsh rule for which there has been no public demand and which can serve no purpose save to embitter the people it affects and cause those of us who have lived among homesteaders all our lives to wonder what it is all about?

TIMBER AND STONE ENTRIES.

There is no doubt but what some land has been acquired in times past under the timber and stone act not of the character contemplated by the law. That is, the necessities of farmers and stock men for pasture, lambing grounds, and watering places has led them to make entry of land of some value for those purposes, but of little or no value for the timber or stone it contained. This fact, however, does not, in my opinion, warrant the expenditure of large sums of money in the attempt to secure the restoration to the public domain of such tracts, which are not fit for cultivation and of trifling value for any purpose.

Neither does it, in my opinion, justify a policy which, not content with placing on the timber which such a tract may contain a stumpage price fixed by an employee of the Land Office, often in excess of a reasonable valuation, insists if the land be nontimbered and claimed for its stone value on proof being furnished that an immediate and paying market exists for the stone. In the matter of the timber and stone act the position of the Land Office seems to be that if the land is practically worthless they will refuse to sell it at the statute price and will exhaust the resources of the special service to prevent its being sold.

COAL LANDS.

I have recently had some correspondence with the Secretary of the Interior relative to the classified prices of coal lands. As my object is to have the facts understood by the Secretary and not to enter into a wordy controversy, I shall not take that question up further than to reiterate that while I freely admit that it has not been the intention of any Government official having to do with these matters to create a monopoly in the hands of present owners or to raise the price of coal in the public coal-land States, the effect of the policy adopted has been to a considerable measure to bring about those results. There are other features of the coal-land policy, however, to which I desire briefly to call your attention.

I have in mind a typical instance in which some coal miners who had saved a little money were trying to open a small mine. Improvements of considerable value were made; but before entry of the tract the price had been increased to such a figure that they could not raise the sum necessary to buy 160 acres without giving some sort of a pledge to a local bank. Though the Government was asking a very high price for its land and the parties had expended a considerable sum in opening a small mine, they were informed they could not enter under these conditions, and the mine was closed. The great company operating in that field still has a monopoly. In another case, because several coal miners who had saved up some money are claimed to be jointly interested in the purchase of a 40-acre tract—which, perhaps, all had contributed to improve—one of them who applied to purchase at a high classified price is now confronted with adverse proceedings. The little mine is in jeopardy, and the great corporation which now controls the field will continue to have no competitors if this entry is canceled.

There is a considerable class of coal cases to which I have heretofore called the attention of the Secretary of the Interior in which, in my opinion, the decisions of the General Land Office savor of sharp practice, and certainly involve a repudiation of the acts of local Government officers, in harmony with long-established practice and not contrary to law. Some of these cases are now before the Secretary of the Interior for decision. Some are held in the office of the commissioner awaiting the Secretary's action on the cases before him.

With variation of detail the cases are about as follows: Qualified entrymen made application to purchase coal lands at the price which had been placed upon them by classification. Advertisement was had and the parties were notified by the local officers of the Land Office (registers and receivers, appointees of the President) that within a certain period, which they designated as the 30-day period after publication, they must complete proof and pay for the land. Within the period thus fixed by the President's appointees, local officers of the General Land Office, proof was completed and payment made.

In the cases I have reference to, it happened that subsequent to the application to purchase, in some cases subsequent to the payment of the money and completion of proof, a new classification had been made and the price of the land increased generally to a prohibitive figure; and then it was discovered in the Land Office that in these cases the 30-day period fixed by the local offices, within which proof must be completed and payment made, extended a few days (in all cases, I think, less than a week) beyond an actual 30 days after the last date of publication of proof notice in the local paper, and that payment had been made a day or two or three beyond the actual 30 days after the last day of publication, though within the period fixed by the local offices.

The regulations of the department under the coal-land law provide that "The claimant will be required within 60 days after the expiration of the period of newspaper publication to furnish the proofs specified in said paragraph and tender the purchase price of the land," and my understanding is that this period has always been the period fixed by the register and receiver until these coal-land cases came up, and a different construction would defeat the entry. The fact that the local offices, in sending notices for publication to newspapers at a distance, can not be certain as to what issue of a weekly publication will contain the first, and consequently the last publication, has resulted in the fixing of a period which in any contingency will give the claimant the full 30 days. I think there is no denial of the fact that these cases are the first in which an entry has been denied on these grounds.

SPECIAL SERVICE DIVISION.

Although the General Land Office has been generously provided for in the past few years, its appropriation for field service being now and for some years between three and four times what it was formerly when we had vastly more public lands, the work of the office in certain classes of cases is far in arrears, and an investigation of the records will disclose the fact that the increased appropriations have been more effective in creating new cases than in clearing up old ones.

The way in which new cases are created is highly interesting. For instance, many hundreds, perhaps thousands, of cases which should have been closed out in accordance with the provisions of the act of March 3, 1909, "Protection of surface rights of entryman," and the act of June 22, 1910, "To provide for agricultural entries on coal lands," were dumped into the Special Service Division of the Land Office and slowly ground out at great expense to the Government and loss and hardship to the entrymen. Recently an order has been issued referring to the Special Service Division for investigation all desert-land proofs made on lands within areas which have been designated by the Secretary of the Interior as subject to the act of February 19, 1909, enlarged homestead act. No single valid reason can be given for subjecting such entrymen to the delay in securing title which such action involves which would not apply with equal or greater force to all desert entries. From the standpoint of prompt and economical administration, I am of the opinion that there can be no valid reason or excuse for the expense and delay involved in sending into the field for examination, in advance of office examination, cases in which all the papers are before the office, an examination of which would in all probability, in the large majority of cases, clearly indicate full compliance with law.

It is no doubt unfortunate that such a policy should strengthen the view held in the West that those primarily responsible for suggesting its adoption were, unconsciously or otherwise, more concerned in making cases for the Special Service Division than in properly promoting and safeguarding the passing of public lands into the hands of settlers in accordance with the law. I have frequently expressed the opinion that excessive appropriations for special service simply tempts the making of trivial and vexatious cases and subjects the entrymen to long drawn out contests with the Government. I believe the record abundantly proves that such is the fact.

I have repeatedly protested against the present practice of special agents in protesting and holding up entries and proofs without notice to the entrymen of the fact or cause of suspension. Any special agent of the department can and does, for any reason which seems good to him or for no reason at all, write "protested" on the proof papers of an entryman and by so doing suspends his proof indefinitely. Of course, there is no limit to the number of cases that can be thus created. The loss and hardship to entrymen through this practice can not be estimated. It is intolerable.

WITHDRAWALS.

In the matter of hasty and ill-considered withdrawals, there has been much improvement, though there is still reasonable and proper ground for complaint in regard to some old withdrawals. As to some of these, such as the power-site withdrawals, I realize that until a policy in regard to the matter is adopted the President would not be justified by public opinion in making sweeping restorations. There are cases, however, where withdrawals of alleged power sites are so manifestly retarding irrigation development and so seriously affecting the rights of those whose plants are, in the main, on land in private ownership as to demand prompt action.

Much complaint has reached me from those who are attempting to develop new oil and gas fields in my State to the effect that as soon as development work is started in a given locality, the agents of the Geological Survey appear and forthwith the land surrounding them is withdrawn from entry. Although such withdrawal does not necessarily prevent the perfection of title to the particular tract on which work is in progress it does prevent exploration of adjacent land, should the first location prove valueless, and in any case such extension of the field as is necessary to secure a sufficient output to warrant refineries and pipe lines. The effect of the policy has been to discourage and almost suspend the exploration and development of new fields on public lands.

Until Congress shall show some disposition to adopt new laws for the acquisition of oil and gas land, it seems to me that the present law, which is at least adapted to new fields, should be allowed to operate. All the operations to which I refer are by independent interests and generally by men and associations of limited means.

This letter is altogether too long, though it does not treat in detail a number of classes of cases of which serious complaint is made. I have written you because I feel that my duty to my constituents demands that I use my best endeavors to remedy the conditions which exist and which lead good, honest men to become thoroughly discouraged and embittered. As a supporter of the administration I also feel it my duty to acquaint you as the responsible head of the administration with our views of some of these matters before I may feel called upon to make public reference to them, that you may take such action respecting them as may seem to you proper.

I desire to have it clearly understood I have the highest personal regard for the officials in charge of these matters and agree with them on many subjects, all of which naturally inclines me to refrain, as far as is consistent with my duty to my constituents from expression of

disapproval of acts and policies for which they may be in part responsible.

It has been the fashion with a certain class of people to dispose of complaints and protests coming from the West touching public-land matters by consigning those making them to the category of "land grabbers," "looters of the public domain," and "undesirable citizens." I do not anticipate such procedure in this case, and I trust that careful consideration may be given these matters, which vitally affect many good folks who desire and expect nothing more than their rights under the law and the fair, honest treatment which they are entitled to receive from their Government but powerless to enforce against it.

While this letter is not personal and you are at liberty to make such use of it as you deem best, I shall not give it publicity.

Yours, very respectfully,

_____.

Also letter to Hon. Walter L. Fisher, Secretary of the Interior, June 24, 1911, on the subject of public coal lands, as follows:

PUBLIC COAL LANDS.

JUNE 24, 1911.

Hon. WALTER L. FISHER,
Secretary of the Interior, City.

SIR: Prior to 1873 the public lands of the United States were disposed of without taking into consideration the question as to whether or not they contained coal, and therefore all the lands containing anthracite and bituminous coal in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and most of such lands in Alabama, passed into private ownership as agricultural lands and at nominal prices.

In 1873 Congress passed the coal-land law, providing for the sale of coal lands at not less than $10 per acre, where such lands were more than 15 miles from a completed railroad, and not less than $20 per acre for such lands as were within 15 miles of a railroad, and from that time until 1907 coal lands were sold at the prices named in the law.

In 1907 the policy of considering the price of $10 and $20 per acre, fixed by law, the minimum price and of selling coal lands at a classified price in excess of the minimum was adopted. For a time the classified prices were not generally greatly in excess of the minimum prices, but gradually those prices have been increased by reclassification (in some cases the same lands have been classified three times) and by higher original classifications until, according to a statement recently made by the Director of the Geological Survey, the classification of 14,473,609 acres made prior to March 31, 1911, had raised the valuation of these lands from $236,460,613, under the minimum prices fixed by law, to $668,433,342 under classification.

The mere statement of an increase in valuation to nearly three times that fixed by the statute does not, however, give an adequate idea of the actual conditions in the fields where coal is being mined, for in such localities the classified price is from ten to twenty-five times the statute price.

The comparatively low average increase in valuation is due to the fact that much of the land which has been classified contains, or is believed to contain, thin veins or deposits of low-grade lignite coal having no present market value and not salable at any price as coal land. These lands have largely been classified at or near the minimum price, thus keeping down the general average. On the other hand, in all of the fields where the coal is of sufficiently high grade to be workable, or is being worked, the prices, even for lands far from means of transportation, have been increased from the minimum fixed by law to from $150 to $500 per acre.

Whatever one's views may be as to the proper interpretation of the coal-land law, and therefore as to authority of executive officers to fix prices above those contained in the statute, there is much force to the argument that the value of coal-bearing land differs so widely, and the temptation to large holdings, particularly in fields of exceptional quality, is so great, that a graduated price rather than a flat rate is the better from the standpoint of public policy. However, as it has never been the policy of the Government to attempt to secure an exorbitant price for its lands by creating a land monopoly, it would seem logical that under a system of valuation the price should be fixed with a view of discouraging the acquisition of lands for speculative purposes rather than with the intent of capitalizing the necessities of citizens who must have coal of which the Government has a monopoly.

The first prices fixed under classification were in the main not excessive, though quite high enough to discourage purchase except with a view of immediate development, and therefore though the policy involved a questionable exercise of executive authority there was a general disposition in the country affected to withhold criticism and give the new policy a fair trial. The reclassifications and increased valuations, however, have placed coal lands at such prohibitive figures and contemplate such a serious burden on western communities that the people of the public coal land States have become thoroughly aroused over the situation, and as the Representative of the people of one of the States whose citizens are suffering and are certain to suffer more from the effect of the present policy, I feel it my duty to call these matters to your attention, in the hope that the present policy may be radically modified.

The valuations which have been fixed on public coal lands in Wyoming, Colorado, Montana, Utah, New Mexico, and other Western States are, in my opinion, so beyond all reason and justification that I find it difficult to discuss the subject in an entirely dispassionate and respectful way, for to characterize the policy and procedure which has been pursued in what I believe to be a fitting manner would require the use of language more forceful and pointed than I care to use in a communication of this character. If the situation were not so serious, it would be somewhat relieved by the large element of grim humor it contains in the assumption that the Government is to secure at some time in the future the extravagant prices which have been laboriously figured out, and that therefore those responsible for the classifications have added hundreds of millions to the national wealth by the simple process of giving free rein to their imagination.

It should be remembered that most of the coal in the public lands, estimated to underly at least 50,000,000 acres, is lignite or subbituminous coal and, compared with the best bituminous coals of the eastern part of the United States, is of low grade; little of it will make coke, and much of it would not be sold in competition with high-grade bituminous coal.

The prices fixed by classification in all the better fields are, however, very much higher than the average prices asked by private owners for the high-grade bituminous coal contained in lands in Illinois, Kentucky, Tennessee, West Virginia, and elsewhere. The surface of much of the coal lands in the States mentioned is valuable, while the surface of most of the Government coal lands is of trifling value and can be secured by homesteading; and yet the average classified prices are higher than is asked for the better coals and highly valuable surface in States adjacent to markets. A disinterested investigation will prove the truth of these assertions.

It is perhaps a matter of no present material consequence, though rather ridiculous, that lands containing, or which are believed to contain by the Geological Survey, lignite coal of poor or medium quality and so remote from transportation and markets as to have no present value for coal should be valued at hundreds of dollars per acre; but it is a matter of the highest immediate importance that coal lands in the vicinity of means of transportation and for the product of which enterprising men are willing to take a chance of finding a market are held at prices which prohibit development, create a monopoly in the mines now in operation, and thus materially advance the price of coal to the consumer in a country having millions of acres of coal lands. The net result of the classification policy in the Rocky Mountain region has been to prohibit the opening of new mines and to increase the price of coal to the consumer from 50 cents to $1 per ton.

While the major portion of the coal lands in fields of fair or good quality and where transportation makes development possible have been valued for sale at from $200 to $450 per acre, the highest price at which any public coal land has been sold is $180 per acre, and only two 40-acre tracts at that price—tracts probably essential to the extension of developed mines. In 1909, 80 acres were sold at $135 per acre; one tract of 160 acres was sold at $75 per acre; and with these exceptions and one sale of 40 acres at $65 per acre no coal lands have been sold at more than $50 per acre.

The total sales of coal lands at prices above $30 per acre since September, 1907, when the first classified lands were sold, has been as follows:

Price per acre:	Acres.
$35	239
$40	720
$45	240
$50	7,650
$65	40
$75	161
$135	80
$180	80
Total acres	9,210

When we take into consideration that this constitutes the entire coal-land sales by the Government in over four years at classified prices above $30 in Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, South Dakota, Oregon, Utah, Washington, and Wyoming, where the Government owns millions of acres of classified lands rated above the highest price paid by these purchasers, we can realize how the coal industry has been paralyzed by the prohibitive prices which have been placed on coal lands.

It is conceded that if these exorbitant prices are retained on coal lands, and the remainder of the public coal lands are listed at the same excessive prices, eventually some high-priced land will be sold, for as the privately owned coal lands are worked out and the coal sold at the prices which the Government monopoly makes possible the time will come when the necessities of the people for fuel will compel the sale of some of the Government land, no matter how high the price may be, and the people of the West will be compelled to pay liberally for the monopoly thus fostered by Government policy. In the meanwhile no complaint has been or will be heard of the new policy of exacting the last possible penny for Government coal lands from the coal operators who own large bodies of coal lands. The plan is an ideal one for them.

If it is to be urged that the high price now asked for Government coal land, far above what the most grasping private owner would think of asking, will conserve our coal, we must admit that it will have that tendency by taking coal from the category of a necessity and placing it among the luxuries. But this is a Government policy which is not likely to be tolerated in a region whose fuel resources are inexhaustible. Practically none of the coal from what is now Government land can ever be profitably shipped east of the Missouri River, and if it could, Wyoming alone could supply the entire country at our present rate of consumption for over 700 years, according to Government estimates.

The question of the disposition of the coal on Government land, so far as the use of the coal is concerned, is one affecting only the people of the country west of the Missouri, and the people of that region, not blessed as is the territory further east with bountiful supplies of high-grade bituminous coals, but nevertheless fortunate in an inexhaustible supply of coal, such as it is, should not be expected to agree to a policy which creates a monopoly by Government action and which contemplates laying on them and their decendants a burden for fuel amounting to many hundreds of millions of dollars, no part of which is proposed to be returned to the people who pay it.

I trust you will find time to give this matter your careful consideration at an early date. The policy of prohibitive coal-land prices, which proposes a grievous burden on our people and an entire reversal of our governmental policy, has never been approved by Congress or formally indorsed by any branch of our Government. It has simply grown out of the activities of a single bureau of the Interior Department, and it has been suggested that the determination to force a coal-leasing system on the country is largely responsible for the prohibitive prices at which coal lands have been classified. If the leasing system has virtues and advantages, and no doubt it has some, they should be apparent enough to bring about the adoption of the system otherwise than by prohibiting sales of coal lands through hostile administration of the coal-land law and prohibitive or grievously burdensome coal-land prices.

The coal-land law as now interpreted by the department is inadequate in that it renders practically impossible the assembling of a sufficient area for a modern mine. The policy of selling at a classified price high enough to discourage purchases of coal lands purely for speculation or future development has its advantages with our law as interpreted in protecting operators unable to secure large holdings against purchases by others of land in advance of and necessary to the extension of their operations with a view of speculation at their expense; but this merit and such others as may be claimed for the system of classification are entirely negatived by the extraordinary prices adopted which create a burdensome monopoly in coal lands and lead to a monopoly of coal prices. We shall in all probability never return to the nominal prices named in the coal statute, but every consideration of sound public policy dictates values that shall not lay grievous burdens not contemplated by Congress on the users of coal in one portion of our country, and every proper purpose claimed for the policy of classification will be served by values high enough to discourage the purchase of coal land

for speculation. The experience of the last few years seems to indicate that with the possible exception of very rare cases $50 per acre is about a fair maximum rather than $500.

Very respectfully, yours,

F. W. MONDELL.

Also letter to the Secretary of the Interior under date of February 17, 1913, on the subject of the sale of isolated tracts of public lands, as follows:

ISOLATED TRACTS.

FEBRUARY 17, 1913.

Hon. WALTER L. FISHER,
Secretary of the Interior.

SIR: My attention has been called to circular No. 202, of December 18, 1912, of your department, relating to the sale of isolated tracts under section 2455, Revised Statutes, as amended by the act of March 28, 1912, and the act of April 30, 1912, relating to the sale, under limited patent, of isolated tracts of coal land. I realize that the sale of lands under these statutes is entirely within the discretion of the Secretary of the Interior, or, in the language of the act of March 28, 1912, in the discretion of the Commissioner of the General Land Office. This being true, I presume that officers thus granted discretion under the law could decline to allow any tracts to be sold. Inasmuch, however, as Congress in enacting the law contemplated that lands would be disposed of under it, I assume that no Secretary would feel justified in promulgating rules which would so discourage applications as to practically repeal the law. In this view of the matter I invite your attention to some of the provisions of the recent circular which, in my opinion, have the effect of very greatly discouraging applications to purchase, and if retained in force will finally render the act practically a dead letter.

The isolated-tract law as amended authorizes the Secretary of the Interior to dispose of any isolated or disconnected tract not exceeding one quarter section. The circular in question lays down the rule that no tract will be deemed isolated and ordered into market which has not, at the time application is filed, been subject to homestead entry for at least two years after surrounding lands have been entered, filed upon, or sold.

Exception is made to this rule "where some extraordinary reason, in the opinion of the commissioner, warrants the waiving of the rule." I can not conceive of any reason which could be advanced which would be likely to be considered sufficient; therefore the rule prevails. This restrictive rule, together with the rule requiring a report and appraisal by a field officer, was adopted in a former circular issued during your administration of the department, and therefore are not new features, but I refer to them because, coupled with new restrictions, they create a situation under which sales of isolated tracts will be greatly discouraged.

The first new feature of the recent circular to which I desire to call your attention is that which requires applicants to deposit with their application the minimum value of the lands the sale of which is desired, amounting to $1.25 or $2.50 per acre, depending on whether the lands are within railroad limits.

My experience is that the great majority of those who apply to have isolated tracts ordered into market are people of comparatively limited means; few of them have any considerable sums of money laid aside or which they can spare from their business. Without being accurately informed on the subject, I venture the opinion that the period intervening between an application and a decision will on an average approximate two years. In our western country money is worth at least 10 per cent to the average individual, so that an applicant with his money on deposit for that length of time would, if a successful bidder at the sale, pay 20 per cent of the minimum price more than the tract would cost an outside bidder. As the parties applying to have the tract ordered into market must also pay for publication, affidavits, etc., this additional expense is a serious handicap.

Under the former practice the lands remained subject to entry and disposition until the sale was ordered. Under the recent circular they remain subject to entry or disposition down to the time when the sale is consummated, thus placing additional risk on the applicant, making his opportunity to purchase still more uncertain and rendering him liable to be victimized by parties in position to threaten the entry of the tract at the last moment.

I am assuming that in the issuance of this circular it was not the intent of your office to surround the offer of isolated tracts with such conditions as would seriously discourage any application for the sale of said lands, but from a knowledge of conditions in the public-land States, gained through many years of residence, I am of the opinion that the circular will practically put an end to applications for the sale of lands under the isolated-tract law, whatever the intent in the issuance of the circular may have been.

In this connection I think it proper that I should call your attention to the fact that Congress has for a number of years, whenever it has legislated on the subject, steadily liberalized the isolated-tract laws. Formerly a tract must have been isolated at least two years, and only tracts of less than 160 acres could be sold. The law was liberalized so as to allow sales immediately upon tracts being isolated by entries and enlarging the area of sale to 160 acres. This was done with the acquiescence and largely at the suggestion of a former Secretary of the Interior, Mr. Hitchcock. Later, and quite recently, Congress has extended the isolated-tract law under limited patent to coal lands. It has authorized, under the general terms of the statute, the sale of lands rough, mountainous, or unfit for cultivation upon the application of an adjoining owner without the requirement that the lands shall be isolated and disconnected. All of these acts clearly indicate the policy of Congress and its appreciation of the fact that it is to the interest of the public to have lands which do not appeal to the homestead entryman sold and placed upon the tax list; to have those owning lands adjacent to rough and mountainous lands given an opportunity to enlarge their holdings.

As those matters are well known to your office I assume that in the administration of the law it is your desire to carry out the purpose of the lawmaking body. I am at a loss to understand the consideration which prompted the issuance of these regulations. In my opinion they amount to a notice to the people that the Secretary of the Interior does not approve of the sale of public lands under these laws and therefore adopts rules to discourage and prevent such sales.

If this is not the view of the matter taken by your department, I trust there may be such modification of the regulations as will remove the present practical prohibition.

Very truly, yours,

F. W. MONDELL.

Also letter of March 22, 1913, to Hon. Franklin K. Lane, Secretary of the Interior, relative to ceded lands of the Shoshone or Wind River Reservation, in Wyoming, and their disposition, as follows:

MARCH 22, 1913.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

SIR: On March 3, 1905 (p. 1016, 33 Stat.), an act was approved which ratified and amended the treaty with the Indians residing on the Shoshone or Wind River Reservation, in the State of Wyoming, and providing for the disposition of certain lands which the Indians had agreed should be disposed of.

The lands referred to embraced the northern portion of the Wind River Reservation, between the Wind River on the south and Owl Creek on the north, a territory from 20 to 35 miles in width and 60 miles in length, and containing approximately 1,438,633 acres. Section 2 of the legislation in question provided that the said lands should be disposed of under the provisions of the "homestead, town-site, coal, and mineral land laws of the United States."

It was also provided that "all lands, except mineral and coal lands herein ceded, remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder, for cash, at not less than $1 per acre, under the rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been open to entry may be sold to the highest bidder, for cash, without regard to the above minimum limit of price."

The five years above referred to expired August 15, 1911, and the first sale was had in September, 1912, at which time 52,319 acres were disposed of. Prior to that time 128,963 acres had been entered under the homestead and other laws; 335,000 acres have been segregated under the Carey Act for reclamation, leaving 922,351 acres to be sold.

It will be noted that the provision of sale after five years excepted "mineral and coal lands," and the general understanding or interpretation of that language was that it referred to coal lands, of which there is a small area, and lands which had been filed upon as mineral lands under the mining laws.

When the time arrived for the lands to be sold, however, it was discovered that very large areas of lands had been withdrawn from entry and classified as petroleum, phosphate, coal, gold-placer, or power-site lands; and these lands so withdrawn from entry constituted so large a proportion of salable lands, or so interspersed the salable lands, as to very greatly hamper and restrict sales.

Referring first to the legal aspect of the case, I desire to call your attention to the fact that these lands are not public lands in the general acceptance of that term. As article 9 of the treaty provides:

"ART. 9. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the lands herein described or to dispose of said lands except as provided herein or to guarantee to find purchasers for said lands or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands, and to expend for said Indians and pay over to them the proceeds received from the sale thereof."

The lands not being public lands, but Indian lands held in trust, they can be handled only under the terms of the trust, therefore they must be disposed of under the homestead, coal, and mineral laws or sold as above provided

What has been done, however, is to withdraw a large portion of these lands from any sort of disposition on the theory apparently that they are public lands, that they contain mineral or are valuable for power sites, and that the public interest demands that they shall be reserved and not disposed of at all.

GOLD PLACER.

Looking at the matter from the standpoint of the facts of the situation, this is what is discovered with regard to these alleged mineral lands, the location of which is shown on the map which I file herewith.

Several thousand acres of the lands referred to have been withdrawn from entry on the theory that they contain values in gold placer, and in some cases these alleged gold-placer lands extend back as much as a mile from the river. This withdrawal of alleged gold placer has subjected the department to more ridicule in that part of the country than anything which has been done in connection with public lands, and that is saying a great deal. One time or another we have met men who dreamed dreams of gold placers in many localities, but the wildest of all the gold-placer hunters have never imagined that gold was to be found in the solid deposits along the Big Wind River. It is true that for a number of years past two different outfits have been spending money attempting to extract some gold from shifting sand bars in the Big Wind River, but it is also true that the expenditure of large sums of money for expensive dredges have not so far brought any appreciable returns, and if there is any gold that can be saved or secured at a reasonable cost from the shifting sand bars of the Big Wind River, which is very doubtful, all such deposits will be found in and on the said sand bars within the meander lines of the said stream; and the department simply subjects itself to scorn and ridicule, besides retarding settlement and development, by such reservations as have been made.

COAL LANDS.

The lands withdrawn as coal lands constitute comparatively a small portion of the area of the ceded lands, and so far as these lands contain coal of a workable thickness and merchantable character they should only be disposed of under the coal-land law in accordance with the terms of the act. The probability is, however, that the area withdrawn includes lands which do not contain merchantable coal, and the objection to the withdrawal is that it does not now allow for disposition under the coal-land laws, though perhaps that is not important as a practical proposition, as I do not know that anyone desires to purchase the lands.

OIL LANDS.

Two areas, one containing about 2,000 acres in township 3 north, range 1 west, and one farther north, some 15 miles in length and 3 to 5 miles in width, have been withdrawn as oil land. It is true that oil is found on the diminished reserve, 10 or 15 miles south of these lands, and there may also be a possibility that at some time oil may be discovered on some of the lands now withdrawn, but I think that no one will deny the proposition that these withdrawals are pure guesses, and that at any rate, in accordance with the terms of the law for the disposition of these lands, these tracts must either be sold, where their mineral character is not to be reasonably inferred from indications, or remain subject to entry under the placer acts under which oil lands are now enterable. I do not know that anyone desires to file on these lands as oil lands; I have heard no such suggestion, but my view is that in the first place the oil withdrawals should be

very greatly reduced if retained at all; and that under the law if any lands are declared to be oil lands they must remain subject to the mineral laws.

PHOSPHATE LANDS.

We now reach the character of withdrawals which most seriously affect the development of the region in question and which, in my opinion, are, without possible exceptance of the so-called placer withdrawals, least justifiable or defendable. I refer to the so-called phosphate withdrawals. One time and another in the rise and fall of the mining excitements in our State a considerable part of our territory has been claimed, by one class or another of boomers, to be valuable for some sort of mineral, but it remained for the experts of the Geological Survey to discover valuable phosphates, or any phosphates at all, in this part of the State. I am not informed as to what enthusiastic member of the survey made the startling discovery that about 150,000 acres of this land was underlaid with phosphate, and I do not know by what process he outlined these valuable phosphate beds. The fact is that the most persistent prospecting on the part of many individuals in this region has failed to discover any phosphate at all. If the area of alleged phosphate was not so great the matter might be treated as a joke; covering the area that it does, located as the lands withdrawn are, it is a very serious matter in retarding the development of this region. I give it as the opinion of men who have investigated this matter since the department officials made, in Washington, the discovery of this mineral 1,800 miles away that there is no land in the entire section referred to which possesses any indication whatever of being underlaid with phosphate beds that would be of value anywhere in the world.

In my opinion the designation in question is not only contrary to law, not only involves a waste of public money, but is exceedingly harmful to the public service, as it creates the impression in the locality that these things are done either in pure ignorance or for ulterior purposes having no connection with any mineral development.

POWER SITES.

These lands not being public lands there is no authority in any law for the reservation of any of the lands as power sites, and, with the exception of lands in the canyon of Big Wind River above Thermopolis, most of the lands withdrawn would be of no value as power sites under any conceivable condition.

PRACTICAL EFFECTS.

The practical effect of these withdrawals has been to limit and restrict the sale of these lands, to the very great detriment and injury of the country and of the Indians.

Congress has already advanced to the Indians, who own these lands, large sums of money for irrigation works and for other expenditures on their diminished reserve, and it is highly important that they begin to realize by the sale of their lands, as the funds are needed for further improvement of their reservation. It is important, also, that these lands pass into private ownership and get on the tax rolls as rapidly as they can consistently. None of the lands subject to sale are irrigable. A considerable portion of the land has but very little value, but other portions are fairly good grazing lands, and if sold in reasonable areas could be disposed of to the benefit of the Indians and of the community. It so happens that a considerable portion of the most desirable of the lands and those most salable are contained in the phosphate withdrawals. That is particularly true of the lands west of the Big Wind River, in townships 5 and 6 north, ranges 3, 4, 5, and 6 east. In this locality there are some lands that could be utilized for dry-farming purposes, and the people who know these lands are so well satisfied that they contain no phosphates that they openly charge that the phosphate withdrawal is in the interest of large stockmen who do not want to have the lands sold.

WHAT SHOULD BE DONE.

I most earnestly request that the matters to which I have referred be taken up for thorough and careful consideration. I earnestly recommend that whatever is done shall be done in accordance with the laws relating to and affecting these lands. I recommend that the so-called gold placer and phosphate withdrawals be restored; that the coal and oil areas be reduced to such lands as may be reasonably held to be valuable for these minerals and subjected to the laws for the disposition of such minerals.

I do not believe, as I have before stated, that there is any authority for power-site withdrawals on these lands, and I doubt the necessity of any such withdrawals. At any rate, it is ridiculous to maintain such withdrawals on streams like Owl Creek and the North Fork of the Big Wind River. The lands have no value for power-site purposes, but they are of some value for grazing or agricultural purposes.

Very truly, yours,

———— ————.

Also letter to Hon. Franklin K. Lane, Secretary of the Interior, under date of May 23, on the subject of oil-land withdrawals, and with particular reference to the Moorcroft, Wyo., oil field, as follows:

MOORCROFT OIL FIELD.

MAY 23, 1913.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

SIR: I am in receipt of a telegram and I have a letter from the Moorcroft Commercial Club, of Moorcroft, Wyo., protesting against Order of Withdrawal, Petroleum Reserve No. 28, Wyoming, No. 7, which withdrawal I find on investigation covers a large portion of lands in townships 50 and 51, range 66 west; townships 50, 51, and 52, range 67 west; and townships 51 and 52, range 68 west. The telegram and letter I have received inform me that a considerable portion of this land has been located as oil placer lands, and that preparations were being made for the active development of the lands for oil in the immediate future. The letter I have from the secretary of the club states "it is safe to say that a quarter of a million would have been spent here this season." I take it for granted that on comparatively little of the land was the work of development actively going on at the time of withdrawal, and therefore the withdrawal probably suspends all operations in this field for the present, causing great losses. In the southern part of this field more or less drilling for oil has been done for more than 20 years, and some 4 or 5 years ago many thousands of dollars was spent in drilling.

While much of this work resulted in the discovery of oil, the discoveries have not been in quantities to warrant providing transportation facilities to market the oil. Recent investigations in the field by experts have located what are probably the most promising points of development, and just as this had been accomplished and development was about to start in a large way lands are withdrawn and everything brought to a standstill.

This history of the Moorcroft field is but a repetition of the experience we have had in Wyoming for the last five or six years. Whenever some one ventures to undertake to develop oil lands, and the prospects of finding oil seems to be at all promising, the agents of the Geological Survey swoop down on the territory, withdraw the land, and prohibit further extended development. That has been the history in the Casper field, in the Cody field, in the vicinity of Cowley, and at a number of other points in the State where we are attempting to develop oil.

I can not believe that if the present practice in this regard is fully understood it will be continued by your department. It is exasperating to the last degree, and it is particularly trying just at this time when few of our industries are prosperous, and we have hoped for development through independent operations in oil in various parts of the State.

It is true that the withdrawal act gives the President authority to withdraw lands, but no one ever contemplated that that power would be used to prevent development in an ordinary way under the only law which has been provided by Congress for oil development. It has been frequently suggested that wholesale withdrawals are made of every promising oil region with a view of forcing Members of Congress to lend their influence to the prompt passage of an oil-leasing bill. However that may be, a policy which ties up and withholds from use needed resources is one which no one can justify. Congress long since extended the placer acts to this class of entries, and while there may be some argument as to the law being a perfect one under all conditions, no one, so far as I know, has claimed that the act does not work well under the conditions existing in Wyoming, where fields are new and the drilling very largely in the nature of "wildcatting," as the term is used in the oil business.

I can not believe that you will give your assent to the continued tying up of our resources, and I earnestly hope that the lands in the Moorcroft field, and other lands which independent operators are anxious to develop, may be released from withdrawal.

Very truly, yours,

F. W. MONDELL.

Also letter to Hon. Franklin K. Lane, Secretary of the Interior, under date of May 27, 1913, on the subject of repayment of money paid on land entries which were not perfected, as follows:

REPAYMENT ON LAND ENTRIES.

MAY 27, 1913.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

MY DEAR MR. SECRETARY: On the 22d of April I placed in the CONGRESSIONAL RECORD two joint memorials of the Legislature of Wyoming and made some observations relative thereto. One of these resolutions was a protest against certain features of the administration of the land laws which the protestants claimed retarded the irrigation, reclamation, and settlement of our public lands. This resolution also criticized certain acts of special agents and favored an enlarged and additional homestead law. The other resolution, to which I now particularly call your attention, relates exclusively to the policy of the Interior Department in the matter of repayment of moneys paid by entrymen and purchasers under the homestead, the timber and stone, and the desert-land acts, and the coal-land laws.

Copies of these resolutions were placed before Congress soon after their adoption by the legislature, but as under the practice of the House resolutions of this sort do not appear in the RECORD when presented in the usual way I took this method of having them appear, and while copies of these resolutions were probably sent to your predecessor I presume you have not seen them, therefore I now respectfully call them to your attention.

With a view of having Congress secure information as to the exact status of applications for repayments, I introduced some time ago a House resolution which I hope to have reported as soon as committees are appointed, which resolution is as follows:

"*Resolved*, That the Secretary of the Interior is hereby requested to furnish the House of Representatives a list of all applications for repayment of money paid on public-land applications, selections, entries, and proofs which have been pending in the Interior Department over three months, with character of application, selection, entry, or proof, name of land district, of applicant, and amount involved."

As you are aware, the original act—and one of most general application to repayments of money paid in land purchases and entries—is the act of June 16, 1880 (21 Stat., 287). This act provides, among other things, for the repayment of all moneys which have been paid on account of homestead, timber-culture, desert-land, or other entries, which entries were canceled for conflict or, having been erroneously allowed, could not be confirmed. This remained our only general repayment statute until the passage of the act of March 26, 1908 (35 Stat., 48), which act was drawn in the Interior Department and its passage recommended on the ground that there were certain classes of applications for repayment which the statute of June 16, 1880, did not cover and that additional legislation was necessary.

While the department recommended the passage of this last act on the ground that it was necessary to cover certain classes of cases which the old law did not cover, I notice that the circular of July 23, 1910, states that the later act refers more particularly to moneys deposited with proof under the timber and stone, desert-land, coal-land, or other mineral-land laws. This view of the statute is illuminating because of the fact that while, unlike the statute of 1880, the later act provides for repayment in all cases where applications, entries, or proofs have been rejected for any reason, there is a provision that "such applicant, nor his legal representative, shall have been guilty of any fraud in connection with such application."

The statute of 1880 above referred to clearly covers the great majority of cases of applications for repayment under most of the land laws. This is particularly true as to moneys paid under the timber and stone act. By a curious process of reasoning, the Land Office has held in a number of cases that had the land been of the character which the applicant asserted it was the entry could have been perfected, but as the office, or rather the special agent, held that the land had not been described with absolute accuracy by the applicant and was not, in the opinion of the agent, land that ought to be sold under the timber and stone law, therefore the entry was not, in the sense contemplated by the statute, "erroneously allowed," although as a matter

of fact the entry was canceled on the ground that the land was not timber and stone land.

Having by this circuitous process of reasoning taken the case out from under the mandatory statute of June 16, 1880, the Land Office has then proceeded to hold that the cases are not entitled to repayment under the statute of March 26, 1908, because the applicant or his legal representatives "had been guilty of fraud or attempted fraud" in describing the land.

Similar processes of reasoning have resulted in the denial of a large number of applications for repayment under the commutation clause of the homestead law, under the desert-land act, the coal-land law, as well as the timber and stone act. From time to time I have called to the attention of your office and the commissioner's office cases of such applications which have been called to my attention by my constituents, and from information thus secured I feel constrained to say that, in my opinion, the policy which has been pursued in denying repayments in a large number of cases has been not only contrary to the letter and the spirit of the law, but little short of a public scandal.

I know that it will be vigorously insisted as a defense for the policy under which a great Nation retains the money of its citizens without giving anything in return that there have been fraudulent applications; that men have applied for and purchased lands knowing they were not entitled to them; that they had not complied with the law; that they had made statements relative to them which were not true. It would be very extraordinary indeed if among the many thousands of transactions in public lands between the Government and its citizens there were no cases of fraud or attempted fraud. However this may be, it is unquestionably true that the statute of 1880 did not contemplate that, even in a case where fraud was attempted or charged, the offending party was to be punished by confiscation of his property; hence the peculiar reasoning by which the majority of cases are held not to come within the provisions of that act.

When we come to consider the act of March 26, 1908, within the provisions of which it is now sought to bring practically all applications, it may be said that while the repayment is predicated to a certain extent on the proposition that the applicant or his legal representatives shall not have been guilty of fraud or attempted fraud, the act certainly did not contemplate that a mere suspicion or inference on the part of an official of the Government should be conclusive proof of fraud and warrant the taking of the property of a citizen "without due process of law."

So far as I am acquainted with these matters, applications for repayment under timber and stone entries seem to be the most numerous. For many years it was the practice of the Land Office to sell, under the timber and stone act, almost any tract of rough, broken, rocky land unfit for cultivation which contained brush or brushy timber or rock, and it is undoubtedly true that in many instances these lands were purchased not because the timber or stone on them had any considerable value, but because the tract was of some little value for the firewood it furnished or as an addition to the farm or ranch for pasture purposes. Several years ago the department began to cancel entries on lands of that character, and, although it is not claimed that the lands have any considerable value or that they are in fact worth more than was paid for them, repayment on the canceled entries is denied on the ground that the entryman did not, in the opinion of the agent, accurately describe the land. This alleged inaccuracy of description is the excuse for punishing an applicant by keeping his $400 in the case of a 160-acre entry, besides depriving him of his entry.

In the case of some applications for repayment under the desert-land act and the coal-land act to which my attention has been called the alleged frauds which are made the basis of the confiscation of the entryman's cash are not such as, in my opinion, would be held as frauds by any court of law. It seems to have become popular for the Government to confiscate the money of entrymen on the most flimsy pretext of alleged fraud. My attention has also been called to the fact that the Government has refused to make repayment in cases of commuted homestead entries which were not accepted. There is, I believe, such a ruling in Thirty-ninth Land Decisions, page 152. This ruling has not the excuse of alleged fraud and works hardship in numerous cases.

I sincerely hope and trust that you will find time to thoroughly investigate the matter of repayments and that you will modify the practice which has recently grown up of withholding the money paid by entrymen in cases where the Government refuses to consummate the purchase or the entry.

Very truly, yours,

F. W. MONDELL.

Also letter to Hon. Franklin K. Lane, Secretary of the Interior, under date of June 6, 1913, signed by the members of the Wyoming delegation in Congress, asking for the restoration to entry of oil and gas lands in the vicinity of Basin and Greybull, Wyo., as follows:

GAS LANDS, BASIN AND GREYBULL.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1913.

HON. FRANKLIN K. LANE,
Secretary of the Interior.

SIR: We are inclosing herewith petitions signed by good and representative citizens of Basin and Greybull, Wyo., requesting the restoration to entry of lands in the vicinity of these towns now withdrawn as oil and gas lands.

The situation is briefly as follows: A number of years ago, after considerable drilling in the locality, a gas well was developed near the town of Greybull. After many vicissitudes and much delay capital was secured, and a considerable number of wells were drilled and pipe lines were laid to supply Basin, 10 miles distant, and Greybull with gas. Last year the supply from these wells proving inadequate, further wells were drilled on patented land, but they have not materially added to the supply. The company operating in this field has, we are informed, found it difficult to secure funds for further drilling on lands on which they applied for patent several years ago, and now await action on the third inspection of the said lands, which has been ordered by the General Land Office.

Some time since all public lands in the vicinity which gave promise of yielding oil or gas were withdrawn from all forms of entry, and it is the restoration of these lands which is now sought. We can not urge too strongly upon you the importance to the people of the towns of Basin and Greybull and the surrounding country of having an opportunity given for the further development of this gas and oil field. The people have discarded their stoves and furnaces for gas ranges and heaters, and now find the gas supply wholly inadequate for their needs, with every prospect of a complete failure of supply unless more territory is opened to exploration. Those who have, with great courage, made large investments to prove the extent and value of the field are threatened with a total loss of all investment, while a very considerable area of lands believed to be oil and gas producing—mostly barren hills having no other value whatever—are tied up by withdrawal. We most earnestly urge that relief be granted at once in order that drilling may be speedily undertaken, as the region is one in which it is practically impossible to drill after winter sets in.

Very truly, yours,

F. W. MONDELL.
F. E. WARREN.
C. D. CLARK.

The SPEAKER pro tempore (Mr. HELM). The gentleman from Minnesota [Mr. STEENERSON] is recognized for 30 minutes.

Mr. STEENERSON. Mr. Speaker, Goldsmith, in "The Deserted Village," says:

Mr. STEENERSON. Mr. Speaker—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.
> Princes and lords may flourish or may fade,—
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

One of the results of the recent discussion of the high cost of living is a revival of interest in country life, for all recognize that upon the prosperity and efficiency of agriculture depends the supply of our food as well as the materials for clothing, and these constitute the principal items in that cost. When President Roosevelt appointed his country-life commission and sent its report to Congress and recommended an appropriation to continue the work it met with a cold reception, and no action was ever taken thereon. It is not necessary to discuss the causes for this neglect except to say that it was largely due to personal hostility on the part of leaders in Congress to President Roosevelt and his big-stick methods by which he had already forced from them popular legislation like the Hepburn railroad law and antitrust laws generally. Many of them felt that he was undertaking too many reforms at the same time, from spelling reform to regulating the size of the family, and hence condemned his country-life policy without a hearing. The time has now come when, I think, this prejudice has subsided and when this question can be considered on its merits. The question is world-wide in its importance and affects the future permanency of our institutions and civilization. "The well-being of the people is like a tree—agriculture is its root, manufacture and commerce are its branches and its life; if the root is injured the leaves fall, the branches break away, and the tree dies."

The last census shows that for the last decade the rate of increase for the population of the urban areas was over three times that for the population living in rural territory. Of the total increase in the population of the United States during the past decade—15,997,691—seven-tenths was in urban and only three-tenths in rural territory. Population in cities, villages, and towns of 2,500 or less is classed as rural, so that if these were eliminated not over 40 per cent is actually rural. This tendency to desert the country for the city has been commented on and deplored by teachers and publicists, but nothing has been done to stop it. On the contrary, the politicians seized upon the prevailng high price for the necessaries of life, and began to blame the farmer for the high cost of living, and to demand free trade in farm products. The Secretary of Agriculture instituted an inquiry into the matter in 1910 and found that the farmers were not receiving exorbitant prices for their products, but that before they reached the consumer the price was doubled by the profits of the middleman and suggested that the problem of reducing the cost of distribution was up to the consumer. We have not yet heard of any move on the part of business men, on the part of leaders in the commercial world, to solve the problem of high cost of living by reducing middle profits, and I fear we never will. Congress, however, authorized the Department of Agriculture "to acquire and diffuse among the people of the United States useful information on subjects connected with marketing and distributing farm products," and appropriated $50,000 therefor. Under this authority the Secretary has lately established a so-called Bureau of Markets and Bureau of Farm Organization, through which it is proposed to carry on a campaign for cheaper distribution of farm products, including the organization of cooperative associations of both producers and consumers. This will be largely a work of propaganda, for it is clear that the Government can do little or nothing except to encourage and stimulate the people to help themselves in the manner pointed out. If the consumer can by this means obtain cheaper supplies and the farmer better prices, it will surely be worth the effort; but thereby the problem of country life will by no means be solved.

Sir Horace Plunkett, the Irish statesman and apostle of cooperation, who has done such great work for agriculture in his own country, published in 1910 a very instructive book on

the subject The Rural Life Problem of the United States, in which, as a step toward the solution of the problem, he proposes the formation of two organizations, one designed to carry on a popular propagandist organizing campaign, the other an institution for scientific and philosophic research relative to the problems of country life. The Department of Agriculture, by the establishment of the Bureau of Farm Organization and Markets, has undertaken the first part of the work suggested as needful by Sir Horace, and now I am proposing in the bill I have introduced in the present Congress to establish a country-life institute to carry on the second part of that work. In speaking of the proposed institute he said:

The country-life institute would be on a wholly different footing. Its researches, if only to subserve the country-life movement in the United States, would have to range over the civilized world, and to be historical as well as contemporary. It should be regarded as a contribution to the welfare of the English-speaking peoples, one aspect of whose civilization—if there be truth in what I have written—needs to be reconsidered in the light which the institute is designed to afford. Its task will be of no ephemeral character. Its success will not, as in the case of the active propagandist body, lessen the need for its services, but will rather stimulate the demand for them.

Let me summarize this case. I have tried to show that modern civilization is one sided to a dangerous degree—that it has concentrated itself in the towns and left the country derelict. This tendency is peculiar to the English-speaking communities, where the great industrial movement has had as its consequence the rural problem I have examined. If the townward tendency can not be checked it will ultimately bring about the decay of the towns themselves, and of our whole civilization, for the towns draw their supply of population from the country. Moreover, the waste of natural resources and possibly the alarming increase in the price of food which have lately attracted so much attention in America, are largely due to the fact that those who cultivate the land do not intend to spend their lives upon it, and without a rehabilitation of country life there can be no success for the conservation policy. Therefore the country-life movement deals with what is probably the most important problem before the English-speaking peoples at this time. Now the predominance of the towns which is depressing the country is based partly on a fuller application of modern physical science, partly on superior business organization, partly on facilities for occupation and amusement, and if the balance is to be redressed the country must be improved in all three ways.

Cities are being made very attractive. We know that in these modern times the taxpayers willingly contribute to the extension of the parks, the widening of the streets, to the establishment of free playgrounds, with paid athletic teachers to teach the young how to amuse themselves. We know that the schools are free, and that they are supplied in many places with free textbooks and with free meals. And we know there are numerous attractive amusements in the city. We know that they are proposing to have a minimum wage of $2.50, even for women and children, and consequently is looked to by the country people as a sort of heaven to which they want to go. Some of us can remember when we worked pretty hard for less than $2 a day. Two dollars a day was the highest I ever received in harvest in southern Minnesota, and I was a pretty husky lad and a good stacker, which was the most difficult job of all. [Applause.]

There must be better farming, better business, and better living. These three are equally necessary, but better business must come first. For farmers the way to better living is cooperation, and what cooperation means is the chief thing the American farmer has to learn.

To ameliorate city life is well, but life in the country must be made equally desirable if it is to successfully compete for population. The new tariff policy, which encourages importations of the food supply from abroad instead of its production at home, will eventually prove a failure as a method of reducing the cost of living. We shall find that we have further accelerated the movement from the country to the city by discouraging our farmers, and food prices will go higher instead of lower, and then what? No doubt many of the people in the cities will begin to say: "Well, if our own people will not cultivate the farms, what is the matter with the industrious Chinese and Japanese? They are good cultivators of the soil, and will work cheap—their standard of living is not high; let us put them to work, and we shall get what we want—cheaper food. We shall lower the cost of living." It is true there is hostility to oriental immigration now, but sentiment often changes. The cry for cheap food, which has transformed the high protectionists in New England and the Eastern States into free traders in agricultural products which they have to buy, may also transform them into advocates of oriental immigration. The promise of cheaper food will appeal to all the people in the congested centers in every part of the country, and it is not at all improbable that they may espouse the policy of unrestricted immigration for that reason. Once that policy is adopted there will begin a gradual transformation of country life in America, and we shall have a system of agriculture mainly carried on by means of oriental labor, incapable of assimilation, and forming a distinct class. If such a thing should come to pass, it would be the end of popular government and democracy. Then it will be time for another Goldsmith to sing of the departed glory of our rural life.

This may be a gloomy foreboding, but that it is not entirely fantastic is evidenced by the fact that it is the chief topic of discussion at the International Congress of Agriculture now in session at Brussels. Here is a clipping from a daily paper:

The former French premier, M. Meline, president of the Tenth International Congress of Agriculture, in his inaugural address yesterday, emphasized the vital importance of preventing the people of the country from migrating into the cities.

He showed by statistics that while the population of the world was increasing, the production of cereals and meat was decreasing. He declared that this was so even in the United States and Canada, on which Europe was accustomed in the past to rely to make up deficiencies. This economic fact, he explained, was the cause of the high cost of living, which tended to become higher more and more rapidly.

My bill is tentative, and only intended as a suggestion. If the idea meets with public favor its details can readily be perfected. Perhaps the work of such an institution might appeal to philanthropists of means who would be willing to endow it; and, if so, the organization could be changed so as to create a corporation as well as a governmental commission. We have a precedent for such a dual organization in the Smithsonian Institution, which is both a governmental agency and a corporation and is supported by both private and public funds.

Mr. YOUNG of North Dakota. May I interrupt the gentleman to ask for a more complete statement of what this bill contains? I am sure we would like to have at least the main features contained in the bill.

Mr. STEENERSON. I will now proceed to give a complete statement, and will read most of its provisions:

A bill to create a commission to be known as a country-life institute and defining its duties and powers.

Be it enacted, etc., That a commission is hereby created to be known as a country-life institute, which shall be composed of five commissioners to be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated chairman, and the commissioners first appointed shall hold for the terms of two, three, four, five, and six years, respectively, from July 1, 1914, the term of each to be designated by the President, but successors of said commissioners shall be appointed for six years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Each commissioner shall receive an annual salary of ———. The commission shall have authority to appoint a secretary, who shall receive an annual salary of ———, and a treasurer, who shall receive an annual salary of ———, and employ such other clerical or other assistance as may be found necessary, and to fix the compensation of such employees.

Said commission shall have authority, and it shall be its duty, to institute and carry on a scientific and philosophic inquiry into country life in all its phases, and to report thereon and cause the results of such study and inquiry to be published and disseminated among the people.

Said commission shall include in its inquiry the following subjects:

1. The influence of cooperative methods on the productive and distributive efficiency of rural communities, and on the development of social country life.

2. The systems of rural education, both general and technical, in different countries, and the administrative and financial basis thereof.

3. The relation between the agricultural economy and the cost of food.

4. The changes in the standard and cost of living, and in the economy, solvency, and stability of rural communities.

5. The economic interdependence of the agricultural producer and urban consumer, and the extent and incidence of middle profits in the distribution of farm products.

6. The action taken by different Governments to assist the development and secure the stability of the agricultural population, and the possibilities and dangers of such action with special reference to the delimitation of the respective spheres of State and voluntary effort.

I think that is a very important thing to know, because if the Government undertakes to be a guardian and to manage everything, it will naturally dwarf private enterprise, and it will be a sort of paternalism that can not develop citizens in a free Republic. So there is danger in too much Government assistance.

7. How far rural and agricultural employment can relieve the problems of city unemployment and assist the work of social reclamation.

8. The effect of existing land tenures, speculative holding of agricultural land, and absentee farming has upon agriculture, and whether the stability and progress of country life requires that any of these be modified or abolished, and how.

I have thus outlined the purpose and objects of my bill, principally to stimulate thought and discussion of the subject. And I hope that this subject, which was brought before the American people by President Roosevelt in the report of the Country Life Commission, will meet with a better reception than that did then. It is one of the policies which that great man espoused, and its importance is growing every day. [Applause.]

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. ROGERS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I print the brief on Schedule I re-

cently submitted by Samuel Ross, of New Bedford, Mass., to the Senate Finance Committee. Mr. Ross is one of our State senators and is just completing 20 years of service in our legislature. He is president of the Mule Spinners' Union, a member of the emergency committee of the United Textile Workers of America, and is one of the recognized labor leaders not only of Massachusetts, but of the United States.

The brief is as follows:

"My message to you is from the workers. I am sent here by the workers in our textile factories, and my expenses are paid by my local union in New Bedford. I have been associated with the labor movement in this country since a young man. I was president of the International Spinners' Union when 22 years of age, and for nearly 20 years its international secretary; a member of the executive committee of the United Textile Workers of America since its inception up to the present time, and also a member of the emergency committee which is composed of five members only. I do not claim to represent all these interests, but I do know something of the feelings of the rank and file of the textile workers, and having talked recently with most of the secretaries of the large cotton workers' unions on the proposed tariff, I am somewhat conversant with the opinion of these men on this subject. I want to say that in our opinion the proposed duties are too low to prevent large importation of competitive products. Only yesterday I met President Golden, of the United Textile Workers' Association, who gave me permission to say for him that he was opposed to any reduction in the tariff that would be injurious to any of our cotton or woolen industries.

"Now, gentlemen, we are convinced that your proposed rates are too low to permit of continued employment, in view of importations that will surely follow the passage of this bill. Let me say here, however, that this does not mean lower wages for us. The large textile unions have declared in their conventions that in view of the high cost of living, wages must not be reduced. That any attempt to lower the wage rate will meet with our most strenuous opposition, so it is not lower wages we fear, but periods of no wages from a reduction of, or cessation of, output.

"We find no fault with revision of the tariff rates. The Democratic Party was elected to reduce the tariff, but I feel sure from the conversations I have had with the people in our mills that they trusted the party not to make such reductions as would tend to further increase the hardships of the workingmen. That this would be the result is proven by the fact that preparations we know are now being made by foreign manufacturers at no little expense to manufacture products for export to this country, which products are similar to those now being made by us. The jubilant spirit with which the cotton schedule has been received in England, by the president of the English manufacturers' association, down to the smallest manufacturer, is very apparent from trade and business conditions in England and the fact that in some cases jobbers and users of yarns from 50s upward are using the argument that in many cases it will be impossible for our manufacturers to quote prices within several cents a pound of that at which the foreign manufacturers can sell. I have in mind a case in my own city of New Bedford, where a mill bought 80s yarns from England in preference to making it themselves, although possessed of the facilities for so doing, when a general reduction of wages of 10 per cent took place, and they then commenced making the yarns themselves. It is only fair to say that this was some years ago and previous to the enactment of the Payne-Aldrich bill.

"I am no expert on cost of manufacture or sale of products, and can only speak to you from the employees' standpoint, viewing the situation as an employee would. I desire to impress upon you gentlemen the difficulties under which our industry is laboring at the present time. My local organization, with about 625 pairs of machines requiring the employment of 1,000 men and boys, has paid out in stoppage pay to its members during the past five years from $60,000 to $70,000, and we only pay for the first 13 weeks of stoppage. Stoppage pay is paid to the members of our union due to the stoppage of machinery, because of lack of work.

"As showing the condition of our industry, let me say that our mills in New Bedford, for example, have depreciated in the price of stocks within the last three years some 25 per cent to 50 per cent. Our industry in New Bedford is large and is built up almost wholly within the last 30 years on goods manufactured previously abroad. We have at the present time about 54,000 looms and 3,000,000 spindles. This is more spindles than there are in New England outside of the States of Massachusetts and Rhode Island, and half as many more than there are in Rhode Island.

"We ask you to consider seriously any proposed schedule that would seriously cripple this industry or the cotton business in general. I ought to add, however, that in New Bedford we are the great fine-goods center of this country. Our mills cost much more to build and equip than similar plants abroad, at least double the cost of English fine mills. Our wages are very much higher—according to the Tariff Board report, at least 75 per cent more than that paid in English mills. You can not afford to reduce our standard of living, and in order to maintain this we must have not only present wages but full continued employment.

"It has been suggested that a ground for determining the prepared tariff rates has been based on the labor cost. For instance, your subcommittee tell me that the value of the finished products made in the cotton mills of the United States are worth $628,000,000, and that the amount paid out in labor for making these products $133,000,000. This is about 20 per cent of the value of the finished product, and you say that you are giving us an average of 20 per cent duties. May I say, gentlemen, that it is unfair to take the average percentage of labor cost to the wholesale value of the finished product for the purpose of basing tariff rates. For instance, in my city, New Bedford, Mass., the wages paid to wholesale value of finished product would be from about 15 per cent to 60 per cent, or even 70 per cent, while the protection you propose would be from 10 per cent on the lower numbers to 25 per cent on the higher numbers. This condition would apply in a greater or lesser degree to the larger textile centers of this country.

"Your subcommittee asked me what rate of tariff duties I would support. I am not an expert on this matter, and can only suggest rates from my knowledge of labor costs in this country and abroad, and also with reference to the importations into this country. I have mentioned above the fact that a mill in the city of New Bedford commenced to manufacture 80 yarns rather than import them, which they had previously done, but only after there had been a reduction of 10 per cent in the wage cost. May I say here that the amount of importations of yarns of this number are greater than the amount manufactured in this country? The tariff duty on these yarns was 35 per cent. I should now suggest, since your subcommittee asked me, that the reduction be not less than 35 per cent on Nos. 90 to 100, not less than 10 per cent from Nos. 1 to 20, and a proportionate advance from Nos. 20 to 90, for each 10 numbers, with a duty of 40 per cent on numbers over 100, and a fair differential of increase for yarns advanced in manufacture beyond single in the gray and for cloths. This advance is about the proportion of advance in these numbers of the labor cost between this country and abroad.

"NEW BEDFORD, MASS., *May 23, 1913.*"

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Washington makes a similar request. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Speaker, under authority to extend my remarks in the RECORD, granted in connection with the placing of a certain resolution of the Spokane Chamber of Commerce in the RECORD on May 15, I desire now to add that the said resolutions by the Chamber of Commerce of the City of Spokane, Wash., were made by that body after special study by its committee on military affairs. I believe there is such merit in these findings and conclusions and the subject of adequate military consideration for the Pacific Coast States is so important as to warrant for these resolutions the careful attention of the officers having the matter in charge.

I desire to take advantage of this opportunity to sound a further voice of protest against the discrimination that has heretofore been practiced against the Western States by the Navy Department in the distribution of the ships.

There is a vast coast line out there, extending from the Panama Canal to the Aleutian Islands, constituting the mainland, that demands the constant care of the Navy.

We have in the Pacific Ocean the Philippine Islands, the Hawaiian Islands, and an immense ocean commerce. Diplomatically we are in constant negotiation with the Far East on topics of a more or less delicate nature. There is unrest on every hand.

It is a matter of common knowledge that ever since the Spanish-American War there have been greater chances of war in the Pacific Ocean than in the Atlantic. As the course of

empire has taken its course westward, so the possible area of conflict and controversy has gone westward. The Pacific Ocean presents to-day a race problem, the question of commercial supremacy, maritime authority, and naval control.

In the Western States and in Alaska lies practically every acre of the public domain of the United States, its coal and its timber. The Government owns practically all the land in Alaska, and it is now proposed to develop that land and the vast resources of Alaska by a Government railroad. The people of the Pacific coast are just as good people as those of the Atlantic, and they pay their taxes promptly. There is no reason why the fleet should be retained almost entirely in the Atlantic Ocean.

At this time the vessels in the Pacific are entirely inadequate to save the Government from a charge of partiality in the distribution of the fleet. Not a single first-class battleship in the Pacific Ocean. I do not care to say more, as my remarks might be misunderstood just at this time, but I am glad, while the public eye is turned to California and the Pacific coast, to call this matter to the attention of Congress. There is every reason why the Army should be garrisoned mainly in the Western States and a fleet of battleships be maintained in the Pacific Ocean. The people of the Western States demand that consideration.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2272. An act providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913; to the Committee on Naval Affairs.

ADJOURNMENT.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House, under its previous order, adjourned (at 3.40 o'clock p. m.) until Friday, June 13, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the schooner *Lively* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 66); to the Committee on Claims.

2. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the sloop *Robert* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 67); to the Committee on Claims.

3. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *Julius Cæsar* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 68); to the Committee on Claims.

4. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the schooner *Leander* in the cases of The President and Directors of the Insurance Co. of North America *v.* The United States; John N. A. Griswold, trustee of United Insurance Co. of New York, *v.* The United States; T. B. Blucker, jr., and Charles C. Leary, receivers of the New York Insurance Co., *v.* The United States (H. Doc. No. 69); to the Committee on Claims.

5. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *George* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 70); to the Committee on Claims.

6. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *Anthony* in the case of the Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 71); to the Committee on Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the sloop *Betsey* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 72); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *Lydia* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 73); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Betsey* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 74); to the Committee on Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the sloop *Betsey* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 75); to the Committee on Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the ship *Thomas* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States and of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 76); to the Committee on Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the schooner *Harriet* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 77); to the Committee on Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the schooner *Betsey and Nancy* in the case of George H. Butler, administrator of Benjamin Butler *v.* The United States and of Walter G. Eells, administrator of Samuel Eells *v.* The United States (H. Doc. No. 78); to the Committee on Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Fair American* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 79); to the Committee on Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the vessel brig *Jemima and Fanny* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 80); to the Committee on Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Aurora* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 81); to the Committee on Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Alfred* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 82); to the Committee on Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the schooner *Scotland Neck* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 83); to the Committee on Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions in the case of Jacob Beekman Rawles *v.* The United States (H. Doc. No. 84); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 5968) to effect certain reforms in the civil service by segregating clerks and employees of the white race from those of African blood or descent; to the Committee on Reform in the Civil Service.

By Mr. RUCKER: A bill (H. R. 5969) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. FERGUSSON: A bill (H. R. 5970) to reinstate certain Indian depredations cases on the dockets of the Court of Claims, and to authorize their readjudication according to an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 5971) to amend an act entitled "An act to prevent cruelty to animals in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: A bill (H. R. 5972) authorizing the Secretary of the Interior to make monthly settlements to certain persons borne on the pension rolls; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 5973) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

By Mr. FERGUSSON: A bill (H. R. 5974) to provide for the surveying of the unsurveyed lands in the State of New Mexico; to the Committee on the Public Lands.

Also, a bill (H. R. 5975) to define procedure in creating forest reserves in the State of New Mexico; to the Committee on the Public Lands.

By Mr. SCULLY: A bill (H. R. 5976) to provide for the examination and survey of West Creek, Ocean County, N. J.; to the Committee on Rivers and Harbors.

By Mr. LEE of Pennsylvania: A bill (H. R. 5977) to provide for publication by national banking associations and savings banks and trust companies of the reports of resources and liabilities and dividends required to be made by them to the Comptroller of the Currency; to the Committee on Banking and Currency.

Also, a bill (H. R. 5978) to amend section 5 of the act of Congress entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," enacted on the 29th day of June, 1906; to the Committee on Immigration and Naturalization.

By Mr. WICKERSHAM: A bill (H. R. 5979) to authorize the survey, platting, dedication, sale, and rental of the tidelands and the harbor area in front of and adjoining the town of Juneau, Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. EDMONDS: A bill (H. R. 5980) to authorize the President of the United States to build or acquire steamships for use as naval auxiliaries and transports, and to arrange for the use of these ships when not needed for such service, and to make an appropriation therefor; to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 5981) authorizing the Secretary of War in his discretion to deliver to the town of Berryville, in the State of Arkansas, four condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 5982) to amend an act entitled "An act to regulate the carriage of passengers by sea," approved August 2, 1882, as amended by an act approved December 19, 1908; to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 5983) to regulate detached service in the line of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 5984) providing for the improvement of the Kootenai River in Idaho; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5985) providing for the improvement of the St. Marys and St. Joe Rivers in Idaho; to the Committee on Rivers and Harbors.

By Mr. FERGUSSON: A bill (H. R. 5986) to authorize the Secretary of the Treasury to pay to the governor of New Mexico for the use of the State of New Mexico in the furnishing of its capitol building the unused balance of the sum appropriated for the purpose of defraying the expenses of the constitutional convention of said State and certain elections; to the Committee on Appropriations.

Also, a bill (H. R. 5987) to encourage and promote the sinking of wells on desert lands in the State of New Mexico; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 5988) to create a commission to be known as a country life institute and defining its duties and powers; to the Committee on Agriculture.

By Mr. FERGUSSON: A bill (H. R. 5989) to authorize the exploration and purchase of mines within the boundaries of private land claims; to the Committee on the Public Lands.

By Mr. WILDER: A bill (H. R. 5990) increasing the rate of pension of certain widows of soldiers and sailors in the late Civil War; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 5991) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna; to the Committee on Appropriations.

Also, a bill (H. R. 5992) to provide compensation for the owners of property injured or destroyed by overflow caused by the Government works at Lake McMillan, a part of the Carlsbad project, in New Mexico; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 5993) authorizing the city of Montrose, Colo., to purchase certain public lands for public park purposes; to the Committee on the Public Lands.

By Mr. O'SHAUNESSY: Resolution (H. Res. 159) directing the Secretary of State to investigate the ownership of the beef industry in the Argentine Republic in so far as the same is controlled by individuals, partnerships, and corporations of the United States; to the Committee on Foreign Affairs.

By Mr. SMITH of New York: Resolution (H. Res. 160) directing the Committee on the District of Columbia to inquire into the practicability of requiring the substitution of electricity for steam in the operation of railway lines in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROTHERMEL: Resolution (H. Res. 161) providing for the appointment of a select committee of three Members of the House to visit the seal islands of Alaska and report upon the condition and conduct of the public interests thereon; to the Committee on Rules.

By Mr. KONOP: Resolution (H. Res. 162) authorizing the Committee on Expenditures on Public Buildings to have printing and binding done; to the Committee on Expenditures on Public Buildings.

By Mr. HINEBAUGH: Resolution (H. Res. 163) for the appointment of a select committee to investigate the receivership of the St. Louis & San Francisco Railroad; to the Committee on Rules.

By Mr. PEPPER: Resolution (H. Res. 164) authorizing the Chief Clerk of the House of Representatives to contract for the purchase or exchange of typewriters for the use of the House; to the Committee on Accounts.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 165) to amend the House rules, placing a limit to lobbying; to the Committee on Rules.

By Mr. CHANDLER of New York: Joint resolution (H. J. Res. 95) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Memorials of the Legislature of Pennsylvania, favoring the establishment of a minimum rate of wages for employees in the arsenals of the United States of $1.50 for women and $2 for men; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 5994) granting a pension to Joseph E. Bilbo; to the Committee on Pensions.

By Mr. BROWN of New York: A bill (H. R. 5995) granting an increase of pension to Eleanor K. Fillis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5996) granting an increase of pension to Nora Johnston; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 5997) to remove the charge of desertion against Peder Anderson; to the Committee on Military Affairs.

Also, a bill (H. R. 5998) to remove the charge of desertion against John Reardon; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 5999) granting an increase of pension to Ezra Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6000) to appoint Brig. Gen. Thomas M. Anderson, United States Army, retired, to the grade of major general on the retired list of the Army; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 6001) granting a pension to Margaret Duggan; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 6002) granting a pension to William Clephane; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 6003) to correct the military record of A. W. Sudduth; to the Committee on Military Affairs.

Also, a bill (H. R. 6004) to correct the military record of Ramon Padilla; to the Committee on Military Affairs.

Also, a bill (H R. 6005) for the relief of Juan Ocana; to the Committee on Military Affairs.

Also, a bill (H. R. 6006) granting land to school district No. 15, Taos County, N. Mex.; to the Committee on the Public Lands.

Also, a bill (H. R. 6007) for the relief of Jose T. Santillanes; to the Committee on Claims.

Also, a bill (H. R. 6008) granting a pension to Francisco Montoya; to the Committee on Pensions.

Also, a bill (H. R. 6009) granting a pension to Donaciano Gurule; to the Committee on Pensions.

Also, a bill (H. R. 6010) for the relief of B. A. Nymeyer; to the Committee on Claims.

Also, a bill (H. R. 6011) for the relief of the estate of Justiniano Castillo; to the Committee on Claims.

Also, a bill (H. R. 6012) granting an increase of pension to Margarita S. Salazar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6013) for the relief of the heirs of Francisco Gonzalez; to the Committee on Claims.

Also, a bill (H. R. 6014) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.; to the Committee on Claims.

Also, a bill (H. R. 6015) for the relief of Juan Paiz; to the Committee on Claims.

Also, a bill (H. R. 6016) for the relief of Machinist Alfonso M. Skinner, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 6017) for the relief of Paymaster Alvin Hovey-King, United States Navy; to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 6018) granting a pension to Alice E. Welding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6019) granting a pension to James H. Schneider; to the Committee on Pensions.

Also, a bill (H. R. 6020) granting an increase of pension to William D. Mahurin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6021) granting an increase of pension to William H. Cleveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6022) granting an increase of pension to William Lay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6023) granting an increase of pension to John F. D. Gerall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6024) granting an increase of pension to Arminta Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6025) granting an increase of pension to Wesley Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6026) granting an increase of pension to Isom Richey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6027) granting an increase of pension to W. R. Gabbord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6028) granting an increase of pension to John W. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6029) granting an increase of pension to Arthur G. McKeown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6030) granting an increase of pension to John F. Dailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6031) granting an increase of pension to Henry Conine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6032) granting an increase of pension to James Haley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6033) granting an increase of pension to John Kimbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6034) granting an increase of pension to Thomas Frederick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6035) granting an increase of pension to Joshua Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6036) granting an increase of pension to M. Carlton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6037) granting an increase of pension to John Cavin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6038) granting an increase of pension to William Sturgeon, now known as William Patton; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 6039) granting a pension to Patrick J. Dugan; to the Committee on Invalid Pensions.

By Mr. HENRY: A bill (H. R. 6040) for the relief of the heirs of James Caughlen; to the Committee on Claims.

By Mr. HINDS: A bill (H. R. 6041) granting a pension to Marie E. Tilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6042) granting a pension to Annie Cantara; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 6043) granting an increase of pension to Lewis Kotchin; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 6044) granting an increase of pension to Walter S. Sylvester; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 6045) granting an increase of pension to George A. Swepeniser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6046) granting a pension to Ella Afflerbach; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 6047) granting a pension to Henry J. Hennigar, alias Edgar Swissberry; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 6048) granting a pension to Louis K. Rohde; to the Committee on Pensions.

Also, a bill (H. R. 6049) granting an increase of pension to James A. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6050) granting an increase of pension to William J. Meek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6051) granting an increase of pension to Christopher C. Stevenson; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 6052) for the relief of William P. Havenor; to the Committee on the Public Lands.

By Mr. STEVENS of Minnesota: A bill (H. R. 6053) to authorize the Secretary of the Navy to amend the record of Lieut. William S. Cox; to the Committee on Naval Affairs.

By Mr. STONE: A bill (H. R. 6054) granting an increase of pension to Ferdinand Walser; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 6055) for the relief of the trustees of the Presbyterian Church of Huttonsville, W. Va.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of the Lima (Ohio) Presbytery, protesting against practicing polygamy in the United States and making it a crime against the Nation; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the Mineral City Hardware Co. and 10 other merchants of Mineral City, Ohio, favoring the passage of legislation to compel concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petition of the Central Labor Council of Contra Costa County, Cal., favoring an investigation of the conditions of the West Virginia labor troubles; to the Committee on Labor.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of C. W. Reeves; to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of the Traffic Club of New York, favoring the continuance of the Commerce Court; to the Committee on Appropriations.

By Mr. HAYES: Petition of the Santa Clara County Humane Society, San Jose, Cal., favoring the passage of legislation pre-

venting the shipment of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. A. Miller, Riverside, Cal.; E. G. Hunt, Pasadena, Cal.; and the Foothill Study Club, Saratoga, Cal., favoring the passage of the bill preventing the importation of plumes and feathers of wild birds for commercial use; to the Committee on Ways and Means.

Also, petition of J. H. Humphreys and 7 other citizens of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of A. C. Rulopson, the Lodi (Cal.) Merchants' Association, and others of California, favoring the passage of a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of H. A. Logan, Norwalk, Cal., and 3 other citizens of California, protesting against the reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of F. A. Hilen, Santa Cruz, Cal., favoring the passage of legislation for the creation of Mount Shasta, Cal., as a national park; to the Committee on Public Buildings and Grounds.

By Mr. HINDS: Petition of the Maine State Federation of Labor, protesting against reduction of the duty on paper; to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Maria E. Tilton, of Kittery, Me.; to the Committee on Invalid Pensions.

Also, papers to accompany bill for pensions for Annie Cantara, of Biddeford, Me.; to the Committee on Pensions.

By Mr. KAHN: Petition of the public buildings committee of the Civic League of Improvement Clubs, of San Francisco, Cal., favoring the erection of new buildings at the Golden Gate Life-Saving Station; to the Committee on Appropriations.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 5915 for the relief of Charles R. Taylor; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: Petition of the John H. Doremus Co., of Passaic, N. J., protesting against the inclusion of commercial organizations in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Board of Health of the State of New Jersey, favoring the establishment of a committee on public health in the House of Representatives; to the Committee on Rules.

By Mr. McCOY: Petition of the Board of Street and Water Commissioners of the city of Newark, N. J., protesting against the abandonment of the city of Newark as an independent customs port; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Petition of the Maine State Federation of Labor, protesting against any reduction in the tariff on pulp or paper; to the Committee on Ways and Means.

By Mr. PALMER: Petition of sundry citizens of Philadelphia, Pa., favoring building a memorial bridge across the Delaware River between Philadelphia and Camden; to the Committee on Rivers and Harbors.

By Mr. PETERS: Petitions of sundry citizens of Boston, favoring the repeal of the clause in the Panama Canal act exempting American vessels from the payment of tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Papers to accompany bill (H. R. 1698) to provide for an enlarged homestead; to the Committee on the Public Lands.

By Mr. TUTTLE: Petition of the Board of Street and Water Commissioners of the city of Newark, N. J., protesting against the abandonment of the city of Newark as an independent customs port; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the National Woman's Christian Temperance Union, favoring the passage of the Sims amendment to the bill (H. R. 27876) relative to keeping the gates of the Panama Exposition closed on Sunday; to the Committee on Industrial Arts and Expositions.

By Mr. WALLIN: Petition of sundry residents of the thirtieth New York district, protesting against mutual life insurance funds in income-tax bill; to the Committee on Ways and Means.

Also, petition of the National Broom Manufacturers' Association, protesting against the reduction of the tariff on brooms; to the Committee on Ways and Means.

Also, petition of the Albany (N. Y.) Society of Engineers, favoring the deepening of the Hudson River to 27 feet as far as the Troy Dam; to the Committee on Rivers and Harbors.

By Mr. YOUNG of North Dakota: Petition of S. A. Johnson, of Bantry, N. Dak., protesting against the passage of bill (H. R. 4653) relating to the sale of patent medicines; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *June 13, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The VICE PRESIDENT resumed the chair.

THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the preceding session.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Martin, Va.	Sheppard
Bacon	Fletcher	Myers	Sherman
Bankhead	Gallinger	Nelson	Shively
Brady	Gronna	Newlands	Simmons
Bristow	Hitchcock	Norris	Smith, Ga.
Bryan	Hollis	Overman	Smoot
Burton	Hughes	Owen	Sterling
Catron	James	Page	Stone
Chamberlain	Johnston, Ala.	Penrose	Sutherland
Chilton	Jones	Perkins	Thomas
Clapp	Kern	Pittman	Thompson
Clark, Wyo.	La Follette	Reed	Thornton
Crawford	Lane	Robinson	Townsend
Cummins	Lea	Root	Walsh
Dillingham	Lewis	Saulsbury	Williams
du Pont	McCumber	Shafroth	Works

Mr. THORNTON. I desire to announce that the junior Senator from Louisiana [Mr. RANSDELL] is absent on account of sickness.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire to have this announcement stand for all votes to-day.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] has been called from the city on important public business, and that he is paired generally with the Senator from Florida [Mr. FLETCHER].

Mr. GALLINGER. I wish to announce the enforced absence of the junior Senator from Maine [Mr. BURLEIGH] by reason of prolonged illness.

Mr. LEWIS. I desire to announce the absence of the Senator from South Carolina [Mr. TILLMAN] on imperative business.

Mr. LEA. I desire to have the absence on important public business of the junior Senator from Tennessee [Mr. SHIELDS] noted.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum is present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last.

Mr. SIMMONS. I move that the further reading of the Journal be dispensed with.

Mr. GALLINGER. That can only be done by unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I object.

The VICE PRESIDENT. The Senator from Washington objects, and the Secretary will read the Journal.

The Secretary resumed the reading of the Journal, and was interrupted by

Mr. JONES. I understand that the Senator from Missouri [Mr. STONE] is anxious to take up the Indian appropriation bill. So I will withdraw my objection to dispensing with the reading of the Journal.

The VICE PRESIDENT. Is there objection to dispensing with the further reading of the Journal? The Chair hears none. Without objection, the Journal will stand approved.

TUBERCULOSIS CURES (S. DOC. NO. 102).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, certain reports and documentary information regarding so-called tuberculosis cures which have been given wide publicity, etc., which, with the accompanying papers, was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of findings of fact and conclusions filed by the court in the following causes:

Ethelbert Barrett, administrator of the estate of M. W. Garrison, deceased, *v.* United States (S. Doc. No. 106);

J. T. Robertson, administrator of estate of John McAnulty, deceased, *v.* United States (S. Doc. No. 105); and

Elizabeth Snyder, administratrix of Sampson Snyder, deceased, and Hoy Cooper, administrator of John Snyder, deceased, *v.* United States (S. Doc. No. 104).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON. I present a joint memorial of the Legislature of Minnesota, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

House joint memorial 1023.

Whereas there is a very strong general sentiment in favor of the suppression of the gigantic monopoly now exercised by the Standard Oil Co. of Whitings, Ind.; and

Whereas the said company has to-day absolute control of the Nation's if not the world's output and supply of crude oil, gasoline, and petroleum, and the said company has unlimited and unrestrained power to dictate the market prices of the said commodities, and by virtue of its unlimited and unrestrained powers does wrongfully and unlawfully and without any justification increase the market and selling prices of said commodities, which results in great injury to the consumers; and

Whereas the said company is wrongfully and unlawfully discriminating against States and selling the said commodities cheaper in some States and localities than others, without regard to the difference of the cost of transportation and selling; and

Whereas by reason of the rapid progress made in motive power the said products—crude oil, gasoline, and petroleum—have become a common necessity in every profession and vocation of life everywhere; and

Whereas the said Standard Oil Co. has absorbed nearly all like competing industries; and

Whereas it is impossible for private capital to cope with or curb this gigantic and unjust monopoly: Therefore be it

Resolved (*the senate concurring*), That Congress be, and is hereby, requested to enact a law providing for Government ownership and control of oil-producing industries sufficient to control prices and break the gigantic and unjust monopoly now existing; and be it further

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution; and be it further

Resolved, That the secretary of state be, and hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of said body representing this State therein, and also to transmit copies to the legislatures of all States of the United States.

Mr. GALLINGER presented petitions of William L. Finley, State game warden of Portland, Oreg.; Herbert R. Mills, M. D., of Tampa, Fla.; Francis S. Dane, of Lexington, Mass.; Lilias S. Edwards, of Sanbornville, N. H.; Clarabel Gilman, of Jamaica Plain, Mass.; Elizabeth Richardson and Charles F. Richardson, of Sugar Hill, N. H.; Louisa Holt, of West Summit, N. J.; Harry W. Althouse, of Pottsville, Pa.; Helen Willard, of Brookline, Mass.; Willard Van Name, of Albany, N. Y.; Theodore O. Hamlin, of Rochester, N. Y.; Jesse A. Tolerton, game and fish commissioner, of Jefferson, Mo.; S. McG. Pierce, of Boston, Mass.; Dr. and Mrs. T. M. Dillingham, of Marlboro, N. H.; M. H. Hoover, chief of publication New York Conservation Commission; George M. Warner, of Philadelphia, Pa.; William Edward Coffin, of New York; C. E. Flenner, secreary-treasurer Illinois Electric Railways Association, of Wheaton, Ill.; P. T. Jackson, jr., treasurer Bay State Cotton Corporation, of Boston, Mass.; Edward Bowditch, of Albany, N. Y.; W. I. Ewart, of Seattle, Wash.; Helen M. Merriman, of Intervale, N. H.; W. Hinckle Smith, of Philadelphia, Pa.; W. S. Cady, Wesleyan University, of Middletown, Conn.; Dr. L. Duncan Bulkley and H. E. A. Gibbs, of New York; Mrs. A. J. Spalter, of Winchendon, Mass.; M. B. Banks, of Westport, Conn.; R. Erbsloh, of New York; Sarah J. Eddy, of Bristol, R. I.; James J. Putnam, of Boston, Mass.; A. B. Bates, of New York; C. R. Blackall, of Philadelphia, Pa.; Alice Vanderbilt Morris, of New York; George W. Hager, of Marlboro, Mass.; C. W. Trainer, of Boston, Mass.; Fred C. Church, of Lowell, Mass.; Dorothy Temple, of North Hampton, N. H.; Alfred Wagstaff, president of the American Society for the Prevention of Cruelty to Animals, of New York; Isabella Winslow and Maria L. C. Winslow, of Middleboro, Mass.; Marshall McLean, of New York; students of Washington Irving High School, of New York; Mrs. Oscar Oldberg, of Pasadena, Cal.; Mrs. R. D. Crain, of Winchendon, Mass.; Henry W. Osgood, of Pittsfield, N. H.; Woman's Club of Richmond, Va.; John W. Draper, of New York; Sidney V. Lowell, of New York; Albert H. Wallace, of Montclair, N. J.; Mrs. Frank H. Goler, of Rochester, N. Y.; Edna L. Johnston, of Manchester, N. H.; Edward R. Williams, of Boston, Mass.; Alice M. Wood, of Muskegon, Mich.; S. W. Wellington, of East Hartford, Conn.; George S. Bowdoin, Julia G. Bowdoin, and Edith G. Bowdoin, of New York; E. R. Lyman, of Philadelphia, Pa.; Joseph W. L. Jones, of Tiffin, Ohio; Elizabeth Bigelow, of Colchester, Conn.; Henry Justice, of Philadelphia, Pa.; Arthur Malcolm, of Philadelphia, Pa.; Henry G. Seaver, of Brooklyn, N. Y.; G. Langmann, I. G. Langmann, H. W. Langmann, and H. C. Kudline, of New York; E. C. Frank, of Glendale, Cal.; William A. Hamann, of New York; William C. Adams, of Boston, Mass.; Anna Custer, of Manchester, N. H.; Mrs. L. C. Christopher, of Manchester, N. H.; Helen Mansfield, of Gloucester, Mass.; A. R. Shattuck, of New York; Job Barnard, of Washington, D. C.; E. M. Clark, of Morristown, N. J.; Adelbert J. Smith, of New York; Effie L. Tufts, of Exeter, N. H.; Edith Timmerman, of Hamlin, N. Y.; Emily B. Adams, of Springfield, Mass.; Walter McDougall, of New York; Emily G. Hunt, Ella M. Hunt, and Elizabeth W. Hunt, of Pasadena, Cal.; J. H. Child, of Boston, Mass.; Eleanor Mellen, of Boston, Mass.; Helen J. Wolf, of Cincinnati, Ohio; Elizabeth I. Cummins, of Wheeling, W. Va.; K. Adams Wells, of Wheaton, Ill.; Mrs. Orville H. Platt, of Washington, Conn.; Alice C. Gilbert, of Walpole, N. H.; C. S. Brown, of New York; Mrs. James Speyer, of New York; Margaret Eaton Brown, of Pittsburgh, Pa.; Mrs. Abba D. Chamberlin, of Pomfret, Vt.; Eugene Swope, of Cincinnati, Ohio; E. J. Boyle, of Boston, Mass.; Ruthven Deane, of Chicago, Ill.; Emily W. Lyson, of South Berwick, Me.; Victoria E. Tonkonogy, of New York; Emma J. Welty, of Portland, Oreg.; G. A. Jones, of New York; Mrs. Cora D. Berlin, of Wimbleton, N. Dak.; of the Bird Lovers' Club of Brooklyn, N. Y.; Helen Clapp, of Charlestown, N. H.; and Mary C. Yarrow, of Philadelphia, Pa., praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

He also presented petitions of H. Baker, of Aurora, Ill.; Hubard M. Wright, of Walpole, N. H.; Samuel W. Cole, of Brookline, Mass.; Plimpton, Cowan & Co., of Buffalo, N. Y.; H. Planten & Co., of Brooklyn, N. Y.; L. A. Tworoger, of Laconia, N. H.; the Crocker Grocery Co., of Wilkes-Barre, Pa.; the J. R. Watkins Medical Co., of Winona, Minn.; the Keokuk Industrial Association, of Keokuk, Iowa; the Roddewig Schmidt Candy Co., of Davenport, Iowa; M. A. Newmark & Co., of Los Angeles, Cal.; the Omega Chemical Co., of New York; and the American Specialty Manufacturers' Association, of New York, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. McLEAN presented petitions of sundry citizens of Bridgeport, Mount Carmel, and Bethel, all in the State of Connecticut, praying for the exemption of mutual life insurance companies from the operations of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. PERKINS presented a resolution adopted by the Board of Trade of Pasadena, Cal., favoring the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Calaveras-Alpine Live Stock Association of California, remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on the Conservation of National Resources.

WOMAN SUFFRAGE.

Mr. ASHURST. From the Committee on Woman Suffrage I report back favorably without amendment the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women. I present a report upon this exceedingly important subject, and I ask that the same be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be placed on the calendar, and, without objection, the report will be printed in the RECORD.

The report (S. Rept. No. 64) this day submitted by Mr. ASHURST is as follows:

WOMAN SUFFRAGE.

Mr. ASHURST, from the Committee on Woman Suffrage, submitted the following report, to accompany Senate joint resolution 1:

The Senate Committee on Woman Suffrage, having under consideration Senate joint resolution No. 1, introduced by Mr. CHAMBERLAIN, to wit:

Joint resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the

United States, which, when ratified by three-fourths of the said legislatures, shall be valid as part of said Constitution, namely:

"ARTICLE —.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

By direction of a majority of the committee the resolution is reported favorably and with the recommendation that it do pass. The question of granting to women the elective franchise being one of far-reaching consequences and vast importance, involving the political rights of one-half of the citizens of the United States, the committee (notwithstanding the able arguments on this subject and exhaustive reports which have been submitted to Congress from time to time since 1866) took the view that a full and complete hearing should be had; whereupon a number of eminent persons addressed the committee in support of and against the resolution.

PROGRESS.

Observant persons will not fail to notice that marked changes in political and social conditions in the United States are now taking place; that the conditions under which we have been living are rapidly changing, and that many, if not most, of the American people now recognize that society and government are dynamic, *not* static in character. It is not necessary, in the scope of this report, to discuss *all* the causes of these changes, but it will not be denied that some of the contributing causes thereof are the adoption of improved means of transportation; the ready communication among the people afforded by the telephone, the telegraph, the post offices, and the excellent facilities for obtaining education and the transmission of intelligence afforded by the schools, the newspapers, and the magazines.

Some statesmen, publicists, and editors deplore the fact that we are now living in an age of inquiry, criticism, and searching analysis, but fortunately the country realizes that smug contentment is a corrosive effluent, deadly to the progress, advancement, and happiness of a nation. A people free from the exigencies of life—free from the desire to bring about a betterment of conditions—lose that keen incentive to improvement which adds so much zest, beauty, and grace to life.

History is largely an account of man's struggle for freedom, and from the beginning of the human race down to the present time its tendency has been toward liberty—mankind reaching out for freedom and immeasurably attaining it.

American civil liberty is the fruitage of many centuries of earnest and patriotic endeavor. The preservation of civil liberty will always depend upon the vigilance and zeal of those who love freedom, and if a people do not love liberty well enough to contend for it, if a people prefer turgid quietude to the boisterousness of liberty, they may be sure that the usurpers of power will sooner or later impose tyrannies and despotism upon them.

CONSTITUTIONAL AMENDMENTS.

Only a short time since some of the wisest and most profound citizens of this Republic believed that by reason of the complicated procedure and large majorities required it was difficult, if not impossible, to amend the Constitution of the United States, and some eminent statesmen even urged that strained constructions should be placed upon the Constitution so as to change somewhat the structure of our political system, bring it into conformity with the dynamic conditions of the day, and thus secure needful reforms.

Dicey says of amending the Constitution of the United States:

"The sovereign of the United States has been roused to serious action but once during the course of 90 years. It needed the thunder of the Civil War to break his repose, and it may be doubted whether anything short of impending revolution will ever again rouse him to activity. But a monarch who slumbers for years is like a monarch who does not exist."

Speaking in the Senate of the United States on the 5th day of July, 1909, Hon. H. D. Money, who was a close observer of men and events, a statesman whose memory this Nation reveres, a scholar, thinker, and orator, whose services here added glory and usefulness to this body, said:

"Mr. President, I am one of those who believe that there never will be another amendment to the Constitution of the United States. * * * I do not believe this amendment (income-tax amendment) to the Constitution will ever be a part of it." * * *

But contrary to the opinion which a few years since prevailed among many thinking people, within the past five months two amendments to the Constitution of the United States have been proclaimed, and they were adopted under the procedure which is indisputably complicated and involved. The adoption of these amendments, in addition to the valuable reforms they will bring about, has convinced the American people that our Federal Constitution is a living, breathing, dynamic force that protects persons as well as property, and that it is not a Procrustean bed of fixity incapable of amendments or change.

During the Sixty-second Congress, from December 4, 1911, to December 4, 1912, 21 amendments were proposed to the Constitution of the United States, and the feeling that the Constitution may be amended is not confined to any one political party. To this date, during the Sixty-third Congress, 14 proposals to amend the Constitution of the United States have been introduced in the Senate and 32 proposals in the House of Representatives, demonstrating that the "let-alone," noninterference, careless, laissez faire policy does not meet the demand of the present day.

New occasions teach new duties,
Time makes ancient good uncouth,
They must upward still and onward
Who would keep abreast of truth.
Lo, before us gleam her camp fire;
We ourselves must Pilgrims be,
Launch our Mayflower and steer boldly
Through the desperate winter sea,
Nor attempt the future portals
With the past's blood-rusted key.

But it can not fairly be argued that the proposed constitutional amendment which provides that the rights of citizens of the United States shall not be denied or abridged by the United States or any State, by reason of sex, is a new, "novel," or "radical" movement, for every phase of this subject has been discussed from time to time by many of the ablest minds of the Nation. It has been considered in its relation to the Constitution, and constitutional law bearing upon such polity has been given earnest and careful consideration.

On July 2, 1776, two days before the Declaration of Independence was signed, New Jersey, in her first State constitution, enfranchised the women by changing the words of her provincial charter from "male freeholders worth £50" to "*all inhabitants* worth £50," and for 31 years the women of that State voted.

Eighty years ago women could not vote anywhere, except to a very limited extent in Sweden and in a few other places in the Old World.

Gains in equal suffrage since 1838.

Time.	Place.	Kind of suffrage.
1838	Kentucky	School suffrage to widows with children of school age.
1850	Ontario	School suffrage, women married and single.
1861	Kansas	School suffrage.
1867	New South Wales	Municipal suffrage.
1869	England	Municipal suffrage, single women and widows.
	Victoria	Municipal suffrage, married and single women.
	Wyoming	Full suffrage.
1871	West Australia	Municipal suffrage.
1875	Michigan	School suffrage.
	Minnesota	Do.
1876	Colorado	Do.
1877	New Zealand	Do.
1878	New Hampshire	Do.
	Oregon	Do.
1879	Massachusetts	Do.
1880	New York	Do.
	Vermont	Do.
	South Australia	Municipal suffrage.
1881	Scotland	Municipal suffrage to the single women and widows.
	Isle of Man	Parliamentary suffrage.
1883	Nebraska	School suffrage.
1884	Ontario	Municipal suffrage.
	Tasmania	Do.
1886	New Zealand	Do.
	New Brunswick	Do.
1887	Kansas	Do.
	Nova Scotia	Do.
	Manitoba	Do.
	North Dakota	School suffrage.
	South Dakota	Do.
	Montana	Do.
	Arizona	Do.
	New Jersey	Do.
	Montana	Tax-paying suffrage.
1888	England	County suffrage.
	British Columbia	Municipal suffrage.
	Northwest Territory	Do.
1889	Scotland	County suffrage.
	Province of Quebec	Municipal suffrage, single women and widows.
1891	Illinois	School suffrage.
1893	Connecticut	Do.
	Colorado	Full suffrage.
	New Zealand	Do.
1894	Ohio	School suffrage.
	Iowa	Bond suffrage.
	England	Parish and district suffrage, married and single women.
1895	South Australia	Full State suffrage.
1896	Utah	Full suffrage.
	Idaho	Do.
1898	Ireland	All offices except members of Parliament.
	Minnesota	Library trustees.
	Delaware	School suffrage to tax-paying women.
	France	Women engaged in commerce can vote for judges of the tribunal of commerce.
	Louisiana	Tax-paying suffrage.
1900	Wisconsin	School suffrage.
	West Australia	Full State suffrage.
1901	New York	Tax-paying suffrage; local taxation in all towns and villages of the State.
	Norway	Municipal suffrage.
1902	Australia	Full suffrage.
	New South Wales	Full State suffrage.
1903	Kansas	Bond suffrage.
	Tasmania	Full State suffrage.
1905	Queensland	Do.
1906	Finland	Full suffrage; eligible to all offices.
1907	Norway	Full parliamentary suffarge to the 300,000 women who already had municipal suffrage.
	Sweden	Eligible to municipal offices.
	Denmark	Can vote for members of boards of public charities and serve on such boards.
	England	Eligible as mayors, aldermen, and county and town councilors.
	Oklahoma	New State continued school suffrage for women.
1908	Michigan	Taxpayers to vote on questions of local taxation and granting of franchises.
	Denmark	Women who are taxpayers or wives of taxpayers vote for all officers except members of Parliament.
	Victoria	Full State suffrage.
1909	Belgium	Can vote for members of the counseils des prudhommes, and also eligible.
	Province of Voralberg (Austrian Tyrol).	Single women and widows paying taxes were given a vote.
	Ginter Park, Va	Tax-paying women, a vote on all municipal questions.
1910	Washington	Full suffrage.
	New Mexico	School suffrage.
	Norway	Municipal suffrage made universal. (Three-fifths of the women had it before.)
	Bosnia	Parliamentary vote to women owning a certain amount of real estate.

Gains in equal suffrage since 1838—Continued.

Time.	Place.	Kind of suffrage.
1910	Diet of the Crown Prince of Krain (Austria).	Suffrage to the women of its capital city, Laibach.
	India (Gaekwar of Baroda).	Women of his dominions vote in municipal elections.
	Wurttemberg, Kingdom of..	Women engaged in agriculture vote for members of the chamber of agriculture; also eligible.
	New York.....	Women in all towns, villages, and third-class cities vote on bonding propositions.
1911	California.....	Full suffrage.
	Honduras.....	Municipal suffrage in capital city, Belize.
	Iceland.....	Parliamentary suffrage for women over 25 years of age.
1912	Oregon.....	Full suffrage.
	Arizona.....	Do.
	Kansas.....	Do.
1913	Alaska.....	Do.

We do not feel called upon in this report to discuss (if, indeed, it be debatable) the question as to the equality or inequality of the two sexes from an intellectual standpoint. It is, or at least ought to be, an axiom of American liberty that a class of persons obedient to the laws as are the women; a class which has a peculiar care for the rights of others; a class which is taxed upon its labor and property for the support of the Government; which is liable to punishment for acts which the law makes criminal; which is patriotic, learned, and in a large measure capable of the highest degree of efficiency in the useful arts and sciences; which is patient beyond estimate and constantly pouring forth costly sacrifices for the common good of the species, should not be denied a voice in the enactment and enforcement of laws and concerns of the Government.

"Government is simply a tool in the hands of the people for the fashioning of that people's civilization." Government is strong or weak, capable or deficient, according to the people who control and make up that Government. In this Republic the people constitute the Government. They are its creators and its maintenance; they are the Government. That the granting of the elective franchise to women would add to the strength, efficiency, justice, and fairness of government we have not the slightest doubt, and this is especially true in the United States, where all power is reposed in the people with universal suffrage as the primal basis of its exercise. "The people" includes women, who can not be denied those political privileges and responsibilities which men claim and assert for themselves without doing violence to the fundamental principles of our Government.

It is anomalous and archaic, in a free Republic, professedly made up of, controlled by, and administered for all the people, to deny to one-half of its citizens the right of exercising a valuable function of citizenship, to wit, the elective franchise, and thus preclude that one-half from the right and power to say what law or polity shall be its rule of conduct. And this anomaly becomes odious and abhorrent when we reflect that the particular one-half of citizenship thus excluded is the identical one-half from which springs so much wisdom, courage, cheer, hope, and good counsel. In this Republic we are in constant warfare against fraud and violence, avarice, and cupidity, and in behalf of liberty and justice, whose success will be accelerated by extending the franchise to women, in whom the materialistic is generally submerged for the idealistic; a class of voters who look to all laws and movements as to how such laws and movements will affect their children; how such laws and conditions will promote morals, human health, and human progress, more especially than as to how this or that particular law or polity will develop or serve material or property interests. In other words, as has been said, "Man looks after the affairs of life, but woman looks after life itself."

Woman's sphere, her ideals, and her duties make her the inescapable and essential conservator of human life, charged as she is with the duty of conserving the human race; and it is in harmony with political and natural justice to accord to her the right to say what laws shall assist her in bringing about the betterment of economic conditions.

AMERICAN CITIZENS.

This question as to who is an American citizen was left somewhat in doubt by the Constitution of the United States until the adoption of the fourteenth amendment in 1868, when that amendment, in the first section thereof, created a distinct Federal citizenship, as follows:

"ARTICLE XIV.

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside." * * *

The rights attaching to an American citizen may be divided into two classes; that is to say, civil rights and political rights. On the ground of public policy minors, incompetents, and others are frequently denied political rights. The right of suffrage—that is, elective franchise, or the right to vote—is a political right which, upon the grounds of sound public policy and a due regard for the genius of our form of government, should never be withheld from a class of citizens fairly and in good faith proved to be worthy of possessing this right. That the class of citizens described in the above resolution (females) has abundantly demonstrated it is eminently worthy of possessing such a right has never been successfully contradicted. In determining whether or not a particular class of citizens is entitled to the elective franchise the following rules, set down by S. E. Forman, Ph. D., in his Advanced Civics (see p. 106), will be found useful, and if a class fairly and in good faith meets the requirements of these conditions it is respectfully submitted that the elective franchise should be granted to such a class. The things to be considered, therefore, are as follows:

1. Will this class of citizens (females) vote whenever the lawful opportunity is presented?
2. Will this class of citizens (females) attempt to comprehend the questions upon which it votes?
3. Will this class of citizens (females) attempt to learn something of the character and fitness of the persons for whom it votes?
4. Will this class vote against dishonest persons for office?
5. Will this class oppose dishonest measures?
6. Will this class refuse, directly or indirectly, to accept a bribe, and refuse, directly or indirectly, to give a bribe?
7. Will this class place country above party?
8. Will this class recognize the result of the election as the will of the people, and therefore as the law?
9. Will this class continue to fight for a righteous, although defeated, cause so long as there is a reasonable hope of success?
10. Is this class of citizens able to read and write?
11. Does this class of citizens pay taxes?

We submit that the class of voters (females) sought to be enfranchised by this resolution answers each and every one of these interrogatories with distinguished credit to itself and that it fully, fairly, and in good faith measures up to these requirements.

We therefore, upon all grounds, conclude that the resolution should be submitted to the States for their adoption or ratification.

Subjoined to this report, and made part thereof, will be found a memorial of the National American Woman Suffrage Association, being Senate Document No. 519, Sixty-first Congress, second session.

[Senate Document No. 519, Sixty-first Congress, second session.]

To the Senate and House of Representatives in Congress assembled:

Your memorialists, representing the women of the United States desiring the right of suffrage and now being represented in national convention, representing nearly every State in the Union, respectfully demand the recognition by Congress of the right to vote for those women of the United States who possess equal qualifications with men in the matter of intelligence or other conditions imposed by the several States upon the exercise of suffrage.

We ask legislation which will provide that no citizen of the United States be denied or abridged the right of vote by the United States or by any State on account of sex.

We ask that an amendment be submitted to the fifteenth article of the Constitution of the United States, so that it shall read as follows, to wit:

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, sex, or previous condition of servitude."

The reasons for our request are as follows:

(1) The women of the United States are citizens of the United States, entitled by nature to an equal right to enjoy the opportunities of life.
(2) They perform half the work of the United States.
(3) They bear all of the children of the United States.
(4) They educate these children.
(5) They inculcate in these children lessons of morality, of religion, of industry, of civic righteousness, and of civic duty.
(6) They deserve to be honored by the children of the country as entitled to equal dignity and honor possessed by men.
(7) They pay half of the taxes of the United States.
(8) They possess half of the property of the United States, or at least they are entitled to possess half of the property of the United States by virtue of labor performed and duty well done.

Their property and their right to liberty and to life are subject to law. The law controls the property rights of women and the rights of women to life, liberty, and the pursuit of happiness, and, therefore, we demand the right to a voice in the election of Representatives to write these statutes and to execute them.

We notify you that the injustice of the past, denying us these obvious rights, will no longer be patiently endured. You can not, in the presence of God and with a clean conscience, deny the validity of the reasons we present justifying our demand.

Answer these arguments.

Answer these sound reasons with a good conscience, and you are compelled to yield to the righteous demand of the women of America.

You well know, as students of history and as students of statecraft, that the ballot is the right protective of every other right, and, knowing this, how will you deny women equal opportunity to earn equal wages for equal labor?

Will you suggest that good women will not vote and bad women will vote? This most untrue and unkind suggestion has been emphatically and finally answered by history, which demonstrates that the same percentage of women vote as men, and that the vote of undesirable women is an utterly negligible quantity. That women are not to be regarded as bringing to suffrage a preponderance of evil, but that their vote has brought to use of the State an important influence in the interest and well-being of children; new and stronger laws for the protection and advancement of the interest of children; new and better laws for the preservation of the public health; new and better laws for decency in administration and the beautifying of cities, and more worthy candidates by all parties are offered where women vote.

We demand the right of suffrage because it is justified by every natural right, because it can not be denied by conscientious, thoughtful, studious men who desire to deal justly with all human beings alike. We desire these rights in order to raise in dignity and power the mothers of this Nation, and for the broader reasons that no nation ever rises higher than the motherhood of the nation, and the welfare of this Nation is not promoted by denying to the mothers of the Nation the elemental right of suffrage which is essential, not only to protect their own rights of life, liberty, property, and pursuit of happiness, but to protect their children, whom they have so loved, from the treacherous pitfalls that line the pathway of life.

Very obediently, yours,

ANNA HOWARD SHAW,
President of National American Woman Suffrage Association.
RACHEL FOSTER AVERY,
First Vice President.
CATHERINE WAUGH MCCULLOCH,
Second Vice President.
MARY WARE DENNETT,
Corresponding Secretary.
ELLA SEASS STEWART,
Recording Secretary.
HARRIET TAYLOR UPTON, *Treasurer.*
LAURA CLAY, *Auditor.*
ALICE STONE BLACKWELL, *Auditor.*

INTRODUCTION OF BILLS.

Mr. TOWNSEND. I present the following bill for reading and reference.

Mr. JONES. I ask that the introduction of the bill may go over for a day.

Mr. STERLING. I present the following bill for a special act.

The VICE PRESIDENT. It will go over for a day on objection. There are on the Secretary's desk certain bills which have been read the first time. They will now be read the second time.

The following bills were severally read the second time by title and referred as indicated:

By Mr. MARTINE of New Jersey:

A bill (S. 2493) to provide for the placing of the temporary employees of the Census Bureau on the permanent roll of the civil service (with accompanying paper); to the Committee on the Census.

By Mr. CATRON:

A bill (S. 2494) to provide for the purchase of a site and the erection of a public building thereon in the city of Clayton, in the State of New Mexico.

Mr. JONES. That is the second reading?

The VICE PRESIDENT. It is the second reading. The bill will be referred to the Committee on Public Buildings and Grounds.

By Mr. CATRON:

A bill (S. 2495) granting an increase of pension to Eugenia Chavez de Montano; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 2496) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on Public Lands.

By Mr. SHAFROTH:

A bill (S. 2497) granting an increase of pension to W. H. Hyatt;

A bill (S. 2498) granting a pension to Helena A. Edic; and

A bill (S. 2499) granting an increase of pension to John Wade; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 2500) to regulate the employment of agents, counsel, and attorneys engaged to secure the passage or defeat of legislation by Congress; to prohibit persons and corporations interested in the passage or defeat of legislation and their counsel, agents, and attorneys from attempting to influence Members of the Senate and House of Representatives other than by oral and written arguments and briefs submitted to regularly constituted committees; providing for a return of expenses incurred; and prescribing penalties for the violation of the provisions thereof; to the Committee on the Judiciary.

The following bills were read twice by title and referred as indicated:

By Mr. McLEAN:

A bill (S. 2501) granting an increase of pension to Abbie A. Tucker (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2502) granting an increase of pension to James Henry Martineau; and

A bill (S. 2503) granting a pension to Mary Butterfield; to the Committee on Pensions.

A bill (S. 2504) to reimburse George Heiner, postmaster at Morgan, Utah, for loss of postage stamps; to the Committee on Claims.

A bill (S. 2505) to correct the military record of Joseph B. Forbes; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 2506) granting an increase of pension to Julia A. Bachus (with accompanying papers); and

A bill (S. 2507) granting an increase of pension to Harriet N. Lair (with accompanying paper); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 2508) granting a pension to William H. Tucker; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 2509) granting an increase of pension to Moses N. Jones; and

A bill (S. 2510) granting an increase of pension to Edgar T. Limes; to the Committee on Pensions.

The VICE PRESIDENT. The following bills on the Secretary's table have been noted for introduction and will be read the first time.

The SECRETARY. By Mr. SMOOT, a bill (S. 2511) to provide for agricultural entries on coal lands in Alaska;

A bill (S. 2512) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; and

A bill (S. 2513) to provide for the erection of a public building at Cedar City, Utah.

The VICE PRESIDENT. The bills will go over.

The SECRETARY. By Mr. BRADY, a bill (S. 2514) for the relief of William P. Havenor.

The VICE PRESIDENT. The bill will go over.

The SECRETARY. By Mr. LEWIS, a bill (S. 2515) to amend the interstate commerce law and to authorize the Interstate Commerce Commission to assume the power of supervising the issuance of stock, the issuance of bonds, the matter of consolidation, amalgamation, or combination of all transportation lines doing an interstate commerce business, and all interstate concerns engaged in any form of interstate commerce, and for such other purposes as shall protect the public against watered stock and excessive bond issues, and consolidations made with the object of effecting monopoly and trust in matters of interstate commerce.

The VICE PRESIDENT. The bill will go over.

The SECRETARY. By Mr. CUMMINS, a bill (S. 2516) to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the Circuit Court of the United States in and for the Southern District of New York in the suit of the United States against the American Tobacco Co. and others, and extend the time for taking such appeal, and for other purposes.

The VICE PRESIDENT. The bill will go over.

The SECRETARY. By Mr. NEWLANDS, a bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

Mr. NEWLANDS. I should like to inquire as to whether that bill was not referred to the Committee on Interstate Commerce at the last session.

The VICE PRESIDENT. It was not. Objection was made to the reference, and the bill is now being read for the first time.

Mr. NEWLANDS. Will it be in order now to request its reference to the Committee on Interstate Commerce?

The VICE PRESIDENT. It can not be referred until after it has been read the second time, and objection has been made to its second reading to-day.

Mr. NEWLANDS. Does that imply that it must go over to another day?

The VICE PRESIDENT. It implies that it must go over to another day for its second reading under the rule of the Senate, which requires that on objection a bill shall be read on separate days.

Mr. NEWLANDS. May I ask at whose suggestion the compliance with the rule was required?

The VICE PRESIDENT. The Chair is informed by the RECORD that it was done at the suggestion of the Senator from Washington [Mr. JONES].

Mr. NEWLANDS. I understood that the objection of the Senator from Washington was only to my request that a certain statement be published in the RECORD in connection with the bill. I did not understand that objection was made to the reference of the bill to the Committee on Interstate Commerce.

Mr. JONES. I simply desire to suggest to the Senator that I am asking that each of these bills shall go through the regular form prescribed by the rules.

The VICE PRESIDENT. The next bill on the Secretary's table will be read by title.

The SECRETARY. By Mr. SHAFROTH, a bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply.

The VICE PRESIDENT. The bill will lie over.

Mr. MYERS. I introduce a joint resolution.

Mr. JONES. I ask that the joint resolution go over.

The VICE PRESIDENT. It will go over.

Mr. SMOOT. I offer a bill to authorize the Secretary of the Treasury to use at his discretion certain surplus moneys in the Treasury in the purchase or redemption of outstanding interest-bearing obligations of the United States.

Mr. JONES. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. DILLINGHAM. I desire to introduce a joint resolution.

Mr. JONES. I ask that the joint resolution may go over under the rule.

The VICE PRESIDENT. It will go over.

Mr. McCUMBER. I introduce the bill which I send to the desk.

Mr. JONES. I ask that the bill may go over under the rule.

The VICE PRESIDENT. The bill will go over under the rule.

Mr. ASHURST. At the request of my colleague the Senator from Arizona [Mr. SMITH], who is necessarily absent from the Senate to-day, I introduce for him a bill, and ask that it, with the accompanying papers, be referred to the Committee on Public Lands.

Mr. JONES. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

Mr. THOMPSON. I introduce the bill which I send to the desk.

Mr. JONES. I ask that the bill go over for a day.

The VICE PRESIDENT. The bill will go over.

Mr. ASHURST. Upon my own responsibility I introduce a bill, and ask that it may be referred to the Committee on Public Lands.

Mr. JONES. I ask that the bill shall go over under the rule.

The VICE PRESIDENT. It will go over.

Mr. NELSON. I introduce a bill for reading and reference.

Mr. JONES. I ask that the bill may go over under the rule.

The VICE PRESIDENT. The bill will go over.

Mr. LA FOLLETTE. I introduce a bill for reading and reference.

Mr. JONES. I ask that the bill go over under the rule.

The VICE PRESIDENT. The bill will go over.

Mr. STONE. Mr. President, is morning business concluded?

The VICE PRESIDENT. Morning business has not yet been announced as being concluded. Concurrent and other resolutions are in order.

AMENDMENT OF THE RULES.

Mr. THOMAS. I desire to give notice of a proposed amendment to Rule V, section 2, as follows:

If at any time during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll, or he may count those Senators who are present at the time such question is raised without calling such roll and announce the result, and these proceedings shall be without debate.

INTERSTATE SHIPMENTS OF LIQUORS (S. DOC. NO. 103).

Mr. SUTHERLAND. Mr. President, I asked at the last session of the Senate for the printing of ex-President Taft's veto message on the so-called Webb-Kenyon liquor bill, together with the opinion of the Attorney General in connection therewith. The Senator from Washington [Mr. JONES] at the time objected, but I think he did not understand that what I desired printed was the President's message, which ought to have been printed in due course without any request.

I renew my request for the printing of the message and the accompanying opinion of the Attorney General, and I hope the Senator from Washington will not object.

Mr. JONES. Mr. President, I desire to say that as that is a message from a President of the United States and should have been printed at the time it was transmitted, but for some reason was not, I shall not object.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah [Mr. SUTHERLAND]? The Chair hears none, and the order is made.

GOOD ROADS.

Mr. SHAFROTH. I have a request from the president of the International Good Roads Association to have printed in the RECORD some short comments upon the subject of good roads, and I ask unanimous consent that they be inserted in the RECORD.

Mr. JONES. I shall have to object to that.

The VICE PRESIDENT. Objection is made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia. Mr. President, I desire to make a report of the conference committee on the part of the Senate on House bill 2441, being the sundry civil appropriation bill. This bill has been before the conference committee since the 9th day of May. There is only one difference between the two Houses, and that is practically whether or not there shall be 5 members or 11 members of the Board of Managers of the National Soldiers' Homes. The bill as it came to the Senate from the House of Representatives contained a provision that hereafter when vacancies occur in the board of managers such vacancies shall not be filled until the number of members of the board is reduced from 11 to 5. This provision in the House bill was a plain, simple piece of legislation, having no relation to any appropriation whatsoever. It was a plain change of the statute law of the country, reducing the number of the Board of Managers of the Soldiers' Homes from 11 to 5. The Senate did not approve of that piece of legislation in an appropriation bill and amended the bill by striking it out, thus leaving the government of the soldiers' homes in the hands of 11 managers, as now provided by law. That single difference has held up the sundry civil appropriation bill since the 9th of May.

The conferees appointed by the Senate have made every effort which could possibly be made to reach an agreement with the conferees of the House of Representatives. Although our efforts were unsuccessful, we have continued the conferences as far as reason will permit them to be continued. We are informed by the conferees on the part of the other House that they will never accept the amendment made by the Senate. They will not even consider any modification of the position taken by the House in the original bill.

So far as I am concerned, and, as I believe, so far as the other conferees on the part of the Senate are concerned, we have thought, and we still think, that this legislation should not have been embraced in an appropriation bill. We do not think that the government of the soldiers' homes will be improved by reducing the number of the members of the board from 11 to 5. I gravely doubt, Mr. President, whether or not the government of these homes by a board appointed as the board is now being appointed is a wise method of government. I believe—though I perhaps ought not to affirm it, for my investigation has not been exhaustive—I strongly incline to the opinion that the government of the soldiers' homes is not good and that some modification might wisely be made; but when made, it should be made by legislative enactment standing on its own merits and not by a provision injected into an appropriation bill. It is a very bad state of affairs when Senators are confronted with the alternative of accepting a piece of legislation which they do not approve of or defeating an appropriation bill carrying $116,000,000, now badly needed for the conduct of the business of the Government.

I have received letters, Mr. President, from the War Department and from the Treasury Department, stating that the Government is embarrassed for the want of the money carried by this appropriation bill. The amount appropriated is not all available until the 1st of July, but about $14,000,000 intended for river and harbor work was made available at once, because there was immediate necessity for that money; and, in like manner, about $10,000,000 for public buildings was made available at once for a like reason—it was needed immediately. The departments of the Government have been embarrassed for more than a month for the want of this money, and the heads of those departments, as I have said, have been writing letters to me of the most urgent character, stating that the business of the Government has been impeded and embarrassed because the appropriations have not been made.

Under these circumstances, Mr. President, we have not been willing to take the responsibility of delaying this appropriation bill any longer. The conferees appointed by the Senate felt that it was incumbent upon them to present the matter to the consideration of the Senate, and I therefore offer this resolution:

Resolved, That the Senate recede from its amendment numbered 2 to the bill H. R. 2441.

If that resolution is adopted, the bill stands passed without further procedure. We have reached no agreement with the House conferees, and can reach none unless we do what this resolution provides shall be done. Instead of agreeing to it ourselves the conferees preferred that the Senate take the responsibility of dealing with this matter. We prefer that the Senate shall say whether we shall recede or whether we shall defeat this appropriation bill and embarrass the Government by insisting upon this amendment.

As unfortunate as the situation is, Mr. President, my judgment is that we had better recede. I do not think that we can afford to withhold these appropriations which are urgently needed at this time and for which the departments of the Government are appealing to the chairman of the Appropriations Committee and the presiding officer of the Senate, asking that there may be some immediate action in order that the Government may be relieved from embarrassment. We can not relieve this embarrassment, Mr. President, except by receding from this amendment, and I think the difference between a governing body of 5 and a governing body of 11 is too small a difference to justify us in proceeding further in our efforts to do what we think is right. I therefore submit the motion to the Senate in order that the Senate may take the responsibility of determining this matter.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate recede from its amendment numbered 2 to House bill 2441.

Mr. BURTON. Mr. President, I fully realize the importance of passing the sundry civil appropriation bill; but I trust this motion will not be adopted. It seems to me the House should recede. In the first place, this appropriation bill as sent to us by the House contains an amendment to substantive law. There may be a strong argument why in a matter pertaining exclusively to an appropriation we should recede upon the insistence of the House, but the proposition presented to us is very different from that. There is a demand that we should, at the dictation of the House, change the law as it has existed since its first enactment, and that, too, not on a bill presented to us in the ordinary way, but as an amendment to an appropriation bill. So it is not for the Senate to recede in such case as this, but for the House.

Again, if there is any one thing upon which the veterans of the Civil War have insisted in the last few years it is the maintenance of the law as it is. They are becoming fewer in number; they are disappearing like the leaves of autumn; many of them find their homes in these soldiers' homes throughout the country, and it is the earnest desire not merely of the occupants of those homes, but of their comrades outside, that there should be one member of the board of managers living near each home. The old soldiers who live in these homes have their wants; they have their complaints, and they desire earnestly the sympathy of a local member of the board who can listen to them and who can know of their needs. So, Mr. President, I think the law should continue as it is. We owe it to the occupants of these homes, and we owe it to the surviving veterans of the Civil War.

Mr. SMOOT. Mr. President, I made the motion in the Committee on Appropriations to strike from the House bill the provision under consideration. A majority of the committee voted that it be stricken out. In looking up the history of this matter I find that by the act of March 21, 1866, the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers was fixed at 12, namely, the President, the Secretary of War, and the Chief Justice, together with 9 citizens. The President, the Secretary of War, and the Chief Justice are ex officio members during their respective terms of office, but they have never participated in any of the meetings of the board.

The act of March 2, 1887, provided that the number of elected members of the board be increased to 10, and by a joint resolution of March 3, 1891, the number of elected members was increased to 11.

Mr. President, a local manager, as he is called, comes generally from each State in which a branch home is located. The members of the board of managers are not paid a salary. All that the Government does for them is to pay their actual expenses in going to the board meetings or returning from the meetings and in attending to whatever duty they may have to perform within the State to which they are assigned. The provision made in the House bill will involve more expense to the Government than the law as it now is.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I should like to inquire of the Senator if there is anything in the law constituting this board which provides that there must be one member on the board from each State which has a home within its borders?

Mr. SMOOT. No; Mr. President, there is not anything of that kind in the law.

Mr. NORRIS. That is just a custom?

Mr. SMOOT. That is a custom.

Mr. NORRIS. How many soldiers' homes are there, altogether?

Mr. SMOOT. There are 10 or 11, I believe.

Mr. NORRIS. And there are 11 members of the board of managers?

Mr. SMOOT. Yes; the chairman of the board makes the eleventh.

Mr. NORRIS. Well, is it true that every member of the board comes from a State in which there is a National Soldiers' Home located?

Mr. SMOOT. I so understand, Mr. President.

Mr. NORRIS. I have not looked it up, but I am satisfied the Senator is mistaken about that.

Mr. SMOOT. That is as I understand it, Mr. President.

Mr. NORRIS. I do not believe that is the fact.

Mr. SMOOT. And it was so reported to the committee.

Mr. NORRIS. Has the Senator at hand a list of the soldiers' homes?

Mr. SMOOT. No; I have not a list.

Mr. NORRIS. If the Senator will permit me, I should like to inquire of the Senator from Virginia whether he has a list of the soldiers' homes?

Mr. MARTIN of Virginia. I think I have not a list of the soldiers' homes, but I have a list of the governors of the soldiers' homes, giving their residences.

Mr. SMOOT. I did not expect this matter to be brought to the attention of the Senate to-day or I should have brought the list with me. I have it in my office. If the Senator from Virginia has a list of the home managers, and will read it, of course we can tell whether there are any soldiers' homes in other States than those where the managers live.

Mr. NORRIS. I think the Senator will find that that rule, at least, is not universally applied.

Mr. LEWIS. Mr. President, I should like to ask the Senator a question, with his permission.

Mr. SMOOT. Certainly.

Mr. LEWIS. Does this proposed elimination of members eliminate the governor of the soldiers' home at Danville, Ill.?

Mr. SMOOT. I can not tell, because the bill provides that as vacancies occur they shall not be filled; and I really have not here information that will enable me to tell the Senator whether that would be one of the vacancies before the number is reduced to five or not.

Mr. MARTIN of Virginia. Mr. President, I have a list which shows the dates of expiration of the various terms.

Mr. SMOOT. That will tell.

Mr. MARTIN of Virginia. If it is desired, the Secretary can read that list.

Mr. SMOOT. I will ask that the Secretary read the list, and then the Senator can tell.

The VICE PRESIDENT. If there is no objection, the Secretary will read as requested.

Mr. ROOT. Mr. President, I should like to suggest that on page 260 of the Congressional Directory, which we all have in our desks, there is a list of the branches of the National Home for Disabled Volunteer Soldiers and their managers. It is at the foot of page 260.

Mr. SMOOT. I ask that the Secretary may read the list.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Branches: Central, Dayton, Ohio; Northwestern, Milwaukee, Wis.; Southern, Hampton, Va.; Eastern, Togus, Me.; Western, Leavenworth, Kans.; Marion, Marion, Ind.; Pacific, Santa Monica, Cal.; Danville, Danville, Ill.; Mountain, Johnson City, Tenn.; Battle Mountain Sanitarium, Hot Springs, S. Dak.

Managers: The President of the United States, the Chief Justice, the Secretary of War, ex officiis, Washington, D. C.; Maj. James W. Wadsworth, president, 346 Broadway (New York Life Building), New York, N. Y.—term expires 1916; Lieut. Franklin Murphy (holds over until successor is appointed), first vice president, Newark, N. J.—term expired 1912; Col. Henry H. Markham, second vice president, Pasadena, Cal.—term expires 1916; John M. Holley, Esq., secretary, La Crosse, Wis.—term expires 1916; Maj. William Warner (holds over until successor is appointed), Kansas City, Mo.—term expired 1912; Col. Edwin P. Hammond, La Fayette, Ind.—term expires 1914; Gen. Joseph S. Smith, Bangor, Me.—term expires 1914; Lieut. Oscar M. Gottschall (holds over until successor is appointed), Dayton, Ohio—term expired 1912; Hon. Z D. Massey, Sevierville, Tenn.—term expires 1914; Capt. Lucian S. Lambert, Galesburg, Ill.—term expires 1914; Gen. P. H. Barry, Greeley, Nebr.—term expires 1916.

General treasurer: Maj. Moses Harris.

Inspector general and chief surgeon: Col. James E. Miller.

Mr. SMOOT. Mr. President, at the last meeting of the board of managers, without a dissenting vote, the following resolution was adopted:

Resolved, That, in the opinion of the Board of Managers, National Home for Disabled Volunteer Soldiers, it would not be to the best interests of the members of the home to have the number of managers reduced. The board as now constituted gives to each of the branches of the home a representative on the board. Experience shows that giving to each branch a local manager increases the efficiency of the management and adds to the comfort of the members.

Mr. NORRIS. Mr. President, will the Senator allow me to make a suggestion there?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I thought the Senator's idea was—at least, the Senator from Illinois got that idea, I think, from the question he asked—that each member of the board of managers came from a State where there was a home located. A reading of the list of the managers and of the homes shows that that is not true. Those two propositions have no direct connection with each other. A member of the board of managers does not necessarily have to come from a State within whose borders there is a home located, as I suggested awhile ago.

Mr. SMOOT. Mr. President, I know that all the testimony which was taken before the committee was to the effect that the reason why they had the local manager was on account of decreasing the expense to the Government, as their traveling expenses would not be so much traveling within the State as they would be if they had to travel out of the State, or through several States.

In that connection the part of the minutes that I have here contains this language:

Experience has shown that this number of members is to the best interest of the home, giving one member for president of the board and to each of the 10 branches a representative on the board known as local manager. These local managers, while taking a lively interest in each of the 10 branches, give particular attention to their respective branches, thus enabling them at the semiannual meeting of the board to make such recommendations and changes in the management of the home as tend to the comfort and happiness of the twenty-odd thousand of members.

I have felt that the conferees on the part of the Senate should insist upon the amendment of the Senate. But from what the

members of the conference committee on the part of the House have stated to me I am positive that the statement made by the Senator from Virginia [Mr. MARTIN] is correct, that rather than recede they intend that the bill shall fail. I do not want to be one that will cause that to happen, especially for the reason that the department has called attention to the urgent necessity of the passage of this appropriation bill.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I will ask the Senator whether it would not be better legislation for the conference committee to report a disagreement and let the two Houses act upon the item in controversy rather than for the House conferees to communicate to an individual Senator what they propose to do?

Mr. SMOOT. Mr. President, only this morning the Senator from Virginia was speaking to me in relation to the question of reporting it in this way, and he decided it was best to bring it directly to the Senate rather than to have a disagreement and report a disagreement. The result, of course, would be the same.

Mr. GALLINGER. I have not examined the matter, but it occurs to me that this is a proposal to amend a bill that is in the hands of the conference committee. We have not jurisdiction of that bill at the present time, and, under the rule, I do not think we can take the action that is contemplated.

Mr. MARTIN of Virginia. Mr. President, I am sure the slightest examination on the part of the Senator from New Hampshire would satisfy him that he is mistaken about that. It has been done many, many times.

Mr. GALLINGER. Will the Senator point out an instance?

Mr. MARTIN of Virginia. It has been done many times. The papers are in the possession of the Senate. They are on my desk. When the Senate recedes from this amendment the bill becomes a law, if the President signs it.

Mr. GALLINGER. Has the Senator from Virginia the custody of the papers in his individual capacity or as a member of the committee of conference?

Mr. MARTIN of Virginia. I have them as the chairman of the conference committee. They are in the custody of the Senate, in a sense. They are in the custody of the Senate's committee now.

Mr. GALLINGER. Are they not equally in the custody of the committee on the part of the House of Representatives?

Mr. MARTIN of Virginia. That I consider entirely immaterial. I dislike to take the time of the Senate, but there are many, many precedents justifying this course.

Mr. GALLINGER. Mr. President, I will not ask the Senator to take the time of the Senate to read the precedents. I presume there are precedents on both sides, as usual.

Mr. MARTIN of Virginia. I have them right before me. I do not think there can be found a precedent that raises a doubt about the validity of the action which I propose.

Mr. GALLINGER. It seems to me that when a bill is sent to a conference committee it is in the custody of that committee, and that it is not competent for an individual member of the committee to bring the papers before either body and ask that the body shall recede from any action it has taken. If the precedents are all the other way, then I feel very much like Speaker Reed felt when he ruled a Member of the House out of order, and the Member next day called his attention to the fact that according to Reed's Rules the Member was in order; and the Speaker said: "Well, the book is wrong." I am still of opinion that when a bill is in the custody of a conference committee it is not competent for an individual member of that committee to bring it before the body with a view of amending it.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I yield to the Senator from Nevada.

Mr. NEWLANDS. May I ask the Senator whether the provision of the bill under dispute involves any change in existing law?

Mr. SMOOT. It does involve a change in existing law.

Mr. NEWLANDS. As such I believe it is subject to objection under the rules of both Houses.

Mr. SMOOT. No; it is not subject to an objection here, because the Senate has stricken out the provision of the House. It was subject to a point of order in the House, but the point was not made there. The Senate struck out the provision inserted by the House in the appropriation bill, and left the appropriation bill without the proposed amendment to the present law.

Mr. NEWLANDS. And left the existing law as it is?

Mr. SMOOT. And left the existing law as it is.

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Illinois?

Mr. SMOOT. I yield.

Mr. LEWIS. I should like to ask the Senator from Utah if he now understands, in view of the observations of the Senator from Nebraska [Mr. NORRIS], that if the modification suggested by the House shall obtain that would eliminate the officers now in command or control at Danville, Ill.; or could it, in its ordinary operation, produce that effect?

Mr. SMOOT. I did not follow the time of expiration of the terms by States; but if the Senator will turn to page 260 of the Congressional Directory, he will find there the date of the expiration of that officer's term; and if the expiration of his term comes before the reduction, as they stand to-day, of the 11 members to 5, then, of course, he would be affected. On the other hand, if it does not, he would not be.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah further yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I wish to inquire of the Senator from Utah, in relation to the answer he has just given to the Senator from Illinois, whether it is not true that each one of these soldiers' homes has a governor outside and distinctly independent of the board of managers?

Mr. SMOOT. Each one of them has a local manager.

Mr. NORRIS. He is called the governor, is he not?

Mr. SMOOT. And the local manager is a member of the Board of Managers of the National Home. That is the office I have been discussing.

Mr. NORRIS. The Senator certainly is mistaken about that. I thought his mind was cleared on that point when he read from the record that the State in which the home was located did not necessarily have to have a member of the board of managers. Besides the board of managers, as I understand—and I should like to be corrected if I am wrong—there is a local governor of the home. Referring particularly to the home at Danville, Ill., there is a governor of that home, and he is not a member of the Board of Managers of the National Home. If we should take them all away, it would not affect the particular officer about whom the Senator from Illinois has inquired of the Senator from Utah.

Mr. SMOOT. Mr. President, I understand that the governor to whom the Senator refers is not involved in this proposition. He may be the governor, but I am speaking now of the local manager; and all the local managers, 10 in number, are also members of the Board of Managers of the National Home.

Mr. NORRIS. No; the Senator is mistaken about that.

Mr. SMOOT. I have here the minutes of the meeting, and also a statement made by one of the managers of the home, and it——

Mr. BURTON. If the Senator will permit me, each soldiers' home has a superintendent.

Mr. SMOOT. He is designated the governor.

Mr. BURTON. Or governor; I do not know by what name he is called.

Mr. SMOOT. I may be mistaken in his exact designation.

Mr. NORRIS. He is not a member of the board of managers.

Mr. SMOOT. No; and he is not involved in this question at all.

Mr. NORRIS. The man at Danville now is not at all involved in this proposition.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Let me ask the Senator from Illinois a question. Is there a member of the Board of Managers of the National Home from Illinois?

Mr. LEWIS. I would rather yield to my colleague, who is more familiar with the details of the matter than I am. I can not answer that question.

Mr. SHERMAN. If the Senator will permit me——

Mr. SMOOT. Certainly.

Mr. SHERMAN. There is a member of the board of managers from Illinois at the Danville home. There are several gentlemen scattered about over the country who are members of that board. It has been my pleasure to transact business not only with that board of managers, but with nearly every one in the United States within the last four or five years. There is uniformly a board of managers, if the Senator from Utah will permit me, that is local to each one of these branches of the home, located at different points in the United States. Out on the coast, in California, there is one. There is one in Wisconsin, at Milwaukee, or in the vicinity; and there are

others at different points. These managers are merely a local board; and they have under them, acting as the executive officer of the home, a governor or superintendent of that home in each place where one is situated.

Mr. SMOOT. Mr. President, in answer to the Senator from Illinois, I will state that I notice in the record that Capt. Lucian S. Lambert, of Galesburg, Ill., is a member of the Board of Managers of the National Home. Therefore he is involved in this question.

Mr. NORRIS. If the Senator will permit me, I beg to disagree with him. The Senator from Illinois inquired about the governor at Danville, Ill., and when I interrupted the Senator awhile ago I wanted to call attention to the fact that the governor or superintendent, or whatever the official title may be, at Danville, Ill., is in no way involved in the question now before the Senate. Capt. Lucian S. Lambert, of Galesburg, Ill., is a member of the Board of Managers of the National Home, and he has just as much authority in regard to the home in California as the home in Illinois. He does not live at Danville, and he has no control over that home except as a member of the board of managers, that board having control over all the homes.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Will the Senator from Utah yield to the Senator from California?

Mr. SMOOT. In just a minute. I will then gladly yield to the Senator.

The Senator from Nebraska is wrong, because the fact is that Mr. Lucian S. Lambert is not only a member of the Board of Managers of the National Home but he is the local manager, and it is his particular work to look after the interests of the home in Illinois.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Will the Senator from Utah now yield to the Senator from California?

Mr. SMOOT. I yield to the Senator.

Mr. WORKS. The Senator from Utah is mistaken. There is no such thing as a local manager. The managers may be appointed from anywhere, as I understand the law, and they may be assigned to any one of the homes thought desirable. Therefore it is not at all proper to say that they are local managers. Each home has a governor, who is local to that particular soldiers' home, but it is not so with respect to the managers at all.

Mr. SMOOT. Mr. President, all I am doing is to give the history exactly as it has been given to me. The Board of Managers of the National Home for Disabled Volunteer Soldiers consists of 11 members. There is 1 of those 11 who is president of the board, and the other 10, by the action of the board, are designated to certain homes. The home in Illinois is presided over, as far as the board of managers are concerned, locally by the member designated by the board of managers of the national home as the local manager.

Mr. NORRIS. Mr. President, will the Senator yield to me there?

Mr. SMOOT. Certainly.

Mr. NORRIS. That is Capt. Lucian S. Lambert, is it not?

Mr. SMOOT. That is right.

Mr. NORRIS. He lives at Galesburg, does he not?

Mr. SMOOT. He does.

Mr. NORRIS. The home is located at Danville.

Mr. SMOOT. That is true.

Mr. NORRIS. Does he draw a salary?

Mr. SMOOT. He does not.

Mr. NORRIS. Does the Senator wish the Senate to understand that the gentleman who has charge of the home at Danville, Ill., manages it and performs all the duty without a salary?

Mr. SMOOT. I do not. There is a governor or superintendent who gives his personal attention to the detail work of the home, but the Board of Managers of the National Home designated Capt. Lambert as the local manager representing that board, and that is what he does.

Mr. NORRIS. They might send him there.

Mr. SMOOT. It is not a question of sending him there. He is designated.

Mr. NORRIS. What does his designation mean?

Mr. SMOOT. His designation means that he shall look after the interests of the home as the representative of the board of managers.

Mr. NORRIS. What authority has he? Has he any other authority except that which the board give him? And have they not the same right to give him the same authority over any other home in the country if they want to do so?

Mr. SMOOT. Nobody has stated that they could not assign him to any other home. The only authority he has he gets from the board of managers itself.

Mr. NORRIS. I ask the Senator which one of the board of managers runs the home in Virginia? Will the Senator give me that information? And while he is getting that, it may be that he can give me the name of the man who runs the soldiers' home in South Dakota; and while he is looking for South Dakota he might think about Kansas, too, and tell us who is running the Kansas institution.

Mr. SMOOT. I do not know what the Senator means as to running—whether he means the superintendent——

Mr. NORRIS. I understood the Senator to say that one member of the home is designated to take exclusive charge of one home.

Mr. SMOOT. I did not say that he had charge; I said that he would look after the interests of the home.

Mr. NORRIS. The Senator did not use that language, but I have used language of the same import; and if he does not mind I wish he would tell us now what he does mean.

Mr. SMOOT. I do not know that it is necessary to repeat; but I will say that there is a Board of Managers of the National Home consisting of 11, and that those 11 members designate one of the board to supervise, as it were, a particular home; and his special work as a member of the board of managers is to look after the interests of the home to which he is designated.

Mr. NORRIS. Will the Senator tell us which one supervises and looks after the home in Virginia and the one in Kansas and the one in South Dakota?

Mr. SMOOT. I have not the list.

Mr. NORRIS. The Senator has the list in his hand right there; his fingers are on it.

Mr. SMOOT. I will say that I can give it from the Congressional Directory quicker than to hunt anyone out. Lieut. Franklin Murphy would look after the home in New Jersey; I do not mean as superintendent, but he is designated by the board of managers as local manager.

Mr. GALLINGER. To visit it.

Mr. SMOOT. If there is no home in New Jersey, he is designated to some other State that has one.

Mr. NORRIS. I asked the Senator a particular question in regard to three separate homes.

Mr. SMOOT. Then in Kansas City, Mo., there is a home, and William Warner is designated as local manager of it.

Mr. NORRIS. I did not ask the Senator about that.

Mr. SMOOT. He is the local manager representing the board of managers at that home.

Mr. BRISTOW. The Senator from Utah will have to guess again. There is no home at Kansas City, Mo.

Mr. SMOOT. I did not mean at Kansas City. I meant the home in Kansas.

Mr. BRISTOW. Kansas City, Mo., is in Missouri, and there is no home in Missouri that I know of.

Mr. SMOOT. Is there not one in Leavenworth?

Mr. BRISTOW. In Leavenworth, Kans., and Leavenworth, Kans., is a different city from Kansas City, Mo.

Mr. NORRIS. I ask the Senator who is designated by the board to look after the home in Kansas. I should like to have him give the name.

Mr. SMOOT. I understand, of course——

Mr. STONE. Mr. President, the Senator from Utah is killing a great deal of very valuable time. There is no such thing as a Federal soldiers' home in Missouri. There are two State soldiers' homes.

Mr. SMOOT. I have not yet said that the members of the Board of Managers of the National Home are appointed to the home of the State that they live in, but they are appointed to represent some particular State. There is no doubt about it.

Mr. WORKS. I should like to ask the Senator from Utah if there is any such officer as superintendent of the soldiers' home.

Mr. SMOOT. I think he is designated governor.

Mr. WORKS. Of course.

Mr. ROOT. May I make a suggestion?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Certainly.

Mr. ROOT. I think this board of managers is practically a legislative body for the soldiers's home in its various branches, and one member is made practically a subcommittee of the board to look after the affairs of the home which happens to be most convenient to his residence. It may be in the same State where he lives or in a neighboring State. Each home has its management complete, its governor, its executive force, and the supervising body of all is the board of management, who may appoint subcommittees.

Mr. WORKS rose.

Mr. ROOT. Let me say one word further while I am up. I think the Senator from Virginia [Mr. MARTIN] is right, and I hope his motion will prevail, for from some knowledge gained officially years ago of the working of this system and from what I understand to be the opinion of Mr. Wadsworth, the president of the board, I think we would have better administration with a board of 5 than with a board of 11. Better administration, after all, is what we want to accomplish, and that, after all, is what is for the benefit of the great body of old veterans who are in these homes; and because I think that would be the result I am in favor of the motion of the Senator from Virginia.

Mr. SMOOT. Of course I do not believe that the result would be the better management of the homes, but, as I said before, rather than see the great civil sundry appropriation bill fail I shall vote for the motion of the Senator from Virginia.

Mr. NEWLANDS. Mr. President, as I understand it, the question involved here is a change in existing law by means of an appropriation bill, a practice which is denounced by the rules of both Houses. The last House determined to relax that rule and to carry through matters of general legislation upon appropriation bills, and insisted upon such legislation, notwithstanding the protest of the Senate; and this practice is repeated at this session in the reenactment of the sundry civil bill, which was vetoed at the last session.

I think the practice of general legislation upon an appropriation bill is bad, and that is the judgment of both the Senate and the House, as expressed by their rules. We had a realization of the evil of this practice during the last Congress when, without consulting the proper committees, without debate involving the special subject, the House sought, through the action of an Appropriation Committee, to put upon the bills legislation of a general character and of the highest importance; and there was hardly a case where this legislation was not, in my judgment, ill-considered and prejudicial.

I recall that one amendment was offered which would have demoralized the entire civil service of the District of Columbia, practically bringing to a termination the official lives of all the clerks employed in the District of Columbia at the end of five years and submitting them to all the uncertainties and harassments incident to temporary employment, and also subjecting the Government, in my judgment, to the inconvenience of an ill-trained body of public servants. Fortunately that amendment was beaten finally by the veto of the President, if my memory serves me right.

Another amendment provided for the absolute abolition of competition in architecture under the noted Tarsney Act, a bill introduced by a Democrat and put through by a Democratic Congress, an act which has been of the highest service to the country, insuring the enlistment of the highest artistic and architectural capacity in the service of the Nation through a competitive test. That amendment was forced through against the protest of the Senate, without the consideration of the proper committees either in the Senate or the House, and by mere tenacity of purpose and resoluteness of will upon the part of the House managers.

And now to-day we have another change in existing law about to be forced upon us by the House. One would think that when the Senate managers object to such a change and insist upon its being made through the usual forms of law the House, obedient to its own rules and to the established procedure of legislative bodies, would recede from its indefensible position. But we are told by the managers upon the part of the Senate that the House insists, and that the bill will fail unless the Senate yields to this departure from well-established legislative procedure. We are called upon to consent to revolution in our legislative methods, and we are not only called upon to consent but we are forced to consent.

Mr. MARTIN of Virginia. With the permission of the Senator from Nevada, although it is not at all conclusive of the question, I think it is just to say that the House conferees rest their position largely on the fact that this provision was agreed to by both Houses of Congress at the last session. They contend that the two Houses reached an agreement; that not only the conference committee agreed to it but that the House adopted the report of the conference committee. They feel that they ought not to be required to change now. I say that not because I think it is conclusive, for the matter is still open; it is not the law, but it is for the two Houses to determine whether it shall be the law.

I felt in justice to the situation presented that I should state to the Senate that the House conferees rested largely on the fact that the two Houses once agreed to the provision which they now insist upon.

Mr. NEWLANDS. My answer is, Mr. President, if the two Houses agreed it was because the House persisted to the end in revolutionary methods. There must be an end to patience, in my judgment, and the Senate should stand not only for its own dignity, but for the verity and the correctness of legislative procedure.

Mr. President, where will this end? If the Senate yields once and yields twice and yields thrice and always yields we will have a revolutionary body in the House composed of the Appropriation Committee, which with the consent of that body will do the legislation for every committee in both bodies, which will initiate general legislation upon appropriation bills, which will initiate changes in existing law and carry them through the House, and then by fixity of purpose and pertinacity force their will through the Senate.

I believe this practice is a vicious one, and I believe it is time for the Senate to take a stand.

Now, Mr. President, I wish to pass to a matter personal to myself and to make a personal statement regarding the position which I took in a speech on the 16th of May last regarding the sugar and the wool schedules of the tariff.

[The further remarks of Mr. NEWLANDS, with insertions and appendices, are printed in the Appendix.]

Mr. SHERMAN. Mr. President, possibly the effect of the amendment made to the existing method of management is misapprehended. The present method of managing the homes maintained by the Government is through a superintendent or commandant. He is the executive officer representing the board of managers at that particular home. He exercises all of the executive and managerial power that is vested in any public officer, as a matter of fact. Whatever the legal theory may be under which he is appointed or exercises the power of his office he is the actual executive on the ground administering the affairs of that particular institution. He is appointed in the first instance nominally and in many instances really by the board of managers.

The board of managers consists of 11 men, appointed from various parts of the country, together with the ex officio members of the board of managers, the President of the United States, the Chief Justice, and the Secretary of War. Of the 11 members appointed, outside of those designated, there are 3 of them whose terms expired in 1912. These, I think, without exception, hold over. No reappointments have been made, so far as I can find. Four of them have terms expiring in 1914 and four of them in 1916.

The provision of the House proposing the reduction of the actual membership of the board from 11 to 5 does not produce either economy or efficiency. It does not produce economy because the reduction of the board from 11 to 5 does not dispense with the performance of any duty. It does not reduce the compensation paid by a single dollar.

These homes range territorially from California to Maine, from South Dakota, I believe, to Virginia. In the Mississippi Valley they run from Leavenworth, Kans., to Marion, Ind. Those 11 men, as a matter of fact, do not exercise managerial or executive power in the management of these institutions. They exercise technically supervisory power. Their proper legal function, Mr. President, their actual power, is more that of a visitorial committee. However it may be regarded from the real point of view as to whether this is a charity or not, not only the theory of the law but the idea on which appropriations are made and expended is that this is a governmental charity.

I have not thought that in legislation that was a proper way to designate it. I have always felt in justice to those receiving relief that some explanation should be made. It is more properly the payment of a preexisting debt, but in the classification by the acts of Congress those institutions are regarded as great public charities. Eleven of them are maintained by the Government under appropriations.

If these be taken in their legal signification as public charities, Mr. President, the board of managers actually exercise no power save that of visitation. The visitorial powers of the 11 men are for the purpose of keeping the charity within the purposes of the founder. The founder in this instance is the Government. The object of this visitation is to keep not only the expenditures within bounds for the purposes for which the appropriation is made, but to keep the executive or managerial officer at the head of the institution in the constant and faithful discharge of his duties in order that the purposes of the founder of the charity may be effectually accomplished.

There will be no economy in the exercise of the reduction proposed by the House, because reducing the number to five will not reduce the duties to be performed. The five men remaining, when they shall have accomplished its purpose, must cover the territory and perform the supervisory and visitorial powers from California to Maine and from the Dakotas to Vir-

ginia. It will not reduce their expenses because no salary is paid. It is purely a labor in which the duty done is the sole compensation for the person performing it.

When the expenses of the visitorial committee—and that is what this is, as a matter of fact—have been discharged, the sole purpose of their creation is ended. All they have is their traveling expenses. Beyond that there is not a dollar from the Government when the visitation is performed by the five men, the number which this reduction proposes. When that has been fully performed by the five men, their expenses in traversing the territory covered by the homes and in the performance of their duty will equal now the expenses, with but very little difference, if any, of the 11 men now provided by the act of Congress. The governors of the homes are appointed by the board of managers. Ordinarily if any suggestion is made by the Chief Executive, who is responsible not only for the proper appropriation but for the administration of the funds, it is heeded. It is very similar to the appointment of like boards inside the State governments; when the managerial officer is appointed he only executes the general policy in the outline given him by the appointing power. In every instance, however, the commandant or superintendent on the ground is the responsible officer administering the affairs of the institution, expending the money, as a matter of fact. Under his direction the bills are verified and audited and the care of the inmates is had pursuant to the appropriation. The board seldom goes back of the recommendation of the managing officer.

Now, there will be no economy, because the 5 men must perform the duties of 11.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. SHERMAN. Certainly.

Mr. WORKS. I desire to ask the Senator from Illinois whether the board of managers has headquarters anywhere?

Mr. SHERMAN. I do not know. I never have been able to locate them when I wished to reach them.

Mr. WORKS. Is it not a fact that they sometimes gather together and have a meeting of some sort?

Mr. SHERMAN. Yes, sir; I think they do; but I do not know where.

Mr. WORKS. Then, I suppose 11 of them would have to travel to that meeting, wherever it might be held. And does the Senator not think it would cost a little more for 11 of them than for 5 to travel to headquarters to hold their meetings?

Mr. SHERMAN. It would cost about 2 cents a mile.

Mr. WORKS. I am quite sure that the member of the board from California goes to New York once in a while to meet with the board of managers.

Mr. SHERMAN. Certainly.

Mr. WORKS. And I know by experience that it costs something to travel from California to New York and return.

Mr. SHERMAN. It does under existing conditions. Let me reply further to the suggestion of the Senator from California, which is a practical and sensible one, that when the number of managers is reduced to five all of them would not be in or near New York City or the State of New York, but one is just as apt to be in California and another in Washington as to be adjacent to or within a day's travel of the branch homes.

So far as mileage may be involved in the supposed economy, with the reduction of the number of the board of managers to five, as much travel will be necessary for one man, if he chances to live in Oregon or California, to attend the meetings of the board in St. Louis or New York as is the case now, although there might be less travel by 5 men than by 11. Where the meetings of the board of managers may hereafter be held would determine the question whether the mileage would be greater or less under the change than under the existing plan. I do not think anybody can successfully say that there will be economy in the traveling expenses of the board unless he knows where the board as hereafter constituted will have its place of residence and further where it will hold its meetings when organized.

I think universal experience argues against the proposition that efficiency is promoted by consolidating or by reducing the number of such a body. If there was anything in the argument that efficiency would thereby be promoted I would gladly vote for the proposed change. The question of efficiency, however, when the number is reduced from 11 to 5 could not be established by any known process of reasoning. Diverse managements consolidated increase efficiency. This is not what is proposed in this amendment, however. Eleven men now exercise supervision over 10 institutions. Five men under the proposed change will be required to cover the same institutions, which are scattered in various parts of the country. Those 5 men must exercise the visitorial powers now exercised by 11.

In every instance where boards exercising supervision of public charities having enlarged powers and some authority in the actual administration of the institution have been consolidated and their membership reduced it has been found necessary to supplement them by auxiliary boards of visitors to discharge the visitorial duties which a consolidated board, with a lesser number, has been found incapable of discharging, in view of the time they can afford to give without compensation to the performance of that duty.

I do not know of an instance of a board charged with the supervision of a State charity being reduced from a larger number of men to a smaller number of men, working without compensation, where the effective visitation of the charity has not been compelled to be performed by the creation of an auxiliary board, either local or general, to perform some of the visitorial functions formerly performed by the larger body.

There is no limitation as a matter of law from what section of the country the 11 members constituting the present board may be selected, but, if my memory is not wrong, 7 of them at least are appointed from States in which the Government has located branch homes; 3 are appointed from States in which no home is located, and 1 of them, Maj. Warner, of Missouri, is appointed for and acts in the capacity of local member of the board for the home in Leavenworth, Kans., which is a short distance from his home. As a matter of fact, the most effective supervision can be given by some one who does not find it necessary to travel across the continent in order to reach the institution of which he has supervision. A man within a day's travel can reach the institution more readily and give better service than one who has to travel clear across the continent. Prudence as well as an efficient management of the institution would dictate that some member of the board should live near by.

Mr. President, it seems to be the prevailing thought here that if the board should be reduced from 11 to 5 greater efficiency will be produced. I have not a particle of interest in these matters, for I do not expect as a member of the minority party to be consulted concerning such an appointment within the next four or five years; and I feel greatly relieved thereat. I have no purpose in view other than the efficient administration of the 10 branch homes in which are gathered a large number of the surviving veterans of the Civil War who find it necessary to receive care in that way.

For over four years I was connected in a managerial and executive way with institutions of this character. We had more than 20,000 of the unfortunate wards of the State in our care, with 2,600 employees on the pay roll, and administered over $5,000,000 annually for their care. A single board possessed executive and managerial power over all those institutions; but with the added burden laid upon the board, with its concentrated and extensive power, in addition to the power given the superintendent or executive on the ground of the institution, we found it indispensable in the discharge of the visitorial powers that were necessary to be exercised at least once every 30 days for the efficient management and for the execution of the purpose of the charity to create auxiliary boards of visitation that would more fully supplement our visitation in order more thoroughly to carry out the purposes of the law. Some of such boards were local, some of them were district, and some of them State wide; but all of these visitorial powers could not in the nature of things be fully exercised by a body of five men serving without pay.

I do not say that everybody works exclusively for salary. There are Members of the Senate who have performed, with utterly inadequate or with no compensation, great public services beyond price, and whose value to the Government is incapable of computation in money, but those instances are few. In some far-distant age we shall reach a time when we shall all be philanthropists and will work for the public for nothing, but as it is we have got to take human nature as we find it. If you select five men for members of the board of managers and require them to cover an area that reaches from shore to shore, asking them to give up their time and return to them nothing but their traveling expenses, you will not get as good visitation and you will not have the charity founded by the Government as well cared for as you will if you have 11 men who will necessarily perform the service in a more subdivided and general way. The burden will not be as heavy on them as it would be on 5.

It is not a question of economy at all; it is a question of efficiency. The reduction of the number is a reduction of the efficiency. Efficiency would be conserved by retaining the 11 men. I understand it carries in the neighborhood of $4,000,000 for the maintenance of the homes.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. SHERMAN. Certainly.

Mr. STERLING. I hardly ask the Senator to yield for the purpose of asking a question or questioning what he has said, only I understood the Senator to say that he did not know that the section of the country from which the managers are appointed was in any way limited or restricted.

Mr. SHERMAN. Yes, sir.

Mr. STERLING. I simply call the attention of the Senator and of the Senate to the provision found in the act approved March 2, 1887. By this act the number of managers was increased from 9 to 10, and there is a provision in the act that—

One of whom shall be a resident of a State or Territory west of the Rocky Mountains.

That is the only limitation which I have found. There is a subsequent act, which reads——

Mr. SHERMAN. May I inquire, for information, to what institution that refers?

Mr. STERLING. It refers to the soldiers' home in California. The section provides for the appointment of an additional manager—William Blanding, of San Francisco, Cal.—and then provides, in general terms, that one of the board shall be a resident of a State or Territory west of the Rocky Mountains.

Mr. SHERMAN. Mr. President, I do not care to say much more on this subject. There has been some criticism of this method of amending a law that is not concerned in the bill which seeks to amend it save as it provides money for the purpose of carrying out the provisions of that law. Generally the right way to amend a law is by a bill that does so in express terms and not in an indirect and evasive way. It has not been many weeks since I heard criticisms on the side of this Chamber where I belong for the present in regard to the method of amending a general law by riders in an appropriation bill. Those criticisms appealed to me; they always have. I think the courageous, the honest, way to legislate is by your bill to go directly to the point to be reached. This is a method of monetary coercion. It is said to us in substance, "We do not care what your views may be or what you may think of the merits of the law as it now is, but if you do not concur with us in amending the law we will deprive you of the money which maintains the institutions affected; agree with us or we will take away the means whereby these institutions may be maintained."

In the stress of political emergency, in the warfare in which everything is supposed to be fair, where even the Constitution is not permitted to stand "between friends," I can understand that any means are regarded as justifiable that will reduce the enemy to a state of insensibilty or inaction, but I can not understand why this method of monetary strangulation should be adopted here in connection with a great public charity maintained by the Government for those who saved it in its hour of peril.

It may not be material; I do not know. Perhaps these homes may be just as well administered under 5 as under 11 managers; but if you want to amend the law, amend it directly and do not undertake to amend it by this indirect method of cutting off the means of subsistence. That may not be done; one House or the other may recede; that is true; but suppose that does not happen. If the two coordinate branches do not agree, what is the necessary effect? I prefer to measure things by their necessary effect. The effect of this would be, if the Senate adheres to its amendment and the House adheres to the provision it wrote in the bill, which amends the general law governing this charity, that there could be nothing whatever but a legislative deadlock and the failure of the bill. So the motive that lies back of the legislative mind, the proposition of the men who wrote that into the bill, is, in effect, "Agree with us or we will kill your charity by withholding the money for its maintenance." If you will bring up the question of amending the act by which these great institutions were founded by the Government and present clearly the question of whether a reduction shall be had in the number of the board of managers from 11 to 5, then we can meet it on a different ground.

I do not care to wander very far afield here. I understand that under the present rules of the Senate I can read anything, Mr. President, from a Talmud to the last Democratic platform, if I so desire. I may never have an opportunity to do so, because I understand there is on the calendar a proposed amendment to one of our rules that will prevent these pleasing excursions far afield, and that hereafter we will have to stick to the text, and, like a good minister in a country congregation, when we wander from it we shall do so at the peril of losing a congregation or of receiving the censure of the Senate for departing from the rules.

In reference to the matter which we are called on to decide, it occurs to me, Mr. President, that we ought to stick to the law as it now is. These 11 men serve without pay. Their traveling expenses are the sole charge on the Government Treasury. I do not know what their traveling expenses are. I know if they audit the traveling expenses of the Federal officers as they audit my expenses, no official can put anything in his account that ought not to be there. I know we pay our own porters; I know we pay our own waiters; I know the Government reduces us down to the skeleton and the running gear of a traveling man's expenses. I do not know what the Government does in this case, but I apprehend that there is nothing in the way of fancy frills when you come to charge up your expense account.

If that is so, what does this amount to? A few thousand dollars at best. If a report could be had of the traveling expenses of the members of the board for the last year, it would be very trivial. The time consumed by my genial friend, the Senator from Nevada [Mr. NEWLANDS], and others here this afternoon, if we could put it on a cash basis of what such ability and genius is worth, would far exceed in value the allowance for the traveling expenses for an entire year of these gentlemen who are to be deprived of their offices. There is one gentleman on the list from my State, I believe—Dr. Lambert. I can say with entire confidence, Mr. President, regarding ourselves now as in executive session, and not to be repeated to the profane ear of the general public, that he has not, I believe, been affiliated with the element of my party with which I have had the fortune or misfortune to be identified for many years in that State. He and I likely have no particular political affinity, to put it in as mild terms as I possibly can. I am not acting here solely to try to prolong his official existence. There is not a trace of selfishness in this. I approach the consideration of the matter in a judicial aspect, as far as is possible in this body. I am quite sure that with him on the board as a member, performing visitorial functions, there will be an efficient, full discharge of that duty. He is a competent man; he stands well in his profession. He never fails in his duty.

The same thing may be said of the member of the board from Missouri, who, I understand, performs official duties at Leavenworth, Kans. These 11 men, whatever they may perform in the way of actual duty, get nothing under the sun but the approval of their own consciences.

There is another thing: The more numerous you have a committee charged with the powers of visitation, where they are men of the proper kind, the more thoroughly the duty of visitation will be performed. The object of a visitation from the days when the law was laid down by the Crown lawyers in the mother country, when the right of visitation was retained by the founder of a private charity or by the Crown in a public charity, was to hold those who discharged their duty and expended the money strictly within the line of the charity and to see that the beneficiaries of the charity received full measure for the money expended.

If there is efficiency in reducing the number of nonsalaried members of a visitorial committee, then reduce the membership to one. One man can do the work as well as 11; 1 man can do it as well as 5; and if there is merit in this idea of consolidation and reduction of numbers one can do the work more expeditiously. He can agree with himself most of the time. There will be no discussion, no loss of time in debating questions. There can be instant executive action. But it is an impossibility for one man—and that is what the wisdom of the ages has told us—ever to be an efficient visitorial body. It takes more than one man in order to correct the inefficienices of another; and in this combination of men a numerous visitorial body is the one that in every instance has produced the most efficient results.

I do not know that these powers of visitation could be adequately exercised by five men. It can not be done in smaller jurisdictions. It has been found by experience, it has been worked out and tried, not upon the theories of those who have sat down in a committee room and framed things on paper, but by those who have actually administered these charities in the field. In order to make them efficient these boards that have been auxiliary for visitation purposes have been established to supplement the efforts of the main body. If this change is once introduced into the code of laws governing the Government charities, it will remain in that way. Whatever injury may result from a lack of efficient supervision and visitation will have been accomplished.

I hope that this change in the law that is contemplated by the House and that has been stricken out by the Senate will remain stricken out, and that the Senate will adhere to the amendment made in this body and seek to induce the House to recede from the obnoxious provision that is there introduced.

Mr. LEWIS. Mr. President, the mere fact that a large property and some announced political interest is situated in the

State which I have the honor to represent, together with my colleague, justifies the moment that I will occupy upon this subject.

I think parliamentary history reminds us in somewhat facetious tone that when Edmund Burke was making his contest for the seat at Bristol he was accompanied by his colleague, a Mr. Barksdale; and, after having made a most eminent and excellent presentation of his position, Mr. Burke concluding the oration, Mr. Barksdale rose and, conscious he could add nothing that would illuminate the subject, said, "I say ditto to Mr. Burke."

I am content, after hearing the splendid argument of my colleague and the reasons advanced by him, to add my approval to his observations and say "ditto" to my distinguished colleague, and give my approval and support to the motion of the Senator from Virginia.

Mr. WORKS. Mr. President, in my judgment the two Houses of Congress have been differing for some weeks or months about a matter of very little consequence. I do not think it makes very much difference whether this board of managers consists of 5 members or of 11. As the Senator from Illinois has said, it will make very little difference so far as the matter of expense is concerned.

If I had my way about it there would not be any board of managers. They have never amounted to very much, anyhow. We know something about that out in California. The conditions in the Pacific Home were such that I thought it my duty to call upon the Senate to order an investigation of the conditions in that home. That was done, and a very careful and thorough investigation was made of the home by a subcommittee of the Committee on Military Affairs. It showed a very deplorable condition of things. The old men in that home who were practically—whatever we may call it—objects of charity had been sorely neglected. They had their local manager living at Pasadena, near by; but for some reason their comfort was not properly looked after. I do not know who should be held responsible for it, but the fact existed and was clearly demonstrated by the investigation I have mentioned. As a result of that condition of things a bill was introduced at the last session by one of the members of the Committee on Military Affairs, proposing to transfer this home to the War Department, where, in my judgment, all of them should be.

I should much rather see an amendment, if any is to be made here at all, abolishing the board of managers entirely and transferring the management and control of these homes to the War Department, where I believe these old men would be better cared for than they are now.

So far as this particular question is concerned, I think it is a matter of very little consequence, as I said in the beginning; but I hope Congress will yet reach such an understanding of the conditions existing that it will transfer all of these homes to the War Department.

The VICE PRESIDENT. The question is on the motion made by the Senator from Virginia [Mr. MARTIN] that the Senate recede from its amendment numbered 2 to House bill 2441.

Mr. BURTON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, I was not in the Chamber when the Senator from Virginia made the explanation. Do I understand that it is proposed to recede from the Senate amendment, and that the House provision, reducing the number of members of the board of managers from 11 to 5, will stand if the motion of the Senator from Virginia prevails?

Mr. MARTIN of Virginia. That is correct. I make the motion for the reason that we are holding up appropriations to the amount of $116,000,000, that the departments of the Government insist they need daily, and that the public service is being injured by the delay, all owing to the simple difference between 5 managers and 11 managers of these homes.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], who is absent from the Chamber. I therefore withhold my vote.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not observing him in the Chamber, I withhold my vote for the present.

Mr. FLETCHER (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "yea."

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. THORNTON (when Mr. RANSDELL's name was called). I wish to announce that the junior Senator from Louisiana [Mr. RANSDELL] is absent from the Chamber on account of illness.

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. In his absence, I withhold my vote.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He has a general pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]; but believing for good reason that he would vote just as I shall on this question, I will take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Rhode Island [Mr. LIPPITT] and will vote. I vote "nay."

Mr. SIMMONS. I vote "yea."

Mr. BANKHEAD. I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Arizona [Mr. SMITH] and will vote. I vote "yea."

Mr. BACON. The senior Senator from Minnesota [Mr. NELSON] is absent upon business of the Senate, and I have agreed to protect him while he is engaged on that business. For that reason I withhold my vote, not knowing how he would vote. If he were present, I should vote "yea."

Mr. GALLINGER. I have been requested to announce that the Senator from Idaho [Mr. BORAH] is paired with the Senator from Virginia [Mr. SWANSON], that the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from South Carolina [Mr. TILLMAN], that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Tennessee [Mr. SHIELDS], that the Senator from Iowa [Mr. KENYON] is paired with the Senator from New Jersey [Mr. MARTINE], that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED], and that the Senator from Massachusetts [Mr. WEEKS] is paired with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 46, nays 12, as follows:

YEAS—46.

Ashurst	Hollis	Myers	Smith, Ga.
Bankhead	Hughes	Norris	Smoot
Bradley	Jackson	Owen	Sterling
Bristow	James	Pittman	Stone
Bryan	Johnston, Ala.	Poindexter	Thomas
Chilton	Kern	Robinson	Thompson
Crawford	La Follette	Root	Thornton
Fall	Lane	Saulsbury	Vardaman
Fletcher	Lea	Shafroth	Williams
Gore	Lewis	Sheppard	Works
Gronna	McLean	Shively	
Hitchcock	Martin, Va.	Simmons	

NAYS—12.

Brady	Clark, Wyo.	Johnson, Me.	Page
Burton	Dillingham	Jones	Sherman
Catron	Gallinger	McCumber	Townsend

NOT VOTING—38.

Bacon	du Pont	Overman	Smith, S. C.
Borah	Goff	Penrose	Stephenson
Brandegee	Kenyon	Perkins	Sutherland
Burleigh	Lippitt	Pomerene	Swanson
Chamberlain	Lodge	Ransdell	Tillman
Clapp	Martine, N. J.	Reed	Walsh
Clarke, Ark.	Nelson	Shields	Warren
Colt	Newlands	Smith, Ariz.	Weeks
Culberson	O'Gorman	Smith, Md.	
Cummins	Oliver	Smith, Mich.	

So the motion of Mr. MARTIN of Virginia was agreed to.

The VICE PRESIDENT. The Senate having receded from amendment No. 2 to House bill No. 2441, the bill stands passed.

INDIAN APPROPRIATION BILL.

Mr. STONE. I ask unanimous consent that the Senate take up House bill 1917, the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, which had been reported from the Committee on Indian Affairs with amendments.

Mr. STONE. I ask that the formal reading of the bill may be dispensed with, and that the amendments of the committee may be acted upon as they are reached in the reading.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, on page 2, line 9, after the word "law," to strike out "$220,000" and insert "$200,000," so as to read:

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

The VICE PRESIDENT. Without objection——

Mr. LANE. There is a matter concerning this which I should like to have explained. I am not familiar with the procedure here as to the way the bill is to be considered. Is each clause to be considered by itself?

The VICE PRESIDENT. The bill is now being read for action on the amendments of the committee.

Mr. GALLINGER. I will inquire if the proposed amendment of the committee has been read.

The VICE PRESIDENT. The first amendment has been read. The Chair was inquiring whether there was any objection to the amendment. Is there objection to the amendment?

Mr. LANE. To what amendment?

The VICE PRESIDENT. To the amendment on page 2, line 9.

Mr. LANE. The amendment reducing the appropriation from $220,000 to $200,000?

The VICE PRESIDENT. That is the amendment.

[Mr. LANE addressed the Senate. See Appendix.]

Mr. PITTMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Lewis	Sherman
Bacon	Gore	McCumber	Shively
Bankhead	Gronna	McLean	Smith, Ga.
Brady	Hitchcock	Myers	Smoot
Bristow	Hollis	Norris	Sterling
Bryan	Hughes	O'Gorman	Stone
Burton	Jackson	Owen	Thomas
Catron	James	Page	Thompson
Chamberlain	Johnson, Me.	Pittman	Thornton
Chilton	Johnston, Ala.	Poindexter	Townsend
Clapp	Jones	Robinson	Vardaman
Clark, Wyo.	Kern	Root	Williams
Crawford	La Follette	Saulsbury	Works
Dillingham	Lane	Shafroth	
Fall	Lea	Sheppard	

Mr. THORNTON. I desire to announce the absence of the junior Senator from Louisiana [Mr. RANSDELL] from the Chamber on account of illness. I ask that this announcement stand for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. STONE. It is growing late, and I wish to ask unanimous consent that the bill before the Senate be made the unfinished business of the Senate.

The VICE PRESIDENT. It becomes that on the adjournment.

Mr. STONE. If that is the case——

Mr. SMOOT. Automatically, under the rules.

Mr. LA FOLLETTE. It will be the unfinished business.

The VICE PRESIDENT. It will be the unfinished business on adjournment.

ADJOURNMENT TO TUESDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Monday next at 12 o'clock.

The motion was agreed to.

Mr. KERN subsequently said: I move to reconsider the vote by which the Senate agreed that when it adjourns to-day it be to meet on Monday next at 12 o'clock m.

The motion to reconsider was agreed to.

Mr. KERN. I move that when the Senate adjourns to-day it be to meet on Tuesday next at 12 o'clock m.

The motion was agreed to.

RECEPTION OF HON. LAURO MULLER.

Mr. O'GORMAN. Mr. President, Dr. Lauro Muller, the secretary of state of the Republic of the United States of Brazil, is in the anteroom. I ask unanimous consent that the distinguished visitor be invited to enter the Chamber, and for that purpose that the Senate take a recess of 10 minutes so that he may have an opportunity of being presented to the Vice President and Senators.

I may add that the distinguished Brazilian comes to this country on an errand of comity and friendship. I know he will be gratified with the opportunity to meet the Members of this Chamber, and I may confidently assert that Senators will be glad to meet him.

The order submitted by Mr. O'GORMAN was read and unanimously agreed to, as follows:

Ordered, That the minister of foreign affairs of Brazil, Dr. Muller, be admitted to the privileges of the floor of the Senate, and that to enable the Members of the Senate to exchange courtesies with him the Senate do now stand in recess for a period of 10 minutes.

The Senate thereupon took a recess for 10 minutes, during which time the Senators paid their respects to the distinguished visitor. At the expiration of the recess (at 5 o'clock and 30 minutes p. m.) the Senate was again called to order by the Vice President, who said:

I am directed by Dr. Muller to extend his thanks to the Members of the Senate and his appreciation of the courtesy extended to him, and although I do not understand the language in which he spoke, yet I will express his words in Hoosier language, which are that he considers this a red-letter day of his visit to this Republic.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until Tuesday, June 17, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 13, 1913.

ASSISTANT TREASURER OF THE UNITED STATES.

Willard D. Vandiver, of Missouri, to be Assistant Treasurer of the United States at St. Louis, Mo., in place of Oscar L. Whitelaw, whose term of office expired by limitation May 31, 1913.

COLLECTOR OF INTERNAL REVENUE.

Milton A. Miller, of Oregon, to be collector of internal revenue for the district of Oregon, in place of David M. Dunne, superseded.

MINISTERS.

William E. Gonzales, of South Carolina, to be envoy extraordinary and minister plenipotentiary of the United States of America to Cuba, vice Arthur M. Beaupré, resigned.

Benjamin L. Jefferson, of Colorado, to be envoy extraordinary and minister plenipotentiary of the United States of America to Nicaragua, vice George T. Weitzel, resigned.

Edward J. Hale, of North Carolina, to be envoy extraordinary and minister plenipotentiary of the United States of America to Costa Rica, vice Lewis Einstein, resigned.

RECEIVERS OF PUBLIC MONEYS.

Otto R. Meyers, of North Dakota, to be receiver of public moneys at Dickinson, N. Dak., vice William A. McClure, term expired.

Harry L. Gandy, of Wasta, S. Dak., to be receiver of public moneys at Rapid City, S. Dak., vice Myron Willsie, term expired.

REGISTER OF THE LAND OFFICE.

Wade H. Fowler, of Ross, Wyo., to be register of the land office at Douglas, Wyo., vice Nathaniel Baker, removed.

PROMOTION IN THE ARMY.

Chaplain Washington W. E. Gladden, Twenty-fourth Infantry, to be chaplain with the rank of captain from June 8, 1913.

PROMOTIONS IN THE NAVY.

Ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Howard M. Lammers, and
Samuel S. Payne.

Midshipmen to be ensigns in the Navy from the 7th day of June, 1913:

William H. P. Blandy,
Everett Le R. Gayhart,
George A. Andrews,
Henry L. Abbott,
James C. Jones, jr.,
Herman E. Keisker,
Thomas M. Searles,
Glenn B. Davis,
Bruce G. Leighton,
Earl F. Enright,
Frederick G. Crisp,
Palmer H. Dunbar, jr.,
Cullen H. Want,
Roy J. Wilson,
Charles P. McFeaters,
Carl E. Hoard,
Harold C. Van Valzah,
Charles N. Ingraham,
Thomas M. Shock,
Adolph von S. Pickhardt,
Stewart F. Bryant,
Paul A. Stevens,
Kenneth R. R. Wallace,
George W. Wolf,
William B. Jupp,
Robin B. Daughtry,
William I. Causey, jr.,
Walter Seibert,
James T. Mathews,
Frank L. Johnston,
Richard H. Knight,
George L. Greene, jr.,
Hugh L. White,
Reginald S. H. Venable,
Charles C. Helmick,
Norman C. Gillette,
John A. Brownell,
Thomas Shine,
Roy Dudley,
Laurence Wild,
Lloyd R. Gray,
Herbert K. Fenn,
George D. Hull,
James E. Brenner,
Solomon H. Geer,
Paul Hendren,
Chapman C. Todd, jr.,
Henry M. Briggs,
Paul Cassard,
Walter O. Henry,
Clay L. Pearse,
John N. Kates,
Carl T. Hull,
Thomas G. Berrien,
Jesse R. Henderson,
Eric F. Zemke,
George M. Tisdale,
Edward J. O'Keefe,
Bernard T. Hunt,
William L. Wright,
Hamilton V. Bryan,
Elroy L. Vanderkloot,
Wilbur J. Ruble,
John R. Palmer,
John Le V. Hill,
Hartwell C. Davis,
Robert H. Grayson,
Terry B. Thompson,
John L. Hall,
Laurance T. Du Bose,
James H. Strong,
Arthur G. Robinson,
Frederic W. Dillingham,
Walter E. Doyle,
Hardy B. Page,
Karl E. Hintze,
George B. Junkin,
William W. Meek,
Justin McC. Miller,
Oliver L. Downes,
Ellsworth E. Davis,
Harry R. Gellerstedt,
Charles J. Parrish,
Paulus P. Powell,
Roy Pfaff,
Benjamin H. Lingo,
Earl H. Quinlan,
Louis J. Roth,
George S. Dale,
Clarke Withers,
Samuel N. Moore,
Tunis A. M. Craven,
Stuart E. Bray,
William G. B. Hatch,
Arthur S. Walton,
Paul J. Searles,
Samuel S. Thurston,
Arthur W. Dunn, jr.,
Valentine Wood,
Philip C. Ransom,
Leo H. Thebaud,
Jerome A. Lee,
Leman L. Babbitt,
Henry A. Seiller,
James R. Webb,
Alfred H. Donahue,
Horace W. Pillsbury,
John D. Jones,
Walker Cochran,
William Masek,
Thomas W. McGuire,
Julian B. Timberlake, jr.,
Edmund S. McCawley,
Laurence W. Clarke,
Langdon D. Pickering,
Robert D. Kirkpatrick,
Michael Hudson,
Andrew L. Haas,
Gordon Hutchins,
Arnold Marcus,
Franklin B. Conger, jr.,
Henry F. Floyd,
Ligon B. Ard,
Raymond Asserson,
Joseph H. Hoffman,
Jesse H. Smith,
David R. Lee, and
Harold P. Parmelee.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13, 1913.

COLLECTOR OF CUSTOMS.

William H. Berry to be collector of customs for the district of Philadelphia, Pa.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Kirkwood H. Donavin,
William R. Smith, jr.,
Frank J. Wille,
Elwin F. Cutts,
John C. Latham,
Clarence C. Thomas,
Stuart O. Greig,
Charles M. James,
Joseph S. Hulings, and
Franklin P. Conger.

Passed Asst. Surg. Albert J. Geiger to be a surgeon.

Benjamin F. Iden, jr., to be an assistant surgeon in the Medical Reserve Corps.

Second Lieut. Edward M. Reno to be a first lieutenant in the Marine Corps.

Second Lieut. Joseph D. Murray to be a first lieutenant in the Marine Corps.

Lieut. Col. Charles L. McCawley to be a quartermaster in the Marine Corps with the rank of colonel.

Maj. William B. Lemly to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel.

Professor of Mathematics Guy K. Calhoun to be a professor of mathematics in the Navy with the rank of lieutenant (junior grade).

POSTMASTERS.

ALABAMA.

H. T. Brown, Calera.
J. A. Cluck, Bridgeport.

H. H. Farrar, Blocton.
J. A. Huggins, Oakman.
Welborn V. Jones, Auburn.
Henry C. Oswalt, Fairhope.
James H. Shepherd, Cordova.

DELAWARE.

John P. Murphy, New Castle.
William H. Robinson, Milford.

HAWAII.

M. J. Borges, Schofield Barracks.
Harry D. Corbett, Hilo.
A. F. Costa, Wailuku.
H. H. Plemer, Waialua.
J. M. Souza, Kohala.

ILLINOIS.

William Champion, Granite City.
Harry Holland, Marion.

KANSAS.

R. H. Miles, Lyndon.
Martin Miller, Fort Scott.

KENTUCKY.

D. B. Fields, Olive Hill.

MASSACHUSETTS.

John Howe, North Brookfield.

MONTANA.

John Dailey, Medicine Lake.
B. L. Golden, Sheridan.
Harry S. Green, Big Sandy.
William Krofft, Chouteau.

NEW JERSEY.

William J. Wolfe, Chatham.

NEW YORK.

J. F. Metoskie, Hillburn.

PENNSYLVANIA.

Harry Hagan, Uniontown.
John A. Kramer, Middletown.
Robert W. Lange, Belle Vernon.
R. J. McGee, Dunbar.
Albert E. Rumberger, Patton.
William L. Saylor, Annville.
A. J. Sweeny, Gallitzin.

SOUTH DAKOTA.

J. E. McNeil, Wessington.

WASHINGTON.

W. H. Padley, Reardan.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 13, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, teach us patience, forbearance, courage, fortitude, the spirit of self-sacrifice in the routine duties of daily life, that we may build in the tissues of our being a character which, when the crucial test shall come twixt honor and dishonor, shall be strong enough to resist the evil and pursue the right. Since it is the sum of the small duties which make for the greater things in life and which make heroes of men in great crises, which often come without warning, so help us, under Thy guidance, to quit ourselves like men in all the circumstances of life. In the spirit of the Master, amen.

The Journal of the proceedings of Tuesday, June 10, 1913, was read and approved.

ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on next Tuesday. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2258. An act to extend the proposed reorganization of the customs service for a period of two years.

DECISION IN MINNESOTA RATE CASES.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 170.

Resolved, That 15,000 copies of the decision of the Supreme Court of the United States in the Minnesota rate cases, Nos. 291, 292, and 293, George T. Simpson et al., appellants, *v.* David C. Sheppard et al., decided June 9, 1913, be printed for the use of the House, the same to be distributed through the folding room of the House.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia [Mr. HARDWICK] if this includes all the cases related to the Minnesota case?

Mr. HARDWICK. Yes; it includes all three decisions embraced in the Minnesota cases.

Mr. MURDOCK. The Senate print which I have covers case No. 291. This resolution covers the entire case, so far as the Supreme Court is concerned?

Mr. HARDWICK. Yes; it does.

Mr. MURDOCK. I have no objection, Mr. Speaker.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I would like to inquire whether or not it is necessary to have this number printed, in view of the fact that the Senate has already ordered 10,000 copies printed?

Mr. HARDWICK. That is for their own use, and we shall not get any of them. The Members of the House are getting requests from lawyers and commissioners and others, and there is a large demand for copies. The Senate has printed 10,000 copies. We ask only 15,000 for the use of the Members of the House. That will give the Members of the House 30 or 35 copies apiece, and that is not too many.

Mr. TAYLOR of Colorado. I doubt if it is necessary to have the document duplicated in that way.

Mr. HARDWICK. It is necessary for the House to provide for its own quota.

Mr. HAYES. Mr. Speaker, may I inquire if the copies are to be distributed through the folding room?

Mr. HARDWICK. Yes; through the folding room. Each Member is to get his exact share.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. ALEXANDER. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 171.

Resolved, That the Committee on the Merchant Marine and Fisheries shall be, and is hereby, authorized during the Sixty-third Congress to have such printing and binding done as may be necessary for the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON AGRICULTURE.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent for the immediate consideration of the resolution which the Clerk will report:

The Clerk read as follows:

House resolution 172.

Resolved, That the Committee on Agriculture be authorized to procure such printing and binding as shall be necessary for the discharge of the work of said committee during the Sixty-third Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON MINES AND MINING.

Mr. FOSTER. Mr. Speaker, I offer the following resolution, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 173.

Resolved, That the Committee on Mines and Mining is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

CALIFORNIA ALIEN LAND LAW.

Mr. J. R. KNOWLAND. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a copy of the California alien land act. There has been quite a demand for it.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The document referred to is as follows:

An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.

The people of the State of California do enact as follows:

SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this State in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

SEC. 2. All aliens other than those mentioned in section 1 of this act may acquire, possess, enjoy, and transfer real property, or any interest therein, in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise, and may, in addition thereto, lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 3. Any company, association, or corporation organized under the laws of this or any other State or nation, of which a majority of the members are aliens other than those specified in section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, and convey real property, or any interest therein, in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may, in addition thereto, lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 4. Whenever it appears to the court in any probate proceeding that, by reason of the provisions of this act, any heir or devisee can not take real property in this State which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee, shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

SEC. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the political code, and title 8, part 3, of the code of civil procedure. Upon the entry of final judgment in such proceedings the title to such real property shall pass to the State of California. The provisions of this section and of sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon or interest in such property so long as such real property so acquired shall remain the property of the alien company, association, or corporation acquiring the same in such manner.

SEC. 6. Any leasehold or other interest in real property less than the fee hereafter acquired in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced as provided in section 5 of this act. In such proceedings the court shall determine and adjudge the value of such leasehold or other interest in such real property, and enter judgment for the State for the amount thereof, together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold or other interest in the manner provided by section 1271 of the code of civil procedure. Out of the proceeds arising from such sale the amount of the judgment rendered for the State shall be paid into the State treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein.

SEC. 7. Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this State.

SEC. 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

BUSINESS CONDITIONS IN THE UNITED STATES.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I commend to the thoughtful and patriotic consideration of the present national administration, the Members of both Houses of Congress, to the press, and the American people the following wise and able editorial which appeared in the Journal of Commerce of New York City on June 10, 1913. This paper supported President Wilson in the last campaign.

GIVE BUSINESS, BIG AND LITTLE, A FAIR CHANCE.

Except for the tremendous absorption of capital in public and private undertakings and expenditures for purposes which are wasteful or nonproductive, or from which no immediate return is to be expected, causing a scanty supply for present demands and consequent high rates, conditions appear to be favorable in this country for prosperous industry and trade—that is to say, for "business." Last year we had abundant crops and fairly remunerative industries, and the prospects for this year would be unclouded but for scowling omens which appear in the political heavens and have been lowering over the country for several years with dubious and shifting menaces. There are no clear signs of trouble or of danger, but there is uncertainty and the fear which uncertainty breeds. There is hesitation and holding back, because calculations can not be made with the confidence that induces men to move hopefully forward. Business is in a nervous condition from which it needs relief if it is to escape prostration.

No doubt, as in other cases of nervous disorder, this condition has been brought about by bad ways of living in the past, errors and excesses, which required somewhat drastic treatment for their correction; but such treatment is apt to be exhausting and becomes dangerous if carried beyond normal limits. There have been abuses growing out of "privileges" granted by the Government in protecting domestic industries from foreign competition by excessive duties on imports, encouraging high cost of production, lax management, and abnormal prices in the home market. Partly as the result of this, there have been the evils of "trusts" and combinations to strangle domestic competition and exact excessive profits for the few at the expense of the many, enabling the strong and unscrupulous to crush out or swallow up those who have not the same advantages. Accompanying this there have been vigorous promotions and exploitations, entailing overcapitalization and speculative profits for those who escape the burdens and responsibilities of the actual conduct of business operations, concealing large profits for the successful and causing undeserved loss and failure to others. In the great field of transportation and interchange a few years ago there were abuses of discrimination, unfair rates, and charges, favors to some and injury to others, that the aggregate of earnings and profits might be increased, regardless of the injustice inflicted in detail upon the shipping and trading public.

These evils and abuses are now generally acknowledged. They caused complaints, bred discontent and unrest, and created a feeling of hostility to powerful capitalists, magnates of corporations, and captains of industry. They produced popular agitation, which was taken up by politicians, naturally and legitimately, but with a tendency to foment and aggravate them in order to gain popular favor and personal advancement. They led to legislation against "trusts" and combinations in restraint of trade and attempts at monopoly, and for the regulation of interstate commerce to put an end to excesses and abuses and establish just and reasonable conditions. The aim was to restore equality of opportunity and give all a fair chance in legitimate competition. Laws once instituted had to be enforced by prosecutions where necessary, and there was sometimes need of stern measures and severe penalties. Combinations had to be dissolved and wrongs indemnified so far as practicable, and tentative measures had to be strengthened. This remedial process has been going on for a series of years with the general support of public opinion, and it has been accomplishing its purpose more effectually than is generally recognized. A change of sentiment has been effected throughout the country which will prevent a relapse from what has been gained, and the time has come for moderating the treatment. It has become exhausting and needs now to be made recuperative.

There are many evidences of an acknowledgment of former errors, an acceptance of correction, and a willingness to comply with reasonable restrictions and requirements. There is a disposition, even an anxiety, to work in harmony with reasonable measures of regulation, to avoid grounds of complaint, and to cooperate with public authority for the restoration of confidence and good feeling and a return of prosperity in which all shall have a fair chance. The time has come for a considerate, encouraging, and helpful policy on the part of legislators and the Government. The tariff revision was necessary and must be completed, and there will have to be a more or less painful adjustment to changes; but there should be every effort to mitigate so far as possible the incidental suffering of such a remedial operation. Every unlawful or injurious combination of capital must be avoided, and continued vigilance will be necessary to maintain the observance of law. Railroads must be held to the rule of reason and equity in their rates and charges and the treatment of shippers and of the public which they are chartered to serve, but they must be permitted sufficient freedom to be able to perform effectively the service required of them.

The time has come for "letting up" on the policy of denunciation and harassing, of menace and threats where no new offense is committed or intended, and of further drastic legislation and prosecution while that which has been done is working out its effect with apparent success and wholesome results. Business is waiting to recuperate, to gain strength and proceed on its prosperous way again. Give it a chance. See that it has a fair chance where it is working in a small way in the vast field of competition, but do not hinder its accomplishment in a large way where it is equipped for it and pursues methods that are legitimate and lawful. The business of the country has grown to vast dimensions and commands large resources and ability for its conduct. Much of it must be done on a large scale by organized forces and skillful management to achieve the best results in the aggregate; but that need not prevent an equitable distribution of the proceeds and a general diffusion of benefit. What is most needed now is less activity of demagogues and crusaders, less agitation and outcry, and more comfort and encouragement for those who are striving honorably to restore prosperity to the country.

THE PHILIPPINES.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to include a statement by the Right Rev. Charles Henry Brent, Protestant Episcopal Bishop of the Philippines.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

[From the New York Tribune, New York, N. Y., Apr. 21, 1913.]

FILIPINOS, IF FREE, PREY TO INVADERS—WOULD ULTIMATELY BE DEVOURED, SAYS BISHOP BRENT, WERE UNITED STATES TO RELINQUISH ISLAND RULE—MUST ATTAIN TO STRENGTH—DISTINGUISHED CHURCHMAN SUGGESTS THAT SEVERELY NONPOLITICAL COMMISSION INVESTIGATE CONDITIONS—NATION'S REPUTATION AT STAKE.

By the Right Rev. Charles Henry Brent, Protestant Episcopal Bishop of the Philippines.

"The principles involved in the Philippine problem are so far-reaching that there is no question upon which the Nation could more readily wreck its reputation." (Bishop Brent.)

"In this brief survey of Philippine affairs it will be my endeavor to separate facts from fancies and to strip the problem of secondary considerations. At an earlier stage in my experience I might have spoken with the same tone of infallibility which characterizes the utterances of those doughty champions of the Filipinos, who, clothed in the soft raiment of homespun theories, view the battle from afar. I have no solution of the Philippine problem to offer. My sole purpose is to urge upon the American Government slow speed and not to discard a good policy until sure of a better.

"No certainty can be reached without a study of facts. Ce ne sont pas les théories qui doivent nous servir de base dans la recherche des faits, mais ce sont les faits qui doivent nous servir de base pour la composition des théories. (It is not theories which should be used by us as a basis in the search for facts, but facts which should be used by us as a basis for the upbuilding of theories.)

"The first fact to face is one which admits of no dispute. It is that America is in the control of the Philippines, and upon her wisdom or unwisdom hangs the fate of 9,000,000 Filipinos. Whether we erred in assuming such a responsibility is aside from the question. If America had not accepted it from unselfish motives, another nation would have seized it from motives of self-interest, and at this date liberty would sit mourning without the gates of the Philippines instead of reigning throughout her borders.

"The Philippines to-day enjoy a measure of self-government hitherto unknown to dependencies save in the Anglo-Saxon overseas dominions of Great Britain, and the responsibility of America is to further the progress of self-government to the utmost of her ability and the Filipino's capacity.

ATTAINMENT REQUISITE.

"Thus are we brought to a second indisputable fact. We are pledged to execute our responsibility of control as a trust to be administered with rather than for the Filipino. That is to say, we are to train him by cooperative methods in the principles of self-government until he has attained, and then, if he so elects, surrender to him, the rights which belong to a full-grown nation. It is here that we arrive at the parting of the ways.

"The dispute, however, is not one of imperialism and anti-imperialism. It befogs the issue to employ such terms. The question resolves itself into one of good judgment. The opposing camps differ only in the matter of time. There are those who say now; others who saw to-morrow; still others who say day after to-morrow.

"If desire implied ability, the clamor for independence on the part of the Filipinos, which just now is more widespread than at any time in their history, would be the signal for our withdrawal, but only their achievements can determine their ability. A severely nonpolitical commission, composed of men of the type of, say, President Edwin A. Alderman and Seth Low, might be appointed to advantage by the President to undertake a patient and thorough investigation of the situation. A careful study should be made of the Malolos government of 1899, the character of provincial and municipal government up to date, the use of the franchise, the extent to which peonage and kindred evils prevail, the records of the assembly, and the constructive work, religious, scientific, educational, and industrial, accomplished under the present policy.

"It is, to say the least, dangerous to argue on the theory that any autonomy, no matter how slovenly, is preferable to alien rule with 'higher political efficiency' as its motto. There are moments, at any rate, as in Cuba, Santo Domingo, Nicaragua, and Mexico, when alien interference or even alien rule for a while is not counted amiss by our most fanatical individualists. It is for this reason that I say let us proceed from facts to theory. The facts are to be had for the asking, and the Philippine policy should stand or fall upon its record.

HOSTILE TO CHRISTIANS.

"A third fact is that the Philippine problem has a puzzling complexity, due to its island character and diversified population, of which one-tenth is composed of primitive folk of the hills and fanatical sons of Islam. The recognized leaders in the Philippines to-day, so far as racial qualifications are concerned, would have at least equal right to claim citizenship in Spain, China, or England. Thus far it is the men of mixed blood who are the politicians. The degree of capacity in the Filipino will not be revealed until the schoolboys of to-day are in active public life. Even among the Christianized peoples, because of their many tongues and limited though increasing intercommunication, there are sectional jealousies, but the wild peoples have a marked antipathy for their Christian neighbors because of a past history of harsh and unfair treatment at their hands.

"It is owing solely to the prodigious industry of the secretary of the interior of the Philippine Islands and his sincere enthusiasm for the welfare of the inhabitants of the mountain Province that a notable work of protection and development has been begun, which no one less well informed than he could continue effectively.

"As for the Moros, they are the traditional enemies of the Filipinos, as the ruined watch towers of the coast, even of northern islands, testify, nor has animosity diminished with time. Though there has probably been more order in the Moro Province since the beginning of the American occupation than during any corresponding period of time in history, the island of Jolo has steadily baffled the attempts of our ablest officers and administrators to pacify it. The withdrawal of the Spanish was the signal for outrages upon Christianized Filipinos within immediate reach of Moros, and there is no reason to suppose that history would fail to repeat itself the moment American control ceased.

PROBLEM INTERNATIONAL.

"Finally it must be recognized that the Philippine problem can not be settled without reference to its international bearing. Neutralization has been proposed. But can American or any other dipolmacy secure the neutrality of the powers? Would it mean anything if promises of neutrality were made? Is it not so that, though no existing military power, east or west, would fight America in order to secure possession of the Philippines, there are at least two nations which would seize the first opportunity for interference if American sovereignty ceased? Can America afford to protect a government halfway round the world which she does not actually and constructively control? She has found it difficult enough with one near at hand.

"It appears to me that it would be a measure of quixotry beyond the most altruistic administration to stand sponsor for the order of an experimental government of more than doubtful stability 10,000 miles from our coasts. When the Philippines achieve independence they must swallow the bitter with the sweet and accept the perils as well as the joys of walking alone. There are national risks involved, even in a limited protectorate, to which I trust America will never expose herself.

"I have said nothing about the interests of American commerce which has grown up in the Philippines, because it is not to the point. The most it can ask is an equitable protection and consideration, such as the presence of the American flag guarantees. Nor have I made any appeal for the retention of the present personnel of government, for I believe officeholders should stand or fall on their record, though it would indeed be a national calamity to degrade the Philippine question into a ball for party politicians and office seekers to buffet. My sole thought is for the enduring welfare of the Filipino people and the honor and wisdom of the American Nation in the execution of a great trust.

"My own conviction of our present duty, based on 11 years of observation and experience, is summed up in words written in relation to another dependency, but which I apply with a few verbal alterations to our own case:

"'The people of the Philippines require our rule. We are not in the Philippines for our pleasure or profit. If we were, it would be the most natural thing in the world to say that the game is not worth the candle as soon as intense difficulties and dangers arise and leave the Philippines to go to perdition in their own way. But we can not do that.

"'We are in the Philippines because we are required there. If our rule were removed, at this juncture at any rate, the Philippines would at once become a prey to the strongest of the sectional aggregations, and they in turn would ultimately be devoured by intruders from outside the borders of the Philippines. * * * 'We do not know how to leave the Philippines, and therefore let us see if we know how to govern them.'"

OKLAHOMA AND ITS POTENTIALITIES.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an interview with Gov. Cruce, published in the Manufacturers' Record.

The SPEAKER. The gentleman from Oklahoma [Mr. MORGAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Speaker, the Manufacturers' Record, of Baltimore, in its issue of June 12, 1913, under editorial correspondence, publishes an interview with the Hon. Lee Cruce, the governor of Oklahoma. The article is entitled "Oklahoma and its potentialities." In the organization of the new State political controversies and problems of state were given prominence at home and attracted wide attention throughout the Union. To-day the people of Oklahoma, more than ever before, are giving emphasis to the material development of the State. Capitalists, investors, manufacturers, and business seekers from other States are recognizing the great advantages and the splendid opportunities offered by Oklahoma.

I think it was William McKinley who emphasized the importance of planting the factory beside the farm. In no other State in the Union can this be done so successfully as in Oklahoma. We have the soil, the climate, the seasons, and the intelligent farmers to make Oklahoma one of the richest agricultural States in the Union. We have the oil, gas, coal, and other mineral products which in time will make Oklahoma a great manufacturing State. We have the natural resources which would enable Oklahoma, independent of the outside world, to feed, clothe, sustain, and support its own population—with all the comforts of life and many of the luxuries. Agriculture and manufacturing are the two great fundamental industries upon which other business interests are based and from which they draw support. The development of these two great industries side by side in the same State guarantees that Oklahoma will become one of the greatest wealth-producing States of the Union. My purpose, however, at this time is not to express my own ideas but to place in the CONGRESSIONAL RECORD the statement made by Gov. Lee Cruce. By the consent of the House I print the correspondence above referred to.

The article in the Manufacturers' Record is as follows:

GOV. CRUCE ON OKLAHOMA AND ITS POTENTIALITIES.

[Editorial correspondence Manufacturers' Record.]

OKLAHOMA CITY, OKLA., *June 1.*

In discussing the general outlook for Oklahoma, based on its rich resources, Gov. Lee Cruce said:

"In my opinion there is no other State in the Union as richly endowed with natural resources as is Oklahoma. The people of the State are just beginning to realize the immense supply of mineral deposits that underlie our soil, and capital from other States seeking profitable investment is becoming acquainted at last with our natural resources.

"A number of years ago Oklahoma was regarded merely as a grazing region, and later on, when the rush of immigration into the State attracted the attention of the country, public interest was centered upon the utilization of its farm lands and in building cities.

"The mineral resources of the State at that time were practically undiscovered, and even to-day the country at large has but slight conception of the extent and variety of the mineral wealth of the State. In a general way it has become known that this State is one of the world's greatest oil-producing regions and that our gas fields are almost without limit, but the value of the oil industry is hardly recognized or its importance understood. Last year the oil production of the State was 52,000,000 barrels. For several years the price has ranged from 30 to 48 cents per barrel. At these figures the profit was comparatively small. Oil is now selling in Oklahoma at 88 cents per barrel, and in a good many cases the highest grades of oil bring a premium, in some instances amounting to 10 cents per barrel. This advance in price has resulted in greatly stimulating the industry, and it is quite probable that the production this year will exceed 60,000,000 barrels and that the value of this year's output will not be far from $60,000,000. Even these figures will be enlarged by the added value which is given by refining a portion of the oil in this State. Heretofore most of our oil has been piped out as crude oil, to be refined elsewhere, but these conditions are rapidly changing, and henceforth a large and increasing amount will be refined in the State.

"Again, Oklahoma is the greatest natural-gas region known. The supply apparently is great enough to last many years to come. While much of the gas is wasted, the State and the National Government are bringing about a better handling of the situation and more conservation in protecting our gas supply. Acts passed at the recent session of the Oklahoma Legislature will tend to greater conservation of this resource.

"In the gas-producing region manufacturers are getting this fuel at 3 cents per thousand feet, and in some cases even lower figures are reported. These companies have fuel at a cost so low as to amount almost to free fuel.

"Being a comparatively new Commonwealth, our industrial development has been limited, but the cheapness and abundance of our fuel supply, added to our other mineral resources, is bringing about a widespread interest in manufacturing industries. All over the State there is an active rivalry in securing new manufacturing enterprises, and many important plants for a variety of industries are under construction.

"Our vast stores of oil and gas are supplemented by more than 12,000 square miles of coal of good grade, which places this State among the leading coal areas of the country. In fact, our coal area exceeds by several thousand square miles the coal area of Great Britain, though the amount of coal in the State is probably less than that of Great Britain. Manufacturers are thus protected in the matter of fuel, and in the event of the gas supply becoming exhausted there will be a sufficient supply of coal to meet their needs.

"We have almost limitless stores of high-grade glass-making sand, cement rock, shale, fire-brick clay, granite, and marble and other materials on which to base a great manufacturing life. We have large deposits of asphalt of the highest grade, and this one resource alone, when properly developed, will add millions of dollars to the wealth of Oklahoma.

"Few of the States of the Union, in my opinion, possess the agricultural possibilities of Oklahoma. We are raising 1,000,000 bales of cotton a year and about 150,000,000 bushels of grain, and are transforming these great stretches of prairie that were used formerly for grazing purposes into productive farms. In addition to this, we are still grazing several million head of cattle, which net the investor a handsome profit.

"During the last year or two railroad building has been inactive, due in part to a general halting of railroad construction throughout the country, and in part to some of our laws, which may have temporarily interfered with railroad building in the State. At the present time there is a kindlier spirit existing between the railroads and the people of the whole State. It is quite probable that at an election to be held in August one of our restrictive railroad laws will be repealed, and I am assured that if this is done we shall have a considerable amount of railroad building by existing lines. The outlook is decidedly encouraging in respect to broader railroad activities throughout the State than for the last few years. Even now two systems are making very considerable extensions, one of them being financed by French capitalists, whose experts reported that their principals have very great faith in the future of this State. It is reported that this group of capitalists has invested about $18,000,000 in railroad and other operations in this State. Other capitalists upon the Continent and in Great Britain have been putting money freely into oil and gas operations throughout the State.

"Our development as a State has been on sound, safe lines. While we have made some mistakes in legislation and some mistakes in speculation, we have probably fewer mistakes in both than any other rapidly developing section has to its credit or discredit. Indeed, Oklahoma has been very much misrepresented throughout the country in its legislative work. We have probably made fewer mistakes than most other States in legislation, but it so happened that our mistakes were made the spectacular features of newspaper discussions at the time when Oklahoma was so new that everything it did commanded the widest attention. We were criticized throughout the land for every act of legislation on financial or railroad matters, which gave the foundation for newspaper discussion; but we did not receive the credit due the State for much wise legislation that was enacted during that period of evolution from an unknown or undeveloped Territory into a busy, bustling, rapidly developing State. We have passed through a pioneering period and have now settled down to regular routine in the betterment of agricultural conditions, in the wise utilization of our oil and gas, in making a beginning in the development of our other mineral resources, and in the sane and safe discussion of all laws bearing on all the interests of the State.

"In times past the railroads, by charging higher rates to points in this State and to near-by States, created for themselves a spirit of hostility which found expression in much of the legislation that has been regarded as inimicable, but now, with a better understanding between the railroads and the people, and with the splendid work which the railroads are doing in attracting men and money and industries into the State, the people of the whole State are disposed to cooperate to the utmost extent with the railroads and their good work and to give them every protection essential to their welfare and to the welfare of the State."

R. H. E.

MAIL-ORDER BUSINESS.

Mr. HINEBAUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. HINEBAUGH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, will the gentleman indicate the subject on which he wishes to extend his remarks?

Mr. HINEBAUGH. On the subject of the mail-order bill which I introduced in the House some time ago.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINEBAUGH. Mr. Speaker, on the 16th day of May I introduced a bill to provide for a tax upon all persons, firms, or corporations engaged in interstate mail-order business.

The bill is as follows:

A bill (H. R. 5308) to provide for a tax upon all persons, firms, or corporations engaged in interstate mail-order business, and for other purposes.

Be it enacted, etc., That all persons, firms, or corporations in the United States which are now conducting, or which may hereafter conduct, a mail-order business interstate for the purpose of selling goods, wares, and merchandise direct to the consumer shall pay a tax of 1 per cent upon the total cash value of all goods, wares, and merchandise sold within any State.

SEC. 2. That every person, firm, or corporation conducting a mail-order business as defined in section 1 of this act shall keep in proper books, to be provided by the Secretary of the Treasury of the United States, an accurate and complete account of all goods, wares, and merchandise of every character and description so sold, together with the actual selling price of the same.

SEC. 3. That on the 31st day of December, after the passage of this act, and on the 31st day of December of each year thereafter, every person, firm, or corporation engaged in such business shall render a full and complete statement to the Secretary of the Treasury, upon blanks to be furnished by him, of the total cash value of all goods, wares, and merchandise sold during the year in the various States of the United States.

SEC. 4. That the Secretary of the Treasury shall determine the amount of the tax to be paid by each person, firm, or corporation (at the rate of 1 per cent upon the total cash value of all goods, wares, and merchandise sold within any State) engaged in such mail-order business, and shall give notice of the amount of said tax due and payable, pursuant to the terms of this act in such manner as in his judgment is most practicable.

SEC. 5. That every person, firm, or corporation subject to said tax under the provisions of this act and reporting to the Secretary of the Treasury shall pay said tax on or before March 1 of each and every year after this act shall become a law.

SEC. 6. That the Federal courts of the United States shall have power to enforce the collection of said tax upon the application of the Secretary of the Treasury.

SEC. 7. That the Secretary of the Treasury shall apportion said tax among the several States in the ratio of the actual amount of goods sold in each State.

SEC. 8. That the tax so apportioned shall be paid by the Secretary of the Treasury to the various State treasurers entitled thereto; said tax to be used in such manner and for such purposes as the said States may by law direct.

The bill was not introduced on the spur of the moment; it was not presented without serious thought on my part. Untold millions are invested in this business to-day.

One mail-order house in the city of Chicago has 63 acres of floor space. Another one in the same city, according to the statement under oath of its president, made a net profit of $17,000,000 on last years' business.

A million-dollar building is to be erected by Montgomery Ward & Co. in Kansas City, to duplicate its present nine-story building at Nineteenth and Campbell Streets. This mail-order corporation is also about to enter New York, San Francisco, and Portland. Buildings for them are in course of construction at the present time.

The board of directors, at a recent meeting in New York, approved and authorized an increase in the capital stock from $500,000 to $40,000,000. The First National Bank of New York and the Morgan Banking Co. are to finance the proposition. That there is wonderful activity and that capital in almost unlimited quantities is being attracted to this mail-order business is further shown by an article in the Chicago Record-Herald of April 25, 1913, which reads as follows:

Advantages of Uncle Sam's new parcel post were capitalized yesterday when a $10,000,000 corporation was formed in Chicago to compete with mail-order houses already doing business here.

The Harris Bros. Co., the new concern, was born at a conference held in the Blackstone Hotel, attended by Chicago business men and eastern financiers. It takes over the business of the Chicago House Wrecking Co., a $2,000,000 concern, the Harris Co., and the Harris Steel & Wire Co.

Interests which controlled these three concerns joined with eastern financiers represented by the Max Oscher Co., a New York banking house, to form the new corporation. It is incorporated under the laws of Delaware. A special license to do business in Illinois was issued by the secretary of state at Springfield yesterday.

CHICAGOANS IN CONTROL.

Chicagoans will remain in control of the new company, but eastern capital will be represented on its board of directors. Officers of the new corporation are the same as those of the Chicago House Wrecking Co. They are:

Abraham Harris, president.
D. C. Harris, vice president.
Frank Harris, treasurer.
S. H. Harris, secretary.

The directors were elected yesterday, but their names will not be made public for a few days.

It was announced that the new parcel post was directly responsible for the formation of the corporation. The men who are interested declare that the experience they have had in the Chicago House Wrecking Co., which is the third in importance of the mail-order houses of the city, shows them that they can operate 50 per cent more economically by taking advantage of the parcel-post rates. The corporation will deal largely in such articles as clothing, boots and shoes, and other wearing apparel of all kinds, which can be shipped by parcel post.

NEW CAPITAL SCHEME.

The new corporation is really a refinancing of the three concerns which the Harris Bros. control. The Chicago House Wrecking Co. has been doing a mail-order business for years. It was originally formed in 1893 to dismantle the World's Columbian Exposition in Chicago, selling the machinery, building material, and other wreckage. It also dismantled the Pan American Exposition in Buffalo, the Trans-Mississippi Exposition in Omaha, and the Louisiana Purchase Exposition in St. Louis. The concern also purchased from the United States Government the equipment which the French installed when they endeavored to build the Panama Canal, selling it for scraps, and removed the Ferris wheel from Chicago to St. Louis just before the opening of the Louisiana Purchase Exposition.

From dismantling expositions the company branched out into the business of purchasing the stocks of bankrupt concerns at forced sales. To dispose of these stocks and of wreckage it began doing a catalogue mail-order business. Recently it has been doing a straight mail-order business. It has erected a plant with 950,000 square feet of floor space on a 22-acre tract at West Thirty-fifth and Iron Streets, in the new central manufacturing district.

SELLS HOMES BY MAIL.

The Harris Home Co. has been engaged in the business of selling homes complete by mail, various parts being shipped to purchasers. The Harris Steel & Wire Co. has done a similar business in the steel and wire line.

Harris Bros. Co. takes over the plants of all three concerns. It will erect in the near future two more buildings on the tract at West Thirty-fifth and Iron Streets, which will cost $250,000.

It will continue the mail-order business done by all the concerns, but the sale of contracting machinery, which formed a large portion of the business of the Chicago House Wrecking Co., will be continued by that concern under the old name.

One of the reasons for the incorporation of the new company was the fact that since the Chicago House Wrecking Co. became an important factor in the mail-order business its name was misleading. Officers of the company said they were continually obliged to correct the impression that it sold nothing except the material and articles it obtained in dismantling buildings, fairs, etc.

BUSINESS WILL GROW.

"There were many who did not realize that we were the third mail-order house in the city," said Maurice Rothschild, general manager of the house-wrecking company. "We will be able to correct that impression now, and with the new capital which we have obtained we will become even more important factors in the mail-order business. We have experimented with the parcel post ever since the new law went into force, and we find that under it we are able to decrease the carrying cost by 50 per cent. We will be able to give purchasers the advantage of this reduction in cost, and we expect to make things lively for the older mail-order houses."

The new company will issue $2,000,000 in preferred and $8,000,000 in common stock.

It should be perfectly apparent to every thinking person that the country merchant must go out of business as the great mail-order houses gradually close down upon the local markets.

In eight of our great States many towns have lost population during the last 10 years. Following are the States and the number of towns in each which have shown a decided decrease in their population, due very largely to the effect of the mail-order business:

State:	Number of towns.
Missouri	540
Iowa	564
Indiana	639
Michigan	677
New York	746
Illinois	788
Ohio	1,136
Pennsylvania	1,520

There is plenty of argument on both sides of this question. It is contended by the friends of the mail-order houses that as a broad economic question the right of the consumer to purchase wherever he can obtain the lowest prices should not be questioned, and that if the expanding mail-order business means the elimination of the country merchant, then the country merchant must go. If such arguments were logically sound, which I do not admit, there is still the social, moral, and religious view to be considered.

The retail merchant is the backbone of the country town. The mail-order house is his worst enemy. The farmer needs the town and the town must have the farmer. "Every resident of a community must be equally interested in the trade-at-home idea. If you spend your money where you get it you will be able to get it where you spend it."

The argument in favor of the country merchant and the danger which threatens him from the mail-order business is so clearly and comprehensively set forth in a communication from J. R. Moorehead to the Illinois vice commission that I am pleased to insert it in my remarks:

MARCH 12, 1913.

Senator EDMOND BEALL,
Member Senate Vice Commission,
Illinois Legislature, Chicago, Ill.

MY DEAR SIR: I am writing this to say that your commission is not only striking at the roots of one of the greatest moral and social evils of our time, but you are also striking at the roots of the greatest economic problem that is now before the people of this country, in my judgment.

There is an actual revolution going on in this country, not only in the affairs of big business but in the affairs of the little business men as well, and the whole subject and the whole question to-day as to how this revolution is going to end, and as to where not only the little business man but the thousands and thousands of towns in the country are going to land, is being decided by those who are in control of the influences and business which you have been investigating and about which we have all been reading the past few days.

To be specific, the question to-day is whether or not the business as conducted by the great department stores and especially by the great mail-order houses is a good thing not only for the people who are living outside of Chicago and the other great centers but even the people of these great cities themselves. The fact is that the distribution of merchandise at retail in this country is fast getting into the hands of these great corporate organizations, and instead of the individual merchant carrying on a business for himself, his own landlord, his own master, owning his own business, and being a part of the community in which he lives, the retail business of the country is being carried on by these great aggregations of capital with the help, aid, and assistance of these girls and women who have been testifying before your committee, rather than by these more than a million individual self-sustaining merchants of the country.

If these conditions continue, not only where is the country town going to land, but how much more aggravated is going to become the very questions you are investigating at this time? For example, recent investigations have shown that 90 per cent of the towns in your State upon one of the great railway systems running between Chicago and St. Louis have less people living in them than they had in 1900; that in the great State of Iowa more than 400 towns have lost population as shown by the census of 1900 and 1910; and in the same period in the State of Missouri 540 towns have lost population, including 38, or one-third, of the county seats. This condition exists to a more or less degree not only in all of the States in this Mississippi and Missouri River Valley, but I believe the investigation we are now making will show this to be the case in practically every State in the Union, except possibly a few in the Southwest and far West, which are kept up by the flow of population to some extent from the other States.

It is not a question alone as to whether merchandise shall be retailed by those million retail merchants or by the great department stores and mail-order houses of the city, but what are the economic, social, moral, political, and religious problems that are growing and must inevitably come up for solution out of this condition.

The small retail merchants of this country of every class and kind are discouraged and disheartened, and know not what the day is going to bring forth, not only for them but for their own immediate families and the communities in which they live. And apparently it would seem that even the Government itself is against the little man in this fight, for just as soon as they combine to combat the influences of the mail-order houses these same mail-order houses come back with the Sherman law as a club and a menace to the little merchant in his attempt to protect himself and the community in which he lives.

The daily newspapers of the cities, which are largely supported by the advertisements of department stores, and the farm papers, which are

largely supported by the mail-order house advertising, of course give very little aid and help to the merchant in the country town, and there has been carried on in this country for the past 10 years such a campaign of advertising in which denunciation and misrepresentation of the little merchant by these great aggregations has prevailed that there are to-day thousands and hundreds of thousands of people living in and about the smaller cities and towns of your State, my State, and all of the States who will not buy a dollar's worth of goods from a home merchant, and who will not even give him a chance to supply their wants because of the prejudice that has been engendered in their minds by this campaign on the part of the department stores and mail-order houses. The little merchant at home only seems to be a necessity to many thousands of our people living about us only when crops fail, when the strike is on, and when they have no money to send away to buy and when it becomes necessary to obtain the necessities of life by credit at the store of the home merchant.

I submit to you that this is creating a condition beside which no other question before us to-day is of such great importance to all of our people. For example, the great mail-order house of Sears, Roebuck & Co. last year offered to give a million dollars to be distributed over this country, $1,000 to each county which would employ a farm expert to teach our farmers how to improve their crops, the remaining amount necessary to obtain the services of such an expert to be paid by the State, county, the farmers, or the business men of the counties in which such appropriation was made.

I submit to you, sir, that this was the greatest scheme of advertising that has ever been undertaken in this country. Should the whole million dollars be accepted by a thousand counties in the various States there would be 1,000 men going about amongst our farmers who would be compelled out of sheer gratitude to say that this great work which was being done in the interest of the farmer was inaugurated and put on its feet by the greatest mail-order house in the country, and the total sum would be that 1¼ per cent upon the gross sales of this firm for the year 1912.

I submit to you, sir, that the chances are that very little credit would be given to the local merchant and the commercial clubs of the thousands of towns in the country, who would have to supply not only for the first year at least $2 for $1 supplied by the mail-order house, but would be seldom remembered.

In view of what you have learned in the past few days, I submit to you that it would have been a much greater work of charity had this million dollars been distributed during the year of 1912 to the more than 7,000 girls and women who are working for this firm in Chicago.

Another phase has developed to this great scheme of advertising, and that is that the fangs of this company have reached out and taken hold of the agricultural colleges and the political authorities of the State. Whenever a proposition is made to a county to provide one of these experts as supervisor, you never hear that this money is contributed by the mail-order house in Chicago, but you do hear that it is coming from the agricultural department of the State university or government or from some other source. In other words, it has reached that stage when our agricultural colleges and university authorities are ashamed to say where the money is coming from. I submit to you, sir, that not one of these authorities and not a politician in your State or my State would dare accept money in this way from Standard Oil or the International Harvester Co. I am not defending Standard Oil or the Harvester Trust, but it can be said in their favor that at least the Standard Oil Co. permits the home merchant to make a few cents upon oil which they sell, and every live town in the United States has at least one agent or representative selling the machinery of the International Harvester Co., upon which he is permitted to make a profit. Yet here is a great aggregation of capital, the chairman of whose board of directors, I am told, is president of one of the great New York banks, and yet we never hear any outcry because of the fact that Wall Street is attempting a control of the distribution of the necessities of life in this country, as it is being done, we believe, through the great mail-order houses. Away with any suggestions as to tainted money if contributions are to be accepted from such sources to promote agriculture or any other laudable purpose.

Again permit me to say that the other great question involved besides those which you are directly investigating at this time is, Is it a good thing for this country and will it be a good thing for all of the people if the retail business of the country is to be controlled and handled by great corporations employing both women and men at starvation wages, or will it be best for all that they shall be distributed over this country and remain in the hands of the many thousands of merchants who are to-day the prop and stay of every community in which they live in your State, in my State, and all of the others?

I believe your committee has already discovered how this condition is being brought about, and their success is based on the supposition that they sell cheaper than the home merchant. Have you not already discovered that the 50,000 women in Chicago who are living upon starvation wages are paying the price that enables this, if it be true, to be brought about? If these conditions are to be permitted to continue in order that some things may be sold cheaper, and if cheapness is the thing only to be desired, why not repeal our tariff laws that we have had on our statute books for 50 years, if that will cheapen anything? If reducing the tariff will partially cheapen some things, why not remove it entirely, in order that they may become still cheaper, if cheapness is what is to be desired? If we want some things cheaper in this country, why not make it unlawful for labor unions to fix prices on labor? If we want things cheap in this country, why not repeal our immigration laws—let in the Chinese, the Japanese, and Hindu? They could work at one-half the wages received in this country, and that would cheapen some things, if we wanted things merely cheap. If we want to cheapen some things, why do we make laws regulating hours of work for men as well as women? If we want to merely cheapen some things, why not have all of the merchandise of the country distributed by great corporations employing women at starvation wages? Why should we keep a million merchants, with families to support and communities to keep up, when it could be done so much cheaper by the mail-order houses, as indicated?

I submit to you, sir, and your committee that every argument that could be brought against a proposal of legislation looking to any change as above indicated would be a valid argument against the perpetuation or increasing of the facilities of the mail-order house to do business, and the elimination of the retail merchant and the many communities outside of our great centers.

You have already, as I have said, discovered that there are some things already too cheap in the great city of Chicago; and, in conclusion, permit me to say that there are a few other things that are too cheap in this country, and they are the reputations and standing of the million little merchants of the country when they are attacked by mail-order houses as being thieves and robbers and an unnecessary part of the economy of the country.

Pardon this lengthy discussion at this time, but believing that it is apropos to the occasion of your investigation now going on is my excuse for submitting it at this time.

Respectfully, yours,

J. R. MOOREHEAD, *Secretary.*

The local merchant contributes to the upbuilding of the community in which he lives. He is a part of its social and religious life. His family constitute a part of the moral force of the community. His stock of goods is assessed for the purposes of local taxation by the assessor. He pays a very large proportion of the necessary expenses of maintaining the municipal government. He contributes to the thousand and one demands of the social, religious, and political well-being of his village or city. His success and prosperity is the success and prosperity of the community generally. His poverty and failure spells the doom of the country town and village in which he lives.

Shall the distribution of all commodities used by the people be made by the million and more merchants in our land, or shall it be confined to a few billion-dollar corporations? The great mail-order corporations have no difficulty in underselling the retail dealer, no matter how much he may reduce his margin of profit. Buying, as they do, from prison contractors the products of convict labor, they secure many of their manufactured articles at prices that would be utterly impossible to obtain if made by free labor. They, of course, are the largest distributors of prison-made goods in the country, which is one of the secrets of their large profits and ability to undersell. This source of supply is, of course, unopen to the small retailer, even if he was inclined to avail himself of it.

And when the local merchant has been eliminated from the equation of modern economics will prices to the consumer be any lower than they are now? All these questions must be answered in the near future, and whether or not this bill is reported to the House or lies dead and buried in committee they are questions of the very gravest importance that will not down.

THE PUBLIC AND THE RAILROADS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a copy of a speech delivered by Hon. Jeremiah S. Black, of Pennsylvania, upon the subject of the legal relations of the public to railroad corporations.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The speech of Mr. Black referred to is as follows:

RAILROAD MONOPOLY—ARGUMENT TO THE JUDICIARY COMMITTEE OF THE SENATE OF PENNSYLVANIA.

"Mr. Chairman, the irrepressible conflict between the rights of the people and the interest of the railroad corporations does not seem likely to terminate immediately. I beg your permission to put our case on your record somewhat more distinctly than heretofore.

"Why do I give myself this trouble? My great and good friend, the president of the Reading Railroad Co., expresses the suspicion that I am quietly acting in the interest of some anonymous corporation. I wish to contradict that as flatly as I can.

"The charge that I am communist enough to wish the destruction of all corporate property is equally untrue. I think myself the most conservative of citizens. I believe with my whole heart in the rights of life, liberty, and property, and if anybody has struggled more faithfully, through good report and evil, to maintain them inviolate, I do not know who he is. I respect the State constitution; perhaps I am prejudiced in favor of natural justice and equality. I am convinced that without the enforcement of the fundamental law honest government can not be expected.

"These considerations, together with requests of many friends, should be sufficient reason for doing all the little I can to get 'appropriate legislation.' At all events it is unfair to charge me with any motive of lucre or malice.

"It is not proposed by those who think as I do that any corporation shall lose one atom of its property. A lawful contract between a railroad company and the State is inviolable and must not be touched by hostile hands, however bad the bargain may have been for the people. Mr. Gowen, and all others with similar contracts in their hands, are entitled each to his pound of flesh, and, if it be 'so nominated in the bond,' the Commonwealth must bare her bosom to all their knives and let them 'cut nearest the heart.'

"But we, the people, have rights of property as well as the corporations, and ours are—or at least they ought to be—as sacred as theirs. Between the great domain which we have conceded to them and that which still belongs to us the line is

plainly and distinctly marked, and if they cross it for purposes of plunder they should be driven back under the lash of the law. It is not the intent of the amended constitution nor the desire of those who demand its enforcement to do them the slightest injury. We only ask for that impartial and just protection which the State, as parens patriæ, owes to us not less than to them.

"In the first place, it will, I think, be admitted by all impartial persons of average intelligence that the companies are not the owners of the railroads. The notion that they are is as silly as it is pernicious. It is the duty of every commercial, manufacturing, or agricultural State to open thoroughfares of trade and travel through her territory. For that purpose she may take the property of citizens and pay for the work out of her treasury. When it is done, she may make it free to all comers, or she may reimburse the cost by levying a special tax upon those who use it; or she may get the road built and opened by a corporation or an individual, and pay for it by permitting the builder to collect tolls or taxes from those who carry and travel on it. Pennsylvania has tried all these methods with her turnpikes, canals, and railroads. Some have been made at her own cost and thrown open; on others, made by herself, she placed officers to collect a special tax; others have been built for her by contract, in which some natural or artificial person agreed to do the work for the privilege of appropriating the taxes which she authorized to be levied.

"But in all these cases the proprietary right remained in the State, and was held by her in trust for the use of the people.

"Those who run the railroads and canals are always public agents. It is impossible to look at them in any other light, or to conceive how a different relation could exist; because a railroad which is not managed by public agent can not be a public highway. The character of these agents and the mode of their appointment, even upon the same work, have differed materially. The Columbia Railroad and all the canals were for a time under the management of officers appointed by the governor, or elected by the people, and paid out of the State treasury. Afterwards the duty was devolved by the State upon persons associated together under acts of incorporation who contracted to perform it upon certain terms. The Erie & Northeast Railroad was at first run for the State by a company; the company was removed from its trust for misbehavior; the governor then took it and appointed an officer to superintend the work; later the governor's appointee was displaced, with the consent of the legislature, and the duty was again confided to a corporation newly chartered.

"None of these agents—neither the canal commissioners nor the State receiver, nor any corporation that went before or came after—had the slightest proprietary right or title to the railroads themselves. To say that they had would be as preposterous as to assert that township roads are the private property of the supervisors.

"The legal relations existing between the State and the persons whom she authorizes to supervise her highways was somewhat elaborately discussed by the Supreme Court of Pennsylvania in the case of the Erie & Northeast Railroad Co. *v.* Casey (2 Casey, pp. 307–324). It was there determined that a railroad built by authority of the State for the general purposes of commerce is a public highway, and in no sense private property—that a corporation authorized to run it is a servant of the State as much as an officer legally appointed to do any other public duty, as strictly confined by the laws, and as liable to be removed for transgressing them.

"All the judges concurred in this opinion. The two who dissented from the judgment did so on the technical ground that certain circumstances, which would have estopped the State in a judicial proceeding, disarmed the legislature of the power to repeal. Neither they nor any other judge in this country, whose authority is worth a straw, ever denied the doctrine for which I have here cited that case, though it may have been sometimes overlooked, ignored, or perchance evaded. This principle and no other was the basis of the decision in Pennsylvania and all the other States, that cities and counties might issue bonds or their money and tax their people to aid in building railways. The Supreme Court of the United States has affirmed it in scores of cases. It was so universally acknowledged that the convention of 1873 incorporated it into the constitution as a part of the fundamental law. I do not know upon what foundation more solid than this any great principle of jurisprudence was ever established in a free country. When, in addition, you consider the reason of the thing, and the supreme necessity of it for the purposes of common justice, it seems like a sin and a shame and a scandal to oppose it.

"It being settled that the railroads and canals belong of right to the State for the use of the people, and that the corporations who have them in charge are mere agents to run them for the owners, it will surely not be denied that all proper regulations should be made to prevent those agents from betraying their trust. The wisdom is very plain of those provisions in our constitution which put them on a level with other public servants, and forbid them to prostitute their functions to purposes merely mercenary, or to engage in any business which necessarily brings their private interests into conflict with their public duty. Seeing the vast magnitude of the affairs intrusted to them, and the terrible temptation to which their cupidity is exposed, it is certainly necessary that you hold them to their responsibilities, and hold them hard.

"But, on the other hand, the corporations deny that they owe any responsibility to the State, more than individuals engaged in private business. They assert that the management of the railroads being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interest without regard to public right. If they take advantage of their power to oppress the labor and overtax the land of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion, or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always take this shape, with more or less distinctness of outline. In whatever language they clothe their argument, it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines, 'Sirs, ye know that by this craft we have our wealth.'

"That railroad corporators and their paid adherents should take this view of the subject is perhaps not very surprising, nor does it excite our special wonder to see them supported by the subsidiary rings whom they patronize. But it is amazing to find that this odious and demoralizing theory has made a strong lodgment in the minds of disinterested, upright, and high-placed men. Two members of the senate judiciary committee, I do not say the ablest, because comparisons are odious, but they are both of them among the foremost men of the country for talents and integrity—these gentlemen emphatically dissented from me when I asserted that the management of the railroads was not a matter of business to be conducted like a private enterprise, merely for the profit of the directors or stockholders. A heresy so supported is entitled to serious refutation, however absurd it may seem on its face.

"I aver that a man or a corporation appointed to do a public duty must perform it with an eye single to the public interest. If he perverts his authority to purposes of private gain, he is guilty of corruption, and all who aid and abet him are his accomplices in crime. He defiles himself if he mingles his own business with that intrusted to him by the government and uses one to promote the other. If a judge excuses himself for a false decision by saying that he sold his judgment for the highest price he could get, you cover his character with infamy. A ministerial officer, like a sheriff, for instance, who extorts from a defendant, or even from a convict in his custody, what the law does not allow him to collect and puts the surplus in his pocket is a knave upon whom you have no mercy. You send county commissioners to the penitentiary for consulting their own financial advantage to the injury of the general weal. When the officers of a city corporation make a business of running it to enrich themselves at the expense of the public, you can see at a glance that they are the basest of criminals. Why, then, can you not see that the officers of a railway corporation are equally guilty when they pervert the authority with which they are clothed to purposes purely selfish? A railroad corporation is a part of the civil government as much as a city corporation. The officers of the former as much as the latter are agents and trustees of the public, and the public has an interest precisely similar in the fidelity of both. Why, then, should partiality or extortion be condemned as criminal in one if it be tolerated as fair business when practiced by the other? Yet there are virtuous and disinterested statesmen among us who think that faithful service ought not to be enforced against the railroad companies, however loudly it may be claimed by the body of the people as their just due and no matter how distinctly it may be commanded by the constitution itself.

"I am able to maintain that all the corruption and misgovernment with which the earth is cursed grows out of this fatal proclivity of public servants to make a business of their duty. Recall the worst cases that have occurred in our history and see

if every one of them does not finally resolve itself into that. Tweed and his associates in New York, the Philadelphia rings, the carpetbag thieves, the star-route conspirators—all went into business for themselves while pretending to be engaged in the public service. Oakes Ames distributed the stock of the Crédit Mobilier where he thought it would do the most good to himself and others with whom he was connected, and that was business in him who gave and in them that took his bribes. Madison Wells, when he proposed to Mr. Kenner that he would make a true return of the election if he could be assured of getting '$200,000 apiece for himself and Jim Anderson and a less sum for the niggers,' had as keen an eye to business as if he had been president of a railroad company instead of a returning board. Certain greedy adventurers made it a business to rob the Nation of its lands, and uniting with Congress carried it on so magnificently that they got away with an area nearly equal to nine States as large as Pennsylvania. The imposition of the whisky tax, excluding what was held on speculation, was business to the officers and legislators who were sharp enough to anticipate their own votes. You will see on reflection that every base combination which officers have made with one another or with outside parties has been a business arrangement, precisely like that which the railroads justify on the sole ground that it is business. The effect is not only to corrupt those who engage in such transactions but to demoralize all who are tempted by personal and party attachments to apologize for it.

"When the officers of the Pennsylvania Railroad Co. corruptly bought the remission of the tonnage tax, and thereby transferred to their own pockets an incalculable sum justly due to the State, it was business, rich to them and profitable beyond the dreams of avarice, while to the swindled taxpayers it was proportionably disastrous. The nine million steal of later date was a business enterprise which failed because Gov. Geary most unexpectedly put his veto upon it. Still more recently the same corporation undertook to get from the treasury of the State $4,000,000 to which it had no decent pretense of a claim. Never was any affair conducted in a more perfectly business-like way. The appointed agents of the corporation came to Harrisburg when the legislature was in session, and regularly set up a shop for the purchase of members at prearranged and specified prices. You condemn this piece of business because it was dishonest, but was it more dishonest than that which the same corporation habitually does when it stands on the highway and by fraud or force extracts from individual citizens a much larger sum in excessive tolls to which its right is no better than to the money it tried to get by bribery?

"The functions of railroad corporations are as clearly defined and ought to be as universally understood as those of any servant which the State or General Government employs. Without proprietary right in the highways they are appointed to superintend them for the owners. They are charged with the duty of seeing that every needed facility for the use of those thoroughfares shall be furnished to all citizens, like the justice promised in Magna Charta, without sale, denial, or delay. Such services, if faithfully performed, are important and valuable, and the compensation ought to be a full equivalent; accordingly, they are authorized to pay themselves by levying upon all who use the road a tax or toll or freight sufficient for that purpose.

"But this tax must be reasonable, fixed, certain, and uniform, otherwise it is a fraud upon the people which no department of the State government, nor all of them combined, has power to legalize.

"It is much easier to see the nature and character of the mischief wrought by the present practices of the railroad companies than it is to calculate its extent. If your action depends in any degree upon the amount of the spoliation which the people of the State have suffered, and are now suffering, for want of just laws to protect them, you certainly ought to direct an official inquiry into the subject and ascertain the whole truth as nearly as possible.

"But investigations have already taken place in Congress and the legislatures of several States; complaints founded upon specified facts come up from every quarter; verified accusations are made by some of the companies against others; railroad men have openly confessed their fraudulent practices, and sometimes boasted of the large sums they accumulate by them. Putting these together, you can form at least an approximate calculation. I doubt not you will find the sum total of the plunder they have taken in the shape of excessive charges to be frightful.

"Three or four years ago a committee of the United States Senate collected the materials and made a report upon this general subject, in which they showed that an excess of 5 cents per hundredweight charged on the whole agricultural crop of the current year would amount to $70,000,000. Upon the crop of the last year it would doubtless come nearer a hundred millions. The railroads would not get this sum, because not near all of it is carried, but it would operate as an export tax operates; that is to say, the producer, the consumer, or the intermediate dealer, would lose that amount on the whole crop, carried or not carried. In 1880 the charges from Chicago to the eastern markets were raised from 10 cents per hundredweight to 35 cents, the latter rate being unquestionably twice as high as a fair one. You can count from these data the terrible loss sustained by the land, labor, and trade of the country. It was the end and the attainment of a combination still subsisting between the great trunk lines, as they are called, to pool their receipts, to stop all competition, to unite the stealing power of all into one grand monopoly, and put the whole people at their mercy. It was a criminal conspiracy by the common and statute law of all the States.

"The magnitude of these excessive charges is not the worst thing about them. The corporations think it perfectly right to raise or lower the freight as they please without regard to the rights or interest of anybody but themselves. A grain grower, manufacturer, miner, or merchant, who can sell his goods at a profit, if he can get them carried at the rates of to-day, may find himself ruined to-morrow by an increase which did not enter into his calculations. A rise in the market inures not to the benefit of the producer, but to the use of the carrying corporations, which openly avow that their rule is to charge in all cases as much 'as the traffic will bear'; that is to say, as much as the shipper can submit to without being driven entirely off the road. You must see plainly that this power to depress agriculture, to diminish the profits of manufacturing industry, and to skin the commerce of the whole country by the arbitrary use of a sliding scale upon freights, can not safely be trusted to human hands, and especially not to irresponsible corporations whose interest, as well as their acknowledged principle of action, constantly impel them to abuse it. Can it be that a Pennsylvania legislature will hesitate to curb the career of this destructive monopoly by adjusting the charges according to some rule equitable, fixed, and certain?

"But even this sinks into insignificance compared with the wrong and evil of their discriminations. Common justice, sound policy, every sense of duty, the whole spirit and letter of the law, require them to give every man equal facilities in the use of the roads, and to charge them at the same rates for the same class of goods, according to weight and distance. There can be no possible doubt about this. Every unprejudiced man, who has sense enough to know his right hand from his left, acknowledges that equality must be the rule of right; and he understands this perfectly well without looking at the constitution, where it is solemnly declared to be part of the lex legum, the law of laws, and the rule of all rules on the subject. Yet this sacred principle is constantly and steadily violated, trampled under foot, and treated with heartless contempt.

"At the slightest glance you will see the enormous injury, direct and consequential, which these discriminations inflict upon the public. A man who invests his capital or employs his time in mining or manufacturing can be driven into bankruptcy at any time by a discrimination against him and in favor of his competitors. This is done every day and all the time, not in a few cases here and there, but systematically and regularly, whenever a carrying monopoly conceives that its own interests can be promoted in that nefarious way; and it will continue to be done until the prohibition of the constitution is enforced by penal enactment.

"Instead of breaking the foul bulk of these enormities, I will give you a sample—convenient because it is small and easily handled. A neighbor and friend of mine—in partnership with another—became the lessee and operator of a coal mine in Northumberland. For a short distance they were obliged to carry their product over one of the branches of the Pennsylvania company. They were charged for the use of the road and motive power alone—there was no loading or unloading in the case, and no cars were furnished by the company—at about the rate of 20 cents per ton per mile, while others whom the monopoly chose to favor were let off at 2 cents. They paid the excess under protest, and brought suit to recover it back. It was as simple a case of extortion as can be conceived, but certain officers of the Pennsylvania Railroad Co. swore that in their judgment it was right to commit it, and, moreover, declared that it was a usual, common, and customary practice. I blush to acknowledge that in all this the Supreme Court indorsed and abetted the corporation. The dialectics of the decision turned on a prohibition in the charter against charging more on an average than 4 cents per ton per mile, which was construed as a legal warrant for any robbery of one person which the company could prove to be balanced by the aggregate of favors shown to all others. But neither the greatest corporation in the State nor the highest judicial tribunal paid any respect

whatever to the principle that all men's rights to the use of the public highway are equal.

"It is known and not denied that this equality of right, sacred and fundamental though it be, is by the common practice of carrying companies corruptly disregarded.

"If you want to drive business competition out of the field, bribe a railroad manager to raise the freights upon your rivals and lower your own, or take the whole board of directors into partnership with you, or promise to divide the spoils with the corporation, and they will make you a monopoly with power to plunder, limited only by the range of your dealings. The loss thus inflicted upon the worthiest men in the land is startlingly large. By a single one of these arrangements—that with the Standard Oil Co.—the estimated injury, direct and consequential, to honest persons within the State amounts to not less than a hundred and fifty million dollars. For this fact you have the statement of Mr. Gowen, whose veracity no man that knows him will doubt, and whose faculties of observation, sharpened by a personal interest in the subject, make him a most intelligent witness.

"At whatever place one of these railroad corporations has power to control the whole carrying trade, or where several combine together for that purpose, they victimize the people remorselessly. I give you the example of York, for the reason that it presses itself on my own attention with peculiar force. The freight exacted on the single article of anthracite coal is nearly $1 per ton more than is charged upon the same commodity carried from the same mine and delivered by the same company at Baltimore. In all reason and conscience it should be from 50 cents to a dollar less, seeing that the distance is 60 miles greater to Baltimore. That makes the discrimination against York at least equal to a dollar and a half on every ton. The quantity consumed in the latter place is something upward of a hundred thousand tons, and the excessive tax upon it all is therefore $150,000. Every cent of this is as wrongfully taken as if it were feloniously stolen. It amounts to many times as much in the aggregate as all the legitimate taxes which the same community pays for the support of the State, county, schools, and almshouses. Nay, it is more than all the taxes imposed for those purposes on the whole of the great county in which the town of York is situated. A manufacturer there who uses 2,000 tons of coal per annum must pay $3,000 of blackmail to the railroads, or to the monopoly which they have created, unless the influence of his wealth gets it remitted. But the largest part of it is levied upon poor laborers whose wages are barely sufficient to furnish their families in scanty measure with food, shelter, and clothing; much of it is paid by the contributions of charity for those who would otherwise perish by cold and hunger. The man who can hear the simple story of this wrong without indignation must be as cold-blooded as a snake.

"You need not confine your sympathies to York. I can give you no exact account of the similar suffering inflicted on Philadelphia. But any officer of the Reading company can furnish it. Mr. Gowen, free spoken as he is about the sins of his rivals, is naturally reticent concerning his own. But if he opens his mouth he will tell you the truth, and, unless I am much mistaken, it will be an awful tale of wrong and oppression.

"A full inquiry, if it shall ever be instituted, will probably show that nearly all the railroad corporations, the smaller ones following the example of the greater, have violated their charters by engaging 'in mining and manufacturing articles for transportation over their own works,' and thus acquired a monopoly of the production as well as the carrying. It is in this way that the Reading company has got the coal market of Philadelphia under its foot. Why should not that corporation and the others be made to respect the majesty of justice by an enforcement of the constitution (sec. 5, Art. XVII), which, if it leaves them what they have already got in violation of law, will at least prevent or punish such outrages in the future?

"The imperious necessity, however, of enforcing the constitution arises out of the depredations which they commit upon all classes everywhere within the State in what they call their local rates. You can take the figures known to be true and demonstrate by the plainest process of simple arithmetic that their tariff of rates for carrying goods from place to place within the State is extortionate beyond all reason.

"They have not the face to deny that their through rates are high enough to give them all the compensation they can reasonably demand for that part of their service. The trunk lines struggled and fought for that trade against one another with a fierceness which showed that they regarded it as very profitable. Their own competition reduced it for a while, but they combined and raised their charges high enough to satisfy all of them. It is ridiculous to say that this mutual agreement fixed the rates below a fair standard. That is a sort of error which monopolists never commit. Accepting the almost unanimous testimony of disinterested persons who ought to know whereof they affirm, the belief is fully authorized that they have fixed their through rates unreasonably high; but we will assume that they are only fair. That point being satisfactorily established, it follows, as the day follows the night, that the much higher rates which they charge on local freights are unjust and extortionate, a palpable violation of our rights, a gross offense against the constitution.

"I use the word 'rate' in the popular and legal sense as meaning the ratio or proportion of the whole charge to the distance the freight is carried. Thus if a ton be carried 600 miles from Chicago to Philadelphia for $5, and the same charge be made for carrying it 12 miles from Philadelphia to Media, the rate in the latter case is fifty times as high as in the former. I am credibly informed that such disproportioned charges are or have recently been made, and that as a general rule all local freights, whether the haul be long or short, are charged, without regard to distance, the same, or nearly the same, that would be charged on the same weight if carried from Chicago to Boston. To the extent of this enormous discrimination against our own people they are robbed and plundered.

"The effect of it upon the agricultural interest can not be ascertained exactly without an investigation, which you can make and I can not; but the reasonable probability is that it takes most unjustly from 7 to 10 cents per bushel from the price of all grain grown in the State and correspondingly reduces the value of all other products.

"Then look how it touches the rights and interests of consumers in the great centers of population. Within a circle of 150 miles in diameter around Philadelphia provisions enough might be raised to feed the city, but they can not be taken there without paying a freight on them as heavy as it would cost to bring them from Illinois or Wisconsin. Thus an army of a million souls, some of them half mad with hunger, virtually have their base of supplies moved back six or seven hundred miles away.

"These railroad men have another way of cheating the public, not for the benefit of their corporate treasuries but to swell the private fortunes of the managers. A ring of them is formed into a separate transportation company with the privilege of carrying on their own roads at the highest freights they can extort. By means of preferences and discriminations the parent corporation forces into the hands of its bastard offspring as much of the business as it wants, for the shipper who refuses to patronize the ring must suffer the penalty of still higher rates as well as delay and difficulty. The convention of 1873 believed that this was one of the devices for fleecing the trade of the Commonwealth which ought to be broken up, and the people adopted that opinion. Do you wish to continue it? If not, why do you hesitate to carry out the constitutional prohibition?

"Perhaps the most remarkable, certainly the boldest, thing about the discriminations we complain of is that they are always avowedly made against those who are least able to endure the wrong. A heavy grain dealer in the West who ships his millions may get rates 90 per cent below those extorted from a Pennsylvania farmer with only a thousand bushels to carry. Between all rivals of unequal fortune the railway king is ever strong upon the stronger side and never fails to make his discrimination against the weaker concern whose business is conducted on the smaller scale. In my town of York the demand of some very rich manufacturers for lower rates has been conceded with gratifying promptness, but you might as well plead pity with a wolf as ask the monopoly to relieve a starving laborer by taking the excessive charges off his bread and fuel. Indeed, if the tariffs of railway charges be founded in any rule at all it is this, that all rates shall be high in inverse proportion to the magnitude of the cargo and the distance it is carried, the practical effect of which is to grind the face of the small trader that the great one may increase in fatness.

"The only argument they make against the equality of rates commanded in the constitution is that they can not afford it; that they must charge higher for short hauls and light loads or else their compensation will be less than for the greater service. If this were true, it would be no ground of justification. But, in point of fact, it is wholly untrue. It is not more difficult or costly to carry a hundred tons for fifty shippers than it would be to carry the same goods for one. The expenses incident to the reception and discharge of a cargo may be greater in proportion for short hauls than for long ones, but you can make that all even by allowing them to charge, in addition to their mileage, for loading and unloading, whether the haul be short or long. These terminal expenses which they make so much ado about are nothing as an excuse for the enormous excesses of their local rates, and they know that very well. Their real reason is that they find it easier, safer, and more

profitable to cheat a thousand poor men than one who is powerful enough to resist them or rich enough to bribe them.

"But they insist that they have a chartered right to do these things; that they have purchased from the State the privilege of charging unreasonable tolls and making such discriminations as they think best for themselves without regard to justice; that the State has sold out to them the power of protecting the people against any wrong of that kind which they may choose to commit, and that the constitution which forbids them is itself unconstitutional, because it impairs the obligation of a contract. Let us see whether there be or not any truth in this plea.

"If the State had in express terms authorized them to impose unreasonable tolls or taxes upon the people for the use of their own roads the grant would be void. Judge Baldwin's opinion to that effect in Bonaparte *v.* The Camden & Amboy Railroad Co., has never been denied or its soundness doubted from the day it was delivered to the present time. To give the corporation a power like that would be to give it the public highway as private property; to arm a body of mere adventurers with the police authority of the Commonwealth, and to convert railroad managers from public servants into public robbers. You might as well say that the legislature could sell the State out and out.

"Upon the same principle a grant of authority to discriminate between one citizen and another is worthless. The rights of all the people to be protected against robbery and extortion are precisely equal, and the legislature can not barter away one more than the rest; that is to say, a wholesale bargain of that kind would be no worse than a contract to sell the rights of individual citizens at retail.

"If, therefore, these companies had a bargain with the State, expressly giving them power to charge unreasonable or discriminating freights, it would be a mere nullity and, of course, revocable at the will of the legislature.

"But no such contract was ever made between this State and any railroad company—at least I never saw an act of incorporation upon which a decent pretense of that kind could be set up.

"You must remember that in a public grant, whether of land, money, or franchises, nothing passes by construction. The grantee at the very utmost gets only what is given in express words of which the sense is too plain to be misunderstood. Nothing goes by inference. No ambiguous phrase carries with it anything to swell the dimensions of the gift.

"Now, where is the express grant of power to take more than a fair and reasonable toll for the use of any railroad? In what act of incorporation is it stipulated that the State may not adjust the tolls according to what she, by her proper authorities, shall deem a reasonable rule? The sole answer ever given to this is that in some, if not all, of the charters there is a provision forbidding the company to make any charge beyond a certain rate per ton per mile, and from this prohibition against taking more they infer the right to take, in spite of the State, anything they please under that maximum, whether it be reasonable or not. But it is precisely such inferences that you can not make; they are excluded by the rule of interpretation already mentioned.

"Neither does their practice of discrimination find the slightest countenance in any word of the charters. When did you ever see an act of incorporation expressly declaring that the company shall have power to make a difference between two citizens whose legal and natural rights to the use of the highway are precisely the same? Where do you find the words which clothe any company with the awful power to crush out the business of one man with burdens which he can not bear in order that another in which the railroad has an interest may be built up? But especially and particularly I desire to know what part of any bargain with the State justifies the extortion of higher rates from a poor man on his little freights than from a rich one on his great and valuable cargoes? If you can not put your finger on the very words that give this authority, then the authority is withheld and the practice forbidden.

"But that is not all. The limitation of the charges to rates, perfectly and uniformly proportioned to weight and distance, must be apparent to anyone who will consider the nature of the contract, the subject matter of it, and the parties to it. The Commonwealth, reserving the equal proprietary rights of all the people to the use of the highway, agrees to employ a corporation as her agent, to see that the exercise of the right by every citizen is properly facilitated, and never in any case impeded, delayed, or hindered. The agent agrees to do this service at rates which in the aggregate will be a reasonable compensation for all the labor and expense of it. As between the State, who is the employer, and the corporation, which is the employee, the contract is an entire one—a lump bargain—an agreement to do one whole job, which comprehends all the carrying for all the people on that highway at a price for which the only measure furnished by the contract is weight and distance. Whenever in those acts of incorporation any mention is made of rates, taxes, or tolls they are spoken of as proportioned to the use made of the road by him who pays them—so much per ton per mile, whether the miles be many or few, up grade or down, without regard to the number of tons carried at one time or at different times for the same shipper.

"Let me illustrate a little further: If you make a contract to do a job of excavation at a price per cubic yard which gives you a heavy profit on the whole job, have you a legal right to demand additional pay for particular parts of it which you allege to be harder than the rest? I do not say what claim you might have upon the liberality of your employer if the bargain, taken altogether, were a losing one; I only ask whether you could, by construction of the contract, charge more for one yard than another?

"Take a case more precisely analogous. A contractor agrees to pave a mile of street at so much per foot, taxing the owners of the lots for the number of feet that front upon each one's property. Such contracts have been often made by the authorities of towns and cities, and they have never been understood to warrant a higher charge per foot against the owners of small and cheap lots than against the proprietors of those which are more valuable.

"Reasoning fairly from premises known to be true, you can not escape the conclusion that the extravagant and discriminating charges of these corporations are a fraud upon their own charters as well as a gross wrong to their victims. The contracts they invoke to save them from the justice of the State are as strong against them as the constitution itself.

"But there is a power of the State to control them, to check their rapacity, and to make them honest, which lies back of all this. The police authority, of which she can not disarm herself if she would, enables her to regulate the use, even of private property, in such manner that neither the general public nor particular individuals can be made to suffer by it unjustly. Upon that principle you can forbid an excessive rate of interest upon the loan of money, fix the charges of hack drivers, or ferrymen, or tavern keepers or the owners of grain elevators.

"Besides all that, the State can abolish a monopoly or bring it to terms of justice at any time by virtue of her right of eminent domain. All property, corporeal and incorporeal, is held upon condition that it may be divested whenever the general interest requires it. All charters and acts of incorporation are subject to such modification as may be necessary to prevent the owners from doing wrong to the public. This principle was expressed in the constitution by the amendment of 1856, but that was not its origin; it existed from time immemorial as a rule of public and universal law. It has always been one of the powers of every sovereign government, and it applies with equal force to all charters, whether dated before or after 1856.

"These are arguments in favor of the power. Except in Pennsylvania, it would not be necessary to state them. Everywhere else the most zealous advocates of corporate monopoly concede the authority in question, while they deprecate its exercise. But here the shallow notion still lingers that an act of incorporation is an irrevocable license to defraud and plunder whomsoever the managers please to select as their prey.

"I have hesitated to speak of free tickets. I can understand how a thing so cheap might be accepted as a mere courtesy, like a drink or a dinner. Perhaps, therefore, it is not malum in se. But since 1874 no man can hold office without taking an oath to obey the constitution, which expressly prohibits free passes. Can that oath be violated with a safe conscience? I am a private citizen, and I speak with respect for the better judgment of others when I say that executive and judicial officers who have acted thus during the last 10 years ought to be impeached and removed from their places. But that is easier said than done, for the house of representatives, which should prefer the impeachment, and the senate, which has exclusive jurisdiction to try it, are tarred nearly all over with the same stick.

"The legal predicament in which this practice places the railroad officers is somewhat worse. The passes which they distribute are things of considerable value; worth, perhaps, two or three hundred dollars apiece, and hundreds of thousands altogether. If the agents of the company would bring up that much money in a bag at the first meeting of every legislature and hand it around to the members, dishing out their shares to the judges and executive officers, it would look very much like wholesale bribery. But to bribe an officer it is not necessary that money should be used. Giving or offering 'anything of value, testimonial, privilege, or personal advantage,' is, by the constitution and the statute, the same crime as giving silver

dollars, gold eagles, or greenbacks. It must appear, however, that it was given to influence the officer or member of the general assembly in the performance of his public or official duties. That is undoubtedly the very purpose and object of giving passes to members of the legislature. I do not say or think that those senators and representatives who receive them consent to be so influenced. But that does not redeem the guilt of the giver, to whom it is impossible to ascribe any other intent than the criminal one. Those great corporate officers and their respectable subordinates, who are concerned directly and indirectly in these practices, are probably ignorant of the existing law. They ought to be solemnly warned by some penal enactment directly and exclusively aimed at this besetting sin.

"We are often told that in this struggle for honest government against the power of the railroad corporations the just cause has no chance of success. We do seem to be out on a forlorn hope. The little finger of monopoly is thicker than the loins of the law.

"The influence of our enemies over the legislature is mysterious, incalculable, and strong enough to make the constitution a dead letter in spite of oaths to obey it and a popular demand, almost universal, to enforce it. There is no other subject upon which the press is so shy as upon this, the most important of all. Afraid to oppose the corrupt corporations and ashamed to defend them, it sinks into silent neutrality. Prudent politicians always want a smooth road to run on, and the right path here is full of impediments. In this state of things we seem to be weaker than we really are, for the unbroken heart of the people is on the side of justice, equality, and truth. Monopolists may sneer at our blundering leadership and the unorganized condition of our common file, but they had better bethink them that, when the worst comes to the worst, our raw militia is numerous enough to overwhelm their regulars, well paid and well drilled as they are. They have destroyed the business of hundreds for one that they have favored. For every millionaire they have made 10,000 paupers, and the injured parties lack no gall to make oppression bitter.

"The people certainly got one immense advantage over the carrying corporations when they adopted the seventeenth article of the constitution. That concedes to us all the rights we ask, puts the flag of the Commonwealth into our hands, and consecrates our warfare. The malign influence that heretofore has palsied the legislative arm can not last forever. We will continue to elect representatives again and again, and every man shall swear upon the gospel of God that he will do us the full and perfect justice which the constitution commands. At last we will rouse the 'conscience of a majority, screw their courage to the sticking place, and get the appropriate legislation' which we need so sorely.

"Whenever a majority in both houses become independent enough to throw off the chains which now bind them to the service of monopoly; when frequent repetitions of the oath to obey the constitution shall impress its obligation upon their hearts; when admonition and reproof from within and without, 'line upon line, precept upon precept, here a little and there a little,' shall have taught them that fidelity to the rights of the people is a higher virtue than subserviency to the mere interests of a corrupt corporation; when the seventeenth article shall have been read and reread in their hearing often enough to make them understand the import of its plain and simple words—then, without further delay and with no more paltry excuses, they will give us legislation appropriate, just, and effective. A tolerably clear perception of their duty, coupled with a sincere desire to do it, will enable them to catch the shortest and the easiest way. All trifling with the subject will cease at once; all modes of evading this great point will go out of fashion; no contrivance will be resorted to of ways not to do it while professing to be in favor of it; our common sense will not be insulted by the offer of a civil remedy to each individual for public offenses which affect the whole body of the people and diminish the security of all men's rights at once. The legislative vision, relieved from the moral strabismus which makes it crooked, now will see straight through the folly of trying to correct the general evil except by the one appropriate means of regular punishment at the suit of the State. Does this seem harsh? Certainly not more severe than any other criminal law on our statute book which applies to railway managers as well as to everybody else. They need not suffer the penalty unless they commit the crime, and they will not commit the crime if you make a just penalty the legal consequence. Pass a proper law to-day and they will be as honest as you are to-morrow. Every one of them can be trusted to keep clear of acts which may take him to the penitentiary. They have been guilty in their past lives and will continue in evil doing for some time to come, because the present state of your laws assures them that they shall 'go unwhipped of justice.' But threaten them with a moderate term of imprisonment and a reasonable fine, and they will no more rob a shipper on the railroad than they will pick your pocket at a prayer meeting. Your law will do its work without a single prosecution. Thus you could, if you would, effect a perfect reform and yet not hurt a hair on any head—'a consummation most devoutly to be wished.'

"But it is not to be expected that such good will come immediately. Nearly 10 years ago the legislature was commanded to carry out the beneficent measure of the constitution. For 9 years that illustrious body was a dumb impediment to the course of justice, all its faculties paralyzed by some inscrutable influence—dead, devoid of sense and motion, as if its only function was to 'lie in cold abstraction and to rot.' At last, when it was wakened up by the present governor and reminded of the seventeenth article, it opened its mouth and spoke as one who did not know whether he was sworn to oppose the constitution or to obey it. Some members have shown their utter hostility to it, some seem willing to defend small portions of it, and one senator discovered that it was all equally sacred. But his plan meets no favor. Still we need not despair. The people and the constitution, mutually supporting one another, will be triumphant yet. Meanwhile let all the railroad rings rejoice. This is their day; ours is to come."

LEAVE TO EXTEND REMARKS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to know what subject the gentleman intends to discuss.

Mr. SIMS. I am not even certain that I will extend my remarks at all. It seemed to be going so easy this morning that I thought I would get permission, too.

Mr. BURKE of South Dakota. Upon what subject does the gentleman intend to print remarks, if he does print them?

Mr. SIMS. I will not disclose that subject.

Mr. BURKE of South Dakota. Unless the gentleman discloses his subject, I shall object.

Mr. SIMS. A number of gentlemen have not disclosed their subjects, and you ought to treat them all alike.

Mr. BURKE of South Dakota. Every gentleman who has obtained permission has disclosed his subject.

Mr. SIMS. I will not do it.

Mr. BURKE of South Dakota. Then, Mr. Speaker, I object.

Mr. MURDOCK. Will the gentleman reserve his objection?

Mr. BURKE of South Dakota. I will reserve the right to object.

Mr. MURDOCK. I want to call the attention of the gentleman to the fact that previous to the request of the gentleman from Tennessee [Mr. SIMS] other requests were granted where gentlemen did not state the subjects of their remarks.

Mr. BURKE of South Dakota. In every instance?

Mr. MURDOCK. The gentleman from Oklahoma [Mr. MORGAN] obtained unanimous consent.

Mr. BURKE of South Dakota. But he stated the purpose for which he desired to extend his remarks.

Mr. SIMS. My colleague [Mr. AUSTIN] made the same request without stating the subject of his remarks, and the gentleman did not object.

Mr. MURDOCK. The gentleman from Tennessee [Mr. AUSTIN] did not state the subject of his remarks.

The SPEAKER. Some of them did and some of them did not.

Mr. BURKE of South Dakota. I understood that each one did.

Mr. MURDOCK. Neither the gentleman from Tennessee [Mr. AUSTIN] nor the gentleman from Ohio [Mr. GORDON] stated the subjects on which they proposed to extend remarks.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] stated that he wished to print a speech by Jeremiah S. Black, one of the greatest lawyers this country ever produced.

Mr. AUSTIN. Mr. Speaker, I hope that the gentleman from South Dakota will withdraw his objection to the request of my colleague. I did obtain permission to extend some remarks without stating upon what subject I intended to treat.

Mr. PAYNE. But is the gentleman sure that his colleague wants to extend his remarks in the RECORD? He says he is not certain himself.

Mr. AUSTIN. Well, I want to give him the privilege if he desires it.

Mr. BURKE of South Dakota. Mr. Speaker, under the circumstances I shall insist upon my objection.

The SPEAKER. The gentleman from South Dakota objects.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMMOND, until July 15, on account of important business.

To Mr. BORCHERS, for 3 weeks.

USELESS EXECUTIVE PAPERS.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred a letter from the Secretary of the Interior, transmitting a schedule of useless executive documents, submitted a report (No. 20), which was ordered to be printed.

He also, from the same committee, to which was referred a letter from the Postmaster General, transmitting a schedule of useless papers and documents in his department, submitted a report (No. 21), which was ordered to be printed.

CHANGE OF REFERENCE.

Mr. GORDON. Mr. Speaker, at the last session of the House I introduced a pension bill, H. R. 6039, granting a pension to Patrick J. Dugan, which, by mistake, was referred to the Committee on Invalid Pensions, when it should have gone to the Committee on Pensions, and I ask that that change of reference be made.

The SPEAKER. The gentleman from Ohio asks unanimous consent for a change of reference, which he indicates. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 13 minutes p. m.) the House, under its previous order, adjourned until Tuesday, June 17, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Eli A. Helmick *v.* The United States (H. Doc. No. 85), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2326) granting a pension to Thomas B. Kneedler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2327) granting a pension to Edward Coffee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SCULLY: A bill (H. R. 6056) to provide for the examination and survey of Forked River, Ocean County, N. J.; to the Committee on Rivers and Harbors.

By Mr. HOWARD: A bill (H. R. 6057) to regulate the carriage of passengers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HENRY: A bill (H. R. 6058) to amend and reenact section 5241 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. HINEBAUGH: A bill (H. R. 6059) to provide for uniform preferential primaries for candidates of the several political parties for nomination for President of the United States, and to provide for the election of delegates of such political parties to their respective national conventions, for the election of national committeemen, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BURNETT: A bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

By Mr. SPARKMAN: A bill (H. R. 6061) to provide for a site and public building at Bradentown, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. BROUSSARD: A bill (H. R. 6062) providing that the title of the State of Louisiana be confirmed to a certain tract of land; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 6063) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof; to the Committee on Mines and Mining.

By Mr. HARDY: A bill (H. R. 6064) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards; to the Committee on the Merchant Marine and Fisheries.

By Mr. PEPPER: A bill (H. R. 6065) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIN: A bill (H. R. 6066) for the relief of the owners of certain cotton taken by the United States authorities in Adams County, Miss., in 1863, and shipped away on the steamer *Gladiator;* to the Committee on War Claims.

Also, a bill (H. R. 6067) to confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the taking of private property and damages thereto as a result of the improvement of the Mississippi River for navigation; to the Committee on the Judiciary.

By Mr. LINTHICUM: A bill (H. R. 6068) to reclassify the salaries of assistant postmasters and employees above the clerical grades in post offices of the first and second class; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: A bill (H. R. 6069) to extend the proposed reorganization of the customs service for a period of two years; to the Committee on Ways and Means.

By Mr. GREGG: A bill (H. R. 6070) to amend an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, approved March 4, 1911; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: A bill (H. R. 6071) providing for a monument to commemorate the services and sacrifices of the pioneer women of America; to the Committee on the Library.

By Mr. BUCHANAN of Illinois (by request): A bill (H. R. 6072) to amend the laws relating to patents for designs; to the Committee on Patents.

By Mr. DAVIS of West Virginia: A bill (H. R. 6073) to authorize the building of dams across the South Branch of the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 6074) to establish a fish-hatchery and biological station in the fourth congressional district of the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVIS of West Virginia: Resolution (H. Res. 169) authorizing payment of fees to J. Fred Essary, Carl D. Groat, and Daniel O'Connell; to the Committee on Accounts.

By Mr. HUMPHREYS of Mississippi: Concurrent resolution (H. Con. Res. 8) providing for the printing of House Document No. 1458 of the Sixty-second Congress; to the Committee on Printing.

By Mr. BARTLETT: Joint resolution (H. J. Res. 96) to continue in effect the provisions of the act of March 9, 1906 (Stat. L., vol. 34, p. 56); to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 6075) for the relief of George Welty; to the Committee on Claims.

By Mr. BORLAND: A bill (H. R. 6076) granting an honorable discharge to Alexander C. Morris; to the Committee on Military Affairs.

By Mr. BROWN of West Virginia: A bill (H. R. 6077) granting an increase of pension to Henry H. Guseman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6078) granting an increase of pension to John Bean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6079) granting an increase of pension to John F. Bennett; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 6080) for the relief of the heirs of Solomon Kean; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 6081) granting a pension to Solomon L. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6082) granting an increase of pension to Jacob Bucher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6083) granting an increase of pension to Stephen Skeen; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 6084) for the relief of Albert O. Tucker; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 6085) granting an increase of pension to Melvina Pennington; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 6086) to award a medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired; to the Committee on Military Affairs.

By Mr. DONOVAN: A bill (H. R. 6087) granting a pension to George W. Bond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6088) granting a pension to Bridget Gaffney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6089) granting an increase of pension to Johanna O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6090) granting an increase of pension to Cordelia A. Naphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6091) granting an increase of pension to Esther Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6092) granting an increase of pension to Henry Chamberlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6093) to remove the charge of desertion from the military record of Patrick Kelley, alias Patrick Cuddy; to the Committee on Military Affairs.

Also, a bill (H. R. 6094) to remove the charge of desertion from the military record of Thomas Ellis; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 6095) granting a pension to M. M. Mahoney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6096) granting a pension to Garfield Lay; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 6097) granting a pension to W. H. Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6098) granting a pension to Henry T. Dawson; to the Committee on Pensions.

Also, a bill (H. R. 6099) granting a pension to Ofa Johnson; to the Committee on Pensions.

Also, a bill (H. R. 6100) to carry into effect the findings of the Court of Claims in the matter of the claim of Cumberland University, of Lebanon, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 6101) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Josiah Anthony, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6102) to carry into effect the findings of the Court of Claims in the matter of the claim of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 6103) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Elvina Cunnyngham, deceased; to the Committee on War Claims.

By Mr. LEWIS of Maryland: A bill (H. R. 6104) granting an increase of pension to Mary C. Whitson; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 6105) granting a pension to F. G. Kasimur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6106) granting a pension to Annie M. Easland; to the Committee on Pensions.

Also, a bill (H. R. 6107) granting a pension to Ezra G. Bill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6108) granting an increase of pension to Delia J. McKeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6109) granting an increase of pension to Bridget Brassill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6110) to remove the charge of desertion against William H. Benjamin, alias Charles Clarke; to the Committee on Military Affairs.

Also, a bill (H. R. 6111) to remove the charge of desertion against William Helm; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: A bill (H. R. 6112) granting a pension to Richard McNeely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6113) granting an increase of pension to A. S. Dyke; to the Committee on Invalid Pensions.

By Mr. O'HAIR: A bill (H. R. 6114) granting a pension to J. F. Mercer; to the Committee on Pensions.

Also, a bill (H. R. 6115) granting a pension to George L. Kingsland; to the Committee on Pensions.

Also, a bill (H. R. 6116) granting a pension to Mary E. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6117) granting an increase of pension to Caroline Bitterny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6118) granting an increase of pension to Elizabeth Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6119) granting an increase of pension to Seton Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6120) granting an increase of pension to Barnett Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6121) granting an increase of pension to Alfred A. Trover; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 6122) granting a pension to Maria Mowbray; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6123) granting an increase of pension to Ellen A. Boland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6124) granting an increase of pension to James S. Rich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6125) granting an increase of pension to Margaret O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6126) granting an increase of pension to Herman Hoffmeister; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 6127) granting an increase of pension to Michael E. Breck; to the Committee on Pensions.

Also, a bill (H. R. 6128) for the relief of Michael Boyle; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 6129) granting a pension to Anna K. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6130) granting a pension to John Brennan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6131) granting an increase of pension to Amelia E. Hatfield; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 6132) granting a pension to Chester E. Wadsworth; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 6133) to carry into effect the findings of the Court of Claims in case of trustees of the Presbyterian Church of Huttonsville, W. Va.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, favoring the passage of legislation making an increase in the appropriation for the purpose of increasing the force of inspectors of safety appliances of railroads, etc.; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Woman's Baptist Mission Union of the First Baptist Church, of Elgin, Ill., favoring the passage of an amendment to the Constitution of the United States, making polygamy unlawful; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of sundry business men of 11 towns of the fourth congressional district of Missouri, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: Petition of William Sanders and others, of Waterford, Wis., favoring the passage of an act giving them the right to settle on and acquire by purchase lands in Oregon owned by the Oregon & California Railroad Co.; to the Committee on the Public Lands.

By Mr. DALE: Petition of the National Association of Quartermen and Leadingmen of the New York Navy Yard, Newark, N. J., favoring the passage of legislation making certain changes in the rules governing the navy yards; to the Committee on Naval Affairs.

By Mr. DOOLITTLE: Petition of sundry business men of the fourth congressional district of Kansas, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of sundry caviar merchants of New York, N. Y., favoring the placing of caviar on a specific-duty basis; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Manila Merchants' Association, Manila, P. I., favoring the passage of legislation providing for the establishment of a direct steamship line between the Pacific coast ports and Manila; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Washington Council, No. 1, Junior Order United American Mechanics, Germantown, Philadelphia, favoring the passage of legislation making an appropriation for the building of three new battleships per year; to the Committee on Naval Affairs.

By Mr. ROGERS: Petition of sundry citizens of Woburn, Mass., favoring the passage of legislation providing for the closing of the Panama Exposition on Sundays; to the Committee on Industrial Arts and Expositions.

By Mr. STEPHENS of California: Petition of Laura Ginn, Los Angeles, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of John C. Thoreson and other merchants, of the second congressional district of North Dakota, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

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